

**Before Independent Hearings Commissioners Appointed by Canterbury
Regional Council and Selwyn District Council**

In the matter of The Resource Management Act 1991

And

In the matter of Applications by **Fulton Hogan Limited** for all
resource consents necessary to establish, operate,
maintain and close an aggregate quarry (**Roydon
Quarry**) between Curraghs, Dawsons, Maddisons
and Jones Roads, Templeton

**SUMMARY STATEMENT OF BRUCE EDGAR DAWSON
ON BEHALF OF FULTON HOGAN LIMITED**

VICTORIA GUIDELINES FOR SEPARATION DISTANCES

DATED: 13 NOVEMBER 2019

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Introduction

1. My name is Bruce Edgar Dawson. I have been engaged by Fulton Hogan Limited to provide evidence on the application of the Victorian Environment Protection Authority Guidelines “*Recommended separation distances for industrial residual air emissions*”¹ (**EPA Victoria Guidelines**), to the Roydon Quarry.
2. In this summary of my evidence, I outline the key matters discussed in my evidence in chief (dated 23 September 2019), including submissions points and/or s42A comments of particular relevance to the recommendations made in the EPA Victoria Guidelines. I also summarise my rebuttal evidence dated 21 October 2019 and present the key conclusions of that evidence.

Genesis of the Guidelines

3. The Victorian *Environment Protection Act 1970* (**the Act**) is the primary legislation in Victoria for the protection of the environment. It considers all aspects of environment (air, water, land, waste and noise). The Act aims to prevent pollution and environmental damage by enabling the establishment of environmental quality objectives and supporting implementation programs. It also establishes the powers, duties and functions of the EPA.

The State Environment Protection Policy (Air Quality Management) (SEPP (AQM))

4. The SEPP (Air Quality Management) (**SEPP (AQM)**) is a statutory policy established under the Act, which establishes the framework for managing emissions to air, so that the air quality objectives defined separately in SEPP (Ambient Air Quality) are met.
5. Clause 17 (Separation Distances) of the SEPP (AQM) states:
 - 1) *The Authority will develop a protocol for environmental management in accordance with this policy on the provision of separation distances between sources of emissions to the air environment and land uses that are sensitive to the potential impacts of those emissions on local amenity.*

¹ Publication number 1518 dated March 2013

Environment Protection Authority Victoria Guidelines – Recommended separation distances for industrial residual air emissions

6. The EPA Victoria Guidelines provide advice on recommended separation distances between industrial land uses that emit odour or dust, and sensitive land uses. It is intended to be used by planning authorities, EPA, industry, developers and the community, in the preparation and consideration of planning scheme amendments, planning permit applications, works approvals and licences.
7. The EPA Victoria Guideline separation distances are only recommendations and not rules, and as such, they can be varied. Where it is proposed to vary from a recommended separation distance, EPA expects that an assessment that it considers satisfactory will be required, before EPA would support such a variation.
8. The EPA Victoria Guidelines recommend a range of separation distances for quarrying, crushing, screening, stockpiling and conveying of rock. These include 250 m (without blasting), 500 m (with blasting); and 500 m (with respirable crystalline silica).
9. They also provide guidance on how to consider a proposed variation to a recommended separation distance. The assessment supporting a proposed variation is to describe why the impacts of emissions from the facility are such that a variation from the recommended separation distance is appropriate.

Submitter and/or Officer comments as to separation distances

10. Submissions either directly state or infer that the proposed separation distances of 500 or 250 metres are to be applied without variation, i.e. that a quarry development should not proceed if it is less than 500 or 250 metres from a sensitive land use, such as residential dwellings.
11. The EPA Victoria Guidelines clearly state that a variation from the recommended separation distance is possible and should be considered, where required, in a site-specific risk assessment. The EPA Victoria Guidelines describe what matters may be taken into account when considering a site-specific risk assessment.
12. In effect, the recommended separation distances in the EPA Victoria Guidelines are not intended to be strictly applied, rather, where they are not

met, the need for additional assessment on the adequacy of the actual separation on a case by case basis is triggered.

13. An assessment of the potential dust nuisance effects of the proposed quarry has been undertaken as discussed in Mr Cudmore's primary evidence. The assessment considered the risks that nearby receptor locations would be exposed to potential dust impacts, which was used to inform dust mitigation measures needed to control dust impacts to an acceptable level; where these measures are formally proposed as consent conditions (**Annexure B** to Mr Bligh's primary evidence).
14. Mr Cudmore's primary evidence also describes the mitigation and monitoring measures to be incorporated into the operation of the proposed quarry. It describes use of water carts on haul roads, water misting/fog cannons on the processing plant, activity setbacks, vehicle movement controls, use of field conveyors in preference to haul trucks, location of fixed processing plant, wind shelter and minimising of exposed areas. Additional measures regarding moderate to high risk receptors include continuous dust monitoring and cessation of activities under certain conditions. A draft Dust Management Plan (DMP) detailing dust mitigation measures has been prepared. These measures are consistent with adoption of exceptionally high standard of Plant Equipment and Operation as described in the EPA Guidelines.
15. It is my view that the criteria described in the EPA Victoria Guidelines for consideration of a site-specific variation to a recommended separation distance have been appropriately considered in the application.

Rebuttal Evidence

16. I address specific points in the evidence of witnesses on behalf of the New Zealand Motor Caravan Association Inc. (Ms Lara Stace and Mr Richard Jackett) and the Templeton Residents Association (Mr Gemma Conlon and Mr Michael Smith), as identified in paragraph 6 of my rebuttal evidence dated 21 October 2019. I respond to each of their recommendations on separation distances for the proposed quarry which appear to have been derived from the EPA Victoria Guidelines.

17. In my view, given the relevant criteria set out in the EPA Victoria Guidelines have been appropriately considered, I conclude that the separation distances proposed for the Roydon Quarry have been suitably assessed.

Bruce Dawson

13 November 2019