

Before Independent Commissioners Appointed by the 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 JOHN KYLE ON BEHALF OF FULTON HOGAN LIMITED

PLANNING

DATED: 13 NOVEMBER 2019

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Summary

1. Overall activity status relating to the consents sought is discretionary. The key planning issues as they relate to the proposal concern traffic, effects on amenity values including noise, visual effects and effects from particulate matter and dust, the efficient use of water, and effects on groundwater.

Traffic

2. Chapters 5 and 6 of the RPS, and Chapter B2.1 of the District Plan contain provisions to avoid development which adversely affects the safe, efficient and effective functioning of State Highway 1. This makes the potential for queuing on the State Highway behind the railway barrier, and the potential effects of this on the safe and efficient operation of the State Highway a relevant issue.
3. It is my opinion that the safety and efficiency of the State Highway can be adequately provided for to satisfy the relevant provisions in the RPS and District Plan on the basis of:
 - (a) Mr Metherell's detailed analysis of the comparative risk with and without the quarry (and Mr Kelly's review of that);
 - (b) the seemingly broadly held view by the various traffic experts that the risk associated with queuing can be addressed via mitigation; and
 - (c) the willingness of the applicant, roading authorities and KiwiRail to investigate and if need be implement those mitigation measures,
4. The experts of Fulton Hogan and New Zealand Transport Agency drafted a proposed framework for how suitable monitoring and mitigation would occur (including consent conditions and a management plan). This framework was subsequently supported by all the traffic experts in their joint witness statement¹ subject to it being expanded to cover southbound traffic on Dawsons Road (as well as northbound traffic). The updated conditions filed by legal counsel will include those amendments. I note the joint witness statement suggests the planners also afford further consideration to how the conditions address the role of the New Zealand Transport Agency in certifying and implementing the management plan.² In my view no additional

¹ At paragraph 23 and 24.

² At paragraph 23

changes to the conditions are needed to address this matter. The New Zealand Transport Agency is not the consent authority and a condition cannot require that a third part act as a certifier. In my opinion the best the conditions can do is require the consent holder to collaborate along the way, which is what is proposed. The Council will need to be satisfied about the level of input from the New Zealand Transport Agency as part of the certification process. I expect that progress with these discussions will be reported on further at the hearing.

Amenity

5. It is clear to me that the District Plan requires the effects of quarrying in this location to be carefully managed so that neighbouring properties remain a pleasant place to live and work and that a rural character is maintained. However, it does not direct that the current level of amenity or outlook experienced at each site in that surrounding area be protected. It is notable in that regard that the only policy which directly addresses amenity only directs that 'significant' adverse effects on amenity values be managed.³ The proposed conditions (which are attached to the evidence of Mr Bligh) have been informed by expert assessment and based on the application of recognised standards for achieving good practice in order to protect a reasonable degree of amenity. As Mr Farren has explained, insofar as noise is concerned this includes the proposal meeting the relevant permitted activity standards set out in the Plan. In my view this is an appropriate response in this location.

Discharges to Air

6. It seems to be common ground between the planning witnesses that Regulation 13(1) and Regulation 17 of the NESAQ both apply to the application. Satisfying Regulation 17 requires it to be unlikely, at any time, that the proposed activity will increase the concentration of PM₁₀⁴ in the Christchurch airshed by more than 2.5 µg/m³. It does not require there be no possibility the quarry will increase the concentration in this manner as intimated by Ms Goslin.
7. Mr Cudmore confirmed compliance with these regulations in his primary evidence. A key reason for this is his analysis that due to differences in design and mitigation there would be a 10-fold reduction in the increase in

³ Policy B3.4.3

⁴ Calculated as a 24-hour mean under Schedule 1

ambient PM₁₀ levels caused by the Roydon quarry, relative to those previously recorded at the nearby Yaldhurst quarry. I note Ms Wickham and Mr Kirkby have questioned various aspects of Mr Cudmore's analysis on this point. In response Mr Cudmore has provided further detail in his rebuttal evidence concluding that his initial assessment is very likely to be conservative, and that the actual reduction factor relative to the Yaldhurst quarry is likely to be much higher. Based on Mr Cudmore's rebuttal evidence, it is my opinion that neither Regulation 13, nor Regulation 17(1) present a barrier to granting consent.

8. Key directives in the Air Plan are that dust is managed using the best practicable option, the relevant ambient air quality standards for PM₁₀ be achieved, and the activity does not cause offensive and objectionable effects beyond the boundary of the site. Based on Mr Cudmore's evidence, it is my opinion that this key policy direction in the Air Plan will be achieved.
9. Close and careful management of the effects of dust in accordance with Mr Cudmore's assessment is essential to achieving the outcomes sought by the NESAQ and the Air Plan.

Reasonable and Efficient Use of Water

10. When considering the proposed use of water, the relevant provisions require that the proposed volumes are necessary and reasonable for the intended use, and that the water will be used efficiently. In my opinion Schedule 10 is not relevant when determining the appropriate volume for the proposed use in this context. Rather, Mr Van Nieuwkerk's approach which uses a purpose-built water balance model to calculate what is a reasonable and efficient use of water, is the correct approach. The updated consent conditions attached to Mr Bligh's evidence restrict annual water use to the amount calculated as efficient by Mr Van Nieuwkerk (being 112,375 m³). In my opinion, granting consent to use water in accordance with those conditions is consistent with the relevant provisions of the Canterbury Land and Water Regional Plan.

Groundwater Quality

11. When considering potential effects on groundwater quality and neighbouring groundwater users the Land and Water Plan contains a number of policies which provide clear direction on how the effects of the activity are to be managed. Mr Van Nieuwkerk's evidence states down gradient wells used for drinking-water supply are unlikely to be affected. I acknowledge Dr Scott

considers the risk to be higher in terms of potential effects of aesthetic (rather than health) properties. Mr Van Nieuwkerk’s evidence is that if downgradient wells were affected the proposed monitoring would detect this, and there are means available to protect the quality of the drinking water supply to those properties. Therefore, in my opinion the proposal can achieve the outcomes sought by the relevant policies.

Part 2

12. By way of summary, the key matters which stand out to me are:
- (a) The extent to which the quarry would contribute to and assist the social and economic wellbeing of Christchurch;
 - (b) In my assessment, there are no s6 matters of relevance to this proposal;
 - (c) With respect to s7(b), the project would enable the efficient use and development of the aggregate resource contained at the site, and is well sited to make efficient use of existing road network infrastructure;
 - (d) With respect to s7(c), amenity values will be maintained in accordance with the expectations set out within the District Plan;
 - (e) With respect to s7(f), the quality of the environment will be maintained in accordance with the expectations of the various planning documents; and
 - (f) There do not appear to be any particular issues here in respect of the various tangata whenua aspects of Part 2, including s6(e), 7(a), 7(aa) and 8.

Cross-referencing updates

13. The footnotes contained in my primary and rebuttal statements of evidence included a number of cross-references to other evidence, prior to all of that evidence being formatted for filing. The table below updates those cross-references based on the evidence displayed on the Regional Council website:

Footnote in evidence	Correct footnote
15 Mr Cudmore, paragraph 119 – 120.	15 Mr Cudmore, paragraph 118 – 119.

Footnote in evidence	Correct footnote
16 Mr Cudmore, paragraph 132.1.	16 Mr Cudmore, paragraph 131.4.
19. Mr Cudmore, paragraph 123.	19. Mr Cudmore, paragraph 123
20 Mr Cudmore, paragraph 83 - 88.	20 Mr Cudmore, paragraph 82 - 87.
21 Mr Bligh, paragraph 7.5 – 7.7.	21 Mr Bligh, paragraph 139 – 141.
29 Mr Metherell paragraph 161.	29 Mr Metherell paragraph 137
30 Mr Kelly, paragraphs 17 – 25.	30 Mr Kelly, paragraphs 17 – 24.
34 Mr Van Nieuwkerk, paragraph 125 - 141.	34 Mr Van Nieuwkerk, paragraph 94.
35 Mr Bligh, paragraph 7.8 – 7.9.	35 Mr Bligh, paragraph 142 & 143.
39 Mr Mthamo, paragraph 41 – 49 and 102.3.	39 Mr Mthamo, paragraph 41 – 49, 102 – 106 and 112.
40 Mr Bligh, paragraph 7.10.	40 Mr Bligh, paragraph 129 - 143.
45 Mr Van Nieuwkerk, paragraphs 75 – 94	45 Mr Van Nieuwkerk, paragraphs 55-63, 68, 70, 84
46 Mr Van Nieuwkerk, paragraphs 92 – 97.	46 Mr Van Nieuwkerk, paragraph 84.
48 Mr Cudmore, paragraph 138, 141.	48 Mr Cudmore, paragraph 137 - 142.
51 Mr Cudmore, paragraph 139 - 140.	48 Mr Cudmore, paragraph 137 - 142.
52 Mr Wagenaar, paragraph 27.5.	52 Mr Wagenaar, paragraph 36 - 40.
53 Mr Cudmore, paragraph 104.	53 Mr Cudmore, paragraph 143 – 144.
54 Mr Cudmore, paragraph 104, Ms Ryan paragraph 102.	54 Mr Cudmore, paragraph 143 – 144, Ms Ryan paragraph 102.
58 Mr Cudmore, paragraph 147 – 152.	58 Mr Cudmore, paragraph 146 – 151.
62 Mr Cudmore paragraph 142 - 143, Ms Ryan paragraph 131.	62 Mr Cudmore paragraph 141 - 142, Ms Ryan paragraph 131.
67 Mr Cudmore, paragraph 124 – 127.	67 Mr Cudmore, paragraph 124 – 126.
68 Mr Cudmore, paragraph 83 - 88.	68 Mr Cudmore, paragraph 64.
69 Mr Bligh, paragraph 7.5 – 7.7.	69 Mr Bligh, paragraph 139 - 141.
76 Mr Metherell paragraph 81 - 84.	76 Mr Metherell paragraph 79 - 83.
93 Mr Metherell, paragraph 55.	93 Mr Metherell, paragraph 14, 56 & 142.

Footnote in evidence	Correct footnote
Rebuttal Statement	
4. Mr Metherell, paragraph 2.7, 3.4 & 3.5.	4. Rebuttal statement of Mr Metherell, paragraph 12(c), 12(e), 13(a), 15(b), 17, 19
5 Mr Metherell, paragraph 2.7.	5 Rebuttal statement of Mr Metherell, paragraph 13(a) & 20.
6 Mr Metherell, paragraph 3.5.	6 Rebuttal statement of Mr Metherell, paragraph 20.
7 Mr Metherell, paragraph 3.6.	7 Rebuttal statement of Mr Metherell, paragraph 21
8 Mr Metherell, paragraph 3.5 & 4.4.	8 Rebuttal statement of Mr Metherell, paragraph 20 & 25.
9 Mr Metherell, paragraph 2.9 – 2.11.	9 Rebuttal statement of Mr Metherell, paragraph 15 & 64.
10 Mr Metherell, paragraph 2.8, 3.7, 7.2.	10 Rebuttal statement of Mr Metherell, paragraph 14, 22, 63.

Conclusion

14. It is my opinion, having considered the evidence and the conditions proffered by the applicant, in the context of the relevant planning instruments that consent can be granted to the subject proposal.

John Kyle

13 November 2019