

From: [Paul Thompson](#)
To: [Mailroom Mailbox](#)
Subject: Submission on the proposed Canterbury Air Regional Plan
Date: Friday, 1 May 2015 3:03:53 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[5896_15121084738_LetterVemail_.pdf](#)

Dear Sirs

Please find attached a submission on the proposed Canterbury Air Regional Plan by Eliot Sinclair and Partners Ltd.

Paul Thompson MA BSc (Hons) Assoc. NZPI
Resource Management Planner

pt@eliot Sinclair.co.nz



Eliot Sinclair & Partners Ltd. 20 Troup Drive, PO Box 9339, Tower Junction, Christchurch 8149, NZ
phone 03 379 4014, fax 03 365 2449

The information in this email message is confidential and restricted. If you are not the intended recipient of this message, you are hereby notified that any use, distribution or reproduction of this message (in part or whole) is prohibited. If you have received this message in error, please notify the sender and then delete this email together with all attachments. Survey, engineering and other data supplied with this email is only to be used for its intended specific purpose and it is not to be modified or used for any other purpose. Views and opinions expressed in this message are those of the individual sender and may differ from those of Eliot Sinclair & Partners Ltd.

NetIQ MailMarshal - Virus Free

Our Ref: 5896

01 May 2015

Freepost 1201
Proposed Canterbury Air Regional Plan
Environment Canterbury
PO Box Christchurch 8140

Resource Management Act 1991
Environment Canterbury
Submission on the Proposed Canterbury Air Regional Plan

A. Submitter Details

Organisation: Eliot Sinclair & Partners Ltd
Postal Address: 20 Troup Drive
Tower Junction
Christchurch
PO Box 9339
Email Address: paul.thompson@eliot Sinclair.co.nz
Phone Number: (03) 379 4014
Contact name: Paul Thompson and Graeme Mawson

Trade Competition

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

B. Hearing

We wish to be heard in support of our submission.

C. Submission

(1) The specific provisions of the proposal that this submission relates to are:

Proposed Rules 7.29 & 7.30.

(2) Our submission is that:

Eliot Sinclair is a multi-disciplinary consultancy that provides surveying, engineering and planning services primarily South Island wide, with offices based in Christchurch, Rangiora and Hokitika. Eliot Sinclair's specialist expertise is in land development, planning and resource management, civil and structural engineering, geotechnical and environmental engineering, hydrographic and cadastral surveying. Our clients range across community groups, local government, businesses and private individuals.

Our submission relates to the proposed rules to control dust discharges (Rules 7.29 & 7.30).

In terms of the wording of these rules we have the following concerns.

- a. Rule 7.30 relates, inter alia, to dust discharges from a subdivision or development property. Rule 7.29 relates to dust discharges not otherwise permitted (by Rule 7.30) inter alia from an industrial or trade premise, including a construction, subdivision or development property.
 - (i) The omission of the word 'construction' from Rule 7.30 indicates that development that involves construction falls outside of this permitted activity rule. As such all construction activities, irrespective of scale, in the region would require resource consent pursuant to Rule 7.29. This is disproportionate to the potential for effects.
 - (ii) The discharge of dust beyond the boundary of the property of origin is not quantified by Rules 7.30 & 7.29. As such the stated activities in Rules 7.30 & 7.29 are interpreted to always be subject to the rules as dust will always occur to some degree where physical activities take place as it cannot be asserted that any airborne particulate fragments that comprise dust will not travel beyond the boundary of the property. In the absence of quantifying dust discharges and the limited scope of permitted activities, the proposed rules are also considered to be disproportionate to the potential for effects.
- b. Rule 7.30 relates, inter alia, to dust discharges from a subdivision or development property where less than 4ha of land is unsealed or unconsolidated.
 - (i) This indicates that sites larger than 4ha may be permitted if they contain existing areas of hardstand or buildings of sufficient size that can be excluded from the net site area. The words 'unsealed or unconsolidated' are not defined. It is particularly unclear what amounts to an unconsolidated surface, whether this includes a metalled/gravel surface or not, in order to make an assessment of whether a site can be permitted under the area threshold Rule 7.30. The appropriateness of the proposed provisions in terms of consistent and effective administration and transparency is therefore considered to be low.
 - (ii) The interpretation being applied by Environment Canterbury's consenting officers is that the 4ha area threshold relates to the area of ground being disturbed by the proposal not the area of the site. However the wording of Rule 7.30 is more conservative and makes no reference to the area of ground being disturbed rather it relates to the size of the property (in

terms of areas that are unsealed or unconsolidated) and not the size of any soil disturbing activity. The appropriateness of Rule 7.30 is unclear in this regard and in terms of consistent and effective administration and transparency is also considered to be low.

- c. Rule 7.30 relates, inter alia, to dust discharges from a subdivision where less than 4ha of land is unsealed or unconsolidated at any one time. The meaning of subdivision of land is contained in s.218(1) of the Resource Management Act. It covers a broad range of activities including boundary adjustments and change of tenure which involve no earthworks or physical groundwork as well as enabling activities that involve earthworks.
 - (i) The inclusion of the term subdivision therefore has unintended consequences as it captures activities that do not or are unlikely to give rise to dust discharges.
 - (ii) In addition, in rural Canterbury the minimum allotment size of considerable areas of rural land is 4ha. Subdivision of rurally zoned land therefore involves areas greater than 4ha and would not be permitted by Rule 7.30. However subdivision of rurally zoned land often involves small amounts of earthworks (such as upgrading access crossings or providing infrastructure service connections, where required) with the balance remaining undisturbed in rural use. This can occur in sparsely populated and non-environmentally sensitive areas. The compliance cost of obtaining resource consent pursuant to Rule 7.29 on the rural development community is disproportionate to the potential effects of any dust discharges on the receiving environment.
- d. Rule 7.29 relates to dust discharges not otherwise permitted by Rule 7.30 inter alia, beyond the boundary of the property of origin, including from unsealed or unconsolidated surfaces. The relevance of 'unsealed or unconsolidated surfaces' as opposed to any other surface (such as sealed and hardstand) is unclear. While it may have been included to be consistent with the wording used in Rule 7.30, the context is different and the need to specify particular surfaces is unnecessary.

In consideration of the above matters we consider the proposed provisions are unclear and have unintended consequences that lack equity, in particular on the rural development community but also potentially other communities. The section 32 assessment undertaken by the Council in this regard and has not undertaken the following;

- i. An adequate evaluation of the role of Erosion and Sediment Control Plans to control dust discharges during construction as routinely required by territorial authorities as part of engineering approval for subdivision and developments that are greater than small scale or which are located in high risk locations such as hillsides and on loess soils. The potential duplication of dust management controls by the Regional Council and territorial authorities in comparison to the increased costs of compliance and overall effectiveness has not been adequately assessed.
- ii. An adequate evaluation of the type and nature of the dust complaints received and the extent to which these relate to construction and property development

activities as opposed to operational site management in order to ensure the proposed provisions are appropriately targeted towards those activities and locations (particularly in relation to the matter discussed at item 2(c)(ii) above) that generate dust discharge effects.

- iii. An adequate evaluation of the appropriateness of the 4ha threshold contained in Rule 7.30. Justification for a 4ha area rather than any other scale of activity has not been made (i.e. 3ha, 5ha). In addition the scale of the activity (in relation to the area of exposed soils) is only one factor that influences the propensity for dust discharges. Soil properties are particularly significant and the High Soil Erosion Risk Areas of the proposed Canterbury Land and Water Plan would appear to be closely connected to the increased potential for dust discharges to occur relative to other areas of the region. A more targeted evaluation of the factors that give rise to dust discharge effects including soil properties, terrain and any other factors and the scale of activities is required to ensure that appropriate controls are put in place. Reliance solely on the scale of an activity appears to a particularly blunt tool that potentially increases compliance costs in a highly inefficient manner.

(3) We seek the following decisions from Environment Canterbury

1. Rules 7.30 & 7.29 omit the word 'subdivision' and substitute within Rule 7.30 the word 'construction' to make clear that these dust discharge rules relate to activities that include the potential to generate dust and not otherwise.
2. Clarify the lack of transparency identified by items 2(b) and 2(d) above by way of redrafting or the introduction of definitions. Correct the typographical error (delete the repetition of the words 'of the') within assessment matter 6. of proposed Rule 7.29.
3. Undertake a re-evaluation of the s.32 assessment to take in account the relevant matters identified in items i. – iii. above and the appropriateness of the proposed provisions to achieve the proposed objectives (including policies) and the most appropriate way to achieve the purpose of the Resource Management Act.
4. Any other appropriate and consequential amendments including those to objectives, policies, rules, appendices and maps necessary to give full effect to this submission.

Yours faithfully

ELIOT SINCLAIR & PARTNERS LTD



Paul Thompson

Resource Management Planner