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Subject: Submission of Gelita NZ Limited on proposed Canterbury Air Regional Plan
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Attachments: [FINAL 1378104258_008_L_Rev0_Gelita_CARPSubmission.pdf](#)

Hello

Please find attached the submission of Gelita NZ Limited on the Canterbury Air Regional Plan.

Should you have any questions regarding the attached submission, please do not hesitate to contact me.

Kind regards

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**SUBMISSION ON
PROPOSED CANTERBURY AIR REGIONAL PLAN**

To: **Emailed to: mailroom@ecan.govt.nz**
The Proposed Canterbury Air Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

Name of submitter: Gelita (NZ) Limited (Gelita)
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1.0 This is a submission on the following document:

Proposed Canterbury Air Regional Plan, hereafter referred to as the CARP.

2.0 The specific provisions of the CARP that the submission relates to are:

The specific provisions of the CARP that this submission relates to are recorded in the attached table.

3.0 The submission is:

GENERAL SUBMISSION

Background

- 3.1 Gelita is part of the global Gelita business owned by Gelita AG, based in Eberbach, Germany. Gelita AG is the world's leading supplier of collagen proteins for the food, health and nutrition, and pharmaceutical industries, and for numerous technical applications.
- 3.2 Gelita is New Zealand's largest producer of gelatine producing a range of edible and commercial gelatine products derived from bovine raw materials, for use in the New Zealand and overseas markets. Gelita has a market share of more than 80 % in New Zealand, and over 80 % of its production is exported to Australia, the Pacific Basin countries, South America and the Middle East.
- 3.3 Gelita's site covers an area of 3.14 hectares in Woolston, Christchurch. The site has a long history of industrial use having first been taken over by the Davis family in 1909 from an existing glue manufacturer who had been in existence since 1855.
- 3.4 Edible gelatine was first produced on the site in 1913 and Gelita acquired the site in 2002 from then owner Goodman Fielder. Key features of Gelita's operation today are that it:
 - (a) Has a total value of physical capital invested on the site of approximately \$60 million.

- (b) Produces 1,600 to 1,750 tonnes of gelatine per year, mainly Type B edible gelatine and gelatine hydrolysate for the clarification of wine and fruit juices and some pharmaceutical and specialty gelatines.
 - (c) Uses bovine raw-material consisting of face pieces and hide off-cuts which would otherwise have to be disposed as waste by the New Zealand meat industry.
 - (d) Sells gelatine products worth \$19 million per annum of which 80 % is exported, mainly to Australia, the Asia Pacific area and the Middle East. Exports associated with the Gelita site typically earn New Zealand around \$14.5 million in foreign exchange each year.
 - (e) Is profitable, operates 24 hours per day 7 days per week, directly employing on average approximately 60 people and produces 90 % of the edible gelatine and 20 % of the Pharmaceutical gelatine consumed in New Zealand.
- 3.5 Gelita, as part of its operations, discharges contaminants to air. The discharges include discharges from three boilers authorised by Consent CRC052960.1, and other site discharges, including odour, authorised by Consent CRC921759.
- 3.6 Given the nature of Gelita's operation, which includes the storage and processing of raw bovine materials, the control and management of potential odour effects are significant issues for site operations. The challenges associated with this issue were exacerbated, following the Canterbury earthquakes of 2010 onwards as Gelita's site suffered considerable earthquake damage totalling in excess of \$20 million. In August 2011, further damage was sustained estimated at \$1.8 million from the collapse of its raw material store during a heavy snowfall.
- 3.7 Ageing site infrastructure and the damage at the Gelita site has ultimately exacerbated the discharge of odours from the site to the point where it has been recognised as an issue for the local community. This culminated in March 2013 with Gelita being served an infringement notice and fined for 3 breaches of its air discharge permit (CRC921759) which were deemed to have occurred on 13, 27 and 28 January 2013 and a subsequent abatement notice under section 322 of the Resource Management Act 1991. Additional fines were imposed in early 2014.
- 3.8 Gelita has committed to undertake substantial site upgrading, including the implementation of various odour control measures, over the next few years. An application to change the conditions of CRC921759 to accommodate the time it will take to finalise the proposed site upgrading works has recently been granted by the CRC. Gelita has already made progress on these works and is confident that all measures, particularly the odour control measures, will be in completed by 2017.

Overview of Submission

- 3.9 Overall, Gelita is supportive of the CARP, subject to CRC making the amendments requested in the attached table.
- 3.10 Gelita, in submitting on the CARP, wishes to ensure that an appropriate balance is reflected within the CARP such activities that discharge contaminants to air (including the discharge of odour), can continue to operate within a management framework that does not unduly constrain it, and while ensuring that any adverse effects associated with such activities are avoided, remedied or mitigated. Where this is provided for by the provisions of the CARP, these provisions have been supported.
- 3.11 However, Gelita has a number of concerns with provisions included in the CARP. Broadly speaking, these relate to following key areas:

- (a) the need to appropriately recognise and support industrial and trade activities, in appropriate locations (which is the case for Gelita), rather than constrain or restrict their ability to operate – the latter which is currently promoted by some of the provisions of the CARP;
 - (b) reverse sensitivity issues and the fact that CARP provisions seek to shift the balance of proof, in contrast to existing regional and district planning provisions, onto existing land uses rather those parties who have established in areas thus leading to reverse sensitivity effects;
 - (c) inappropriate utilisation of the Ambient Air Quality Guidelines 2002 Update (AAQG) to manage specific activities rather than ambient air quality; and,
 - (d) unnecessary, and at times incomplete replication, of the provisions of the National Environmental Standards for Air Quality (the NES).
- 3.12 Amendments, to address the above matters, have been identified in the attached table, along with an explanation as to the reason for the proposed amendment.
- 3.13 A number of amendments are also requested, to try to improve the readability of provisions or to clarify the intent or purpose of various provisions.

Reasons for Submission:

- 3.14 The reasons for this submission are that the CARP, without the specific amendments proposed by Gelita in the attached table:
- (a) will not promote sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 (RMA);
 - (b) is contrary to Part 2 and other provisions of the RMA;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable social, economic and cultural well being;
 - (e) is otherwise contrary to the purposes and provisions of the RMA and other relevant planning documents;
 - (f) is inappropriate and inconsistent with the purpose and principles of the RMA;
 - (g) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and are therefore not appropriate in terms of section 32 and other provisions of the RMA;
 - (h) in particular, but without limiting the generality of the above, for those additional reasons set out in the attached table.

5.0 DECISION SOUGHT

Gelita seeks:

- (a) That the issues raised in this submission are accepted or appropriate alternative relief is provided.
- (b) Such further or consequential relief as may be necessary to fully give effect to the relief sought by this submission.

- 6.0 Gelita could not gain an advantage in trade competition through this submission.
- 7.0 Gelita wishes to be heard in support of its submission.
- 8.0 If others make a similar submission, Gelita will consider presenting a joint case with them at a hearing.

Submitter: Gelita (NZ) Limited



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Date: 1 May 2015

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CARP Provision	Submission	Decision Sought
Section 2 – Definitions and Interpretation		
Large scale fuel burning device	<p>The definition provides for a range of internal and external combustion devices that burn fuel for the primary purpose of energy production, subject to some exclusions, that: (1) has a net heat or energy output of 40 kW or more; or (2) is on or associated with an industrial or trade premise or process.</p> <p>The specific incorporation of such discharges from industrial or trade premises or processes is not warranted. Such sites either utilises large scale fuel burning devices, or the discharges from the sites, if less than 40 kW, can be covered by appropriate wording within the proposed rules. The inclusion of industrial or trade premises and processes also deviates from the definition used in the operative Canterbury Natural Resources Regional Plan (NRRP). Therefore, the definition is opposed.</p>	<p>Delete the definition of ‘large scale fuel burning device’, and replace with the definition from the operative NRRP as follows:</p> <p><i><u>“Large scale fuel burning device means any boiler, furnace, engine or other device designed to burn fuel for the primary purpose of energy production having a net heat or energy output of more than 40 kilowatts, but excluding motor vehicles, boats and aircraft. This definition specifically excludes solid fuel burning devices used in dwellings, waste incineration devices and crematoria.”</u></i></p>
Section 5 - Objectives		
Objectives 5.1 and 5.2	<p>Objective 5.1 aims to ensure that where air quality provides for people’s health and wellbeing that air quality is maintained, while Objective 5.2 seeks to improve air quality where people’s health and wellbeing is not provided for.</p> <p>Ensuring that the region’s air quality continues to provide for people’s health and wellbeing into the future is an appropriate resource management goal. This includes ensuring that air quality is improved, in circumstances where it is degraded. However, to provide more clarity, these objectives could be amalgamated into one objective. These objectives are therefore supported, subject to being amended into one objective.</p>	<p>Amend Objectives 5.1 and 5.2, by amalgamating into one objective, as follows:</p> <p><i><u>“Where air quality provides for people’s health and wellbeing, it is maintained. and</u></i> <i>Where air quality it does not provide for people’s health and wellbeing, it <u>air quality is improved over time.”</u></i></p>
Objective 5.4	<p>This objective seeks to manage discharges such that amenity values in the receiving environment are maintained.</p> <p>This objective reflects an appropriate resource management intent in relation to air quality and is therefore supported.</p>	Retain Objective 5.4.
Objective 5.6	<p>This objective recognises that a range of development and technological innovations may be able to provide solutions for any air quality issues, and therefore this potential is to be recognised and provided for.</p>	<p>Amend Objective 5.6 as follows:</p> <p><i><u>“Developments and innovation in technology are enabled to which have the potential to provide solutions to air quality issues <u>are to be</u></u></i></p>

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	The intent of this objective is supported , although the current wording is difficult to understand. For this reason, amendments are proposed which it is considered reflect the intended purpose of this objective.	<i><u>recognised and appropriately provided for.</u></i>
Objective 5.7	<p>This objective recognises that nationally and regionally significant infrastructure contributes to the region’s economic, cultural and social wellbeing, and therefore it is to be ‘enabled’ through the provisions of the CARP.</p> <p>It is acknowledged that significant infrastructure, as recognised within this objective, does contribute to economic, cultural and social wellbeing. However, industry, including operations such as Gelita’s also contribute to the region’s economic, cultural and social wellbeing. Therefore, this objective should also recognise the significance that industry plays in terms of contributing to the economic wellbeing of the region and New Zealand as a whole. On this basis, this objective is supported in part. Additional amendments are also proposed as an alternative to the term ‘enabled’ as this term does not make sense in the context of the objective.</p>	<p>Amend Objective 5.7 as follows:</p> <p><i>“Nationally and regionally significant infrastructure and industry is enabled <u>recognised and provided for such that they can be</u> and is resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, on-going maintenance, repair, development and upgrading.”</i></p>
Objective 5.9	<p>It is understood that this objective seeks to ensure that activities locate within areas where the air quality outcomes anticipated are appropriate for the activity taking place. For example, industrial activities locate within industrial zones where potentially incompatible activities (i.e., residential development) are not able to locate as the expectations in terms of air quality outcomes differ significantly. Another example is industrial activities not being able to locate within residential areas.</p> <p>The intent of this objective is supported. However, amendments are proposed in order to clarify the intent of the objective.</p>	<p>Amend Objective 5.9 as follows:</p> <p><i>“Activities are spatially located so that they result in inappropriate <u>air quality outcomes, appropriate for the location,</u> being are <u>achieved both at present and in the future.</u>”</i></p>
Section 6 - Policies		
Central Policies Applying to All Activities (Policies 6.1 to 6.14)		
Policy 6.1	<p>This policy aims to ensure that discharges to air do not result in the potential effects listed in parts (a) to (d) of the policy.</p> <p>The matters listed, broadly speaking, cover the potential effects that</p>	Retain Policy 6.1.

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	<p>may be associated with the discharges to air and therefore it is appropriate to establish a policy framework whereby these matters are appropriately identified and provided for with the rules of the CARP and / or assessed as part of any application for a resource consent that may be required under the CARP. For this reason, this policy is supported.</p>	
Policy 6.2 and 6.3	<p>Policy 6.2 aims to minimise the adverse effects on air quality in circumstances where the concentrations of contaminants are between 66 and 100 % of the AAQG so that the AAQGs are not exceeded in the future. Policy 6.3 identifies that in circumstances where the AAQGs are exceeded, then action it to be taken to improve air quality.</p> <p>While the high level intent of these policies is supported in part. That is the requirement to implement a management response if ambient air quality is not above 66 % of the AAQGs (i.e., take actions to improve air quality). However, there are a number of issues with the policies that need to be addressed.</p> <p>The AAQGs relate to ambient air quality. It is not appropriate for the AAQGs to be utilised as an assessment tool for point source discharges. This needs to be clarified within the policy.</p> <p>In relation to the contaminants to which these policies relate, Schedule 4 identifies the various contaminants that may be associated with air quality considerations. Part 3 of Schedule 4 identifies the contaminants that are to be managed in accordance with the AAQGs, while other contaminants are subject to alternative management regimes or criteria. This matter needs to be reflected within the policy.</p> <p>Also, as an aside, given the requirements of these policies, it is anticipated that monitoring will be carried out by CRC, and data will be publically available. This will be important for those assessing activities which discharge contaminants to air against these policies and other provisions of the CARP.</p> <p>Finally, to provide more clarity for plan users, these policies could be amalgamated into one policy.</p>	<p>Amend Policies 6.2 and 6.3, by amalgamating into one policy, as follows:</p> <p><i><u>“Minimise Avoid, remedy or mitigate adverse effects on ambient air quality where measured concentrations in the airshed exceeds are between 66 % and 100 % of the guideline values, for the contaminants listed in Part 3 of Schedule 4, and set out in the Ambient Air Quality Guidelines 2002 Update, so that concentrations ambient air quality is improved do not exceed 100% of these guideline values.</u></i></p> <p><i>Where concentrations of contaminants exceed 100% of guideline values set out in the Ambient Air Quality Guidelines, action is taken to improve air quality.”</i></p>
Policy 6.4	This policy aims to reduce PM _{2,5} concentrations, in clean air zones,	Amend Policy 6.4 as follows:

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	<p>to below 25 µg/m³ (24-hr average) by 2030, while also providing for industrial growth.</p> <p>The intent of this policy is supported in part, predominantly as the policy seeks to ensure that industrial growth is not unduly restricted as a result of this policy. In addition, it is acknowledged that the guideline value proposed has been by the World Health Organisation for the protection of human health.</p> <p>However, amendments are considered necessary (as requested) on the basis that limited information is provided in the CARP, and associated section 32 Report, in relation to: the existing levels of PM_{2.5} in the clean air zones; whether or not the policy is achievable in the timeframe proposed; and, the nature of ongoing monitoring to be carried out by CRC to determine PM_{2.5} concentrations in the future. It is also important that provision is made for ongoing industrial growth, and thus economic wellbeing, and that these activities are recognised as being of significance for the region, not as an after thought.</p>	<p><i><u>“As far as practicable and while providing for industrial growth, Rreduce overall concentrations of contaminants of PM_{2.5} in clean air zones so that by 2030 PM_{2.5} concentrations <u>within a clean air zone</u> do not exceed 25 µg/m³ (24 hour average), while providing for industrial growth.”</u></i></p>
Policy 6.5	<p>This policy identifies that offensive and objectionable effects associated with discharges to air are unacceptable, and such discharges are to be identified and managed.</p> <p>The policy generally reflects an appropriate resource management approach, provided it is implemented within the rules of the CARP appropriately, and is therefore supported in part. However, activities can be located within appropriately zoned areas (i.e., industrial zoned land) where there is an recognition that the amenity values may not be the same as those expected in other more sensitive area (i.e., residential areas). This can in particular be the case for long standing historical activities which are in a position where they need to undertake upgrades to their processes and in the mean time may have offensive or objectionable effects.</p> <p>An amendment to policy is proposed, that recognises that on occasion such effects may be acceptable.</p>	<p>Amend Policy 6.5 as follows;</p> <p><i><u>“Offensive and objectionable effects are generally unacceptable and the frequency, intensity, duration, offensiveness and location of discharges into air must be identified and managed.”</u></i></p>
Policy 6.6	<p>This policy seeks to ensure that discharges to air, and the effects of such discharges, occur in appropriate locations as provided for by relevant district plans.</p>	<p>Retain Policy 6.6.</p>

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	<p>This policy is supported as it recognises that the discharges from activities located in appropriate areas (and the effects of these discharges), as provided for by land use planning tools, should be able to be able to occur (subject to meeting other requirements of the Resource Management Act 1991 (RMA), CARP and other relevant statutory planning documents).</p>	
Policy 6.7	<p>This policy requires activities to either reduce the effects of its discharges or relocate altogether if authorised land use change or land use activities within the neighbourhood are significantly adversely affected.</p> <p>This policy reflects reverse sensitivity issues, but rather than providing a framework whereby existing or appropriately located activities are not penalised as a result of incompatible activities establishing in an area, it reverses the general approach to reverse sensitivity issues such that the existing or appropriately located activities is penalised. For this reason, and given that other objectives and policies in the CARP provide for reverse sensitivity matters (Objective 5.9, Policies 6.6 and 6.8), this policy is opposed and its deletion requested.</p>	Delete Policy 6.7.
Policy 6.8	<p>This policy identifies that longer term resource consents may be granted for activities which are located appropriately and which avoid reverse sensitivity effects.</p> <p>The intent of this policy, whereby appropriately located activities are granted longer term resource consents, is supported in part. However, once again this policy reverses the obligations of parties in terms of managing reverse sensitivity issues. It is not the obligation of an existing activity, for example an industrial operation such as Gelita, to ensure that it is does not have any reverse sensitivity effects. Rather this is the obligation of those parties with responsibility for preparing planning documents developed in accordance with the provisions of the RMA, and when assessing resource consent applications, to ensure that reverse sensitivity effects do not occur to the detriment of existing activities (or appropriately located activities)), reasonable expansion of existing activities or zonings that provide for discharging activities. While saying this, it is acknowledged that activities that are discharging</p>	<p>Amend Policy 6.8 as follows:</p> <p><i>“Where activities that discharge into air locate appropriately <u>and where the effects of the discharge are avoided, remedied or mitigated</u> to avoid the potential for reverse sensitivity effects, then <u>a longer consent duration may be available is appropriate to provide for ongoing operational certainty.</u>”</i></p>

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	contaminants to air do have an obligation to ensure that the adverse effects of such discharges are avoided, remedied or mitigated.	
Policy 6.10	This policy is supported in part , as it seeks to ensure that the best practicable option (BPO) is considered for all activities which discharge contaminants to air. However, amendments are proposed so as to recognise that a number of matters need to be assessed when considering a BPO (i.e., as outlined in the interpretation of BPO in section 2 of the RMA), and under this framework it is not always appropriate or necessary to apply a BPO to an activity.	Amend Policy 6.10 as follows: <i>“Where appropriate, All activities that discharge into air apply, at least, the best practicable option, so that to minimise cumulative effects are minimised.”</i>
Policy 6.12	This policy identifies that during the term of a resource consent, it is likely that there would have been improvements in the management of the discharges to air, and that this should be considered when assessing new resource consents for these activities. While the intent of this policy is recognised, it unnecessarily replicates the provisions of the RMA, particularly section 104, and therefore this policy is not required. For example, applications for a resource consent, seek a resource consent for the current and future discharge (not the past discharge) and identify the management measures that are in place to avoid, remedy or mitigate the actual and potential effects of the discharge. Therefore, this policy is opposed and its deletion is requested.	Delete Policy 6.12.
Policy 6.14	This policy identifies that the precautionary approach is to be adopted when the effects of discharges are not predictable due to uncertainty or absence of information. This policy is opposed . The effects of significant discharges to air are more often than not assessed through modelling. It is not uncommon, for a degree of uncertainty to be ascribed to modelling approaches, no matter how widely used and accepted they are. In addition, the potential absence of information is most likely to be attributable to a lack of ambient air quality monitoring. Where either of these scenarios apply, it is considered unreasonable to place a significant additional burden on those seeking resource consents, especially when the RMA (particularly section 104) and the broader policy framework of the CARP provides a means to appropriately	Delete Policy 6.14.

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	<p>assess a discharge, its effects and the appropriateness of avoidance, remediation and mitigation measures. For these reasons, this policy is inappropriate and should be deleted.</p>	
<p><i>Industrial and large scale discharges to air (Policies 6.19 to 6.24)</i></p>		
Policy 6.19	<p>This policy seeks to provide for the discharge of contaminants from large scale fuel burning devices (it is assumed this is what is meant), industrial and trade activities and significant infrastructure, provided it is located and the effects of the discharge on air quality are minimised.</p> <p>The intent of this policy is supported in part, particularly as it aims to provide for the discharges to air from industrial and trade premises (amongst other activities). However, as with other proposed policies (i.e., Policy 6.8) it reverses the obligations of parties in terms of ensuring that potential adverse effects do not occur such that reverse sensitivity issues arise (i.e., in this case, by referring to the discharge being compatible with the surrounding land use pattern). In addition, it is also important that these activities, in discharging contaminants to air have an obligation to ensure that the adverse effects of such discharges from such activities are avoided, remedied or mitigated. Amendments reflecting these matters of clarification are proposed.</p>	<p>Amend Policy 6.19 as follows:</p> <p><i>“Enable discharges of contaminants associated with large scale <u>fuel burning devices</u>, industrial and trade activities and nationally and regionally significant infrastructure, in locations <u>which are spatially appropriate for the activity</u> where the discharge is compatible with the surrounding land use pattern and while ensuring that adverse effects on air quality are <u>avoided, remedied or mitigated</u> minimised.”</i></p>
Policy 6.20	<p>This policy repeats Policy 6.10 but applies it to large scale fuel burning devices (it is assumed this is what is meant) and industrial activities.</p> <p>While the intent of this policy is supported in part for the same reasons as those outlined in relation to Policy 6.10, this policy is opposed on the basis that it is unnecessary as it repeats Policy 6.10. It is requested that Policy 6.20 is deleted, as Policy 6.10 provides for consideration of the matters proposed to be covered by this policy.</p>	Delete Policy 6.20.
Policy 6.21	<p>This policy aims to avoid the discharge of contaminants from large scale fuel burning devices, or industrial and trade premises, if the discharge will result in an exceedance or exacerbation of the AAQGs.</p> <p>This policy is opposed. Policies 6.2 and 6.3, as discussed earlier in</p>	Delete Policy 6.21.

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	<p>this submission (subject to the amendments requested), outline the proposed approach for the use of the AAQGs, and the management approach to be adopted should ambient air quality exceed 66% or more of the AAQGs. Large scale fuel burning devices and industrial and trade premises should not be subject to a more onerous approach, whereby it is more than likely, particularly within clean air zones, that under this policy the resource management approach would require that such discharges are avoided (without consideration of the broader policy framework of the CARP or the relevant provisions of the RMA). This policy has the potential to significantly constrain existing industrial activities, and significantly restrict potential industrial growth opportunities. On this basis, it requested that Policy 6.21 is deleted and that the management approach outlined in the amended Policies 6.2 and 6.2 outline the manner in which the AAQGs will be utilised in resource management decisions within the region.</p>	
Policy 6.22	<p>This policy seeks to ensure that significant PM₁₀ discharges, within clean air zones, are offset in accordance with the NES.</p> <p>While the purpose and intent of this policy is acknowledged, the inclusion of this policy in the CARP is opposed on the basis that it unnecessary. The NES outlines the requirements for offsets (Regulation 17) and it is mandatory under the RMA for all relevant applications to discharge contaminants to air to assess the discharges against the requirements of the NES. On this basis, as this policy is just repeating provisions of a mandatory statutory planning document, this policy should be deleted.</p>	Delete Policy 6.22.
Section 7 - Rules		
<i>All activities (Rule 7.1 to 7.4)</i>		
Rule 7.3	<p>This rule provides for discharges of odour, dust or smoke, which are assessed (in accordance with Schedule 2) as being offensive or objectionable beyond the site boundary, as a non-complying activity.</p> <p>This rule is supported, as it provides an appropriate activity status for such discharges, which enables the effects of the discharge and consistency with the relevant objectives and policies of the CARP to be assessed.</p>	Retain Rule 7.3.

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<i>Industrial, trade and large scale discharges to air (Rules 7.14 to 7.59)</i>		
Rule 7.14	<p>This rule provides for discharges of PM₁₀ equal to or greater than 2.5 µg/m³ from a large scale fuel burning device (at ground level and beyond the property boundary), within a clean air zone, as restricted discretionary activity, provided the 100% of the discharge is offset in accordance with Regulation 17 of the NES.</p> <p>This rule is opposed on the basis that it is unnecessary and that it does not fully reflect the requirements of Regulation 17. As discussed above in relation to Policy 6.22, this rule reflects a regulation (or rather part of a regulation) which must be considered for all activities which discharge PM₁₀ to air. In addition, this rule does not accommodate the exceptions accommodated with Regulation 17 (i.e., as outlined in Regulation 17(2)) and therefore this rule is more onerous in terms of its requirements than the NES. As this rule is only repeating (in part) the provisions of a mandatory statutory planning document, this rule should be deleted.</p>	Delete Rule 7.14.
Rule 7.18	<p>This rule prohibits the discharge of contaminants to air from large scale fuel burning devices and industrial or trade premises), inside a clean air zone (and outside a clean air zone after notification of the CARP), that will result in the AAQGs being exceeded.</p> <p>This rule is opposed and its deletion requested. As discussed earlier within this submission, Policies 6.2 and 6.3 (subject to the amendments requested), outlines the proposed resource management approach to be adopted should ambient air quality exceed 66% or more of the AAQGs. Industrial and trade activities, and associated large scale fuel burning devices, particularly within clean air zones, should not be subject to a more onerous approach, as provided for by this rule, without consideration of the broader policy framework of the CARP or the relevant provisions of the RMA. Given that Gelita is located within a clean air zone, this rule has the potential to prohibit Gelita's ability to continue to utilise its boilers which it requires to continue to operate at its site. Rather than relying upon this rule, the management approach outlined in the amended Policies 6.2 and 6.2 should be relied upon to outline the manner in which the AAQGs will be utilised in resource management decisions within the region.</p>	Delete Rule 7.18.

Submission of Gelita (NZ) Limited on the Proposed Canterbury Air Regional Plan

CARP Provision	Submission	Decision Sought
Rule 7.19	<p>This rule permits the discharge of contaminants to air from gas fired large scale fuel burning devices, up to an output of 5 MW, provided Conditions 1 to 5 are complied with.</p> <p>This rule is supported as the discharges from such devices are likely to minor. In addition, it is likely that the discharges from Gelita's two gas fired boilers (currently authorised by Consent CRC052960.1) will meet the requirements of this rule and therefore resource consents may not need to be sought in the future.</p> <p>It is noted that this rule is similar to Rule AQL13 in the NRRP, although additional provisions in relation to stack height, namely Condition 3, have been added. It is requested that Condition 3 is deleted as this condition does not provide any environmental benefit, other conditions (Condition 5) provide appropriate guidance on stack heights, and if this Condition 3 is not deleted there is the risk that such discharges that were permitted under the NRRP will not be under this rule thus triggering the need for these activities to either seek a resource consent or invest capital funds to modify existing stacks.</p>	<p>Retain Rule 7.19, subject to deleting Condition 3 as follows:</p> <p>“ ...</p> <p>3. There are no buildings higher than 5 metres above natural ground level within a 25 m radius of the emission stack, unless the building, land or other structure is on a different property to the stack and was not established or anticipated at the time the stack was established; and</p> <p>...”</p>
Rules 7.20, 7.22 and 7.23	<p>These rules provide for the discharge of contaminants from external combustion large scale fuel burning devices, within clean air zones, as permitted and controlled activities respectively where diesel or pellets are being used to fuel the devices..</p> <p>These rules are supported as the discharges from these activities, subject to complying with the conditions, are likely to be minor and therefore permitted and controlled activity status is appropriate.</p> <p>It is noted that Gelita's boilers do not currently use diesel or pellets as fuel and therefore these rules are not applicable to Gelita's current operation. However, these rules provide Gelita with some degree of flexibility if in the future it was decided to use the fuels provided for by these rules.</p>	Retain Rules 7.20, 7.22 and 7.23.
Rule 7.27	<p>This rule provides for any discharges to air from large scale fuel burning devices, that are not provided for by other rules, as a discretionary activity.</p> <p>Discretionary activity status for such discharges is supported. This activity status enables full discretion to be applied with making a</p>	Retain Rule 7.27.

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	decision on an application for a resource consent, as outlined in section 104 of the RMA.	
Rule 7.28	<p>This rule provides for the discharge of odour from an industrial or trade process, beyond the boundary of a property, provided the discharge is not provided for by other rules in the CARP as a restricted discretionary activity. Discretion is restricted to a range of matters, including, but not limited to, the contents of an odour management plan.</p> <p>This rule is opposed. The conditions, and controls, attached to this rule, namely the requirement to ensure that such discharges are managed in accordance with the requirements of a management plan, reflect a sound resource management approach.</p> <p>However, this rule needs to be considered in the context of all of the CARP rules that provide for the discharge of odour from industrial and trade premises. As currently drafted, the discharge of odour which does not extend beyond the property boundary and which is not offensive or objectionable, unless covered by Rule 7.52, has no specific rule and therefore is a discretionary activity under Rule 7.59. The CARP then provides for discharges of odour, which does extend beyond the property boundary, but which are not offensive or objectionable, as a restricted discretionary activity in accordance with Rule 7.28 (this rule). Rule 7.3 provides for discharge of odour which is offensive or objectionable as a non-complying activity (and as noted in this submission, this activity status is supported).</p> <p>Given the current hierarchy of rules, or lack thereof, it is requested that a permitted activity rule, subject to appropriate conditions, provide for the discharge of odour that is not offensive or objectionable. However, if a split is considered necessary, whereby a resource consent is required in circumstances where there is an odour discharge beyond a property boundary (provided the discharge is not offensive or objectionable), then the activity status of such an activity should be controlled rather than restricted discretionary.</p>	<p>Amend the activity status of Rule 7.28 to either permitted or controlled activity, with appropriate amendments to conditions.</p> <p>Alternatively, amend the activity status of Rule 7.28 to controlled activity, with appropriate conditions, and create a new permitted activity rule, that provides for the discharge of odour to air, provided the discharges does not extend beyond the property boundary, subject to conditions along the lines of the conditions attached to Rule 7.52.</p>
Rule 7.52	This rule permits the discharge of contaminants into air from the ventilation of buildings (not via a stack or treatment system) located on industrial or trade premises, provided the discharge is not	Retain Rule 7.52, subject to amending Condition 3 as follows:

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	<p>provided for by other rules, and subject to conditions. The conditions include: not discharging contaminants identified in Parts 3 and 4 of Schedule 4; complying with health and safety requirements; that the discharge is not noxious or dangerous; and, the requirement to operate in accordance with a management plan if there are discharges of odour or dust beyond the property boundary (and this plan is to be provided to the CRC upon request).</p> <p>This rule is supported as these discharges, subject to complying with the conditions, are likely to be minor and therefore permitted activity status is appropriate. In the future, once Gelita has implemented its proposed odour control measures, it is likely that ventilation discharges from the site may meet the conditions of this rule. Therefore, Gelita may not need to seek a resource consent for this aspect of its operations in the future.</p> <p>It is noted that Condition 3 refers to “noxious or dangerous effects”. It is assumed that it was intended that this condition should refer to ‘noxious and offensive’, and therefore a amendment along these lines is proposed.</p>	<p>“... 3. <i>The discharge does not cause a noxious or dangerous-offensive effect; and:</i></p>
Rule 7.59	<p>This rule provides for any discharges to air from industrial or trade premises that are not provided for by other rules, as a discretionary activity.</p> <p>Discretionary activity status for such discharges is supported. This activity status enables full discretion to be applied with making a decision on an application for a resource consent, as outlined in section 104 of the RMA.</p>	Retain Rule 7.59.
Schedules		
Schedule 2: Assessment of offensive and objectionable effects.	<p>This schedule describes, amongst a range of provisions, the criteria used to assess offensive or objectionable odour and the content of odour management plans.</p> <p>The aspects of the schedule relevant to the discharges to air from Gelita’s site (i.e., potential odour effects and management requirements) are supported in part. These provisions generally reflect appropriate assessment and management approaches, and the current provisions contained in the operative NRRP.</p> <p>However, at present it could be inferred that the CRC are the only</p>	<p>Retain Schedule 2, subject to amending the ‘Criteria for assessing offensive of objectionable odour’, on p.8-11 of the CARP, in the schedule as follows: <i>“<u>The Canterbury Regional Council, and applicants for resource consent carrying out assessments pursuant to this schedule, for the purposes of assessing ...</u>”</i></p>

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	<p>party who have jurisdiction to carry out an assessment, in accordance with this schedule. This is not the case as applicants, may undertake such assessments in order to determine the rule that is applicable to their discharge. For this reason, an amendment is requested to clarify that applicants, may undertake such assessments.</p>	
<p>Schedule 4: Contaminants</p>	<p>This schedule identifies contaminants associated with discharges to air and identifies the framework, as listed in Parts 1 to 4, under which the contaminants will be managed.</p> <p>While the CARP, as currently drafted, does not refer to this schedule within its policy framework, the proposed split management regime identified is supported. The proposed management regime correctly identifies that the NES provides a management framework for specific contaminants that must be met (Part 1) and that other guidelines (as identified in the schedule) are appropriate tools for consideration when making resource management decisions.</p>	<p>Retain Schedule 4.</p>