

NELSON CITY COUNCIL

Nelson Air Quality Plan

Proposed Plan Change A2 - NES Alignment

Planning Officer's Report - Addressing Submissions on the Plan Change prior to Hearing

Date of hearing

12 March 2012



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PART A - INTRODUCTION

1. Reporting Officer

- 1.1. My name is David Jackson. I am employed by Nelson City Council as Principal Adviser – City Development. I have been with the Council for 16 years, during which time I have led teams developing the Nelson Resource Management Plan and the Nelson Air Quality Plan.
- 1.2. I have a Bachelor of Science (Hons) and a PhD in Plant Science from the University of Canterbury. I am a full member of the New Zealand Planning Institute.
- 1.3. I have been involved in this Plan Change from the beginning and have led the process through the notification period.
- 1.4. I engaged the National Institute of Water and Atmospheric Research (NIWA), to review the air quality monitoring results for Airsheds A and B and to advise on which target dates in the National Environmental Standard for air quality (NES)¹ apply. The report of Elizabeth Somervell and Jeff Bluett report is appended as Appendix 2 and I adopt their conclusions.

2. Status of Nelson Air Quality Plan

- 2.1. The Nelson Air Quality Plan is operative. It was notified in 23 August 2003 and became operative 3 November 2008. This Plan Change is the second change to the Air Quality Plan. The first, Plan Change A1, was notified 25 September 2010 and went to a Council for approval to be operative in 23 February 2012.

3. Background and Description of Proposed Plan Change

- 3.1. The Plan Change arises from the June 2011 amendments to the NES. The main effect of those amendments was to extend the date by when airsheds² that exceed the standard for particle matter (PM₁₀) must comply with that standard.
- 3.2. The current operative Nelson Air Quality Plan is predicated on complying with the NES air quality standard for PM₁₀ by 1 September 2013, as was required by the NES prior to its amendment and at the time the Air Quality Plan was finalised. In order to help achieve this, the current operative Air Quality Plan included in the urban area rules that phase out the use of all domestic open fires, and, depending on the airshed concerned, many of enclosed burners that existed at the time the Air Quality Plan was notified in August 2003.
- 3.3. All open fires in urban Nelson had to cease operation by 1 January 2008. For enclosed burners in Airsheds A and B a series of phase-out dates were mandated. These targeted the oldest group of burners first (by 1 January 2010), the next group by 1 January 2012, and the final cohort (installed in Airsheds A and B1 in the period 2000-2003) by 1 January 2013. In Airshed C, mandatory phase out of enclosed burners was not necessary as 'natural attrition', i.e. natural replacement, of these burners was sufficient to achieve/maintain the PM₁₀ air quality standard.
- 3.4. The NES as amended in 2011 now provides a longer timeframe to achieve compliance, with the date to fully comply depending on how polluted the airshed has been historically. Airsheds that, in the 5 year period prior to 1 September 2011, averaged between 2 to 9 exceedances per 12 months, are required to achieve one or fewer exceedances from 1 September 2016 onwards. As will be discussed later, Airshed B is in this category.
- 3.5. Airsheds that in the 5 year period had averaged 10 or more exceedances have a 'dual target'. They must achieve 3 or fewer exceedances by 1 September 2016, and 1 or fewer from 1 September 2020. Airshed A is in this category.

¹ Resource Management (National Environmental Standards for Air Quality) Regulations 2004

² An airshed is an air catchment area which is gazetted under the NES.

- 3.6. Amendments to the NES also provide a new ability for breaches to be ignored in 'exceptional circumstances' (e.g. due to Australian bushfires). Prior to the amendment, any breach counted, even if it was due to an accident or event outside the normal control of the council. The effect of this amendment is that complying with the standard can be slightly easier.
- 3.7. The current Nelson Air Quality Plan is not in conflict with the amended NES – it can be more stringent than the NES since the NES provides for this. The Council does not have to amend its Air Quality Plan to align with the revised NES. However, it is good practice to consider whether rules and other provisions in a plan remain the most appropriate way of achieving the objectives, and are efficient and effective methods. The section 32 analysis accompanying this proposed Plan Change concludes that

“Changing the compliance dates in Policy A5-1.4 to align them with the amended NES, and to remove the mandatory phase-out rule for burners installed between 2000 and 2003 in Airsheds A & B1 means that health benefits from improved air quality are still achieved, but at a slightly slower rate. Given that the vast bulk of the health benefits from reducing PM10 levels have already been achieved in Nelson, achieving the last relatively small increment more slowly is not considered to be a significant environmental cost.

It is very difficult to justify the large economic cost associated with achieving the PM₁₀ standard at a date earlier than is now required in the NES as there are no regional circumstances that warrant taking a different approach than the standard to be applied nationally”.

- 3.8. In response to the amended NES this Plan Change proposed to:

Part a) of the Plan Change: Amend the target dates for compliance with the NES in Policy A5-1.4 to align them with the new NES dates, by amending subclauses i) and ii) in policy A5-1.4a, as follows:

“A mid-term target for ambient PM₁₀ levels will be, at a minimum, compliance ...by:

- i) 1 September ~~2013–2016~~ of not more than 3 exceedances in a 12 month period of the when measured as a 24-hour mean National Environment Standard for air quality, up to and including 31 August 2020, with air quality improving on a ‘straight line path’ as defined in the National Environmental Standard for air quality, and
- ii) from 1 January-September 2016~~2020 onwards, not more than 1 exceedance in a 12 month period-when measured as a daily annual average, “~~

Part b) of the Plan Change: Remove the clause in rule AQR.24.1 that requires use to cease of those domestic burners in Airsheds A and B1 installed after 1 January 2000 and which are not compliant with the emission requirements in the Air Quality Plan i.e. burners installed from 2000 to August 2003 (when the Air Quality Plan was notified), as below.

~~“after 1 January 2000 and where the burner does not comply with the emission requirements in Appendix AQ2 (except by resource consent)1 January 2013”~~

Consequential amendments are also made to the Explanation to the rule.

- 3.9. The reasons for proposing to remove the mandatory phase-out rule for these burners were as follows:
- This group of burners is relatively modern and much cleaner burning than burners installed in the 1970s, 80s and even 90s. There are estimated to be approximately 700 such burners (500 in Airshed A and 200 in Airshed B1).
 - Mandated replacement or stopping of use cannot be justified in terms of reductions in emissions needed to meet the revised NES, - neither the 2016 target nor the 2020 one. 'Natural attrition' of these burners over time will achieve the required air quality improvements.
 - Removing this group of burners produces 'diminishing returns'. That is, some of the burners are very close to complying with the current woodburner standards in the Air Quality Plan/NES. Not much improvement in air quality is gained replacing such burners with NES-compliant ones.
 - A burner installed in 2003 would only be 9 years old when removed, about half way through its recommended life. That can be justified if removal is absolutely necessary to meet the target. However, if it is not necessary, then it is not justifiable.
 - With compulsory replacement comes the need for financial assistance to avoid hardship and, in the case of a relatively modern burner, to help compensate for replacement before the end of its economic life. There is a significant cost to the ratepayer from the Clean Heat-Warm Homes assistance scheme, as well as to the homeowner, most of whom have to repay the Clean Heat-Warm Homes 'loan', albeit the Council covers the interest on the borrowing. If mandatory replacement is not necessary, the Clean Heat-Warm Homes scheme can be ended a year earlier (June 2012 compared to June 2013).
- 3.10. The replacement of some of the burners installed in the years 2000-2003 is still necessary to achieve the ultimate NES target of one exceedance or fewer. However, 'natural attrition' is sufficient to achieve this as, over time, some of the burners are replaced with more modern burners or with cleaner heating alternatives.
- 3.11. Achieving full NES compliance more slowly will have effects on human health. However, this effect is considered to be small. That is because the city is substantially along the path towards meeting the NES standard.
- 3.12. Figure 1 below shows that for Airshed A (Hospital Valley, Victory, Washington Valley) there has been a significant improvement in PM₁₀ levels since 2001. Peak measured levels have trended down comfortably below the straight line path required by the previous version of the NES.

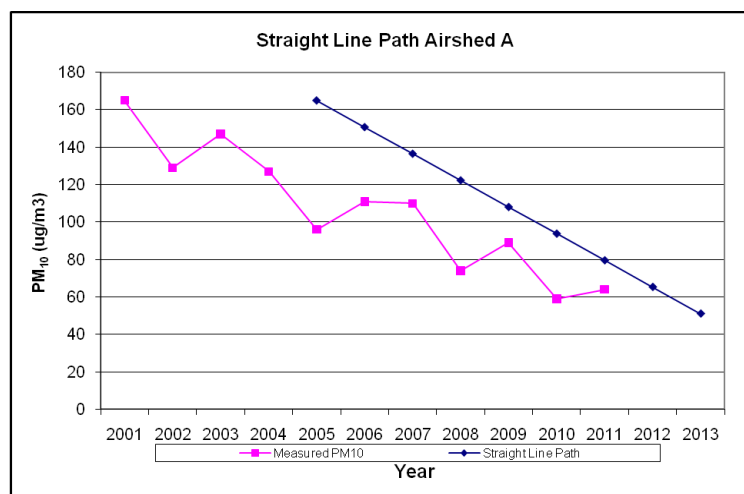


Figure 1: Measured peak PM10 concentrations (24h average) 2001-2011, Airshed A

- 3.13. As the concentration of pollution has fallen, so too has the number of times the air standard has been breached in any year. Exceedances have fallen from the 81 in 2001, to 51 in 2005, to 34 in 2009. In 2010 there were 7 breaches, but 2010 was a reasonably mild winter. There were 15 breaches in 2011, with a highest reading of $64\mu\text{g.m}^{-3}$ compared to $59\mu\text{g.m}^{-3}$ in 2010.
- 3.14. There is a direct linear relationship between higher PM_{10} concentrations and greater health impacts³. Using the better long-term monitoring data from Airshed A, it is possible to develop a graph of 'health gains' over time – both the gains so far, and the projected future gains as air quality meets the 2016 and 2020 targets.
- 3.15. Figure 2 below plots the reduction in PM_{10} concentrations as "relative health gains". The PM_{10} concentration in 2001 (when monitoring started) is taken as the starting point – essentially zero health gains. Full achievement (one or fewer exceedances) of the PM_{10} standard in 2020 will be 100% of the health gains. The intermediate target of 3 exceedances of $50\mu\text{g/m}^3$ standard in 2016 can also be plotted. Actual measured PM_{10} concentrations in-between, from Figure 1, are set as proportions of this, and a smoothed line fitted.
- 3.16. The graph shows, the bulk of the health gains have been secured already in Airshed A. The remainder will come with the compulsory phase-out of burners that occurred at the start of 2012, and with the voluntary replacement or upgrading of some of the burners that are the subject of part b) of this Plan Change.

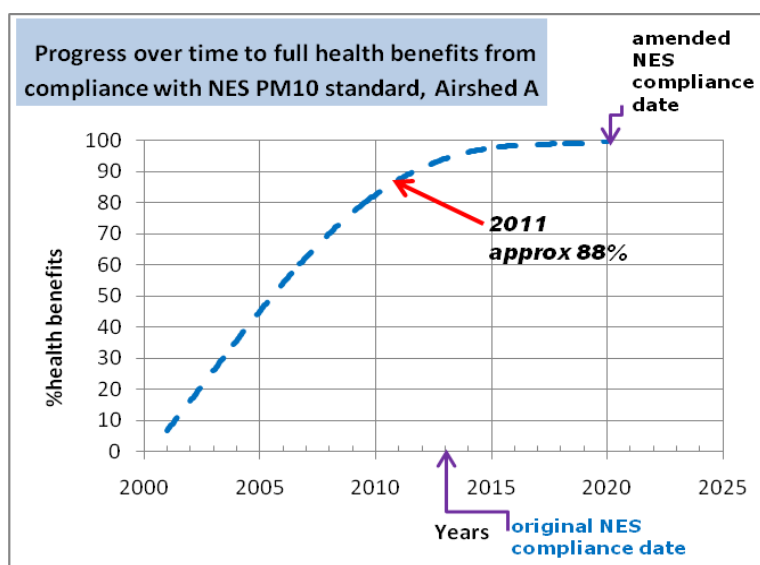


Figure 2: Measure peak PM_{10} concentrations (24h average), Airshed A

- 3.17. This pattern is consistent with the cost-benefit analysis accompanying the Government's proposed amendments to the NES. Under the slower timetable for achieving compliance, health benefits nationally reduce slightly from \$1911 million to \$1746 million, but the economic costs of compliance fall from \$867 million to \$196 million⁴.
- 3.18. The trend in improving air quality in Airshed B (Tahunanui, Wakatu, Stoke) is less clear-cut (see Figure 3), partly because of problems with the continuity of the data. Unfortunately

³ *Health Effects of Suspended Particulate – Risk Assessment for Nelson City*, Environet for Nelson City Council, February 2002. *Health and Air Pollution in New Zealand*, Fisher et al, June 2007

⁴ Minister for the Environment Press Release 29 January 2011. Also, *Regulatory Impact Statement, Amending PM_{10} air quality standard*, NZ Government 2011

the data over the years comes from monitoring stations at different locations⁵, but since 2007 there has been continuous monitoring at Blackwood St.

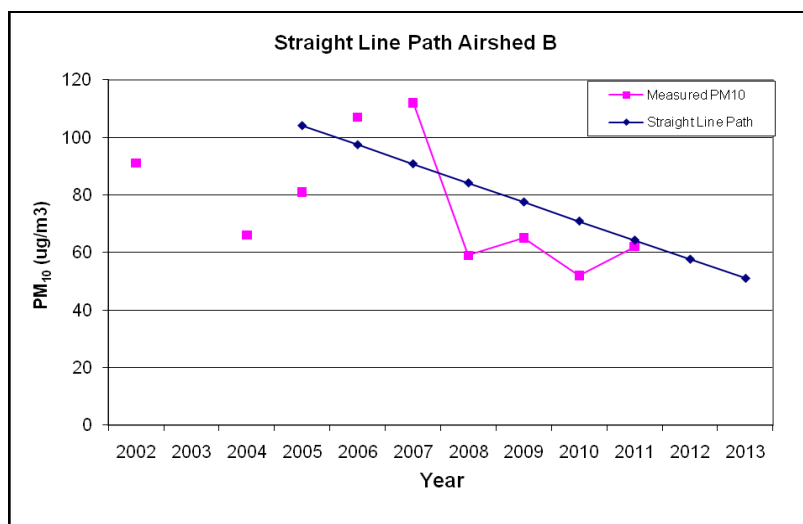


Figure 3: Measured peak PM10 concentrations (24h average) 2002-2011, Airshed B

- 3.19. Over the last four years the maximum concentrations of PM₁₀ have fluctuated between 52µg/m³ and 65µg/m³. The number of exceedances was 11 and 8 in 2008 and 2009, and one in each of 2010 and 2011. The last two years comply with the NES target of one exceedance per 12 months. However, the short period of data from the Blackwood St monitoring site needs to be acknowledged, compared to the longer trend in Airshed A.
- 3.20. A detailed health gains graph has not been produced for Airshed B because of the discontinuity of the data. However, assuming a starting concentration of 109µg/m³ (the average of the two highest readings from 2006 and 2007), the current levels of approximately 60µg/m³ are around 85% of the way towards compliance with the NES. This is reasonably similar to the percentage improvement seen in Airshed A. As with Airshed A, further improvements are expected this coming winter following the mandatory phase out of burners at the start of 2012. However, because the NES requires compliance with PM₁₀ standard by 2016 for Airshed B, the full health gains will occur 4 years earlier than in Airshed A.
- 3.21. Computer modelling supports removing the mandatory phase-out rule for those burners installed in the 2000-2003 period (see section 32 report). Modelling indicates that the NES target for PM₁₀ can be achieved without compulsory phase-out of this group of burners. The natural cycle of replacement of these burners (and others) is forecast to be sufficient to ensure compliance with the NES.
- 3.22. More detail on the background, evidence, context, and resource management issues and options for this Plan Change are contained in the Section 32 report (document 1147607) (www.nelsoncitycouncil.co.nz).

4. Purpose of this Officer's Report

- 4.1. This officer's report has been prepared under Section 42A of the Resource Management Act (RMA):
- to assist the Independent Commissioner in making decisions on the submissions and further submissions to Proposed Plan Change A2 – Nelson Air Quality Plan;
 - to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.

⁵ 2002, 2004 – Roto St; 2005 – Roto St/Vivian Pl; 2006 – Vivian Pl; 2007 onwards Blackwood St.

- 4.2. The recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions, and the technical advice from NIWA (Appendix 2). In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
- falls within the functions of Nelson City Council under the RMA;
 - will enhance the ability of the Plan to achieve the purpose of the RMA;
 - will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
 - will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness and coherence.

5. Consultation during development of the Plan Change

- 5.1. Consultation with the Minister for the Environment and iwi was undertaken as required by clause 3 of the First Schedule of the Resource Management Act. Council's intention to prepare a plan change to align the Air Quality Plan with the NES was reported prominently in the Nelson Mail and in the free Council newspaper that goes to all households in the city.
- 5.2. The Government's amendment to the NES followed a public consultation process and review by a Technical Advisory Group.

6. Notification, submissions and further submissions

- 6.1. The Proposed Plan Change was publicly notified on 24 September 2011, with submissions closing on 28 October 2011. Thirteen submissions were received.
- 6.2. A summary of the decisions requested was notified for further submissions on 12 November 2011 and closed 25 November 2011. Three further submissions were received.
- 6.3. A summary of the submissions and further submissions is included in Part B.
- 6.4. The table below lists the submissions and further submissions received:

Submission Number	Submission Name
1	Joanna Cranness
2	Patricia Grant
3	Helen King
4	Peter Murray Clark
5	Nelson Marlborough District Health Board -Public Health
6	Ronald Orme
7	Duncan Atkinson
8	Frances Rita Way
9	Charmian Koed
10	Lorraine Rennie
11	Jillian Kathleen Orme
12	Miles Hursthouse
13	William Leonard

Further Submission Number	Further Submission Name
X1	Gibbons Holdings Limited
X2	Sonja Schouwink
X3	Andrew Ericson

7. Statutory assessment

- 7.1. Council must consider the relevant provisions of the RMA in its assessment of the Plan Change. This includes an assessment of the purpose and principles of the Act (Part 2), consideration of Council's functions (s30), an assessment of the alternatives and their costs and benefits (s32), and shall consider the Regional Policy Statement, regional plans, and management plans prepared under other acts, (s65-68, and s70), and any regulations (s43-44). The relevant provisions of the RMA are assessed below.

Functions of regional councils

- 7.2. Section 30(1)(f) provides the regional council with the function of *the control of the discharges of contaminants into...air*.

Part 2 (Purpose and Principles)

- 7.3. Any plan change must be prepared in accordance with the provisions of Part 2 of the RMA. In my view the plan change is consistent with Part 2 of the Act. While it involves an easing of the timeframe to comply with the NES standard for PM₁₀, the standard itself to be achieved is not being altered. The remaining 12-15% of the improvement in air quality to comply with the standard will, however, be over a longer period. Airshed B has to comply fully with the standard by 2016, which is 3 years later than in the operative Air Quality Plan. Airshed A has to comply substantially by 2016 (3 breaches allowed), and fully by 2020.
- 7.4. In my view, section 7(d) *intrinsic values of ecosystems* and (f) *maintenance and enhancement of the quality of the environment* are still being met by the Plan Change. However, as provided for by section 5, there is a broad judgement to be made as to the conflicting considerations and the scale and degree of them. In this case I believe that the improved ability for people to provide for their social, economic and cultural wellbeing as a result of this proposed Plan Change is appropriate, and that the relatively small slowing of health gains associated with this is consistent with the purpose of the Act.

National Environmental Standards

- 7.5. A regional council in preparing or changing a regional plan is required to do so in accordance with any regulations prepared under the Act (s66). As noted above, there is an air quality NES amended in 2011 with new targets for PM₁₀. The operative Air Quality Plan currently is stricter than the NES, but the NES allows for this (RMA s43B. NES regulation 28).
- 7.6. The changes to the Air Quality Plan being recommended in this report, in my view, are consistent with meeting the targets in the amended NES.

Section 32

- 7.7. Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, section 32 of the RMA imposes upon the Council a duty to consider:
- the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

7.8. A section 32 assessment was prepared and made available as part of the public notification process (document 1147607).

7.9. Nothing in the Plan Change amends the single objective in the operative Nelson Air Quality Plan (set out in section 7.12 below).

7.10. The recommended decisions on submissions in Part B of this report, for Plan Change A2, are considered the most efficient and effective way of achieving the objective of the Air Quality Plan.

Regional Policy Statement

7.11. The Proposed Plan Change gives effect to the Nelson Regional Policy Statement (RPS), particularly the following provisions:

- Objective DA1.2.1 – *Improvement in Nelson’s ambient air quality.*
- Policy DA1.3.1 - *To set minimum ambient air quality that are at levels which ensure that adverse effects on people or ecosystems at ground level are avoided or mitigated.*

Nelson Air Quality Plan

7.12. The operative Air Quality Plan has a single objective, A5-1 Air Quality:

The maintenance, and the enhancement where it is degraded, of Nelson’s ambient air quality, and the avoidance, mitigation or remediation of any adverse effects on the environment of localised discharges to air.

7.13. The context for development of the Nelson Air Quality Plan was that in 2001, in the worst affected areas of the city, PM₁₀ levels (24 hour average) as high as 165µg/m³ were measured. This is 3.3 times the national standard. There were 81 exceedances in that year (compared to 1 allowed by the NES). PM₁₀ levels in the city put Nelson in the three worst urban areas in New Zealand, along with Christchurch and Alexandra.

7.14. The strategy developed, and reflected in the operative Air Quality Plan policies below, was that because the assimilative capacity of the air was substantially over allocated, reductions in emissions by 70% would have to be achieved to comply with the NES for PM₁₀. Emissions from existing domestic and industrial sources, outdoor burning and vehicles would all need to be reduced to varying degrees (as set out in Policy A5-1.4 c).

policy

A5-1.3 Ambient air quality targets

- Nelson’s ambient air quality will be managed in accordance with the Ministry for the Environment Ambient Air Quality Guidelines 2002, consistent with the guideline values in Table A5-1 and the air quality categories in Table A5-2, and with the National Environmental Standards for air quality⁶ (the ambient air quality standards of which are reproduced in Table A5-3), and*
- Where for any contaminant, ambient air quality is worse than the ‘Alert’ category in Table A5-2, it will be a priority to enhance that air quality to an ‘Alert’ level or better within any timeframe specified by the NES, or where no timeframe is specified, as soon as practicable and no later than 8 years after the exceedance is first reported, and*
- Where for any contaminant, ambient air quality is worse than the ‘Acceptable’ category in Table A5-2, air quality should be progressively enhanced to an ‘Acceptable’ level or better, and*

⁶ as defined in A2-59A. Abbreviated to NES.

- d) *Where for any contaminant, ambient air quality is 'Acceptable' or better, no further degradation of the existing ambient air quality that is more than minor will be allowed.*

policy

A5-1.4 Fine particle pollution

- a) *A mid-term target for ambient PM₁₀ levels will be, at a minimum, compliance with the Ministry for the Environment 'Alert' Air Quality Category (relative to the guidelines and standards in Policy A5-1.3) by:*
- i) *1 September 2013 when measured as a 24-hour mean, with air quality improving on a 'straight line path' as defined in the National Environmental Standard for air quality⁷, and*
- ii) *1 January 2016, when measured as a daily annual average,*
- or sooner if practicable, towards ultimate compliance or better with the 'Acceptable' air quality category as in Policy A5-1.3 by 2025.*
- b) *Discharges to air from all sectors producing fine suspended particles (domestic, transport, industrial or trade) shall be managed to support the achievement of these ambient targets, and the implementation of Policy A5-1.3.*
- c) *In order to achieve the mid-term target in (a), the following reductions in PM₁₀ emissions (relative to 2001 levels) are required across the Urban Area:*
- i. *At least 70% from domestic heating, and*
- ii. *At least 98% from outdoor burning, and*
- iii. *At least 10% from industrial and trade sources (in aggregate), except in any area with a high concentration of industrial and trade discharges where higher percentage reductions may be required to achieve the target, and*
- iv. *A reduction in emissions from the transport sector.*
- d) *Greater or lesser reductions may be required in certain parts of the city to achieve the mid-term target, while recognising the potential contribution of contaminants from one airshed to another (interconnectedness of many airsheds), and also the reductions required to meet the longer term target of compliance or better with the 'Acceptable' air quality category.*

7.15. The changes recommended in Part B of this report to Policy A5-1.4 and rule AQr.24.1, in my view, give effect to the Plan's objective and to the ambient air quality targets in Policy A5-1.3.

Any other relevant planning documents

7.16. In preparing or changing a regional plan, a regional council must take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a bearing on resource management issues of the region (RMA s66 (2A)).

7.17. 'Nga taonga tuku iho ki Whakatu' (June 2004) is the only iwi management plan existing within the Nelson City Council area. It was prepared by Ngati Rarua Iwi Trust, Te Runanga of Toa Rangitira, Te Atiawa Manawhenua Ki Te Tau Ihu Trust, Ngati Koata No Rangitoto Ki Te Tonga Trust, and Ngati Tama Manawhenua Ki Te Tau Ihu Trust.

7.18. The objective relating to air (Tawhirimatea) is:

The mauri (life force) of air is maintained at a level which achieves the best air quality possible and safeguards the:

- *Spiritual nature of air;*

⁷ as defined in A2-59A.

- *Health of flora and fauna;*
- *Well-being and health of nga tangata; and*
- *Customary practices and tikanga (protocols) of tangata whenua.*

7.19. Relevant policies are:

- *To protect the health of nga tangata (the people) from harmful discharges to air;*
- *To protect waahi tapu (sacred places) from visual, foul-smelling and harmful discharges to air;*
- *To manage the air resource in a way that recognises and provides for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and*
- *To manage the air resource in a way that takes into account the principles of Te Tiriti O Waitangi, according to kaitiakitanga (customary practices).*

7.20. The above iwi were consulted during development of the Plan Changes, and had no concerns. Iwi were sent a copy of the notified Plan Change. No submissions were received.

7.21. In my view the proposed Plan Changes, including my recommendations on submissions, are consistent with the objective and policies listed above.

PART B – SUBMISSIONS AND RECOMMENDATIONS

The following two tables summarise the recommendations of the Planning Officer on the submissions and further submissions. A detailed summary of submissions, along with full recommendations, follow the tables.

Table 1: Summary of Planning Officer's recommended decisions on submissions, PCA2 part a)

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought	Decision
Part a) Policy A5-1.4a)	Nelson Marlborough District Health Board -Public Health	5	1	Amend to clarify different target dates for Airsheds A & B. Target dates to be based on 'meaningful data'	Accept
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	7	<i>Oppose. No 'ambiguity'. NES is dominant. No need for change.</i>	Reject
	Helen King	3	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	11	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Ron Orme	6	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	12	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Duncan Atkinson	7	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	13	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Frances Way	8	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	6	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Lorraine Rennie	10	1	Retain plan change	Accept in part

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought	Decision
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	5	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Jillian Orme	11	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	14	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Miles Hursthouse	12	1	Retain plan change	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	2	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Peter Clark	4	1	Delete plan change	Reject
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	10	<i>Oppose. Plan and NES should be in accordance.</i>	Accept
	William Leonard	13	1	Delete plan change	Reject
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	8	<i>Oppose. Plan and NES should be in accordance.</i>	Accept
	Charmian Koed	9	1	Retain 2013 date of compliance, OR Strictly enforce 2016 date	Accept in part
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	15	<i>Oppose. Plan and NES should be in accordance.</i>	Accept in part

Table 2: Summary of Planning Officer's recommended decisions on submissions, PCA2 part b)

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought	Decision
Part b) Rule AQR.24.1	Joanna Cranness	1	1	Retain plan change	Accept
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	4	<i>Support. Plan and NES should be in accordance.</i>	Accept
	Patricia Grant	2	1	Retain plan change	Accept
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	1	<i>Support. Plan and NES should be in accordance.</i>	Accept in part
	Helen King	3	2	Retain plan change	Accept
	Ron Orme	6	2	Retain plan change	Accept
	<i>Sonja Schouwink</i>	<i>Further submission X2</i>	1	<i>Support. Don't phase out any more woodburners.</i>	Accept
	<i>Andrew Ericson</i>	<i>Further submission X3</i>	1	<i>Support. Don't phase out any more woodburners.</i>	Accept
	Duncan Atkinson	7	2	Retain plan change	Accept
	Frances Way	8	2	Retain plan change	Accept
	Lorraine Rennie	10	2	Retain plan change	Accept
	Jillian Orme	11	2	Retain plan change	Accept
	Miles Hursthouse	12	2	Retain plan change	Accept
	<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	3	<i>Support. Plan and NES should be in accordance.</i>	Accept
	Peter Clark	4	2	Delete plan change	Reject
	William Leonard	13	2	Delete plan change	Reject
<i>Gibbons Holdings Ltd</i>	<i>Further submission X1</i>	9	<i>Oppose. Plan and NES should be in accordance.</i>	Accept	

A5-1.4 a) Policy - Fine Particle Pollution

Sub#: 3	Helen King	Statement#: 1
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- Details** I support the entire plan change.
- Reasons** My burner was installed Sept 2002 and it is still functioning perfectly. I choose a model that satisfied the ChCh clean air bylaws at that time.
- Remedy** Retain plan change.

X1	Gibbons Holdings Limited	11
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Support

Plan and NES should be in accord and consistent.

Sub#: 4	Peter Murray Clark	Statement#: 1
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- Details** I oppose the above Plan Change section. I submit that the council should not amend the target date for the phase out of dirty log burners. Rather it should affirm that they be phased out by the end of the year as originally proposed.
- Reasons** We moved to London from Wellington when my daughter was 3. She had no eczema in Wellington or London. We stayed in London for 18 months during which time my son's eczema cleared up completely. My daughter has developed quite severe eczema since we moved to Nelson from London 3 years ago. My son's eczema has returned also in a milder form. Something in the air is causing it. Pollen is one thing and pollutants are another. Let's eliminate one of them.
- Remedy** The plan change be deleted entirely.

X1	Gibbons Holdings Limited	10
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Oppose

Plan and NES should be in accord and consistent.

Sub#: 5	Nelson Marlborough District Health Board -Public Health	Statement#: 1
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- Details** Support in part the above Plan Change section. The wording in Policy A5 1.4 requires further change to clarify and avoid any ambiguity around the target dates for Airsheds A & B under the plan.
- Reasons** The latest amendments to the National Environmental Standards (NES) have changed the timeframes for compliance with the PM10 Standard. They require the use of "meaningful data" to arrive at compliance levels of exceedance for Airsheds and whether split target dates apply. The NES requires meaningful monitoring data to be used as the basis on which airshed target dates are established. If the average number of exceedances of the PM10 Standard over the last 5 years is 10 or more, an Airshed is allowed split target dates for complying with PM10 exceedances. Fewer than 10 exceedances and a single target date applies. The use of the latest "meaningful data" is crucial. In the view of the Public Health Service Nelson City Council must include data up till 1st September 2011 as required under clause 16B of the NES. Using "meaningful data" that includes latest information allows a robust platform to establish targets in relation to PM10 exceedances for Airshed A and Airshed B. On this basis Airshed A will have two targets while Airshed B will only have one target date as summarised below:
- Airshed A: (2 targets)
- Not more than 3 exceedances allowed from 2016 to 2020
 - Not more than 1 exceedance allowed 2020 onwards.
- Airshed B (1 target)
- Not more than 1 exceedance allowed from 2016 onwards.
- Remedy** - That wording of the policy is amended to clarify the different target dates for Airsheds A & B

and that the targets apply to airsheds that breach the NES.
- That the target dates are based on the latest 'meaningful data'.

X1	Gibbons Holdings Limited	7
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Oppose

There is no 'ambiguity' as to target dates - the NES is dominant to the Plan in any event and so there is no need for change.

Sub#: 6	Ronald Orme	Statement#: 1
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Details I totally support the plan change (a & b) to bring air quality into alignment. Especially (b) as that is the one I am glad to see an end to. I wish to keep my 2003 enclosed burner, as there is nothing wrong with it.

Reasons I bought and installed my Metro burner in late 2003 thinking I was doing the right thing and have been caught by putting it in a few months early as I would have been OK if I had waited until 2004! I feel this rule has been a waste of resources and very hard on people like me who use the burner correctly and, it is just as good as the slightly later one. Therefore I wish the plan change to go ahead.

Remedy Retain the plan change.

X1	Gibbons Holdings Limited	12
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Support

Plan and NES should be in accord and consistent.

Sub#: 7	Duncan Atkinson	Statement#: 1
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Details In favour of the plan change a & b, especially removing the part of the rule requiring the phase-out of domestic enclosed burners in A & B1 installed after 2000 up to end of 2003, (b).

Reasons The rules were too tough for domestic burners, and very hard on those affected before 2004.

Remedy Retain plan change.

X1	Gibbons Holdings Limited	13
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Support

Plan and NES should be in accord and consistent.

Sub#: 8	Frances Rita Way	Statement#: 1
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Details I support the plan change for its common sense approach to air quality alignment rules (a & b), especially those enclosed domestic burners installed between 2000-2003, (b).

Reasons This makes sense for all those people caught up in the severe previous rules in 2000-2003, and will take a lot of pressure off them in these difficult times. Please go ahead with the plan change.

Remedy Retain plan change.

X1	Gibbons Holdings Limited	6
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Support

Plan and NES should be in accord and consistent.

Sub#: 9 Charmian Koed Statement#: 1

Details For health and environmental reasons, I oppose changing the date of compliance from 2013. Looking at the non-compliance graph for Airshed B, it appears that the downward trend of exceedances is now being reversed. If 2013 is not to be retained, it is critical that the 2016 standard is enforced.

Reasons Health and environmental. Possible loss of gains made over last 2 years.

Remedy a) Retain the 2013 date of compliance for Airshed B, OR
b) Strictly enforce 2016 date for compliance.

X1 Gibbons Holdings Limited 15

Oppose

Plan and NES should be in accord and consistent.

Sub#: 10 Lorraine Rennie Statement#: 1

Details Great idea to ease it slightly and align the rules, mostly for those poor souls caught between 2000-2003 with their burners. I totally support the plan changes a & b. Good job.

Reasons Very good to ease the easing of the rules for home wood burners caught in that timeframe, and for the deletion of the 2013 phase-out for those still very good wood burners. Well done, hope the plan goes ahead with the change.

Remedy Retain plan change.

X1 Gibbons Holdings Limited 5

Support

Plan and NES should be in accord and consistent.

Sub#: 11 Jillian Kathleen Orme Statement#: 1

Details I totally support plan changes a & b, especially (b).

Reasons We got our Metro burner installed in late 2003 and it is hardly any different to the later ones. I can't see any common sense in having to buy another almost the same.

Remedy Retain plan change.

X1 Gibbons Holdings Limited 14

Support

Plan and NES should be in accord and consistent.

Sub#: 12 Miles Hursthouse Statement#: 1

Details I am very keen on have the air quality - especially during winter - improved. But I wish to see some present installations which were installed rather late and which are perfectly satisfactory, made legal under any new requirements.

Reasons I am aware of friends who may have to replace their fireplace unless there are allowances made.

Remedy Retain plan change.

X1 Gibbons Holdings Limited 2

Support

Plan and NES should be in accord and consistent.

Details I oppose any weakening of the air quality regimen, on grounds of human and other animal health concerns.

Reasons I have read both the section 32 report and the Plan Change. The economy is being held up as the equal of the environment when it is in fact a human construct not recognised by the natural world. This government has a predictable record of sacrificing the environment to appease human greed and fears around money. The Report repeatedly refers to the remaining achievable health goals as virtually insignificant against the body of gains already achieved. Since I have suffered respiratory degradation since moving here from Auckland, it is clear that there is at least one valuable life in this city which should not be cavalierly disregarded. It is morally wrong to conform to the government's relaxation of the national environmental standards which are already a compromise to begin with. Air pollution is an insidious killer. The vision for 2060 Nelson is not supported by anti-environmental back-peddling.

Remedy Delete the plan change entirely.

X1	Gibbons Holdings Limited	8
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Oppose

Plan and NES should be in accord and consistent.

Recommendation for Plan Change A2, part a) - Policy A5-1.4

Recommendation

That the Independent Commissioner:

- A) Accept submission 5/1 and reject further submission X1/7.
- B) Accept in part submissions 3/1, 6/1, 7/1, 8/1, 10/1, 11/1 and 12/1.
Accept in part further submissions X1/11, X1/12, X1/13, X1/6, X1/5, X1/14 and X1/2
- C) Reject submissions 4/1 and 13/1 and accept further submissions X1/10 and X1/8
- D) Accept submission 9/1 and reject further submission X1/15

Amend clause a) in Policy A5-1.4 to read as follows (see Appendix 1 for text as notified with additional revision marking as recommended here):

A mid-term target for ambient PM₁₀ levels will be, at a minimum, compliance with the Ministry for the Environment 'Alert' Air Quality Category (relative to the guidelines and standards in Policy A5-1.3) by:

For Airshed A:

- i) 1 September 2016, with not more than 3 exceedances in a 12 month period of the 24-hour mean National Environment Standard for air quality³ (NES) up to and including 31 August 2020, and*
- ii) 1 September 2020 onwards, not more than 1 exceedance in a 12 month period, and*

For Airshed B:

1 September 2016 onwards, with not more than 1 exceedance in a 12 month period,

towards ultimate compliance or better with the 'Acceptable' air quality category as in Policy A5-1.3 by 2025.

[³ As defined in A2-59A]

REASONS

A) The Public Health Section of the Nelson Marlborough District Health Board (DHB, submitter 5) submits that the wording in Policy A5-1.4 requires further amendment to the changes proposed in Plan Change A2. They say that under the amended NES, Airsheds A and B qualify for different targets for compliance, based on the most recent 5 years of 'meaningful' data as set out in the amended NES. Their submission is that:

- Airshed A has two targets - 2016 (not more than 3 exceedances) and 2020 onwards (not more than 1 exceedance per year)
- Airshed B has only a single target - 2016 onwards (not more than 1 exceedance per year)
- These target dates apply only to airsheds that breach the NES.

I agree with the DHB submission. At the time the Plan Change was notified all advice from the Ministry for the Environment, including on their website, was that Airshed A and B both qualified for the 'dual target' of 2016 and 2020. However, working through both the detail of the NES and the subsequently published Users' Guide to the Revised National Environmental Standard for Air Quality⁸, indicates that, when the most up-to-date data is used (as required by the NES), Airshed B does not qualify for the 'dual target'. The NES states there needs to be on average 10 or more exceedances per 12 months for the 2016/2020 targets to apply. Regulation 16B(4) of the NES states that "*The average exceedances of PM₁₀ per year ... must be calculated ... for the 5 year period ending immediately before the airshed's start date*". The start date is set out in Regulation 16B(2) as 1 September 2011. In other words, the exceedances are calculated not from calendar years, but from successive 12 month periods preceding 1 September 2011. This is further illustrated in the example at the end of Regulation 16B of the NES.

Council staff have carried out calculations on the monitoring data for Airshed A and B and conclude that Airshed A has more than 10 exceedances on average per 12 months over the last year 5 year period, and therefore the 'dual target' of 2016/2020 applies. Airshed B has fewer than 10, so has to comply with the PM₁₀ standard by 2016.

I engaged NIWA to independently review the data for both airsheds and to reach their own conclusions as to which target date(s) applied to each airshed. The report of Jeff Bluett and Elizabeth Somervell is attached as Appendix 2. They calculate an average of 21.4 exceedances for Airshed A (over five 12-month periods) and an average of 7.5 exceedances per year (over the four eligible periods of meaningful data). Their conclusion is that:

Airshed A is subject to a 'dual target' under Regulation 16B(3). By 1 September 2016 not more than three exceedances over a 12 month period must be achieved, and by 1 September 2020 onwards, a maximum of only one exceedance over a 12-month period.

Airshed B is subject to a single target under Regulation 16B(3). By 1 September 2016 onwards not more than 1 exceedance in a 12-month period must be achieved

The report noted that the data used did not meet all the recommendations in the Ministry for the Environment Good Practice Guide for Air Quality Monitoring and Data Management and that further quality assurance was needed. However, the report anticipated *that any changes will be minor and not affect the outcome of this analysis*. Moreover it noted that, when quality assurance is completed, it is possible that Airshed B would have five 12-month periods of meaningful data, rather than four. This they say could reduce the average number of exceedances "*from 7.5 to approximately 6.2 per year*". The report noted "*this would more firmly cement Airshed B into the single target compliance timeframe and therefore would not change the conclusions reached in this report*".

I adopt the report and their conclusions, and agree that the 'dual target' does not apply to Airshed B. I believe that the wording of the policy should be amended as set out in the Recommendation above to make it clear which targets apply to Airshed A and to Airshed B.

continued next page..

⁸ 2011 Users' Guide to the Revised National Standard for Air Quality, Ministry for the Environment, 2011

The further submission from Gibbons Holdings Limited (#X1/7) opposes the DHB submission. It seeks that the additional wording changes proposed by the DHB be disallowed, arguing that the NES is dominant to the Air Quality Plan and therefore there was no need for change.

Gibbons Holdings are correct in that the provisions of the NES prevail over the Plan. However, I believe there are two reasons why adopting this further submission would be problematic:

- a) working out which target applies to a particular airshed is not readily apparent from reading the NES. The NES in clause 16D provides a formula for determining which target applies, but the process is complex and requires consideration of which monitoring data is 'meaningful' and 'valid', according to definitions within the NES. Having the Council do the calculation and set out the relevant targets in the Air Quality Plan is much more useful to users of the Plan and the NES.
- b) if Gibbons Holdings' further submission X1/7 is upheld, the wording of the policy would remain as notified. That is, the Plan would state that the dual 2016/2020 target applies to both Airshed A and B. As has been explained above, under the NES, Airshed B is not eligible for a dual target – it must achieve the NES standard by 2016. In my view, it would be confusing for the reader to have the wrong target date in the policy, particularly as the Air Quality Plan is usually the first document consulted by someone considering a discharge to air. Since the DHB submission allows this conflict to be resolved, I believe the opportunity should be taken to align the target in the policy with what is required under the NES.

The DHB submission also suggested clarification that the targets apply to airsheds that breach the NES. The recommended amendment to Policy A5-1.4a) specifically names the two breaching airsheds, which I consider addresses this aspect of the submission.

- B) Submissions 3/1, 6/1, 7/1, 8/1, 10/1, 11/1 and 12/1 all support the Plan Change as notified. Because the wording as notified is now recommended to be modified slightly as a result of the DHB submission, these submissions are accepted in part. The same applies to further submissions X1/11, X1/12, X1/13, X1/6, X1/5, X1/14 and X1/2, which support these original submissions.
- C) Submission 4/1 by Peter Clark and 13/1 by William Leonard seek that the Plan Change be deleted. Both are concerned about the health effects of air pollution, and want the air quality target unchanged. Nelson's Air Quality Plan, legally, could stay with the 2013 target in the current operative Policy A5-1.4, rather than following the targets in the NES. This option was considered as part of the section 32 analysis that informed the Plan Change. That 32 analysis concluded:

“Changing the compliance dates in Policy A5-1.4 to align them with the amended NES, and to remove the mandatory phase-out rule for burners installed between 2000 and 2003 in Airsheds A & B1 means that health benefits from improved air quality are still achieved, but at a slightly slower rate. Given that the vast bulk of the health benefits from reducing PM₁₀ levels have already been achieved in Nelson, achieving the last relatively small increment more slowly is not considered to be a significant environmental cost.

Turning it round the other way, it is very difficult to justify the large economic cost associated with achieving the PM₁₀ standard at a date earlier than is now required in the NES as there are no regional circumstances that warrant taking a different approach than the standard applying nationally.”

Mr Leonard in particular took issue with this conclusion. He argued that the economy ought not to be the equal of the environment when it is a human construct not recognised by the natural world, and that the effect on respiratory problems such as his ought not to be cavalierly disregarded. Mr Clark's and Mr Leonard's concerns about the health impacts of PM₁₀ are very valid – PM₁₀ has well documented and significant effects on health. That is why strong action has been taken in Nelson, and the city has achieved the largest percentage reduction in PM₁₀ levels, in the shortest time, of any region in New Zealand. Airshed B over the last two years already complied with the NES, having only one exceedance of the PM₁₀ standard in each 12 month period. Airshed A has gone from readings of 165µg/m³ and 81 exceedances on 2001 to readings averaging 60µg/m³ and 11 exceedances over the last two years. Since last winter a further group of burners has ceased use, which will further

continued next page..

improve air quality. From 1 January 2012, burners installed between 1996 and 1999 in Airshed A and B1 (the Tahunanui portion of Airshed B) can no longer be used, along with burners installed 1991-95 in Airshed B2 (Stoke/Wakatu). This amounts to about 300 houses in Airshed A and about 400 in Airshed B that are no longer discharging, or will be discharging a lower levels from replacement modern burners.

The issue is not doing a U-turn on air quality policy: it is defining what is the most appropriate way to achieve the remaining improvements in air quality. A target of 2013 in the policy can only be achieved in practice by a very strong regulatory approach. That would require every burner installed before August 2003 in Airshed A and B1 to be replaced or cease use. However, the last cohort of burners (the ones affected by this Plan Change) were installed between 2000 and 2003 and their replacement would yield comparatively small gains. They are relatively modern burners and their PM₁₀ emissions are not that much higher than the 'clean air-approved' burners that are permitted to replace them. Put another way, they cost the same as very old burners to replace (including private and ratepayer costs) but yield much smaller gains in air quality.

Section 5 of the Resource Management Act, the Purpose, requires decision-makers to make decisions on the management of natural and physical resources in ways and rates that enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while considering future generations, the life supporting capacity of air etc, and dealing with adverse effects.

I still support the conclusions reached in the section 32 assessment, and believe the amendment recommended to Policy A5-1.4 best meets the purpose of the Act.

- D) Charmian Koed (#9/1) opposes changing the date for compliance from 2013, for health and environmental reasons. Gibbons Holdings opposes her submission. She is concerned that the downward trend of exceedances in Airshed B may be being reversed. I don't believe that is the case. Peak concentrations measured do vary from year to year depending on the severity of the winter, and this is normal. Readings for the last 4 years have been 59, 65, 52 and 60µg/m³ respectively, which is within the range of fluctuation expected. The number of times the standard has been exceeded each year, however, has been reducing, from 11 in 2008 to a single exceedance in each of 2010 and 2011. Further improvement is expected to be seen resulting from phase-out of the group of 'middle aged' burners at the end of 2011. Ms Koed sought that either the 2013 be retained for Airshed B, or that a 2016 compliance date be strictly enforced. I support the latter for the reasons outlined earlier and in the section 32 assessment.

AQr.24**Rule - Small scale solid fuel burning appliances**

Sub#: 1	Joanna Cranness	Statement#: 1
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- Details** I support the plan change to remove the compulsory phase-out of domestic burners in Airsheds A and B1 installed after 1 January 2000.
- Reasons** I have a domestic burner affected by the current plan rules, and agree that it should not have to be removed or replaced. It was installed in 2002.
- Remedy** Retain plan change

X1	Gibbons Holdings Limited	4
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Support

Plan and NES should be in accord and consistent.

Sub#: 2	Patricia Grant	Statement#: 1
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- Details** I support deleting subclause iii from AQr.24.1 cc.
- Reasons** Burners installed after January 2000 are more modern and efficient and cleaner burners that are likely to make little contribution to poor air quality. It is unreasonable to expect people to bear the expense of replacing such burners that are well within their recommended life when there is no compelling reason to do so.
- Remedy** Delete subclause cc iii entirely [i.e. retain proposed change].

X1	Gibbons Holdings Limited	1
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Support in part/Oppose in part.

Plan provisions should be in accord with the NES, so that the two are consistent.
Support the submission to the extent that it supports the Plan Change and oppose the submission to the extent it seeks deletion of rule AQr.24.1.

Sub#: 3	Helen King	Statement#: 2
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- Details** I support the entire plan change.
- Reasons** My burner was installed Sept 2002 and it is still functioning perfectly. I choose a model that satisfied the ChCh clean air bylaws at that time.
- Remedy** Retain plan change.

Sub#: 4	Peter Murray Clark	Statement#: 2
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- Details** I oppose the above Plan Change section. I submit that the council should not amend the target date for the phase out of dirty log burners. Rather it should affirm that they be phased out by the end of the year as originally proposed.
- Reasons** We moved to London from Wellington when my daughter was 3. She had no eczema in Wellington or London. We stayed in London for 18 months during which time my son's eczema cleared up completely. My daughter has developed quite severe eczema since we moved to Nelson from London 3 years ago. My son's eczema has returned also in a milder form. Something in the air is causing it. Pollen is one thing and pollutants are another. Let's eliminate
- Remedy** The plan change be deleted entirely.

Sub#: 6	Ronald Orme	Statement#: 2
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- Details** I totally support the plan change (a & b) to bring air quality into alignment. Especially (b) as that is the one I am glad to see an end to. I wish to keep my 2003 enclosed burner, as there is nothing wrong with it.
- Reasons** I bought and installed my Metro burner in late 2003 thinking I was doing the right thing and have been caught by putting it in a few months early as I would have been OK if I had waited until 2004! I feel this rule has been a waste of resources and very hard on people like me who use the burner correctly and, it is just as good as the slightly later one. Therefore I wish the plan

change to go ahead.

Remedy Retain the plan change.

X2	Sonja Schouwink	1
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Support

As in original submission - do not phase out any more woodburners.

X3	Andrew Ericson	1
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Support

As in original submission. Don't phase out any more woodburners.

Sub#: 7	Duncan Atkinson	Statement#: 2
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Details In favour of the plan change a & b, especially removing the part of the rule requiring the phase-out of domestic enclosed burners in A & B1 installed after 2000 up to end of 2003, (b).

Reasons The rules were too tough for domestic burners, and very hard on those affected before 2004.

Remedy Retain plan change.

Sub#: 8	Frances Rita Way	Statement#: 2
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Details I support the plan change for its common sense approach to air quality alignment rules (a & b), especially those enclosed domestic burners installed between 2000-2003, (b).

Reasons This makes sense for all those people caught up in the severe previous rules in 2000-2003, and will take a lot of pressure off them in these difficult times. Please go ahead with the plan change.

Remedy Retain plan change.

Sub#: 10	Lorraine Rennie	Statement#: 2
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Details Great idea to ease it slightly and align the rules, mostly for those poor souls caught between 2000-2003 with their burners. I totally support the plan changes a & b. Good job.

Reasons Very good to ease the easing of the rules for home wood burners caught in that timeframe, and for the deletion of the 2013 phase-out for those still very good wood burners. Well done, hope the plan goes ahead with the change.

Remedy Retain plan change.

Sub#: 11	Jillian Kathleen Orme	Statement#: 2
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Details I totally support plan changes a & b, especially (b).

Reasons We got our Metro burner installed in late 2003 and it is hardly any different to the later ones. I can't see any common sense in having to buy another almost the same.

Remedy Retain plan change.

Sub#: 12	Miles Hursthouse	Statement#: 2
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Details I am very keen on have the air quality - especially during winter - improved. But I wish to see some present installations which were installed rather late and which are perfectly satisfactory, made legal under any new requirements.

Reasons I am aware of friends who may have to replace their fireplace unless there are allowances made.

Remedy Retain plan change.

Support

Plan and NES should be in accord and consistent.

Sub#: 13

William Leonard

Statement#: 2

Details I oppose any weakening of the air quality regimen, on grounds of human and other animal health concerns.

Reasons I have read both the section 32 report and the Plan Change. The economy is being held up as the equal of the environment when it is in fact a human construct not recognised by the natural world. This government has a predictable record of sacrificing the environment to appease human greed and fears around money. The Report repeatedly refers to the remaining achievable health goals as virtually insignificant against the body of gains already achieved. Since I have suffered respiratory degradation since moving here from Auckland, it is clear that there is at least one valuable life in this city which should not be cavalierly disregarded. It is morally wrong to conform to the government's relaxation of the national environmental standards which are already a compromise to begin with. Air pollution is an insidious killer. The vision for 2060 Nelson is not supported by anti-environmental back-peddling.

Remedy Delete the plan change entirely.

Oppose

Plan and NES should be in accord and consistent.

Recommendation for Plan Change A2, part b) – Rule AQR.24.1

Recommendation

That the Independent Commissioner:

- A) Accept submissions 1/1, 2/1, 3/2, 6/2, 7/2, 8/2, 10/2, 11/2 and 12/2 and accept further submissions X1/4, X1/3, X2/1 and X3/1. Accept in part further submission X1/1
- B) Reject submissions 4/2 and 13/2, and accept further submission X1/9

Confirm part b) of Plan Change A2 as notified, that is:

From AQR.24.1 cc), delete subclause iii in its entirety), as follows

:"after 1 January 2000 and where the burner does not comply with the emission requirements in Appendix AQ2 (except by resource consent)1 January 2013"

and, in AQR.24.5 (Explanation), amend the second paragraph as follows:

"The use of existing enclosed burners ...is also being phased out in certain areas. In Airshed A (Nelson South) and the Tahunanui and Tahunanui Hills part of Airshed B (as shown in Figures A2-2B, at the end of Chapter 2), the use of ~~all~~ enclosed burners installed prior to 2000 that do not comply with the emissions standards in this Plan must progressively have ceased between 2010 and ~~2013~~2012, starting with the oldest burners. This is necessary to meet the targets imposed by the National Environmental Standards for air quality."

REASONS

A) Submissions 1/1, 2/1, 3/2, 6/2, 7/2, 8/2, 10/2, 11/2, and 12/2 support the Plan Change as notified. They do not believe that burners installed in the period 2000-2003 should have to be phased out. A number of submitters argue that those burners are modern and clean burning, and that replacing them with an approved burner is costly, for little air quality improvement. Further submissions from Gibbons Holdings were in support. I agree with this approach, for the reasons set out in the section 32 report and under the Recommendation for Policy A5-1.4. This, however, is subject to the Commissioner accepting the Recommendation to change the targets in A5-1.4 to align with the NES. If the Commissioner decides to stay with the 2013 target in the Air Quality Plan, then my recommendation would be that subclause iii needs to remain for that target to be achievable.

Further submission X1/1 by Gibbons Holdings supported Patricia Grant's submission (#2/1) *"to the extent that it supports the Plan Change"* but opposed the submission *"to the extent it seeks deletion of Rule AQR.24.1"*. I think the further submitter may have misunderstood the nature of Patricia Grant's submission. I don't believe her submission seeks deletion of the rule AQR.24.1 completely. The submission specifically says to *"Delete rule AQR.24.1 cc subclause iii"* and *"Support the above Plan Change section"*. In my view she is supporting the Plan Change as notified (i.e. delete just cc subclause iii) and is not seeking deletion of the whole rule.

B) Peter Clark (#4/2) and William Leonard (#13/2) oppose deleting the phase-out requirement for these burners. Gibbons Holdings (X1/9) opposed Mr Leonard's submission. For the reasons set out in the section 32 report and under the Recommendation for Policy A5-1.4, I recommend against submission #4 and #13. Again this assumes the Commissioner accepts the earlier Recommendation (to change the targets in A5-1.4 to align with the NES). If the Commissioner, however, rejects that recommendation and stays with the 2013 target in the Air Quality Plan, then subclause iii would need to stay for that target to be achieved.

Appendix 1: Changes to Policy A5-1.4, clause a) as recommended by Reporting Officer

Proposed amendments as notified in Plan Change A2 are shown in single strikeout or underline. Additional changes as recommended by the Reporting Officer are double strikeout or underlined.

"A mid-term target for ambient PM₁₀ levels will be, at a minimum, compliance ...by:

For Airshed A:

- i) 1 September ~~2013~~ 2016, ~~of~~ with not more than 3 exceedances in a 12 month period of the when-measured as a 24-hour mean NES National Environment Standard for air quality up to and including 31 August 2020, with air quality improving on a 'straight line path' as defined in the National Environmental Standard for air quality, and
- ii) ~~from~~ 1 January ~~September 2016~~ 2020 onwards, not more than 1 exceedance in a 12 month period when measured as a daily annual average,

For Airshed B:

1 September 2016 onwards, with not more than 1 exceedance in a 12 month period,

towards ultimate compliance or better with the 'Acceptable' air quality category as in Policy A5-1.3 by 2025"

Appendix 2 :

NIWA Report: *Determining PM₁₀ compliance timeframes for Nelson's A and B airsheds*