

From: [Nigel Bryce](#)
To: [Mailroom Mailbox](#)
Cc: [Warwick Catto](#); [Gavin Kemble](#)
Subject: Ballance Agri-Nutrients Limited - Further Submission to the Proposed Canterbury Air Regional Plan
Date: Friday, 10 July 2015 2:21:42 p.m.
Attachments: [Final_Further_Submission_of_Ballance_Agri-Nutrients_Limited_Proposed_Canterbury_Air_Plan.pdf](#)
[ATT00001.htm](#)
[PastedGraphic-1.tiff](#)
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**FURTHER SUBMISSION TO PROPOSED CANTERBURY AIR REGIONAL
PLAN (FEBRUARY 2015)**

TO: Canterbury Air Regional Plan,
Environment Canterbury,
Freepost 1201,
PO Box 345,
Christchurch, 8140

BY E-MAIL: mailroom@ecan.govt.nz

FURTHER SUBMISSION ON: Proposed Canterbury Air Regional Plan

NAME OF FURTHER SUBMITTER: Ballance Agri-Nutrients Limited

ADDRESS FOR SERVICE: Ballance Agri-Nutrients Limited
Hewletts Road, Mt Maunganui
Private Bag 12 503
Tauranga Mail Centre
Tauranga 3143

Attention: Mr Warwick Catto

Phone: (07) 572 7858

1.0 INTRODUCTION

Ballance Agri-Nutrients Limited (hereafter referred to as '**Ballance**', or '**the Company**') made submissions to the provisions to the Proposed Canterbury Air Regional Plan (hereafter referred to as the '**proposed Air Plan**') in May 2015. Ballance set out, in its submission (Council Submitter Number 63247), the Company's interests within the Canterbury Region. That information is not re-stated here.

Ballance has an interest in the various provisions and submission points that is greater than that of the general public.

Ballance wishes to be heard in support of its submissions and Further Submissions. If others make a similar submission Ballance would consider presenting a joint case with them at any hearing.

Ballance cannot gain an advantage in trade competition through this submission.

Ballance's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to Proposed Canterbury Air Regional Plan'.

Signature:

A handwritten signature in blue ink, appearing to be 'Warwick Cato', written over a large, light blue oval shape.

pp

Lodged on behalf of Warwick Cato, for and on behalf of Ballance Agri-Nutrients Limited

Date: 10th of July 2015

2.0 FURTHER SUBMISSIONS TO THE PROPOSED CANTERBURY AIR REGIONAL PLAN

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Horticulture New Zealand 63138	pCARP-1064	<p>Definitions</p> <p><u>Submission Summary:</u></p> <p>Submitter seeks to retain definition of ‘fertiliser’.</p> <p>“</p> <p><i>Means a substance or biological compound or mix of substances or biological compounds that is described as or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:</i></p> <ol style="list-style-type: none"> 1. <i>Nitrogen, phosphorous, potassium, sulphur, magnesium, calcium, chlorine or sodium as major nutrients; or</i> 2. <i>Manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine or selenium as minor nutrients; or</i> 3. <i>Fertiliser additives; and includes non-nutrient attributed of materials used in fertiliser; but</i> <p><i>does not include substances that are plant growth regulators that modify the physiological functions of plants.”</i></p>	Support	<p>The reasons for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) The definition is consistent with the definition of ‘fertiliser’ under the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997, and is consistent with those products covered under the Hazardous Substances and New Organisms Act 1996. 	<p>Ballance seeks:</p> <p>That Submission Number pCARP-1064 be accepted.</p>
Horticulture New Zealand 63138	pCARP-1065	<p>Definitions</p> <p><u>Submission Summary:</u></p> <p>Insert a new definition for ‘reverse sensitivity’ as follows:</p>	Support	<p>The reason for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) That the Proposed Air Plan provides for extensive reference to the term ‘reverse sensitivity’ which is not 	<p>That Submission Number pCARP-1065 be accepted.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p><i>“Reverse Sensitivity - Means the vulnerability of an existing lawfully established activity to compliant [sic] 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.”</i></p>		<p>defined. Ballance considers it appropriate to define this term as it will provide for more efficient and effective plan administration by Council staff and plan users.</p> <p>2) Ballance considers that ‘reverse sensitivity’ is a key issue identified within the Air Plan and as a consequence reinforcing this issue with a specific definition good resource management and planning practice.</p> <p>3) The Company notes, however, that the word ‘compliant’ referenced in the second line of the submitter’s definition should be amended to ‘complaint’ to more appropriately respond to reverse sensitivity issues raised between incompatible activities establishing in close proximity to existing industry.</p>	
<p>Ravensdown Fertiliser Co-operative Limited Submitter Number 56708</p>	<p>pCARP-2705</p>	<p>Introduction 1 <u>Submission Summary:</u> The Submitter seeks amendments to the Introductory section of the Proposed Air Plan to better recognise the importance of existing industrial activities, which represent significant investment and provide significant economic and social benefits to the Canterbury Region, and will</p>	<p>Support</p>	<p>The reasons for Ballance supporting this submission is:</p> <p>1) The Company considers that the Air Plan does not adequately recognise and provide for the existing industrial activities, which represent significant investment and provide significant economic and social benefits to the</p>	<p>Ballance seeks: That Submission Numbers pCARP-2705 be accepted.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>provide for the ongoing use and development of these activities.</p> <p><u>Relief Sought:</u></p> <p>Insert the following paragraph (or similar) below paragraph 2 on page 1-1:</p> <p><i>“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.”</i></p>		<p>Canterbury Region. Not doing so cuts across the sustainable management purpose set out in the Resource Management Act 1991.</p> <p>2) The relief sought by the Submitter seeks to better recognise the importance of existing industry, including Ballance’s own service centres located within the Canterbury Region.</p>	
<p>Ravensdown Fertiliser Co-operative Limited</p> <p>Submitter Number 56708</p>	<p>pCARP-2709</p>	<p>Introduction 1</p> <p><u>Submission Summary:</u></p> <p>Amend the following paragraph (page 1-3) in <i>“Industrial and large scale discharges of contaminants”</i> as follows: <i>“Industry, including the service industry, contributes a significant proportion of the contaminants...”</i></p> <p><u>Relief Sought:</u></p> <p>Delete the reference to ‘significant’ proportion of contaminants in the Introductory section of the Proposed Air Plan.</p>	<p>Support</p>	<p>The reasons for Ballance supporting this submission is:</p> <p>1) The Company agrees with the Submitter that <i>“7-17% of contaminants from industrial sources”</i> does not represent a significant contribution of total PM10 concentrations in polluted airsheds within the Canterbury Region. As a consequence, Ballance supports the deletion of the word ‘significant’ as reflected within the submitter’s relief.</p>	<p>Ballance seeks:</p> <p>That Submission Numbers pCARP-2709 be accepted.</p>
<p>Ravensdown Fertiliser Co-operative Limited</p>	<p>pCARP-2722</p>	<p>Objective 5.7</p> <p><u>Submission Summary:</u></p> <p>The submitter seeks to amend Objective 5.7 as</p>	<p>Support (in part)</p>	<p>The reasons for Ballance's support for this submission is:</p> <p>1) The Company supports the intent of the submitter’s relief, which raises</p>	<p>Ballance seeks:</p> <p>That Submission Number pCARP-2722 be accepted.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Submitter Number 56708		follows: <i>“Nationally and regionally significant infrastructure, as well as industry representing significant economic investment and benefits, is enabled ...”</i>		<p>similar concerns to those, raised within Ballance submission point pCARP-2182 (albeit Ballance has sought to address it’s concerns through a stand alone objective).</p> <p>2) Objective 5.7 provides some support for nationally and regionally significant infrastructure (which by definition under the Regional Policy Statement would not include Ballance’s Service Centres). There is, however, no specific emphasis within section 5.0 to supporting industry and trade related activities that contribute directly to the economic, cultural and social wellbeing of communities across the region.</p> <p>3) As a consequence, Ballance supports the relief sought by the submitter.</p>	
Ravensdown Fertiliser Co-operative Limited Submitter Number 56708	pCARP-2727	<p>Objective 5.9</p> <p><u>Submission Summary:</u></p> <p>The submitter considers Objective 5.9 is ambiguous and inappropriate. In particular, submitter considers it is not clear what the ‘appropriate air quality outcomes’ 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 Proposed Air Plan. As a consequence, in the first instance, the submitter seeks that Objective 5.9 be deleted</p>	Support (in part)	<p>The reasons for Ballance's support (in part) for this submission is:</p> <p>1) The Company supports the intent of the submitter’s relief in seeking to remove the ambiguous nature of the objective as notified.</p> <p>2) The Company supports the amended wording of Objective 5.9, as opposed to deletion of the objective outright.</p>	<p>Ballance seeks:</p> <p>That Submission Numbers pCARP-2727, as it relates to the amendments sought to Objective 5.9, be accepted.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>(pCARP-2726), or in the alternative be amended to better respond to the submitters concerns (under submission point pCARP-2727).</p> <p><u>Relief Sought:</u></p> <p>The alternative relief sought by the submitter provides for the following amendments to Objective 5.9:</p> <p><i>“Working with district councils, new activities are spatially located so that they <u>do not</u> 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.”</i></p>			
<p>Ravensdown Fertiliser Co-operative Limited</p> <p>Submitter Number 56708</p>	<p>pCARP-2765</p>	<p>Industrial and large scale discharges to air</p> <p><u>Submission Summary:</u></p> <p>The submitter seeks a new policy be required to ensure reverse sensitivity issues do not occur on existing lawfully established land uses.</p> <p><u>Relief Sought:</u></p> <p>Insert a new policy as follows:</p> <p><i>“6.19B 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.”</i></p>	<p>Support</p>	<p>The reasons for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) The Company supports the proposed Policy 6.19B given that it is targeted at responding to reverse sensitivity issues relating to existing industrial and trade activities. This policy is an appropriate and effective response to managing reverse sensitivity issues in the Canterbury Region. 	<p>Ballance seeks:</p> <p>That Submission Numbers pCARP-2765 be accepted.</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Ravensdown Fertiliser Co-operative Limited Submitter Number 56708	pCARP-2806	<p>Rule 7.59</p> <p><u>Submission Summary:</u></p> <p>The submitter questions the intent of the table and the suggestion that fertiliser bulk handling is likely to require resource consent.</p> <p><u>Relief Sought:</u></p> <p>The submitter seeks Council to retain intent and discretionary activity status of Rule 7.59, and delete reference to fertiliser bulk handling activities in the table.</p>	Support	<p>The reasons for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) The Company supports the relief sought by the submitter on the basis that its own relief under submission pCARP-2286 raises concerns that the proposed Air Plan offers limited transparency relating to the broad range of rules that could apply to Ballance’s operations in Canterbury. As a consequence, Ballance sought to include a clearer rule framework addressing the handling, storage and manufacture of fertiliser. 2) The deletion of the reference to fertiliser bulk handling activities in the table supporting 7.59 is appropriate, and is consistent with the outcomes in Ballance’s submission point pCARP-2286. 	<p>Ballance seeks:</p> <p>That Submission Numbers pCARP-2806 be accepted.</p>
Ravensdown Fertiliser Co-operative Limited Submitter Number 56708	pCARP-2800 pCARP-2802 pCARP-2804	<p>New Rules</p> <p><u>Submission Summary:</u></p> <p>The submitter seeks to insert a restricted discretionary rule for activities that do not meet one or more of the Conditions of Rule 7.37 (submission point pCARP-2800), Rule 7.38 (submission point pCARP-2802), and Rule 7.52 (submission point pCARP-2804).</p>	Support (in part)	<p>The reasons for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) The Company supports the relief sought by the submitter on the basis that its own relief under submission pCARP-2286 raises concerns that the proposed Air Plan offers limited transparency relating to the broad range of rules that could apply to 	<p>Ballance seeks:</p> <p>That subject to the acceptance of Ballance’s own submission (pCARP-2286) that in the alternative, the Submission Numbers pCARP-2800, pCARP-2802, and pCARP-2804 be</p>

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
				<p>Ballance's operations in Canterbury. As a consequence, Ballance sought to include a clearer rule framework addressing the handling, storage and manufacture of fertiliser.</p> <p>2) Ballance supports (in part), the broad argument that is advanced by the submitter, but considers that the concerns raised are more appropriately addressed through a stand alone Restricted Discretionary Activity rule (as sought within Ballance submission point pCARP-2286) in the first instance..</p>	accepted.
Fonterra Co-operative Group Limited Submitter Number 63146	pCARP-693	<p>Introduction 1</p> <p><u>Submission Summary:</u></p> <p>The submitter seeks amendments to the introduction section of the Proposed Air Plan as follows:</p> <p>Amend the last bullet point in " Statutory planning framework" of the Introduction section on page 1-7, to the following:</p> <p><i>"Setting a framework for the management of PM10 and other contaminant discharges into air <u>that recognises both localised and ambient air quality impacts in ensuring that ensures</u> air quality is maintained or improved across the Region, and sensitive and discharging activities are protected from each other, including the avoidance of reverse</i></p>	Support	<p>The reasons for Ballance supporting this submission is:</p> <p>1) The Company supports the relief sought by the submitter on the basis that it better articulates the issue of reverse sensitivity within the Introduction Section of the Proposed Air Plan.</p>	Submission Number pCARP-693 be accepted.

Submitter Name / Submitter Number	Submission Number	Relevant Proposed Air Plan Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<i>sensitivity effects on existing activities discharging to air.”</i>			
Selwyn District Council Submitter Number 63010	pCARP-1121	<p>Policy 6.10</p> <p><u>Submission Summary:</u></p> <p>The submitter asks that Policy 6.10 be deleted and replaced with the following:</p> <p><i><u>“Where appropriate existing activities that discharge contaminants into air shall adopt best practicable option to avoid or mitigate offensive or objectionable effects on air quality beyond the boundary of the property from which these originate.”</u></i></p>	Support	<p>The reasons for Ballance supporting this submission is:</p> <ol style="list-style-type: none"> 1) The submitters proposed Policy 6.10 better articulates the outcomes sought by this policy, while responding to the need for industry to adopt best practicable options to avoid or mitigate offensive or objectionable effects on air quality. This is considered an appropriate and effective response to managing discharges to air. 2) Ballance supports the amended wording to this policy and the policy outcomes that are sought to be achieved. 	<p>Ballance seeks:</p> <p>That Submission Number pCARP-1121 be accepted.</p>

