
BRIEF OF SUPPLEMENTARY EVIDENCE OF HANNAH LOUISE GOSLIN
AIR – AIR

Qualifications and Experience

- 1 My qualifications and experience are set out in paragraphs [5] to [7] of my Section 42A report titled *Chapter 7: AIR - Air* and dated 27 April 2022.

Code of Conduct

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 3 This supplementary statement of evidence updates the recommendations I made in my Section 42A report titled *Chapter 7: AIR – Air*. The matters addressed in this statement of evidence are set out below:
- 3.1 Amend AIR-P1 to clarify what is meant by ‘good’ ambient air quality and the management approach for maintaining ‘good’ ambient air quality;
- 3.2 Amend AIR-P4 to clarify the circumstances where avoidance of particular adverse effects is required; and
- 3.3 Amend AIR-M2 to support the actions set out in AIR-P1, AIR-P2 and AIR-P4.
- 4 In the sections below, and in relation to each matter above, I have:
- 4.1 Identified the recommendation(s) that is to be amended or replaced.
- 4.2 Identified the authority relied upon to make these amendments or replacements.

- 4.3 Provided an explanation for the amendment or replacement.
- 4.4 Evaluated the amendment or replacement in accordance with Section 32AA of the RMA, where necessary.
- 4.5 Set out the proposed amendments to the relevant pORPS provisions as follows:

Appearance	Explanation
Black text	Text as notified.
Black text with <u>underlining</u> or strikethrough	Amendments recommended in my Section 42A report.
Red text with <u>underlining</u> or strikethrough	Additional amendments recommended in this supplementary evidence where there has been no previous amendment to the 'as notified' text.
Black text with <u>red underlining</u>	Text that was recommended to be deleted in my Section 42A report but which I now recommend be retained ("un-deleted") in this supplementary evidence.
Red strikethrough with <u>black underlining</u> .	Text that was recommended to be inserted in my Section 42A report (black underline) but now recommended to be deleted in this supplementary evidence (red strikethrough).

AIR-P1

- 5 At paragraphs [53] to [56] of my Section 42A report I analyse submission points from Ravensdown, Fonterra and QLDC, which raise concern with use of the term 'good' in the phrase "good ambient air quality". These submitters consider that it is too ambiguous and is open to wide interpretation.¹ Ravensdown and Fonterra² propose specific changes to AIR-P1, to reduce ambiguity and clarify the policy approach and to align with the NESAQ.³
- 6 At paragraph [53] of my Section 42A report, I explain that the future Regional Air Plan will likely provide an interim step to meet the ambient air quality standards in the NESAQ, therefore the adoption of terms used in the NESAQ to inform the drafting of AIR-P1 is not required. At paragraph [54] of my Section 42A report I note that the term 'good' in AIR-P1 is a qualifier that can be further clarified in the future Regional Air Plan.

¹ 00121.031 Ravensdown, 00138.014 QLDC

² 00213.026 Fonterra

³ Resource Management (National Environmental Standards for Air Quality) Regulations 2004

- 7 Following discussions at the pre-hearing meeting I have reconsidered my position. I agree that further clarification of 'good' ambient air quality would improve AIR-P1 and further clarify the framework intended for the future Regional Air Plan.
- 8 The purpose of AIR-P1 is to maintain ambient air quality where it meets AIR-O1 and ensure AIR-O2 is achieved. The current Regional Air Plan sets ambient air quality guidelines. It is likely that the future Regional Air Plan will also adopt this approach. I consider maintaining the less specific reference to 'limits' as opposed to 'ambient air quality standards' as defined by the NESAQ provides flexibility for the future Regional Air Plan to set limits that are not prescribed in the NESAQ currently or that may be set in future.
- 9 I also recommend a consequential amendment to AIR-M2 to require the regional council to set limits in the future Regional Air Plan to maintain ambient air quality in accordance with AIR-P1.
- 10 As such, I recommend the following amendment to AIR-P1:

AIR-P1 – Maintain ~~good~~ ambient air quality

Where ~~Good~~ ambient air quality is at or better than the limits set, that air quality is maintained at least at the existing quality by only allowing discharges to air across Otago by:

~~(1) — ensuring discharges to air comply with ambient air quality limits where those limits have been set, and~~

~~(2) — where limits have not been set, only allowing discharges to air if the adverse effects of the discharge, including cumulative effects on ambient air quality are no more than minor and any limits are not exceeded.~~⁴

- 11 I also recommend the following amendment to AIR-M2:

AIR-M2 – Regional plans

No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its *regional plans* to:

[...]

⁴ 00121.031 Ravensdown, 00138.014 QLDC, 00213.026 Fonterra

(1A) set limits (including *ambient air quality standards*) to maintain ambient air quality in accordance with AIR-P1, and improve ambient air quality in accordance with AIR-P2.⁵

...

Section 32AA evaluation

- 12 Given my recommended changes to AIR-P1 seek to clarify the interpretation of the provisions and do not change the overall intent of the provisions, I do not consider a section 32AA assessment is necessary.
- 13 I consider the consequential addition of clause (1A) to AIR-M2 will assist in undertaking the actions prescribed by AIR-P1 and achievement of AIR-O1 and AIR-O2. I have undertaken a Section 32 evaluation at paragraph [277] of the Section 32 Evaluation Report⁶. Given the additional clause is relatively minor, I consider the original evaluation is still relevant.
- 14 The addition of clause (1A) introduces an additional requirement for the Council to set limits for ambient air quality in the future Regional Air Plan. I consider this addition is more efficient and effective than the wording of AIR-M2 recommended in my Section 42A Report and provides a clear pathway for the establishment of limits.
- 15 In relation to the potential benefits of clause (1A), I consider there will be environment, economic, social and cultural benefits of this change as it will support the actions established by AIR-P1 and AIR-P2 by setting limits which ambient air quality is maintained at or improved to. The benefits of this approach are summarised at paragraph [277] of the Section 32 Report.

AIR-P4

- 16 At paragraphs [91] to [94] of my Section 42A report I analyse submission points from Fonterra, Oceana Gold and Ravensdown which raise concerns with the use of “avoid” in AIR-P4. They consider “avoid” is too absolute and infers a prohibited activity status.⁷ At paragraph [92] of my Section 42A report, I consider the ‘use’ of avoid in AIR-P4 to be generally appropriate, but note that there may be instances where it is sometimes necessary to provide for those effects in the short term, to provide resource users with an opportunity to mitigate effects. I

⁵ 00121.031 Ravensdown, 00138.014 QLDC

⁶ Section 32 Evaluation Report – Proposed Otago Regional Policy Statement 2021

⁷ 00213.029 Fonterra, 00115.013 Oceana Gold, 00121.034 Ravensdown

recommended the effects listed in AIR-P4 be ‘generally’ avoided to provide for a more nuanced approach.

17 Following discussions at the pre-hearing meeting, I still maintain my position that such effects should be avoided. However, I consider alternative wording would provide more certainty in the nuanced approach intended. I recommend changes to AIR-P4 that require the avoidance of discharges to air that cause noxious and dangerous effects, and avoidance, as the first priority, of discharges to air that cause offensive or objectionable effects.

18 I also recommend the wording of AIR-M2(1) be amended to reflect the wording of AIR-P4. I consider this will support achievement of AIR-P4.

19 I recommend the following amendment to AIR-P4.

AIR-P4 – Avoiding certain *discharges*

~~Generally~~ Avoid discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive, or objectionable noxious or dangerous effects.⁸

20 I recommend the following amendment to AIR-M2:

AIR-M2 – *Regional plans*

No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its *regional plans* to:

(1) avoid ~~offensive, objectionable, noxious or dangerous~~ *discharges* to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,⁹

[...]

⁸ 00213.029 Fonterra, 00115.013 Oceana Gold, 00121.034 Ravensdown

⁹ 00213.029 Fonterra, 00115.013 Oceana Gold, 00121.034 Ravensdown

Section 32AA evaluation

- 21 My recommended changes to AIR-P4 and AIR-M2 seek to clarify the interpretation of the policy and does not change the overall intent of the policy, no section 32AA assessment is considered necessary.

Hannah Louise Goslin

11 October 2022