

From: [Chris Hansen](#)
To: [Mailroom Mailbox](#)
Cc: [Shaun Burkett](#); [Murray Mackenzie](#)
Subject: Proposed Canterbury Air Regional Plan - Submission
Date: Friday, 1 May 2015 4:47:15 p.m.
Attachments: [Ravensdown Submission - ECan Air Plan FINAL 010515.docx](#)

Please find attached a submission on behalf of Ravensdown Fertiliser Co-operative Ltd to the Proposed Canterbury Air Regional Plan.

Please contact me in the first instance if you have any questions.

Regards

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
P O Box 51-282
Tawa, Wellington 5249
ph: 02102645108



SUBMISSION ON THE PROPOSED CANTERBURY AIR REGIONAL PLAN

To: Chief Executive Officer
Environment Canterbury
P O Box 345
Christchurch 8140

Submission on: The Proposed Canterbury Air Regional Plan (PCARP)

Name of Submitter: Ravensdown Fertiliser Co-operative Limited
PO Box 1049
CHRISTCHURCH

Address of Submitter: C/- CHC Ltd
P O Box 51-282
Tawa
WELLINGTON 5249
Attention: Chris Hansen

Phone: 021 026 45108
Email: Chris@rmaexpert.co.nz

1. The specific provisions of the proposed plan change that Ravensdown's submission relates to are:

The Proposed Canterbury Air Regional Plan as included in the attached submission below.

2. Trade Competition

Ravensdown could not gain an advantage in trade competition through this submission.

3. Ravensdown's submission is:

Refer to submission points below. The relief sought by Ravensdown are also outlined in the submission points below.

4. Ravensdown wishes to be heard in support of this submission.

Ravensdown would be prepared to present a joint case with others that have made similar submissions at a hearing.



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Chris Hansen
Authorised Agent for Ravensdown Fertiliser Co-operative Ltd
1 May 2015

SUBMISSION ON STAGE 1 OF THE PROPOSED CANTERBURY AIR REGIONAL PLAN

1 Ravensdown's interest in the Canterbury Region

1.1 Introduction

The following submission is made on behalf of Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to the Proposed Canterbury Air Regional Plan (PCARP).

Ravensdown takes an interest in regional and district plans from two perspectives – how plan provisions affect their own manufacture and storage activities, and how the plan provisions may affect the users of their products. When considering plans Ravensdown wishes to ensure planning provisions are enabling and are not unduly restrictive. In particular, as discussed below, Ravensdown's Hornby fertiliser manufacturing plant have air emissions that are subject to the PCARP and have implications on its operations.

In this context, Ravensdown is mindful that the purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources, while achieving a number of outcomes, including avoiding, remedying or mitigating the actual or potential adverse environmental effects of an activity. Ravensdown therefore seeks for policies and plans to recognise that the RMA enables activities and anticipates environmental effects will occur, so long as these effects are managed to levels considered acceptable by the community. The RMA does not anticipate no development or zero effects from activities.

1.2 Ravensdown's Interests in Canterbury

Within the Canterbury Region, Ravensdown owns and operates a major fertiliser manufacturing plant in Hornby (one of 3 manufacturing plants in New Zealand – the others being Ravensborne (Dunedin) and Awatoto (Napier)); two lime quarries, 8 bulk fertiliser stores and 10 consignment stores.

Ravensdown's manufacture business represents a significant investment in the Canterbury Region employing 75 staff, and according to the Canterbury Development Corporation, agriculture is worth \$4.5 billion to Christchurch alone. Without the kind of fertiliser that Ravensdown supplies, (especially from the Hornby plant) research shows production would be only a third of this. Of particular interest to the PCARP is the Hornby fertiliser manufacturing plant which represents a \$100 - 130m investment employing 55 staff.

The Hornby fertiliser manufacturing plant currently holds a discharge to air permit granted in February 2010 which expires in 2030. The consents specifically allows for the discharge of sulphur dioxide not exceeding the rates set in conditions. The Hornby plant is within the Christchurch Clean Air Zone and the provisions of this zone (already) apply to the site. These provisions will have a profound effect on the Hornby plant should Ravensdown wish to alter the site in any way, should ECan wish to review its current consents, or when its consents are up for renewal in 2030. For example, the PCARP as drafted has no recognition of the importance of industry and the investment

made in existing industry. Avoidance policies and prohibited activity status will likely mean that the 85 year operation at Hornby will need to close at the expiry of its consent – or sooner if reviewed (if this is the case).

1.3 Structure of Submission

Ravensdown's submission is divided into two parts: Part I provides some general comments on the PCARP and provides comment on the key matters of concern. Part II provides specific comment on the PCARP provisions, and the amendments sought by Ravensdown to address the key matters of concern addressed in Part I.

1.4 Moving Forward

Ravensdown has been involved extensively in regional plans throughout New Zealand and has been involved in different processes in different regions. Ravensdown has found it particularly helpful where councils have entered into pre-hearing meetings or mediation with submitters, to explore submission points and identified possible agreed solutions prior to hearings. This has meant only matters that are outstanding proceed to hearings, and the time and effort (and costs) involved in attending hearings is minimised.

The Auckland Unitary Plan process is a case in point, where Council provides a marked-up version of the plan provisions based on their review of submissions. This marked up version is then used in mediation with an Independent Mediator where parties review the Council's suggested amendments, and any further amendments that are agreed through the mediation. A formal record of the mediation is circulated to all parties. The agreed marked up version then becomes the basis of the Council Officer evidence which addresses the outstanding matters.

Ravensdown would highly recommend Environment Canterbury adopt such an approach to submissions on the PCARP. Such an approach is considered particularly necessary as the PCARP in its current form has significant implications on existing industrial activity in the region, including Ravensdown's facilities.

2 Part I - General Comment on the Proposed Canterbury Air Regional Plan

2.1 General Support

Ravensdown generally supports the intent of the PCARP, subject to amendments to address the matters raised in this submission. Without such amendments, Ravensdown would be concerned the PCARP would have impacts on the wider community, and in particular industrial activities, that will not meet the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

2.2 Recognition of existing industrial activities

Ravensdown believes there is an inherent lack of recognition of existing industrial activities in the PCARP, and recognition that these industrial activities provide significant economic and social benefits to the region. There are no enabling objectives or policies relating to existing activities, and no rules that particularly provide for existing activities than might already be consented or might comply with the provisions of the NES Air Quality. For example, there are no permitted activities included within Rules 7.14 – 7.18. While there are permitted activity rules for specific discharges, none specifically provide for existing activities than might already be consented or might comply with the provisions of the NES Air Quality. Similarly objectives and policies appear to focus on ensuring any existing industrial activities reduce their emissions or reduce their impacts on surrounding land use patterns that might be changing, rather than recognising that these industries exist and need to be sustainably managed.

As stated above, Ravensdown's Hornby fertiliser manufacturing plant is not recognised and provided for in the PCARP, and this has significant consequences on the long term operation and viability of this important physical resource.

Ravensdown considers there is a need for a clear statement associated with the purpose of the PCARP that recognises that existing activities are important to the region and are recognised and provided for. Ravensdown seeks such a statement in Submission Nos. 1; 8; 19 and 20 of Part II below.

2.3 Reverse Sensitivity Issues

Following on from the above point, Ravensdown opposes the current approach in the PCARP that puts a focus on the changing surrounding land use patterns and requires existing activities to '*reduce effects or relocate*' if their emissions are having an adverse effect on the surrounding land use that may have changed in recent times (Policies 6.6; 6.7; 6.8; 6.19). In particular, Ravensdown notes there is no requirement in the RMA to internalise all effects within a site boundary, although it is accepted by the Court that all reasonable steps should be taken to try and do so. Furthermore, the possibility of relocating the Hornby fertiliser manufacturing plant would be at substantial cost (\$100 - \$130m to relocate) and it is questionable where in Canterbury such an activity could be established as the PCARP rules, as they are currently written, would require at best a non-complying activity consent which may prove difficult to gain.

Ravensdown considers the reverse sensitivity approach taken in the PCARP is contrary to the provisions of the Canterbury Regional Policy Statement (Policy 14.3.5) which gives clear direction that:

“In relation to the proximity of discharges to air and sensitive land-uses:

- (1) To avoid encroachment of new development on existing activities discharging to air where the new development is sensitive to those discharges, unless any reverse sensitivity effects of the new development can be avoided or mitigated.*
- (2) Existing activities that require resource consents to discharge contaminants into air, particularly where reverse sensitivity is an issue, are to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment.*

(3) *New activities which require resource consents to discharge contaminants into air are to locate away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated.*”

The RMA requires a regional plan to give effect to a RPS (s.67 (3)(c)), and in Ravensdown’s view the PCARP fails to meet the requirements of the Act in this regard. The amendments to the PCARP that Ravensdown seek to address this failure is included in Submission Nos. 10; 16; and 17 in Part II below.

2.4 Inappropriate use of the Ambient Air Quality Guidelines (AAQG)

The PCARP makes constant use and reference to the Ambient Air Quality Guidelines 2002 (AAQG) published by the Ministry for the Environment (MfE). The primary purpose of the AAQG is: “... *to promote sustainable management of the air resource in New Zealand.*”(1.1 Purpose; Page 1). The AAQG goes on to state: “*Guideline values are the minimum requirements that outdoor air quality should meet in order to protect human health and the environment. Where air pollution levels breach guideline values, emission reduction strategies should be implemented to improve air quality. Where levels do not breach the values, efforts should be made to maintain air quality and, if possible, reduce emissions. This is particularly important for those pollutants, such as particles less than 10 microns in diameter (PM₁₀), for which the guideline value cannot be based on a ‘no observable adverse effects level’.*” (1.1 Purpose; Page 1).

Ravensdown notes the AAQG goes to include a number of statements regarding how the guidelines should or should not be used:

- “*Guideline values should not be used as limits to pollute up to*” (1.1 Purpose; page 1);
- “*Guideline values and advice on how to apply them are not legislative requirements under the RMA or any other legislation.... As such they should be afforded considerable weight in decision-making on air quality management.*” (1.5 Status of the Guidelines; page 6);
- “*As was stated in the 1994 Guidelines, the ambient guideline values are not designed to be used to assess the environmental and health impacts of individual discharges to air as required by the RMA, or a regional or district plan. Individual discharges include point, area or line sources from activities such as industries, roads and sewage-treatment plants.*” (3.7 Assessing individual discharges to air; Page 40);
- “*...it is useful to briefly look at how the ambient guideline values should not be used to assess individual discharges, and to highlight key issues that must be taken into account in assessing the environmental impacts of individual discharges through the resource consent and plan processes.*” (3.7 Assessing individual discharges to air; Page 40)

Policy 6.21 and Rule 7.18 of the PCARP use the AAQG as a regulatory method to determine avoidance and a prohibited activity status for an activity. Ravensdown considers this use of the AAQG in this regulatory context is inappropriate and contrary to the intentions of the Guidelines and reference to the guidelines should be deleted.

Furthermore, Policy 6.2 requires that the adverse effects on air quality where concentrations of contaminants are between 66% and 100% of the guideline values set out in the Ambient Air Quality

Guidelines 2002 Update are minimised, so that concentrations do not exceed 100% of those guideline values. Ravensdown is unclear what Council intends to do if the 66% value is exceeded, whether this exceedance will apply to an individual activity, and how this requirement is to be implemented in the rules.

Ravensdown seeks Council to amend these provisions as included in Submission Nos. 11; 12; and 13 in Part II below.

2.5 Principle of ‘Avoid’ as only management option leading to ‘Prohibited Activity Status

The RMA prohibits discharges into air from industrial and trade premises unless the NES Air Quality, a rule in a regional plan or a resource consent expressly allows the discharge. To ensure these activities can take place, the PCARP must provide rules that enable discharges.

Ravensdown acknowledges a policy which references the word ‘avoid’ can enable a prohibited activity status. The Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited [2014] NZSC 38* considered the meaning of the word ‘avoid’ as it is used in s.5(2)(c) (sustainable management purpose) of the RMA, and in the relevant provisions of the New Zealand Coastal Policy Statement and held that ‘avoid’ has its ordinary meaning of ‘not allow’ or ‘prevent the occurrence of’. The Court noted that ‘avoid’ must be considered against the background of the particular goals that the avoidance is the means to achieve (for example, the particular policies).

Ravensdown notes Policy 6.21 in the PCARP reads:

“Avoid the discharge of contaminants into air from any large scale burning device or industry or trade premise, where the discharge will result in the exceedance, or exacerbation of an existing exceedance, of the guideline values set out in the Ambient Air Quality Guidelines 2002 Update.”

Rule 7.18 in the PCARP is related to Policy 6.21 and states:

“The discharge of contaminants into air from a large scale fuel burning device or from an industrial or trade premise established either: inside a Clean Air Zone; or outside a Clean Air Zone after 28 February 2015, that will likely result in guideline values, set out in the Ambient Air Quality Guidelines 2002 Update, being exceeded is a prohibited activity.”

Ravensdown does not accept the Policy 6.21 should be limited to ‘avoid’ as the only management option, and that ‘avoid’ in this context justifies a prohibited activity status in Rule 7.18. The activity status should be considered on its merits, based on the current applicable standards. Ravensdown’s Hornby fertiliser manufacturing plant is located in the Christchurch Clean Air Zone and would be a prohibited activity under Rule 7.18 as it is understood the PM₁₀ values contained in the AAQG are already breached.

The AAQG have not been through a robust RMA process, and therefore do not hold the same weight as the NESAQ. While it accepted that Council can adopt a prohibited activity status if it has been through a robust assessment of options process, there is no justification, based on meeting the AAQG values or on the evaluation included in the Section 32 Report, that justifies prohibited activity status

being adopted. On the contrary, in the “*Table – Evaluation of effectiveness of the proposed objectives; Objective 5.1*” (Page 4-39 of the Section 32 Report) the following statement is made: “*The rules provide certainty around environmental limits being maintained, by way of a non-complying activity status for discharges exceeding ambient air quality guidelines, and discretionary status for discharges that could potentially affect exceedances of ambient air quality guideline values.*” Ravensdown is confused by the statement in the Section 32 Report that clearly anticipated non-complying activity status for activities that did not meet the AAQG values, and Rule 7.18 which adopts prohibited activity status.

Ravensdown seeks Council to amend these provisions as included in Submission Nos. 6; 7; 18; 21; 22; and 30 in Part II below.

2.6 Section 32 Report

Ravensdown has reviewed the Section 32 Report that accompanies the PCARP. In particular, Ravensdown notes a number of statements in the Section 32 Report that gives the resource user an idea of the intent of the PCARP, and the approach being adopted to the management of the effects of activities on the air resource. In addition to the Section 32 Report already referenced above, the following Section 32 Report statements are relevant:

Section 32 Report Provision: 1 Introductory Section – About the Proposed Air Plan – paragraph 5 (Page 1-1):

*“Activity-based policies and rules are included that **manage** discharges to air from the primary sources of ... industrial processes,”* [Emphasis Added]

Section 32 Report Provision: 3 Issues and Responses – Polluted airsheds - Issues - paragraph 3 (Page 3-2)

“Emissions from industrial sources must also be reduced and this will occur as existing industry upgrades plant and equipment. New industry will need to use innovation to ensure there is no net increase in emissions within polluted airsheds.”

Section 32 Report Provision: 3 Issues and Responses – Response – Industry (Page 3-6)

“Industry

The pCARP proposes a sinking lid for industrial emissions within polluted airsheds. Emissions are capped and then reduced emissions over time through the application of the Best Practicable Option (BPO). Over time it is anticipated that headroom within the airshed will be created and this will allow for the lid to rise again within the limits of the NESAQ.

The "cap" is achieved through provisions prohibiting new emissions where ambient air quality guidelines are exceeded, if those emissions will increase overall concentrations. This means that within polluted airsheds, new PM₁₀ emitting industry will not be able to establish if it will further impact the airshed. There is provision for industry to offset their effects in polluted airsheds and this will allow for continued economic development where there is no net increase in overall emissions.

Application of BPO is sought from all activities. Existing industry seeking consent renewals or subject to consent review will need to implement BPO, and within polluted airsheds this will likely require a higher standard of mitigation than outside of polluted airsheds. Over time it is expected that application of BPO to existing industry will reduce the overall contribution of industry and commerce to PM₁₀ concentrations.”

Submission: In relation to the Introductory Statement, Ravensdown generally supports the intent to manage discharges to air from industrial processes. Ravensdown considers to ‘manage’ means adopting the full range of options available to Council (to avoid, remedy or mitigate and adverse environmental effects), and does not consider that managing the discharges infers prohibition of activities.

In relation response required by industrial sources in polluted airsheds statement, Ravensdown generally supports the intent to reduce emissions (rather than avoiding them).

In relation to the intended approach to industry and the sinking lid approach in polluted airsheds through introducing a ‘cap’ and BPO, Ravensdown supports this overall approach. Notwithstanding this support, Ravensdown does not see how this approach has been carried through into the PCARP.

Overall, while Ravensdown supports some aspects of the Section 32 Report, Ravensdown considers the Section 32 Report is flawed as:

- There is a lack of recognition of existing industrial activities and the benefits they bring to the community;
- There is a lack of a costs/benefits evaluation of adopting the objectives and policies included in the PCARP; and
- The intentions of the Section 32 Report do not appear to be fully carried through into the PCARP which has adopted a much more draconian approach to industrial activities (discharges of contaminants into air from industrial and trade premises) within Clean Air Zones. In Ravensdown’s opinion, the effectiveness and efficiency of the provisions adopted in the PCARP have not been adequately evaluated (as required by s.32 of the RMA – as amended in RRMAA 2013) in the Section 32 Report.

Ravensdown seeks Council to amend these provisions as included in Submission Nos. 5; 9; 10; 22; 28; 30 in Part II below.

3 Part II - Specific Submission Points

In addition to the general submission points made above a number of requested changes to provisions are set out below. However, Ravensdown's submission and relief sought are not restricted to the specific words used. While suggesting possible amendments to wording, Ravensdown generally seeks such other or alternative wording for the provisions it seeks changes to which would properly address the concerns raised in this submission.

#	Page No.	Plan Provision	Support / Oppose	Comment	Relief Sought
1	1-1	1 Introduction	Support in part	<p>Ravensdown particularly supports the intent of the PCARP to provide for industrial and economic growth in appropriate areas, including through the adoption of the best practicable option and best practice.</p> <p>Notwithstanding this support, Ravensdown has a number of significant concerns regarding a number of the PCARP provisions that raise legal and planning issues, and these are discussed in detail below.</p>	<p>Ravensdown seeks the following additional statement to be added to the end of paragraph 2, 1 Introduction (Page 1-1) (or similar):</p> <p><i><u>“The Air Plan also recognises the importance of existing industrial activities which represent significant investment and provide significant economic and social benefits to the Canterbury Region, and will provide for the ongoing use and development of these activities.”</u></i></p>
2	1-3	1 Introduction - Industrial and large scale discharges of contaminants	Oppose	<p>Ravensdown notes in the section Sources of contaminants (page 1-3) the plan states <i>“Monitoring data indicate that industrial sources contribute 7% - 17% and motor vehicles contribute 3% - 16% of total PM10 concentrations in the polluted airsheds”</i>. Ravensdown questions why the first sentence in the section Industrial and large scale discharges of contaminants says industry contributes a significant proportion of the contaminants in air. Ravensdown does not consider 7 – 17% could be classified as significant.</p>	<p>Ravensdown seeks for Council to amend the first sentence of the Introductory Section Industrial and large scale discharges of contaminants to read:</p> <p><i>“Industry, including the service industry, contributes a significant proportion of the contaminants in our air, including odour and dust, particularly in urban areas.”</i></p>
3	1-7	1 Introduction – Working with key partners	Support in part	<p>Ravensdown generally supports ECan working with key partners, and looking to industry to provide solutions through technology to air quality issues. However, this collaborative approach is not borne out in rules for activities that discharge contaminants to air from an industrial and trade premise within a Clean Air Zone, which is deemed a prohibited activity (discussed further below).</p>	<p>Ravensdown seeks for Council to retain the intent of the collaborative approach with key partners, and carry this approach into the rules contained within the PCARP, as discussed further below.</p>

4	4-11	Table 4.1 – Large scale and industrial emissions	Support	<p>Ravensdown acknowledges that this statement is included in Table 4.1 to demonstrate how the PCARP intends to implement the outcomes sought in the Ngai Tahu Iwi Management Plan Objectives. The Iwi Management Plan Objective intends to ensure cultural amenity values are recognised in regional planning documents, and are protected from activities that result in the discharge of contaminants to air.</p> <p>Ravensdown supports this statement which is enabling, with an intention that adverse effects are minimised. Notwithstanding this, Ravensdown considers the PCARP provisions do not reflect this enabling approach, as discussed below in this submission.</p>	Ravensdown seeks for Council to retain the enabling approach to the discharge of contaminants into air in order to meet the outcomes sought in the objective of the Iwi Management Plan, and delete Rule 7.18 as sought below in this submission.
5	5-1	Objective 5.2	Oppose	<p>Ravensdown considers Objective 5.2 is ambiguous as it does not define what measures are to be used to determine if air quality does not provide for people’s health and wellbeing, and how improvement over time be measured. The Section 32 Report suggests that there are 8 airsheds where “<i>minimum health standards</i>” are not being met, but there is not identification of what these health standards are. Ravensdown does note that the Section 32 Report states: “<i>This objective anticipates the pCARP approach will assist in avoiding, remedying and mitigating effects of discharging activities and improving air quality in these airsheds so that air quality standards are achieved.</i>” Ravensdown supports this statement as it intends for the range of management approaches to be taken, not simply avoiding.</p>	Ravensdown seeks for Council to delete Objective 5.2.
6	5-1	Objective 5.3	Oppose	<p>Ravensdown questions how air quality can protect mauri/life supporting capacity of the environment. The Canterbury Iwi Management Plan intends for the mauri and life supported capacity to be maintained for future generations (Table 4.1; page 4-8). Ravensdown considers the objective should reflect the outcomes sought by the Iwi Management Plan.</p>	<p>Ravensdown seeks for Council to amend Objective 5.3 to read (additions underlined; deletions strike out):</p> <p>“Air quality protects <u>is managed to ensure</u> the mauri/life supporting capacity of the environment <u>air is maintained for future</u>”</p>

					<i>generations .”</i>
7	5-1	Objective 5.5	Oppose	Ravensdown questions how this objective will be achieved as it is likely that any adverse effects on the relationship of Ngāi Tahu with their culture and traditions will be subjective. Ravensdown notes s.6 (e) of RMA requires the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga to be recognised and provided for.	Ravensdown seeks Council to amend Objective 5.5 to read (additions <u>underlined</u> ; deletions strike out): “Discharges to air do not adversely effect <u>shall be managed in a way that recognises and provides for the relationship of Ngāi Tahu with their culture and traditions with the air resource.</u> ”
8	5-1	Objective 5.7	Support in part	While Ravensdown generally supports the intention of Objective 5.7, it notes the RPS has a limited definition of nationally and regionally significant infrastructure. Ravensdown believes the objective needs to apply to all important infrastructure, including the Hornby fertiliser manufacturing plant.	Ravensdown seeks for Council to amend Objective 5.7 to read (additions <u>underlined</u> ; deletions strike out): “Nationally and regionally significant infrastructure, <u>as well as industry representing significant economic investment and benefits,</u> is enabled 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.”
9	5-1	Objective 5.8	Support in part	While Ravensdown generally supports the intention of Objective 5.8, this is really a statement rather than an Objective. Ravensdown notes the following statement is included in the Section 32 Report (Paragraph 1; Page 4-9): “For example, in an area zoned for heavy industry, it is reasonable to expect a level of air quality degradation, while expectations in residential areas would likely be for excellent air quality.”	While Ravensdown seeks for Council to retain the intent of Objective 5.8, it seeks it to be re-written to be an Objective.

10	5-1	Objective 5.9	Oppose	<p>Ravensdown considers Objective 5.9 is ambiguous and inappropriate. In particular, Ravensdown considers it is not clear what the <i>'appropriate air quality outcomes'</i> are or what the implications are for the spatial location of activities. The control of spatial planning is a district plan matter and this matter is not appropriately addressed in the PCARP.</p> <p>Ravensdown is also concerned that this objective leads into a reverse sensitivity approach proposed in policies that it opposes. In particular Ravensdown notes the Section 32 Report states: <i>"There is, however, a legacy issue where some discharging activities are located in areas where sensitive activities have moved in and are being affected by the discharging activity. This objective indicates an outcome where some discharging activities in this situation may need to relocate."</i></p> <p>Ravensdown opposes this view and challenges the approach the PCARP takes to reverse sensitivity issues. As discussed in Part I above, this approach does not implement the RPS which clearly intends existing activities to be protected from the reverse sensitivity effects of new activities locating in the vicinity. In addition, the costs of relocating have not been evaluated in the Section 32 Report to support such an approach.</p>	<p>Ravensdown seeks for Council to delete Objective 5.9. Alternatively, should Council decide to retain the Objective 5.9, Ravensdown seeks it be amended to read (additions <u>underlined</u>; deletions strike out):</p> <p><i>"<u>Working with district councils, A new activities are spatially located so that they do not result in reverse sensitivity issues with existing activities that have lawfully established air discharges and to ensure appropriate air quality outcomes are being achieved both at present and in the future.</u>"</i></p>
11	6-1	Policy 6.2	Oppose	<p>Ravensdown opposes Policy 6.2 as it uses the AAQG in a regulatory setting that is considered inappropriate and contrary to the intentions of the guidelines (as discussed in Part I above).</p>	<p>Ravensdown seeks for Council to delete Policy 6.2.</p>
12	6-1	Policy 6.3	Oppose	<p>Similar to above, Ravensdown opposes the use of the AAQG in this regulatory setting. In addition, Policy 6.3 is vague on what action will need to be taken to improve air quality, and what timeframes may be associated with any action.</p>	<p>Ravensdown seeks for Council to delete Policy 6.3.</p>
13	6-1	Policy 6.4	Oppose	<p>Ravensdown opposes Policy 6.4 as it is considered inappropriate and unnecessary. In particular Ravensdown notes that PM_{2.5} is not covered by AAQG and the WHO recommended standard is adopted. There is no justification for adopting this standard or addressing PM_{2.5} when PM₁₀ standards are being pursued.</p>	<p>Ravensdown seeks for Council to delete Policy 6.4.</p>

14	6-1	Policy 6.5	Support in part	While Ravensdown generally supports the intent of Policy 6.5, it is written as a statement rather than a policy. It should be deleted.	Ravensdown seeks for Council to delete Policy 6.5.
15	6-1	Policy 6.6	Oppose	Ravensdown opposes Policy 6.6 as it is inappropriate and unnecessary. The policy makes a vague statement regarding an outcome Council has limited ability to control, as district plan control spatial planning. The policy does not meet the basic tests for a policy, being specific, achievable, measureable and timely. It is not clear how this policy will be implemented, and how existing discharges are accommodated.	Ravensdown seeks for Council to delete Policy 6.6.
16	6-1	Policy 6.7	Oppose	Ravensdown strongly opposes Policy 6.7 which contrary to the provisions of the RPS, as discussed in Part I of this submission. Ravensdown considers this policy has the potential to be problematic moving forward on the basis of its investment in the community and in terms of the reference in the RMA to considering an applicant's value in its investment. Ravensdown believes the PCARP is unfairly targeting industry to reduce discharges and there is a lack of recognition of the importance of existing and future industry in a community.	Ravensdown seeks for Council to delete Policy 6.7.
17	6-1	Policy 6.8	Oppose in part	While Ravensdown supports in principle the idea of providing longer consent duration for air discharges, Policy 6.8 is considered inappropriate and unnecessary.	Ravensdown seeks for Council to delete Policy 6.8.
18	6-1	Policy 6.10	Support	Ravensdown supports Policy 6.10 and adopting the BPO approach to cumulative effects.	Ravensdown seeks for Council to retain the intent of Policy 6.10 as it is currently written.
19	6-1	Policy 6.11	Support in part	While Ravensdown generally supports the intent of Policy 6.11, as discussed above in this submission, it is concerned that RPS definition of ' <i>nationally and regionally significant infrastructure</i> ' is narrow and utilities focussed. Ravensdown considers there are significant industrial and trade premises that represent major investment and have national and regional economic benefits that are not captured by this policy. Ravensdown's Hornby plant is an example of such facilities. The amendments sought by Ravensdown are consistent with Policy 6.19.	Ravensdown seeks for Council to retain the intent of Policy 6.11 but broaden the scope to include industrial and trade activities by amending Policy 6.11 to read (additions <u>underlined</u> ; deletions strike out): " <i>Recognise the contribution of nationally and regionally significant infrastructure <u>and large scale industrial and trade activities to the</u></i> "

					<i>regional and national economy and provide for the operation and development of <u>those</u> ## infrastructure <u>and activities</u>.”</i>
20	6-2	Policy 6.19	Oppose	Ravensdown considers Policy 6.19 should only relate to new discharges, and a new policy is required to ensure reverse sensitivity issues do not occur on existing lawfully established land uses.	<p>Ravensdown seeks for Council to limit the policy to apply to only new activities by amending Policy 6.19 to read (additions <u>underlined</u>; deletions strike out):</p> <p><i>“Enable <u>new</u> discharges of contaminants into air associated with large scale, industrial and trade activities and nationally and regionally significant infrastructure, in locations where the discharge is compatible with the surrounding land use pattern and while ensuring that adverse effects on air quality are minimised.”</i></p> <p>Ravensdown seeks for Council to include a new Policy 6.19B as follows: <i>“<u>Ensure discharges of contaminants into air associated with existing large scale, industrial and trade activities and nationally and regionally significant infrastructure, are not adversely affected or constrained by changes in the surrounding land use patterns that may occur over time.</u>”</i></p>
21	6-2	Policy 6.20	Support	Ravensdown generally supports the BPO approach adopted in Policy 6.20.	Ravensdown seeks for Council to retain the intent of Policy 6.21 as it is currently written.
22	6-2	Policy 6.21	Oppose	Ravensdown opposes Policy 6.21. As discussed in Part I of this submission, Ravensdown opposes avoidance as the only option for the	Ravensdown seeks Council to amend Policy 6.21

				<p>management of the discharge of contaminants into air and the subsequent prohibited activity status adopted in Rule 7.18 of the PCARP.</p> <p>Ravensdown opposes the fact that Policy 6.21 contradicts Policy 6.22 which provides for off-setting within Clean Air Zones, and is contrary also to the Section 32 Report directions (also discussed in Part I of this submission).</p> <p>As also discussed in Part I above, Ravensdown also challenges use of AAQG as targets to meet which is contrary to the purpose and intent of the AAQG, as stated within the Guideline.</p>	<p>to:</p> <p>(1) Read (additions <u>underlined</u>; deletions strike out):</p> <p><i>“Avoid, <u>remedy or mitigate</u> the discharge of contaminants into air from any large scale burning device or industry or trade premise....”</i>; and</p> <p>(2) Delete the reference to the AAQG.</p>
23	6-2	Policy 6.22	Support	Ravensdown supports the intent of Policy 6.22 to provide for activities to off-set their effects in accordance with the NESAQ.	Ravensdown seeks for Council to retain the intent of Policy 6.22 as it is currently written.
24	6-3	Policy 6.25	Support	Ravensdown supports the intent of Policy 6.25.	Ravensdown seeks for Council to retain the intent of Policy 6.25 as it is currently written.
25	6-3	Policy 6.26	Support	Ravensdown supports the intent of Policy 6.26.	Ravensdown seeks for Council to retain the intent of Policy 6.26 as it is currently written.
26	7-1	Rule 7.1	Oppose	Ravensdown questions the rationale behind having this statement in the rules, and in particular whether such an approach represents good resource management practice. A situation where one rule provides for an activity as a restricted discretionary activity (such as Rule 7.14) when another rule makes the same activity prohibited (such as Rule 7.18) seems pointless and lacks planning merit.	Ravensdown seeks for Council to delete this principle from Rule 7.1.
27	7-1	Rule 7.3	Oppose	Ravensdown opposes the non-complying activity status for the discharge of odour, dust or smoke into air that is offensive or objectionable beyond the boundary of the property of origin when assessed in accordance with Schedule 2. Ravensdown considers with FIDOL approach adopted in the PCARP, any adverse effects can be identified and managed, a discretionary activity status is appropriate.	Ravensdown seeks for Council to amend activity status for Rule 7.3 to discretionary activity.
28	7-4	Rule 7.14	Support in part	Ravensdown generally supports the approach and intent included in Rule 7.14, particularly the restricted discretionary activity status for the activity. Notwithstanding this support, Ravensdown considers the purpose and	Ravensdown seeks for Council to retain the Restricted Discretionary Activity status of Rule 7.14, and provide clarity regarding its purpose

				application of Rule 7.14 is unclear.	and application.
29	7-4	Rule 7.17	Support in part	Ravensdown supports in part providing for discharges into air from industrial and trade premises outside a Clean Air Zone. Notwithstanding this support, Ravensdown considers non-complying activity status is unhelpful and a high hurdle when the re-consenting of existing activities is required. Ravensdown considers a restricted discretionary activity is appropriate, with Council restricting its discretion to similar matters contained in Rule 7.14.	Ravensdown seeks for Council to provide for discharges into air from industrial and trade premises outside a Clean Air Zone as a restricted discretionary activity, with matters to be restricted to be determined.
30	7-4	Rule 7.18	Oppose	Ravensdown opposes the prohibited activity status included in Rule 7.18 for reasons already discussed in Part I of this submission. In particular, Ravensdown opposes the use of AAQG as regulatory trigger for reasons already discussed. Ravensdown reads Rule 7.18 as meaning is fertiliser manufacturing plant at Hornby which has been lawfully established and has air discharge consents, is a prohibited activity. The costs associated with the closure and relocation of this plant is significant, and such an outcome is not evaluated in the Section 32 Report that accompanies PCARP. Ravensdown believes there are other major industrial and trade activities that will be in the same position as the Hornby Plant.	Ravensdown seeks for Council to delete Rule 7.18. Ravensdown also seeks for Council to provide for large scale industrial and trade premises within the Clean Air Zone, such as the Hornby fertiliser manufacturing plant, as a discretionary activity.
31	7-10	Rule 7.28	Support in part	While Ravensdown supports the restricted discretionary activity status of Rule 7.28, it is concerned that the current wording of the rule implies any odour beyond the boundary of the site requires consent, even if that odour is minor or intermittent. Ravensdown considers this is onerous and inappropriate.	Ravensdown seeks for Council to retain restricted discretionary activity status of Rule 7.28, and amend the rule to read (additions <u>underlined</u> ; deletions strike out): <i>“The discharge of <u>objectionable and offensive</u> odour, beyond the boundary of the property of origin, ...”</i>
32	7-10	Rule 7.29	Support	Ravensdown supports the intent and restricted discretionary activity status of Rule 7.29.	Ravensdown seeks for Council to retain the intent and restricted discretionary activity status of Rule 7.29.
33	7-12	Rule 7.37	Support in part	Ravensdown supports the intent and permitted activity status of Rule 7.37. However, Ravensdown considers any activity that is unable to meet the permitted activity standards, should be a Restricted Discretionary Activity	Ravensdown supports the intent and permitted activity status of Rule 7.37. Ravensdown seeks a new Restricted Discretionary Activity Rule that

				with Council's discretion restricted to that standard that is not met. Currently an activity that does not comply with the permitted activity standards is fully discretionary under Rule 7.59. Ravensdown considers full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met.	would provide for activities that do not meet one or more of the permitted activity standards.
34	7-13	Rule 7.38	Support in part	Ravensdown supports the intent and permitted activity status of Rule 7.38. However, Ravensdown considers any activity that is unable to meet the permitted activity standards, should be a Restricted Discretionary Activity with Council's discretion restricted to that standard that is not met. Currently an activity that does not comply with the permitted activity standards is fully discretionary under Rule 7.59. Ravensdown considers full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met.	Ravensdown supports the intent and permitted activity status of Rule 7.38. Ravensdown seeks a new Restricted Discretionary Activity Rule that would provide for activities that do not meet one or more of the permitted activity standards.
35	7-17	Rule 7.52	Support in part	Ravensdown supports the intent and permitted activity status of Rule 7.52. However, Ravensdown considers any activity that is unable to meet the permitted activity standards, should be a Restricted Discretionary Activity with Council's discretion restricted to that standard that is not met. Currently an activity that does not comply with the permitted activity standards is fully discretionary under Rule 7.59. Ravensdown considers full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met.	Ravensdown supports the intent and permitted activity status of Rule 7.52. Ravensdown seeks a new Restricted Discretionary Activity Rule that would provide for activities that do not meet one or more of the permitted activity standards.
36	7-19	Rule 7.59	Support in part	While Ravensdown supports the PCARP including a default rule, and the discretionary activity status of that rule, it questions the intent of the table and the suggestion that fertiliser bulk handling is likely to require resource consent.	Ravensdown seeks Council to retain intent and discretionary activity status of Rule 7.59, and delete reference to fertiliser bulk handling activities in the table.
37	7-22	Rule 7.72	Support	Ravensdown supports the intent and permitted activity status of Rule 7.72.	Ravensdown supports the intent and permitted activity status of Rule 7.72.
38	7-23	Rule 7.74	Support in part	While Ravensdown supports the intent and restricted discretionary activity status of Rule 7.74, it seeks to have the rule apply to the application of fertiliser. It is considered this is the intent of Rule 7.74 which refers to the conditions of Rule 7.72, and having reference to the application of fertiliser would clarify the intent of the rule. Otherwise, there would be no default rule for the application of fertiliser that does not comply with the	Ravensdown seeks for Council to amend Rule 7.74 to specifically apply to the application of fertiliser as follows (addition <u>underlined</u>):

			<p>conditions of rule 7.72.</p> <p>As Fertiliser is referenced in clause 4 of the matters of discretion included Rule 7.74, there is no need for any other amendments.</p>	<p><i>“The discharge of contaminants into air from the application of agrichemicals <u>or fertiliser</u> that does not comply with one or more of the conditions of rules 7.72 and 7.73 is a restricted discretionary activity.”</i></p>
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