

From: [Sarah Drummond](#)
To: [Mailroom Mailbox](#)
Subject: FW: Submission on the Proposed Canterbury Regional Air Plan
Date: Friday, 1 May 2015 2:55:16 p.m.
Attachments: [CAPG Proposed Air Plan Submissions April 2015 Final.pdf](#)

For trimming please

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From: Geoff England (Winstone Aggregates) [mailto:Geoffrey.England@winaggs.co.nz]
Sent: Friday, 1 May 2015 2:52 p.m.
To: Sarah Drummond; Customer Services
Cc: bob.willis@fultonhogan.com; Peter Savage; Brian Warren
Subject: Submission on the Proposed Canterbury Regional Air Plan

Hi Sarah

Please find attached a submission on the Proposed Canterbury Regional Air Plan on behalf of the Canterbury Aggregate Producer Group. The CAPG members are aggregate production and quarry operators from within the Canterbury Region. The members of the CAGP are (in alphabetical order):

- I. Blackstone Quarries;
- II. Christchurch Readymix Concrete Limited;
- III. Fulton Hogan Limited;
- IV. Isaac Construction Co Limited;
- V. KB Contracting & Quarries Limited;
- VI. Road Metals Limited;
- VII. Selwyn Quarries Limited;
- VIII. Taggart Earthmoving Limited; and
- IX. Winstone Aggregates - a Division of Fletcher Concrete and Infrastructure Ltd.

Please provide an acknowledgement back to me upon the receipt of this submission.

As stated in the submission, the CAPG wishes to be heard in support of its submissions.

Kind Regards

Geoff England



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Submission on Proposed Canterbury Air Regional Plan

To: Canterbury Regional Council
Freepost 1201
Proposed Canterbury Air Regional Plan
PO Box 345
Christchurch 8140

Submitter: Canterbury Aggregate Producers Group.

This is a submission by the Canterbury Aggregate Producers Group (CAPG) on the Proposed Canterbury Air Regional Plan.

The CAPG:

- (a) could not gain an advantage in trade competition through this submission.
- (b) is directly affected by an effect of the subject matter of the submission that—
 - (i) adversely affects the environment; and
 - (ii) does not relate to trade competition or the effects of trade competition.
- (c) The CAPG wishes to be heard in support of its submission and would consider presenting a joint case with others making a similar submission at any hearing.
- (d) This submission relates to the Proposed Plan in its entirety.

Background

Canterbury Aggregate Producers Group

1. The CAPG members are aggregate production and quarry operators from within the Canterbury Region. The members of the CAGP are (in alphabetical order):
 - I. Blackstone Quarries;
 - II. Christchurch Readymix Concrete Limited;
 - III. Fulton Hogan Limited;
 - IV. Isaac Construction Co Limited;
 - V. KB Contracting & Quarries Limited;
 - VI. Road Metals Limited;
 - VII. Selwyn Quarries Limited;
 - VIII. Taggart Earthmoving Limited; and
 - IX. Winstone Aggregates - a Division of Fletcher Concrete and Infrastructure Ltd.
2. The CAPG undertakes numerous activities in the Canterbury Region including:
 - 2.1 Gravel extraction, both within river beds and within land-based quarries/pits;
 - 2.2 Aggregate processing and storage;

- 2.3 Land use and infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State Highway on behalf of the NZ Transport Agency, and local roads on behalf of a number of territorial authorities);
 - 2.4 Asphalt and bitumen manufacture and bulk storage;
 - 2.5 Pre-cast concrete manufacture and storage;
 - 2.6 Hazardous substance use, transport and storage; and
 - 2.7 Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water).
3. The CAPG collectively operates extensive transport fleets of trucks, trailers and other specialised aggregate production and construction equipment across the Canterbury region. The group also collectively employs more than one thousand skilled staff to operate this machinery and plant.

General submissions

4. The CAPG is concerned that the Proposed Canterbury Air Regional Plan will require all regionally significant aggregate extractors to apply for resource consent as a discretionary activity, placing undue risk and costs on operations.
5. On this basis, as a general submission, the CAPG opposes the general direction and activity status of the rules in this Proposed Plan and amendment of the Planning Maps as they relate to airsheds.
6. Objectives and policies in the Proposed Canterbury Air Regional Plan do not provide enough recognition of the importance of aggregates to the sustainable management of the region, especially considering the significant role of the industry in enabling the rebuild of the region on top of regular status quo development.
7. The CAPG considers that the Policy and regulatory framework of the Proposed Canterbury Air Regional Plan should go further in recognising and providing for mineral extraction in the region. The development of this document appears to have occurred in the absence of any consideration of the current suite of other regional or district planning documents. This has resulted in a disparate and uncoordinated assembly of regional council regulatory instruments that apply different Objective and Policy regimes and terms to address common issues. By way of example, the Canterbury Regional Policy Statement 2013 incorporates comprehensive provisions addressing land use and infrastructure (Chapter 5). This document identifies and places considerable emphasis on providing for regionally significant and critical infrastructure in the interests of sustainable management. Despite this, there appears to be no equivalent reflection of Issues 5.1.2 – 5.1.4, Objectives 5.2.1 and 5.2.2, and Policy 5.3.9 in the rules of the Proposed Canterbury Air Regional Plan. This lack of integration represents a significant failure by the Council to deliver on its requirement (and stated intention) to provide for the integrated management of resources.
8. Amongst the matters that the Proposed Plan purports to provide for is “*..industrial and economic growth in appropriate areas, including through the adoption of the best practicable option and best practice*”¹. The document also identifies that integrated management across local government is required to appropriately manage discharges from industrial and large

¹ PCARP, Introduction, page 1-1..

scale emitters, and describes three non-regulatory “*key management responses for air quality*”². Where the document states that, for industry (as a “key partner”), the “*Air Plan has been prepared to support and enable innovation across all sectors, and encourage uptake of the cleanest technology*”, this, along with the earlier statements, does not translate into an equivalent planning regime; instead, the Proposed Plan increases the level of regulation and uncertainty facing operators within the aggregates industry (and industry generally). In this respect, the document is disempowering, rather than aspirational. It also falls well short of the stated essential requirement to provide for “integrated management across local government”, for example where district plans provide for discharging activities to be located in appropriate areas; Christchurch District Plan incorporates “Quarry Zones” which have been included within the Proposed Christchurch Clean Air Zone. For these reasons alone, the Proposed Canterbury Air Regional Plan should be withdrawn.

Specific submissions and relief sought

9. The CAPG specific submissions and relief sought are contained in **Appendix A**.
10. The CAPG wishes to be heard in support of its submission

Signed on behalf of
The Canterbury Aggregate Producers Group

Geoff England



Dated 30th April 2015

Address for Service of Submitter:

c/- Winstone Aggregates
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Greenland
Auckland 1546

Attn:
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Resource Management Planner

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² PCARP, Introduction, pages 1-3 and 1-4.

Appendix A: Submissions

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
	5. Objectives			
1.	Objective 5.5	Oppose	While the CAPG acknowledges that the relationship of Ngai Tahu with their culture and traditions is strong and significant, the Objective, as drafted, is uncertain, and relies on the determination of a third party as to compliance. The Objective is, therefore, not the most appropriate way to achieve the purpose of the Act, does not assist the Council to carry out its functions in order to achieve the purpose of the Act, is not in accordance with Part 2 of the Act, does not relate to and resolve an identified issue, and does not provide firm and clear direction or provide a useful framework within which the Policies and Rules can seek to give effect to. Moreover, the Act is not a zero-effects statute, and relies on the principles of avoidance, remedy or mitigation of adverse environmental effects.	Delete Objective 5.5.
2.	Objective 5.6	Support	The approach to enabling developments and innovation in technology to provide for improved air quality is supported. Unfortunately, where industrial and trade processes are concerned, this is not delivered through the Policy or Rule regime. Objective 5.6 contradicts the document, which purports to be enabling and integrative, but fails to deliver the most fundamental level.	Retain Objective 5.6 and make changes to the Policy and Rules regime to give effect to this stated aspiration by recognising that advances and innovation in quarrying and aggregate processing and handling methods occur on a continuum.
3.	Objective 5.7	Support	The stated Objective to enable the on-going operation, on-going maintenance, repair, development and upgrading of nationally and regionally significant infrastructure is supported. As with Objective 5.6, this does not then translate into an affirmative and supporting Policy and Rules regime. Not only does the Proposed Canterbury Air Regional Plan increase the size of the Proposed Clean Air Zones into the rural hinterland around Christchurch, but it also incorporates Policy and Rules designed to constrain and, in some cases, force the relocation of established and legitimate land uses, such as quarries, that are critical to the on-going maintenance, repair, development and upgrading of	Retain Objective 5.7 and make changes to the Policy and Rules regime to give effect to this stated aspiration by specifically recognising and providing for land use activities, such as mineral extraction, that are fundamental to the achievement of this Objective.

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			nationally and regionally significant infrastructure, such as roading, airport, port and other development (see, for example, Policy 6.7).	
4.	Objective 5.9	Oppose	The purpose of Objective 5.9 should provide for existing and future industries to locate in certain areas for functional reasons. Quarries and associated mineral extraction activities have been established in areas that meet a range of essential criteria – these include separation from sensitive activities, availability/ suitability of supply, proximity to source of demand and suchlike. This is recognised in statutory documents such as the Christchurch City District Plan, where “quarry zones” have been described and provided for. In most cases, it is neither feasible nor appropriate to force the relocation of these established activities; Objective 5.9 and the supporting Policy 6.7. This approach is consistent with the Canterbury Regional Policy Statement which recognises ‘Identified Mineral Extraction Areas’.	Amend Objective 5.9 as follows: <u>It is recognised that some activities which discharge to air have a functional need to locate within close proximity to a resource and that part of the region requiring the goods or services.</u>
5.	<u>NEW Objective 5.10</u>		Provide a new objective, 5.10, to recognise and provide for regionally significant mineral extraction activities. This Objective will give effect to the Canterbury Regional Policy Statement, Policy 5.3.2, and enabling Regionally Significant Infrastructure.	Insert the following Objective 5.10: <u>Mineral extraction activities that positively contribute to the continued rebuild and development of the Region and the efficient and effective provision of regionally significant infrastructure are provided for and enabled.</u>
	6. Policies			
6.	Policy 6.6	Oppose	The policy should be directed at sensitive activities locating in proximity to those established activities where air discharges occur. By way of example, the Christchurch City District Plan includes Special Purpose Zones that recognise and provide for a dominant activity within that zone with Rules which allow scope for development for that dominant activity which would not be available in the surrounding area. This technique has been adopted by the Christchurch City Council because specialist	Amend Policy 6.6 as follows: <u>Where legally established discharges of contaminants to air occur, sensitive activities should avoid establishing in proximity to those activities.</u>

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			zones recognise the existing dominant activity, deal with “boundary” effects, and provide certainty for both the activity and the occupiers of the surrounding area. In order to give effect to the Canterbury Regional Policy Statement, Policy 5.3.2 (2)(b), such an amendment to Proposed Policy 6.6 is necessary.	
7.	Policy 6.8	Oppose	The Policy intent is supported – namely long consent duration for appropriately-located activities. However, the incorporation of the word “may be” within the provision creates significant uncertainty which fundamentally undermines the Policy. If the document is to deliver on its stated intent to incentivise innovation and the uptake of new technologies (which, presumably also includes appropriate location), then unambiguous statements should be used to motivate that change.	Amend Policy 6.8 by replacing the words “ <i>may be</i> ” with the words “ <i>will be</i> ”.
8.	Policy 6.10	Support	Support best practicable management of air discharge effects.	Retain Policy 6.10 as notified
9.	Policy 6.11	Support	This Policy should also recognise the benefit of Mineral Extraction Activities which underpin the operation, maintenance, repair, development and upgrade of nationally and regionally significant infrastructure such as the Christchurch and Timaru Airports, Ports of Lyttelton and Timaru, and the national regional and local roading network infrastructure. Without locally-available aggregates obtained by mineral extraction (for construction, concrete, sealing, etc), the affordability of key infrastructure and its on-going viability would be significantly compromised. Again, in order to give effect to the Canterbury Regional Policy statement, Policy 5.3.2, such amendments to Policy 6.11 are required.	Amend Policy 6.11 as follows: <i>Recognise the contribution of nationally and regionally significant infrastructure and associated mineral extraction activities to the regional and national economy and provide for the operation and development of those infrastructure and activities.</i>
10.	NEW Policy 6.19(a)		Provide a new policy, 6.19(a), to recognise that mineral extraction activities are an essential and fundamental part of building, as already recognised in the Canterbury Regional Policy Statement and section 7(b) of the RMA, and development (i.e. sustainable management), even more so since the Canterbury earthquakes. They are regionally significant in terms of their position in the local markets. These activities should be	Insert the following new Policy: <u>6.19(a). Enable discharges of contaminants to air associated with mineral extraction activities, provided that the best practicable methods are applied to manage adverse effects</u> Amend the Rules to give effect to Policy 6.19 and this new Policy by enabling

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			provided for through the Proposed Canterbury Air Regional Plan.	mineral extraction.
2. Definitions and Interpretation				
11.	Cleanfill	Support	The definition of clean fill is appropriate. This definition is the same as that provided in the Ministry for the Environment document "A Guide to the Management of Cleanfills" (ISBN 0-478-24047-3, January 2002), and provides consistency with a well-established and well-understood description of the nature of cleanfill material.	Retain the definition of Cleanfill as notified
12.	Handling	Oppose	The Definition of the Term "Handling" should be replaced with the term "mineral extraction" to avoid confusion and to provide a readily-understood and relevant description of the nature of that activity. Alternatively, the term "quarrying", as used in the NRRP Chapter 1, may be appropriate, subject to some amendment to provide for the full range of ancillary activities associated with quarrying.	Amend the Term "Handling" to read " <u>Mineral Extraction</u> " and amend the Definition as follows: <u>Mineral Extraction</u> <u>Means the use of land, buildings or plant for the purpose of extraction of minerals and quarrying, processing and ancillary activities.</u> Add a note to state that " <u>Mineral Extraction Activity</u> " has the same meaning as " <u>Mineral Extraction</u> ".
13.	Sensitive activity	Oppose	This Definition is incomplete and uncertain. It fails to provide any definition of the term "notional boundary", upon which the definition relies. In the absence of this qualification, there is no certainty as to the interpretation of this term. A Definition of "Notional boundary" should be included, consistent with that in Chapter 1 of the NRRP.	Include a Definition of the Term " <u>Notional boundary</u> " to read: <u>Notional Boundary</u> <u>Means a line 20 metres from the façade of a dwelling, or the legal boundary of any site where this is closer to the dwelling.</u>
14.	NEW Regionally Significant Activities		Provide a new definition to recognise that activities, such as mineral extraction, are significant not just due to the role they play in the rebuild of Christchurch but the ongoing contribution to the construction and maintenance of the region's buildings and infrastructure. On this basis, mineral extraction is a regionally significant activity and needs to be	Include a definition of Regionally Significant Activities as follows: <u>Regionally significant activity</u> <u>Means an activity that has a significant contribution to the social, economic, and cultural well-being of the region.</u>

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			recognised as such within the plan. In order to do this, a definition of regionally significant activities is required that recognises, not only the activities themselves, but elements intrinsic to the maintenance, upgrade, construction and development of significant infrastructure.	
7. Rules				
15.	Rule 7.3 and Schedule 2.	Oppose	<p>This proposed Rule is unreasonable, unworkable, and void for uncertainty. It appears to rely on a post-hoc and convoluted raft of criteria to determine whether an activity falls to be Permitted or considered as Non-complying. The 13-page, heavily qualified, list of matters contained in the Schedule 2: Assessment of offensive and objectionable effects is the antithesis of the stated intention to produce an enabling document. Moreover, the provisions are framed in such a way as to be manifestly unjust and arbitrary.</p> <p>It is also considered to be unreasonable that a failure to meet this Permitted threshold, presumably through an assessment carried out by another party, triggers the requirement to seek resource consent as a Non-complying Activity, with no intermediate status and no clear Policy basis. Where the document's section 32 assessment claims that the approach is appropriate, efficient, and provide clear and certain requirements, the reality is that this Rule is contrary to this stated outcome.</p>	Delete Rule 7.3 and Schedule 2.
16.	Rules 7.17 and 7.18	Oppose	<p>Both Rules rely on a determination that guideline values are "likely" to be exceeded to establish whether Non complying or Prohibited Activity status is triggered. These provisions are unable to be determined with any precision and are void for uncertainty.</p> <p>In addition, the Rules include a pattern of reliance on other documentation to establish Rule thresholds. In this case, reliance is placed on an MfE publication (the Ambient Air Quality Guidelines 2002 Update) – a document that is thirteen years old, despite its stated five-</p>	Delete Rules 7.17 and 7.18.

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			<p>yearly review period. This document pre-dates the NRRP Chapter 3.</p> <p>Putting aside the question of certainty of the Rules, the inclusion of reference to this and the suite of other documents throughout the Proposed Plan makes the usability and implementation of the Proposed Plan unwieldy and cumbersome. It is an inefficient and dilatory method of Plan construction. Moreover, there is also the potential for on-going Plan changes to address changes in the reference documents, which adds further to the cost and uncertainty for all participants in the Plan development and administration processes.</p>	
17.	Rule 7.37 and 7.38	Oppose	<p>Both Proposed Rules relate to the handling or storage of “<i>bulk solid materials</i>”. The nature of these materials is not defined or described in any useful manner. Accordingly, the determination of what comprises “bulk solid materials” is subjective and uncertain. It may include, for example, large blocks of rock or concrete, but would exclude, for example, aggregates which are, by their nature and as the name suggests, not bulk solid material but an assemblage of many assorted smaller parts.</p> <p>The dilemma that this presents is that, when interpreted at face value, mineral extraction (processing, handling, etc.) would appear to be an innominate activity because of the fundamental deficiency of these Rules.</p> <p>A further aspect of concern is that, whilst the Proposed Plan seeks to support and enable innovation and the uptake of improved technologies, it is evident that those drafting the document have not kept abreast of the dynamics of change within the aggregates and other similar industries. The thresholds set for the Permitted Activities appear to be little changed from those prescribed in the Clean Air Act 1972.</p> <p>Where, in the past, a mineral extraction required significantly greater handling, advances in plant, machinery and design technology mean that loaders used to extract and handle aggregates can move up to 14 tonnes per load, and up to 300 tonnes per hour. Truck and trailer units</p>	<p>Delete Rule 7.37 and 7.38 and replace with the following:</p> <p><u>Rule 7.37</u> <u>The discharge of contaminants to air associated with mineral extraction activities is a permitted activity provided that:</u></p> <ol style="list-style-type: none"> 1. <u>Any discharge shall not result in dust, odour, gas or vapour, which is noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.</u> 2. <u>A Dust Management Plan must be prepared and held</u> 3. <u>The Dust Management Plan is supplied to CRC upon request.</u> <p><u>Rule 7.38</u> <u>Any discharge of contaminants into air from associated with mineral extraction activities that is not provided for by rule 7.37, and is not prohibited, is a restricted discretionary activity.</u></p> <p><u>The Council will restrict its discretion to the following matters when assessing restricted discretionary activity resource consent applications:</u></p> <ol style="list-style-type: none"> 1. <u>The quantity, quality and type of discharge and any effects rising from that discharge beyond the boundary of the site;</u> 2. <u>The methods to minimise the discharge and to avoid, remedy or mitigate any adverse effects of the discharge beyond the boundary of the site;</u> 3. <u>Dust management plans; and</u> 4. <u>Monitoring.</u>

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			<p>transporting aggregates can carry up to approximately 34 tonnes per load. Modern aggregate processing plants may have an hourly throughput of 400 tonnes, and have been configured to have a range of dust-suppressing features, such as sprinkler systems and covers as standard features.</p> <p>The Regional Council has also produced a plethora of other regulatory documents designed to “free up” the removal of gravel from riverbeds for flood control purposes. The Proposed Canterbury Land and Water Regional Plan seeks to enable the extraction of gravel (see, for example, Policy 4.94) and has attempted to allow that the Regional River Engineer may allocate gravel as a Permitted Activity. These Proposed Rules significantly affect the effectiveness of this regime by limiting volumes of material that may be handled and stockpiled.</p> <p>A further uncertainty in these rules rests with the conditions requiring separation from wahi tapu and wahi taonga areas or “sites of significance to Ngai Tahu”. Whilst the CAPG acknowledges the importance and significance of the relationship of Ngai Tahu with their culture and traditions, this conditions is too uncertain for ready interpretation by any reasonable person, and is considered to be void for uncertainty.</p> <p>CAPG is concerned that by placing discretionary status on quarrying activities of any relevant scale it will create uncertainty, unnecessary costs and delays in consenting. The Proposed Canterbury Regional Air Plan is indicating that it is conceivable for mineral extraction activities in a quarry zone to be declined.</p> <p>Quarries are producing aggregate to meet the volumes required for the Canterbury rebuild. Applying arbitrary thresholds that restrict the volume of extraction results in the air quality rules being inefficient and ineffective and not giving appropriate recognition to the purpose of bulk solid material handling and the air quality outcomes anticipated in this setting. The matters addressed in the performance standards only relate to air quality matters.</p>	<p><u>Non-notification:</u> <u>Applications for restricted discretionary activities shall be considered without public notification or the need to serve notice of the application on affected persons in accordance with Sections 95A(3) and 95B(2) of the RMA, unless in the opinion of the Council there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA.</u></p>

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			There is no logical reason why a discretionary activity status is necessary where the discretions and assessment criteria (or matters of control and assessment) can be identified, regardless of the volume of quarrying that occurs. General requirements for a discretionary activity relate to any effects, and therefore the discretionary activity status is inefficient and ineffective as it requires an assessment of all the effects of activities.	
18.	Rule 7.55	Oppose	<p>Control of cleanfilling is already exercised through the Proposed Canterbury Land and Water Plan. Proposed Rule 7.55 is an inefficient and duplicate process to control this activity.</p> <p>Condition 3 of this Proposed Rule limits the volume of cleanfill to 1000 tonnes when it has an average particle size of less than 3.5 m (defined in the Proposed Plan as meaning “Metres”, but presumably intended to read as “mm- Millimetres” in this case). This volume is considered to be overly conservative, as most cleanfill sites involve a managed tipping face with very limited exposure of disturbed material to aeolian influences. When properly managed through a dust management plan as part of an appropriate management regime (and as required by condition 5), the risk of nuisance dust and odour generation is significantly reduced.</p> <p>As with other Proposed Rules, uncertainty exists around the location of sites of significance to Ngai Tahu. This condition is void for uncertainty.</p> <p>Consequently, Rule 7.55 should be deleted.</p>	Delete Proposed Rule 7.55
19.	Schedule 1: Information to be provided with applications for resource consent	Oppose	The final section of this Schedule, outlining information to be provided for resource consent applications where the effects of the activity are unknown or unpredictable due to absence of information, requires an assessment in accordance with the Risk Management Standard AS/NZS ISO 31000:2009. This twenty-six-page standard is not designed for such an application. As has been discussed previously, the inclusion of documents such as this makes the certainty, usability and implementation of the Proposed Plan unwieldy and cumbersome. It also imposes an unreasonably uncertain threshold of assessment and costs	Delete the section providing for “ <i>Information to be provided for resource consent applications where the effects of the activity are unknown or unpredictable due to absence of information</i> ” from Schedule 1.

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			<p>on potential applicants.</p> <p>Such an approach is also considered to be otiose, as the Act provides unfettered discretion to the Council to require a level of assessment of effects commensurate with the scale and significance of the effects that the activity may have on the environment, pursuant to section 88.</p> <p>Accordingly, this provision is considered to be overly vague, not fit for purpose, unnecessary, and should be deleted.</p>	
20.	Schedule 4, Parts 3 and 4 (Table 8.4.1 – Hazardous Air Pollutants)	Oppose	<p>Part 3 of Schedule 4 lists “<i>Contaminants to be managed in accordance with the health based guideline values set by the Ambient Air Quality Guidelines 2002 Update</i>”. No “guideline values” are included in the Proposed Plan. For users of the Plan to establish these values, this must be sourced from an agency removed from the Council. This is an example of the Proposed Plan relying on a third-party document as part of its labyrinthine regulatory framework.</p> <p>Not only does this represent poor planning practice, it also imposes additional costs, inefficiencies and uncertainty to the regulatory process.</p> <p>Moreover, this document is at least thirteen years old (having been published in May 2002). It does not appear to have been updated at all, despite the stated intention (in section 1.6 – Reviews) to review and update the Guideline “<i>on at least a five-yearly basis</i>”, and that “[s]ome contaminants will be reviewed sooner”.</p> <p>It is considered that Part 3 adds no particular value to the Proposed Plan, that it is out of date (having not apparently been reviewed since the time of publication in 2002), and that for these reasons it should be deleted from the Proposed Plan.</p> <p>Part 4 lists 61 “<i>Other Hazardous Air Pollutants</i>”. Whilst the status of these substances is not questioned, the relevance of this list is in question in terms of its application within the regulatory regime. It is considered likely that Council will seek information on any or all of these</p>	Delete Parts 3 and 4 (Table 8.4.1) from Schedule 4.

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			substances when resource consent is sought as a Discretionary or Non-complying Activity. This is considered to be overly onerous. For this reason, Part 4 should be deleted.	
21.	Figure 8.10.1 – Areas Affected by the Ngai Tahu Claims Settlement Act 1998	Oppose	<p>This document represents the areas of particular cultural, spiritual, historical and traditional association for Ngai Tahu, as provided for under the Ngai Tahu Claims Settlement Act 1991. This is appropriate and is supported.</p> <p>The CAPG also acknowledges the significance of Ngai Tahu's relationship, culture and traditions across Canterbury Region in the context of this Proposed Plan.</p> <p>However, as many provisions within the Proposed Plan rely on the determination of proximity to (and effects on) wahi tapu, wahi taonga, and sites of significance to Ngai Tahu (as the Map appears to seek to represent), the specific location, scale and extent of these areas should be able to be readily discerned from maps included within the Proposed Plan.</p> <p>Accordingly, whilst the provision of a map showing areas of significance to Ngai Tahu is supported, this map should be at sufficient scale and detail to accurately identify the areas subject to control under the Proposed Plan.</p> <p>The absence of such detail renders the Proposed Rules relying on such interpretation void for uncertainty, and substantially increases the risk of inadvertent non-compliance with controls by well-intentioned users of the Plan.</p>	Amend Figure 8.10.1 and produce the Map at such size and in sufficient detail to show the location, scale and extent of all features currently included in the Map Key, and including areas that are referred to in the Proposed Plan as "wahi tapu, wahi taonga and sites of significance to Ngai Tahu".
22.	Maps of the Proposed Christchurch/Otautahi Clean Air Zone	Oppose	The Proposed Plan Maps extend the Christchurch Clean Air Zone across the entire area previously covered by a two-tier control regime under the NRRP that recognised and provided for (to a limited extent) the existence of land uses and activities that had established at a distance removed from sensitive activities.	Amend the Proposed Christchurch/Otautahi Clean Air Zone Maps to exclude those areas currently being used for mineral extraction, and amend the maps to pull the zone boundaries back to the position of the Christchurch Clean Air Zone 1 in the Natural resources Regional Plan, Chapter 3.

Sub #	The provisions of the Proposed Canterbury Air Regional Plan that The CAPG submission relates to are:	The CAPG submission is that:		The CAPG seeks the following decisions from Canterbury Regional Council (including consequential changes required as a result of the relief sought):
		Oppose/Support	Reasons	
			<p>The substantial expansion of this Zone is manifestly at odds with the Plan's stated objective to be integrative; the writers of the Plan have made no apparent effort to identify and provide for activities such as quarries and associated activities and infrastructure (despite the Proposed Canterbury Land and Water Regional Plan acknowledging the importance of the aggregates industry to sustainable management). Despite the "Key Management Responses" contained on page 1-4 (which includes a statutory framework that supports the non-regulatory programmes) and the statements about working with key partners to achieve integrated and innovative processes, the Proposed Plan has ignored the existence of the "Quarry Zones" identified and included in the Christchurch City District Plan, and failed to provide any consideration of the fundamental importance of the aggregates industry to the sustainable management of communities and the provision of regionally-significant infrastructure.</p> <p>This places an onerous burden on established mineral extraction activities, and will suppress the development of new enterprises of this nature, with the associated increase in costs to the wider community.</p> <p>The Clean Air Zone for Christchurch should be amended to cover only that area included in the Christchurch Clean Air Zone 1 in the NRRP.</p>	

The CAPG would welcome the opportunity to meet with Council prior to the formal hearing process to discuss the above submissions. CAPG wishes to be heard in support of its submissions.

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Yours faithfully



Geoff England

Resource Management Planner

