

BEFORE THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy Statement 2021 –
Chapter 7 AIR – Air

**STATEMENT OF EVIDENCE OF LUKE PLACE ON BEHALF OF
QUEENSTOWN LAKES DISTRICT COUNCIL (138)**

23 NOVEMBER 2022

PO Box 323 QUEENSTOWN 9348
Tel +64 3 379 7622
Fax +64 3 379 2467

WYNN WILLIAMS

Solicitor: Alice Balme / Jake Robertson
(alice.balme@wynnwilliams.co.nz)
(jake.robertson@wynnwilliams.co.nz)

453036.117#6215962v3

1. INTRODUCTION

- 1.1 My name is Luke Place. I am a Senior Policy Planner employed by the Queenstown Lakes District Council (**QLDC**) to prepare evidence in chief on AIR – Air chapter of the Otago Regional Council’s Proposed Regional Policy Statement (**RPS**).
- 1.2 I hold the qualifications of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I have been employed at QLDC since January 2017 in the areas of resource consenting and planning policy.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court’s Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying upon the evidence of another person.

2. PURPOSE AND STRUCTURE OF EVIDENCE

- 2.1 The purpose of my evidence is to consider the ORC position on QLDC’s submission in relation to the AIR – Air chapter of the proposed RPS. In preparing this evidence, I have read the following:
- a. Section 42A Hearing Report Proposed Otago Regional Policy Statement 2021, Chapter 7: AIR – Air, Hannah Goslin, 27 April 2022
 - b. Brief of Supplementary Evidence of Hannah Louise Goslin Air – Air

3. AIR–P1 – Maintain ambient air quality

- 3.1 QLDC’s submission sought that the use of the word ‘good’ in the notified version of the RPS be replaced with a more directive term or that the word is removed. I agree and consider that the word ‘good’ does not provide sufficient context or direction for plan users. It is not grounded in any certain measurement i.e. what level of air quality is considered ‘good’ for the purposes of implementing limbs 1 and 2 of the policy.

- 3.2 I have read and considered the recommended amendments to AIR – P1 in both the s42A report and the supplementary s42A report. I note that further clarifications have been recommended¹. In my view, the supplementary s42A version of the policy is an improvement to the notified version, particularly in regard to the removal and clarification of the word ‘poor’, and I agree with the inclusion of the reference to cumulative effects.
- 3.3 However, it appears that the policy contains an inconsistency. In particular, the recommended amendments set out that in instances where ambient air quality is ‘at or better than the limits set, that air quality is maintained’. It goes on to say that discharges could take place if ‘any limits are not exceeded’. It is not clear how air quality that is ‘better than the limits’ could be maintained if this level can be exceeded at the same time (up to the limit).
- 3.4 In my view, only one situation can apply, either the ‘better’ air quality can be maintained despite the limits, or the quality can be reduced so that it is not exceeding the limits.
- 3.5 The title of AIR-P1 states ‘maintain ambient air quality’. The introductory text of the policy echoes this position. This implies that when ambient air quality is at or better than the limits set, it be maintained. The addition of the words ‘and any limits are not exceeded’ at the end of the policy appears to confuse matters. I recommend that these words be removed to eliminate this internal inconsistency as follows (recommendations shown as ~~struck through~~ blue text):

~~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~~.

¹ Para 10, Supplementary s42a report, Air

4. AIR-P2 – Improve degraded ambient air quality

- 4.1 QLDC’s submission outlined that the use of the word ‘poor’ was not sufficient and sought that additional context be provided to substantiate action required by the policy.
- 4.2 The s42A report has recommended that the word ‘poor’ be replaced with the word ‘degraded’². I support this recommendation as it has greater meaning than the notified version of the policy, implying that the air quality is not as good as it once was or should be.
- 4.3 However, I do not consider that sufficient context has been provided to reference what it has degraded from. In light of the supplementary s42A revisions to AIR-P1 – maintain ambient air quality, which references the limits that are to be set, I consider it appropriate that similar wording is applied within AIR-P2.
- 4.4 The words ‘across Otago’ are recommended to be removed (as was amended at AIR-P1) as they are superfluous. The policy applies across the Otago region unless stated otherwise.
- 4.5 The recommended amendments to AIR-P2 are set out below (recommendations shown as ~~struck through~~ and underlined blue text):

AIR-P2 – Improve ~~poor~~ degraded ambient air quality

~~Poor~~ Degraded ~~a~~Ambient air quality that has been degraded below the limits set is improved ~~across Otago~~ by:

...

5. AIR-P4 – Avoiding certain discharges

- 5.1 QLDC’s submission sought that AIR-P4 be retained as notified. The s42A version of the policy contains amendments as follows:

Generally, Aavoid 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.

² Para 71, Chapter 7 s42a report

- 5.2 I have considered the recommended amendments in the supplementary s42A report.³ While I consider the amendments to have improved the policy, particularly in regard to the avoidance of discharges that cause noxious or dangerous effects, I am not of the opinion that the issue has been resolved in regard to those discharges that cause offensive or objectionable effects.
- 5.3 It is not clear if there is substantial difference between 'avoid as a first priority' and 'avoid'. The policy does not specify what is to take place in the event that they do not need to be avoided.
- 5.4 If it is intended that there are types of discharges that do not need to be avoided, in my view, the policy should use the words 'avoid unless...'. If the types of discharges that are not necessarily needing to be avoided are set out or appropriate supporting context is offered, this wording would provide a much greater level of certainty for plan users. In my view, 'avoid as a first priority' weakens the application of an avoid approach to the extent that avoid may not be implemented for offensive or objectionable effects.

6. AIR – M1(3) – Review airshed boundaries

- 6.1 As with AIR-P2, QLDC's submission opposed the use of the word 'poor' in limb 3 of AIR–M1(3). The s42A report has recommended that the word 'poor' be replaced with 'degraded'⁴, which aligns with the recommended amendment to AIR-P2.
- 6.2 I support the use of the word 'degraded' over the word 'poor'. However, in my view the absence of additional context as to what level is considered degraded results in a level of uncertainty and ambiguity that is not helpful to plan users. In line with my recommended amendment to AIR–P2, I am of the opinion that M1(3) should also link to the policy references to limits that are to be set.
- 6.3 Given this, I recommend amendments to AIR–M1(3) as set out below (recommendations shown as ~~struck through~~ and underlined blue text):

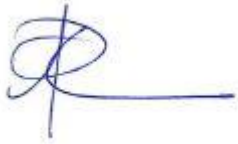
³ Para 19, Supplementary s42a report, Air

⁴ Para 122, Chapter 7 s42a report

Prior to implementing AIR-M2, and no later than 31 December 2022, the Otago Regional Council must review existing airshed boundaries and apply to the Ministry for the Environment to gazette amended boundaries where airsheds do not account for:

...

(3) existing areas of ~~degraded~~ poor air quality [that has been degraded below the limits set](#)

A handwritten signature in blue ink, consisting of a stylized, cursive 'L' followed by a horizontal line extending to the right.

Luke Place

23 November 2022