

**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 CRC192408,
CRC192409, CRC192410,
CRC192411, CRC192412,
CRC192413 and CRC192414
by Fulton Hogan Limited for a
suite of resource consents to
establish a quarry operation

**SUPPLEMENTARY STATEMENT
WRITTEN REPLY TO MINUTE 14**

**SECTION 42A REPORTING OFFICER
CANTERBURY REGIONAL COUNCIL
PLANNING – HANNAH LOUISE GOSLIN**

DATED: 21 FEBRUARY 2020

1. INTRODUCTION

- 1.1 My name is Hannah Louise Goslin. I am a Senior Resource Management Consultant at Incite CHCH Ltd. An introduction to Incite and an explanation of my qualifications and experience is provided in my section 42A Report.
- 1.2 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 Practice Note 2014 and have complied with it in the preparation of this summary.

2. SCOPE OF STATEMENT

- 2.1 The purpose of this supplementary statement is to provide a written reply to Minute 14 from the Commissioners, following the reconvened hearing of 5th of February 2020.
- 2.2 Minute 14 from the Commissioners requested that Ms Ryan and I provide written comments on Mr Cudmore's new NESAQ¹ PM₁₀ offset evidence, the NESAQ legal submissions and specifically whether or not the material has led me to amend my end of hearing recommendation.
- 2.3 In preparing this statement, I have referred to the Supplementary Statement of Deborah Ryan, Air Quality on behalf of the Canterbury Regional Council, 21st February 2020; Supplementary Statement of Roger Steven Cudmore on behalf of Fulton Hogan Limited, PM₁₀ Offsetting, 5th February 2020 and the Addendum Synopsis of Closing Legal Submissions for Fulton Hogan, PM₁₀ Emissions, 5th of February 2020.

3. NESAQ REGULATION 17(3)

- 3.1 Regulation 17(3) of the NESAQ requires:

(3) Subclause (1) also does not apply if –

(a) the consent authority is satisfied that the applicant can reduce the PM₁₀ discharged from another source or sources into each polluted airshed to which subclause (1) applies by the same or a greater amount than the amount likely to be discharged into the relevant airshed by the discharge to be expressly allowed by the proposed consent; and

(b) the consent authority, if it intends to grant the proposed consent, includes conditions in the consent that require the reduction or reductions to take effect within

¹ Resource Management (National Environmental Standards for Air Quality) Regulations 2004

12 months after the consent is granted and then to be effective for the remaining duration of the consent.

3.2 To assess the extent to which the three offset options² meet the requirements of Regulation 17(3), I have dealt with Regulation 17(3)(a) and 17(3)(b) separately in the sections below. The final section of this Supplementary Statement sets out my recommendation in light of the new evidence provided.

4. NESAQ REGULATION 17(3)(A)

4.1 As I understand it, Regulation 17(3)(a) requires the consent authority to be satisfied that the applicant can remove at least as much PM₁₀ from the polluted airshed as may be contributed to the airshed while an activity is operating. This is consistent with paragraphs [38], [39] and [40] of the NESAQ Legal Submissions.³

4.2 As reported in Ms Ryan's Supplementary Statement⁴, Ms Ryan agrees with Mr Cudmore's estimated quantification of PM₁₀ likely to enter the polluted Christchurch Airshed, resulting from the operation of the proposed Roydon Quarry.

4.3 Based on the evidence provided, Ms Ryan considers all three offset options are sufficient to:

*"more than offset emissions that are within 500 metres of the airshed boundary."*⁵

4.4 Accordingly, Mr Cudmore and Ms Ryan conclude that Regulation 17(3)(a) is able to be met. As I have not seen written comments from Ms Wickham and Mr Kirkby on this matter, I am unable to conclude whether all air quality experts agree that Regulation 17(3)(a) is able to be met

5. NESAQ REGULATION 17(3)(B)

5.1 I consider Regulation 17(3)(b) is prescriptive, requiring conditions be included that result in reductions taking effect within 12 months of the consent being granted and then to be effective for the remaining duration of the consent. To date, there has been little evidence provided on how the applicant proposes to satisfy the requirements of Regulation 17(3)(b) in relation to each of the three offsets.

5.2 I understand from the additional evidence presented, there are three 'possible' offset options of which one (Roberts Road Quarry) has been formally proposed. Given the

² As set out in the Addendum Synopsis of Closing Legal Submissions for Fulton Hogan, PM₁₀ Emissions and Mr Cudmore's PM₁₀ Offsetting Statement

³ Dated 5th February 2020

⁴ Dated 21 February 2020

⁵ Supplementary Statement of Deborah Ryan, Air Quality on behalf of the Canterbury Regional Council, 21st February 2020. Para 4.2.

Roberts Road Quarry option has been identified as the applicant's preferred offset⁶, I have focused on this option in light of Regulation 17(3)(b). Acknowledging that the applicant is not offering an offset relating to the Pound Road Quarry at this time⁷, there is insufficient information to make a conclusion about whether offsets from the Pound Road Quarry would meet the requirements of Regulation 17(3)(b).

5.3 According to Canterbury Regional Council's Consents Database, the existing air discharge permit held by the applicant expires on 1 October 2022⁸. It appears, from the evidence provided to date, that the applicant's intention is to wait until the Roberts Road Quarry air discharge permit expires, then use this as an offset. I do not consider such an approach is consistent with Regulation 17(3)(b). Specifically, I do not consider the preferred offset meets the requirement to take effect within 12 months after the consent is granted and I consider there may be some tension in determining whether this offset option will be "*effective for the remaining duration of the consent*", given the Roberts Road Quarry consent is close to expiry.

5.4 An offset option that I consider could meet the requirements of Regulation 17(3) would be to include a condition on the proposed Roydon Quarry air discharge permit⁹ requiring the surrender of CRC150303 within 12 months of CRC192410 being granted. I consider this would be the most certain and enforceable option, however there may still be tension as to whether the offset would be "*effective for the remaining duration of the consent*" as indicated above.

6. RECOMMENDATION

6.1 Based on the proposal provided to date, I do not consider an offset in accordance with Regulation 17(3) of the NESAQ has been put forward and my recommendation to refuse the application for resource consent remains unchanged.

Hannah Goslin
21 February 2020

⁶ As set out in the Addendum Synopsis of Closing Legal Submissions for Fulton Hogan, PM₁₀ Emissions at paragraph [48]

⁷ As set out in the Addendum Synopsis of Closing Legal Submissions for Fulton Hogan, PM₁₀ Emissions at paragraph [52]

⁸ CRC150304

⁹ CRC192410