

*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 and tera.maka@ecan.govt.nz

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

1 This is a written submission to the **s.42A Reply Report** (undated) in accordance with the directions of the Hearings Commissioners (Minute 5) on the **Proposed Canterbury Air Regional Plan** (*proposed Air Plan*).

2 The specific provisions contained in this submission on the Reply Report are:

2.1 Policy 6.20

2.2 Policy 6.22

2.3 Policy 6.22A

Policy 6.20

3 The 42A Reply Report in response to submissions has recommended the following:

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

1. ~~*Degradation of ambient*~~ *Discharges into air do not cause significant adverse cumulative and local effects on air quality is minimised*; and
2. *Anticipated land use is not constrained beyond the property on which the discharge originates.*

4 LPC does not oppose the recommended changes to the preamble.

5 LPC continues to oppose reference to “cumulative effects”. LPC submits that the Regional Policy Statement, NES, Guidelines on Air Quality and practice generally refers to ambient air quality. It is preferable to use terms that are used and accepted in practice, noting standard air quality assessments using modelling by definition examine cumulative effects.

6 LPC continues to oppose Clause 2 as the meaning is unclear. Reference to the sensitivity of the receiving environment, as contained in the BPO, is on the other hand clearly understood.

7 On this basis LPC submits that preamble and Clauses 1 and 2 of proposed Policy 6.20 be amended as follows:

Apply 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; and*
2. *Ambient air quality is maintained or improved.*

8 We leave it in the Panel's hands on whether the policy makes explicit reference to the BPO, following LPC's submission, as means of providing further policy guidance.


Policy 6.22

- 9 The 42A Reply Report in response to submissions has recommended proposed Policy 6.22 be retained without any amendment. LPC continues to submit that proposed Policy 6.22 is inappropriate and unnecessary and considers the 42A Reply Report does not make the case as to why the proposed policy is necessary in light of proposed Policy 6.21.
- 10 LPC's submission clearly sets out a range of problems with Clauses 1 to 4 of proposed Policy 6.22 which has not been discussed in the 42A Reply Report.

Policy 6.22A

- 11 The 42A Reply Report in response to submissions has recommended proposed Policy 6.22A be retained without any amendment. LPC continues to submit that proposed Policy 6.22A is inappropriate and unnecessary.
- 12 The reasons raised in opposition by LPC's submission have not been discussed in the 42A Reply Report. The 42A Reply Report by its own admission states it has the power to require monitoring under section 108 (4) of the Act; and, as LPC's submission pointed out, this is a matter an applicant for resource consent has to address under Clause 6 of Schedule 4 of the RMA.

Signed for and on behalf of Lyttelton Port Company Limited



Environmental Manager
Lyttelton Port Company
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