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by email

GELITA – RESPONSE TO PROPOSED CANTERBURY AIR REGIONAL PLAN PROVISIONS

Introduction

- 1 This letter is provided on behalf of Gelita NZ Limited (submitter 63201 and further submitter 103493) (*Gelita*).
- 2 It is intended to provide a response to the Council Officer version of the plan provisions that was circulated following the issue of 'Minute 3' by the Hearing Panel.
- 3 Gelita's response to the various provisions is set out in **Table 1** below:

Table 1 – Response to Officer provisions

Provision	Comment
Policy 6.19	Gelita has no further comment in respect of the amendments proposed to Policy 6.19.
Policy 6.20	<p>The changes proposed to Policy 6.20 appear to be <i>inter alia</i> inconsistent with the evidence that was presented to the Hearing Panel and which, in short, supported the identification of both "<i>localised</i>" and "<i>ambient</i>" air quality effects (with a focus on "<i>localised</i>" in the first instance). That approach is also consistent with the use (and distinction) between the two different concepts as used in the Canterbury Regional Policy Statement (<i>RPS</i>).</p> <p>In terms of the wording now proposed, Gelita anticipates that (2) "<i>Anticipated land use is not constrained beyond the property on which the discharge originates</i>" will be very difficult to implement and lead to uncertainty/argument over for example, the relevance of affected party approvals, the landownership (and likelihood of future development)</p>

Provision	Comment
	<p>and more generally what the 'future environment' might reasonably be.</p> <p>Although Gelita seeks that the whole policy be deleted, were (1) retained it would be necessary to remove the word "Cumulative". In line with the RPS, the focus should be on 'localised' in the first instance and 'ambient' (where relevant) in the second.</p>
Policy 6.21	<p>Although Gelita does not have an issue with the general intent of this policy, it appears to provide limited assistance to the decision making process.</p> <p>In particular, all persons undertaking discharge to air activities will already need to comply with <i>inter alia</i> the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (the <i>Regulations</i>) and have regard to the Ambient Air Quality Guidelines 2002 Update - regardless of what is said in the policy.</p>
Policy 6.22	<p>Gelita seeks that this policy be deleted.</p> <p>The policy appears to be inconsistent with the approach provided by the Regulations (in that it, for example, extends consideration of the matters listed to Clean Air Zones – which is over and above that required for Gazetted Airsheds under the Regulations).</p> <p>The matters addressed in (1) to (5) also duplicate the matters that would be considered (as a matter of routine) as a part of the air discharge assessment process. The policy therefore adds very little – if anything - to that required through the correct application of the Regulations.</p>
Policy 6.22A	<p>The Gelita site is in a gazetted air shed so this policy has limited application to it.</p> <p>Leaving the above to one side, it is unclear on the circumstances within which a monitoring obligation will actually be imposed. As drafted, the policy appears to <i>potentially</i> contemplate all persons being responsible for wider environmental monitoring (rather than just the localised effects of their individual discharges). In many instances Gelita considers it will not be reasonable to impose or require 'cumulative effects monitoring' when the effect of the relevant activity is</p>

Provision	Comment
	immaterial or clearly less than minor.
Policy 6.22B	Gelita has no issue with the intent of this policy although it does query whether it is properly required given that the matters will be covered off by an ordinary assessment of effects as a part of any application process.
Deletion of Rule 7.17 and 7.18	Gelita supports the deletion of these rules.

- 4 Gelita is happy to be heard in respect of the matters set out if that would assist the Panel.

Yours faithfully



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