

**MINUTES OF AN EXTRAORDINARY MEETING OF THE GORE DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE, ON WEDNESDAY 29 OCTOBER 2014, AT 5.00pm**

**Present** His Worship the Mayor (Mr Tracy Hicks JP), Crs Beale, Bolger, Byars, Davis, Gover, D Grant, P Grant, Highsted and Page.

**In attendance** The Chief Executive (Mr Stephen Parry), General Manager District Assets (Mr Paul Withers), General Manager Community and Strategy (Dr Aaron Fox), Building Control Manager (Mr Russell Paterson), HR/Administration Manager (Susan Jones), Communications Coordinator (Sonia Gerken) and 19 members of the public.

**Apology** Cr Dixon for lateness.

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**1. DRAFT SUBMISSION TO ENVIRONMENT SOUTHLAND'S REGIONAL AIR QUALITY PLAN (SC0461)**

A memo had been received from the Planning Consultant advising that on 6 September Environment Southland had notified what was effectively a plan change to the operative Regional Air Quality Plan under the title of "Stage 1 of the proposed Regional Air Plan for Southland." The plan change introduced new rules applying to discharges for domestic heating, outdoor burning, agricultural and fertiliser use. The rules came into force on the date of notification. Of most significance, were the rules relating to the use of open fires, solid fuel burning appliances or solid fuel boilers in dwellings within the Gore airshed. The rules prohibited any new installations of them and excluded open fires on Heritage NZ historic sites, pallet burners and wood fire cooking stoves.

A copy of the formal plan change document had been circulated, together with a copy of the Council's draft submission.

By way of summary of the Council's draft submission, it referred to the following clauses:

- Submission (1) referred to the procedural flaws and the need to resolve submissions to the proposed Regional Policy Statement before proceeding further with the plan change.
- Submission (2) set out those matters which were considered to have been inadequately assessed by Environment Southland prior to notification.
- Submissions (3) - (10) expressed concerns with various objectives and policies as to their wording, content and practicality. In some cases rewording was suggested, while in others it was requested that the provision be deleted. It was also requested that the methods to be adopted by Environment

Southland in implementing the various provisions be listed, so as to enable better understanding of their effect and implications.

- Submission (11) highlighted additional objectives and policies that were appropriate.
- Submission (12) opposed the dates of implementation referred to above, suggesting a more practical approach.
- Submission (13) questioned the need for the rules to apply to all of the Gore airshed. It was requested that the elevated land within the town and the rural areas that were not likely to contribute to air quality in the centre of the town be excluded from the rules requiring decommissioning or changing of appliances. A map had been attached to the draft submission showing those areas.
- Submission (14) sought a new rule that recognised emergency situations, such as when interruptions to power supply occurred.
- Submission (15) was of a technical nature, highlighting that the RMA did not allow the intended granting of a dispensation to a rule by an adjoining land occupier.
- Submission (16) sought to add heritage buildings included in district and regional plans to the list of exemptions. At present an exemption only applied for buildings registered with Heritage NZ.
- Appendix (17) supported the inclusion of standards on the height of chimneys or stacks in the plan change, but sought clarification as to the role Environment Southland expected the Gore District Council to adopt in administering this. Additional objectives and policies were required for this to occur.

His Worship welcomed those members of the public to the meeting. He said the Council believed Environment Southland had gone about the proposed regional air quality plan change in an unusual and potentially illegal manner. He had circulated a letter he had written that he proposed to be attached to the Council's submission.

His Worship invited the Planning Consultant to give an overview of how the submission had been collated and the points he wanted to raise out of it.

Mr Hovell said he had copies of the Council's proposed submission along with the submission form provided by Environment Southland. He said there would be planning staff available at the Gore District Council office on Thursday 30 and Friday 31 October if any members of the public required assistance compiling their own submissions.

He progressed through the draft submission which had been prepared in accordance with the Resource Management Act.

Cr Beale asked if there was a chance of asking for a peer review of the air around the Resthaven rest home. He had received very good data and understood some of the PM<sup>10</sup> particles around the monitoring device located near Resthaven may be read twice. He asked if the Council could challenge the position of the monitor.

The consultant said Environment Southland cut down willows last year and the fires sent smoke to the north and south end of the town. The fires did not cause an exceedance of the air quality standard. The regulations provided for an exceedance to be wiped. Referring to what Cr Beale had raised, the Council needed to remember that the air quality monitor needed to be placed in the worst possible monitoring position. He suggested His Worship's letter draw attention to it. The Council had drawn attention to the rules as part of its submission. He thought it would be better to raise that matter separately and outside of the submission.

His Worship said he had raised the location of the monitoring station with the Chair of Environment Southland and he received a similar response to what Mr Hovell had said. He did not believe it was in the right area and should be in a residential area.

Cr Highsted referred to rule 4.8 and the first phase out of burners – had there been any data provided for how many households that may impact on in Gore? Given the age of the housing stock, there may be quite a lot.

The Consultant said he had raised the point with Environment Southland previously. There were assumptions made about the number of properties across the region that may be affected, but Environment Southland had not specifically looked at the number possibly affected in Gore.

The Consultant went through the draft submission and said he did not believe the regional air quality plan could be considered until Environment Southland had fully considered the air chapter of its proposed Regional Policy Statement. That was unlikely to be until at least mid-2015.

His Worship thanked the consultant for the overview and felt if Environment Southland was acting outside of its own rules, it was open to legal challenge. As a Council and community, the best air quality was desired by everyone. He did not think Environment Southland had considered the economic hardship being inflicted on the Gore community by the plan change. Cognisance needed to be taken of that and he hoped members of the Gore community had taken the opportunity to lodge submissions. The costs involved in replacing old appliances and potentially having to rewire a house as a result for people on a single pension was immense. He encouraged Environment Southland to review the process and work to get to the right end. The trend was down so that the air was becoming cleaner. Many people would remember what the air used to be like and it was much better now. Natural attrition would deal with the issues being faced now. There needed to be time allowed. Often as a Council and a group of Councils in the south, comments were made to the Government about how one size did not fit all. Environment Southland

had been part of those submission processes to the Government. What Environment Southland was saying with the air plan was that one size fits all and that was not the case. The airshed in Gore was quite different to that of Invercargill. There were problems with smoky chimneys and the people causing the problems needed to be dealt with on an individual basis. He had been approached by a number of people this week who had trouble breathing the air in Gore. It was not necessarily the burner but the fuel used. His Worship added that the Council had asked Environment Southland to hold hearings in Gore for those people who wanted to be heard and a verbal undertaking had been provided.

In response to Cr Beale asking whether the submission dealt with high sulphur content coal and Kai coal, the consultant said it had not been addressed.

His Worship said previous discussions had been held with Environment Southland about Kai coal and high sulphur coal. It appeared that it did not contribute to poor air quality and Environment Southland needed to be aware of that.

The consultant said it would be a separate submission in relation to rule 4.9.

The Chief Executive clarified it could be a separate heading within the submission.

The consultant said in terms of efficiency the coal rated very highly and the sulphur content did not necessarily match the PM<sup>10</sup> discharge. If the Council was happy to include it in that format, then he would add it in.

Cr Bolger asked if there would be more PM<sup>10</sup> discharge with lignite as opposed to Kai coal.

The consultant was unsure.

Cr Beale thought the smell issue was a perception.

His Worship said there was an education process for users of any type of fuel to make sure it was used in the best way to ensure it was efficient. He said there were some properties in town that would benefit from education about the efficient use of the fuel being used. He added some of the burners he had viewed over the past few days, while there was no visible smoke, there was not any odour either.

The Council agreed to include a reference in the submission about high sulphur coal.

Cr Davis noted there was no reference to schools that operated coal burners.

The consultant said schools were described as a permitted activity. Schools also had resource consent conditions to comply with.

Cr Bolger questioned the monitoring site located near Resthaven ,which was a commercial operation and the air quality plan change applied only to domestic appliances, why the monitoring device was located where it was.

**RESOLVED on the motion of Cr D Grant, seconded by Cr Beale, THAT with the addition of sentence about high sulphur coal, that the Council lodge the draft submission with Environment Southland prior to the deadline of Monday 3 November 2014.**

**2014/125**

His Worship thanked the Council for its consideration of the submission, and said he had been pleased with the way the community had come together over this issue. If residents did not continue to tell Environment Southland what the concerns were for individuals, then nothing would change. He thanked the consultant for the work he had done with the draft submission.

The meeting concluded at 5.55pm