From:	ECInfo
To:	Andrew Purves Planning & Resource Management Ltd; Mailroom Mailbox
Subject:	FW: Submission_Proposed Air Plan EMAIL:02920003635
Date:	Tuesday, 16 February 2016 9:49:21 a.m.
Attachments:	LPC Submission in Response to Minute 3 Proposed Air Plan 12 February 2016.pdf
Importance:	Low

Hello Andrew

Thank you for your email.

I have passed it to the Records Team for processing.

If you have any further enquiries please contact Customer Services.

Kind regards

Kimberlee
------------------- Original Message -------------------
From: Andrew Purves Planning & Resource Management Ltd
Received: 12/02/2016 4:31 p.m.
To: ECInfo
Subject: Submission_Proposed Air Plan

Dear Sir/Madam,

Please find attached a submission from Lyttelton Port Company in response to Minute 3 from the Hearings Panel.

Regards

Andrew Purves
Consultant Planner

Andrew Purves Planning & Resource Management Ltd

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Barrington 8244
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22 Cashmere View St
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Form 5: Submissions on the Proposed Canterbury Air Regional Plan

under Clause 6 of Schedule 1 of the Resource Management Act 1991

To Environment Canterbury

By email: ecinfo@ecan.govt.nz

Name of submitter: Lyttelton Port Company Limited (*LPC*)

1 This is a submission in response to the directions of the Hearings Commissioners (Minute 3) on the **Proposed Canterbury Air Regional Plan** (*proposed Air Plan*).

2 LPC was a submitter to Rules 7.17 and 7.18.

3 The specific provisions contained in the Memorandum from the Canterbury Regional Council (18 December 2015) that LPC's submission relates to are:

3.1 Policy 6.19

3.2 Policy 6.20

3.3 Policy 6.21

3.4 Policy 6.22

3.5 Policy 6.22A

3.6 Policy 6.22B

4 The specific reasons for LPC's relief sought is contained in **Annexure 1**.

5 LPC seeks the following decision from the Hearing Panel on behalf of Environment Canterbury:

5.1 The relief as set out in **Annexure 1**.

5.2 Any other similar relief that would deal with LPC's concerns set out in this submission.

Signed for and on behalf of Lyttelton Port Company Limited

____
Environmental Manager
Lyttelton Port Company
12 February 2016

Address for service of submitter:

Lyttelton Port Company
41 Chapmans Road, Hillsborough 8022
Private Bag 5601, Lyttelton 8841
New Zealand Lyttelton Port Company Ltd

1. ANNEXURE 1: REASONS FOR SUBMISSION AND RELIEF SOUGHT

A. Policy 6.19

LPC considers the amended wording is an improvement to the Policy. However, LPC continues to oppose the Policy 6.19 because it applies to nationally and regionally significant infrastructure as well as trade and industrial premises generally. The reasons for the opposition are set out in the original submission and associated expert evidence.

B. Policy 6.20

Policy 6.20 is opposed because proposed Clauses 1 and 2 are open to interpretation. It is submitted that the policy should be sheeted home to the Objectives 14.2.1 and 14.2.2 of the Regional Policy Statement (see clauses 1. and 2. below) and to the definition of the Best Practicable Option contained in Section 2 of the Resource Management Act, 1991 (see Clauses a, b and c below).

LPC seeks Policy 6.20 be deleted and replaced with the following:

Applying the best practicable option to all large scale fuel burning devices and industrial or trade premises discharging contaminants into air so that:

1. Significant adverse effects of localised air discharges is avoided;

2. Ambient air quality is maintained or improved;

-: While having regard, amongst other things, to—

a The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and

b the financial implications, and the effects on the environment, of that option when compared with other options; and

c The current state of technical knowledge and the likelihood that the option can be successfully applied.

C. Policy 6.21

Policy 6.20 is a considerable improvement on existing Policies 6.21 and 6.22 and is supported.

D. Policy 6.22

It is submitted that Policy 6.22 is unnecessary and should not be introduced. Those matters contained in Policy 6.22 are adequately covered through the requirement to observe the NES, to the extent they can, under proposed Policy 6.21.

If Policy 6.22 is to be introduced then the following issues will need to be considered:

1. Clause 1 only seeks to compare emissions with other large scale fuel burning devices and industrial or trade premises. This would provide an indication of the

significance of the discharge relative to these other activities, but makes no allowance for comparing the discharge with all discharge sectors. This is inappropriate because the industrial sector is often responsible for a relatively small proportion of PM10 emissions in clean air zones, which are otherwise dominated by the domestic and vehicle emission sectors. Without comparing to the total air shed PM10 emission rate then a true gauge of the significance of the individual discharge source cannot readily be made.

Furthermore, industrial emissions are often very well dispersed (due to tall stacks) compared to other sectors. The amount of emissions is only one part of the equation. Significance should look at effects rather than simply emissions.

2. Clause 2 is open to interpretation. If it is intending to apply to ambient air then it should say so. However, again this matter is already addressed in Policy 6.20 proposed above in this submission and also Policy 6.21 proposed by the Council Officers.

3. The reference to the location of sensitive receptors in clause 3 is redundant because any assessment of localised effects would by definition consider the location of sensitive receptors.

4. Clause 4 is unusual. It applies to mitigation and emission control options, which concerns the ability of an application to further reduce its emissions rather than necessarily relating to the significance of the discharge.

5. Clause 5 is not unreasonable, although the matter of duration would be considered on the facts of a case associated with any resource consent application, which would include consideration under Policies 6.20 and 6.21 described above.

E. Policy 6.22A

It is submitted that Policy 6.22A is inappropriate and should not be introduced. It is inappropriate for the consent authority to be given what is effectively the sole discretion on the type of monitoring that should be imposed.

Monitoring is a matter that should be assessed on a case-by-case basis when considering a resource consent application. Clause 6 of Schedule 4 of the Resource Management Act, 1991 requires every application to, amongst other matters, include the following information:

"(g) if the scale and significant of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved."

To illustrate further, ambient monitoring outside of an airshed should only be a consideration in circumstances where there is some potential risk that predicted cumulative off-site ground level concentrations from that activity may result in an exceedence of the guideline value or standard. Where an assessment of a new discharge (through dispersion modelling) shows concentrations close to a guideline value or the standard, then ambient monitoring might be reasonable to confirm the actual concentrations.

For discharges where the concentrations are predicted to be comfortably below the relevant guideline or standards then the requirement for ambient monitoring would be unjustified. The concern regarding this policy is that it provides no guidance on the circumstances as to when such monitoring would be required rather it simply gives discretion to the consent

authority. This will be of concern for industry given the significant financial and logistical cost associated with ambient monitoring programmes.

F. Policy 6.22B

Policy 6.22B is neither supported or opposed although it is a requirement under Schedule 4 in any event.