

From: [Kingsbury, Peter](#)
To: [Mailroom Mailbox](#)
Subject: The Proposed Canterbury Air Regional Plan
Date: Friday, 1 May 2015 11:59:36 a.m.
Attachments: [kingsburypccc.sub.air.plan.pdf](#)

Please find attached the Council's submission on the Air Plan.

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To: Canterbury Regional Council

Submitter: Christchurch City Council

This is a submission on **Environment Canterbury's Proposed Canterbury Air Regional Plan, March 2015.**

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

As attached.

My submission is:

As attached.

I seek the following decisions from Environment Canterbury:

As attached.

I wish to be heard in support of my submission.

Signature of submitter:



Michael Theelen
Chief Planning Officer

Date: 30/4/15

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Christchurch City Council's submission

on

Environment Canterbury's Proposed Canterbury Air Regional Plan, March 2015

General comments

1. The Council would like to commend Environment Canterbury for a well-structured and generally clearly written Air Plan (the plan). The structure and clarity of the plan will help ensure that the plan is 'accessible' to a broad range of people, give confidence to those who identify with its key objectives, lead to greater adherence to plan provisions and ultimately improved air quality. Along with a reliable source of clean water, healthy air is of considerable importance to the Council and Christchurch residents.
2. The Council supports the general intent and purpose of the proposed central policy framework given in the plan and the proposed approaches to addressing industry and large scale emissions, nuisance effects, outdoor burning and home heating emissions.
3. The Council congratulates Environment Canterbury for its co-operative and proactive approach to addressing what are very challenging issues in relation to heating homes and the wider public health issues around air quality. While the Council supports Environment Canterbury's encouragement for the development and use of new ultra-low emission burners, the Council is aware of the significant cost of the new ultra-low emission burners and encourages Environment Canterbury to work collaboratively with other organisations involved in energy efficient heating, housing stock improvement, community heating schemes, as well as architects and others advising on "new builds". The Council supports the "leniency" programme that Environment Canterbury has established to assist those who are constrained financially with installing new wood burners and, as part of this, suggests interest free loans and other forms of subsidy should be investigated by Environment Canterbury.
4. Providing for economic activity and healthier/warmer homes while also achieving improved air quality is a difficult balance. The Council acknowledges this and is encouraged by the policy framework objective to provide for economic growth in rural and urban areas. Furthermore the recognition of the importance of regionally significant infrastructure for local and regional development and growth is critical for Christchurch.
5. The Council recognises in particular the challenge of meeting the Government's National Environment Standard (NES) for Air Quality concentration limit for PM₁₀ and the timeframe in which the concentration limit is to be achieved. The Council acknowledges the need for a suite of proposed measures across all polluters to achieve the PM₁₀ concentration limits. The Council encourages Environment

Canterbury to be responsive to the circumstances of the community affected by the impacts of the 2010/2011 Canterbury Earthquakes which have caused delays in progressing insurance/EQC claims resulting in a significant number of residents living in damaged homes, homes that are difficult to heat and keep dry. The Council encourages Environment Canterbury to look for opportunities to extend wood burner replacement deadlines to the extent that it is able to within the NES framework.

6. The Council recognises the need for flexibility in adapting to increasing technical understanding of the sources and impacts of contaminants. For example at present there are no national guidelines for $PM_{2.5}$, although it is increasingly recognised as a significant health issue. It appears in Christchurch particularly during winter the main source is wood combustion (2001/2 - 92%), ECan Technical Report R14/33, Air Quality Status report $PM_{2.5}$, June 2014). Should national guidelines be prepared, the Council considers it important that the Air Plan be reviewed to reflect the guidelines.

Part of plan	Page number	Comment	Relief sought
1. Introduction			
Industrial and large scale discharges of contaminants	p1-3	Adequate monitoring and enforcement of consent conditions from industrial and large scale discharges is of concern to the Council as well as conditions that may be imposed on consent holders in the future. In line with an increasing strict regime for home heating, the Council wholly promotes similar approaches are undertaken for industrial activities.	
Motor Vehicles	p1-6	While Council recognises the need for Environment Canterbury to maintain a focus on reducing domestic emissions, emissions from motor vehicles are a significant contributor to poor air	

		<p>quality. The Council acknowledges that the Air Plan cannot directly address motor vehicle emissions but encourages Environment Canterbury to provide further explanation on the regulatory and technical management approaches of other organisations to address vehicle emissions.</p> <p>The Council also notes that changing traffic patterns since the earthquakes have led to congestion and emissions at different location around the city. There is issue of whether monitoring emissions from traffic needs to be increased or altered to meet the changing traffic patterns.</p>	
Non-regulatory programmes	p1-6, Figure 1.1, Non-regulatory work programmes - Good Wood part of table	<p>The Council supports the "Good Wood Merchant Programme" as it contributes significantly to improved air quality.</p>	<p><i>Support</i></p> <p>The Council also suggests that ECan:</p> <p>(1) develops initiatives for wood merchants to provide financial</p>

			<p>incentive to customers to “buy early” in the promotion of dry wood burning, and</p> <p>(2) promotes the sale to the public of moisture meters to enable wood supplied to be tested.</p>
Working with Key Partners	p1-6	<p>The Council supports the Plan discussion of working with the Territorial Authorities, and recognises the role the Council has to play in managing air quality through regulatory and non-regulatory mechanisms. The Council wishes to contribute meaningfully to any statutory and non-statutory programme to manage air quality, including but not limited to, those involving home heating and rural fires.</p>	

2. Definitions and Interpretation			
Table 2.1 and Table 2.2	p2-1 to p2-7	The Council finds that it is confusing to have the definition tables Table 2.1 and 2.2 as separate tables. The Council does agree with having the Abbreviations Table 2.3 separate.	To assist with finding definitions of key words and terms the Council suggests that Table 2.1 and Table 2.2 are combined into a single table.
	p2-1	The Council notes that there is no definition to the term "solid fuel".	The Council recommends that the term "solid fuel" is defined in Table 2.1.
	p2-4	The Council notes that there are other exemptions to be included in the definition of "Large scale fuel burning device".	The Council recommends that two more exclusions are added to the definition of "Large scale fuel burning device" 6. <u>Heritage engines prior to a specific date.</u> 7. <u>Emergency generators.</u>
	p2-4	The Council notes there is no definition of the term "nuisance".	Include a definition of nuisance.

	p2-5 “sensitive area”	<p>Part (b) of the definition simply states a “<i>residential area or zone</i>”, and should specify that these areas or zones are as defined in district plans.</p> <p>Part (c) of the definition seeks to expand on what might be normally understood by the term “<i>public amenity area</i>”. It also seeks to distinguish between the areas that are available for public use and the service areas of a building. It is noted that the definition of “sensitive activity” in the Natural Resources Regional Plan Chapter 1 did not include the additional explanation and the caveat added to (c) in the Proposed Plan is considered to add unnecessary confusion.</p>	<p>If it is considered necessary to extend the definition of “public amenity area” for the purposes of this plan to include buildings and associated outdoor areas normally available for public use, then to achieve greater clarity consideration should be given to the following:</p> <p>To (b) add the words following “<i>residential area or zone as defined in a district plan.</i>”</p> <p>To (c) delete the words “including those parts of any building and associated outdoor area normally available for use by the general public, excluding any area used for services or access areas;”</p> <p>Amend the definition of Public Amenity Area to add the following:</p>
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			<i>"Buildings and associated outdoor areas licensed for use by the general public."</i>
	p2-6	The definition should be consistent with the definition under the Fire Safety Act 1975, which is broader than the definition and includes areas not necessarily zoned urban.	Urban Means any site or area <u>either zoned or mainly used</u> for residential, commercial or industrial activities.
3. How the Plan Works			
(all of Part 3 of the plan)	p3-1 to p3-3	The Council acknowledges the usefulness and clarity of Part 3 of the plan.	<i>Support</i>

4. Issues of Significance to Ngai Tahu			
(all of Part 4 of the plan)	p4-1 to p4-11	Irrespective of ECan's obligations under the Treaty of Waitangi/Te Tiriti o Waitangi and the Ngai Tahu Claims Settlement, the Council acknowledges the effort by ECan to give effect to the Iwi Management Plan objectives.	<i>Support</i>
5. Objectives			
(all of Part 5 of the plan)	p5-1	The Council supports all the Objectives in this section of the Plan and suggests a wording change to Objective 5.6.	<i>Support</i> Reword Objective 5.6 to read: <i>"Developments and innovations in technology are enabled to provide residents with choice and <u>affordable</u> solutions to air quality issues."</i>

6. Policies			
Central Policies Applying to All Activities	p6-1, Policy 6.7	<p>Policy 6.7 signals an expectation that where there is a zoning change in a District Plan and there is an emission to air in the locality which causes adverse effects for the new activities, the discharging activity will either “reduce the effects or relocate.” The Section 32 Report indicates that this Policy does not encourage or condone reverse sensitivity, and that it sits within the context of the Canterbury Regional Policy Statement (CRPS).</p> <p>Policy 14.3.5 of the RPS states “(1) Avoid encroachment of new development on existing activities discharging to air where new development is sensitive to these discharges, unless any reverse sensitivity effects on the new development</p>	<p>Delete Policy 6.7 and replace with the following:</p> <p><i>“Take account of reverse sensitivity implications associated with existing activities when making decisions with respect to authorising land use changes, to ensure that any changes proposed will allow discharges from the existing activity to continue at the level that prevailed at the time that the changes were approved, or can reasonably be mitigated to reduce the adverse effects.”</i></p> <p>Or policy statement to similar effect which is consistent with CRPS Policy 14.3.5 (1)</p>

		<p><i>can be avoided or mitigated.”</i></p> <p>It would appear that the RPS places the onus on the new development to absorb the reverse sensitivity effect, while Policy 6.7 places the onus on the existing activity, which is expected to <i>“reduce the effects or relocate.”</i></p>	
	p6-2, Policy 6.19	<p>Policy 6.19 “enables” discharges of contaminants from large scale activities including nationally and regionally significant infrastructure, but does not provide an enabling policy framework for local infrastructure, which is critical to the health and wellbeing of communities. In addition, this policy does not acknowledge that there may be some instances where the location of an emitting activity is determined by a range of factors. In these cases, therefore, the emissions</p>	<p>Amend Policy 6.19 to read:</p> <p><i>“Enable discharges of contaminants into air associated with large scale industrial and trade activities, and nationally and regionally significant <u>and local</u> infrastructure, in locations where the discharge <u>is as far as possible</u> compatible with the surrounding land use pattern, and also ensure the mitigation of adverse effects.</i></p>

		may not be entirely compatible with the surrounding land use patterns and that mitigation measures are all that are reasonably practicable.	
Industrial and large scale discharges to air	p6-2, Policy 6.23	The Council suggests that Policy 6.23 is reworded for clarity.	Amend to read: <i>"Electricity networks will manage the supply of power in case of either emergency or excess demand on the network through use of embedded or temporary generation. Use of generators will be limited to the duration of the emergency or reduction peak load on the network and testing and maintenance."</i>
Space Heating in Clean Air Zones	p6-3, Policy 6.34 <i>Enable discharges of contaminants into air from any space heating device that is significant to the heritage fabric of particular heritage buildings.</i>	The Council supports Policy 6.34 because the use of space heating devices in heritage buildings assists in achieving the most authentic heritage fabric and heritage experience	<i>Support</i>

		for those occupying or visiting the building.	
	<p>p6-3, Policy 6.34</p> <p>Space Heating in Clean Air Zones; 6.34: enable discharges of contaminants into the air from any space heating device that is significant to the heritage fabric of particular heritage buildings.</p>	<i>Particular</i> not defined.	Removal of <i>particular heritage buildings</i> and replacement with <i>heritage buildings listed in a District Plan and/or by Heritage New Zealand Pouhere Taonga</i> .
Central Policies Applying to All Activities	<p>p6-1, Policy 6.5</p> <p><i>Offensive and objectionable effects are unacceptable and the frequency, intensity, duration, offensiveness and location of discharges into air must be identified and managed.</i></p>	<p>Issues of dust and odour from manufacturing and processing activities within Christchurch and particularly within the Hagley/Ferryroad Ward.</p> <p>Dust and diesel emissions from Port of Lyttelton activities within the Lyttelton/Mt Herbert Ward, are of concern to the Council. In Lyttelton a number of sources of diesel exhaust occur together within a relatively small area. The sources include the Lyttelton tunnel</p>	<i>Support</i>

		<p>system, diesel locomotives, vessels, various machines loading and unloading, industrial sources such as boilers, and freight vehicles.</p> <p>Air quality was last monitored in Lyttelton in 2003 (ECan Report no. U03/61. The four sites chosen were in residential areas and at some distance from where diesel concentrations are likely to be highest. The need for more strategic monitoring of PM_{2.5} in Lyttelton is considered by the Council to be urgent particularly as</p> <p>(1) freight volumes are expected to increase significantly over the next 40 years.</p> <p>(2) Traffic congestion and discharges have altered since the earthquakes and existing monitoring programmes may not reflect these changes.</p>	
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Christchurch or Timaru - Policies	p6-4	<p>The Council supports the Policies 6.39-6.42 with regard to reduction of discharges of contaminates within the Christchurch Clean Air Zone. However it is noted that in supporting these policies the Council recognises the economic constraints that will be placed on homeowners and renters if affordable appliances, support via non-statutory mechanisms, as well as clear and understandable information relating to approved burning appliances is not available.</p>	<i>Support</i>
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7. Rules			
All Activities	<p>p7-1, Rule 7.3</p> <p><i>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.</i></p>	<p>The Council specifically supports Rule 7.3 and its extenuating industrial and trade discharge rule.</p> <p>It is noted however that this will relate only to existing discharges, where a new consent is being applied for, and many of the aspects identified in Schedule 2 cannot be considered with a new activity.</p> <p>The Council considers Rules 7.26 to 7.59 as effective in eliminating, isolating or mitigating contaminant discharges.</p>	<p><i>Support</i> The Council recommends the rule to be amended to clarify this relates to existing activities.</p> <p><i>The discharge of odour dust or smoke into the air from <u>an existing activity</u> 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.</i></p>
Outdoor Burning - Anywhere in the Region	p7-2, Rules 7.5 to 7.7	<p>The Council supports the rules in this section as it manages the discharge or hazardous contaminants while providing for the needs for emergency services to undertake training and their other roles.</p>	<i>Support</i>

		<p>In regard to Rule 7.6(2) while the Council accepts that it is appropriate where there is a discharge related to the burning of a building the Council believes that it is onerous and excessive if the burning for training related purposes was a small quantity of vegetative material. The Council assumes it is covered by the interpretation of "other materials" under Rule 7.6.</p>	<p><i>Exclude small quantities of vegetative material from this rule or include the discharge of contaminants into air from the outdoor burning of vegetative material for training purposes in Rule 7.12.</i></p> <p><i>Include a definition of "other materials".</i></p>
Outdoor Burning - Rural Areas	Rules 7.10 and 7.11	<p>The Council supports the intent of these rules, however has issues in terms of the definition of rural area. It is noted that within the City many "rural" areas are in very close proximity to or actually are sensitive areas (condition 2). Examples are reserves on the Port Hills and Banks Peninsula. These may include working farms which are part of the management of the reserves themselves. It</p>	

		would be considered onerous for each of these sites to be required to gain a consent to undertake their activities.	
Outdoor Burning - Urban Areas	Rules 7.12 and 7.13	The Council supports the intent of these rules but notes the inconsistency of the terms used within this plan and used under the Urban Fire District Fire Service Act 1978 and the Fire Safety Bylaw.	<i>The Council recommends changing the definition of "urban" to be consistent with the Fire Services Act 1978 (refer to p2-6 definition for "urban").</i>
Industrial, trade and large scale discharges to air	p7-4, Rule 7.15	To assist with readability and comprehension the Council recommends a minor change to the grammar.	Amend to read: <i>"Within a Clean Air Zone ...carbon dioxide₂ is a non-complying activity."</i>
Industrial, trade and large scale discharges to air	p7-4, Rule 7.16	To assist with readability and comprehension the Council recommends a minor change to the grammar.	Amend to read: <i>"Within a Clean Air Zone ...carbon dioxide₂ is a discretionary activity."</i>
Industrial, trade and large scale discharges to air	p7-4, Rule 7.17	Rule 7.17 is confusing and difficult to understand. The Council recommends that it is re-written.	The Council recommends amending to read: <i><u>"Outside a Clean Air Zone the discharge of</u></i>

			<u>contaminants into air from a large scale solid fuel burning device or from an industrial or trade premise, established prior to February 2015, that will likely exceed guideline values, as set out in the Ambient Air Quality Guidelines 2002 Update, is a non-complying activity."</u>
Other Industrial and trade discharges of contaminants into air	p7-18, Rule 7.56	<p>The Council supports the intent of the rule. However it has concerns with condition 6 of the Rule. The Council considers use of the term "property of origin" is not an accurate term as in many situations (for example an oxidation pond) the property of origin is not where the activity is being undertaken. It is noted that this term is used throughout this section.</p> <p>The Council also considers the restriction of 50 metres from the boundary of the property is very onerous and may</p>	

		make an activity on a small property impractical. The Council has no issue with the distance from sensitive activities (other than from some rural reserves), or wahi tapu, wahi taonga or sites of significance to Ngai Tahu.	
	p7-18 Rule 7.57	The Council is concerned about the restriction placed on air pressure releases valves. It is impractical for the location of such valves to be located outside of residential areas, and it is considered onerous for each valve to require a resource consent. Therefore it is suggested that an amendment is included which will resolve the most significant issues without the requirement for a resource consent.	The Council recommends that the rule is amended with the following or similar wording at the end of the rule. <i><u>"Unless agreement is reached with property owners and an appropriate odour control device is installed and maintained."</u></i>
Space Heating Space heating within all Clean Air Zones	p7-24, Rule 7.81 Space Heating; Space Heating within all Clean Air Zones; 7.81: Within a	1. The rule is narrowly focussed. The Council is concerned that the exclusion of many heritage buildings by the	1. Alter (i) to the space heating appliance is located within a heritage building listed in a district plan

	<p>Clean Air Zone, the discharge of contaminants into air from any space heating appliance within a heritage building is a permitted activity provided the following conditions are met (i) the space heating appliance is located within a heritage building that is listed in Schedule 9 or a heritage building that is listed as a Category 1 heritage building by Heritage New Zealand Pouhere Taonga <u>and</u> (ii) the space heating appliance and chimney were original features of the building (including restored original features).</p>	<p>rule will be a disincentive to the protection of heritage values.</p> <p>2. The definition of <i>original features</i> is problematic. Many buildings have undergone periodic modification through their history and it is possible that heritage features of a heritage building are not <i>original features</i>.</p> <p>3. There are no apparent exemptions for heritage buildings outside Clean Air Zones to use any space heating appliance. Consequently it appears it would be possible for a Category 1 building in Christchurch to use an open fire as of right, but not a Category 1 building in Akaroa or Lyttelton.</p> <p>4. Schedule 9 has been translated directly from the previous Air Plan, and is now inconsistent and out of date. It contains some Category 1 buildings and therefore partly duplicates the general Category 1</p>	<p><i>and/or by Heritage New Zealand Pouhere Taonga.</i></p> <p><i>2. Alter (ii) to the space heating appliance and chimney are heritage features or replicated heritage features.</i></p> <p><i>3. Update Schedule 9 to ensure accuracy and consistency. Remove the listed Category 1 buildings from Schedule 9, remove any demolished buildings, and check addresses and names to ensure that are consistent with Heritage New Zealand's present list.</i></p> <p><i>4. Consider widening the exemptions to apply to all of Heritage New Zealand's listed buildings across Canterbury, or alternatively linking the exemptions with the heritage listings of Territorial Authorities.</i></p>
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		dispensation. It contains some demolished buildings. The Schedule 9 listings are inconsistent across all Territorial Authorities, with Waimakariri and Ashburton District Councils listing larger numbers of buildings than Christchurch, despite having much smaller numbers of heritage listed buildings.	
Space Heating Within the Christchurch Clean Air Zone	p7-25, Rule 7.87 (7-25) Space Heating; Within the Christchurch Clean Air Zone; 7.87: Within the Christchurch Clean Air Zone the discharge of contaminants into the air from a low emitting enclosed burner is a permitted activity provided the following conditions are met: (4) if installed after 28 Feb 2015 but before 1 Jan 2019, the low emitting enclosed burner is located in (b) An existing dwelling	<i>Within the Christchurch Clean Air Zone</i> For those heritage buildings that do not otherwise qualify for a dispensation (not being Category 1 buildings or on Schedule 9), and which have not had lawfully operable space heating appliances within the previous 12 months as a consequence of earthquake damage or other reason, the inability to operate low emission burners as of right makes it more difficult for	Consider relaxing the 12 month rule (perhaps pegging it to the date of the first Canterbury Earthquake in 2010) to allow the operation of low emission burners in heritage buildings that have not had recently lawfully operable space heating appliances.

	to replace an open fire, older style or low emitting enclosed burner that was lawfully operable within the entire 12 months immediately prior to the installation of the low emitting enclosed burner.	territorial local authorities to advocate for the retention or restoration of heritage fireplace and chimney form and fabric. The ultra-low emitting burner options currently available are not easily compatible with existing or restored fireplaces.	
8. Schedules			
	<p>p8-1 to p8-5, Schedule 1: <i>Information to be provided with application for resource consent</i>, and</p> <p>p8-6 to p8-18, Schedule 2: <i>Assessment of offensive and objectionable effects</i></p>	The Council specifically supports the extensive and comprehensive requirements under Schedules 1 and 2 as they relate, particularly, to odour, and the provision of the <i>Odour Effects Assessment Tools</i> for existing and new activities (Table 8.2.1 and Table 8.2.2 respectively).	<i>Support</i>