

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
12 November 2018**

Report dated 16 October 2018

**Addendum to
Report Dated 4 October 2018
on submissions and further submissions topic:
Air Quality**

**Report prepared by
David Jackson
Principal Consultant Planner**

Introduction

1. This report is an addendum to my main report dated 4 October 2018, Topic 13 Resource Quality - Air.
2. It addresses part of a submission point (749.1 by GBC Winstone Ltd) which was first considered in the officer's report on Topic 11, Use of the Coastal Environment, and which was recommended to be addressed under air quality in Topic 13.
3. That submission point was not among those allocated to me for consideration in my section 42A report. The submitter's planner, Mark St. Clair, brought this omission to my attention. He agreed that the matter could be addressed by way of an addendum, and advised that his client would waive the time requirements for pre-circulation of section 42A reporting prior to the hearing.
4. The submitter's indulgence in this matter is appreciated.

Reporting Officer

5. My name is David Jackson. I am a Principal Planner from WSP Opus International Consultants, based in Nelson. My qualifications and experience are as in my main section 42A report dated 4 October 2018.
6. As in that report, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.

The Submission

7. GBC Winstone submitted (coded by MDC as 749.1) in relation to their cement handling facilities at Port Marlborough, Picton. They sought that two new permitted activities be added to Rule 13.1 in the Port Zone:
 - i. *GBC Winstone (a Division of Fletcher Concrete and Infrastructure Ltd) activities (on land described as Lot 1 DP 7579 and Lot 1 DP 4973 in Picton and as shown as Specific Identified Sites on Planning Map [insert relevant Maps Number]) shall be permitted, including all other activities listed as permitted in the Port Zone, provide that they comply with the standards for permitted activities in the Port Zone.*
 - ii. *The discharges of contaminants into air from particular industrial or trade premises used for the storage, blending and distribution of concrete processing materials.*
8. The summary of submission 749.1, from the MDC submissions database, is reproduced in Appendix 1 to this Addendum.
9. The reporting officer, Debbie Donaldson, for Topic 11 'The Use of the Coastal Environment' considered the first matter (i) at paragraphs 1035-1038 and 1069 in her section 42A report, and on pages 155-156 of her Reply to Evidence.
10. She recommended against the relief sought for (i) as she considered the activities were already provided for as permitted activities in the zone. Regarding item (ii), she recommended that a decision be deferred to the Hearing on Resource Quality – Air.
11. Item (ii) was not considered either in my report (Topic 13: Resource Quality – Air), nor Paul Whyte's report (Topic 18: Nuisance Effects and Temporary Military Training). Hence the need to address it here.
12. Submission 749.1(ii) does not propose any specific permitted activity standards to accompany the proposed new permitted activity rule.
13. However, 749.3, which is considered in Paul Whyte's report (Nuisance Effects and Temporary Military Training) seeks that standard 13.2.9 (which applies to all permitted activities) be amended as follows:

~~13.2.9.1 The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.~~

~~13.2.9.1 The dust must not result in any objectionable or offensive effects at or beyond the legal boundary of the area of land on which the permitted activity is occurring.~~

~~13.2.9.2 The dust must not result in an adverse health effects beyond the property boundary.~~

~~13.2.9.3 Any person undertaking an activity resulting in the emission of dust shall adopt the best practicable option to avoid, remedy or mitigate adverse effects resulting from the dust emissions on the receiving environment.~~

14. Submission 749.4, which is also considered in Mr Whyte's report, seeks that all three standards under 13.2.10 (Dust from any process vent or stack) be deleted. For completeness, those standards are reproduced below:

13.2.10 Dust from any process vent or stack.

13.2.10.1 The dust must not contain hazardous substances.

13.2.10.2 The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

13.2.10.3 Dust particles must not exceed 0.05mm size in any direction.

15. Mr Whyte addresses these and other submission points in relation to the dust standards at pages 10 to 14 of his report.
16. The submitter's planner, Mr St. Clair, in bringing submission 749.1(ii) to my attention, has indicated that the response to 749.1(ii) needs to be considered as part of the relief sought by the submitter in 749.3 and 749.4.
17. I agree that would be appropriate. But that being the case, 749.1(ii) would be better dealt with by Mr Whyte by way of an Addendum to his section 42A report, as it may or may not affect his recommendations regarding 749.3. and 749.4 (and possibly submission points on the dust standards by other submitters).
18. However, Mr Whyte is on leave until 5 November. In his absence, I have addressed the submission point in this Addendum. But I make no recommendation to the Hearing Panel as, in my view, the matter needs to be considered as part of Topic 18, after hearing GBC Winstone's evidence, and alongside Mr Whyte's section 42A report (Nuisance Effects and Temporary Military Training) and the other submissions on the standards 'Dust' and 'Dust from any vent or stack'.

Recommendation

19. No recommendation, and that the matter is considered at the Hearing alongside Mr Whyte's section 42A report on Topic 18 (Nuisance Effects and Temporary Military Training) and submissions made on the standards 'Dust' and 'Dust from any vent or stack', and with Mr Whyte providing a recommendation to the Hearing Panel.

Appendix 1: Submission 749.1 (GBC Winstone) from MDC submissions database on the Marlborough Environment Plan

GBC Winstone

Provision

Volume 2 13 Port Zone 13.1.

Permitted Activities

Submission

GBCWinstone (a Division of Fletcher Concrete & Infrastructure Ltd.) operates and maintains a cement service centre on two sites at Port Marlborough, Picton. The Picton Service Centre, like other service centres that are operated by GBCWinstone, is required for the bulk storage and handling of cement, prior to sale in bulk to GBCWinstone's customers. Cement is the main ingredient of concrete from which a considerable amount of Marlborough's and New Zealand's infrastructure is built. The Picton Service Centre has been operating on the site since approximately the mid-1960s. The GBCWinstone operation is located on two sites at the corner of Lagoon Road and Westshore Road, Picton, and has a total area of 3371m². The land on which the operation is located is zoned Port Zone under the operative Marlborough Sounds Resource Management Plan (MSRMP) and the Proposed Marlborough Environment Plan (PMEP).

The form of airborne contaminant potentially emitted by the cement handling operation on the site is cement dust. The dust mitigation measures that are in place at the site are intended to ensure that there are no dust emissions beyond the boundary of the site. Section 15(1)(c) of the Resource Management Act 1991 restricts the discharge of a contaminant from any industrial or trade premises into air unless the discharge is expressly allowed by a national environmental standard, a rule in a regional plan, or a resource consent. GBCWinstone held an air discharge permit from Marlborough District Council (Resource Consent No: U 980988), for the discharge to air from the bulk storage and pneumatic conveying of bulk cement on site, granted on 25 March 1999, which expired on 31 December 2015. When this resource consent expired, GBCWinstone was not required to replace the resource consent because the discharge of cement dust from the Picton Service Centre was authorised by Rule 33.1.6.1.6 of the MSRMP. The PMEP does not provide for this discharge as a permitted activity and as a result GBCWinstone will be required to gain a resource consent in order to meet s.15(1) RMA.

In summary, the activities on the sites include the pneumatic conveying and storage of cement associated with the storage and distribution of cement products in the Marlborough District. Several stages in this process create the potential for the discharge of dust from the operations. However, the site equipment is fitted with mitigation measures, including filter bags, which remove any dust from displaced air and, therefore, has a less than minor actual effect beyond the site boundary.

GBCWinstone make the following submissions:

GBCWinstone wish to have the specific provision (Rule 13.1) amended because it is limiting and does not provide for the following items:

1. Operation of GBCWinstone's Picton Service Centre as a permitted activity in the Port Zone not provided in the PMRP. - Oppose in Part
2. Discharge of contaminants to air from industrial and trade processes. - Oppose in Part

Decision Requested

That the following amendments (bold) are included as permitted activities under 13.1:

- **GBCWinstone (a Division of Fletcher Concrete & Infrastructure Ltd.) activities (on land described as Lot 1 DP 4166, Lot 1 DP 7579 and Lot 1 DP 4973 in Picton and as shown as Specific Identified Sites on Planning Map [Insert relevant Map Number]) shall be permitted, including all other activities listed as permitted in the Port Zone, provided that they comply with the standards for permitted activities in the Port Zone.**
- **The discharges of contaminants into air from particular industrial or trade premises used for the storage, blending and distribution of concrete processing materials.**

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Appendix 2: Recommended decisions on 'decisions requested' – amendments from addendum report

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
749	1(ii)	GBC Winstone Ltd	Volume 2	13 Port Zone	13.1	No recommendation