

3.8 Air quality appendices ## 03-189 01 00

114	N Harris	Notification of neighbours is necessary. No decision requested.
122	A McCulloch	Supports Appendix 1.
338	Transit New Zealand, Christchurch	Retain section 3.8 as worded.
347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Add new appendix with a criteria to include consideration of frequency. Intensity, duration, offensiveness (including the nature of the particles) and the location in relation to surrounding environment.
906 (point 1)	Canterbury Horticultural Society Inc	Vegetation should be allowed to dry for 4 weeks in summer and 6 weeks in winter prior to burning, and at least 2 days of fine weather prior to burning.
906 (point 2)	Canterbury Horticultural Society Inc	The regulations are very restrictive for rural areas and culminate in an effective ban on outdoor burning for Christchurch residents in Zone 1 and 2. No decision requested.
F365	Meridian Energy Limited	Oppose submission 114
F3002	Carter Holt Harvey Forest Resources	Oppose submission 114.

Submission clarificationSubmission 347

Submission 347 has been moved here from ##03-089 01 00 as it was incorrectly placed in the summary of submissions. It should have been at location ##03-189 01 00.

Submission 906 (points 1 and 2)

Submission 906(points 1 and 2) does not seek a specific relief, despite clarification being sought from, and provided by, the submission. The submission links Policy AQL4 with Appendices AQL1 and AQL2. The submission's objection appears to be based around potential restrictions in rural areas and bans on emissions in Christchurch Clean Air Zones 1 and 2.

ConsiderationSubmission 114 and Further Submissions F365, F3002

Submission 114 makes the statement “*Notification of neighbours necessary*” in relation to “*Appendices 3.8*”. No specific changes to Proposed Chapter 3 are sought.

The substance of this issue is considered at Policy AQL4 Restrict outdoor burning ## 03-014 01 00, 114, F401. The consideration is relevant and it is adopted. No change is recommended to the appendices, and it is recommended that Submission 114 be rejected. Those in opposition should be accepted.

Submissions 122, 338

Submission 122 supports Appendix AQL1, and Submission 338 supports all the appendices.

It is recommended elsewhere that Rules AQL30 and AQL31 should be deleted (see Rule AQL30 Outdoor burning of polyethylene agricultural wrap - permitted activity ## 03-090 01 00 and Rule AQL31 Outdoor burning of polyethylene agrichemical or animal remedy containers - permitted ## 03-091 01 00). As a consequence of the recommendations made to delete Rules AQL30 and AQL31, amendment is also recommended for Appendix AQL1. Accordingly the submissions are recommended for acceptance in part only.

Submission 347

The submission seeks a new appendix with criteria to include consideration of frequency, intensity, duration, offensiveness (including the nature of the particles) and the location in relation to surrounding environment.

Appendix AQL3 'Criteria for assessing offensive or objectionable dispersal or deposition of smoke particles' already provides for this request. No change is recommended by the Commissioners to Appendix 3.8 and it is recommended that the submission is rejected.

Submission 906(points 1 and 2)

The substance of these submissions is considered at Policy AQL4 Restrict outdoor burning ## 03-014 01 00, 906. This consideration is relevant and it is adopted. The recommendation is the same – that no change be made, and that the submission be rejected.

Recommendations

Reject

Submissions 114, 347, 906(points 1 and 2).

Accept

Further Submissions F365, F3002.

Accept in part

Submissions 122, 338.

Amendment Required

None required.

Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31 ## 03-189 02 00

371	NZMP	Retain the guides and criteria.
374	New Zealand Institute For Crop & Food Research Ltd	Retain the guides and criteria.
F347	Federated Farmers of New Zealand	Support submission 374: Retain the guides and criteria.

Consideration

Submissions 371, 374 and Further Submission F347

These submissions support Appendix AQL1.

It is recommended elsewhere that Rules AQL30 and AQL31 should be deleted (see Rule AQL30 Outdoor burning of polyethylene agricultural wrap - permitted activity ## 03-090 01 00 and Rule AQL31 Outdoor burning of polyethylene agrichemical or animal remedy containers - permitted ## 03-091 01 00). As a consequence of the recommendations made to delete Rules AQL30 and AQL31, amendment is also recommended to Appendix AQL1. Accordingly the submissions are recommended to be accepted in part only.

Recommendation

Accept in part

Submissions 371, 374 and Further Submission F347.

Amendment Required

None required.

1. Burning of vegetation, cardboard, paper and untreated wood under Rule AQL29 ## 03-189 04 00

378	Canterbury Growers Society Ltd	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
F347	Federated Farmers of New Zealand	Support submission 401: Replace the word 'vegetation'

Consideration

Submissions 378, 401 and Further Submission F347

The substance of these submissions is considered at 1.2.2 Definition of Terms ## 01-009 01 00, 378, 401, F347. The consideration is relevant and it is adopted. The recommendation is the same – that no change be made, and that the submission be rejected.

Recommendation**Reject**

Submissions 378, 401 and Further Submission F347.

Amendment Required

None required.

Appendix AQL1 1 (a) ## 03-189 06 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (a).
378	Canterbury Growers Society Ltd	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
F347	Federated Farmers of New Zealand	Support submission 401

ConsiderationSubmission 347

Submission 347 sought the deletion of five (a, b, c, e and f) of the seven guideline criteria from Appendix AQL1, Section '1 Burning of vegetation, cardboard, paper and untreated wood under Rule AQL29'. The reason given is that they are said to be contrary to good land management practice and to indicate a lack of understanding of rural systems.

The seven criteria are:

- “(a) *Except stumps, standing dead vegetation and crop residue, vegetation should be allowed to dry for at least four weeks in summer and six weeks in winter prior to burning.*
- “(b) *Prior to burning there should be at least two days of fine weather when less than five millimetres of rain has fallen.*
- “(c) *Regard should be had to the forecast wind strength and direction during the intended day of burning. Burning should not occur when either:*

- (i) *very strong winds (such as northwesterly gales) are predicted; or*
- (ii) *calm, highly stable conditions (which encourage the development of temperature inversions) are predicted to occur in winter.*
- (d) *Vegetation and wood should be stacked loosely, not compacted.*
- (e) *A small fire should be started with the driest material and fed gradually with further material once the fire is “blazing”. Fires should not smoulder slowly.*
- (f) *The fire should not be left unattended once started.*
- (g) *Small quantities of diesel oil or re-refined oil may be used as accelerants. Burning of rubber, used or waste oil is prohibited under **Rule AQL36.**”*

The purpose of Appendix AQL1 is to provide guidance on combustion conditions that are likely to minimise the emission of, and therefore the adverse effects associated with, smoke. Appendix AQL1 is a guide only – it is not a rule. As such, it need not be adhered to if people consider it is not appropriate in specific circumstances. Deleting the five criteria as sought by the submission would, in the Commissioners’ view, significantly reduce the guidance provided by this part of Appendix AQL1 making it less effective.

Examining each criterion individually:

- Criterion (a): relates to moisture content of the vegetation burned. By allowing the vegetation to dry, the moisture content will be reduced, increasing combustion efficiency and hence reducing emissions to air. While time is a ‘coarse’ guide to moisture content, it is a practical measure.
- Criterion (b): relates to weather preceding burning, and hence the water content of the vegetation burned. The discussion in relation to criterion (a) applies.
- Criterion (c): relates to the weather at the time of burning, and hence the dispersal and deposition of particulate (including smoke). Strong winds may move particulate beyond the property boundary in a manner that is likely to cause offensive or objectionable effects. Stable conditions in winter may indicate the formation of an inversion layer, trapping particulate. This weather condition is again likely to cause offensive or objectionable effects beyond the property boundary. This criterion is a practical consideration in managing the effects of emissions to air.
- Criterion (e): relates to establishing favourable combustion conditions within the fire by promoting ‘hot’ fires. This directly affects the combustion efficiency and the resulting emissions to air. Again, this criterion is a practical measure to reduce the emissions to air.
- Criterion (f): relates to ‘safety’ and would contribute to the achievement of criterion (e). It is the criterion that is least related to emissions to air.

Given that the listed matters are guidelines only, no change is recommended by the Commissioners, and it is recommended that the submission is rejected.

Submissions 378, 401 and Further Submission F347

The substance of these submissions is considered at 1.2.2 Definition of Terms ## 01-009 01 00. The consideration is relevant here and has been adopted. The recommendation is the same – no change be made, and that the submission be rejected.

Recommendation

Reject

Submissions 347, 378, 401 and Further Submission F347.

Amendment Required

None required.

Appendix AQL1 1 (b) ## 03-189 09 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (b).
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Consideration

Submission 347

The substance of this submission is considered above (see Appendix AQL1 1 (a) ## 03-189 06 00, 347). The consideration is relevant and it is adopted. The recommendation is the same – that no change is made, and that the submission is rejected.

Recommendation

Reject

Submission 347.

Amendment Required

None required.

Appendix AQL1 1 (c) ## 03-189 11 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (c).
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Consideration

Submission 347

The substance of this submission is considered above (see Appendix AQL1 1 (a) ## 03-189 06 00, 347). The consideration is relevant and it is adopted. The recommendation is the same – that no change is made, and that the submission is rejected.

Recommendation

Reject

Submission 347.

Amendment Required

None required.

Appendix AQL1 1 (d) ## 03-189 16 00

378	Canterbury Growers Society Ltd	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
F347	Federated Farmers of New Zealand	Support submission 401.

Consideration

Submissions 378, 401 and Further Submission F347

The substance of these submissions is considered at 1.2.2 Definition of Terms ## 01-009 01 00, 378, 401, F347. The consideration is relevant and it is adopted. The recommendation is the same – that no change be made, and that the submission is rejected.

Recommendation

Reject

Submissions 378, 401 and Further Submission F347

Amendment Required.

None required.

Appendix AQL1 1 (e) ## 03-189 17 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (e).
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Consideration

Submission 347

The substance of this submission is considered above (see Appendix AQL1 1 (a) ## 03-189 06 00, 347). The consideration is relevant and it is adopted. The recommendation is the same – that no change is made, and that the submission is rejected.

Recommendation

Reject

Submission 347.

Amendment Required

None required.

Appendix AQL1 1 (f) ## 03-189 19 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (f).
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Consideration

Submission 347

The substance of this submission is considered above (see Appendix AQL1 1 (a) ## 03-189 06 00, 347). The consideration is relevant and it is adopted. The recommendation is the same – that no change is made, and that the submission is rejected.

Recommendation

Reject

Submission 347.

Amendment Required

None required.

2. Burning of polyethylene agricultural wrap under Rule AQL30 ## 03-189 22 00

53	Kaikoura District Council	Delete section 2.
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Consideration

Submission 53

Submission 53 sought that Appendix AQL1, Section 2, should be deleted. The submission considers the burning of polyethylene agricultural wrap to be inappropriate.

The substance of this submission is considered at Policy AQL1 (k) ## 03-008 27 00, 53, 235, 378, 401, F53 (points 1, 2 and 3), F347 (points 1 and 2), F401, and at Policy AQL4(b)(iii) ## 03-104 10 00, 53, 235, 378, 401, F53 (points 1, 2 and 3), F347 (points 1 and 2). The analyses are relevant and they are adopted. The recommendation is the same - delete this section of Appendix AQL1, and accept the submission.

Recommendation

Accept

Submission 53.

Amendment Required

1. Amend Chapter 3: Air quality, Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31, p.3-189, as follows:

“Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31

~~1-~~ Burning of vegetation, cardboard, paper and untreated wood under Rule AQL29

- (a) *Except stumps, standing dead vegetation and crop residue, vegetation should be allowed to dry for at least four weeks in summer and six weeks in winter prior to burning.*
- (b) *Prior to burning there should be at least two days of fine weather when less than five millimetres of rain has fallen.*
- (c) *Regard should be had to the forecast wind strength and direction during the intended day of burning. Burning should not occur when either:*
 - (i) *very strong winds (such as northwesterly gales) are predicted; or*
 - (ii) *calm, highly stable conditions (which encourage the development of temperature inversions) are predicted to occur in winter.*
- (d) *Vegetation and wood should be stacked loosely, not compacted.*
- (e) *A small fire should be started with the driest material and fed gradually with further material once the fire is “blazing”. Fires should not smoulder slowly.*
- (f) *The fire should not be left unattended once started.*
- (g) *Small quantities of diesel oil or re-refined oil may be used as accelerants. Burning of rubber, used or waste oil is prohibited under **Rule AQL36**.*

2. ~~Burning of polyethylene agricultural wrap under Rule AQL30~~

- ~~(a) Polyethylene agricultural wrap should be kept as dry and clean as possible. Muddy and wet wrap does not burn well.~~
- ~~(b) Polyethylene agricultural wrap should only be burned atop a “blazing” fire fuelled by vegetation or untreated wood. Small loose bundles of wrap should be added to the vegetation fire once it is burning well. Because plastic melts readily, ensure it does not catch around you when feeding the fire.~~
- ~~(c) Burning of any other plastics in this manner is prohibited, including (but not limited to) plastics containing halogens or phosphorus components.~~

Appendix AQL1 2 (b) ## 03-189 25 00 - 03-189 26 00 - 03-189 27 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete sub point (b).
378	Canterbury Growers Society Ltd	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
F347	Federated Farmers of New Zealand	Support submission 401

Consideration

Submissions 347, 378, 401 and Further Submission F347

Given the recommendation to delete this section of Appendix AQL1 see Policy AQL1 (k) ## 03-008 27 00, and Policy AQL4(b)(iii) ## 03-104 10 00), it is recommended that these submissions are also rejected.

Recommendation

Reject

Submissions 347, 378, 401 and Further Submission F347.

Amendment Required

None required.

3. Burning of agrichemical or animal remedy containers under Rule AQL31 ## 03-189 31 00

53	Kaikoura District Council	Delete section 3.
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Consideration

Submission 53

Submission 53 sought Appendix AQL1, Section 3, is deleted as it considers the burning of agrichemical or animal remedy containers to be inappropriate. The substance of this submission is considered at Policy AQL1 (k) ## 03-008 27 00, 53, 235, 378, 401, F53 (points 1, 2 and 3), F347 (points 1 and 2), F401, and at Policy AQL4(b)(iv) ## 03-104 13 00, 53, 235, 378, 401, F53 (points 1, 2 and 3), F347 (points 1 and 2). The considerations are relevant here and they are adopted. The recommendation is the same - delete this section of Appendix AQL1, and accept the submission.

Recommendation

Accept

Submission 53.

Amendment Required

Amend Chapter 3: Air quality, Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31, p.3-189, as follows:

“Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31

4. Burning of vegetation, cardboard, paper and untreated wood under Rule AQL29

- (a) Except stumps, standing dead vegetation and crop residue, vegetation should be allowed to dry for at least four weeks in summer and six weeks in winter prior to burning.*
- (b) Prior to burning there should be at least two days of fine weather when less than five millimetres of rain has fallen.*
- (c) Regard should be had to the forecast wind strength and direction during the intended day of burning. Burning should not occur when either:
 - (i) very strong winds (such as north-westerly gales) are predicted; or*
 - (ii) calm, highly stable conditions (which encourage the development of temperature inversions) are predicted to occur in winter.**
- (d) Vegetation and wood should be stacked loosely, not compacted.*
- (e) A small fire should be started with the driest material and fed gradually with further material once the fire is “blazing”. Fires should not smoulder slowly.*
- (f) The fire should not be left unattended once started.*
- (g) Small quantities of diesel oil or re-refined oil may be used as accelerants. Burning of rubber, used or waste oil is prohibited under **Rule AQL36**.*

...

3. ~~Burning of agrichemical or animal remedy containers under Rule AQL31~~

- ~~(a) Agrichemical or animal remedy containers should be prepared for burning in accordance with **Appendix AQL2**.~~
- ~~(b) Agrichemical or animal remedy containers should be incinerated in accordance with **Appendix AQL2** where possible, otherwise the number of containers burnt shall be limited to 10 at a time and they shall only be burned atop a “blazing” fire fuelled by vegetation or untreated wood.~~
- ~~(c) Burning of any other plastics in this manner is prohibited, including plastics containing halogens or phosphorus components. Plastic agrichemical or animal remedy containers labelled with a recycling triangle with a 2 inside it may be burnt, but not those with a recycling triangle with a 1 or 3 inside it as these are made from plastics that contain halogens.~~

...”

Appendix AQL1 3 (b) ## 03-189 34 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete subpoint 3(b).
F401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers’ Fed Inc.	Oppose submission 347

Consideration

Submission 347 and Further Submission F401

Given the recommendation to delete this section of Appendix AQL1 see Policy AQL1 (k) ## 03-008 27 00, and Policy AQL4(b)(iv) ## 03-104 13 00), it is recommended that submission 347 is also accepted, and that further submission F401 is rejected.

Recommendations

Accept

Submission 347.

Reject

Further Submission F401.

Amendment Required

Delete subpoint 3(b) from Chapter 3: Air quality, Appendix AQL1 Guide to minimise smoke emissions from outdoor burning under Rules AQL29 to AQL31, p. 3-189 as follows:

“...

~~3. Burning of agrichemical or animal remedy containers under Rule AQL31~~

~~(a) ...~~

~~(b) Agrichemical or animal remedy containers should be incinerated in accordance with **Appendix AQL2** where possible, otherwise the number of containers burnt shall be limited to 10 at a time and they shall only be burned atop a “blazing” fire fuelled by vegetation or untreated wood.~~

~~...”~~

Appendix AQL1 3 (b) ## 03-189 37 00

378	Canterbury Growers Society Ltd	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Replace the word 'vegetation' with 'vegetative waste'. (Refer 1-9-1 and 1-26-28.)
F347	Federated Farmers of New Zealand	Support submission 401

Consideration

Submissions 378, 401 and Further Submission F347

Given the recommendation to delete this section of Appendix AQL1 see Policy AQL1 (k) ## 03-008 27 00, and Policy AQL4(b)(iv) ## 03-104 13 00), it is recommended that these submissions are also rejected.

Recommendation

Reject

Submissions 378, 401 and Further Submission F347.

Amendment Required

None required.

Advisory notes (a) ## 03-190 05 00

347 (point 1)	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend to indicate that DOC, as RFA, administer all Crown land, not just DOC land.
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Submission Clarification

Submission 347 (point 1)

Submission 347(point 1) relates to ‘Advisory note (c)’. It is considered immediately below (see Advisory notes (c) ## 03-190 12 00). No consideration or recommendation is required in this part of the report.

Advisory notes (c) ## 03-190 12 00

347 (point 1)	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend to indicate that DOC, as RFA, administer all Crown land, not just DOC land.
347 (point 2)	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend sub point (c) to indicate that in many cases two consents may be required by the district council before a land vegetation fire can be carried out.

Submission Clarification

Submission 347 (point 1)

Submission 347(point 1) has been moved from above (see Advisory notes (a) ## 03-190 05 00).

Consideration

Submission 347 (points 1 and 2)

The submission has sought clarification of the advisory notes.

The point made is a valid one. It is recommended that a new note is added to (c) to refer to crown-owned land. No further change is necessary, as note (c) relates to obtaining a Fire Permit. It is not necessary to note that other consents may be required. It is recommended that submission 347 (point 1) be accepted in part and that submission 347 (point 2) be rejected.

Recommendations

Reject

Submission 347(point 2).

Accept in part

Submission 347(point 1).

Amendment Required

Amend Chapter 3: Air quality, Appendix AQL1, Advisory notes, (c), p.3-190, by adding the following subparagraph:

; or “(iv) the Department of Conservation, when burning occurs in an area owned by the Crown.”

Appendix AQL2 Guide to the incineration of agrichemical or animal remedy containers according to Rule AQL31 ## 03-191 01 00

39	Dow Agrosiences, Palmerston North Office	The policy remains unchanged.
53	Kaikoura District Council	Delete Appendix AQL2.
371	NZMP	Retain the guides and criteria.
374	New Zealand Institute For Crop & Food Research Ltd	Retain the guides and criteria.
378 (point 1)	Canterbury Growers Society Ltd	Add a reference to Appendix Z-2 of NZS8409:1999 The Code of Practice for the Management of Agrichemicals to Appendix AQL 2.
378 (point 2)	Canterbury Growers Society Ltd	Distribute information on disposal methods of agrichemical containers and polyethylene agricultural wrap to all rural landowners.
401 (point 1)	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Add a reference to Appendix Z-2 of NZS8409:1999 The Code of Practice for the Management of Agrichemicals to Appendix AQL 2.
401 (point 2)	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Distribute information on disposal methods of agrichemical containers and polyethylene agricultural wrap to all rural landowners.
F347 (point 1)	Federated Farmers of New Zealand	Support submission 401 (point 1)
F347 (point 2)	Federated Farmers of New Zealand	Support submission 401 (point 2)
F347 (point 3)	Federated Farmers of New Zealand	Support submission 374

Consideration
Submissions 39, 53, 371, 374, 378(points 1 and 2), 401(points 1 and 2) and Further Submission F347 (points 1, 2 and 3)

The substance of these submissions is considered at Policy AQL1 (k) ## 03-008 27 00, 53, 235, 378, 401, F53 (points 1, 2 and 3), F347 (points 1 and 2), F401, and at Policy AQL4(b)(iv) ## 03-014 13 00, 39, 235, 378, 401, F53, F347 (points 1 and 2). The considerations are relevant and they are adopted. The recommendation is the same - delete this section of Appendix AQL2. It follows that the Commissioners recommend that these submissions be rejected; except for submission 53 which should be accepted.

Recommendation

Reject

Submissions 39, 371, 374, 378(points 1 and 2), 401(points 1 and 2) and Further Submission F347 (points 1, 2 and 3).

Accept

Submission 53.

Amendment Required

Delete Chapter 3: Air quality, Appendix AQL2 Guide to the incineration of agrichemical or animal remedy containers according to Rule AQL31, p.3-191 to 3-192.

Appendix AQL2 1 (f) ## 03-191 14 00

378	Canterbury Growers Society Ltd	Amend to refer to NZS8409:1999 The Code of Practice for the Management of Agrichemicals.
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Amend to refer to NZS8409:1999 The Code of Practice for the Management of Agrichemicals.
F347	Federated Farmers of New Zealand	Support submission 401

Consideration

Submissions 378, 401 and Further Submission F347

Given the recommendation to delete Appendix AQL2 at Policy AQL1 (k) ## 03-008 27 00, and Policy AQL4(b)(iv) ## 03-104 13 00), it is recommended these submissions are also rejected.

Recommendation

Reject

Submissions 378, 401 and Further Submission F347.

Amendment Required

None required.

AGCARM incinerator design specifications ## 03-192 05 00

56	Everest Farm Consulting Ltd	Emphasis and publicity should be given to the adequate incinerator in Appendix AQL2 to ensure agriculturalists do know what is required to achieve in a high temperature burn.
F347	Federated Farmers of New Zealand	Support submission 56

Consideration

Submission 56 and Further Submission F347

Given the recommendation to delete Appendix AQL2 at Policy AQL1 (k) ## 03-008 27 00, and Policy AQL4(b)(iv) ## 03-104 13 00), it is recommended these submissions are rejected also.

Recommendation

Reject

Submission 56 and Further Submission F347.

Amendment Required

None required.

Appendix AQL3 Criteria for assessing offensive or objectionable dispersal or deposition of smoke ## 03-193 01 00

115	L Wilkinson	Adopt the same rules for urban areas in the region, all smoke problems should be dealt in the same way. Need a clause stating that if the problem exists after these measures have been assessed/adopted then conduct further investigation to resolve on a case by case basis. Include the conditions to eliminate potential problems.
131	M Coffey	Add effects on neighbours, especially near residential properties.
352	Feltex Carpets Ltd	Delete the assessment criteria in Appendix 3 or amend to expressly require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.

353	Canterbury Meat Packers Ltd	Delete the assessment criteria in Appendix 3 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
354	Chequer Packaging	Delete the assessment criteria in Appendix 3 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
371	NZMP	Retain the guides and criteria.
374	New Zealand Institute For Crop & Food Research Ltd	Retain the guides and criteria.
F146	Styx Residents Group	Oppose submission 354.
F326	Ilam & Upper Riccarton Residents Association Inc	Oppose submission 352.
F347	Federated Farmers of New Zealand	Support submission 374.
F391	Carter Holt Harvey Panels MDF Ltd	Support submission 352.
F391	Carter Holt Harvey Panels MDF Ltd	Support submission 354.
F3038	Ilam & Upper Riccarton Residents Assn	Oppose submission 352.

Submission Clarification

Submission 352, 353 and 354

The submissions consider that the assessment criteria in Appendices AQL3, 4 and 5 should be deleted or amended. They consider that reverse sensitivity issues should be taken into account in the assessment criteria, including the timing of establishment of the sensitive activity in relation to the existing discharging activity.

Consideration

Submission 352, 353, 354, Further Submission F146, F326, F391 and F3038

The criteria in Appendix AQL3 for the assessment of offensive or objectionable dispersal or deposition of smoke particles are relevant to discharges from various combustion sources, including outdoor burning, large scale fuel burning devices (such as boilers) and small scale fuel burning devices (such as domestic burners). As explained in Chapter 3, in relation to Policy AQL2 regarding particulate matter (including smoke) and odour caused by fuel burning devices, operation of fuel burning devices according to good practice can prevent objectionable or offensive effects of smoke beyond the boundary of the property where the discharge originates. This applies even if new neighbours have established adjacent to the discharging activity, resulting in “reverse sensitivity” issues.

It is therefore not considered by the Commissioners to be appropriate to include a consideration of reverse sensitivity issues as part of the assessment criteria for offensive or objectionable smoke. It is noted that Policies AQL5(c) (odour) and AQL6(b) (dust) address the issue of reverse sensitivity for existing activities that discharge dust and odour, but policies do not specifically address this issue in relation to smoke discharges. It is recommended that submissions 352, 353 and 354, and further submission F391 be rejected, and that further submissions F146, F326 and F3038 be accepted.

Submission 115

The submitter considers that smoke problems should be dealt with in the same way throughout the region.

The criteria for assessing offensive or objectionable smoke are intended to provide consistent guidance for the assessment of compliance with conditions of resource consents and permitted activities. The explanatory note to the appendix states that assessment techniques (complaints registers, diaries, surveys and sampling) may be required where potential for significant nuisance is ongoing. No change to the appendix is recommended by the Commissioners, and it is recommended that submission be rejected.

Submission 131

Effects on neighbours are already included as part of the assessment criteria. No change is necessary. It is recommended that submission 131 be rejected.

Submissions 371, 374 and F347

These submitters sought that the guides and criteria contained in the plan should be retained. Given the Commissioners’ recommendations made in relation to this issue, these submissions can be accepted.

Recommendation

Reject

Submission 115, 131, 352, 353, 354, and Further Submission F391.

Accept

Submissions 371 and 374, and Further Submission F146, F326, F347 and F3038.

Amendment Required

None required.

Appendix AQL3 (v) ## 03-193 14 00

341	Heinz Wattie's Australasia Pty Ltd	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Heinz Wattie's.
342	Canterbury Breweries Limited	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Canterbury Breweries Ltd.

Submission Clarification

Submission 341 and 342

These submissions consider that Environment Canterbury should have regard to “reverse sensitivity issues” when making an assessment under the criteria contained in Appendices AQL3, 4 and 5, so as not to penalise existing legitimate activities.

Consideration

Submission 341 and 342

The criteria in Appendix AQL3 for the assessment of offensive or objectionable dispersal or deposition of smoke particles are relevant to discharges from various combustion sources, including outdoor burning, large scale fuel burning devices (such as boilers) and small scale fuel burning devices (such as domestic burners). As explained in Chapter 3 in relation to Policy AQL2 regarding particulate matter (including smoke) and odour caused by fuel burning devices, operation of fuel burning devices according to good practice can prevent objectionable or offensive effects of smoke beyond the boundary of the property where the discharge originates. This applies even if new neighbours have established adjacent to the discharging activity, resulting in “reverse sensitivity” issues.

It is therefore not considered to be appropriate to include a consideration of reverse sensitivity issues as part of the assessment criteria for offensive or objectionable smoke. Moreover the Commissioners are not convinced that the matters raised in the submissions are correct either at law or as a matter of resource management practice. It is recommended that these submissions be rejected.

Recommendation

Reject

Submissions 341 and 342.

Amendment Required

None required.

Appendix AQL3 (c) (i) ## 03-193 27 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete point (c) (i).
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Submission Clarification

Submission 347

The submission seeks that that reference to the good practice guide for outdoor burning in c(i) of Appendix AQL3 be deleted. The reason given is that the submitter is opposed to some of the guidance provided in Appendix AQL1 (guide to minimise smoke emissions from outdoor burning).

Consideration

Submission 347

It is considered to be appropriate to have regard to the extent to which good practice guidance for outdoor burning is followed when assessing the effects of smoke discharges. While some changes to the good practice guidance in Appendix AQL1 may occur as a result of submissions, it is nevertheless appropriate that the final version of that guidance be considered as part of the criteria for assessing offensive or objectionable smoke discharges. The Commissioners note that as they recommend deletion of Appendix AQL2, (c) (i) (2) can be deleted also. It is recommended that submission 347 be rejected.

Recommendation

Reject

Submission 347.

Amendment Required

Delete from Appendix AQL3 p. 3-193 point (c) (i) (2).

Appendix AQL4 Criteria for assessing offensive or objectionable dust ## 03-195 01 00

352	Feltex Carpets Ltd	Delete the assessment criteria in Appendix 4 or amend to expressly require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
353	Canterbury Meat Packers Ltd	Delete the assessment criteria in Appendix 4 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
354	Chequer Packaging	Delete the assessment criteria in Appendix 4 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
371	NZMP	Retain the guides and criteria.
374	New Zealand Institute For Crop & Food Research Ltd	Retain the guides and criteria.
434	Mainland Poultry Ltd	As an alternative to withdrawing Chapter 3 (refer 3-0), provide sufficient certainty for applicants as to what constitutes an offensive or objectionable effects with respect to the discharge of dust and odour. Make any other additional or consequential amendments as necessary.
435	Tegel Foods Ltd	As an alternative to withdrawing Chapter 3 (refer 3-0), provide sufficient certainty for applicants as to what constitutes an offensive or objectionable effect with respect to the discharge of dust and odour. Make any other additional or consequential amendments as necessary.
F146	Styx Residents Group	Oppose submission 354

F347	Federated Farmers of New Zealand	Support submission 374.
F435	Tegel Foods Ltd	Support in part submission 352.
F3038	Ilam & Upper Riccarton Residents Assn	Oppose submission 352.

Submission Clarification

Submission 352, 353 and 354

These submissions consider that the assessment criteria in Appendix AQL4 should be deleted or amended. They consider that reverse sensitivity issues should be taken into account in the assessment criteria, including the timing of establishment of the sensitive activity in relation to the existing discharging activity.

Submission 434 and 435

Submissions 434 and 435 seek a higher degree of certainty for resource consent applicants, as to what constitutes an offensive or objectionable effect with respect to the discharge of dust, than is provided in Appendix AQL4.

Consideration

Submission 352 supported in part by F435, 353, 354, opposed by F146 and F3038

Appendix AQL4 relates to Method AQL6(f) Assessment Criteria, one of the Methods used to implement Policy AQL6. Policy AQL6 seeks to; (a) ensure that the effects of discharges of dust are confined to the site where the discharge occurs, and (b) avoid “reverse sensitivity” effects developing. The explanation for Policy AQL6 describes that reverse sensitivity is to be managed through land use planning and Method AQL6(g) requires territorial authorities to undertake land use planning that protects against reverse sensitivity effects occurring.

A person or entity with an existing discharge to air has obligations under section 17 of the RMA to manage the discharge so that it is not offensive or objectionable to the extent that it has adverse effects on the environment. Appendix AQL4 describes the criteria to be used by Environment Canterbury in any assessment of whether a discharge of dust has caused an offensive or objectionable effect.

Appendix AQL4 can be used to determine whether the ‘acceptable bottom-line’ for discharges of dust has been breached. It is not the appropriate method to manage reverse sensitivity effects of a discharge of dust.

No change is recommended by the Commissioners as a result of these submissions. It is recommended that submissions 352, 353, 354 and further submission F435 be rejected, and that further submission F416 and F3038 be accepted.

Submission 371 and 374 supported by F347

These submissions support the intent of establishing guidelines and criteria for assessment of discharges of dust and seek to retain Appendix AQL6.

As no change is recommended as a result of other submissions to this provision, it is recommended these submissions be accepted.

Submission 434 and 435

Assessment of whether a discharge of dust is causing an offensive or objectionable effect is necessarily in part a subjective judgement. This matter has been considered in a number of decisions of the Court of Appeal, the High Court and the Environment Court. From these decisions the basis for assessing whether effects are offensive or objectionable can be ascertained.

It is not enough for one person to consider that a discharge is offensive or objectionable; the discharge must affect the community at large in this way. In each case, whether the community is affected, must be determined using an external standard. Appendix AQL4 is this standard for discharges of dust. It identifies the matters to be taken in to account and how these matters will be determined. It sets out good practice for assessment of offensive or objectionable effects from dust discharges.

No change is recommended by the Commissioners as a result of these submissions, and it is recommended that submissions 434 and 435 be rejected.

Recommendation

Reject

Submissions 352, 353, 354, 434, 435 and Further Submission F435.

Accept

Submissions 371, 374 and Further Submissions F347, F416 and F3038.

Amendment Required

None required.

Appendix AQL4 (v) ## 03-195 13 00

341	Heinz Wattie's Australasia Pty Ltd	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Heinz Wattie's.
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342	Canterbury Breweries Limited	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Canterbury Breweries Ltd.
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Submission Clarification

Submission 341 and 342

These submissions seek that the description of the 'Location' factor of the FIDOL factors identified in Appendix AQL4 to assess whether a discharge of dust is causing objectionable or offensive effects be extended to include consideration of how long the discharge has been established at the site compared to the sensitive activities that may be affected by the discharge.

Consideration

Submission 341 and 342

The submissions are seeking that the effects of established discharges are given precedence over sensitive activities that commence after the discharge is established. The submitter wants reverse sensitivity effects to be considered in an assessment under Appendix AQL4 of whether a discharge has caused an effect that is objectionable or offensive.

The consideration at ##03-195 01 00, 352,353,354 above relating to reverse sensitivity, and obligations under section 17 of the RMA, is relevant and has been adopted. The recommendation is the same – that no change is made, and that submissions 341 and 342 be rejected.

Recommendation

Reject

Submissions 341 and 342.

Amendment Required

None required.

**Appendix AQL5 Criteria for assessing offensive or objectionable odour ## 03-197
01 00**

8	Primary Producers Co-Operative Society Ltd, Christchurch	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), review the odour assessment criteria in Appendix AQL 5, pending the release of the MfE 2002 draft odour guide.
285	Alliance Group Ltd	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), review the odour assessment criteria in Appendix AQL 5, pending the release of the MfE 2002 draft odour guide.
352	Feltex Carpets Ltd	Delete the assessment criteria in Appendix 5 or amend to expressly require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
353	Canterbury Meat Packers Ltd	Delete the assessment criteria in Appendix 5 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
354	Chequer Packaging	Delete the assessment criteria in Appendix 5 or amend to require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.
371	NZMP	Retain the guides and criteria.
373	New Zealand Pork Industry Board	Retain Appendix AQL 5.
374	New Zealand Institute For Crop & Food Research Ltd	Retain the guides and criteria.
379	Christchurch City Council, Civic Offices	Re-examine the odour assessment criteria in Appendix AQL 5, given the pending release of the MfE 2002 Odour Guide.

407	The Christchurch Press Co. Ltd	Amend Appendix AQL 5 to be consistent with the MfE's new 2002 draft Odour Guide recommendations, or delete and replace with a reference to the national guide.
411	NZMP	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), review the odour assessment criteria in Appendix AQL 5, pending the release of the MfE 2002 draft odour guide.
416	NZMP	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), review the odour assessment criteria in Appendix AQL 5, pending the release of the MfE 2002 draft odour guide. Make other changes necessary to give effect to this submission.
427	BP Oil New Zealand Ltd, Shell NZ Ltd, Mobil Oil NZ Ltd & Caltex NZ Ltd	Retain Appendix AQL 5 without further amendment. Make any consequential amendments to the plan where necessary.
434	Mainland Poultry Ltd	As an alternative to withdrawing Chapter 3 (refer 3-0), provide sufficient certainty for applicants as to what constitutes an offensive or objectionable effects with respect to the discharge of dust and odour. Make any other additional or consequential amendments as necessary.
435	Tegel Foods Ltd	As an alternative to withdrawing Chapter 3 (refer 3-0), provide sufficient certainty for applicants as to what constitutes an offensive or objectionable effect with respect to the discharge of dust and odour. Make any other additional or consequential amendments as necessary.
F146	Styx Residents Group	Oppose submission 354.
F347 Point 1	Federated Farmers of New Zealand	Support submission 374.
F347 Point 2	Federated Farmers of New Zealand	Support submission 353.
F435	Tegel Foods Ltd	Support in part submission 352.
F3038	Ilam & Upper Riccarton Residents Assn	Oppose submission 352.

Submission Clarification

Submissions 8, 285, 379 and 407

These submissions want the criteria in Appendix AQL5 reviewed in light of the MfE publication *Good Practice Guide for Assessing & Managing Odour in New Zealand*. A draft of this document was produced in 2002, just after the PNRRP was notified. The document was published in June 2003.

Submissions 352, 353, 354, 416

These submissions seek that Appendix AQL5 be deleted or the criteria identified in Appendix AQL5 to assess whether a discharge of odour is causing objectionable or offensive effects, be extended to include consideration of how long the discharge has been established at the site compared to the sensitive activities that may be affected by the discharge.

Submission 434 and 435

These submissions seek a higher degree of certainty for resource consent applicants, as to what constitutes an offensive or objectionable effect with respect to the discharge of odour, than is provided in Appendix AQL5.

Consideration

Submission 8, 285, 379 and 407

These submissions seek to ensure that the criteria used in Appendix AQL5 are consistent with the guidance provided by the *Good Practice Guide for Assessing & Managing Odour in New Zealand*.

Section 4 of the Guide addresses odour assessment and describes the information required, the decision-making process to determine the most appropriate assessment method, how investigations should be carried out, and the use of information gathering tools. This guide in a broad sense supports the use of the criteria identified in Appendix AQL5, such as the FIDOL factors and the range of information gathering sources and would assist with the implementation of an assessment process. Insofar as the Commissioners are aware there is no significant inconsistency between Appendix AQL5 and the Good Practice Guide. However, the Good Practice Guide updates the earlier MfE report *Odour Management under the Resource Management Act* (June 1995), and the reference in Appendix AQL5 should be updated. Change is recommended as a result of these submissions, and it is recommended that they be accepted in part.

Submission 352 Supported in part by F435, opposed by F3038; 353, 354 and 416, and Further Submission F347 (point 2)

The consideration at ##03-195 01 00, 352,353,354 above relating to reverse sensitivity and the obligations under section 17 of the RMA, is relevant and has been adopted. The recommendation is the same – that no change be made, and it is recommended that submissions 352, F435, 353, 354, 416, F347 (point 2) and F435 be rejected, and further submissions F3038 be accepted.

Submission 371, 373 and 374, supported by Submission 427 and Further Submission F347 (point 1)

These submissions seek to retain Appendix AQL5; given the other recommendations it is recommended that these submissions be accepted.

Submission 434 and 435

Assessment of whether a discharge of odour is causing an offensive or objectionable effect is necessarily in part a subjective judgement. This matter has been considered in a number of decisions of the Court of Appeal, the High Court and the Environment Court. From these decisions the basis for assessing whether effects are offensive or objectionable can to an extent be ascertained.

It is not enough for one person to consider a discharge offensive or objectionable; the discharge must affect the community in this way. In each case, whether the community is affected, must be determined using an external standard. Appendix AQL5 is this standard for discharges of odour. It identifies the matters to be taken in to account and how these matters will be determined. It is a good practice assessment of offensive or objectionable effects from the discharge of odour.

Change is recommended as a result of these submissions.

Recommendation

Reject

Submission 352, 353, 354, 416, Further Submission F347 (point 2) and F435.

Accept

Submission 371, 373, 374, 427, Further Submission F347 (point 1) and F3038.

Accept in part

Submissions 8, 285, 379 and 407.

Amendment Required

Amend Appendix AQL5 paragraph 4 p. 3-197 as follows:

The New Zealand Ministry for the Environment report *Good Practice Guide for Assessing & Managing Odour in New Zealand*, (June 2003, ISBN:0-478-24090-2) suggests a national approach to assessing and managing offensive odours, and contains recommendations, that are based on expert advice, of good practice for the assessment and management of odour. ~~*Odour Management under the Resource Management Act*, (June 1995, ISBN 0-477-05899-X) provides a summary of the over-riding statutory framework for the regulation of industrial and trade premise odour discharges. However, there are currently no national odour assessment guidelines. Although it is expected that such national guidelines will be developed in the future.~~

A consequential change is required to Appendix AQL5 Implementation Notes Section 5 Best practicable option (BPO) final paragraph p. 3-204:

Section 3.4.2 of the Ministry for the Environment's report: *Odour Management under the*

Resource Management Act, (June 1995, ISBN 0-477-05899-X) Good Practice Guide for Assessing & Managing Odour in New Zealand, (June 2003, ISBN:0-478-24090-2) contains further discussion on the application of BPO under the RMA.

Appendix AQL5 (i) ## 03-197 08 00

234	B. Bellis	Add at the end of the paragraph ending 'property boundary': '(a) the written report of a Crown Public Health officer that states the odour is offensive and/or objectionable; or (b) the written report of an environmental air quality expert, which states the odour is offensive and/or objectionable; or (c) (i) the frequency...' (Existing text in proposed Plan.)
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Submission Clarification

Submission 234

This submission seeks to have included in Appendix AQL5, in the matters to be considered in the assessment of whether an odour is likely to, or has caused, offensive or objectionable effects beyond the property boundary, reports from either the public health agency or and environmental air quality expert that state that the odour is offensive and/or objectionable.

Consideration

Submission 234

Appendix AQL5 sets out criteria that Environment Canterbury will consider when assessing compliance with permitted activity conditions, resource consent conditions, or sections 17(3), 314(1)(a)(ii) or 322(1)(a)(ii) of the RMA. One of the criteria is offensiveness of the odour.

Section 1 of Appendix AQL5 lists odour assessment tools that may be used in any determination of effects of odour and Tables 3-5 and 3-6 set out when and how a tool can be used. This provides a degree of objectivity to an assessment of a subjective issue.

This method of assessment follows the recommendations of the New Zealand Ministry for the Environment report *Good Practice Guide for Assessing & Managing Odour in New Zealand*. Determining what is offensive or objectionable requires an external standard, and should not be based on the opinion of a single individual. The purpose of Appendix AQL5 is to create this standard. Any investigation and report from a public health officer or an air quality expert should be developed following the same practice. If a report followed good practice guidelines then the results would be taken into account by Environment Canterbury.

No change is recommended as a result of this submission. It is recommended that submission 234 be rejected.

Recommendation

Reject

Submission 234.

Amendment Required

None required.

Appendix AQL5 (v) ## 03-197 15 00

341	Heinz Wattie's Australasia Pty Ltd	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Heinz Wattie's.
342	Canterbury Breweries Limited	Amend at the end of the sentence of (v) to read as: '...receiving environment and the length of time the discharging activity has been operating from its location and when sensitive activities were established relative to when the discharging activity was established.' Or any other similar relief to satisfy the concerns of Canterbury Breweries Ltd.

Submission 341 and 342

The submissions seek that the description of the 'Location' factor of the FIDOL factors identified in Appendix AQL4, to assess whether a discharge of odour is causing objectionable or offensive effects, be extended to include consideration of how long the discharge has been established at the site compared to the sensitive activities that may be affected by the discharge.

Consideration

Submission 341 and 342

These submissions are seeking that the effects of established discharges are given precedence over sensitive activities that commence after the discharge is established. The submitter wants reverse sensitivity effects to be accounted for in an assessment under Appendix AQL4 of whether a discharge has caused an effect that is objectionable or offensive.

The consideration at ##03-195 01 00, 352, 353, 354 above relating to reverse sensitivity, and the obligations under section 17 of the RMA, is relevant and has been adopted. The Commissioners do not think that a change to Appendix AQL5 is the appropriate manner to address reverse sensitivity.

No change is recommended as a result of these submissions, and it is recommended that they be rejected.

Recommendation

Reject

Submissions 341 and 342.

Amendment Required

None required.

Table 3-5 Odour effects assessment tools - existing activities ## 03-199 01 00

269	Christchurch City Council, City Water & Waste Management Unit	Review the ranking system in Table 3-5 by considering other options, including ranking professional odour surveys higher, and requiring complaints to be verified by relevant complaint monitoring officers.
354	Chequer Packaging	Delete Table 3-5 or amend the ranking system to consider other options, including professional odour surveys being ranked higher and also requiring complaints to be verified by monitoring officers. Make any consequential amendments to the plan where necessary.
F146	Styx Residents Group	Oppose submission 354.
F435	Tegel Foods Ltd	Support submission 354.

Submission Clarification

Submission 269 and 354

The submissions seek that either Table 3-5 of Appendix AQL5 be deleted or the list and ranking of odour effects assessment tools in Table 3-5 amended to (a) include other options for odour assessment and improve the ranking for olfactometric quantification and modelling, and (b) ensure that all complaints recorded are verified by ECan monitoring officers.

Consideration

Submissions 269 and 354, supported by F435, opposed by F146

The description of the range and appropriateness of odour assessment tools for existing activities in Table 3-5 is consistent with the range and preferred order described in Section 4 of the MfE report *Good Practice Guide for Assessing & Managing Odour in New Zealand, (June 2003)*. The Guide recommends that, for existing operations, dispersion modelling should generally be given less weight than community feedback on odour effects.

In respect of complaints verification, Environment Canterbury has a duty under s 35(5)(i) of the RMA to record a summary of all written complaints concerning alleged breaches of the RMA. It is not always possible to validate a complaint because odour emissions are often highly variable with time. The Good Practice Guide recommends that odour complaint data should be given more weight when validated. Nevertheless it is important to record all complaints.

No change is recommended as a result of these submissions. It is recommended that submissions 269 and 354, and further submission F435 be rejected, and that further submission F146 be accepted.

Recommendation

Reject

Submissions 269 and 354 and Further Submission F435.

Accept

Further Submission F146.

Amendment Required

None required.

Table 3-5 - Modelling Odour Guideline - Existing ## 03-199 04c22

269	Christchurch City Council, City Water & Waste Management Unit	Amend Modelling Odour Guideline - Existing Activity to read: '-a standard of less than 10ou/m3 (certainty threshold) if in an isolated rural or an industrial area, or 5 ou/m3, if close to large metropolitan area for at least 99.5% of the time.' Or alternatively: 'Modelling Odour Guideline - New Activity - in accordance with the MfE publication 'Guide for Managing Discharges of Odour.'
348	Environment Canterbury	Add after the word 'threshold': '99.9% percentile' in the box on 'Modelling Odour Guidelines – Existing'.
F347	Federated Farmers of New Zealand	Oppose submission 348.

Submission Clarification

Submission 269 and 348

The submissions seek that the consideration criteria - Modelling Odour Guideline – Existing- in Table 3-5 of Appendix AQL5 be amended to add a percentile that would mean that the emission rate could be exceeded for some of the time. Submission 269 seeks that this period be 0.5% while submission 348 seeks that the period should be 0.1% of the time. Alternatively, submission 269 seeks that the evaluation criteria be deleted and replaced with a requirement for the modelling to be in accordance with recommendations of the MfE *Good Practice Guide for Assessing & Managing Odour in New Zealand*.

Consideration

Submission 269 and 348

The submission is seeking a change that is consistent with the recommended odour-modelling guideline values in Table 4.6 of the Good Practice Guide. The Guide introduces a 'baseline' percentile of 0.5% for odour concentrations to account for worst-case meteorological conditions, at which objectionable odours are unlikely because the conditions occur infrequently. The Guide states that 0.1% will also be used to assist in the consideration of model results depending on the type of source and consistency of emission data.

In this instance these criteria are being used in an Appendix to the Plan that guides selection of the tools that could be used to assess odour objectionable or offensive effects. The particular tool referred to, modelling, is the lowest ranked tool for assessing the effects of existing activities. This part of the Plan has no regulatory status but it is preferable to ensure consistency between the Plan and the Guide at the 'baseline' level. Use of more stringent criteria will be decided on a case-by-case basis.

Change is recommended as a result of these submissions, and it is recommended that submission 348 be accepted in part and that submission 269 be accepted.

Recommendation

Accept in part

Submission 348.

Accept

Submission 269.

Amendment Required

Amend Table 3-5 of Appendix AQL5 p. 3-199 as follows:

<p>Modelling Odour Guideline- Existing</p> <p>a one-hour average concentration of 10 ou/m³, (certainty threshold) if in an isolated rural or an appropriate industrial area. Use lower values of 5 ou/m³, (certainty, 1-hour) for existing activities that are close to large metropolitan areas. <u>These values may be exceeded for not more than 0.5% of the time.</u> Note that for existing activities, the results from higher ranked tools should be given more weight than modelling predictions.</p>

Table 3-6: Odour effects assessment tools - new activities ## 03-201 01 00

354	Chequer Packaging	Delete Table 3-6 or amend the consideration criteria for 'Modelling Odour Guideline - New Activity' to contain a standard of less than 10ou/m ³ (certainty threshold) if in an isolated rural or industrial area, or 5ou/m ³ if close to large metropolitan areas for at least 99.5% of the time. Or the criteria should require measurement in accordance with the 'Guide for Managing Discharges of Odour' by the MfE.
F146	Styx Residents Group	Oppose submission 354.

Submission Clarification

Submission 354

The submission is seeking a higher recommended odour emission rate for new activities located close to large metropolitan areas. Table 3-6 in Chapter 3 recommends an emission rate of 2 ou/m³, while the submission seeks 5 ou/m³, to be achieved at least 99.5% of the time.

Consideration

Submission 354 Opposed by Further Submission F146

The consideration at ## 03-199 04c22, 269, 348 above is relevant here, and has been adopted. The MfE Good Practice Guide in Table 4.6 recommends emission rates that vary depending on the sensitivity of the receiving environment. The Guide, in Table 2.2, suggests that high density residential areas have a high sensitivity, and the appropriate emission rate would not exceed 2 ou/m³. The Guide does provide for a baseline percentile of 0.5% to account for worst-case meteorological conditions, at which objectionable odours are unlikely because the conditions occur infrequently. It is preferable in the Plan to adopt the same figure to ensure consistency between the documents, and in approach.

Change is recommended as a result of these submissions. It is recommended that further submission F146 be rejected and that submission 354 be accepted.

Recommendation

Reject

Further Submission F146.

Accept

Submission 354.

Amendment Required

Amend Table 3-6 p. 3-201 as follows:

Modelling Odour Guideline – New Activity
 - a one-hour average standard of 5 ou/m³
 (certainty threshold) if in an isolated rural or an industrial area, or 2 ou/m³, (certainty, 1- hour) if close to large metropolitan areas. These values may be exceeded for not more than 0.5% of the time.

Table 3-6: Modelling Odour Guideline - New Activity ## 03-201 04c21

269	Christchurch City Council, City Water & Waste Management Unit	Amend Modelling Odour Guideline - New Activity to read: '-a standard of less than 5cu/m3 (certainty threshold) if in an isolated rural or an industrial area, or 2 ou/m3, if close to large metropolitan area for at least 99.5% of the time.' Or alternatively: 'Modelling Odour Guideline - New Activity - in accordance with the MfE publication 'Guide for Managing Discharges of Odour.'
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Consideration

Submission 269

The substance of this submission has been considered at ## 03-201 01 00, 354, F416 and is relevant here and has been adopted. The recommendation is the same – change is recommended, and it is recommended that submission 269 be accepted.

Recommendation

Accept

Submission 269.

Amendment Required

Amend Table 3-6 p. 3-201 as follows:

Modelling Odour Guideline - New

Activity

- a one-hour average standard of 5 ou/m³ (certainty threshold) if in an isolated rural or an industrial area, or 2 ou/m³, (certainty, 1-hour) if close to large metropolitan areas.

These values may be exceeded for not more than 0.5% of the time.

Appendix AQL6 Property spray plan required under Rules AQL71 and AQL72 ## 03-205 01 00 - 03-207 03 00

239	Telecom NZ Ltd	Opposes the lack of certainty. No decision requested.
347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend Appendix AQL 6 so that it relates only to those adjoining landowners where the dwelling is less than 25 metres from the spray ground.
F401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Oppose submission 347.

Submission Clarification

Submission 239

Submitter 239 relates to “Rule 57, and the related Issue, Policy and Objective.” It has been considered at the correct location. No recommendation is required in this context.

Consideration

Submission 347 and Further Submission F401

Submitter 347, opposed by Submitter 401, sought that the need to prepare a property spray plan should only relate to adjoining landowners where dwellings are less than 25 metres from the spray ground.

The property spray plan requirement only applies to activities requiring a resource consent, see section 3.4.8, at p.3-137. The information required to be provided allows assessment of the adverse effects, affected parties and potential mitigation. It is likely that there will be circumstances where these matters will not be dependent on the location of a dwelling – for example where spraying is proposed adjacent to other types of sensitive activities (e.g. a school). Further, neighbours interests may not relate to a dwelling. No change is recommended and it is recommended that submission 347 be rejected and further submission F401 accepted.

Recommendations

Reject

Submission 347.

Accept

Further Submission F401.

Recommendation is not required

Submission 239 and Further Submission 401.

Amendment Required

None Required.