

IN THE MATTER OF

The Resource Management Act
1991

AND

IN THE MATTER OF

Applications CRC192408,
CRC192409, CRC192410,
CRC192411, CRC192412,
CRC192413 and CRC192414 to the
Canterbury Regional Council, and
Application RC185627 to the
Selwyn District Council, by Fulton
Hogan Limited to establish a
quarry operation at 107 Dawsons
Road and 220 Jones Road.

TABLED AT HEARING

Application:

.....

Date: ... *H. Dec 2019*

STATEMENT OF EVIDENCE OF SUSAN CLARE RUSTON

PLANNING ASSESSMENT

DATED 4th OF DECEMBER 2019

1. INTRODUCTION

- 1.1. My full name is Susan Clare Ruston. I am an environmental planner and Director of Enspire Consulting Limited¹. An introduction to Enspire is provided in my evidence in chief (dated the 14th of October 2019), as is an explanation of my qualifications and experience in addressing resource management and planning issues
- 1.1. While this is a Council Hearing, I acknowledge that I have read the Environment Court's Code of Conduct for Expert Witnesses, as contained in section 7 of the Environment Court's Practice Note 2014, and have complied with it in the preparation of this evidence. The data, information, facts and assumptions that I have considered in forming my opinions are set out in my evidence that follows. The reasons for the opinions expressed are also set out in the evidence that follows.
- 1.2. I confirm that the matters addressed in this brief of evidence are within my area of expertise, with the exception of where I confirm that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might

¹ Hereafter referred to as 'Enspire'

alter or detract from my opinions expressed in this brief of evidence. I have specified where my opinion is based on limited or partial information and I have identified any assumptions I have made in forming my opinions.

2. SCOPE OF EVIDENCE

- 2.1. I have been asked by Christchurch City Council² to provide independent planning evidence addressing the consistency of the proposed activity with the relevant planning mechanisms.
- 2.2. Since preparing my evidence in chief expert conferencing has been held for matters related to air quality, landscape, traffic management, noise and planning (amongst other matters); and joint witness statements³ have been produced.
- 2.3. The purpose of this evidence is to update my planning assessment in the light of the JWSs.
- 2.4. Documents relied upon in preparing this evidence are listed in paragraph 2.4 of my evidence dated the 14th of October 2019; along with the JWSs for Air Quality, Landscape, Traffic, and Noise.

3. NOISE

- 3.1. In brief, my evidence in chief concluded that while considerable steps had been taken by the applicant to mitigate the potential noise effects, the proposal was not consistent with the Selwyn District Plan's provisions relating to the period in which night time noise limits applied. The point of difference was the proposed 7am start of daytime activities by the Applicant versus the 7.30am commencement of daytime noise limits in the Selwyn District Plan.
- 3.2. The JWS–Noise has confirmed that the experts agree to conditions 43 and 44 of Mr Bligh's evidence in chief (para 6 of the JWS), and these conditions adopt 7am as the commencement of daytime activities. In doing so the experts noted that the limits and times were appropriate to protect health and provide a reasonable standard of amenity.

² Hereafter referred to as 'CCC'

³ Hereafter referred to as 'JWS'

- 3.3. The noise experts did not agree on the hours within which restrictions on heavy vehicle routes should be applied. I understand that Dr Chiles, Dr Trevathan, Mr Smith and Mr Jackett consider that condition 22 in Mr Bligh's evidence in chief should be amended to place restrictions on heavy vehicle routes between 8pm and 7am, while Mr Farren disagrees with this and instead considers 8pm to 6am is appropriate. Mr Farren has provided some explanation in paragraphs 61 to 70 of his evidence in chief dated the 23rd of September 2019, however, this remains a matter where expert agreement was not reached.
- 3.4. Given the differing positions of the noise experts, I consider that it is reasonable (and recognised good planning practice) to adopt a conservative approach to the issue by extending the restrictions on routes that the heavy vehicles may use, to be between the hours of 8pm and 7am (condition 21 of Appendix D of the JWS-Planning).
- 3.5. The JWS-Noise leads me to change the recommendations in my evidence in chief by:
- a) changing the daytime operating hours to commence at 7am (paragraph 5.5 of my evidence in chief);
 - b) changing the hours within which restrictions on heavy vehicle routes should be applied, to be between 8pm and 7am (paragraph 5.16 of my evidence in chief); and
 - c) leaving the proposed hours for restricting the volume of truck movements on Monday to Saturdays unchanged (paragraph 5.17 of my evidence in chief).

4. LANDSCAPE

- 4.1. In my evidence in chief, I recommended changes to strengthen the purpose of the Landscape Management Plan, and additional matters (including the Applicant entering into a bond) to strengthen the likelihood of the trees remaining after closure of the quarry.
- 4.2. I understand from the JWS-Landscaping, that the landscape experts have agreed to the following as a means of mitigating the potential effects to a level that is considered, by them, to be appropriate:

- a) the construction of the bund in its entirety prior to the commencement of Stage 1 quarrying activities;
- b) 80% grass cover to be maintained on the bunds at all times;
- c) establishment of the plantings within 2 years and that the irrigation system be maintained for a minimum of 5 years;
- d) an additional line of shelterbelt planting where no existing established shelterbelts exist;
- e) removal of the bunds once quarry operations cease, and as part of the rehabilitation plan; and
- f) retaining the edge treatment planting until the bunds are removed and establishment of grass cover is achieved over any disturbed land.

4.3. These mitigations appear to me to be fundamental to addressing the concerns raised in Ms Smith's evidence in chief, and in many of the submissions received from local residents. While these mitigations can be adopted in the Landscape Management Plan, it is my opinion that greater certainty needs to be provided to their implementation, and that this is best achieved by explicitly requiring their implementation through the conditions of any land use consent that may be granted.

4.4. With respect to the recommendations in my evidence in chief, I consider that the proposed condition 10 in the draft land use consent in Appendix D of the JWS-Planning satisfactorily addresses my recommendation in paragraph 6.10 of my evidence in chief regarding the purpose of the Landscape Management Plan; and provided there is a condition requiring the removal of the bunds when the quarrying activities are finished, I consider that there will be no need for the boundary trees to remain after closure of the quarry.

5. DUST

5.1. In brief, my evidence in chief concluded that the Dust Management Plan needs to include the management of potential dust discharges from the construction and life of the earth bunds, and the recontouring of slopes that is proposed as part of the rehabilitation activities. I now consider that these matters are sufficiently provided

for through the combination of conditions 1 and 27 of the draft discharge to air permit as provided in Appendix D of the JWS-Planning. Condition 1 lists the sources of contaminants to air at the proposed quarry site and includes “*construction and maintenance of bunds*” and “*Site rehabilitation*”; and condition 27 requires that the Dust Management Plan include “*The methods to be used for controlling dust at each source during site construction, operation of the quarry, aggregate crushing and screening, cleanfill deposition and rehabilitation including dust reduction through design methodologies*”.

- 5.2. With respect to Regulation 17(1) of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (which requires that a consent authority decline an application for a resource consent to discharge if the discharge would “*be likely, at any time*” to increase the concentration of PM₁₀ by more than 2.5 µg/m³ in any part of a polluted airshed), I understand that the air quality experts did not reach agreement on whether this regulation could be complied with. Accordingly, my opinion on this matter, as set out in paragraphs 7.6 to 7.10 of my evidence in chief, remains unchanged. This opinion is that if it is proven through this hearing process that it is likely that an increase in the concentration of PM₁₀ by more than 2.5 µg/m³ in any part of the Christchurch Airshed will result from the proposed activity, then the hearing panel has no choice but to decline the application.

6. TRAFFIC SAFETY

- 6.1. In brief, my evidence in chief concluded that a number of potential traffic safety effects remain unresolved. These primarily related to issues at the SH1/Dawsons Road roundabout; certainty of the choice of options for the Dawsons Road/Jones Road intersection; and uncertainty of the scale of risks and any necessary mitigations associated to the Dawsons Road level crossing approach to SH1.
- 6.2. I understand from the JWS-Traffic that the experts agree that both options for the Dawsons Road/Jones Road intersection “*can satisfactorily accommodate quarry related traffic*”. I have also been advised by Mr Kyle, for the Applicant, (during the Expert Planning Conference) that “*while both options were still part of the application, Mr Metherell had indicated a slight preference for Option 2 in his response to the*

*commissioners, and this is the Option that is located on the applicant's land rather than CCC's land"*⁴.

- 6.3. I have today further clarified with CCC their view with respect to Option 1 for the Dawsons Road/Jones Road intersection. The Council have confirmed that the land was specifically purchased for the development of a cemetery and sports grounds, and that as a result they do not intend to support the use of this land, or otherwise make it available, for roading purposes.
- 6.4. With respect to the Dawsons Road level crossing, the experts (in the JWS-Traffic) noted that the distance between the level crossing and Jones Road will be increased as a result of the Jones Road/Dawsons Road intersection upgrade, and that there is a low probability of queueing extending between the level crossing and the proposed roundabout. The experts noted that the roundabout design will be subject to a safety audit and they recommended that this audit consider the potential interaction of the roundabout with the level crossing.
- 6.5. With respect to the potential for queueing between the level crossing and the SH1/Dawsons Road roundabout, Mr Metherell has produced a draft Queue Management Plan. However, this plan currently addresses queues from the level crossing extending back to the new SH1/Dawsons Road roundabout, and the traffic experts have agreed that this should be extended to also include monitoring of the south bound traffic on Dawsons Road approaching the SH1 roundabout. The experts have indicated that there are likely to be technical solutions that can address the findings of such monitoring. Condition 38E of the draft land use consent in Appendix D to the JWS-Planning requires the monitoring of both of these potential traffic issues, and on this basis, I consider that the provisions for the Que Management Plan are an improvement from earlier draft conditions.
- 6.6. Further to the content of the Que Management Plan, condition 38F in the draft land use consent in Appendix D to the JWS-Planning provides for CCC to be a party to a collaborative workshop with the consent holder to discuss a draft Que Management Plan. I consider this to be helpful given the joint management relationship between CCC and Selwyn District Council for Dawsons Road.

⁴ Paragraph 60 JWS-Planning

- 6.7. Based on the outcomes of the JWS-Traffic, and that the agreed matters are reflected in the conditions of any consent that may be granted, I consider that the key traffic related concerns raised in my evidence in chief have been adequately addressed.

7. OTHER MATTERS

- 7.1. In yesterday's hearing, the Commissioners asked Mr Mike Mora whether the development of the CCC cemetery opposite the proposed quarry was identified in the CCC Long Term Plan, and what is the expected timeframe before the cemetery will be used for cemetery purposes.
- 7.2. I have put these questions to CCC this morning and I have been advised by Mr Eric Banks (CCC's Senior Network Planner Parks) that \$3.3m has been provided for in the current CCC Long Term Plan for the first stage of development of the cemetery site, and that the first stage of construction is expected to commence in Spring 2021 so that the first plots are available in mid-2022.

8. CONCLUSION

- 8.1. Having considered the JWSs for air quality, landscape, traffic management, noise and planning, and provided the conditions of consent agreed by the experts through the JWSs are adopted (should consents be granted), I consider that the activity will be more consistent with the relevant district and regional planning provisions than was proposed in the notified application.

I thank the Commissioners for affording me the time to present this evidence.



Susan Ruston

4th of December 2019

