
SUBMISSION ON APPLICATIONS FOR RESOURCE CONSENT

Section 96 of the Resource Management Act 1991

To: Selwyn District Council and
Environment Canterbury

Submitter: Waipuna/Halswell-Hornby-Riccarton Community
Board on behalf of the **Christchurch City Council**

Applicant: Fulton Hogan Limited

Proposed Activity: Establish and Operate Roydon Quarry,
107 Dawsons Road and 220 Jones Road Templeton

Application Refs: Selwyn District Council: RC185627
Environment Canterbury: CRC192408, CRC192409,
CRC192410, CRC191411, CRC192412, CRC192413,
CRC192414

NAME OF SUBMITTER

1. Waipuna/Halswell-Hornby-Riccarton Community Board on behalf of the **Christchurch City Council (the submitter)**.

APPLICATIONS TO WHICH SUBMISSION RELATES

2. This is a submission on the applications by Fulton Hogan Limited (**the applicant**) for resource consent to establish, operate and rehabilitate a quarry at 107 Dawsons Road and 220 Jones Road, Templeton (**the proposal**). The specific applications which are the subject of this submission are:

CONSENT TYPE: Land Use Consent (s9)
CRC192408 & RC185627 to use land to excavate material

CONSENT TYPE: Land Use Consent (s9)
CRC192409 to use land for the deposition of backfill over an unconfined or semi-confined aquifer

CONSENT TYPE: Discharge Permit (s15)
CRC192410 to discharge of contaminants into air

CONSENT TYPE: Discharge Permit (s15)
CRC192411 the discharge of contaminants which may enter water

CONSENT TYPE: Discharge Permit (s15)
CRC192412 the discharge of stormwater into land where contaminants may enter groundwater

CONSENT TYPE: Discharge Permit (s15)
CRC192413 the discharge to land associated with the deposition of cleanfill material for site rehabilitation

CONSENT TYPE: Water Permit (s14)
CRC192414 to take water for aggregate washing and dust suppression

3. The submitter is not a trade competitor for the purposes of s308B of the Resource Management Act 1991 (RMA).
4. The submitter opposes all seven applications.

THE REASONS FOR MAKING THIS SUBMISSION ARE:

5. In summary, the submitter considers that the proposal will have significant adverse effects on the environment, including but not limited to:
 - a. Significant adverse effects on the existing character and amenity of the surrounding environment including visual, noise, vibration, lighting, health and traffic effects that are generated due to the proposed scale of activity and its proximity to existing and future urban development; which are unable to be avoided, remedied or mitigated;
 - b. Significant adverse effects on the health of water bodies – particularly the quality and quantity of groundwater.
 - c. Significant adverse effects on the condition, operation and maintenance of roading assets owned by the submitter in proximity to the proposal.
 - d. Significant adverse effects on nearby Christchurch City Council land proposed to be used as a future cemetery; including not only the landscape character and effects on visual amenity but also nuisance effects (including, but not limited to, dust and noise impacts) on the cultural setting that is essential for a place of respect, grieving and contemplation.
 - e. Significant adverse impact on nearby businesses – particularly on the training stables businesses located around the proposed quarry that contribute to the economic and social outcomes for the Selwyn District.
6. The submitter also considers that the proposal is not consistent with relevant objectives and policies of the Selwyn District Plan, the Land and Water Plan and the Regional Air Plan and other strategic plans and policies affecting the natural and physical resources in the area.
7. Further specific details of these grounds are made later in this Submission Notice.

ROLE AND RESPONSIBILITIES OF THE COMMUNITY BOARD

8. The Christchurch City Council has delegated authority to the Waipuna/Halswell-Hornby-Riccarton Community Board (the Community Board) to make this submission on its behalf.
9. The Community Board's focus is on enhancing the social, environmental and economic well-being of citizens in the Halswell-Hornby-Riccarton wards.
10. To achieve this, the Community Board has five main legislative roles, of which two are particularly relevant to this application; namely:
 - a. Represent and act as advocates for the interests of its community

- b. Consider and report on all matters referred to it by the Council, or any matter of interest to the Community Board.
11. It does this by way of delegations from the Christchurch City Council (the Council), which has similar functions for all the citizens of Christchurch as well as wider ones relating to:
- a. the protection of its environment,
 - b. public health and,
 - c. responsible management of its assets and infrastructure.
12. It is in terms of these roles and responsibilities that the Community Board has cast this submission on behalf of the Christchurch City Council.

SPECIFIC REASONS FOR MAKING THIS SUBMISSION ARE:

13. In relation to these applications, the submitter considers that all the above listed functions will be compromised, particularly in relation to the following matters:
- a. Effects on traffic safety and efficiency and the impact on transport infrastructure;
 - b. Health of water bodies – particularly the quality and quantity of groundwater;
 - c. Amenity and health effects on residents, resulting from visual impact, light spill/glare, noise, dust and vibration;
 - d. Management of its assets and facilities, particularly the land adjoining the site at 173 Maddisons Road;
 - e. Undermining of the draft Future Development Strategy under the National Policy Statement for Urban Development Capacity (NPS-UDC);
 - f. Failure to demonstrate compliance with planning documents such as, but not limited to, the draft Future Development Strategy under the NPS-UDC, the Selwyn District Plan, the Land and Water Plan and the Regional Air Plan.
14. Each of these is set out in detail below.

Ground 1: Traffic and the Impact on Transport Infrastructure

15. The traffic and transport aspects of the proposal will create more than minor effects and be contrary to the objectives and policies of the Selwyn District Plan, including for, but not limited to, the following reasons:
- a. The applications fail to adequately consider the impact on the submitter's transport infrastructure. Whilst the carriageways designated as transport routes for heavy vehicles might have capacity for additional numbers of vehicles, there is no analysis of the laden trucks per day on the road structure. If the road structure disintegrates, this will result in the submitter being required to mitigate the effects by continually repairing the road. Aside from the additional and ongoing expenditure incurred by the submitter, the regular use of laden and unladen vehicles on disintegrated carriageways will create the following adverse effects:
 - i. additional vibration and noise effects on surrounding residents
 - ii. potential traffic safety issues for all vehicles travelling on these routes.
 - b. No safety assessment has been provided for either of the Jones Road or Dawsons Road roundabout options, particularly the three-leg option and how it would interact with the Jones Road T-junction. This creates a high level of uncertainty as to the ability of the intersection to operate in a safe and efficient manner.
 - c. Establishing a development with such high flows of traffic over a level crossing will be inherently unsafe and will create risks for users and operators of both the road and the rail networks. While a level rail safety crossing assessment has been provided as part of the further information, a response from KiwiRail has not been provided. Moreover, an increase in rail traffic to Lyttelton as is intended in the Lyttelton Port Recovery Plan has not been assessed.
 - d. The application identifies that there is the potential for queues to form back from the rail crossing into the roundabout on State Highway 1 by 2026 affecting the safety and efficiency of drivers using the Main South Road. The application is for a long term consent and no assessment has been undertaken of the effects beyond 2026, or the potential for redistribution of traffic to the quarry as a result of the queueing issue.
 - e. There is no assessment on the intersection of Dawsons Road with State Highway 72 (West Coast Road).
 - f. The proposal fails to appreciate the value of Jones Road as a cycle corridor or the potential impact on the safety and level of service for cyclists crossing at Dawsons Road.
 - g. The applications also fail to clearly demonstrate adequate measures to prevent quarry truck drivers using local Templeton roads. A lot of commitments are expressed, but no consequences, and no way of tracking the drivers. Templeton's economic

development and residential amenity and safety is already stymied by the severance created by State Highway 1 and it is important that there is no reliance on Templeton roads for the development as this would create cumulative adverse severance effects.

- h. The additional heavy traffic will also result in a change in the character of the area from rural to industrialised. The applicant anticipates that up to 1,500 truck movements will occur daily. To put this into perspective, other large quarries in Canterbury have 300 to 500 truck movements per day. These truck movements do not include retail sales. The applicant also anticipates that the quarry will operate 24 hours per day, six days a week.

16. In the submitter's view, these traffic and transportation effects are a fundamental issue. These effects will be ongoing for the life of the quarry. The transportation effects will not just be a continuing problem but will be an increasing issue as rail traffic to the port increases and traffic along State Highway 1 increases. As the effects are unable to be avoided, remedied or mitigated to an appropriate level, they will be a continual impost on the Council/Community Board and the residents it represents.

Ground 2: Health of Water Bodies

17. The water takes and discharge to land and water aspects of the proposal will create more than minor adverse effects on the groundwater resource in the locality and will be contrary to the objectives and policies of the Regional Land and Water Plan, including for, but not limited to, the following reasons:

- a. The one metre separation between the aquifer and the quarry operations table in a gravel setting, will not prevent contaminants leaching to ground water resources. Whilst this risk may be of low likelihood, if it comes to fruition, it will have a high impact on an important natural resource. Accordingly, caution should be applied. This need for caution is reinforced by the fact that the drinking water is not chlorinated.
- b. The frequency of monitoring is very low and will not provide sufficient warning if there is a failure in the groundwater protection systems. In other cases where failure will be catastrophic, the Council is required to monitor water quality on an ongoing 24 hour basis.
- c. The use of detergents in truck washing facilities will prevent effective operation of the separator intended to control hydrocarbons.

18. The new water take application also needs to be accompanied by an interference report in relation to nearby bores to ensure any adverse environmental effects and potential for other bore owners to experience either contamination or depletion, are identified and addressed.

19. On the above basis, the submitter considers that the nature and magnitude of the effects of the proposal on water quality and water quantity, have not been adequately assessed to enable certainty that they can be effectively avoided, remedied or mitigated.

Ground 3: Amenity for Nearby Residents

20. The amenity aspects of the proposal will create more than minor effects and be contrary to the objectives and policies of the Selwyn District Plan, the Regional Land and Water Plan and the Regional Air Plan including for, but not limited to, the following reasons:

- a. The proposal does not provide adequate protection for nearby residents from:
 - i. loss of rural character
 - ii. adverse visual impacts
 - iii. loss of amenity from adverse noise, vibration, lighting or dust effects
 - iv. potential health effects associated with the discharge of particulate contaminants.
- b. It is unclear how the quarry will operate within its limits on hours of operation given that it will often need to load trucks at nights for large projects, including those contracted by the New Zealand Transport Agency.
- c. The noise report accompanying the Assessment of Environmental Effects (AEE) fails to appreciate the different types of noise that will be generated and how the quarry operations will generate different types of noise at different frequencies to that of traffic.
- d. The applications artificially separate the various amenities into separate components and in doing so, fails to appreciate that overall the amenity of nearby residents is constructed from all these attributes, and that effects of vibration, noise, dust, traffic and loss of rural character/visual impact need to be considered cumulatively in terms of their effect on loss of overall amenity.
- e. The health impacts of silica dust need specific consideration in terms of its ability to result in serious lung disease such as lung cancer, silicosis and chronic obstructive pulmonary disease from particles so small that they are not visible to the naked eye.
- f. People have chosen to live in the Templeton community for a suburban lifestyle and the quality of life that it provides. The proposed activities would compromise this.

21. Fundamentally, the applicant's mitigation strategy is flawed and cannot be relied upon because:

- a. It inadequately identifies the effects at each individual category level which is further compounded by an underestimating of the cumulative effects; and

- b. It relies predominantly on a mitigation strategy based on a suite of management plans which are yet to be locked in, in terms of content and actions, and thus their final content will not be known or have any input by those that are directly affected. This is both uncertain and unfair.
22. For the above reasons, there is no certainty to the submitter that the proposal is able to provide the basic level of amenity protection required for nearby residents, and accordingly the applications should be refused.

Ground 4: Direct Impacts on 173 Maddisons Road

23. The proposal will create more than minor effects and be contrary to the objectives and policies of the Selwyn District Plan, the Regional Land and Water Plan and the Regional Air Plan in relation to land owned and occupied by the submitter at 173 Maddisons Road for, but not limited to, the following reasons:
- a. The land, although currently largely vacant, is earmarked to be a future cemetery. The need for the cemetery is identified in the Christchurch City Council's Long Term Plan which provides \$3.3million for the first stage of cemetery development. This funding allocation is in response to Christchurch City Council's statutory requirement under the Burial and Cremation Act 1963 to provide for the burial needs of the community.
 - b. Other cemeteries in the area are filling up and the site at 173 Maddisons Road is expected to be the main working cemetery for the next 50 years.
 - c. A cemetery requires an environment appropriate to contemplation and grieving. The proposed quarry is fundamentally unable to achieve this because:
 - i. The staging plan for the quarry will result in impacts on the cemetery for the duration of the quarry activities.
 - ii. There is insufficient planting proposed on the quarry land to provide visual separation between the quarry operations and the cemetery. The earth bund will be clearly man made and will not blend in with the landscape.
 - iii. In terms of the planting along the Dawsons Road boundary of the quarry, it is unclear from the application when proposed earth bunds and associated mitigation planting will be undertaken. This could result in significant areas of the cemetery being allocated for planting, reducing the capacity of the cemetery.
 - iv. Ground transmitted vibration generated by the quarrying activities can cause issues with the stability of freshly dug graves which can be a health and safety issue and an inconvenience as well as causing an emotional cost for grieving families and friends. There can be damage to concrete burial beams and other structures. Similar issues have been experienced at Yaldhurst.

- v. The noise will be disruptive to services and quiet contemplation, as will ground vibration.
 - vi. The dust will impact graves and cemetery users, and this would have particular impact during services.
- d. One of the proposed roundabout options includes the taking of land from the proposed cemetery. This is not an option for the Christchurch City Council, as the land is needed for cemetery purposes. In addition, this would reduce the separation between turning traffic and the cemetery.
- e. The proposal will greatly reduce the ability of the land to provide important social infrastructure and render 173 Maddisons Road effectively useless for Christchurch City Council purposes.
24. In light of the above concerns, the Christchurch City Council has commissioned a full review of the AEE and proposed mitigation measures by a New Zealand Institute of Landscape Architects Registered landscape architect. The conclusions of that review are:
- a. The mitigation measures provided by the applicant are a token gesture and are not considered appropriate. For example, it will be many years before any plants reach a height where they can provide any form of mitigation. For many years all that would be seen is an engineered earth bund, with initial grass cover that would probably die off once irrigation ceases two years after establishment.
 - b. Assessment against the Objectives and Policies within the Selwyn District Plan appears to be incomplete and the assessment that is provided within the Landscape and Visual Impact Assessment is questionable.
 - c. There has been no assessment in regards to future reverse sensitivity issues. At this location so close to the Templeton township where there is a risk of future reverse sensitivity issues, the mitigation proposed by the applicant is not adequate.
25. As part of the above, input from an Air Quality Scientist has also been commissioned in terms of air quality impacts on the Christchurch City Council owned land. That review concluded that there is potential for the proposal to discharge contaminants beyond the boundary of the site and therefore impact on the amenity values of users of the proposed cemetery and possibly increase the risk of adverse health effects to users of the cemetery.
26. After reviewing the application, the section 92 responses and considering the mitigation proposed by the applicant and the potential future use of the adjacent land as a potential cemetery, it is submitted that the adverse effects of the potential quarry and in particular the effects on character and landscape visual amenity will be unacceptable, and potentially will not be able to be avoided, remedied or mitigated.

27. Given the importance of the cemetery to the community, it is appropriate for a high level of weight to be placed on it as a s104(1)(c) matter.

Ground 5: Failure to Achieve Policy Direction in Strategic Documents

28. The applications fail to achieve the necessary objectives and policies in the following documents:

- a. draft Future Development Strategy under the National Policy Statement for Urban Development Capacity (NPS-UDC),
- b. the Selwyn District Plan,
- c. the Land and Water Plan, and
- d. the Regional Air Plan

29. Moreover, the applications fail to provide a meaningful assessment against the relevant objectives and policies in any of the above documents, such that the applications are remiss in terms of clause 2(2) of Schedule 4 of the Resource Management Act. They should therefore be refused.

30. The specific omissions are as follows:

- a. It is the expectation of the draft Future Development Strategy under the NPS-UDC that there will be growth in this direction. Such growth could be stymied by the applicant, if consents for the proposal are granted, seeking to ensure that any new, anticipated development does not create reverse sensitivity issues. Alternatively, the consent holder could seek to impose restrictions on any new development, which would push up the cost of the housing, contrary to the expectations of the NPS-UDC.
- b. As an additional point, the applications are required by law to provide an assessment of alternatives considered for all aspects of the discharge activities. This is not provided for the following: discharges to air, discharges to land for cleanfill and existing contaminated soils, and discharges to land for truck cleaning.
- c. **Part 2 Assessment:** It is particularly telling that there is no Part 2 assessment, which is required as a result of recent case law (*Davidson*) which identified that assessment under Part 2 is required where there are gaps in lower level planning documents. The Selwyn District Plan has acknowledged gaps in relation to quarries as evidenced by the Council preparing a plan change specific to this matter, regardless of being in a full plan review process.

31. A proper Part 2 assessment with its focus on the issues raised in Grounds 1 to 4 of this submission would clearly result in the applications not fulfilling the expectations of sustainable development, such that they must be refused.

Ground 6 – Impact on Nearby Businesses

32. The area surrounding Templeton is well known for racehorse training. These animals represent a significant investment for their owners and trainers and are very sensitive to ground vibrations and loud noises. They can spook or shy in response to frights, damaging themselves, property or people around them.
33. The training stables are businesses around the quarry that contribute to the economic and social outcomes sought by the Selwyn District Council in a manner consistent with District Plan expectations. They form part of the existing environment and the application fails to assess either its impact on these businesses or its duties under the objectives and policies to these businesses. Accordingly, the application should be refused.

SUBMITTER RELIEF

Relief Sought

34. Based on the foregoing six grounds of submission, the Waipuna/Halswell-Hornby-Riccarton Community Board on behalf of the Christchurch City Council (**the submitter**), seeks that all resource consent applications for the proposed Roydon Quarry are refused.

Attendance at Hearing

35. The submitter **does** wish to be heard in support of this submission.
36. The submitter will speak at the hearing and will advise the experts to be called closer to the time. It is anticipated that up to four hours will be required to present the submission and respond to questions, which will be confirmed closer to the time.
37. The submitter is prepared to present jointly with other submitters raising similar concerns who seek the same relief.

Pre-Hearing

38. The submitter is prepared to discuss its issues further with Consent Authority Officers to clarify understanding of the expected effects.

Signed and dated this 5th day of June 2019



Mike Mora
Chairperson
Waipuna/Halswell-Hornby-Riccarton Community Board
For and on behalf of the Christchurch City Council

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