BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER THE	Resource Management Act 1991
IN THE MATTER OF	Submissions lodged on the Proposed Canterbury Regional Air Plan

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STATEMENT OF EVIDENCE BY CLAIRE HUNTER ON BEHALF OF ALLIANCE GROUP LIMITED

18 September 2015

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1. INTRODUCTION

1.1 My full name is Claire Elizabeth Hunter. I hold an honours degree in Environmental Management from the University of Otago. I am a senior resource management consultant with the firm Mitchell Partnerships, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Tauranga and Dunedin.

1.2 I have been engaged in the field of town and country planning and resource and environmental management for ten years. I have focused on providing consultancy advice with respect to regional and district plans, designations, resource consents and environmental management and environmental effects assessments. I have also been involved in providing resource management advice with respect to a number of electricity generation projects, and/or representing the interests of such providers in plan changes throughout New Zealand. An outline of projects in which I have been called upon to provide resource management advice in recent times is included as **Appendix A**.

1.3 I have been engaged by Alliance Group Limited ("Alliance") to provide resource management planning advice in respect of the Proposed Canterbury Air Regional Plan ("Proposed Air Plan" or "the Plan"). I am familiar with the Plan and associated documentation as my firm assisted in the preparation of Alliance's submission and further submission on the matter. In preparing this evidence I have read the section 42A report. I refer to this report throughout this evidence.

1.4 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

1.5 My evidence will provide the following:

a. A summary of Alliance's interests in the Proposed Air Plan

b. Alliance's Overarching Submission on the Proposed Air Plan

c. Proposed Objectives

d. Proposed Policies

e. Proposed Rules

2. ALLIANCE GROUP LIMITED

2.1 Alliance was established in 1948 and its corporate office is based in Invercargill, New Zealand. Alliance is one of the world's largest processors and exporters of sheep meat, with eight processing plants strategically located throughout the South Island and lower North Island. Approximately 7 million lambs, 1 million sheep, 140,000 cattle and 80,000 deer are processed annually.

2.2 The company is a farmer owned co-operative with over 6000 farmer shareholders. More than 90% of the stock supplied to the company for processing comes from shareholders. Alliance produces 27% of New Zealand's sheep meat production, 6% of its beef production, and 15% of its venison production.

2.3 Alliance's Smithfield Plant ("the Plant") is situated approximately 3km north of Timaru, on Bridge Road as shown in Figure 1 below:

Figure 1: Location of Alliance's Smithfield Plan

2.4 The Plant was established on this site in 1885, and currently processes sheep, lamb, and deer and is Alliance's only processing plant in the Canterbury region. The Plant

employs approximately 500 people at the peak of the season and contributes significantly to the local and regional economy.

2.5 In order to operate its plant Alliance holds a number of resource consents issued by Environment Canterbury. This includes a discharge to air consent (CRC921864.2). This consent enables the operation of the Plant's coal fired boiler, and enables a number of onsite operations including processing and rendering activities. This consent expires in 2030.

3. ALLIANCE'S OVERARCHING SUBMISSIONS ON THE PROPOSED AIR PLAN

Recognition of Industry

3.1 Alliance submitted that on the whole the Proposed Air Plan does not currently adequately recognise the benefits that are to be derived from enabling existing and new industrial activities to continue to operate and develop within the Canterbury Region. Alliance submitted that a suitable balance needs to be achieved between managing the effects of air discharges, whilst still enabling the operation and growth of industrial activities within the region.

3.2 Alliance is particularly concerned that there is an overarching emphasis within the Proposed Air Plan on the minimisation of discharges of contaminants to air from all sources, including existing industrial activities. While Alliance appreciates this as a general proposition, Alliance is concerned that there is not sufficient recognition in the Proposed Air Plan as to the economic value of existing investment in industry and infrastructure. In this regard, Alliance opposes the approach adopted within the Proposed Air Plan which seeks to avoid and prohibit all industrial air discharges where the values within the Ambient Air Quality Guidelines 2002 Update (AAQG)[1] are likely to be exceeded. Alliance submitted that with respect to existing air discharges, a more flexible, moderated management approach needs to be incorporated into the Proposed Air Plan.

3.3 The Proposed Air Plan states that "Industry and large scale discharges are identified as contributing a significant proportion of the contaminants to air, including odour and dust, particularly in urban areas". Council's recognition of industry as a significant contributor has likely motivated the suggestions in the Proposed Air Plan that industry

[1] Which is not mandatory

can provide solutions to air quality through the "…uptake of the cleanest technology[2]." The description of the statutory planning framework similarly references objectives, policies and methods that allow for …controlling discharges....from....industry and....encouraging the uptake of cleaner technology in polluted airsheds so that targets set by the National Environmental Standard for Air Quality (NESAQ) can be achieved[3]".

3.4 Alliance is cognisant of its ongoing responsibilities to achieve environmental best practice, and is proactive in implementing improvements where it is practicable and cost effective to do so. Requiring ongoing investment in cleaner air discharge technology is a laudable goal. However achievement of this goal should only be mandated where there are demonstrable adverse effects that require remediation. And requirements for implementation should account for the fact that such upgrades usually incur significant costs to industry. Imposition of such costs could jeopardise the ongoing operation of industrial plant's such as the Smithfield Plant.

3.5 In my opinion the Proposed Plan needs to establish a regime whereby the management of industrial air discharges:

- accounts for the extent and severity of the localised and cumulative air quality effects that arise;
- requires the consideration of viable alternatives to mitigate adverse effects; and
- properly accounts for existing investment and accrued (and accruing) economic and social benefits.

3.6 A mandate to reduce all industry discharge emissions, without regard for these other factors is, in my opinion, not justified. Encouragingly, I note that in response to other similar submissions on the matter, the section 42A report writer recommends including the following paragraph into the introductory section of the Proposed Air Plan relating to industry discharges[4]:

> *Managing the effects of large scale and industrial discharges of contaminants into air must be measured to ensure social and economic wellbeing is provided for. Using the*

[2] Page 1 -7 of the Proposed Air Plan

[3] Page 1 – 7 of the Proposed Air Plan

[4] Recommendation R-Section 1-6, page 5-5 of the section 42A report

"best practicable option' ensures the value of industry to the Region is considered when determining appropriate mitigation measures.

3.7 In my view this introductory text is appropriate and a similar theme needs to be followed through into the proposed objectives, policies and rules. Which I discuss in further detail later in this evidence.

Clean Air Zone

3.8 Alliance is also concerned that the Proposed Air Plan is not consistent with the NESAQ as it refers to "clean air zones" rather than gazetted or polluted airsheds. I understand that clean air zones extend over a wider geographical area than the gazetted airsheds and their purpose is to enable the management of the area of influence around polluted airsheds. It is proposed that Alliance's Plant is located within the Timaru clean air zone. The Plant is currently located within the Timaru gazetted airshed, but I understand that there is proposal to separate the Washdyke area from the Timaru Airshed[5]. The proposal to create a separate airshed is currently with the Minister for the Environment for determination. The Smithfield Plant would be located within the Washdyke airshed. The Timaru airshed exhibits high PM_{10} and monitoring shows that it regularly exceeds the PM_{10} NESAQ standard. The PM_{10} concentrations in the Washdyke proposed airshed are considerably lower than those in Timaru and there are only a few PM_{10} NESAQ standard exceedances each year. The dominant contributing source of PM_{10} in the Timaru airshed derives from domestic burning, and to a lesser extent industrial combustion processes in the Washdyke area.

3.9 I am concerned that the Proposed Air Plan seeks to combine the Timaru and Washdyke areas into a single clean air zone, particularly in the light of the efforts being made at a national level to separate out the Washdyke area. I note that the section 32 report sets out that "*Timaru and Washdyke sit within a single clean air zone, but effects will be assessed as they relate within the airshed".* It is not clear to me how this will be achieved given the structure of the proposed objectives, policies and rules which generally refer to "clean air zones" rather than polluted airsheds. Due to the significant issues within the Timaru airshed due to domestic burning there could be less assimilative capacity in the overall clean air zone, and industrial activities within the Washdyke area could be unduly penalised or constrained because of this. I suggest

[5] Section 32 Report, Proposed Canterbury Regional Air Plan

that some clarification around this matter is necessary so that Alliance can consider its position on this matter further.

Non Mandatory Guidelines

3.10 Alliance is also concerned that the provisions of the Proposed Air Plan have the effect of elevating the 2002 Ambient Air Quality Guidelines (AAQG) to become mandatory standards. The NESAQ imposes mandatory limits for air quality. I accept that the AAQG are often used to inform assessments of air discharges, however they were not promulgated under the premise that they include the same environmental bottom line requirements like that of the NESAQ. The Proposed Air Plan however elevates the status of the guidelines to mandatory environmental bottom lines. For example as notified, Rule 7.18 sets out if an industrial air discharge is *likely* to result in an exceedance of the limits within the AAQG within a clean air zone then the activity is prohibited. If an exceedance of the limits in the Proposed Air Plan has the effect of prohibiting activities, then in my view those limits need to be robustly developed and tested and relevant to the local circumstance.

3.11 Having said that, I note that the section 42A report writer has recommended amendments to the policies and rules relating to the management of industrial air discharges, including deleting the prohibition of industrial activities which do not achieve the AAQG. If this is accepted by the Panel, this would largely address my concerns with the reference to the AAQG in the relevant provisions.

4. PROPOSED OBJECTIVES

4.1 Generally Alliance is supportive of the proposed objectives in the Proposed Air Plan. Alliance's key submission with regard to the proposed objectives seeks amendments to Objective 5.7. Alliance submitted that it is appropriate to recognise the contribution essential infrastructure has to community economic and social wellbeing. In addition Alliance also submitted that it is important to recognise the existing investment with respect to existing industrial activities currently operating within the Canterbury region. I agree, and to do so is consistent with the requirements of section 124 and recent amendments to schedule 4 of the Resource Management Act 1991 ("RMA").

4.2 I note that a number of other submitters, which Alliance supported, also sought to include a new objective which sought to better provide for and recognise the significant value derived from industrial activities.

4.3 Alliance's submission has not received support from the section 42A report writer. However in response to the various submissions seeking an objective specifically recognising industry locational constraints and benefits, the section 42A report writer has recommended including the following objective:

> *Locational constraints of discharging activities, including heavy industry and infrastructure, are recognised so that operational discharges into air are enabled where the best practicable option is applied.*

4.4 This is appropriate, but in my view this does not go far enough in recognising the benefits that can be derived from industry. A new additional objective should be inserted which reads as follows:

> *The investment and benefits of existing and new industrial activities are appropriately recognised and provided for when considering proposals to discharge contaminants and odour to air.*

5. PROPOSED POLICIES

5.1 Alliance made submissions on a number of the proposed policies as follows.

Policy 6.2 and Policy 6.3

5.2 Policies 6.2 and 6.3 set acceptable limits on contaminant concentrations. Policy 6.2 seeks to minimise adverse effects on air quality where concentrations of contaminants are between 66 – 100% of the AAQG values, so that concentrations do not ultimately exceed 100%. Alliance is concerned that this policy does not give specific enough guidance as to how adverse effects will be managed. Alliance submitted that this policy should instead establish a regime whereby if the limits are approaching mandatory standards then an appropriate management response is triggered in order to prevent the exceedance of the standards. Alliance suggested the following amendments to Policy 6.2:

> *Where concentrations of contaminants ~~Minimise adverse effects on air quality where concentrations of contaminants~~ are between 66% and 100% of the ~~guideline~~ values set out in the National Environmental Standards for Air Quality Regulations ~~Ambient Air Quality Guidelines 2002 Update~~, a management response is triggered so that concentrations do not ultimately exceed 100% of those limits ~~so that concentrations do not exceed 100% of those guideline values~~.*

5.3 The section 42A report writer has recommended rejecting the Alliance submission, because it is considered that the "*change sought would not help to maintain the environmental limit set by the proposed policy*[6]". In my view the changes being sought by Alliance provide greater clarity as to how this policy should be applied in practice. The amendments sought make it clearer to both the Council and applicant's that if a discharge is either individually or cumulatively resulting in the values set out in mandatory guidelines being triggered then an appropriate management regime will be imposed to prevent those thresholds being exceeded. In some cases the appropriate response might be to decline the application, in others for example existing industry activities, a more appropriate management response might be to either offset the discharge, or to progressively upgrade to a cleaner technology in order to reduce emissions and achieve compliance with the relevant standards. Given the changes that are being sought by Alliance, I consider that Policy 6.3, which sets out that action will be undertaken if the guideline limits are reached is not necessary and can be deleted.

Policy 6.4

5.4 Policy 6.4 seeks to reduce overall concentrations of $PM_{2.5}$ in clean air zones so that by 2030 $PM_{2.5}$ concentrations do not exceed 25ug/m^3 measured over a 24 hour average. The Proposed Air Plan purports to achieve this while providing for industrial growth. Alliance submitted that this policy does not provide for industrial growth as it is intended. Alliance is also concerned about how this policy is intended to be applied with respect to the Timaru/Washdyke area and industrial activities, given that it applies to "clean air zones" rather than gazetted airsheds. In this regard, Alliance submitted that the Timaru airshed is significantly affected by domestic related heating sources, and if ambient conditions are not improved over time (primarily due to domestic sources) then existing industry activities could be unduly penalised and constrained.

5.5 While I accept that the Proposed Air Plan is targeting the removal of wood burners which contribute significantly to particulate emissions (both PM_{10} and $PM_{2.5}$) within the region via the limit setting referred to above, I am concerned that this limit will drive compliance conditions at the boundary of industrial sites from this point on. This would be inappropriate in my view, particularly given that currently there is no mandatory national standard which relates to $PM_{2.5}$ emissions. I note that the guidelines include a

[6] Recommendation R-6.2, page 10-4 of the section 42A report

monitoring value for $PM_{2.5}$ of 25ug/m^3 (24 hour average) which can be used for assessing monitoring results and to determine whether further investigations are needed to quantify $PM_{2.5}$ sources[7]. The guideline also notes that the Ministry was to commence investigation into $PM_{2.5}$ in 2002, with the aim of establishing an appropriate value by 2004. The fact that a limit has not yet been established indicates to me that there must be some difficulties in doing so.

5.6 The section 32 report set out that there is no safe level of $PM_{2.5}$ and that studies undertaken by the World Health Organisation ("WHO") have shown health benefits from a reduction in $PM_{2.5}$ exposure. Whilst I accept the "no safe limit" proposition, I suggest that it would be preferable for the Proposed Air Plan to require ongoing monitoring to be undertaken and adoption of an appropriate standard for $PM_{2.5}$ once further national and regional standard setting has occurred. I note that this consistent with the relief sought in the submission of Staterra Inc, which Alliance supported.

5.7 Alliance is also concerned about the reference to the 24 hour monitoring period with respect to compliance with the proposed $PM_{2.5}$ standard. In order to provide for industrial growth I agree that reference to an annual average would be more appropriate, which would better reflect short term variations in emissions and seasonal changes.

Policy 6.5

5.8 Alliance sought changes to Policy 6.5 in order to provide certainty as to its intent. As currently drafted the policy sets out that "offensive and objectionable effects are unacceptable…and the location of discharges must be identified and managed". In its submission Alliance acknowledged that the terms "objectionable" and "offensive" are often associated with the management of air discharges (particularly odour), and that inclusion of these terms was probably derived from section 17 of the RMA. Alliance noted that section 17 however expresses these terms with the following qualifier:

To the extent that it has or is likely to have an adverse effect on the environment.

5.9 I agree the wording that is used in section 17 should be incorporated into the policy drafting. This would ensure the terms "offensive" and "objectionable" are applied and considered in an appropriate context. In response to Alliance's submission the section

[7] Ambient Air Quality Guidelines. 2002 Update. Ministry for the Environment. May 2002

42A report writer sets out that the amendments being sought do not recognise that offensive and objectionable effects are unacceptable[8]. I consider that objectionable and/or offensive discharges needs to be considered in light of a number of factors – including the nature of the discharge, its location and any adjacent properties or sensitive receptors. I also note that this is consistent with the criteria which is set out within Schedule 2 of the Proposed Plan – Assessment of Offensive or Objectionable Discharges. In order to determine whether a discharge is causing an objectionable or offensive effect Schedule 2 requires, among other matters, consideration of the location of the discharge and proximity to any sensitive receptors. The amendments to Policy 6.5 as set out below better links the assessment to Schedule 2 of the Proposed Plan and section 17 of the RMA:

> *Any offensive or objectionable discharge to air which is or is likely to have an adverse effect on the environment and in particular on sensitive receptors, shall be managed such that the effect is suitably avoided, remedied or mitigated.*

Policy 6.7

5.10 Alliance sought the deletion of Policy 6.7 which seeks that:

> *Where, as a result of authorised land use change, land use activities within the neighbourhood of a discharge into air are significantly adversely affected by that discharge, it is anticipated that within a defined time frame the activity giving rise to the discharge will reduce effects or relocate.*

5.11 Alliance submitted that this policy was not the appropriate mechanism in which to manage adverse reverse sensitivity effects. The section 42A report writer states that this policy is not intended to encourage sensitive activities to locate near discharges, and instead provides a tool for managing legacy reverse sensitivity issues, and that such issues exist because legitimate land use decisions have been made that have fundamentally changed the receiving environment in which some discharging activities are located[9]. The writer notes that this may be unfair to the discharging activities, but everyone legitimately located in the area has a right to access air of a quality that provides for their health, safety and wellbeing. I agree with the section 42A report writer to the extent that for legitimate land use activities access to an appropriate level

[8] Recommendation R-6.5, page 10-6 of the section 42A report

[9] Page 10-7 of the section 42A report

of air quality is necessary. However I am unclear what the intent of this policy is and what the actual ramifications of its application will be.

5.12 One would assume that if land uses have legitimately established, either through consents or plan zoning, then the level of adverse effects on air quality arising from the existing air discharge activity must have been considered to be acceptable in order for the development to proceed and the activity to establish in the first place. I do not think that this policy should be used to constrain the operating parameters of an industry or impose new or additional constraints where new activity has effectively "come to the effect". I accept that changes that have occurred within the existing environment should be considered at the time an air permit is renewed. It might be that changes are necessary to the discharge in order to achieve new air quality standards, or to reduce effects on new sensitive receptors. However these issues will be dealt with at the time of consent renewal given the general obligation to consider the existing environment.

5.13 It also appears that this policy could be trying to create a mechanism in which to review or revoke existing air discharge consents. I do not consider this to be necessary, given that RMA and the current regional plans enable Council to investigate whether the discharge is achieving the best practicable option for managing its effects, and if the best practicable option is not being implemented then this could be cause for review in any event.

5.14 Furthermore it is my opinion that the Proposed Air Plan should include provisions that appropriately recognise and protect existing air discharges and activities from the encroachment of incompatible activities. This would prevent adverse reverse sensitivity effects from arising in the future.

Policy 6.8 and Policy 6.19

5.15 Policy 6.8 seeks that where activities that discharge into air locate appropriately to avoid the potential for reverse sensitivity effects, then longer term consents duration may be available to provide ongoing certainty. Alliance submitted that while it is appropriate to recognise location as a factor for mitigating adverse effects from air discharges, there are also other measures such as operational processes that can be adopted to ensure adverse effects are appropriately managed in the long term, and significant positive effects arising from the activity that warrant the granting of a longer term consent. I agree that enabling activities to secure longer term consents, where

the effects are suitably managed due to a range of factors, appropriately recognises the significant investment and benefits that are or can be derived from allowing the activity to operate with such security. I therefore suggest the following amendments to Policy 6.8 to adequately reflect this:

> *Where activities that discharge into air effectively manage adverse ~~to avoid the potential for reserve sensitivity~~ effects through location or the use of emissions control technology, then longer term consents duration may be available to provide ongoing operational certainty.*

Policy 6.10, Policy 6.20 and Policy 21

5.16 Policy 6.10 seeks that "at least" the best practicable option ("BPO") is applied to air discharges, and Policy 6.20 requires that the BPO is applied to all large scale and industrial activities discharging into air so that degradation of ambient air quality is minimised. Alliance sought that these policies be deleted on the basis that the obligations to consider and impose the best practicable option are already an inherent requirement within the RMA.

5.17 Policy 6.21 seeks to avoid discharges from industrial activities where the discharge will result in the exceedance, or exacerbation of an existing exceedance, of the guidelines values set out in the AAQG 2002. Alliance also sought the deletion of this policy as it was concerned that the use of the term "avoid" establishes a very high threshold and in some cases, the only means of "avoiding" an adverse effect would be to cease a discharge. This may or may not be the most appropriate outcome, however there are a number of factors to be considered including the location of the discharge, the nature of the receiving environment (i.e. other discharges), the benefits of the activity and any mitigation including offsetting that could be available to lessen the effects. The policy does not allow for any scope in this regard.

5.18 With regard to Policy 6.10 the section 42A report writer recommends removing reference to requiring that "at least" the best practicable option is removed[10]. With regard to Policies 6.20 and 6.21 the writer recommends amendments to provide clear guidance as to what is to be achieved in applying BPO in different receiving environments and to refer to the NESAQ as well as the AAQG[11]. Upon further

[10] Recommendation R-6.10, page 10-9 of the section 42A report

[11] Recommendation R - 6.20 and 6 .21, pages 13-7 and 13-8

consideration of Alliance's submission on these matters, and the recommendations of the section 42A report, I think it would be helpful for the Proposed Air Plan to include policy which deals with industrial discharges in accordance with BPO obligations. This is certainly preferable to policies and rules which act as a trigger to prohibit industrial discharges. The writer does not suggest how this policy mechanism might look, so I have drafted the following policy to address this matter:

> *Manage air discharges from large scale burning devices, and industry and trade premise to:*
>
> *(a) Avoid, remedy or mitigate adverse effects on people, property and the environment;*
>
> *(b) Achieve compliance with the National Environmental Standards for Air Quality Regulations; and*
>
> *(c) Achieve the best practicable option appropriate to the scale of the discharge, and any potential or actual adverse effects.*

Policy 6.22

5.19 Policy 6.22 seeks that within clean air zones significant increases of PM_{10} concentrations from discharges are to be offset in accordance with the NESAQ. As set out earlier in this evidence, as an overarching theme Alliance is concerned with the reference to the "clean air zone" particularly for the Timaru area, rather than the gazetted airsheds developed under the NESAQ. Given that this policy seeks that discharges are to be offset in accordance with the NESAQ it makes more sense to me that it should be redrafted to refer to "polluted airsheds" rather than clean air zones.

Policy 6.24

5.20 Policy 6.24 seeks that the discharge of contaminants into air from waste management processes, is only acceptable where the activity is appropriately located and where offensive or objectionable effects or adverse effects on human health are avoided. Alliance submitted that this policy sets too high a threshold for requiring that all discharges arising from waste processes avoid offensive or objectionable effects. As I have set out earlier in this evidence, there is a degree of tolerance and subjectivity associated with determining what constitutes an offensive or objectionable effect. Requiring all offensive and objectionable discharges to be avoided does not take into account the proximity and nature of the discharge and surrounding activities, nor does it take into account any mitigation that might be imposed to reduce the severity of the

effect. I therefore agree with Alliance and consider that the policy should be redrafted as follows:

> *The discharge of contaminants into air from waste management processes, other than combustion of waste, is acceptable where the waste management activity is appropriately located and where ~~offensive or objectionable effects or~~ adverse effects on human health are avoided, remedied or mitigated.*

6. PROPOSED RULES

Rule 7.3

6.1 Rule 7.3 is a general rule which sets out that the discharge of odour, dust or smoke that is offensive or objectionable beyond the boundary of the property when assessed in accordance with Schedule 2 is a non complying activity. Alliance submitted that it is not clear how this rule will be applied in practice. The criteria set out in Schedule 2 seems to require real time data (frequency of events, intensity, duration and complaints) in order to be able to accurately determine whether the discharge is causing an objectionable or offensive effect. I agree that it is difficult to determine when this rule would be triggered and how a discharge would be assessed and compliance or otherwise confirmed. Rural farming activities could give rise to potentially odorous activities and the Proposed Air Plan contains specific rules which relate to the management of such discharges. Taking poultry farming as an example, Rule 7.63 sets out that poultry farming which is undertaken within 200m from a sensitive activity is a discretionary activity. If the proposed activity is to be located approximately 100m from a sensitive activity does this then trigger Rule 7.3 or does it remain captured by Rule 7.63? It is not clear to me if the activity specific rules override the general rules, or vice versa[12].

6.2 Given this I agree with Alliance that Rule 7.3 should be deleted, or it should be made explicit that Rule 7.3 applies only where the discharge is not provided for elsewhere in the Plan.

[12] I note that Rule 7.1 sets out that:
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 stringent activity status applies.

Rule 7.14

6.3 Rule 7.14 sets out that it is a restricted discretionary activity to discharge concentrations of PM_{10} which will likely equal or exceed 2.5ug/m^3, provided 100% of the discharge will be offset in accordance with Regulation 17 of the NESAQ. Alliance submitted that this offsetting obligation was different to the NESAQ. Alliance is particularly concerned again about the reference to the clean air zone, rather than gazetted and/or polluted airsheds.

6.4 The section 42A report writer has recommended amendments to Rule 7.14 to better align the rule with Regulation 17[13]. However I note that it applies to all discharges, and provides no exemption for existing air dischargers. I also question whether it is necessary to include Rule 7.14 in the Proposed Air Plan given that it could be effectively implemented by the Council through the NESAQ and relevant polices (i.e. Policy 22).

Rule 7.15

6.5 Rule 7.15 sets a limit on PM_{10} discharges within clean air zones. The section 42A report writer notes that Rule 7.15 sets a less stringent standard than what was included in the NRRP for certain areas of the region, and imposes a far more stringent requirement within those clean air zones that are new[14]. This includes Timaru. As outlined earlier in this evidence Alliance is concerned about the reference to the clean air zone within this rule, and submitted that it should refer to gazetted or polluted airsheds to ensure consistency with the NESAQ.

Rule 7.18

6.6 Rule 7.18 sets out that the discharge of contaminants into air from industrial activities that will likely result in guideline values in the AAQG 2002 being exceeded is a prohibited activity. Alliance opposed this rule on the basis that a prohibited activity status is too onerous. Alliance submitted that with respect to the Timaru clean air zone a large geographical area is included, and most of this area is urban or residential in nature with already high particulate emission issues. High particulate emitting domestic burners are a significant source of contaminants and Alliance is concerned that in areas such as highly developed residential areas the ambient guidelines may already

[13] Recommendation R - 7.14, page 13-11 of the section 42A report

[14] Page 13-7 of the section 42A report

be exceeded. Alliance submitted that this rule could severely impact industrial dischargers, who are or become unduly constrained because of existing poor ambient conditions. Alliance also submitted that the drafting of this rule was uncertain. The rule refers to a "likely exceedance" and there are implementation difficulties with respect to this.

6.7 In response to Alliance's submission and others, the section 42A report writer has recommended deleting Rules 7.17 and 7.18 and replacing these with rules which better allow for consideration of the management of industrial discharges against the BPO[15]. I support the author's recommendation to delete Rule 7.18, however I do not agree that a new set of rules is necessary in order to better consider the discharge against the BPO obligations. These obligations are inherent within the RMA and through the objectives and policies this can be considered without the need for rules. The activity specific rules that would capture the majority of air discharges from industrial activities will allow for full and proper consideration of the BPO.

Other Rules

6.8 Alliance submitted on a number of other rules in the Proposed Air Plan, however these submissions were generally in support of the drafting and/or seeking minor amendments and I refer to the submission and do not intend to repeat that in this evidence.

7. CONCLUSION

7.1 Alliance is seeking that the Proposed Air Plan suitably recognises the significant contribution industry plays to the social and economic wellbeing of the Canterbury region. In this regard, Alliance strongly opposes the approach adopted within the Proposed Air Plan which seeks to avoid and prohibit all industrial air discharges where the values within the AAQG are likely to be exceeded.

7.2 I note that the section 42A report writer has acknowledged that the strategy intended for managing large scale and industrial emissions to require the BPO to be applied has not been fully realised in the Proposed Plan. With the recommendations of the section 42A report writer and those that I have discussed above, a more flexible, moderated

[15] Pages 13-8 and 13-9 of the section 42A report

approach for the management of industrial air discharges will be incorporated into the Proposed Air Plan which is appropriate in my view.

Claire E Hunter

18 September 2015

APPENDIX A

Summary of Recent Project Experience

- Alliance Group Limited – Review of the Southland Proposed Air Plan, preparation of submission and evidence.
- Alliance Group Limited – Review of the Southland and Invercargill District Plans, preparation of submissions and evidence.
- Alliance Group Limited – Review of the Proposed Otago Policy Statement and preparation of submission.
- Alliance Group Limited – Planning advice and preparation of applications with regard to the renewable of key discharge consents for its Lorneville Plant to be filed in November 2015.
- Aurora Energy Limited – Preparation of a resource consent and subdivision application for a new substation proposal in Camp Hill, Hawea
- EPA – NZTA Expressway between Mackays Crossing to Peka Peka, Kapiti Coast Project, Transmission Gully Project plan change and notices of requirements and resource consents – Assisting in the review and section 42A report writing for the Notice of Requirement and various consents required.
- Trustpower Limited - Review of the Otago and Southland Proposed Policy Statements and preparation of submissions.
- Trustpower Limited – Review of Otago Regional Council Plan Change 6A and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited. Participation in Environment Court mediation to resolve issues.
- Trustpower Limited – Review of Clutha District Plan Energy Generation Plan Change and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited.
- Alliance Group Limited – Preparation of statutory assessment to accompany resource consent application to renew its Pukeuri Plant biosolids discharge consent.
- LPG Association of New Zealand Limited – Preparation of evidence and hearing attendance representing the LPGA with respect to Dunedin City Council's Plan Change 13 – Hazardous Substances. Participation in mediation to resolve LPGA appeal.
- Invercargill Airport Limited – Undertake a comprehensive review of the current management of aircraft noise in the Invercargill Operative District Plan. Review of Invercargill City Proposed District Plan, preparation of submission and evidence.
- Invercargill Airport Limited – Preparation of plan change provisions and section 32 analysis to provide for the future growth and expansion of Invercargill Airport in the Invercargill District Plan.

- Invercargill Airport Limited – Preparation of notices of requirement to amend a number of existing designations in the Invercargill District Plan including obstacle limitation surfaces and the aerodrome.
- Queenstown Airport Corporation – Provision of resource management advice for the airport and its surrounds in particular the runway end safety area extension and preparation of the notice of requirement, gravel extraction applications to both regional and district councils and other alterations required to the aerodrome designation.
- SouthPort Limited – Prepared and presented evidence on behalf of SouthPort in regards to proposed plan changes to the Southland Regional Plans and Invercargill District Plan.