

## Submission on the Proposed Canterbury Air Regional Plan

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**Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991**

**Return your signed submission by 5.00pm, Friday 1 May 2015 to:**

Freepost 1201  
Proposed Canterbury Air Regional Plan.  
Environment Canterbury  
P O Box 345  
Christchurch 8140

### A

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\* the organisation that this submission is made on behalf of

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### Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

**Please tick the sentence that applies to you:**

- ☒ I could not gain an advantage in trade competition through this submission; or
- ☐ I could gain an advantage in trade competition through this submission. **If you have ticked this box please select one of the following:**

- ☐ I am directly affected by an effect of the subject matter of the submission
- ☐ I am not directly affected by an effect of the subject matter of the submission

**Signature:**  **Date:** 30/04/2015

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

### B

- ☐ I do not wish to be heard in support of my submission; or
- ☒ I do wish to be heard in support of my submission; and if so,
- ☒ I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing

## **1. Background:**

BUPA Care Services NZ (BUPA) is a residential care provider offering accommodation and care services for the aged and those rehabilitating from serious injury. In Canterbury, the organisation runs three retirement villages: Ballarat in Rangiora, and Cashmere View and Parklands on Papanui in Christchurch.

The key discharges to air from the retirement villages are from commercial sized laundry and cooking facilities. For the most part, discharges to air from these sites have been minor and non-objectionable. These discharges have therefore been classified as permitted.

## **2. Existing resource consents, regulatory requirement and voluntary measures:**

BUPA holds a number of regional council resource consents for activities such as the disturbance and excavation of land, groundwater take and the discharge of stormwater to land and water. These resource consents were obtained through processes under the Resource Management Act 1991 pursuant to provisions of the Transitional Regional Plan or Natural Resources Regional Plan and, in some instances, required additional land use consents from the relevant territorial authorities. These consents have all been upheld and monitored accordingly.

Other relevant regulatory, contractual or voluntary requirements that assist BUPA in achieving the purpose of the RMA, include, but are not limited to:

BUPA proactively self monitor any odour discharges from their facilities. BUPA also have undertaken mitigation measures to ensure they comply with the existing permitted activity rules for operating their care facilities. Through these proactive voluntary actions BUPA do not emit offensive or objectionable odour beyond their boundary.

These obligations ensure that BUPA manages its retirement villages in a responsible manner. BUPA are committed to following best practice. However, the organisation requires certainty in its business operation in order to continue its ongoing care services. Therefore, certainty in relation to regional discharge odour rules is required.

## **3. Opposition to rule 7.28 which states the following:**

The main submission is

*The discharge of odour, beyond the boundary of the property of origin, from an industrial or trade premise is a restricted discretionary activity, except where otherwise permitted or prohibited by rules 7.29 to 7.59 below.*

*The exercise of discretion is restricted to the following matters:*

- 1. The contents of the odour management plan to be implemented; and*
- 2. The frequency of the discharge; and*
- 3. The intensity of the discharge; and*
- 4. The duration of the discharge; and*
- 5. The offensiveness of the discharge; and*
- 6. The location of the discharge; and*
- 7. The matters set out in Rule 7.2.*

It is considered that proposed Canterbury Air Regional Plan (pCARP) rule 7.28 relating to odour is ambivalent with regard to activities such as non-objectionable odour discharge associated with residential care villages, and that there are sufficient provisions contained within the proposed industry specific rules, in particular rule 7.3, to deal with discharges relating to odour.

Rule 7.3 states the following:

*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 is a non-complying activity.*

Schedule 2 sets out a number of practical and prescriptive criteria to make an assessment of whether an activity involves the discharge of odour that is offensive and objectionable. It is considered that this rule provides adequate scope for objectionable odour discharges to be dealt with by the proposed Plan.

#### 4. General submission:

As a general submission, BUPA seeks that the pCARP does not impinge on existing industry specific rules and existing permitted developments. It is considered that amendments to the proposed provisions could be introduced to provide more certainty for the operation of activities that currently have permitted use rights. A suggested policy relating to multiple-occupancy residential care homes is set out in section 5 below.

#### 5. Relief sought:

EITHER

Deletion of Rule 7.28 in its entirety:

~~The discharge of odour, beyond the boundary of the property of origin, from an industrial or trade premise is a restricted discretionary activity, except where otherwise permitted or prohibited by rules 7.29 to 7.59 below.~~

~~The exercise of discretion is restricted to the following matters:~~

- ~~1. The contents of the odour management plan to be implemented; and~~
- ~~2. The frequency of the discharge; and~~
- ~~3. The intensity of the discharge; and~~
- ~~4. The duration of the discharge; and~~
- ~~5. The offensiveness of the discharge; and~~
- ~~6. The location of the discharge; and~~
- ~~7. The matters set out in Rule 7.2.~~

This relief is sought because it is considered that this rule is too general in nature and could lead to previously permitted and non-objectionable activities requiring resource consent.

Therefore, BUPA Care Services NZ wish to ensure that the regulatory regime under the proposed Canterbury Air Regional Plan does not curtail its existing lawfully established activities.

OR

An amendment to the provisions relating to odour to exempt residential care services from rule 7.28 as follows:

*The discharge of odour, beyond the boundary of the property of origin, from an industrial or trade premise **(excluding residential care services)** is a restricted discretionary activity, except where otherwise permitted or prohibited by rules 7.29 to 7.59 below.*

*The exercise of discretion is restricted to the following matters:*

1. *The contents of the odour management plan to be implemented; and*
2. *The frequency of the discharge; and*
3. *The intensity of the discharge; and*
4. *The duration of the discharge; and*
5. *The offensiveness of the discharge; and*
6. *The location of the discharge; and*
7. *The matters set out in Rule 7.2.*

AND

Introduction of a policy relating to non-objectionable odour discharges, such as the follow example:

***Provide for discharges of non-objectionable odour that are necessary for the operation of multiple-occupancy residential premises such as residential care homes.***

[illegible]

**Add further pages as required.**



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Proposed Canterbury Air Regional Plan  
Environnement Canterbury

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