

Memorandum

To	Olivia Murray, ECan Consents Planner	From	Jess Bould, Senior Consultant, Aurecon
Copy	Dave Little, Red Zone Recovery Manager, Christchurch City Council	Reference	P520867
Date	2024-10-23	Pages (including this page)	7
Subject	Response to Air Discharge Aspects – Additional Assessment of Section 91 Request for Application Number/s CRC242267, CRC242268 and CRC242269		

1 Introduction and Purpose

Environment Canterbury (ECan) issued a s91 request on 27 March 2024 regarding the Southshore and South New Brighton Park Erosion Protection and Inundation Protection Works, indicating an additional resource consent is required to authorise the discharge of dust to air.

Additional consents required

“You will also require an air discharge consent from Environment Canterbury for your proposed activity under s15(1) of the Resource Management Act 1991. This is considered to be a discretionary activity under Section 87B(1) of the RMA as the application is unable to meet the Permitted Activity Rules 7.35 and 7.36; as the proposed works are within 500m of a sensitive activity, wahi tapu, wahi taonga or a place of significance to Ngai Tahu and there is not a ‘what’s next’ rule in the Canterbury Air Regional Plan”.

The original application did not accurately assess the proposal against Rules 7.35 and 7.36 of the Canterbury Air Regional Plan (CARP).

This memorandum provides a replacement assessment against the relevant statutory planning rules in relation to air discharge elements of the overall proposal.

2 Assessment of activity against the Canterbury Air Regional Plan

The discharge of dust to air within 500 m of a sensitive activity is assessed below. The Site is shown in **Figure 1** below and includes the approximate location of the proposed works in relation to the sensitive activity overlay from the CARP. Te Ihutai / Avon Heathcote Estuary is recognised as a sensitive area.

The specific components of the proposal where there is a potential effect arising are:

- Movement of bulk solid materials will be required for the construction of the rock revetments and the creation of the bund (controlled under Rule 7.35).
- Movement of rock for the estuary erosion protection works and outdoor storage of the bulk material (controlled under Rule 7.36).

Figure 1 Canterbury Mapping¹ - Sensitive Area



The proposal is assessed against the relevant rules of the CARP in Table 1, below.

Table 1 | Canterbury Air Regional Plan Assessment

Rule	Description	Comment
Rule 7.35	The discharge of contaminants into air from the handling of bulk solid materials is a permitted activity provided the following conditions are met: 1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2; and 2. The handling occurs indoors, or where the handling occurs outdoors the rate of handling does not exceed 100t per hour; or 3. Where handling occurs outdoors on less than 21 days per calendar year, the rate of handling does not exceed 250t per hour; and 4. Where the handling occurs outdoors and the rate of handling exceeds 20t per hour, a dust management plan is prepared in	Does not comply. An assessment against the conditions of Rule 7.35 is provided below: 1. Complies. The discharge will not cause an offensive or objectionable effect beyond the boundary of the property of origin when appropriately managed in accordance with the relevant management plans. 2. Complies. The proposed works will comply with the limitations of this rule, and a Dust Management Plan will be prepared as part of the ESCDP required for the Project. 3. Not applicable. The handling will exceed 21 days per calendar year.

¹ Canterbury Maps - <https://mapviewer.canterburymaps.govt.nz/?webmap=a17cf2c07a3c4fab8ea2c37ab66b04e5>

	accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and 5. The dust management plan is supplied to the CRC on request; and 6. The discharge does not occur within 200m of a sensitive activity, wāhi tapu, wāhi taonga or place of significance to Ngāi Tahu that is identified in an Iwi Management Plan; and 7. Notwithstanding condition 6, where the discharge is from production blasting at a quarry site the discharge does not occur within 500m of a sensitive activity wāhi tapu, wāhi taonga or a place of significance to Ngāi Tahu that is identified in an Iwi Management Plan.	4. Complies. A Dust Management Plan is proposed as part of the overall Construction Management Plan set. 5. Complies. The Dust Management Plan will be submitted as part of pre-construction works. 6. Does not comply. The site is located 200m of a sensitive area, Avon Heathcote / Ihutai Estuary which is identified in an iwi management plan. 7. Not applicable. The proposal does not relate to a quarry nor include blasting activities. The proposal does not comply with Condition 6 of Rule 7.35.
Rule 7.36	The discharge of contaminants into air from the outdoor storage of bulk solid materials is a permitted activity provided the following conditions are met: 1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2; and 2. The amount of material stored does not exceed 1000t when it has an average particle size of less than 3.5mm; and 3. Where the storage exceeds 200t, a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and 4. The dust management plan is supplied to the CRC on request; and 5. The discharge does not occur within 100m of a sensitive activity, wāhi tapu, wāhi taonga or place of significance to Ngāi Tahu that is identified in an Iwi Management Plan.	Does not comply. An assessment against the conditions of Rule 7.36 is provided below: 1. Complies. Storage of bulk materials, including rock for the estuary erosion protection works and materials for the bund will be managed in accordance with the relevant Construction Management Plans and will not give rise to adverse effects beyond the boundary of the Project site. 2. Complies. The proposed works will comply with the limitations of this rule. 3. Complies. The Dust Management Plan will be submitted as part of pre-construction works. 4. Complies. The Dust Management Plan will be submitted as part of pre-construction works. 5. Does not comply. The site is located 100m of a sensitive activity, Avon Heathcote / Ihutai Estuary. The proposal does not meet the conditions of Rule 7.36 of the CARP.

The discharge of dust to air is assessed as a discretionary activity as there is no plan or proposed plan, or no relevant rule in a plan or proposed plan that provides a subsequent rule following Rule 7.35 or Rule 7.36. Therefore, it is a Discretionary Activity subject to 87B(1a) of the RMA².

3 Assessment of actual and potential effects

The actual and potential effects have been identified and assessed in Table 2, overleaf, in relation to the handling and deposition of bulk materials in proximity to a sensitive area.

Table 2 | Assessment of Effects

Actual and Potential Effect	Assessment
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² As confirmed by Environment Canterbury in the s91 request issued,

Potential effects of sedimentation on the Te Ihutai / Avon Heathcote Estuary	The main ways sedimentation can occur is through wind mobilisation and stormwater runoff. For this site, the closest receptor is the Te Ihutai / Avon Heathcote Estuary. Sedimentation build-up has the potential to impact on the ecological conditions within surface or coastal water bodies and impact on the quality of habitat. Soil disturbance forms a key component of construction of the bund and associated coastal structures. Construction processes will be carefully managed to prevent sediment entering the estuary through wind erosion and runoff. These will be managed using a range of erosion and sediment controls³ such as dampening of materials, physical controls such as sediment fencing and clean water diversions. Works are not able to be carried out in wet conditions so no works will occur in tidal conditions. The mitigation proposed will mitigate the ability for sediment to enter the Te Ihutai / Avon Heathcote Estuary through erosion and sediment controls deployed as part of the construction programme, to reduce sedimentation from the Site. Controls implemented will be in accordance with ECan's Erosion and Sediment Toolbox. A comprehensive Environmental Management Plan (EMP) and/or Construction Management Plan (CMP) will be developed prior to commencement of construction and provided to consent authorities for certification ahead of works. These will be regularly monitoring and reviewed, with mitigation being amended to suit Site conditions. Section 8 of the AEE sets out proposed conditions to further mitigate actual and potential ecological effects relating to sedimentation. Overall, the actual and potential effects of sedimentation on the Te Ihutai /Avon Heathcote estuary are assessed as less than minor based on the mitigation proposed.
Potential effects on air quality	Wind can mobilise sediment and result in transportation of sediment beyond the site and impact air quality. As outlined above, the Site will include ESC controls which will include controls such as dampening of material to reduce sediment being mobilised by wind and impacting on air quality, sediment control fencing, clean water diversions and any other controls considered necessary. These will be further confirmed within the EMP and/or CMP, to be provided for certification and discussion ahead of works commencing. Overall, the actual and potential effects of sedimentation on the Te Ihutai /Avon Heathcote estuary are assessed as less than minor based on the mitigation proposed.

³ ECan's Erosion and Sediment Control Toolbox will be utilised to inform management plans.

Potential effects on nearby residents and site users	Dust and sediment can negatively impact nearby residents and recreational users through a nuisance impact. The mitigation measures proposed above to reduce sedimentation and control dust discharges from the Site will mitigate the effects on residents and site users, in the same manner as they reduce effects on the environment. Overall, the actual and potential effects of sedimentation on the Te Ihutai /Avon Heathcote estuary are assessed as less than minor based on the mitigation proposed.
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The actual and potential effects associated with discharge of dust to air are assessed as less than minor, subject to the mitigation proposed and the controls that will be implemented during the construction works.

4 CARP Objectives and Policies

The following objectives and policies of the CARP are relevant to this proposal and assessed in Table 3, below.

Table 3 | Assessment against the objectives and policies of the CARP

Objective / Policy	Assessment
Objective 5.1 Air quality protects the mauri and life supporting capacity of the environment.	The proposal is assessed as being generally consistent with Objectives 5.1, 5.5 and 5.6. Construction works resulting in discharges will have controls in place to minimise dust discharges through good practice erosion and sediment controls being implemented. Strict adherence to the EMP and CMP will be required for the duration of the works.
Objective 5.5 Air quality is managed in a way that provides for the cultural values and traditions of Ngāi Tahu.	
Objective 5.6 Amenity values of the receiving environment are maintained.	
Objective 5.7 Discharges from new activities are appropriately located to take account of adjacent land uses and sensitive activities	The proposal is assessed as being consistent with Objective 5.7. The location of this proposal is adjacent to a sensitive area with the design and lead into the project involving a range of parties to contribute and input. Strict adherence to the EMP and CMP will be required for the duration of the works.

Policy 6.1 Discharges of contaminants into air, either individually or in combination with other discharges, do not cause: a. Diverse effects on human health and wellbeing; or b. Adverse effects on the mauri and life supporting capacity of ecosystems, plants or animals; or c. Significantly diminished visibility; or d. Significant soiling or corrosion of structures or property.	The proposal is assessed as being consistent with Policy 6.1. The discharge of dust to air will be a temporary effect and mitigated through good practice controls seeking to reduce dust effects. Works will also be staged and progress in a linear nature. The proposal will not cause the effects listed in Policy 6.1 to arise.
Policy 6.2 Recognise the value of air quality as a taonga to Tangata Whenua and manage adverse effects of discharge into air on wāhi tapu, wāhi taonga, and places of significance to Ngāi Tahu.	The proposal is assessed as being consistent with Policy 6.2. The applicant has worked closely with Tangata Whenua throughout the design and planning phases of the proposal and recognises the value of air quality and understands how to minimise effects.
Policy 6.9 Discharges into air from new activities are appropriately located and adequately separated from sensitive activities, taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment.	The proposal is unable to be consistent with Policy 6.9 due to the nature and purpose of the proposal. The air discharge is a temporary component of the proposal limited to construction phase of work. Due to the nature and purpose of the work, separation from sensitive activities is not possible.
Policy 6.11 When evaluating resource consent applications recognise locational constraints on activities, when imposing terms and conditions.	The proposal is assessed as being consistent with Policy 6.11. This proposal has a locational constraint and a functional need to be in the selected location. The duration of the air discharge is limited to construction phase and there is no on-going discharge to air. Additionally, the proposal is linear in nature with effects will shift along the alignment.

On balance, the proposal is consistent with the objectives and policies of the CARP, with mitigation in place to minimise and manage dust discharge effects on sensitive activities with no on-going discharge to air associated with the proposal.

5 Conclusion

Resource consent is required as a discretionary activity to authorise the discharge of dust to air within 100 m of the Te Ihutai / Avon Heathcote Estuary, under the Canterbury Air Regional Plan and Resource Management Act 1991.

The actual and potential effects relating to dust generation and discharges are assessed above. The assessment indicates dust and sediment can be appropriately managed through incorporation of erosion and sediment control measures and site controls. Further detailing of this will be provided through a certification process for site specific environmental and construction management plans.

This approach is consistent with similar construction programmes and allows for site specific controls to be selected by the appointed construction team to achieve an optimal outcome in terms of effects management.