

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chamber, 200 Tuam Street, Christchurch, on
Thursday, 27 June 2019 at 8.00am

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PRESENT

Councillors Peter Skelton (Chair), Elizabeth Cunningham, Lan Pham and Claire McKay

IN ATTENDANCE

Virginia Loughnan (Consents Planning Manager), Deepani Seneviratna (Team Leader Consents Planning), Nick Reuther (Senior Consents Planner) and Alison Cooper (Consents Hearings Officer)

1. APOLOGIES

Councillors Tom Lambie and Peter Scott.

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF MEETING – 20 JUNE 2019

Resolved:

The Regulation Hearing Committee:

Confirms the minutes of the meeting held on 20 June 2019, as a true and correct record.

Cr Pham / Cr McKay
CARRIED

4. MATTERS ARISING

There were no matters arising.

5. DEPUTATIONS AND PETITIONS

There were no depositions or petitions.

6. ITEMS FOR DISCUSSION

At the invitation of the Chairperson, Councillor McKay lead the discussion on item 6.1

6.1 Resource Consent Application for Consideration – CRC183476

Nick Reuther, Senior Consents Planner explained some errors were identified in the s42A report and these were outlined in the Section 42A Officers Report Addendum. He confirmed that the conditions were correct.

Councillor McKay advised that the application was made by The Connect Group Limited to discharge contaminants to air from the activities of abrasive blasting and spray-painting. She noted the activity was an existing consented activity allowed to continue operation under s124 of the Resource Management Act 1991, until this new application was completed.

It was noted that two other companies also operate from the same dry dock facility owned by Lyttelton Port Company. Lyttelton Port Company hold consent authorising the discharge of stormwater, but dry dock users must hold separate consent to discharge to air.

Councillor McKay said that no complaints had previously been lodged against The Connect Group Ltd, except for early this year when an abatement notice was issued. She noted that non-compliance had occurred after notification of the application.

She advised that limited notification of the application was recommended because effects of air quality and human health were considered likely to be minor or more than minor on the landowner of the site. It was noted that the applicant wished to increase the amount of material to be used. Lyttelton Port Company submitted on the application proposing conditions for clarity and wanting to be heard. An exchange of conditions resulted in agreement to proposed conditions and the withdrawal of the right to be heard.

Councillor McKay said that a duration of ten years was proposed. She gave an overview of the activities and proposed mitigation; and summarised the legal and planning matters to be considered including that consent was required under s15 of the Resource Management Act 1991 for the proposed discharge to air. It was also noted that the application did not meet all the Canterbury Air Regional Plan rules, therefore was a discretionary activity.

Councillor McKay outlined the key effects of the application considered were air quality effects, health effects; cumulative effects and Tangata Whenua. She said the applicant had proposed a risk management approach and the Reporting Officer had recommended appropriate conditions to mitigate effects.

The relevant Objectives and Policies were discussed. Councillor McKay noted that issues regarding reverse sensitivity and the risk of adverse effects were considered in the recommendation to grant the application with conditions, for a 10-year duration.

Councillor Cunningham requested clarification whether further consultation with the owner about health aspects regarding silica dust; and spray paint impacting on neighbouring houses had been done. It was noted that the conditions would offer mitigation through the risk management approach for silica levels and wind speeds during operation of the consent. She also asked if the Whakaraupō/Lyttelton Harbour Catchment Management Plan should be considered. Councillor Skelton advised that for this consent application it would not need to be considered.

Councillor Pham asked if weight had been given to the abatement notice and complaints. Nick Reuther advised that the complaints were received late May 2019 and the proposed conditions were reviewed and tightened up. She also asked if the complaints justify a reduced duration. Nick Reuther advised that the duration could be either a five- or ten-year duration. It was noted that a ten year duration was consistent with other existing operators ten year term of consent. It was noted that the applicant had not considered any alternatives to the site as this was the only dry dock in the South Island and would not be able to move to another site.

She requested clarification about the consecutive ten-minute periods in Condition 21. It was noted that this was the time periods for measurement of wind speed.

She also asked about personal health and safety. Nick Reuther advised that Lyttelton Port Company notify all operators on their site of the health and safety requirements.

Councillor Skelton queried the validity of condition 3 in stating that all best practicable measures shall be taken.

It was agreed that the following amendments to conditions be made:

Condition 3: - be reworded to remove the words ‘..but not be limited to...’ in the second sentence, and replace with: “Such measures shall include:..’

Condition 24: - amend the reference to Condition (22) to Condition (23).

Condition 26: - amend the reference to Condition (22) to Condition (23).

Condition 9: - Add after Canterbury Regional Council Attention: Regional Leader -Monitoring and Compliance -” shall be notified”.

Condition 11: - remove the word “suitable” and replace with “lawfully authorised”

Resolved:

That the Regulation Hearing Committee acting pursuant to a delegation of the Council dated 25 August 2016:

- 1. Having considered all relevant provisions of the Resource Management Act 1991; and**

2. for the reasons set out in the Section 42A report as amended during consideration which is adopted;

Grants consent of application CRC183476 to discharge contaminants into air at the Lyttelton Dry Dock at Godley Quay, Lyttelton for a period of 10 years

Subject to conditions amended during consideration and attached as Appendix 1.

Cr McKay /Cr Cunningham
CARRIED

7. **EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

8. **OTHER BUSINESS**

There was no other business.

9. **NEXT MEETING** - To be advised

10. **CLOSURE** - The Chairperson declared the meeting closed at 9.07 am

CONFIRMED

Date:

15 August 2019

Chairperson:



Appendix 1

Application: CRC183476 - To discharge contaminants to air

Applicant: The Connect Group Limited

Duration: 10 Years

	Limits
1.	<p>The discharge of contaminants into air associated with wet and dry abrasive blasting and spray-painting of vessels shall be only:</p> <ol style="list-style-type: none">Water and particulate matter from wet abrasive blasting;Particulate matter from dry abrasive blasting; andPaint from spray painting; <p>At the Lyttelton Dry Dock, located at Godley Quay, Lyttelton at or about map reference NZTM2000 1576644 mE – 5171834 mN, within the site legally described as Part Lot 7 DP 67082 and labelled 'Dry Dock Site' on the attached Plan CRC183476, which forms part of this consent.</p>
2.	<p>The discharges under this resource consent shall not cause suspended or deposited particulate matter, fugitive dust, spray paint over-spray and/or odour that is offensive or objectionable beyond the area labelled as 'Dry Dock Site' on Plan CRC183476.</p>
3.	<p>All best practicable measures shall be taken to prevent or minimise the discharge of particulate matter, fugitive dust, spray paint over-spray and/or odour beyond the boundary of the Dry Dock Site. Such measures shall include:</p> <ol style="list-style-type: none">Using screens, enclosed platforms, filters, covers, tarpaulins, cladding or other means to act as windbreaks and enclosures to contain emissions of particulate matter, fugitive dust, spray paint over-spray;Using covers or filters to prevent blast debris from landing on exposed water, ground, vegetation, soil or entering the sea;Using covers or filters over surface drains or waterways in the vicinity of the blasting operation;Using rollers and brushes to paint the superstructure of vessels; andUsing any other measure identified in the Air Quality Management Plan required to be prepared under Condition 22 of this resource consent.
4.	<p>Abrasive blasting shall not be carried out on coatings containing tributyl tin, lead, or mercury, unless vacuum blasting of these coatings occurs, and filtration removes at least 99.9 percent by mass of particulate matter prior to discharge into air.</p>
5.	<p>No paints shall be used that contain di-isocyanates compounds, unless the di-isocyanide is a 'Part B' compound of a coating mixture containing a 'Part A' and 'Part B' combination and is mixed at a ratio of four 'Part A' to one 'Part B' (4:1). The application of di-isocyanide as a Part B compound of a coating mixture shall not exceed 40 litres per hour.</p>
	Operation

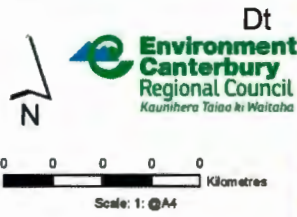
6.	<p>a. All abrasive blasting and/or spray-painting activities shall be suspended whenever the wind speed over three or more consecutive ten-minute periods during dry weather conditions, as measured at the Port of Lyttelton meteorological station, exceeds:</p> <ul style="list-style-type: none"> i. 20 kilometres per hour and when the wind is blowing from the directions 45°N to 270°N; or ii. 30 kilometres per hour and when the wind is blowing from the directions 270°N to 45°N. <p>b. Abrasive blasting and/or spray-painting activities may recommence whenever the average wind speed over three or more consecutive ten-minute periods during dry weather conditions, as measured at the Port of Lyttelton meteorological station, is less than:</p> <ul style="list-style-type: none"> i. 20 kilometres per hour and when the wind is blowing from the directions 45°N to 270°N; or ii. 30 kilometres per hour and when the wind is blowing from the directions 270°N to 45°N. <p>Advice Note: 20 kilometres per hour equals 5.6 metres per second or 10.8 knots; and 30 kilometres per hour equals 8.5 metres per second or 16.2 knots. A wind rose overlay over the Dry Dock site is included in Attachment 1.</p>
7.	<p>Wet and dry abrasive blasting and spray-painting activities shall:</p> <ul style="list-style-type: none"> a. Be undertaken only between 7:30am-7:00pm (September to April); b. Be undertaken only between 7:30am-5:30pm (May to August); and c. For wet and/or dry abrasive blasting operations, not be undertaken: <ul style="list-style-type: none"> i. After 5:30 pm on weekdays; ii. After 12:30 pm on Saturdays; and iii. On Sundays and public holidays.
8.	<p>Prior to commencing any abrasive blasting and/or spray-painting activity within the dry dock site, a copy of this resource consent shall be provided to all persons carrying out the activity, including an explanation of how to comply with the conditions of this resource consent.</p>
9.	<p>The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, shall be notified not less than 12 hours prior to the commencement of any water blasting, dry abrasive blasting or spray-painting activities. The notification shall include the time of commencement of blasting or spray-painting, the likely duration of the activities, the size of the vessel being worked on and the mitigation measures that will be in place during the blasting and/or spray-painting activities to ensure compliance with Condition 2 of this resource consent.</p>
10.	<p>The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, shall be informed at least 24 hours in advance of the expected completion of each abrasive blasting and/or spray-painting job carried out in the Lyttelton Dry Dock.</p>
11.	<p>Any waste material from wet and/or dry abrasive blasting or spray-painting activities shall be collected and disposed of at a facility lawfully authorised to receive such material.</p>
	<p>Wet Abrasive Blasting</p>
12.	<p>The rate of water application during wet abrasive blasting activities shall not exceed 32 litres per minute.</p>

13.	No blast water containing contaminants that is discharged into air shall enter surface waterbodies or coastal water.
14.	Immediately following the completion of water blasting, all practicable measures shall be taken to collect and remove blasting debris and accumulated blasting material from the surrounding area.
Dry Abrasive Blasting	
15.	The maximum quantity of abrasive blast media used shall not exceed 167 kilograms per hour.
16.	Any dry abrasive blasting discharge into air shall be only from blasting using garnet media.
17.	Any representative sample of the abrasive blast media shall not contain free silica exceeding five percent by weight.
18.	For the purpose of demonstrating compliance with Condition (4) of this resource consent, prior to any abrasive blasting being undertaken within the Dry Dock site: <ul style="list-style-type: none"> a. All practicable steps shall be taken to determine whether the paint to be blasted contains lead, tributyl tin, or mercury. Such steps shall include: <ul style="list-style-type: none"> i. Patch testing of a representative sample of the paint to be blasted; or ii. Written evidence that the paint currently on the vessel does not contain lead, tributyl tin, or mercury. b. A record of the steps taken in accordance with (a) shall be kept and be made available to the Canterbury Regional Council upon request.
19.	All practicable measures shall be taken immediately following abrasive blasting to collect and remove blasting debris and accumulated blasting material from the surrounding area.
Spray-painting	
20.	The volume of paint/coating material sprayed shall not exceed 60 litres per hour.
21.	Notwithstanding Condition (20), the maximum paint application rate shall not exceed 25 litres per hour whenever the average wind speed, as measured at the Port of Lyttelton meteorological station, is less than 12.6 kilometres per hour (i.e. 3.5 metres per second or 6.8 knots) for three or more consecutive ten-minute periods, unless water-based paints for marine applications are being used or paint is applied with a roller brush.
22.	Records shall be kept of the manufacturer, type and quantity of all paints and additives used in spray painting activities. This record shall be provided to the Canterbury Regional Council on request.
Air Quality Management Plan	
23.	<ul style="list-style-type: none"> a. Prior to the first exercise of this resource consent, an Air Quality Management Plan (AQMP) shall be prepared and submitted to the Canterbury Regional Council, Attention: Regional Leader –

	<p>Monitoring and Compliance for certification that it contains the information required for management plans under Schedule 2 of the Canterbury Air Regional Plan. The AQMP shall be prepared by a suitably qualified and experienced air quality expert.</p> <p>b. There shall be no discharge of particulate matter, fugitive dust, spray paint over-spray and odour to air prior to having received certification from the Canterbury Regional Council that the AQMP is consistent Schedule 2 of the Canterbury Air Regional Plan and with the conditions of this resource consent.</p>
24.	<p>The AQMP required under Condition (23) of this resource consent shall, in addition to the requirements under Schedule 2 of the Canterbury Air Regional Plan, include:</p> <ol style="list-style-type: none"> a. Description of the site location and surrounding environment; b. Overview of the processes carried out at site; c. Identification of the particulate matter, dust, overspray and odour emissions sources as well as the controls in place to mitigate the emissions; d. A monitoring programme including deposited particulate matter, dust and paint overspray; e. General site monitoring; f. Daily site inspections and logging of visible potential particulate matter, dust or overspray observed at the boundary of the dry dock during operations; g. Recording of wind speed and direction prior to and during operations; h. Actions to be taken when odour or visible particulate matter, dust or overspray is observed at the boundary of the dry dock as well as when upper and lower wind limits are reached; i. Complaints and response procedures; j. Record keeping; k. Roles and responsibilities; and l. A management plan audit and review process.
25.	<p>A copy of the AQMP, along with a copy of this resource consent, shall be kept onsite at all times.</p>
26.	<ol style="list-style-type: none"> a. The AQMP shall be reviewed two years after initial certification under Condition (23) and every two years thereafter to ensure that the mitigation measures employed during the exercise of this resource consent are best practicable options. b. Documentation that the review occurred shall be provided to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance within 20 working days of the review being finalised.
27.	<p>The AQMP shall be maintained for the duration of the resource consent and may be amended at any time. Any amendments shall be:</p> <ol style="list-style-type: none"> a. Only for the purpose of improving the efficacy of the discharge mitigation measures and shall not result in reduced discharge quality; b. Consistent with the conditions of this resource consent; and c. Submitted in writing for approval to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, prior to any amendment being implemented.

	Reporting
28.	Records shall be kept of all occasions when wet and/or dry abrasive blasting and spray painting is being carried out in the Lyttelton Dry Dock. The records shall include the following details and be made available to the Canterbury Regional Council on request: <ul style="list-style-type: none"> a. The hours of operation each day; b. The wind speed and wind direction at the time of abrasive blasting and spray-painting; and c. A description of the measures used to minimise the discharge of contaminants into the air.
29.	Records shall be kept of any complaints relating to the discharge of particulate matter or odour. This record shall be provided to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, by either 30 September each year or upon request, and include: <ul style="list-style-type: none"> a. The location, where the particulate matter or odour was detected by the complainant; b. The date and time when the particulate matter or odour was detected; c. A description of the wind speed and wind direction when the particulate matter or odour was detected by the complainant; d. The most likely cause of the particulate matter or odour detected; and e. Any corrective action undertaken to avoid, remedy or mitigate the particulate matter or odour detected by the complainant.
	Administration
30.	The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this resource consent for the purposes of: <ul style="list-style-type: none"> a. Dealing with any adverse effect on the environment which may arise from the exercise of the resource consent; or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
31.	If this resource consent is not exercised before 30 June 2024, then it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

Plan CRC183476



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CRC183476 – Attachment 1

