

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

An Application **CRC092585** by **WIGRAM LODGE (2001) LIMITED** for a discharge permit to discharge contaminants to air at Hornby Christchurch.

DECISION OF THE HEARING COMMISSIONERS

Heard on the 21st day of April 2009 in the Waitaki Room at the offices of the Canterbury Regional Council, Kilmore Street, Christchurch

Hearing Commissioner

Alec Neill

APPEARANCES

The Applicant

Mr John Iseli, Consultant for the applicant.

Mr Elizabeth Harris (Wigram Lodge (2001) Limited)

Mr John Harris (Wigram Lodge (2001) Limited)

Submitter

Mr Andrew Keeling and Mr David Cassidy

Mr John Povey

Investigating Officer

Mr Kevin Swete

Date of decision 27th April 2009

DECISION

On behalf of the Canterbury Regional Council, pursuant to sections 104, 105, and 108, Resource Management Act 1991, I have determined as follows:

Resource Consent Application CRC092585 by Wigram Lodge (2001) Limited for a discharge permit to discharge contaminants to air from the operation of a wood pellet or wood chipped fired boiler located at Wigram Lodge 15 Sioux Avenue, Hornby, Christchurch be granted.

The Resource Consent shall be for the duration of 35 years subject to consent conditions (see Annexure)

INTRODUCTION

This is the decision of the Hearing Commissioner Alec Neill, appointed by the Canterbury Regional Council ("CRC") to hear the applications by the applicant Wigram Lodge (2001) Limited, (WLL) for a discharge permit to discharge contaminants to air.

1. Prior to the hearing a report was produced pursuant to Section 42A of the Resource Management Act, 1991 ("the Act") by CRC's reporting officer Mr Kevin Swete. This report was distributed to all parties and provides an analysis of the matters requiring consideration. The report recommended that the Commissioners could grant the application. A suite of proposed conditions were attached for the Commissioner's consideration.
2. The hearing commenced at 9.30am on Tuesday 21st April 2009. The hearing was closed on 23rd April 2009

THE APPLICATION

DESCRIPTION

3. Wigram Lodge (2001) Limited seeks a consent to discharge contaminants to air from a new 850kw (net rated output) boiler fired by wood pellets and wood chips. The boiler will replace two existing 240kw LPG fired boilers that are currently used to heat the Lodge. The Lodge has an accommodation capacity of 196 beds.

Details of the application are:

- Discharge of combustion contaminants to air at Wigram Lodge, 15 Sioux Avenue, Hornby, Christchurch only from the operation of up to 850kw wood pellet or wood chip fired boiler
- Ensure the maximum wood pellet burning rate is 204 kilograms per hour (kg/hr) and 714 kilograms per day (kg/day)
- Ensure the maximum wood chip burning rate is 245 kg/hr and 858 kg/day
- Discharge contaminants via a stack with its outlet 12.5m above ground level, 1.5m above roof ridgeline of the building, and with a diameter of approximately 0.30m

- Ensure that the concentration of particulate matter in the discharge will not exceed 125 milligrams per cubic metre (adjusted to standard conditions) (mg/Nm₃)
- Seek a duration of 35 years.

NOTIFICATION

4. The application was lodged with CRC on 11th December 2008 and was publicly notified by CRC in The Press on 11th February 2009

Applicant: Wigram Lodge 2001 Limited
Address: P O Box 29 407 Christchurch
Attn: Ms Liz Harris

CRC092585: To discharge contaminants into air from the operation of a wood-pellet or wood chip fired boiler, with a maximum net rate output of 850 kilowatts. The proposed discharge location is Wigram Lodge, 15 Sioux Avenue, Hornby, Christchurch, at or about map reference NZMS 260, M36: 7290-3960. Contaminants to be discharged are combustion products including particulate matter, oxides of nitrogen, carbon monoxide, and volatile organic compounds. A consent with a duration of 35 years is sought.

Submissions

5. The number and categories of submissions received are as follows:

Consent	In Support	In Opposition	Signatories to a petition in opposition	To be heard
CRC092585	0	8	97	3

Issues of Concern

6. The key issues of concern expressed by the submitters included the following:
- Pollution and possible odour
 - Health issues from discharge
 - Visual effects of stack and its discharge
 - Increased daily PM₁₀ emissions
 - Duration of consent
 - Negative visual effects of the increased lodge buildings
 - The specifications of wood chips combusted
 - Effects on neighbours daily lives

THE HEARING

The Applicant's Case

John Iseli

7. Mr John Iseli of Specialist Environmental Services Limited, consultant for the applicant, conducted the applicants case. He has 15 years experience in resource management specialising as an Air Quality Scientist. He identified the nature of the application, the contaminant emissions modelling, mitigation measures the effected environment, relevant planning provisions and commented on S.42A report. In summary Mr Iseli made the following main points:

- Emission testing indicated the boiler will discharge relatively small amounts of particulate matter.
- Stack will be 12.5m high.
- Only wood pellets or dried and screened woodchips will be burned.
- Thermal efficiency of boiler calculated at 79% for wood pellets and 78% for wood chips.
- Particulate matter emission concentration burning coal is 280mg/m³ and burning wood pellets 120mg/m³. Emission testing by K2 Environment in 2006 found PM₁₀ contaminant emission of greatest concern.
- More recent testing on Cashmere High School boiler found PM emission concentration of 42mg/Nm³ burning pellets and 30mg/Nm³ burning wood chips.
- Rule AQL18 requires the TSP concentration to be less than 250mg/m³. The proposed maximum PM emission concentration of 125mg/Nm³ is 50% of limit specified by Rule AQL18.
- The maximum ground level concentration of PM₁₀ is predicted to be 3µg/m³ (NES = 50µg/m³ 24 hour average)
- Adverse health effects of PM₁₀ emissions from the boiler are predicted to be minor.
- Adverse effects of NO_x, SO₂ and CO₂ are predicted to be minor.
- Adverse effects on amenity values are predicted to be minor.
- Alternative methods of discharge have been considered.
- Discharge will not increase significantly the concentration of PM₁₀ in the air shed.

John Harris

8. Mr Harris is a Director of Wigram Lodge (2001) Limited. He also owns City Firewood, a company he considers is an industry leader in Kiln drying technology. He provided details of delivery of wood chips and how the boiler would be feed through an auger system.

Elizabeth Harris

9. Mrs Harris is a Director of Wigram Lodge (2001) Limited. She is the landlady at Wigram Lodge. She provided an overview on the workings of the lodge, it's clialntal and its heating system

SUBMITTERS

Andrew Keeling and David Cassidy

10. Mr Keeling an Electrical Engineer and Energy Manager and Mr Cassidy a Business Manager gave evidence as affected persons and on behalf of 106 local residents most of whom had signed a petition expressing opposition to the application. They provided a PowerPoint presentation including photos. They both live in close proximity to Wigram Lodge
11. In summary they made the following points:
 - Some residents were not notified.
 - A 850kw boiler burning wood chips not in spirit of NES and duration of 35 years not in line with Ecan Government National Standards. Due to the changing environment of this area with residential development 35 years too long.
 - 2000 new homes are envisaged for the area.
 - Concern about stack height and visual pollution
 - Doubt as to reliability of Ausplume modelling
 - Existing heating arrangements acceptable
 - LPG preferred fuel to reduce PM₁₀ emissions.
 - 850kw woodchip boiler equates to 85 home woodchip/pellet fires
 - Concern over NO_x and SO₂
 - Failure to consider other industrial discharges, namely Ravensdown and Wigram Museum
 - Daytime use effects ability to properly utilize outdoor living by residents residing in close proximity to Wigram Lodge.

John Povey

12. Mr Povey is a resident in the area. He expressed concerns about the fall out area not being green fields but also in residential. He expressed concerns over guarantee of supply of appropriate fuel over a 35 year term. He considered heat pumps would be more appropriate.

SECTION 42A REPORT

13. Mr Swete commented on his S. 42A report and answered questions. He made the following comments.
 - He referred to the RPS. He confirmed that he considered PM₁₀ to be minor.
 - A PM₁₀ emission concentration of less than 125mg/Nm³ was obtainable.

- Woodchip specifications were contained in the conditions.
- That effect on amenity values from discharge and height of stack less than minor.
- Consideration could be given to a shorter duration. In light of possible housing expansion a term of 10 – 15 years could be considered.

CLOSING SUBMISSION BY APPLICANT

14. Mr Iseli exercised his right of reply verbally. In summary he made the following main points.

- Term "fall out" not appropriate. There will be no noticeable deposition.
- AQL18 of PNRRP is the appropriate rule. This is not a large scale industrial boiler.
- Boiler capable of operating at low and high efficiency due to variable speed auger
- PM₁₀ should be on 24 hour basis to comply with NES. PM_{2.5} and PM₁ are matters on which there is very little data
- NO_x and SO₂ are minor issues.
- Other industrial discharges in area not of relevance to this application.
- Fuel usage limited by conditions.
- Reverse sensitivity. In 2001 when the applicant purchased the property, this site was surrounded by bare land.
- Similar boilers are being used by schools in Christchurch.
- LPG and electricity are cost prohibitive. Heat pumps have a substantial capital cost for installation.
- This is a lodge providing low cost residential accommodation. Increased energy costs could put viable of operation at risk.
- Overall effects are minor. This application is consistent with others granted and with policies and rules.
- The difference between Emission v concentration is important.
- As the boiler is state of the art technology no valid reason not to grant for a duration of less than 35 years.

SITE VISIT

15. I undertook a site visit commencing 3.15pm on Tuesday 21st 2009. All parties were invited to attend. I first viewed the site of Wigram Lodge. I was able to obtain a general impression of the site and location of existing facilities including the 2 LPG boilers, the general location of the new boiler and stack and the neighbouring surrounds from on site. I then attended at the home of David and Jeanine Cassidy and was able to view the vista from their perspective looking towards the lodge. I took the opportunity to drive around the neighbourhood in the streets of those who had signed the petition.

CONSIDERATION OF THE APPLICATION

Evaluation

16. In making my evaluation of the application I read the application, the AEE report prepared for the applicants by Specialist Environmental Services Ltd, all the submissions received, had regard to the S.42A report, and considered all the evidence set out before me at the hearing.
17. This application relates to a consent for a discharge permit to discharge contaminants to air (S.15). I have given appropriate consideration to sections 104, 105, 108, 123, and part 2 of the Act. I have also given consideration to the Transitional Regional Plan (TRP), and Regional Policy Statement (RPS), National Environmental Standards (NES) and have had regard to the Proposed Natural Resources Regional Plan (PNRRP), Chapter's 1 and 3.

Status of the application

18. I accept that the application is for a discretionary activity pursuant to the relevant plans.

STATUTORY CONSIDERATIONS

Actual and Potential Effects on the Environment. (S 104 (1) (a))

19. Section 104 of the Act requires that, subject to Part 2, I consider any actual or potential effects, policy statements and plans and any other relevant matters.

Adverse Effects of Particulate Matter (PM₁₀)

20. The combustion products discharged from a wood fired boiler are particulate matter (PM₁₀) Nitrogen dioxide (NO₂), carbon monoxide (CO), sulphur Dioxide (SO₂) and volatile organic compounds (VOCs). I am satisfied that the adverse effects of NO₂, CO₂, SO₂ and VOCs meet NZ Ambient Air Quality guidelines (AAQG) (Ministry of the environment, 2002) and will be negligible and therefore do not require my further consideration.

21. I accept that the primary contaminant that has the greatest potential to cause adverse effects including health effects is particulate matter (PM₁₀). I accept high concentrates of air pollution effects people's health. PM₁₀ can cause irritation of the eyes and nose, effects people with respiratory problems and can increase and aggravate asthma.
22. The maximum allowable concentrations of PM₁₀ under the NES and The New Zealand Ambient Air Quality Guidelines (AAQG) are 50µg/m³ (24hr average) and 20µg/m³ (annual average). I must consider the contribution from this boiler not only to the localised air shed but also the wider Christchurch air shed. The predicted maximum ground level concentration of PM₁₀ is 3µg/m³ (24hr average) or 6% of the standard.
23. The mass emission rate of PM₁₀ into the Christchurch air shed from this boiler will be a maximum of 605 g/day. This is an increase on that of the LPG boilers but will be now dispersed from a 12.5 stack. This will ensure that ground level concentrations (GLCs) are small.
24. I have noted the statement by Kevin Swete in the S.42A report. *"After auditing each of the reasoning steps above, I agree that the adverse health effects of PM₁₀ emissions from the boiler are likely to be minor"*
25. I am of the view that the adverse effects of PM₁₀ are minor and these adverse effects can be mitigated further by imposing conditions.

Adverse effect on amenity values

26. The primary potential effects of the discharge from the boiler on amenity values will be the deposition of PM₁₀ and possible visual impact from the emission plume. I accept that due to the nature of the fuel used in the boiler (wood pellets and dried wood chips) the visual emission plume discharge is minor. I do have concerns about the visual impact of the new stack. I have viewed the photos from submitters, have attended on site and looked at where the stack is likely to be positioned. I believe that with good design the stack could be positioned near the north wall of the new accommodation wing so as to provide a minimum visual impact and exposure to neighbours.

POLICIES AND OBJECTIVES (104(1) (b))

Transitional Regional Plan (TRP)

27. I accept that requirements of the 2nd schedule of the Clean Air Act 1972 are deemed to be part of the TRP. The boiler comes within ambit of the Clean Air Act 1972. This is a deemed to be a discretionary activity.

Regional Policy Statement (RPS)

28. The objectives and policies of the RPS Chapter 13 – Air are relevant to this application. Most of these relate to maintaining and improving ambient air quality and avoiding remedying and mitigating adverse environmental effects.

29. I consider that the activity is consistent with the RPS

Proposed Natural Resources Regional Plan (PNRRP – Chapter 3 Air Quality)

30. I accept that the PNRRP is at present a proposed plan and is not operative. The plan was notified on 1st June 2002. Submissions were heard in 2005/06 and CRC decisions were released in September 2007. A number of appeals were lodged which has prevented the plan becoming operative. I accept that the PNRRP provides the most recent and relevant guidance as a planning document containing objectives and policies for air quality in Christchurch. While the document remains a proposed plan, I am entitled to have regard to the PNRRP.
31. Chapter 3 of the PNRRP sets out objectives and policies and relation to air. Objective AQL1 is that localised discharges of contaminants to air should not result in significant adverse effects on the environment, including adverse effects on human health.
32. Objectives AQL2 and AQL3 set ambient air quality outcomes with a range of policies to be implemented to achieve the outcomes.
33. Rule AQL 18 is relevant and was considered. The policy seeks to prevent significant increases in PM₁₀ emissions from fuel burning devices in the Christchurch Clean Air Zones 1 & 2. The rule provides that PM₁₀ from an emission stack shall not exceed 250mg/m³. The boilers meet the criteria set out in Rule AQL18. The Rule also provides also provides that PM emission testing will occur once every 5 years
34. I accept that the proposal is consistent with the relevant objectives and policies and rules of the PNRRP as it relates to industrial air emissions. The granting of the consent will not result in significant adverse effects on the environment.

National Environmental Standards (NESAQ)

35. The NESAQ regulations came into effect on 1st September 2005. Christchurch is an air shed that is breaching the ambient air quality target (2013) of 50µg/m³ (24 hour average) on an average of approximately 18 times a year.
36. There is a very clear national directive of the need to reduce concentration of PM₁₀ in improving ambient air quality. The effects of not meeting the straight line path means no more new resource consents for any discharge to air can be granted in a polluted air shed.
37. Regulation 17 (1) states that:
- 17(1). Regulations 17A to 17C apply to an application for a resource consent to discharge into an air shed before September 2013 if*
- (a) *The concentration of PM₁₀ in the air shed already breaches its ambient air quality standard and*
- (b) *The discharge to be permitted by the resource consent is likely to increase significantly the concentrations of PM₁₀ in the air shed.*
38. I have considered the evidence presented. I am of the view that the discharge will not "increase significantly" the concentration of PM₁₀ in the air shed. For this reason the processing requirements of regulation 17 of the NESAQ do not apply to this proposal.

Other Matters 104(1)(c)

38. I am aware of other recent consent decisions relating to applications for discharge to air from wood pellet fired boilers. I am not bound by precedent however I have noted that those applications were granted and that the proposed conditions for this application are consistent with these other similar decisions for discharges.
- CRC072593 Rudolf Steiner School Trust
 - CRC071606 Central New Brighton School Board of Trustees
 - CRC080988 Mairehau High School Board of Trustees
 - CRC082702 Cashmere High School Board of Trustees
39. I have considered the issues raised by submitters. I appreciate the concerns of near neighbours to the loss of privacy and effects on amenity values from the recent construction of a new accommodation wing at Wigram Lodge. I advise that is a matter over which I have no jurisdiction.
40. Residents are entitled to express concerns about possible effects on family health. I have given this careful consideration. I have been influenced by the fact that schools situated in residential areas in Christchurch have chosen this style of device as their preferred choice of heating and that resource consents have been granted on the grounds that "Any adverse effects on the environment as a result of the proposed activity will be minor"

Relevant matters (S.105(1))

41. I am required to consider the nature of the discharge, the sensitivity of the receiving environment, the reason for the proposed choice and the possible alternative methods of discharge.
42. The applicants site is zoned Living ZONE 5 (Travellers Accommodation). Immediately surrounding the site is residential development zoned Living 1. Evidence was presented that in the foreseeable future 2000 new houses would be constructed within the zone. Evidence was also given that when the applicant purchased the commercial accommodation property for in 2001 it was surrounded by green fields. There is an expectation that a 196 bed accommodation facility must be heated. Boilers similar to that proposed by the applicant have been installed in schools in Christchurch.
43. The applicant acknowledges that the proposed choice has been based on economics. Alternative fuel sources are considered by the applicant to be cost prohibitive. I am required to be concerned about any adverse effects. I accept that any adverse effects are minor and can be further adequately remedied and or mitigated through conditions.

PART 2 MATTERS

Purpose of the RMA (S.5)

44. In accordance with Part 2 of the Act I consider the application to be consistent with the principles of the sustainable management of natural and physical resources, as defined in section 5.

Matters of National Importance (S.6)

45. In recognising and providing for the matters of national importance in Section 6 I do not consider that any of these matters are particularly relevant to this application.

Other Matters (S.7)

46. In having particular regard to Section 7 matters section 7(b) the efficient use and development of natural and physical resources S.7(b)(a) the efficient end use of energy and S.7(f) maintenance and enhancement of the quality of the environment are relevant to our considerations. Any adverse effects need to be remedied and mitigated. This can be achieved through conditions.

Principals of the Treaty of Waitangi (S.8)

47. Section 8 requires us to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I have no information to suggest that the proposed activity would offend these principles. Ngai Tuahuriri Runanga and Te Rununga O Ngai Tahu were notified of the application.

DURATION OF CONSENT (S.123)

48. The applicant has requested a consent duration of 35 years.
49. In considering the duration I had regard to chapter 1 of the PNRRP which relates to duration of resource consents. I have considered effects both positive and adverse, the receiving environment and technological advancement. I have reviewed other decisions for wood pellet fired boilers
50. I am of the opinion that taking into account the mitigation measures 35 year duration is appropriate.

CONDITIONS (S.108)

51. I am of the opinion that the conditions set out in Annexure 1 "Conditions" are appropriate for the scale and significance of the discharge.

Summary

52. In considering the environmental effects of granting Discharge Permit CRC092585, it is my overall judgement that the purpose and principles of the Act can be achieved. I am of the opinion that any adverse effects on the environment resulting from the discharge to air are minor and can be adequately avoided remedied and mitigated by the imposing of consent conditions

Decision

53. On behalf of the Canterbury Regional Council, pursuant to sections 104, 105, and 108, Resource Management Act 1991, I have determined as follows:


Resource Consent Application CRC092585 by Wigram Lodge (2001) Limited for a discharge permit to discharge contaminants to air from the operation of a wood pellet or wood chipped fired boiler located at Wigram Lodge 15 Sioux Avenue, Hornby, Christchurch be granted.

The Resource Consent shall be for the duration of 35 years subject to consent conditions (see Annexure)

Right of Appeal (S.120)

54. The parties are advised that there is a right of appeal to the Environment Court which must be lodged within 15 working days of receipt of this decision.

Dated at Christchurch this 27th day of April 2009

A handwritten signature in black ink, appearing to be 'A G Neill', written over a horizontal line.

A G Neill

Annexure

WIGRAM LODGE (2001) LIMITED - CONDITIONS

CRC092585 Discharge of contaminants to air

Scope

1. The discharge into air shall be only from a wood pellet or wood chip fired boiler located at 15 Sioux Avenue, Hornby, Christchurch, at map reference NZMS 260, M36: 7290-3960.
2. The discharge shall be from a boiler with net capacity not exceeding a total of 850 kilowatts.
3.
 - (a) The discharge shall occur via a stack at a height at least 12.5 metres above ground level.
 - (b) The discharge stack shall be at least 1.5 metres above the roof ridgeline of the adjacent building.
 - (c) The discharge shall be directed vertically it air and shall not be impeded by any obstruction above the stack that decreases the vertical efflux velocity below that which would occur in the absence of such obstruction.
4.
 - (a) The total wood pellet burning rate shall not exceed:
 - (i) a maximum of 204 kilograms per hour and
 - (ii) 714 kilograms per 24 hour period.
 - (b) The total wood chip burning rate shall not exceed:
 - (i) a maximum of 245 kilograms per hour; and
 - (ii) 858 kilograms per 24 hour period.

Monitoring and records

5.
 - (a) The consent holder shall keep a daily record of the hours of operation of the boilers.
 - (b) The consent holder shall keep records of the average daily quantity (in kilograms) of wood pellets or wood chips combusted.
 - (c) These records shall be provided to the Canterbury Regional Council, upon request.
6.
 - (a) The wood pellet fuel shall comprise only sawdust and/or wood shavings that have not been treated with chemicals except non-chlorinated antispain chemicals.
 - (b) The discharge from the combustion of wood pellets shall be only from fuel meeting the following specifications:

Fines	one percent maximum through a three-millimetres screen
Bulk	density 640 kilograms per cubic metres minimum

Size	10 millimetres maximum diameter and 38 millimetres maximum length
Ash content	one percent maximum (oven dry basis)
Moisture content	eight percent maximum (wet basis)
Heat content	18 – 21 mega joule per kilogram minimum (air dried basis, Two percent moisture); and
Sulphur content	0.05 per cent maximum

(c) The discharge from the combustion of wood chips shall be only from fuel meeting the following specifications:

Fines	one percent maximum through a five millimetre screen
Moisture content	12 percent maximum (wet basis)
Heat content	15 to 18 mega joule per kilogram minimum (air dried basis Two percent moisture); and
Sulphur content	0.05 percent maximum

7. The opacity of the discharge from the stack shall not be darker than the Ringlemann Shade 1 as determined in accordance with the New Zealand Standard 5201P1973, except:
- (i) In the case of a cold start, for a period not exceeding 15 minutes in the first hour of operation, and
 - (ii) For a period not exceeding a total of two minutes in each succeeding hour of operation.
8. The boilers shall be serviced at least once every year, by a person competent in the servicing of such appliances. This servicing shall include:
- (i) Adjustment if necessary of the fuel to air ratio; and
 - (ii) Testing of the ratio of combustion gases discharged, i.e., carbon monoxide, carbon dioxide and oxygen, using a suitable calibrated instrument.

Service reports shall be prepared and retained, and copies shall be provided to the Canterbury Regional Council upon request.

9. The discharge shall not cause odour or deposited particulate material, which is offensive or objectionable beyond the boundary of the property on which the consent is exercised.
10. The concentration of particulate matter in the boiler stack shall not exceed 125 milligrams per cubic metre of air adjusted to 0 degrees Celsius, 101.3 kilopascals, 12 percent carbon dioxide on a dry gas basis.

11. (a) The concentration of particulate matter in combustion gas discharge from the boiler stack shall be measured within 12 months of the date of exercise of this consent and thereafter at least once every five years.
- (b) Measurement shall occur during the months of June to August when the boiler is operated at typical wintertime heat output.
- (c) The method of sampling and analysis shall be ISO 9096:2003, ASTM D3685 – 98, USEPA Method 17 or an equivalent method.
- (d) The organisation performing the testing must be currently accredited under ISO 17025, to undertake the method used to perform the testing.
- (e) A copy of the test results shall be provided to the Canterbury Regional Council within 10 working days of receipt by the consent holder.

General

12. The lapsing date for the purposes of section 125 shall be 30 June 2014
13. The Canterbury Regional Council may, once per year, on any of the last five working days of April or October, serve notice of its intention to review the conditions of this consent for the purposes of:
 - (i) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (ii) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
 - (iii) Complying with the requirements of a relevant rule in an operative regional plan.

