

Consents Compliance Enforcement Actions Post the YAQMP

Date	19 th June 2018
To	Nadeine Dommissie
CC	
From	Steve Firth, Kaylene Gauld

Process for assessment of Consent applications going forward

The 'Consent Dust Mitigation Conditions' are considered by Environment Canterbury to reflect best practice to ensure quarries are delivering all practicable measures to mitigate dust. This is a generic list of the mitigation measures typically included on quarry consents. When applied to each quarry, the conditions will include site specific limits for factors such as wind speed and dust levels.

The Resource Management Act (RMA) is the governing legislation for applying and deciding on resource consents. It prescribes the processing and information requirements for resource consent applications, including notification requirements.

The Canterbury Air Regional Plan contains guidance on the assessment of effects to be included with consent applications for discharges to air.

The RMA requires that all proposals be assessed on their own merits, be received and processed in good faith and be assessed on the environmental effects that arise or could arise from the proposal.

Setback distances

ECan, Selwyn District Council, Canterbury District Health Board and Christchurch City Council have approached government to request that minimum setback distances be introduced to gain clarity for local authorities regarding this matter.

The RMA requires that a resource consent must be assessed on its own merits and be based upon the environmental effects that arise or could arise from the proposal. Therefore, any setback distance needs to be based upon the sensitivity of the receiving environment and assessed on a case by case basis.

However, an applicant is likely to propose a setback distance for their activity to mitigate the effects of their proposal. Setback distances may be affected by agreements and approvals between the applicant and neighbouring property owners. If written approvals are obtained, we cannot consider adverse effects on that party.

Without definitive guidance, ECan needs to continue to undertake case-by-case assessments of effects. It would be unwise for us to direct setback distances without the benefit of national direction and planning policy to support this.

Review of existing consents

Existing consents contain a condition requiring each operator to 'take all practicable measures to mitigate dust...' We now consider 'all practicable measures' to be those measures required by new 'Consent Dust Mitigation Conditions' and will enforce where these are not demonstrated to have been undertaken. We will look at the requirement for a consent review on a case by case basis where the above is not found to be included.

Compliance monitoring and enforcement

ECan will be monitoring quarries to ensure they are meeting their consent conditions and are taking all practicable measures to manage and mitigate dust. ECan's view of all practicable measures are the conditions noted in the 'Consent Dust Mitigation Conditions', as per all new consents. Where a quarry has not taken all practicable measures, we will take further action such as enforcement or consent reviews.

Monitoring is undertaken by a Resource Management Officer (RMO), and the compliance monitoring is done in accordance with the MfE Best Practice Guide for Assessing and Managing Dust.

We will continue to monitor under FIDOL (see below), and undertake 360-degree dust surveys. We will also follow other procedures as per the MfE Good Practice Guide for Assessing and Managing Dust

Frequency	How often an individual is exposed to the dust.
Intensity	The concentration of the dust.
Duration	The length of exposure.
Offensiveness/character	The type of dust.
Location	The type of land use and nature of human activities near the dust source.

Enforcement actions will be assessed on a case by case basis, as action under the Resource Management Act (RMA) is based on an assessment of the adverse effects offsite.

Dust complaints

We respond to all incidents and aim to update the customer within two working days of the actions taken or planned in relation to the information reported.

Further monitoring

The monitoring of sensitive boundaries, where a quarry boundary is within 500 metres of a residential home, is to be owned by the Quarrying Industry, as part of the dust mitigation conditions for their sites. ECan are expecting the quarry operators to have monitoring in place by 1st December, to ensure these are in place for the drier, windier time of the year.

Attachments: Consent Dust Mitigation Conditions, YAQMP Dust Fact Sheet

File reference: