

From: [Justine Ashley](#)
To: [Mailroom Mailbox](#)
Subject: Further Submissions on pCARP
Date: Thursday, 9 July 2015 12:11:48 p.m.
Attachments: [pCARP Further Submissions \(Fonterra\).pdf](#)

Dear Sir/Madam,

Please find the attached further submissions on the proposed Canterbury Air Regional Plan on behalf of Fonterra Co-operative Group Limited.

It would be appreciated if you could please acknowledge receipt of this email.

Kind regards,
Justine.



Justine Ashley - Director

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FONTERRA CO-OPERATIVE GROUP LIMITED PROPOSED CANTERBURY AIR REGIONAL PLAN FURTHER SUBMISSIONS

To: Environment Canterbury

Submitter: **Fonterra Co-operative Group Limited**

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I confirm that I am authorised on behalf of Fonterra Co-Operative Group Ltd to make this further submission.

INTRODUCTION

1. This is a further submission on the proposed Canterbury Air Regional Plan (“**pCARP**”) by Fonterra Co-operative Group Limited (“**Fonterra**”).
2. Fonterra has an interest in the pCARP that is greater than the interest of the general public for the following reasons:
 - (a) Fonterra made a submission on the pCARP.
 - (b) Fonterra has five manufacturing sites within the Canterbury Region, being located at Kaikoura, Culverden, Darfield, Clandeboye and Studholme. Collectively, these sites process over 20 million litres of milk per day during the peak of the dairy season, and produce over 2,650,000 tonnes of product each year for export.
 - (c) Fonterra is specifically advantaged and/or disadvantaged by the provisions of the pCARP that relate to Fonterra’s interests in land.
 - (d) Fonterra’s proprietary interests and / or business or economic interests could be impacted by the provisions of the pCARP.

SUBMISSIONS SUPPORTED AND OPPOSED

3. The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.

REASONS FOR FURTHER SUBMISSION

4. For the submissions that Fonterra supports, those submissions should be allowed as they:
 - (a) promote sustainable management of resources, achieve the purpose of the Resource Management Act 1991 ("**RMA**") and give effect to Part 2 of the RMA;
 - (b) enable the social, economic and cultural well-being of the community in the Canterbury region;
 - (c) meet the reasonable foreseeable needs of future generations; and
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.
5. For the submissions that Fonterra opposes, those submissions should be disallowed as they:
 - (a) will not promote sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
 - (b) will not enable the social, economic and cultural well-being of the community in the Canterbury region;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not achieve integrated management of the effects of the use, development or protection of land and associated resources of the Canterbury region;
 - (e) will not enable the efficient use and development of Fonterra's assets and operations, and of those resources which are dependent on, or benefit from, Fonterra's assets and operations; and
 - (f) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.
6. Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

Fonterra Co-operative Group Limited

9 July 2015

Signature:

A handwritten signature in blue ink on a light yellow rectangular background. The signature reads "BBuckley" in a cursive, slightly slanted font. The first two letters "BB" are written as a single, connected unit.

Brigid Buckley
Fonterra Co-operative Group Limited
National Planning and Policy Manager

APPENDIX: FURTHER SUBMISSIONS

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
1	Canterbury District Health Board	pCARP-562	Amend the Proposed Plan to standardise the use of terminology to describe the impacts of air pollution on human health and/or state the definitions for "toxicity and volatility" and "offensive and objectionable" in addition to the definition for "noxious and dangerous".	Oppose	While Fonterra considers that definitions are useful to assist in the interpretation of plan provisions, the requested definition of "offensive and objectionable" is unnecessary and potentially counter-productive as this term is defined by Schedule 2. "Toxicity and volatility" are not referred to extensively in the plan and are scientific terms that Fonterra does not consider require specific definition in the plan as requested.	Reject submission
2	Bathurst Resources Limited	pCARP-2221	Amend all sections of the pCARP, including schedules that relate to PM _{2.5} to acknowledge that there are no guideline values currently applicable in New Zealand relating to discharges of PM _{2.5} .	Support	Fonterra considers it appropriate that the plan provisions recognise the absence of national standards or guidelines relating specifically to ambient PM _{2.5} concentrations.	Accept submission
3	Horticulture New Zealand	pCARP-1062	Amend the definition of "offensive and objectionable" as follows: Offensive and objectionable effects are effects that cause significant discomfort and need to be assessed in the context of the discharge, in particular the nature, frequency, duration, intensity and location of the discharge to determine the extent to which it may be considered offensive or objectionable. Offensive and objectionable effects will be assessed as set out in Schedule 2.	Oppose	While Fonterra considers that definitions are useful to assist in the interpretation of plan provisions, the requested definition of "offensive and objectionable" is unnecessary and potentially counter-productive as this term is defined by Schedule 2.	Reject submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
4	Horticulture New Zealand	pCARP-1065	<p>Insert a definition for "reverse sensitivity" as follows:</p> <p>Reverse Sensitivity -</p> <p>Means the vulnerability of an existing lawfully established activity to compliant from other activities located in the vicinity which are sensitive to adverse environmental effects that may be lawfully generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.</p>	Oppose	Again, while Fonterra considers that definitions are useful to assist in the interpretation of plan provisions, the requested definition of "reverse sensitivity" is confusing as it refers to the vulnerability of an activity to reverse sensitivity rather this being the actual effect.	Reject submission
5	G and T Essenberg	pCARP-1873	<p>Insert a new definition in Table 2.1 for "large greenhouse gas emitter" as follows:</p> <p>An industry, business or agency that emits more than x tonnes of greenhouse gas either through production of its produce, its customers, its staff or from the work that it undertakes.</p>	Oppose	Fonterra opposes any reference to greenhouse gas emissions as such emissions are beyond the scope of the pCARP and RMA.	Reject submission
6	Mrs Molly Melhuish	pCARP-2422	<p>Insert a definition for "air quality" into Table 2.1, and the present definition based on PM₁₀ measured daily should be reviewed by the Ministry for the Environment independently, and replaced by cumulative exposure to PM_{2.5}. PM₁₀ and daily exposure should be retained as objectives but secondary to cumulative PM_{2.5}.</p>	Oppose	Fonterra considers that air quality is a complex aspect of the overall environment that cannot solely be defined by ambient levels of individual contaminants, such as PM ₁₀ or PM _{2.5} particulate referred to in the submission. Fonterra therefore considers it would be detrimental to provide a simplified definition of air quality based on individual contaminants as requested.	Reject submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
7	Gelita (NZ) Limited	pCARP-2902	<p>Delete the definition of "large scale fuel burning device" and replace with the following definition from the NRRP:</p> <p>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.</p>	Support	Fonterra supports the submitter's request to delete the definition of "large scale fuel burning device" and replace it with the definition from the NRRP as it is considered to better encapsulate the type of devices subject to the corresponding provisions.	Accept submission
8	Mobil New Zealand Limited, BP Oil New Zealand Limited, and Z Energy Limited	pCARP-3086	<p>Delete the definition of "sensitive activities" and replace with the following:</p> <p>Activities sensitive to air discharges:</p> <p>Activities sensitive to a reduction in ambient air quality.</p> <p>Includes:</p> <ul style="list-style-type: none"> • Dwellings • Accommodation facilities • Facilities for education, community, worship, entertainment and healthcare and other care purposes • Marae complex 	Support in part	Fonterra supports the replacement definition of "sensitive activities" sought by the submitter, except for the inclusion of the text "Activities sensitive to a reduction in ambient air quality". Reference to ambient air quality within the definition is not supported on the basis that "sensitive activities" are more likely to be impacted by localised air discharges.	Accept submission in part

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
9	Mrs Molly Melhuish	pCARP-421 & pCARP-2439	Amend Objectives 5.1 & 5.2 to include the definition of air quality as including/reflecting cumulative exposure to PM2.5.	Oppose	Fonterra considers that air quality is a complex aspect of the overall environment that cannot solely be defined by ambient levels of individual contaminants, such as PM ₁₀ or PM _{2.5} particulate referred to in the submission. Fonterra therefore considers Objectives 5.1 and 5.2 should not refer to specific contaminants but continue to refer in general terms to the provision for people's health and wellbeing.	Reject submissions
10	Gelita (NZ) Limited	pCARP-2903 & pCARP-2904	Amend Objectives 5.1 & 5.2 by amalgamating Objective 5.1 and 5.2 into the following objective: Where air quality provides for people's health and wellbeing, it is maintained, and where it does not air quality is improved over time.	Support	Fonterra's supports the submitter's proposed amendments to Objectives 5.1 and 5.2 as the wording is considered to be improve clarity and workability of the policy framework.	Accept submissions
11	Gelita (NZ) Limited	pCARP-2906	Amend Objective 5.6 as follows: Developments and innovation in technology which have the potential to provide solutions to air quality issues are to be recognised and appropriately provided for.	Support	Fonterra supports the submitter's proposed amendment to Objective 5.6 as the wording provides a more appropriate context for addressing developments and innovation in technology.	Accept submission
12	Gelita (NZ) Limited	pCARP-2907	Amend Objective 5.7 as follows: Nationally and regionally significant infrastructure and industry is recognised and provided for such that they can be resilient ...	Support	Fonterra supports the submitter's proposed amendment to Objective 5.7 as the social and economic benefits derived from large-scale industry should be recognised within the policy framework.	Accept submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
13	Meridian Energy Ltd	pCARP-2695	<p>Amend Policy 6.1 as follows:</p> <p>Discharges of contaminants into air, either individually or in combination with other discharges should avoid, remedy or mitigate adverse effects that cause or is likely to cause:</p> <p>a) A hazardous, noxious, dangerous or toxic effect on human health; or</p> <p>b) Significantly diminished visibility; or</p> <p>c) Corrosion or significant soiling of structures or property; or</p> <p>d) A hazardous, noxious, dangerous or toxic effect on the mauri/life supporting capacity of ecosystems, plants or animals.</p>	Support	Fonterra supports the submitter's proposed amendment to Policy 6.1 as the wording better describes the nature of adverse effects and provides an appropriate context for assessment of air discharges.	Accept submission
14	Mrs Molly Melhuish	pCARP-432	Amend Policy 6.4 to require PM _{2.5} to be the primary target source, and the concentration target to be met at an earlier date.	Oppose	Fonterra supports the target approach to the management of PM _{2.5} proposed in Policy 6.4 in the absence of national standards or guidelines relating to PM _{2.5} . Fonterra also supports the proposed focus of PM _{2.5} management on urban areas where health effects of PM _{2.5} are most likely to occur. Fonterra therefore opposes the submitter's proposed amendments.	Reject submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
15	St George's Hospital Limited	pCARP-776	Amend Policy 6.4 as follows: As far as practicable and while providing for industrial growth, reduce overall concentrations of contaminants of PM _{2.5} in clean air zones so that by 2030 PM _{2.5} concentrations within a clean air zone do not exceed 25 micrograms per cubic metre (24 hour average).	Support	Fonterra supports the submitter's proposed amendment to Policy 6.4 as it recognises that the PM _{2.5} target may not be achievable in all circumstances.	Accept submission
16	Mrs Molly Melhuish	pCARP-2451	Amend Policy 6.4 to require a cost benefit analysis of the cost of upgrading industrial discharges compared to the cost per particle to be spent on non-regulatory actions, and set a budget for particle removal, and negotiate with the relevant industries to maximise pollution reduction.	Oppose	Fonterra opposes the amendment to Policy 6.4 as the relief sought is vague and the reasoning is unsubstantiated.	Reject submission
17	Gelita (NZ) Limited	pCARP-2912	Amend Policy 6.4 as follows: As far as practicable and while providing for industrial growth, reduce overall concentrations of contaminants of PM _{2.5} in clean air zones so that by 2030 PM _{2.5} concentrations within a clean air zone do not exceed 25 [micrograms]/m ³ (24 hour average), while providing for industrial growth.	Support	Fonterra supports the submitter's proposed amendment to Policy 6.4 as it recognises that the PM _{2.5} target may not be achievable in all circumstances.	Accept submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
18	Fonterra Co-operative Group Limited	pCARP-722 & pCARP-724	Delete Policy 6.22 and amend airshed boundaries gazetted under the National Environmental Standards for Air Quality 2005 to match District Plan urban areas.	Support	Fonterra's submission points has been summarised inaccurately. The Summary states that the relief sought is "Delete Policy 6.22 and amend airshed boundaries gazetted under the National Environmental Standards for Air Quality 2005 to <u>match District Plan urban areas</u> ". The relief sought in the submission was to "Delete Policy 6.22 and amend NESAQ gazetted airsheds to match <u>increased urban areas, as required</u> ".	Accept submission as sought in original submission
19	Alliance Group Limited	pCARP-2975	Amend Policy 6.24 as follows: The discharge of contaminants...is appropriately located and where adverse effects on sensitive receptors are avoided, remedied or mitigated.	Support	Fonterra supports the amendments sought as it provides the necessary context for assessing the 'appropriate location' of waste management processes.	Accept submission
20	Poultry Industry Association of New Zealand (Inc); Egg Producers Federation of New Zealand (Inc)	pCARP-1756	Insert a new policy as follows: Rural Discharge to Air - Policy 6.26A The discharge into air meets the amenity expectation of the zone into which the activity discharges.	Oppose	Fonterra opposes the submitter's request to include a new policy, Policy 6.26A, as the wording is vague and could be used to support reverse sensitivity effects on existing activities discharging to air.	Reject submission
21	G and T Essenberg	pCARP-325	Insert a new rule as follows: That industries, businesses or other generators that cause or benefit from the generation of greenhouse gases will be required to have an air plan with targets that will reduce the emission of greenhouse gases by 2% per annum.	Oppose	Fonterra opposes any reference to greenhouse gas emissions as such emissions are beyond the scope of the pCARP and RMA.	Reject submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
22	Mrs Molly Melhuish	pCARP-2416	Amend industrial and large scale discharges to air rules to apply sanctions to persistent industrial/commercial polluters, with warnings followed by fines if necessary.	Oppose	Fonterra opposes the amendment sought by the submitter as it is considered to be vague and subjective.	Reject submission
23	Canterbury District Health Board	pCARP-543 & pCARP-547	Amend Condition 1 of Rule 7.29 and Condition 5 of Rule 7.52 to require an independently auditable Dust Management Plan to be implemented to demonstrate that adverse effects on human health and the environment are being effectively avoided, remedied or mitigated. This plan shall be supplied to the CRC at the time of consent application and audited at the discretion of the CRC.	Oppose	Fonterra opposes the amendments sought by the submitter to require an independently auditable Dust Management Plan as such a requirement is considered unnecessary in light of the existing pCARP provisions.	Reject submissions
24	Mr Stuart Keer-Keer	pCARP-372	Amend Condition 2 of Rule 7.52 to change the reference from Work Exposure Standards 2013 to the current New Zealand Work Exposure Standards, or where one does not exist, NIOSH standards or from other recognised international agencies. Change compliance to less than equal to 0.2 of the exposure standard.	Oppose	Fonterra opposes the submitter's request to amend Condition 2 of Rule 7.52 by changing compliance to less than equal to 0.2 of the exposure standard. The submitter's requested amendments are considered to be unduly onerous and unjustified.	Reject submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
25	Carter Holt Harvey Pulp & Paper Ltd	pCARP-2379	Delete Condition 2 of Rule 7.52.	Support	Fonterra supports the deletion of Condition 2 of Rule 7.52 as occupational exposure is controlled by Worksafe NZ under other legislation and no s32 analysis has been provided to support a connection between compliance with workplace exposure standards and management of off-site environmental effects of building ventilation discharges.	Accept submission
26	Ravensdown Fertiliser Cooperative Limited	pCARP-2805	Retain the discretionary activity status of Rule 7.59	Support	Fonterra considers that the discretionary activity status of Rule 7.59 is appropriate.	Accept submission
27	DairyNZ	pCARP-2547, pCARP-2549 & pCARP-2552	Delete Rule 7.66. Provide alternative relief by amending Rule 7.66 to focus on the activity to which the odour will arise from (the collection, storage, treatment and application onto land of animal effluent associated with structures accommodating cattle for more than 12 hours at a time) and amend condition 1 as follows: ...200 m from the property boundary and 1500m from any land zoned for urban use. Provide consequential amendments to Rule 7.67 to reflect changes sought above.	Support	Fonterra supports the relief sought by the submitter as it is considered that the permitted activity standards of Rule 7.66 are overly restrictive and do not necessarily relate to the potential odour source.	Accept submissions

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
28	Selwyn District Council	pCARP-1131	Insert additional Schedule containing diagrams in Table 1 and Figure AQL2 of the NRRP (pg.3-29/30) relating to the Ambient Air Quality Guidelines.	Oppose	Fonterra opposes the relief sought as the categorisation of Ambient Air Quality Guidelines values is considered to be inappropriate.	Reject submission
29	Waimakariri District Council	pCARP-1363	Insert an additional Schedule that sets out Ambient Air Quality Guidelines as provided for by table AQL1 and Figure AQL2 of the NRRP (pages 3-29/30 NRRP).	Oppose	Fonterra opposes the relief sought as the categorisation of Ambient Air Quality Guidelines values is considered to be inappropriate.	Reject submission
30	Canterbury Aggregate Producers Group	pCARP-3027	Delete the section headed "Information to be provided for resource consent applications where the effects of the activity are unknown or unpredictable due to absence of information" from Schedule 1 [pg. 8-5].	Support	Fonterra supports the deletion of this section as there is likely to be some level of 'unknown or unpredictable' elements to any assessment of air quality effects, which does not necessarily require a detailed risk assessment.	Accept submission
31	Mr Stuart Keer-Keer	pCARP-374	Amend Schedule 2 to include the following: Reports from independent odour scouts. Odour scouts must have a calibrated nose.	Oppose	Fonterra considers that field observations or "scouting" of odour can provide a useful means of assessing potential odour nuisance effects. However, Fonterra considers it both unnecessary, unhelpful and costly to require mandatory nose calibration of those undertaking odour observations, as requested.	Reject submission
32	Fonterra Co-operative Group Limited	Submission No.32 omitted from Summary of Submissions	Amend Schedule 6 so as to read: Combustion sources having a net energy output of less than or equal to 2MW within a Clean Air Zone or 5MW outside a Clean Air Zone As a minimum requirement the particulate sampling must comply with either ISO9096:2003(E), ASTM D3685M-98, AS	Support	Fonterra's submission No.32 appears to have been omitted from the Summary of Submissions.	Accept submission as sought in original submission

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
			<p>4323.2-1995, USEPA Method 5, USEPA Method 17 or a current equivalent method that complies with the fundamental sampling requirements of ISO9096:2003(E). Where this methodology is used alone, it will be assumed for compliance purposes that all particulate matter is PM₁₀. In circumstances where additional size specific sampling is necessary to demonstrate compliance with PM₁₀ emission limits in the Plan, the particulate sampling must comply with USEPA.</p> <p>Method 201 or USEPA Method 201A or a current equivalent method that complies with the fundamental sampling requirements of that method.</p> <p>Combustion sources having a net energy output of more than 2MW within a Clean Air Zone or 5MW outside a Clean Air Zone</p>			

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
			<p><u>For these larger combustion sources both filterable and condensable particulate matter are to be measured. As a minimum requirement the filterable particulate sampling must comply with either ISO9096:2003(E), ASTM D3685M-98, AS 4323.2-1995, USEPA Method 5, USEPA Method 17 or a current equivalent method that complies with the fundamental sampling requirements of ISO9096:2003(E). Where this methodology is used alone it will be assumed for compliance purposes that all filterable particulate matter discharged is PM10. In circumstances where additional sizes specific sampling is necessary to demonstrate compliance with PM10 emission limits in the Plan, the filterable particulate sampling must comply with USEPA Method 201 or USEPA Method 201A or a current equivalent method that complies with the fundamental sampling requirements of that method. The condensable particulate sampling must comply with USEPA Method 202 or a current equivalent method that complies with the fundamental sampling requirements of that method. The test results should specify total particulate matter as the sum of filterable and condensable components. ...</u></p>			

#	Submitter	Submission Point	Relief Sought	Support/ Oppose	Reasons	Decision Sought
33	Mr Stuart Keer-Keer	pCARP-375	Amend Schedule 6 to require condensable particulate to be determined for all combustion sources.	Oppose	For the reasons outlined in Fonterra's primary submissions (referred to above, omitted from the summary of submissions) Fonterra considers the requirement to test condensable particulate emissions for appliances of greater than 2MW within a clean air zone and greater than 5MW outside of a clean air zone to be inappropriate. Fonterra likewise considers the application of this testing requirement to all combustion appliances, as requested, also to be inappropriate.	Reject submission
34	Winstone Wallboards Limited, a division of Fletcher Building	pCARP-2241	<p>Insert a new paragraph into Schedule 6 to make dispensation for the measurement of PM10 in saturated stacks as follows:</p> <p>For saturated stacks the sampling method shall be agreed with Environment Canterbury prior to sampling.</p>	Support	Fonterra supports the submitter's request to insert a new paragraph into Schedule 6 to make dispensation for the measurement of PM ₁₀ in saturated stacks as the US EPA states that method 201A is not to be used for this purpose. For clarity Fonterra considers "for saturated stacks the sampling..." as proposed by the submitter should be replaced with "for sampling of stacks that are saturated with water vapour or contain entrained water droplets, the sampling..."	Accept submission