

AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Interim Guidance Text for Topic 035 Air Quality

25 September 2015

PAUP Sections

- **C5.1 and H4.1 - Air Quality objectives, policies and rules – (Auckland-wide provisions)**
- **E7.10 and H7.1 – Air Quality – Transport Corridor Separation (overlay provisions)**
- **E7.11– Air Quality – Industry Transition (overlay provisions)**
- **E7.12 – Air Quality – Sensitive Activity Restriction (overlay provisions)**

This guidance provides direction to the rezoning of sites as Heavy and /or Light Industry zones which will be addressed in hearing topics 080 and 081.

The absence of guidance on any particular issue is not intended to indicate that the Panel has no view on that issue or that it is unimportant.

This interim guidance is not a recommendation within the meaning of section 144 of the Local Government (Auckland Transitional Provisions) Act 2010. It is not binding on submitters (including the Council) or on the Panel.

The Panel will not enter into debate on this interim guidance, however submitters can raise this at the hearings for topics 080 and 081. .

The Panel's approach to air quality

1. The policy framework for managing air quality is in general terms:
 - a. In areas with high air quality, the level will be maintained;
 - b. In areas with medium air quality, the level will be maintained and/or improved; and
 - c. In areas with low air quality, the level will be maintained or improved.
2. The zoning of sites affects the expected level of air quality, as follows:
 - a. Sites zoned for residential, business (except the Heavy Industry and Light Industry zones) and the coastal environment will generally have a high level of air quality;
 - b. Sites zoned for Light Industry, Port and Airport, and Rural activities will generally have a medium level of air quality; and
 - c. Sites zoned for Heavy Industry and Special Purpose – Quarry will have a low level of air quality.

3. The evidence clearly demonstrates that most of the anthropogenic adverse effects on air quality in Auckland are caused by motor vehicle emissions and domestic fires. Air discharges from industrial activity contributes a relatively small proportion of emissions overall. Motor vehicle emissions are not able to be controlled under the RMA and the Council has expressed its intention to control emissions from domestic fires through a bylaw.
4. The Panel considers that the use of RMA controls in respect of industrial emissions should reflect the best practicable options for reducing such emissions but, for reasons set out below, such controls also need to be commensurate with the extent of such adverse effects and need to recognise the economic and social benefits which industry provides.

Air Quality Overlays

5. The Panel does not consider that the proposed Air Quality – Transport Corridor Separation overlay is an appropriate method for inclusion in the Plan. The stated purpose of this overlay is to reduce the adverse effects of motor vehicle emissions on young children and infants through regulating childcare centres on identified transport routes. Yet the evidence shows that the adverse effects of such emissions are not so confined. While young children and infants are sensitive to air quality, there is insufficient justification to single out for regulation care centres from other activities such as hospitals, schools, retirement villages, houses and apartment dwellings that are also sensitive to air discharges, both for children and for other people.
6. It appears to the Panel that there is considerable scope for improvement of air quality through controls on motor vehicle emissions. The Panel acknowledges that this would require either the assistance of central government or changes to legislation, but the scope for improvement through those methods appears to be substantially greater than could be achieved by an overlay addressing industrial emissions in the Plan.
7. The Panel does not consider that the Air Quality – Sensitive Activities Restriction overlay is an appropriate method for inclusion in the Plan. The overlay is applied to sites within 500m from the Heavy Industry Zone (HIZ) and seeks to manage reverse sensitivity effects on industrial activities in that zone by controlling the location of activities sensitive to air discharges. The Panel considers that the proposed overlay is an ineffective way to manage reverse sensitivity effects on HIZ sites. Provisions within the Regional Policy Statement should guide the rezoning of sites in the region so as to enable industries that discharge contaminants to air to be located within the HIZ anticipated to have low air quality. The objectives and policies for zones should guide decision-making on applications for consent in areas adjacent to the HIZ.
8. It appears to the Panel that while discharges of contaminants from industrial combustion processes should be (and are) controlled, substantially greater improvement in Auckland's air quality throughout the metropolitan area could be achieved by initiating controls on domestic fires. This should be pursued, as the Council proposes, by a bylaw.

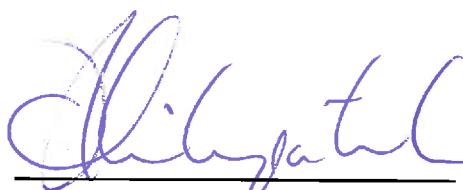
9. The Panel considers that the Council's proposal to remove the proposed Air Quality – Industry Transition Overlay is appropriate for the reasons outlined in Mr Jeremy Wyatt's evidence for this topic at paragraph 8.6.

Identifying areas with low air quality

10. The evidence presented to the Panel demonstrates that a number of sites with existing heavy industries may have been inappropriately zoned as LIZ in the notified PAUP. In several existing industrial areas that would otherwise be expected to have low air quality, the most appropriate zoning for that area may not have been accurately identified.
11. This issue is related to evidence that insufficient land zoned HIZ may be available to meet demand and provide employment and other social and economic benefits. For those reasons, and notwithstanding the potential adverse effects on air quality associated with some industrial processes, the Panel generally accepts the submissions that industrial activities should be enabled in appropriate locations, including the protection of existing heavy industry.
12. One method proposed by some submitters to address this was an overlay identifying areas with low air quality. While having some attraction, such an overlay would increase the complexity of the Plan, so the Panel does not support the introduction of such an overlay. The Panel is supportive of the Council's alternative approach to look at rezoning areas currently identified as Light Industry but expected to have low air quality to Heavy Industry.
13. The spatial extent of the Heavy Industry Zone should generally:
 - a. correspond to existing heavy industrial sites; and
 - b. enable provision for new heavy industries that need to be located in areas with low air quality.

Directions for parties to hearing topics 080 / 081:

1. The Panel directs submitters to consider the air quality policy framework in this guidance when addressing the rezoning issues at hearings topics 080/081.
2. The Heavy Industry Zone should correspond to existing areas with low air quality and include existing heavy industrial sites and sufficient land to accommodate heavy industrial activities in the future.



Judge Kirkpatrick

Chairperson for the Hearings Panel of Topic 035 on the
proposed Auckland Unitary Plan