

TABLED AT HEARING

Application: Road Metals -
Joint Hearing
Date: 14 April 2018

David Morris & Nancy Van Gosliga

Road Metals Submission

Introduction

We are the Morris/Van Gosliga family, and we have lived on our rural lifestyle property at 73 Old West Coast Road for eight years. We are a healthy, active family, and Dave and I have two sons, Ben (15) and Ollie (13). We decided to escape the city in 2010, to avoid excessive motor vehicle emissions, to enjoy a peaceful rural lifestyle, and to try to help our son Ben overcome his allergies and asthma. We wanted to have the choice over our lifestyle, and to surround ourselves with land that was free of pesticides and insecticides. Basically we wanted to give our children the type of lifestyle and upbringing that is old-fashioned in a way – close to the city yet in a rural setting.

Up until we received notification of the proposed quarry extension consent, we had enjoyed a peaceful, relaxing and drama-free eight years on our property. We are busy, active people, and we love being outside whenever we are home. The property we call home has given us a lifestyle that we always appreciate and never take for granted. As first generation New Zealander's (both our parents were immigrants to New Zealand), we are proud of what we have achieved and of our property.

Our oldest son, Ben, has ongoing health issues, and it's one of the reasons we chose to move to a peaceful rural property – with clean air and no carcinogens. He has asthma and a chronic allergic eye disease, and when we moved here we certainly didn't expect to have a quarry as a close neighbour!

Ben trains year-round for his sport, as a Jetski competitor. Ben works very hard to stay fit and healthy and has had a very successful jet ski season, competing at the IJSBA 2017 world championships in the United States, and winning the Junior Ski Lites class. He has national and international sponsors so it is no exaggeration how important it is to live in a healthy environment.

We are proud that Ben is the youngest-ever New Zealander to win at the world champs, and we are very careful to manage his asthma and eye condition to the best of our ability – including, but not limited to, living rurally.

Like many residents, we were aware of the Winstones quarry, which is kilometers away from us, but it wasn't until we received the paperwork and aerial photos for the Road Metals quarry expansion that we realised just how close the quarries have extended towards our property – why weren't we notified of these consents? How has this been allowed to happen so close to people's homes?

We expect to be able to enjoy the property we purchased almost a decade ago without our health or the ambience of our property being compromised. Will we end up like fellow residents down the road, and have to wear dust masks in our own homes? Will we be able to enjoy being outdoors all weekend? Will our son's health be affected, and will our own

health suffer? They are questions that we don't believe have been adequately answered or addressed.

As affected residents within close proximity to the proposed quarry extension, we would like the commissioners to **DECLINE** consent.

Reasons for our Decision

As commissioners, we understand that it's easy to look favorably at the expert evidence before you and give more weight to their argument than the views of residents who have had so little time and resource to prepare their submissions. However, I would like to point out two things in regards to that:

- A) Road Metals had months to prepare their initial reports and residents were given only 6 weeks (over the Christmas holiday period) to prepare their initial response.
 - B) The "independent" experts used by Road Metals and the Christchurch City Council, do regular work for quarry companies. How can they give truly independent reports when they rely on the quarries in Canterbury for ongoing work? We don't think it's unreasonable to insist on genuinely independent experts, from outside of Christchurch, and want this noted as a potential conflict of interest.
-
- 1) Our main reason for objection to the quarry expansion relates to dust. ECAN have stated on their website that they work closely with the Canterbury District Health Board (CDHB) however, we are deeply concerned to see that the CDHB has not been invited to attend this hearing. We would also like to note that the CDHB has maintained their position on dust emission from quarries, including a new report by Matt Willoughby at the CDHB, which was peer reviewed by the CDHB's Chief Medical Officer, Dr. Alistair Humphrey, and which was sent to ECAN as a submission. This recommendation was to **DECLINE** this consent. The CDHB submission has been included nowhere as far as we can see, and we would like to question whether the commissioners have been given this submission? Please note that it is referenced in the s42A report by ECAN.
-

- 2) It would be deeply concerning to find out that ECAN and the Christchurch City Council (CCC) are making health decisions for residents within the Christchurch City boundary, that are in direct contrast to recommendations and findings by the CDHB. We were under the impression that the CDHB is responsible for the health of residents, and that ECAN exists to make decisions relating to the environment, not the health of Cantabrian's? In fact, our neighbour recently had a phone call from one of the ECAN elected councilor's, John Sunckell, who assured her that ECAN take direction from the CDHB on all consent and planning matters, and do not make any decisions relating to the health of residents. This does not seem to be the case here and is deeply concerning to residents.

I refer to the submission sent to ECAN, by the CDHB during the notified consent period. Please note that the CDHB were notified on Thursday 25th of January and given only until Monday 29th January to respond to what is by all accounts a very serious health issue. We would like to thank the CDHB for preparing their report and having it peer reviewed within only 2 working days, in an attempt to protect the affected residents and tell the truth about the health effects of silica dust:

From: Matt Willoughby **Sent:** Monday, 29 January 2018 4:29 p.m. **To:** 'Minal Lamghare' <Minal.Lamghare@ecan.govt.nz> **Cc:** Alistair Humphrey <Alistair.Humphrey@cdhb.health.nz>; Alizon Paterson <Alizon.Paterson@cdhb.health.nz>; Helen Graham <Helen.Graham@cdhb.health.nz> **Subject:** RE: CRC181273, CRC181274, CRC183137 - Road Metals Holdings Limited - Land & Discharge Permits - Lodgement of Resource Consent Application

Dear Minal,

With respect to the lodgement notice of this resource consent application, I would like to submit Canterbury District Health Board's concerns with CRC181274 - Discharge Permit - to discharge contaminants to air 581, 619, 635 Buchanans Road & 290-394 West Coast Road, Yaldhurst. The setbacks from residential properties proposed by the applicant are not in line with international best practice including the 'Ministry for the Environment, 2016 Good Practice Guide for Assessing and Managing Dust' and the 'Victoria Environmental Protection Agency, 2013 – Guideline for recommended separation distances for industrial residual air emissions'. Both of these documents recommend a setback distance of 500 metres from the boundary of a residential property and other sensitive activities.

Issues have arisen in the area in which the applicant proposes this activity where similar

activities that are located within 500 metres of residential properties whereby dust that is not contained on site has produced an offensive and objectionable effect beyond the boundary of the activity. Rule 7.3 of the Canterbury Air Regional Plan outlines this and requires activities not to cause an adverse effect beyond the boundary of operation. The CDHB recommend that a 500m setback is the most effective way of achieving compliance with this rule.

7.3 The discharge of odour, dust or smoke into air that is not managed by any other rule in this Plan is a permitted activity provided the following conditions are met:

1. The discharge does not cause or is not likely to cause an adverse effect beyond the boundary of the property of origin; and
2. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin when assessed in accordance with Schedule 2

The CDHB request that the setback distances be amended to;
-500m from the boundary of residential properties

If the applicant is not willing to do this, the CDHB request that the application be declined.

The CDHB's responsibility is to promote the reduction of adverse environmental effects on the health of people and communities and to improve, promote and protect their health pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956 which complements the purpose (s5) of the RMA to promote the sustainable management of resources in a way which enables communities to provide for their health and safety.

Kind Regards,

Matt Willoughby
Health Protection Officer
Community and Public Health
a division of CDHB

From: Minal Lamghare [<mailto:Minal.Lamghare@ecan.govt.nz>] **Sent:** Thursday, 25 January 2018 3:46 p.m. **Subject:** CRC181273, CRC181274, CRC183137 - Road Metals Holdings Limited - Land & Discharge Permits - Lodgement of Resource Consent Application

Tēnā koutou katoa
Lodgement of Resource Consent Application

Applicant Name: Road Metals Holdings Limited

Resource Consent Number: CRC181273 - Land Permit - to use land for excavation

Resource Consent Number: CRC181274 - Discharge Permit - to discharge contaminants to air 581, 619, 635 Buchanans Road & 290-394 West Coast Road, Yaldhurst.

Resource Consent Number: CRC183137 – Discharge Permit – to discharge contaminants to land

If you have any concerns with this proposal please respond by **29th Jan 2018** or contact us directly by this date so we can help assist you with the resource consent process

If you require a copy of the application or would like to see where the proposal is located please use the link below (if the below link does not appear as a hyperlink just copy and paste it into your browser)

<https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC181273>
<https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC181274>

<https://www.ecan.govt.nz/data/consent-search/consentdetails/CRC183137>

Please note that our mapping services update our website every night so there may be a delay in loading the location map provided by Environment Canterbury. However, a detailed map may be included within the application document. Thank you for helping us make Canterbury a great place to live.

Ngā mihi Consent Planning Business Support Team

Minal Lamghare □ Consents Assistant □ Environment Canterbury

For some reason, the New Zealand Transport Association was also notified in the same way, however their submission has been included as evidence. We would like clarification on this from the commissioners, as it seems unusual for ECAN and the CCC to be able to pick and choose which reports they include.

2) We know from talking to our neighbours that mitigation of other quarries in the area is not enforced by ECAN. Neighbours don't even bother to ring the pollution hotline now, as enforcement officers rarely respond and to the best of my knowledge, never issue abatement notices for dust. If this quarry is allowed to proceed, what measures are in place to ensure enforcement officers respond in a timely manner, and that abatement notices will be issued? We need to know that regardless of the conditions imposed, if the extension goes ahead, that the quarry will be shut down or face large fines for non-compliance of all consent conditions, including dust going over the boundary. It should not be up to residents to monitor this.

3) In his evidence, Murray Francis states on page 6 that "The supply of gravel is, in my opinion, just as important to Christchurch as clean air, clean water, and providing a safe environment". But clean air and clean water are basic human rights! The supply of gravel is important in terms of economics, but not when it infringes on the basic Human Rights of residents. It is a baseless threat to say that the cost of gravel going up is more important than human and animal health – if the cost goes up, it goes up. Roads will still be made, buildings will still be built. It should not be compared to the cost of human life, health and well-being.

4) Cumulative effects of quarries in our community must also be seriously considered. We do not want or need more silica dust in our community! Is it truly a less than minor health issue for residents near quarries to have daily nose or mouth bleeds? Or sore throats and conjunctivitis? We are entitled to the quiet enjoyment of our property without being fearful of those issues, let alone the risk of silicosis! We would also like to note how surprising it is to read in evidence that some so-called experts are unaware of the silica content of our local aggregate in Yaldhurst, which is Greywacke. Aside from the information being readily available, it is something most experts would be expected to know. On the Winstones website, they describe Greywacke as being up to 40% Silica – Crystalline (quartz).

5) The expert reports are obviously important to your decision, but what we would like to ask is: Have those experts visited our property? Have they actually seen what peaceful, incredible lifestyle properties exist within 500m of the Road Metals extension? Have they actually breathed the fresh air, and seen how peaceful our properties are? They talk about existing dust issues from being rural and having a close proximity to the Waimakariri River, but we have none. We don't have any dust that we've ever noticed on our property, none

at all! And our immediate peaceful rural neighbourhood never has any excess dust – even the once-yearly hay mowing by one or two neighbours puts no dust over their boundary.

We cannot be compared to properties further down the road to us, who are heartbreakingly close to existing quarries. This will be the first and only one in direct proximity to us. We shouldn't have to deal with any dust, especially silica dust, invading our clean air from extraction activities and during the haulage on the internal road.

6) We have watched others in our community suffer from a distance, never thinking a quarry would extend so close to our city or our home. We can now understand what those residents have been through, and all of this could be avoided if the CDHB was consulted and actively allowed to be part of this conversation. If their guidelines were implemented, and no quarrying activity that has the potential to produce silica dust was allowed within 500m from the boundary of any rural property, then we wouldn't be here. Murray Francis talks so clearly about being a great operator, so why isn't he asking the CDHB what conditions should be in place to ensure the health of his neighbours, and to become an industry leader? We were very pleased to hear that Fulton Hogan has directly consulted with the CDHB and intends to provide a voluntary 500m minimum setback on any new quarry consents. We would like Road Metals to commit to doing the same.

7) Yaldhurst residents last year successfully challenged Murray Francis in regards to his Harewood Gravels consent. We would like to note that the same commissioner, John Iseli, was the commissioner who approved quarrying within 80m of residents' homes for that consent (this decision was overturned by the Environment Court). In our view, that causes a conflict here, as we are entitled to a commissioner who is not already biased towards dust issues and quarrying close to homes. This comment is to be taken professionally, and not personally by the commissioner. Should this consent be permitted without a 500m setback, we will have no option but to appeal to the Environment Court, which seems such a waste of time and resources. We are certain that the Environment Court would find it equally as frustrating that ECAN and the CCC have not involved the CDHB and followed their health guidelines on this matter, thereby forcing residents to go through the costly exercise of appealing through the court system.

Recommendations & Conditions

Should the commissioners choose to consent this quarry extension, we expect the following conditions to be implemented.

- A) That a minimum setback of 500m from the boundary of the proposed quarry and the closest rural property be implemented. This will avoid the need for comprehensive monitoring by ECAN and by the residents and protect us from harmful dust.
- B) That the internal haulage road between the existing Road Metals property and the proposed quarry extension be sealed, to effectively mitigate silica dust and general dust.
- C) That the quarry is prohibited from operating on Saturdays, which is when our community expects quiet and peaceful enjoyment of our properties.
- D) That all Road Metals trucks are covered when full or partially full of rock material. This includes on the internal road for haulage, and when exiting their property onto the road. We note that as of last week, some Road Metals trucks have begun to cover their full trucks, which is something our fellow residents have been asking for, for some time.
- E) That ECAN accepts the responsibility of monitoring dust, rather than putting the onus on residents to do so. ECAN has an obligation to attend call outs within a timely manner and to issue abatement notices, instead of ignoring the very genuine complaints of residents regarding dust. They can no longer use the excuse of being under-resourced because that is not acceptable legally.
- F) That a no-tolerance approach is given by ECAN enforcement officers when dust is leaving the boundary of the Road Metals extension, or when water carts aren't being used, or when they are in breach of ANY of the conditions of their consent. Mr. Francis has himself claimed to be a knowledgeable quarry operator, and he should therefore not be given any grace for non-compliance. This no-tolerance approach should be the shutting down of the quarry, or very serious corporate fines, for non-compliance.

Thank you for taking the time to consider our submission. We hope that you understand and appreciate our genuine concerns, we therefore request that you either **decline** consent, or impose a 500m setback from the boundary of the quarry if a consent is issued.
