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Subject: Submission Proposed Regional Air Plan - Meridian Energy Limited
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Attachments: [Meridian Energy Limited - Submission Proposed Canterbury Regional Air Plan.pdf](#)

Please find attached a submission to the Proposed Regional Air Plan from Meridian Energy Limited.

We would appreciate acknowledgement that this submission has been received.

Regards

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**SUBMISSION ON THE PROPOSED CANTERBURY REGIONAL AIR PLAN
PREPARED UNDER THE FIRST SCHEDULE TO THE RESOURCE
MANAGEMENT ACT 1991**

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Meridian Energy Limited (Meridian) makes the general and specific submissions on the Proposed Canterbury Regional Air Plan (PRAP) set out in the **attached** document.

Meridian confirms its submission does not relate to trade competition or the effects of trade competition.

Meridian would like to be heard in support of its submission

If other persons make a similar submission then Meridian would consider presenting joint evidence at the time of the hearing.



Andrew Feierabend

For and behalf of Meridian Energy Limited

Dated this 1st day of May 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Part One: Overview and Background – Reasons for Submission

Part Two: Specific Submissions to the Proposed Canterbury Regional Air Plan provisions

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PART ONE: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)

Part One of this submission provides the overriding reasons for the submissions that are lodged on the Proposed Regional Air Plan. These reasons inform all of the outcomes sought in the specific submissions.

OVERVIEW

1. Meridian is a limited liability company wholly owned by the New Zealand Government. It is one of three companies formed from the split of the Electricity Corporation of New Zealand (ECNZ) on 1 April 1999.
2. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand. Meridian is the single largest generator of electricity in New Zealand.
3. Meridian's interest in the Proposed Regional Air Plan (PRAP) stems from its ownership of six power stations within the Waitaki catchment that make up part of the Waitaki Power Scheme. The Waitaki Power Scheme consists of eight power stations, four canal systems and numerous dams, weirs, gates and other control structures that operate as a linked hydro-electricity generation chain. This chain includes; large modified storage lakes, a series of diversions via canals, and a cascade of in-river dams. The scheme was progressively constructed between 1928 and 1985
4. The Waitaki Power Scheme is the largest hydro-electric power scheme in New Zealand, with controllable and flexible generating capacity of 1,723MW. This scheme contributes on average some 18% of New Zealand's annual electricity supply, although at times this can be as high as 30% of the national requirement. Lakes Tekapo and Pukaki provide approximately 2,500GWh of energy storage capacity, almost 60% of New Zealand's hydro storage. The scheme supports the HVDC link, which is connected to the South Island transmission network at the site of Benmore Power Station. In addition, the scheme provides essential ancillary services to the electricity system in relation to; frequency keeping, spinning reserve, over frequency reserve and voltage support.
5. Meridian's electricity generation activities and infrastructure is critical to the performance of the New Zealand economy.
6. Relevant to the preparation of Regional Plans is the National Policy Statement on Renewable Electricity Generation (NPSREG) 2011. The PRAP must give effect to National Policy statements as required by section 62(3) of the Act.
7. The objective of the NPSREG is "*to recognise the National significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such as the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's National targets for renewable electricity generation.*"

8. The NPSREG also:
 - recognises the benefits of renewable electricity generation activities
 - acknowledges the practical limitations of achieving New Zealand's target for electricity generation from renewable resources
 - acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities in particular the need to locate the renewable electricity generation activity where the renewable energy resource is available
 - seeks to manage reverse sensitivity effects on renewable electricity generation activities;
 - seeks the incorporation of provisions for renewable electricity generation activities into regional policy statements and regional and district plans
 - Provides for the development, operation, maintenance and upgrading of existing and new hydro-electricity resources.
 9. In addition to the Government initiatives outlined above, sections 7(i) and 7(j) of the RMA expressly require all persons exercising functions and powers under it to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents.
 10. Meridian submits that these matters should be taken into account to ensure there is an enabling policy and rule framework for the on-going operation, maintenance and development of existing renewable generation assets as well as the construction of new renewable generation when reviewing Regional Plans.
 11. Meridian's submissions on the PRAP seek to ensure that appropriate provisions are provided relating to the Waitaki HEPS and provide an appropriate planning framework for the management of electricity activities.
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PART TWO: SUBMISSIONS PROPOSED REGIONAL AIR PLAN

1 General Submission

1. Meridian is generally supportive of the recognition of the importance of ensuring the ongoing operation and maintenance of significant infrastructure. Meridian is particularly interested in ensuring that the ongoing operation and maintenance of the Waitaki HEPS can continue.
2. However, Meridian believes that the Proposed Canterbury Regional Air Plan (PRAP) can better reflect the NPSREG and the particular needs associated with the operation and maintenance of the Waitaki HEPS. Meridian submits that the PRAP should be changed through the addition, refocusing or providing clarity to a number of provisions that relate to, or could impact on renewable electricity generation activities.
3. Given the above, and in addressing the document as notified Meridian has identified a number of provisions that should be improved to either achieve greater consistency with the purpose of the RMA and with current government policy. The specific relief being sought by Meridian is outlined in the following section of this submission.

4. Meridian's requests for specific relief outlined below should not be taken as limiting the general submissions and requests for relief set out in this section.

Introduction

2 Introduction - The Statutory Planning Framework

1. There is no recognition provided within the introduction to the Plan to the National Policy Statements relevant to the preparation of this Plan. In particular no recognition is provided to the National Policy Statement for Renewable Electricity Generation (NPSREG). This is of relevance when considering some of the objectives, policies and rules which recognise and seek to provide for nationally and regionally significant infrastructure. Renewable electricity generation activities, such as the Waitaki HEPS, are regionally significant infrastructure.
2. A wording amendment is sought so reference is included to the NPSREG. This change promotes greater consistency with the NPSREG and provides important context for the consideration of the Plan provisions.
3. Meridian seeks the following **relief**:
 - a) Amend the statutory planning framework by adding a new third paragraph to read:

"A Regional Plan must give effect to a National Policy Statement. The National Policy Statement for Renewable Electricity Generation is of relevance. It identifies that the matters of national significance are:

 - the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and
 - the benefits of renewable electricity generation.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

Definitions

3 Definition - Emergency Electricity Generation

1. Meridian supports the definition of Emergency Electricity Generation. It is important to recognise the need for emergency generation at times when either the national grid or local distribution network fails.
2. In addition to the circumstances identified in the current definition there are additional occasions where Emergency Electricity Generation will also be needed and this should be recognised in the definition. In particular to recognise and provide for a Black Start. A Black Start is the procedure to recover from a total or partial shutdown of the generation or transmission system.

3. The likelihood of a total or partial system shut-down occurring is remote. However, should a total or partial shut-down occur anywhere on the transmission system arrangements must be in place to enable a timely and orderly restoration of nationally important electricity supplies.
4. Power stations need an electrical supply to start up under normal operation such supply would come from the transmission or distribution system. However, in emergency situations the electrical supply needed to start may need to be obtained from an auxiliary generating system, such as a diesel generator? Such generation may result in a discharge to air and this important situation should be provided for within the PRAP.
5. Meridian seeks the following **relief**:
 - a) Amend the definition of Emergency Electricity Generation to read:

Means the use of internal combustion generators to generate electricity at times when national grid electricity supply is not available due to a failure of either the national grid or the local distribution network or to provide for electricity to facilitate a Black Start. This definition applies to the generation of electricity used on site, and not distributed via the grid.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

4 Definition - Handling

1. The definition of 'handling' is not clear as to whether all of the matters within the definition are conjunctive or disjunctive. This should be clarified so that the application of this definition is clear.
2. Meridian seeks the following **relief**:
 - a) Amend the definition of Handling to read:

Means one or more of the following extraction, quarrying, mining, processing, screening, conveying, blasting, crushing of any material.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

5 Definitions – Public Amenity Area and Sensitive Activity

1. A number of the rules within the PRAP seek setbacks or exclude activities within a specified distance from a Sensitive activity. Public Amenity Areas are identified as being within the definition of a Sensitive activity.

2. The current definitions of Public Amenity Areas and/or Sensitive Activity require amendment in order to give effect to the NPSREG. In particular there are situations where the setbacks applying to sensitive activities will impact negatively on the ability to maintain and operate the Waitaki HEPS. The definition and the rules that rely on these definitions fail to give due and appropriate consideration to the type of activity occurring and particularly circumstances of the area and or environment where the activity is occurring in. Amending the definition would necessitate changes to fewer rules than if the rules themselves were to be changed.
3. This change sought could be achieved by amending either the definition of Public Amenity Area or Sensitive Activity. The change sought is necessary in order to secure the ongoing operation and maintenance of the Waitaki HEPS.
4. Meridian seeks the following **relief**:
 - a) Amend the definition of Public Amenity Area to read:

Means those areas to which the public have right of access under any statute, regulation, law or by-law, and are limited to:
(a) Crown and Local Authority properties, reserves, gardens, and parks;
(b) sports grounds;
(c) forest and bush areas;
(d) pedestrian walkways, malls and precincts;
(e) beaches, beach reserves, and adjacent foreshore areas;
but shall exclude roadways and any Core Land and land covered by an operating easement associated with the Waitaki Hydro Electricity Power Scheme.

AND
 - b) Amend the definition of Sensitive Activity to read:

Means an activity undertaken in:
(a) the area within the notional boundary of an occupied dwelling; or
(b) a residential area or zone; or
(c) a public amenity area, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas excluding Core Land and land covered by an operating easement associated with the Waitaki Hydro Electricity Power Scheme.; or
(d) a place of public assembly for recreation, education, worship, culture or deliberation purposes.
 - c) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

Objectives and policies

6 Objective 5.7 Nationally and Regionally Significant Infrastructure

1. Meridian supports Objective 5.7. Enabling nationally and regionally significant infrastructure and ensuring it is resilient is essential. The objective appropriately recognises the need for these activities to operate, be maintained, repaired, developed and upgraded.
2. This objective is necessary to give effect to the NPSREG and the Regional Policy Statement, particularly Objective 16.2.2, Policy 16.3.3 and Policy 16.3.5.
3. Meridian seeks the following **relief**:
 - a) Retain Objective 5.7
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

7 Policy 6.1 – Discharges of Contaminants

1. Meridian considers that 6.1(a) and (d) lacks clarity in how it seeks to address effects on human health and wellbeing and life supporting capacity of ecosystems, plants or animals. The concern with the policy is that it seeks that discharges do not cause: “adverse effects on human health and wellbeing” or “adverse effects on the mauri/life supporting capacity of ecosystems, plants or animals”. There is no consideration to be given as to the level or degree of adverse effect that may result, not the ability to manage those effects.
2. Meridian seeks the following **relief**:
 - a) Amend the Policy 6.1 to read:

Discharges of contaminants into air, either individually or in combination with other discharges should avoid, remedy or mitigate adverse effects that cause or is likely to cause ~~do not cause~~:

 - a A hazardous, noxious, dangerous or toxic effect ~~Adverse effects on human health and wellbeing~~; or
 - b Significantly diminished visibility; or
 - c Corrosion or significant soiling of structures or property; or
 - d A hazardous, noxious, dangerous or toxic effect ~~Adverse effects on the mauri/life supporting capacity of ecosystems, plants or animals~~
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

8 Policy 6.5 – Offensive and Objectionable Effects

1. Meridian considers that Policy 6.5 is worded as an outcome and as such is more akin to an objective than a policy. In addition, the statement that “offensive and objectionable effects are unacceptable” is too restrictive and at odds with the subsequent provisions which seek to manage the effects of discharges.
2. There are a number of rules that seek to manage offensive and objectionable effects beyond the boundary of the site. Any spatial consideration of where the effects occur is missing from the policy. Further, there are some activities where the outcome being managed is that effects not be noxious and dangerous. The focus of the policy on offensive and objectionable effects being unacceptable without further guidance being provided is not necessary to achieve the objectives and will not promote the sustainable management of natural and physical resources.
3. Meridian seeks the following **relief**:
 - a) Amend the Policy 6.5 to read:

~~Offensive and objectionable effects are unacceptable~~ The frequency, intensity, duration, offensiveness and location of discharges into air must be identified and managed.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

9 Policy 6.11 Recognising the contribution of nationally and regionally significant infrastructure

1. Meridian supports Policy 6.11. The contribution of nationally and regionally significant infrastructure is important to recognise and provide for.
2. Meridian seeks the following **relief**:
 - a) Retain Policy 6.1.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

10 Policy 6.12 – Improvements in the Management of Discharges

1. Meridian considers that Policy 6.12 should be amended. The use of the term ‘likely’ with respect to improvement being made to the management of discharges over the life of a resource consent does not adequately recognise that whether this is ‘likely’ will depend on the nature, type and duration of any consent.

2. Meridian seeks the following **relief**:

a) Amend the Policy 6.12 to read:

Recognise that ~~there is likely to~~ in some circumstances there may be improvements in the management of the discharges of contaminants into air over the life of resource consents and where appropriate consider this for new and replacement consents.

b) In addition to the above, the following relief is also sought:

- iii. Any additional or alternative relief that achieves the same or similar outcome;
- iv. Consequential or ancillary changes to the above.

11 Policy 6.19 Enabling discharges associated with nationally and regionally significant infrastructure

1. Meridian supports in part Policy 6.19. The recognition given to discharges of contaminants associated with nationally and regionally significant infrastructure, in locations where the discharge is compatible with the surrounding land use pattern is generally supported.

2. It is considered the wording of the policy could be amended so it is made clear what is considered to be 'associated with' these activities. In the case of renewable electricity generation activities, it is not only the discharges associated with the facilities themselves that are important, but also any discharges necessary to facilitate the maintenance or continued operation of these activities including the storage of materials necessary for erosion protection, spraying aquatic and terrestrial weeds, enabling water blasting and painting of the facilities or parts of the facilities.

3. Meridian seeks the following **relief**:

a) Amend the Policy 6.19 to read:

Enable discharges of contaminants into air associated with large scale, industrial and trade activities and associated with or necessary to operate nationally and regionally significant infrastructure, in locations where the discharge is compatible with the surrounding land use pattern, while ensuring that adverse effects on air quality are minimised.

b) In addition to the above, the following relief is also sought:

- iii. Any additional or alternative relief that achieves the same or similar outcome;
- iv. Consequential or ancillary changes to the above.

12 Policy 6.23 Strategic management of electricity supply

1. Policy 6.21 is supported by Meridian. This policy recognises that in some circumstances it is necessary or desirable to manage electricity supply at times there is reduced network generation capacity through using distributed diesel generation.
2. Meridian seeks the following **relief**:
 - a) Retain Policy 6.23.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

13 New Policy – Weed Control associated with significant infrastructure

1. A new policy should be introduced to address discharges to air not associated with rural discharges or with protecting production species or protecting biodiversity from biosecurity risks.
2. As they stand both Policy 6.13 and Policy 6.25 are too limiting to address appropriate weed control measures undertaken by Meridian associated with the operation and maintenance of the Waitaki HEPS. A new policy to address this is needed.
3. Meridian seeks the following **relief**:
 - c) Amend the Policy 6.12 to read:

The discharge into air of vertebrate toxic agents and herbicides occurs where appropriate management practices are used to minimize the risk of affecting non-target locations.
 - d) In addition to the above, the following relief is also sought:
 - v. Any additional or alternative relief that achieves the same or similar outcome;
 - vi. Consequential or ancillary changes to the above.

Rules

14 Rule 7.1

1. Rule 7.1 requires clarification to ensure that the intent of the rules in the Plan are clear, capable of being consistently implemented and are efficient and effective.
2. Rule 7.1 identifies that any activity must comply with all applicable rules in Section 7 of this Plan except where explicitly stated and where two rules are applicable to the same activity, the more stringent activity status applies.

3. While this approach is not opposed outright it is considered that greater clarification should be provided as to the relationship between specific and general rules that could apply to an activity. This is of particular importance to discharges associated with nationally or regionally significant infrastructure.
4. This rule should be amended.
5. Meridian seeks the following **relief**:
 - a) Amend Rule 7.1 to read:

Any activity must comply with all applicable rules in Section 7 of this Plan, except where explicitly stated to the contrary in any other applicable rule in this Plan. Where two rules are applicable to the same activity, the more specific rule shall apply. Where there are two or more rules applicable to different components of the same activity the more stringent activity status applies.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

15 Rule 7.3

1. Rule 7.3 requires clarification to ensure that the intent of the rules in the Plan are clear, capable of being consistently implemented and are efficient and effective.
2. Rule 7.3 provides for discharges considered offensive or objectionable beyond the boundary of the property of origin as a non-complying activity. The relationship between this rule and other rules that address specific activities, such as discharges from industrial and trade premises that have a different activity statuses is unclear. This matter is linked to the matter raised in the submission to Rule 7.1.
3. Meridian seeks the following **relief**:
 - a) Amend Rule 7.3 to read:

Except where addressed in a specific rule ~~the~~ discharge of odour, dust or smoke into air that is offensive or objectionable beyond the boundary of the property of origin when assessed in accordance with Schedule 2 is a non-complying activity.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

16 Industrial, trade and large scale discharges to air

1. The introduction to the rules addressing industrial, trade and large scale discharges to air requires clarification to ensure the provisions can be effectively and consistently implemented. The use of the terminology “within and outside of industrial and trade premises” is vague and essentially refers to the entire region. Therefore the references to these areas are unnecessary.
2. Meridian seeks the following **relief**:
 - a) Amend introduction to the Industrial, trade and large scale discharges to air as follows:

Rules 7.14 - 7.59 in this Plan apply everywhere in the Region, ~~including within and outside of industrial and trade premises~~, unless a rule specifies otherwise.
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

17 Rules Large Scale fuel burning devices – Internal combustion Rules 7.24, 7.25 and 7.26

1. Providing recognition of the needs the discharge of contaminants into air for the purpose of emergency electricity generation, maintenance and peak electricity network load management from stationary internal combustion devices (Rules 7.24 and 7.25) and mobile internal combustion (Rule 7.26) devices are supported.
2. These rules seek to address the need for emergency electricity generation that can be associated with maintenance needs or Black Start situations. In addition it provides for the peak electricity network load management. These are all matters related to the provision of nationally and regionally significant energy resources that are critical to ensure the social and economic wellbeing.
3. It is acknowledged that Rule 7.24 provides for activities as permitted activities (up to 300KW), subject to meeting standards and Rule 7.25 provides for up to 2MW (depending on whether the activity is outside a Clean Air Zone) as a controlled activity, subject to meeting standards. While it is acknowledged that these activities standards do provide certainty that the activity can occur the need for the differentiation and controlled activity status is questioned, when considering that the objective and policy is to provide for these activities. It is considered that the rules could be combined and provided for as permitted activities.
4. With respect to the changes sought to Rule 7.26 these changes are related to submission point 5 which seeks changes to the definition of Public Amenity Area and/or Sensitive Activity. The change to the rule identified is only needed if the submissions to change the definitions are not accepted.

5. Meridian seeks the following **relief**:

a) Amend Rule 7.24 to Read:

The discharge of contaminants into air, for the purpose of emergency electricity generation, maintenance and peak electricity network load management, from the combustion of diesel, petrol, liquefied petroleum gas or compressed natural gas in any stationary large scale internal combustion device with a net energy output capacity up to and including up to and including 1MW within a Clean Air Zone; or up to and including 2MW outside a Clean Air Zone ~~300kW~~ is a permitted activity provided the following conditions are met:

1. For any device with a net energy output capacity up to and including 300KW if the discharge occurs at least 50m from a sensitive activity, the emission stack is a height of at least 3m above ground level; ~~and or~~
2. For any device with a net energy output capacity up to and including 300KW if the discharge occurs within 50m of a sensitive activity, the emission stack is a height of at least 3m above ground level, and above the roof of any building, land or other substantial structure within a radius of 15m from the stack, unless the building, land or other structure is on a different property to the stack and was not established or anticipated at the time the stack was established; ~~and or~~
- 2A For any device with a net energy output of 301kW to 2MW the discharge is from an emission stack with a height of at least 7m above ground level and 3m above the roof of any building, land or any substantial structure within a radius of 15m from the emission stack, unless the building, land or other structure is on a different property to the stack and was not established or anticipated at the time the stack was established and;
3. The discharge is directed vertically into air and is not impeded by any obstruction above the emission stack which decreases the vertical efflux velocity below that which would occur in the absence of such obstruction; and
4. The sulphur content of the fuel burnt does not exceed 0.001% by weight; and
5. The discharge can occur for maintenance and peak electricity network load management for a total of 500 hours per calendar year; and
6. Within the 500 hours per calendar year set out above, no more than 300 hours per calendar year can be for the purpose of peak electricity network load management; and
7. Except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge is not darker than Ringelmann Shade No. 1, as described in Schedule 5; and
8. The fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment and a copy of each maintenance report is held for three years and made available to the CRC on request.

b) Delete Rule 7.25.

c) Amend Rule 7.26 to read:

The discharge of contaminants into air from the combustion of diesel, petrol, liquefied petroleum gas or compressed natural gas in any mobile large scale internal combustion device with a net energy output of up to 500kW is a permitted activity provided the following conditions are met:

1. The discharge occurs for no more than 48 hours if within 50m of a sensitive activity unless it is associated with the operation and maintenance of the Waitaki HEPS; and
 2. The discharge occurs for no more than 5 days if at least 50m from a sensitive activity unless it is associated with the operation and maintenance of the Waitaki HEPS; and
 3. The sulphur content of the fuel burnt does not exceed 0.001% by weight; and
 4. Except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge is not darker than Ringelmann Shade No. 1, as described in Schedule 5; and
 5. The discharge does not cause a noxious or dangerous effect.
- d) In addition to the above, the following relief is also sought:
- i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

18 Rule 7.29 and New Rule

1. Rule 7.29 is unclear as to how term "property of origin" relates to the discharges of dust associated with the Waitaki HEPS. The term "property of origin" is not defined in the Proposed Plan. While this term may be well understood when applied to a typical industrial and trade premise or development property it is not clear how it will apply to an activity such as erosion control works associated with the Waitaki HEPS.
2. In order to achieve the objectives and policies that seek to provide discharges associated with nationally and regionally significant infrastructure activities it is important the rule reasonably provide for activities that may generate dust associated with the Waitaki HEPS.
3. It is considered that a new rule should be provided to specifically address any potential issues associated with dust associated with the operation and maintenance of the Waitaki HEPS. The insertion of a new rule will overcome any need to amend Rule 7.29 as the new rule would be covered by the exemption. Only if the relief is not provided through a new rules would concern remain with Rule 7.29
4. Meridian seeks the following **relief**:
 - a) Insert a new rule to read:

The discharge beyond the boundary of the property of origin of dust associated for any activities associated with the maintenance and operation of the Waitaki HEPS including from storage or processing of any bulk material, or from any unsealed or unconsolidated surface at any one time is a permitted activity provided the following conditions are met:

 1. A dust management plan prepared in accordance with Schedule 2 must be held and implemented by the persons responsible for the discharge into air; and
 2. The dust management plan is supplied to the CRC on request.
 - (b) On the basis that a new rule is inserted retain Rule 7.29

- (c) In addition to the above, the following relief is also sought:
- i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

19 Rule 7.36

1. The rule providing for discharge of contaminants into air from mechanical grinding, cutting and shaping by application of heat, machining, welding, soldering or arc air gouging of metals as a permitted activity is generally supported. These are activities undertaken to ensure the ongoing maintenance and operation of the Waitaki HEPS.
2. Changes are sought to this rule related to submission point 5 which seeks changes to the definition of Public Amenity Area and/or Sensitive Activity. The change to the rule identified is only needed if the submissions to change the definitions are not accepted.
3. Meridian seeks the following **relief**:

- a) Amend Rule 7.36 to read:

The discharge of contaminants into air from mechanical grinding, cutting and shaping by application of heat, machining, welding, soldering or arc air gouging of metals is a permitted activity provided the following conditions are met:

1. The discharge does not cause a noxious or dangerous effect; and
2. All discharges via an extraction vent are filtered so that PM10 is less than 20mg/m³ when tested in accordance with Schedule 6 and adjusted to 0° Celsius, dry gas basis, 101.3 kilopascals; and
3. The activity is either:
 - (a) undertaken in the open air, other than when associated with the Waitaki HEPS where the discharge is at least 20m from any sensitive activity beyond the boundary of the property of origin; or
 - (b) undertaken inside an enclosed building; or
 - (c) associated with the installation, repair, or construction of a structure which is fixed to the property on which the activity occurs or is a part of that structure.

- (b) In addition to the above, the following relief is also sought:
- i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

20 Rules 7.37 and 7.38

1. The rule providing for discharge of contaminants into air from the handling of bulk solid materials (Rule 7.37) and from the storage of materials (Rule 7.38) as a permitted activity is generally supported. These are activities undertaken to ensure the ongoing maintenance and operation of the Waitaki HEPS. An example of such an activity is that rock quarried is transported, stored and in some cases broken down to an appropriate size to be used as part of on-going erosion control as well as protection of existing structures. This activity occurs at or near the site the material will be used, on Core

Land or land covered by an operating easement. The very nature of these activities is that they occur on or near lakes and canals that have public access.

2. Changes are sought to this rule related to submission point 5 which seeks changes to the definition of Public Amenity Area and/or Sensitive Activity.
3. In addition an exemption is also sought for discharges associated with the Waitaki HEPS in relation to a wahi tapu, wahi taonga or site of significance to Ngai Tahu. The concern is that these areas are not defined within the Plan or on any maps and that this rule may render any activity associated with the Waitaki HEPS which is located within a statutory acknowledgement area not to be a permitted activity. This would not achieve objective 5.7.
4. Meridian seeks the following **relief**:

- a) Amend Rule 7.37 to read:

The discharge of contaminants into air from the handling of bulk solid materials is a permitted activity provided the following conditions are met:

1. The rate of handling does not exceed 100t per hour; or
2. Where handling occurs on less than 21 days per calendar year, the rate of handling does not exceed 250t per hour; and
3. The discharge does not cause a noxious or dangerous effect; and
4. Where the rate of handling exceeds 20t per hour, a dust management plan prepared in accordance with Schedule 2 must be held and implemented by the persons responsible for the discharge into air; and
5. The dust management plan is supplied to the CRC on request; and
6. ~~The~~ discharge does not occur within 200m of a sensitive activity, wahi tapu, wahi taonga or site of significance to Ngai Tahu unless it is associated with the operation and maintenance of the Waitaki HEPS.

- (b) Amend Rule 7.38 to read:

The discharge of contaminants into air from the outdoor storage of bulk solid materials is a permitted activity provided the following conditions are met:

1. The amount of material stored does not exceed 1000t when it has an average particle size of less than 3.5mm; and
2. The discharge does not cause a noxious or dangerous effect; and
3. Where the storage exceeds 200t, a dust management plan prepared in accordance with Schedule 2 must be held and implemented by the persons responsible for the discharge into air; and
4. The dust management plan is supplied to the CRC on request; and
5. The discharge does not occur within 100m of a sensitive activity wahi tapu, wahi taonga or site of significance to Ngai Tahu unless it is associated with the operation and maintenance of the Waitaki HEPS.

- (c) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

21 Rule 7.47

1. The rule providing for discharge of contaminants into air from temporary dry or wet abrasive blasting (Rule 7.38) as a permitted activity is supported. Meridian will undertake activities necessary to ensure the ongoing maintenance and operation of the Waitaki HEPS under this rule.
2. Meridian seeks the following **relief**:
 - a) Retain Rule 7.37
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

22 Rules 7.48 and 7.49

1. The relationship between these needs to be clarified. Both rules appear to be managing the same activity resulting in unnecessarily complexity and duplication. Rule 7.48 should have the words except when provide for in rule 7.49 inserted into the rule.
2. Meridian seeks the following **relief**:
 - a) Amend Rule 7.48 by adding the following:

Except as provided for in rule 7.49 the ~~The~~ discharge of contaminants into air from spray application of paint, dye or adhesive coating materials outside of a spray booth is a permitted activity provided the following conditions are met:

 1. Where the discharge occurs within 100m of a sensitive activity, the rate of spray application does not exceed:
 - (a) 0.5l per hour and 5l per month of solvent based coating material; or
 - (b) 2.5l per hour and 25l per month of water based coating material containing less than 5% organic solvents by weight; and
 - b) In addition to the above, the following relief is also sought:
 - i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.

23 Rule 7.52

1. Rule 7.52 is supported. This rule will enable a number of ventilation activities associated with the operation of the Waitaki HEPS to continue. These ventilation systems are mainly for machine cooling which produce ozone. These activities will be permitted by the rule.

2. Meridian seeks the following **relief**:
 - a) Retain Rule 7.52
 - b) In addition to the above, the following relief is also sought:
 - iii. Any additional or alternative relief that achieves the same or similar outcome;
 - iv. Consequential or ancillary changes to the above.

24 Rules 7.72, 7.73 and New Rule

1. Rule 7.72 provides for the discharge of contaminants into air from the application of agrichemicals or fertilisers as a permitted activity. Rule 7.73 relates to the discharge of contaminants for the application of agrichemicals for the purpose of addressing a biosecurity incursion as a requirement of the Biosecurity Act 1993 also as a permitted activity.
2. It is recognised that these rules are contained in a section of the Rules falling under the heading of "Rural Discharges to Air"
3. Meridian undertakes a range of weed control activities, including terrestrial and water based controls. These activities are already controlled by Rules in the Land and Water Regional Plan. These activities are important activities relating to the management and operation of the Waitaki HEPS. However, these discharges could not naturally be considered as either Rural Discharges or necessary as a requirement under the Biosecurity Act 1993. The activities undertaken by Meridian have successfully been undertaken as a permitted activity for a number of years and changes are sought to the Plan to ensure this can continue.
4. The relief sought could be achieved through broadening the application of Rules 7.72 and/or 7.73 to ensure they also apply to the activities of Meridian. Alternatively a new rule could be inserted in the appropriate location within the Plan to provide for the activities. The new rule sought is consistent with Rule 5.20 in the Land and Water Regional Plan and is consistent with the new policy sought be included within the Air Plan.
5. Meridian seeks the following **relief**:
 - a) Amend Rules 7.72 and 7.73 to provide for air discharges from weed control undertaken to maintain the efficient operation of the Waitaki Hydro Electric Power Scheme or
 - b) Insert a new rule where it will apply to Pest Control activities wider than rural activities to read:

The discharge of contaminants into air from the application of vertebrate toxic agent and/or herbicide is a permitted activity provided the following conditions are met:

1. The substance is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval; and
2. The discharge does not have an adverse effect on vegetation or fauna beyond the boundary of the target site; and
3. The discharge does not cause a noxious or dangerous effect.

- c) In addition to the above, the following relief is also sought:
- i. Any additional or alternative relief that achieves the same or similar outcome;
 - ii. Consequential or ancillary changes to the above.