

CORPORATE OFFICE

Level 1
32 Oxford Terrace
Christchurch Central
CHRISTCHURCH 8011

Telephone: 0064 3 364 4160
Fax: 0064 3 364 4165

carolyn.gullery@cdhb.health.nz

24 August 2020

9(2)(a)

RE Official information request CDHB 10368

I refer to your email dated 28 July 2020 requesting the following information under the Official Information Act from Canterbury DHB. Specifically:

- **All correspondence and reports about Fulton Hogan appealing the resource consent conditions of its quarry near Templeton in Canterbury.**

Please find attached as **Appendix 1** information as requested and held by Canterbury DHB.

Please note: We have redacted information pursuant to section 9(2)(a) of the Official Information Act i.e. “.... To protect the privacy of natural persons, including those deceased.”.

I trust this satisfies your interest in this matter.

You may, under section 28(3) of the Official Information Act, seek a review of our decision to withhold information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely



Carolyn Gullery
Executive Director
Planning, Funding & Decision Support

From: Helen Graham
Sent: Wednesday, 6 May 2020 10:06 AM
To: Matt Willoughby
Cc: Cheryl Brunton
Subject: RE: Roydon Quarry

Hi Matt

Yes I agree with the decision not to appeal the decision

Kind regards

Helen

From: Matt Willoughby
Sent: Wednesday, 6 May 2020 10:04 a.m.
To: Helen Graham <Helen.Graham@cdhb.health.nz>
Cc: Cheryl Brunton <Cheryl.Brunton@cdhb.health.nz>
Subject: RE: Roydon Quarry

Kia ora Helen,

Sorry I know you're busy.

Cheryl and I just wanted to confirm that you're in agreement to not appeal the decision?

Matt

From: Matt Willoughby
Sent: Tuesday, 5 May 2020 10:14 a.m.
To: Helen Graham <Helen.Graham@cdhb.health.nz>; Bruce Waddleton <Bruce.Waddleton@cdhb.health.nz>; Alistair Humphrey <Alistair.Humphrey@cdhb.health.nz>; Tanya McCall <Tanya.McCall@cdhb.health.nz>; Ramon Pink <Ramon.Pink@cdhb.health.nz>; Cheryl Brunton <Cheryl.Brunton@cdhb.health.nz>
Subject: Roydon Quarry

Kia ora all,

I just had a phone call from ^{9(2)(a)} [REDACTED] at CCC) asking whether we would be appealing the Roydon Quarry decision.

I indicated that whilst COVID is our primary focus right now, we have reviewed the summary of the decisions and are mostly satisfied with the decision having accepted a lot of our recommendations. I added the caveat that we haven't been able to review the decision in full.

I indicated that we would not be appealing the decision.

Just confirming that this is our position?

REGARDS

MATT WILLOUGHBY

Health Protection Officer

Environment Team

Protection Team

Community and Public Health

A Division of the Canterbury District Health Board

Canterbury

District Health Board

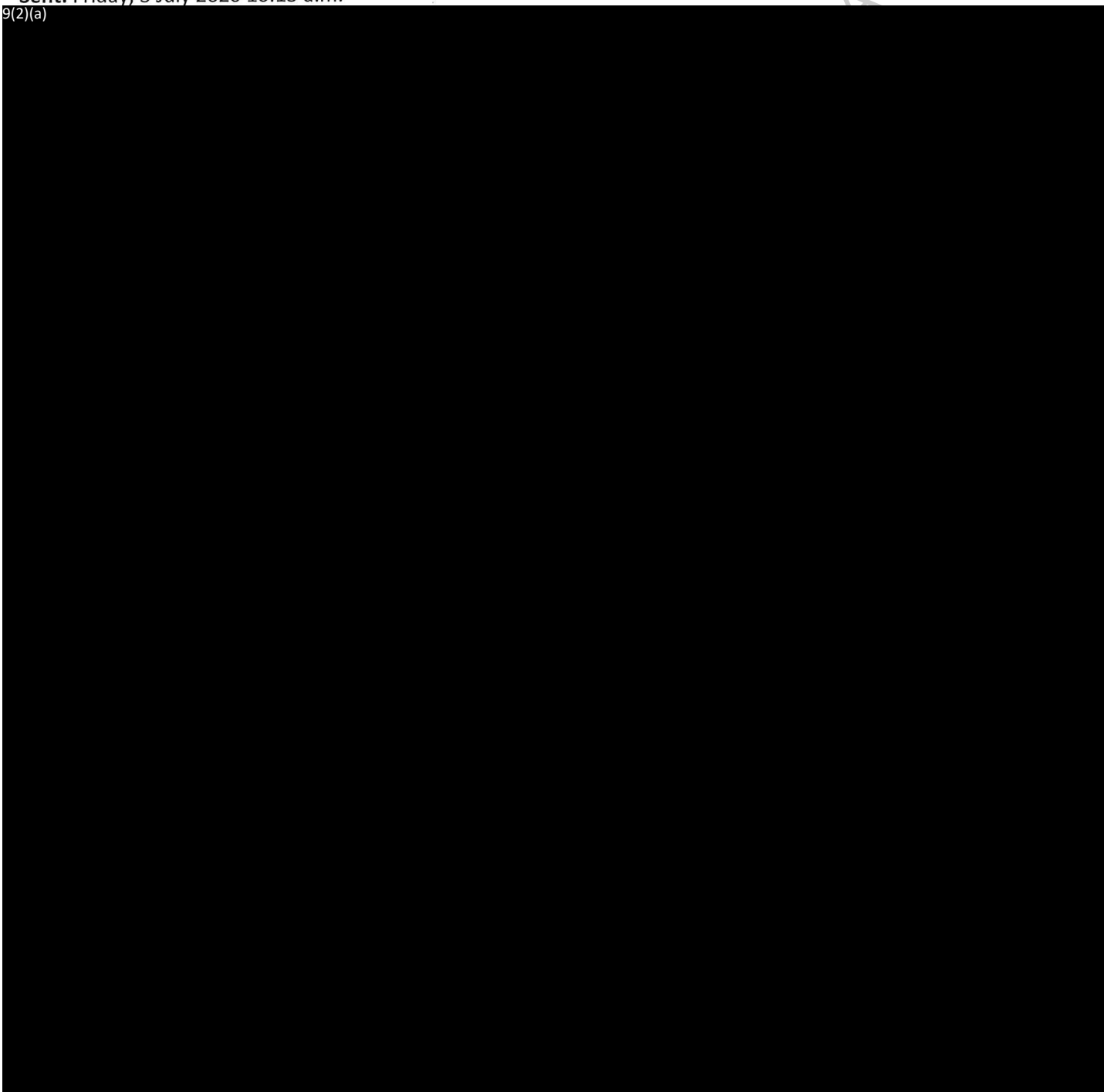
Te Pōwhiri Hauora o Waitaha

RELEASED UNDER THE OFFICIAL INFORMATION ACT

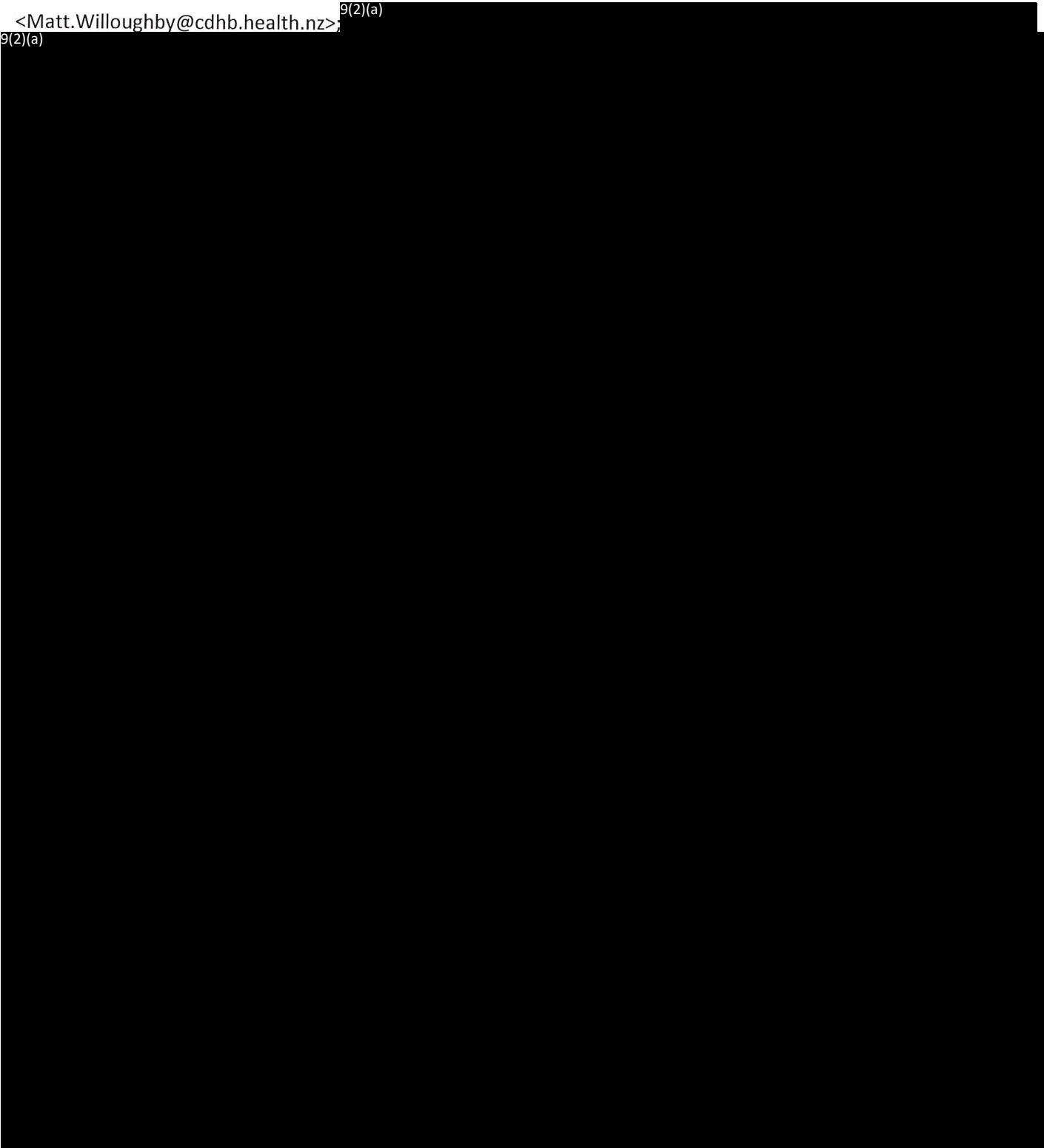
From: Matt Willoughby
Sent: Friday, 3 July 2020 10:16 AM
To: Helen Graham; Bruce Waddleton; 9(2)(a) Tanya McCall
Cc: Ramon Pink; Cheryl Brunton
Subject: FW: ENV-2020-CHC-094 - Appeal by Fulton Hogan Limited against decision of Independent Commissioners in respect of Roydon Quarry [EXTERNAL SENDER]
Attachments: 60240348_Appeal by Fulton Hogan Limited (with Annexure A) - 29 June 2020_(v1).PDF

FYI

From: 9(2)(a)
Sent: Friday, 3 July 2020 10:13 a.m.
9(2)(a)



<Matt.Willoughby@cdhb.health.nz>
9(2)(a)



Subject: ENV-2020-CHC-094 - Appeal by Fulton Hogan Limited against decision of Independent Commissioners in respect of Roydon Quarry [EXTERNAL SENDER]

Dear Sir / Madam

Please find **attached**, by way of service, a Notice of Appeal on behalf of Fulton Hogan Limited in respect of an appeal against the decision of the Independent Commissioners in respect of an application by Fulton Hogan Limited for all resource consents necessary to establish, operate, maintain and close an aggregate quarry (Roydon Quarry) at 107 Dawsons Road and 220 Jones Road, Templeton.

The appeal was lodged with the Environment Court on Monday 29 June 2020.

Regards

9(2)(a)

Barrister

9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I MUA I TE KŌTI TAIAO O AOTEAROA
TE ŌTAUTAHU ROHE

ENV-2020-CHC-

Under The Resource Management Act 1991

In the matter of An appeal pursuant to section 121 of the Act against a decision of the Independent Commissioners in respect of an application 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

Between **FULTON HOGAN LIMITED**

Appellant

And **SELWYN DISTRICT COUNCIL**

AND

CANTERBURY REGIONAL COUNCIL

Respondents

NOTICE OF APPEAL

DATED: 29 June 2020

Solicitor Acting: [REDACTED]
Email: [REDACTED]@fultonhogan.com
Telephone: [REDACTED]
 Private Bag 11-900
 Ellerslie, Auckland 1542

Counsel Acting: [REDACTED]
 [REDACTED]

TO: The Registrar
Environment Court
Canterbury

1. Fulton Hogan Limited (**Fulton Hogan**) makes this appeal in respect of a decision (**Decision**) to grant all resource consents necessary for Fulton Hogan to establish, operate, maintain and close an aggregate quarry (known as the **Roydon Quarry**) between Curraghs, Dawsons, Maddisons and Jones Roads, Templeton.
2. Fulton Hogan received notice of the Decision on Friday, 24 April 2020. Taking into account the public holiday for ANZAC day (on Monday 27 April), appeals were due to be filed by 18 May 2020. In a Minute dated 14 May 2020, the Environment Court extended the appeal period to Monday 29 June 2020. This appeal is filed in accordance with the Environment Court's direction.
3. The Decision was made by independent hearings commissioners acting on behalf of the Canterbury Regional Council (**CRC**) and Selwyn District Council (**SDC**).
4. The Decision grants a number of resource consents, subject to more than two hundred conditions. Fulton Hogan appeals **parts of the Decision** – namely, the following resource consent conditions (and, in respect of some conditions, only in part):
 - 4.1 SDC Land Use Consent RC185627:
 - (a) Condition 28;
 - (b) Condition 40; and
 - (c) Conditions 43(d) and (e).
 - 4.2 CRC General Conditions:
 - (a) Condition 18(e).
 - 4.3 CRC Discharge (to air) Permit CRC192410:
 - (a) Conditions 18 and 19;

- (b) Conditions 20 and 21;
- (c) Conditions 23 and 24;
- (d) Conditions 25 (u) and (v); and
- (e) Condition 28.

4.4 CRC Land Use Consents CRC192408 and CRC192409:

- (a) Condition 5;
- (b) Condition 9; and
- (c) Condition 33.

5. The **reasons** for Fulton Hogan's appeal against these conditions include those set out below (starting at paragraph 5.1). In addition to the specific reasons below, the conditions are opposed on the grounds that they:

- (a) are not for a valid resource management purpose;
- (b) do not have adequate regard to matters listed in section 7 of the Resource Management Act 1991 (**Act**), including the efficient use and development of natural resources;
- (c) are not necessary to achieve the objectives and policies of the relevant plans;
- (d) are unfair, unreasonable, uncertain, unworkable or disproportionate in their current form; and/or
- (e) will not promote the purpose of the Act.

5.1 SDC Land Use Consent RC185627

(a) **Condition 28 as it relates to the deposition of cleanfill during evening, night-time and Sunday periods.**

- (i) For the *evening* period, allowing the deposition of cleanfill will not create any additional, discernible adverse environmental effects. Accordingly, it would be a seamless addition to the suite of activities already allowed, at no environmental cost.
- (ii) Similarly and with respect to the *night-time* and *Sunday* periods (as per Condition 28), no discernibly different adverse effects

would be generated by cleanfill deposition activities within the Central Processing and Stockpiling Area (CPSA).

- (iii) In all of these time periods it is inefficient to exclude the *deposition* of cleanfill. This would have the effect of requiring all trucks arriving after 6pm to be empty. It is much more efficient if a trip to the Quarry achieves two purposes – leaving a load of cleanfill and collecting a load of aggregate.
- (iv) The activity of depositing cleanfill is benign. It is also distinct from the activity of *working* cleanfill. The Decision is incorrect in stating that Fulton Hogan's proposal excluded cleanfill *deposition* after 6pm (at paragraph [017]). Paragraph [133] accurately records Fulton Hogan's proposal, which includes cleanfill deposition at all times. However, the application proposed a restriction on when cleanfill could be *worked*. The Decision does not indicate an appreciation of the difference between the two activities and does not discuss why *deposition* should be restricted in a manner contrary to the application.

(b) **Condition 40 – traffic routing**

- (i) In effect, Condition 40 allows only right-turn-in access to the Quarry and left-turn-out exiting. Fulton Hogan can commit to this between the hours of 8pm and 6am because only Fulton Hogan-controlled fleet can access the Quarry within those hours (as per Condition 39).
- (ii) The expert traffic evidence demonstrated:
 - (1) The surrounding road network has ample capacity for projected traffic levels; and
 - (2) Only a small number of vehicles might seek to travel on local roads (or exit the site by turning right) because, for the most part, the logical route choice will entail the State Highway network.
- (iii) The expert assessment of traffic generation and likely patterns was undertaken without any assumed benefit from driver behaviour measures Fulton Hogan might use. As it is, Fulton Hogan proposes measures which are intended to further

discourage drivers from using routes other than the State Highway network. Being an experienced operator Fulton Hogan is confident in its ability to influence, to a large extent, route selection behaviour. However, absolute control is not realistic and neither is it necessary in this situation, in terms of environmental effects.

- (iv) Between the hours of 6am and 8pm not all heavy vehicles arriving at and leaving from the site will be under Fulton Hogan control. The strict nature of Condition 40 presents an undue enforcement risk for Fulton Hogan – the risk being entirely out of proportion to any adverse effects that might arise.
- (v) In addition, the absence of any flexibility in Condition 40 risks forcing some local deliveries along inefficient routes. The inefficiencies at issue are disproportionate to any potential adverse effects when considered in the context of traffic that will, for the most part, use the State Highway network infrastructure.
- (vi) For the avoidance of doubt, Fulton Hogan will not support and is not promoting the use of local roads or traffic through Templeton. To the contrary, Fulton Hogan will actively dissuade drivers from using such routes in the overwhelming majority of cases.

(c) Conditions 43(d) and (e) in respect of covering loads entering and exiting the site.

- (i) The requirement to cover all incoming and outgoing loads is not necessary to manage potential adverse effects. Evidence before the Panel confirmed that every vehicle leaving the site would automatically pass under a spray bar and therefore have its load dampened. As such, Condition 43(e) as originally drafted made sense. However, it was changed by the Panel as a section 133A correction and now requires both covering and wetting of loads. This does not make sense given the configuration of the site as it relates to the spray bar. It is not necessary, either, given the relatively large product size that is to be produced.
- (ii) The requirement to cover incoming loads is not practical. Not all vehicles entering the site will be Fulton Hogan-controlled fleet. A

requirement to cover all loads before entry would require some kind of intervention outside of the site, before vehicles reach it.

- (iii) The CRC consent (for discharge to air) also addresses loads entering and leaving the site. Conditions 25(u) and (v) are similar to the District Council conditions discussed here. Those two Regional Council conditions are also appealed.

5.2 CRC General Conditions

(a) **Condition 18(e) in respect of reviews.**

- (i) Condition 18(e) purportedly provides scope for a review of consent conditions to be initiated for the purposes of (amongst other things):

...off-setting or compensating for any adverse effects on human health arising from suspended particulate matter (including dust and Respirable Crystalline Silica) generated by quarry activities.

- (ii) This is a novel approach to a section 128 condition. Fulton Hogan seeks deletion of this sub-paragraph in its entirety.
- (iii) The Condition is unreasonable and highly uncertain – it is difficult to envisage:
 - (1) What kind of health effect is being referred to in the Condition; and
 - (2) How an adverse health effect could be either offset or compensated.
- (iv) The condition is challenged both in terms of its reasonableness on the merits and its lawfulness.

5.3 CRC Discharge Permit CRC192410

(a) **Conditions 18 and 19 (which are interrelated)**

- (i) These conditions require six dust monitoring devices to be installed prior to *quarry activities* occurring and during *quarry operations (four regulatory certified PM₁₀ monitors and two dust-management monitors)*. The extensive monitoring required is not

supported by the potential adverse effects. Nor was it suggested (expressly or impliedly) by the five expert witnesses who provided air quality evidence to the hearings commissioners (on behalf of a range of interests).

- (ii) The second Joint Witness Statement of the experts generally agreed that adequate monitoring could be achieved with one permanent, certified PM₁₀ monitor and two mobile dust management monitors.
- (iii) Condition 19 requires two mobile monitors, which is consistent with the experts' second Joint Witness Statement. However, Condition 18 already requires 4 regulatory certified monitors. It is Fulton Hogan's position that Conditions 18 and 19 should require one permanent, regulatory certified monitor and four calibrated, mobile monitors.
- (iv) The financial burden of Condition 18 is far in excess of what is needed to measure compliance with Regulation 17 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (**NESAQ**). The most essential regulatory compliance monitor is that located on the eastern boundary. That monitor could quite properly be required to be certified. Other monitors should be calibrated to it and, in that case, can appropriately fulfil the task required of them and allow regulatory compliance to be measured.
- (v) Overall, the Conditions imposed result in excessive monitoring requirements and, in some instances, could result in two monitors being required at the same place or in close proximity. The cost burden imposed by this monitoring regime is not proportional to any adverse environmental effects or any benefit monitoring can bring about.

(b) Conditions 20 and 21 (also interrelated)

- (i) As imposed, these conditions require a significant "study" of silica levels around the site. The study is for a much longer period than the relatively recent MOTE Study,¹ which was referred to

¹ Mote (2018). Yaldhurst Air Quality Monitoring: Summary Report: 22 December-21 April 2018. Prepared for Environment Canterbury, June 2018, Paul Baynham, Mote Ltd. The report is available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiEzZeBxaXgAhUpyDgGHeZ>

extensively throughout the hearing and is widely touted as the most informative study on the issue to date.

- (ii) At the Council hearing, Fulton Hogan volunteered to design and undertake a monitoring campaign of Respirable Crystalline Silica. The study was intended to occur during the operational phase of the Quarry and over a summer-time period (i.e. 4 months, as per the MOTE study). The type of campaign envisaged was materially less burdensome and more useful, than that now required by Condition 20.
- (iii) Condition 21 requires a report to be prepared following the 12-month monitoring programme. Because the monitoring programme required is extensive, the report will be similarly extensive and, consequently, costly to compile. Overall, the financial impact of Conditions 20 and 21 is unnecessarily onerous when considered in light of the low potential for RCS impacts, as discussed in expert evidence.
- (iv) Fulton Hogan remains willing to undertake a study. It seeks to ensure any study required is both relevant and proportionate to the issue it is designed to study. Fulton Hogan therefore proposes two, 4-month-long monitoring campaigns rather than one, 12-month campaign.

(c) Conditions 23 and 24 insofar as they purport to capture all activities as opposed to only dust-generating ones.

- (i) These conditions require all activities to cease under particular wind conditions. Fulton Hogan accepts the logic of some activities ceasing when certain conditions prevail – indeed, Fulton Hogan offered conditions of this type.
- (ii) The context for Conditions 23 and 24 is highly relevant. Fulton Hogan offered (and is now committed to) having only 5 hectares of potentially dust-generating area open at any one time.
- (iii) It is Fulton Hogan's position that only a subset of the activities that may occur on site, would need to stop under certain meteorological conditions. The Conditions currently capture all

activities, regardless of their dust-generation potential. As such, the Conditions are too blunt, broad and onerous. However, Fulton Hogan can accept the conditions provided:

- (1) Condition 24 is limited to activities within 250m of sensitive receptors (as Condition 23 is); and
 - (2) Both conditions have an express exclusion for vehicle movements along the site access road.
- (d) **Conditions 25(u) and (v) in respect of the covering of all loaded heavy vehicles entering the site.**
- (i) Essentially, as above for Conditions 43(d) and (e) of SDC Land Use Consent RC185627.
- (e) **Condition 28.**
- (i) Condition 28 is unnecessary to ensure dust suppression activities can be carried out. Condition 27 could cater for the scenario covered by Condition 28, and in the same way. In addition, Conditions 25(z), (bb) and (cc) require adequate water to be planned for throughout operations.

5.4 CRC Land Use Consents CRC192408 and CRC192409

- (a) **Condition 5 in respect of excavation depth**
- (i) Fulton Hogan seeks a minor change to this condition so that permissible excavation depths are defined by reference to an RL level, as opposed to metres below ground level. Importantly, Fulton Hogan is not seeking to reduce the "1m buffer", as it is commonly called.
- (b) **Condition 9 in respect of raising previously rehabilitated area**
- (i) The only aspect of this Condition appealed, is that which would require raising the level of previously rehabilitated land. This is considerably more onerous than what the Land and Water Regional Plan (**LWRP**) would require of any activity that can (as of right) excavate down to 1m above highest recorded groundwater level. The existing level of permission (in the LWRP) is not referred to as a "permitted baseline" per se, but it

illustrates the acceptability of effects if groundwater rises into the one metre buffer and possibly even into cleanfill. Cleanfill is, by definition, inert.

(c) **Condition 33**

- (i) Fulton Hogan seeks a minor addition to the Condition, to ensure action is only required by Fulton Hogan where exceedances are attributable to the Quarry. Without this addition, Fulton Hogan may have to spend money remedying adverse effects that are entirely beyond its control and unrelated to its activities.
- (ii) For clarity, Fulton Hogan also seeks that Condition 33(c) includes a cross-reference to the monitoring being undertaken in accordance with Condition 29.

6. Fulton Hogan seeks the following **relief**:

- (a) Changes to the Conditions in accordance with the intent of the appeal as expressed above and as set out (or similar) in **Annexure 1** to this appeal (entitled "Changes to Conditions Sought");
- (b) Such alternative, further, consequential and/or additional relief as is required to give effect to the intent of this appeal (including, for example, renumbering of conditions);
- (c) The correction of any typographical/spelling errors; and
- (d) Costs.

7. The following documents are available for download at the following link <https://ecan.govt.nz/do-it-online/resource-consents/notifications-and-submissions/current-consent-projects/fulton-hogan-ltd-proposed-roydon-quarry/>:

- (a) A copy of Fulton Hogan's resource consent application;²
- (b) Copies of Fulton Hogan's further information responses dated 12 March 2019 and August 2019 and the corresponding requests for further information;³

² All documents under the heading "Application".

³ All documents under the headings "s92 Response – Pre Notification" and "s92 Response – Post Notification".

(c) A copy of the Decision;⁴ and

(d) A copy of the section 133A Decision.⁵

8. All of the persons who filed a submission on Fulton Hogan's resource consent application will be served with a copy of this notice.

Dated 29 June 2020

9(2)(a)

Counsel for Fulton Hogan Limited

This notice of appeal is filed by 9(2)(a) counsel for Fulton Hogan Limited whose address for service is at the offices of Bridgeside Chambers, Level 6, 77 Hereford Street, Christchurch 8140. Documents for service on the abovenamed can be left at that address or may be:

1. Posted to counsel at PO Box 3180, Christchurch 8013; or

2. Sent to counsel by email at 9(2)(a)

⁴ Hearing Commissioners Joint Hearing Decision Report, Part 1, Appendix 1 (SDC Conditions) and Appendix 2 (CRC Conditions).

⁵ Minute 16 Commissioner's corrections to conditions.

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if –

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of Fulton Hogan's application, the further information responses dated 12 March 2019 and August 2019 and the relevant decisions. These documents are available at <https://ecan.govt.nz/do-it-online/resource-consents/notifications-and-submissions/current-consent-projects/fulton-hogan-ltd-proposed-roydon-quarry/> and may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Annexure A – Changes to Conditions Sought

Amendments are shown as follows: Additions shown in blue underlined text and ~~Deletions shown in red strikethrough text.~~

SDC Land use consent RC185627

Operational Conditions – General

Condition 28

Amend Table 1 so that the deposition of cleanfill can occur during evenings, night times and Sundays.

Table 1: Hours of quarry activities and other associated activities.

When			Allowable activities
At all times			Dust suppression, operation of weighbridge office activities, site security and light maintenance.
Daytime	Monday to Saturday, excluding Public Holidays.	7.00 am to 6.00 pm	Full range of <i>quarry activities</i> except processing of aggregates with mobile plant is limited to a maximum of 120 days per annum.
Early Morning		6.00 am to 7.00 am	Deposition of cleanfill, loading and transportation of material, and movement of vehicles associated with these activities. Site pre-start up including operational warm up of conveyors and machinery.
Evening	Monday to Saturday on up to 150 days per annum, excluding Public Holidays.	6.00 pm to 8.00 pm	Full range of <i>quarry activities</i> excluding processing of aggregates with mobile plant and deposition of cleanfill.
Night-time	Monday to Saturday on up to 30 nights per annum, excluding Public Holidays.	8.00 pm to 6.00 am.	Loading and transportation of material, and movement of vehicles associated with these activities.
Sunday	On up to 15 Sundays per annum, excluding Public Holidays.	7.00 am to 6.00 pm	

Condition 40

Replace Condition 40 with:

The Consent Holder shall take all practicable steps to ensure heavy vehicles associated with the operations of the quarry shall not travel on those parts of any roads within the area identified on Figure RC185627B.



Condition 43

Delete sub-condition (d) and amend sub-condition (e), so that it reads as granted rather than as amended under s133A of the Act.

To avoid material being deposited, dropped or tracked onto public roads from the quarry site, the following measures must be put in place for the heavy vehicle access road:

a)

...

~~d) Loaded heavy vehicles arriving at the site must have their load covered; and~~

e) Heavy vehicles with aggregate or other quarry material leaving the site must either cover their load ~~and~~ or have the load dampened with water spray before leaving the site.

CRC GENERAL CONDITIONS (applying to all CRC resource consents):

Condition 18

The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of these consents for the purposes of:

- a) Dealing with any adverse effect on the environment which may arise from the exercise of these consents and which it is appropriate to deal with at a later stage;
- b) Amending dust suppression requirements;
- c) Amending suspended particulate (dust) and groundwater monitoring requirements;
- d) Ensuring compliance with any relevant National Environmental Standards; and
- ~~e) Avoiding, remedying, mitigating, off-setting or compensating for any adverse effects on human health arising from suspended particulate matter ((including dust and Respirable Crystalline Silica) generated by quarry activities.~~

DISCHARGE PERMIT CRC192410 - TO DISCHARGE CONTAMINANTS INTO AIR FROM AN INDUSTRIAL OR TRADE PREMISE OR PROCESS

Condition 18

Prior to the commencement of quarry activities, a permanent real-time PM₁₀ monitor (US EPA or Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NESAQ) compliant equipment) must be installed and operated on ~~each of the quarry's northern, eastern, southern and western~~ site boundary~~ies~~. There shall also be two mobile monitors that can be calibrated with the compliant monitor and operated along the site boundaries as appropriate.

- a) The eastern site boundary PM₁₀ compliant monitor must be located directly adjacent to the centre of the proposed Stage 1 quarrying operations area;
- b) Each of the site boundary PM₁₀ monitors must record hourly and 24-hourly average PM₁₀ concentrations; and
- c) The consent holder must consult with the CRC Manager regarding the location of each PM₁₀ monitor ~~on each of the four site boundaries~~.

~~**Advice Note:** The intent of locating a permanent PM₁₀ monitor on each site boundary is to provide up wind and down wind PM₁₀ measurements regardless of wind direction. This intent should be taken into account when locating the monitors on each site boundary.~~

Condition 19

19A) Prior to the commencement of site preparation activities, the consent holder must locate real-time PM₁₀ monitors (referred to as the "mobile monitors") on each of the quarry's southern and western site boundaries.

19B) On each day that quarry ~~activities~~ operations are undertaken, the mobile monitors must be located ~~directly~~ between the centre of that day's quarry ~~activities~~ operations and the nearest downwind off-site sensitive location that is less than 500 metres away from ~~the site preparation activities~~ quarry operations.

The two mobile monitors must be of a type that are suitable for dust management but need not meet the standard for NESAQ compliance monitoring. The mobile monitors must be calibrated against one or more of the permanent real-time PM₁₀ monitors required under Condition 18.

Condition 20

Prior to the commencement of quarrying operations, the consent holder must design and implement a Respirable Crystalline Silica (RCS) monitoring programme in consultation with the ~~Canterbury District Health Board (CDHB) and the~~ CRC Manager. The RCS monitoring programme must be:

- a) designed to assess compliance with the following standards:
 - (i) 47 micrograms per cubic metre ($\mu\text{g}/\text{m}^3$) 1-hour level of RCS;
 - (ii) 3 $\mu\text{g}/\text{m}^3$ annual average level of RCS; and
 - (iii) 25 $\mu\text{g}/\text{m}^3$ 24-hour average level of $\text{PM}_{2.5}$;

at the western edge of the Templeton urban area and at any residential dwelling located within 500 metres of Stage 1 quarrying operations;
- b) undertaken for ~~at least 12 continuous~~ two minimum 4-month summer campaigns;
- c) include reporting requirements to ~~the CDHB and~~ the CRC Manager;
- d) peer reviewed by a Suitably Qualified and Experienced Practitioner (SQEP), with any recommendations of that practitioner regarding the design or implementation of the programme being adopted; and
- e) provided to the CRC Manager for certification prior to being commenced.

Condition 21

Within ~~two~~ one months of the completion of ~~the~~ each RCS monitoring ~~programme~~ campaign, the consent holder must prepare a report outlining the results of the programme and any implications of RCS generated by quarrying operations for human health, particular for that of the residents of Templeton and the occupants of any residential dwellings located with 500 metres of Stage 1 quarrying operations. The report must be provided to the CRC Manager, the CDHB and members of the Community Liaison Group. The report must also be made publicly available on the consent holder's webpage (fultonhogan.com or any replacement consent holder's web address).

Dust Mitigation

Condition 23

Quarry activities (except dust suppression measures) within 250 metres of a sensitive receptor location must not be undertaken when the wind direction (10-minute average) places quarry activities directly upwind of the sensitive receptor location and the wind speed reaches or exceeds 7 m/s. This does not apply to vehicle movements along the site access road or any quarries activities more than 250 m from a sensitive receptor;

Condition 24

If at any time, including outside normal operating hours, visible dust is blowing beyond the site boundary or if the Condition 22 PM₁₀ monitoring trigger is breached the consent holder must:

- a) Cease all quarry activities within 250 metres of a sensitive receptor. This does not apply to vehicle movements along the site access road or any quarries activities more than 250 m from a sensitive receptor;
- b) Continue all dust suppression activities including but not limited to the immediate watering of both active and inactive exposed surfaces;
- c) Investigate possible sources of the dust;
- d) Only resume quarry activities (other than dust suppression) once there is no longer visible dust blowing beyond the site boundaries and when the monitoring trigger in Condition 22 is no longer being breached; and
- e) Notify the CRC Manager within one working day of the dust event, including its cause and the dust suppression actions undertaken.

Condition 25

The consent holder must take all reasonably practicable measures to minimise the discharge of dust from quarry activities, including but not limited to:

- a) ...
- u) Ensuring trucks leaving the site with loads of sand or similar fine material have their loads covered ~~and all trucks leaving the site or~~ pass under an operational water spray boom;

v) ~~Ensuring all trucks entering the site with loads of cleanfill are covered;~~

w) ...

Condition 28

Should the ability to take water authorised under Water Permit CRC182422 cease at any time in accordance with Condition 2(c) of CRC182422, the consent holder ~~must cease~~ shall assess the need to temporarily cease some or all parts of quarry activities requiring water usage to manage dust, until such time when water can be taken again.

LAND USE CONSENT CRC192408 and CRC192409 - TO EXCAVATE MATERIAL and TO DEPOSIT CLEANFILL MATERIAL OVER AN UNCONFINED/SEMI-CONFINED AQUIFER

Condition 5

Excavation of aggregate and deposition of cleanfill must only occur where the quarry floor maintains at least one metre separation depth to groundwater. This must be achieved by ensuring the base of the quarry is no deeper than (unless shallower depths are determined pursuant to Condition 7):

- a) ~~9.9 metres below natural ground level in the northwest area of the site~~
(42.99 m RL in the northwest area of the site); and
- b) ~~8.1 metres below natural ground level in the southeast area of the site~~
(33.22 m RL in the southeast area of the site);

in accordance with the contour plan included as Plan CRC192408B, attached to and forming part of this consent.

Groundwater Level Monitoring

Condition 9

Should the groundwater water level increase (at times of high-water table) so that the separation is less than one metre between the measured groundwater levels and the current (at that time) ground level within the active quarry floor ~~quarry site~~ ~~(be it the base of the active quarry floor or the ground level of any rehabilitated area)~~, then:

- a) ~~then~~ any machinery (other than that used for applying virgin materials under (b) below) must be moved away from these areas;
- b) the consent holder must apply virgin materials to that area, so as to re-establish a one metre separation distance throughout the quarry site. For the avoidance of doubt, this requirement does not apply to any areas which have already been rehabilitated; and
- c) the consent holder must decrease the maximum allowable depth of extraction in conformance with Conditions 7 and 8. The decreased maximum allowable depth of extraction must be reported to the CRC Manager.

Advice Note: For the purpose of this consent, 'virgin materials' is aggregate that is of comparable quality and composition to aggregate which was excavated.

Condition 33

If the results of analysis of the second groundwater samples carried out in accordance with Condition 31 show an exceedance of the trigger concentrations in Table 2 as determined by Condition 30, the consent holder must:

- a) ...
- c) Sample (in accordance with Condition 29) all domestic wells within 500 metres downgradient of the affected monitoring bore (subject to well owner approval);
- d) ...
- e) If any domestic bore sample reveals an adverse effect on drinking-water quality which was not present at the time of baseline sampling ~~prior to quarrying operations commencing~~, and which is more than likely attributable to the quarrying operations, including on its taste, clarity or smell, then the consent holder must either provide the well user with an alternative supply of potable water, provide an appropriate water treatment system, or install a deeper well for the user (subject to the land owner's approval); and
- f) Implement necessary measures to reduce the concentration of the contaminant in groundwater. Such measures may include:
 - i) cessation of activities that may have caused the exceedance;

- ii) *removal of the contaminant source(s);*
- iii) *stabilisation or capping of the contaminant source(s); and*
- iv) *revision of cleanfill management procedures.*

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Cheryl Brunton
Sent: Thursday, 16 July 2020 10:46 AM
To: Helen Graham; Tanya McCall
Subject: RE: Roydon Quarry[EXTERNAL SENDER]

Yes

From: Helen Graham
Sent: Wednesday, 15 July 2020 2:30 PM
To: Tanya McCall <Tanya.McCall@cdhb.health.nz>; Cheryl Brunton <Cheryl.Brunton@cdhb.health.nz>
Subject: FW: Roydon Quarry[EXTERNAL SENDER]

Are you happy for me to say we will not be joining the appeal?

Thanks

Helen

From: Matt Willoughby
Sent: Wednesday, 15 July 2020 2:27 p.m.
To: ^{9(2)(a)} [REDACTED] <[REDACTED]@ccc.govt.nz>; Helen Graham <Helen.Graham@cdhb.health.nz>; Tanya McCall <Tanya.McCall@cdhb.health.nz>
Subject: Re: Roydon Quarry[EXTERNAL SENDER]

Hi ^{9(2)(a)} [REDACTED]

I've CC'd in my Team Leader, Helen and Manager, Tanya.

I'll be back in the office tomorrow so can get an answer to you then unless Helen and Tanya are able to repond today.

Cheers,

Matt

Get [Outlook for Android](#)

From: ^{9(2)(a)} [REDACTED] <[REDACTED]@ccc.govt.nz>
Sent: Wednesday, 15 July 2020, 10:58 AM
To: Matt Willoughby (CDHB)
Subject: RE: Roydon Quarry[EXTERNAL SENDER]

Hi Matt,

Sorry to hear you are sick. I hope you get better soon. Is there someone else we can talk to at CDHB to confirm about whether CDHB will join the appeal or not? Council want to know this week. The deadline for joining is Monday.

Regards

9(2)(a)

City Planning (E)



9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch

PO Box 73012, Christchurch 8154

ccc.govt.nz

**From:** Matt Willoughby <Matt.Willoughby@cdhb.health.nz>**Sent:** Wednesday, 15 July 2020 10:53 a.m.**To:** 9(2)(a) <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>**Subject:** Re: Roydon Quarry[EXTERNAL SENDER]

Hi 9(2)(a)

I'm currently off sick but will likely be back tomorrow.

I imagine the CDHB's position will be that we won't be joining an appeal.

Cheers,

Matt

Get [Outlook for Android](#)**From:** 9(2)(a) <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>**Sent:** Monday, 13 July 2020, 1:13 PM**To:** Matt Willoughby (CDHB)**Subject:** Roydon Quarry[EXTERNAL SENDER]

Hi Matt,

Further to your phone message, that was cut short, it would be good to have a discussion with you about Roydon Quarry. You may have seen that Council has decided to join an appeal

<https://newsline.ccc.govt.nz/news/story/council-to-join-quarry-appeal>. They are also concerned about air quality. However Council did not provide evidence on air quality and are wanting to know, if the CDHB will join an appeal on air quality grounds.

Regards

9(2)(a)

9(2)(a)

City Planning (E)



9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz



This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council.

If you are not the correct recipient of this email please advise the sender and delete.

Christchurch City Council

<http://www.ccc.govt.nz>

This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council.

If you are not the correct recipient of this email please advise the sender and delete.

Christchurch City Council

<http://www.ccc.govt.nz>

From: Helen Graham
Sent: Friday, 17 July 2020 2:18 PM
To: [REDACTED]
Cc: Matt Willoughby; Tanya McCall; Cheryl Brunton; Ramon Pink; Bruce Waddleton
Subject: RE: Roydon Quarry[EXTERNAL SENDER]

Hi [REDACTED]

Sorry for the delay in replying. I can confirm CDHB will not be joining the appeal for the Roydon Quarry.

Kind Regards

Helen

Helen Graham

Team Leader | Protection Team
 Community and Public Health
 Canterbury District Health Board
 310 Manchester Street | Christchurch
 PO Box 1475 | Christchurch | 8013

Ext: 82795 [REDACTED]

Email: Helen.Graham@cdhb.health.nz | **Website:** www.cph.co.nz

Canterbury

District Health Board
 Te Pōwhiri Hauora o Waitaha

From: Matt Willoughby

Sent: Friday, 17 July 2020 1:50 p.m.

To: Helen Graham <Helen.Graham@cdhb.health.nz>; Tanya McCall <Tanya.McCall@cdhb.health.nz>; [REDACTED]
 [REDACTED] <[\[REDACTED\]@ccc.govt.nz](mailto:[REDACTED]@ccc.govt.nz)>; Cheryl Brunton <Cheryl.Brunton@cdhb.health.nz>; Ramon Pink
 <Ramon.Pink@cdhb.health.nz>; Bruce Waddleton <Bruce.Waddleton@cdhb.health.nz>

Subject: Re: Roydon Quarry[EXTERNAL SENDER]

Kia ora [REDACTED]

Apologies as I am still off unwell. I suspect Tanya and Helen are flat tack with COVID so may not have had the chance to discuss this to get an answer to you.

I've CC'd in my colleague Bruce and Medical Officers of Health, Cheryl and Ramon.

I imagine that the CDHB won't be joining the appeal, but I'll leave that to my colleagues to confirm.

Ngā mihi,

Matt

Get [Outlook for Android](#)

From: 9(2)(a) <[REDACTED]@ccc.govt.nz>
Sent: Friday, 17 July 2020, 11:25 AM
To: Matt Willoughby (CDHB); Graham, Helen; Tanya McCall
Subject: RE: Roydon Quarry[EXTERNAL SENDER]

Hi Matt,

I hope you are feeling better. Sorry to keep bugging you. Any update on this? Are you able to confirm about whether CDHB will join the appeal or not?

Regards

9(2)(a)

9(2)(a)

City Planning (E)



9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz

Christchurch
City Council 

From: Matt Willoughby <Matt.Willoughby@cdhb.health.nz>
Sent: Wednesday, 15 July 2020 2:27 p.m.
To: 9(2)(a) <[REDACTED]@ccc.govt.nz>; Graham, Helen <helen.graham@cdhb.health.nz>; Tanya McCall <Tanya.McCall@cdhb.health.nz>
Subject: Re: Roydon Quarry[EXTERNAL SENDER]

Hi 9(2)(a)

I've CC'd in my Team Leader, Helen and Manager, Tanya.

I'll be back in the office tomorrow so can get an answer to you then unless Helen and Tanya are able to respond today.

Cheers,

Matt

Get [Outlook for Android](#)

From: 9(2)(a) <[REDACTED]@ccc.govt.nz>
Sent: Wednesday, 15 July 2020, 10:58 AM
To: Matt Willoughby (CDHB)
Subject: RE: Roydon Quarry[EXTERNAL SENDER]

Hi Matt,

Sorry to hear you are sick. I hope you get better soon. Is there someone else we can talk to at CDHB to confirm about whether CDHB will join the appeal or not? Council want to know this week. The deadline for joining is Monday.

Regards

9(2)(a)

9(2)(a)

City Planning (E)



9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz



From: Matt Willoughby <Matt.Willoughby@cdhb.health.nz>
Sent: Wednesday, 15 July 2020 10:53 a.m.
To: 9(2)(a) <[REDACTED]@ccc.govt.nz>
Subject: Re: Roydon Quarry[EXTERNAL SENDER]

Hi

9(2)(a)

I'm currently off sick but will likely be back tomorrow.

I imagine the CDHB's position will be that we won't be joining an appeal.

Cheers,

Matt

Get [Outlook for Android](#)

From: 9(2)(a) <[REDACTED]@ccc.govt.nz>
Sent: Monday, 13 July 2020, 1:13 PM

To: Matt Willoughby (CDHB)
Subject: Roydon Quarry[EXTERNAL SENDER]

Hi Matt,

Further to you phone message, that was cut short, It would be good to have a discussion with you about Roydon Quarry. You may have seen that Council has decided to join an appeal <https://newsline.ccc.govt.nz/news/story/council-to-join-quarry-appeal>. They are also concerned about air quality. However Council did not provide evidence on air quality and are wanting to know, if the CDHB will join an appeal on air quality grounds.

Regards

9(2)(a)

9(2)(a)

City Planning (E)

9(2)(a)



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz



This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council. If you are not the correct recipient of this email please advise the sender and delete.

Christchurch City Council

<http://www.ccc.govt.nz>

This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council. If you are not the correct recipient of this email please advise the sender and delete.

Christchurch City Council