

From: [John McCall](#)
To: [Mailroom Mailbox](#)
Subject: Further submission on the pCARP - Oil Companies
Date: Friday, 10 July 2015 4:00:36 p.m.
Attachments: [Further Submission FINAL.pdf](#)

Dear Sir/Madam,

Please find attached further submission on the proposed Canterbury Air Regional Plan on behalf of the Oil Companies.

Kind regards,



John McCall | Graduate Planner

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0740

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Further Submission on Proposed Canterbury Air Regional Plan

Submitter ID:

File No:

Form 6: Further Submissions in support of, or in opposition to, submission on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 8 of Schedule 1 of the Resource Management Act 1991

Return your signed further submission by 5.00pm Friday 10 July 2015 to:

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

Full Name: <u>John McCall</u> (<u>Z Energy Limited, Mobil Oil New Zealand</u>)	Phone (Hm): <u>-</u>
Organisation*: <u>Oil Companies Limited and BP New Zealand Limited</u> <small>* the organisation that this further submission is made on behalf of</small>	Phone (Wk): <u>(09) 917 4316</u>
Postal Address: <u>PO Box 33 817</u>	Phone (Cell): <u>-</u>
Email: <u>jmccall@burtonconsultants.co.nz</u>	Postcode: <u>0740</u>
Fax: <u>(09) 917 4311</u>	
Contact name and postal address for service of person making further submission (if different from above): _____ _____	

Only certain people can make further submissions. Please tick the option that applies to you:

I am a person representing a relevant aspect of the public interest; or

I am a person who has an interest in the proposal that is greater than the interest the general public has (for example, I am affected by the content of a submission); or

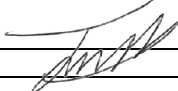
I am the local authority for the relevant area.

I do not wish to be heard in support of my further submission; or

I do wish to be heard in support of my further submission; and if so,

I would be prepared to consider presenting your further submission in a joint case with others making a similar submission at any hearing

Service of your further submission:
Please note: any person making a further submission must **serve a copy of that submission on the original submitter no later than five working days after the submission has been provided to Environment Canterbury**. If you have made a further submission on a number of original submissions, then copies of your further submission will need to be served with each original submitter.

Signature:  **Date:** 10/07/2015

(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.

**FURTHER SUBMISSIONS BY THE OIL COMPANIES: Z ENERGY LIMITED, MOBIL OIL
NEW ZEALAND LIMITED AND BP NEW ZEALAND LIMITED ON SUBMISSIONS TO THE
PROPOSED CANTERBURY AIR REGIONAL PLAN**

To: Environmental Canterbury Regional Council
PO Box 345
Christchurch 8140

By E-Mail: mailroom@ecan.govt.nz

Name of further submitter:

Z-Energy Ltd
PO Box 2091
WELLINGTON

BP Oil NZ Ltd
PO Box 892
WELLINGTON

Mobil Oil NZ Ltd
PO Box 1709
AUCKLAND

Hereafter referred to as the "Oil Companies".

- 1. The Oil Companies further submissions are as contained in the attached Table.**
- 2. The Oil Companies are making further submissions as a person that has an interest in the proposed plan that is greater than the interest of the general public.**
- 3. The Oil Companies do wish to be heard in support of their further submissions.**
- 4. If others make similar submissions the Oil Companies may be prepared to consider presenting a joint case with them at any hearing.**

Dated at AUCKLAND this 10th day of July 2015

Signature on behalf of the Oil Companies:



John McCall
Authorised to Sign on Behalf of the Oil Companies

Address for service:

BURTON PLANNING CONSULTANTS LIMITED

Level 1, 2-8 Northcroft Street

PO Box 33-817

Takapuna

AUCKLAND 0740

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**FURTHER SUBMISSIONS ON BEHALF OF THE OIL COMPANIES
ON SUBMISSIONS TO THE PROPOSED CANTERBURY AIR REGIONAL PLAN**

Submission	Relief Sought By Submitter	Position of Further Submitter	Reason For Support / Opposition
<p>Horticulture New Zealand pCARP-1065</p> <p>ID: 63138</p>	<p>Insert a definition for “reverse sensitivity” as follows: <i>“Reverse Sensitivity – 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 maybe lawfully generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.”</i></p>	<p>Support in part Oppose in part</p>	<p>The Oil Companies support the intent to recognise reverse sensitivity effects. However they consider that the definition is too narrow – reverse sensitivity can occur in the absence of complaints. The issue should revolve around the effect it may have which can include the mere presence of a sensitivity activity in close proximity could lead to constraints on the discharging activity. The Oil Companies therefore seek a broader definition to reflect this matter such as that for example refer to the Christchurch Replacement Plan:</p> <p><i>“means the effect on existing activities from the introduction of new activities into the same environment, where the new activities may raise concerns or complaints regarding the effects of existing activities which could lead to restriction being place on the existing activities”</i></p>
<p>Canterbury Aggregate Producers Groups pCARP-3019</p> <p>ID: 63194</p>	<p>Insert a definition of “Regionally Significant Activities” as follows: <i>“Regionally Significant Activity: Means an activity that has a significant contribution to the social, economic and cultural well-being of the Region.”</i></p>	<p>Oppose</p>	<p>The Oil Companies are not opposed to the intent to specifically recognise quarries and aggregate extraction sites as regionally significant (e.g. as proposed in CAPG submission on Policy 6.11). However the proposed definition is opposed on the basis that it is too broad in that it applies to “activities”. It therefore has a considerable broad scope and uncertain effect and consequence. Further the definition does not actually feature in any Plan provision or the submitters other submission amendments.</p>
<p>Carter Holt Harvey Pulp & Paper Ltd pCARP-2360</p>	<p>Insert a new objective as follows: <i>“Incompatible land uses and activities are adequately separated to avoid, remedy or mitigate</i></p>	<p>Support</p>	<p>The Oil Companies support the intent of the new objective but recognise it has to also be implemented by suitable District Plan provisions across all districts.</p>

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ID: 63176	<i>adverse effects of air discharges, and reverse sensitivity conflicts</i>		
Lowe Corporation Limited and Colyer Mair Assets Limited pCARP-2619 ID: 63169	Insert a new policy as follows: <i>“Where considering location of sensitive activities, avoid encroachment on existing activities discharging contaminants to ensure that land uses are appropriately located”</i>	Support	The Oil Companies support the intent of the new objective but recognise it has to also be implemented by suitable District Plan provisions across all districts
Meridian Energy Ltd pCARP-2695 ID: 53283	Amend Policy 6.1 as follows: 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 do not cause : a) <u>A hazardous, noxious, dangerous or toxic effect Adverse effects</u> on human health and wellbeing; or b) Significantly diminished visibility; or c) Corrosion or significant soiling of structures or property; or d) <u>A hazardous, noxious, dangerous or toxic effect Adverse effects</u> on the mauri/life supporting capacity of the ecosystems, plants or animals.	Support	The Oil Companies support the amendments. Adverse effects can account for a wide variety of effects that are not pragmatic for Council’s to consider e.g. physiological effects. It is pragmatic to remove the opportunity for these effects to be lodged against a discharging activity by ensuring the policy targets the physical discharges that may adversely affect human health i.e. hazardous, noxious, dangerous or toxic chemicals.
Fonterra Co-operative Group Limited pCARP-712 ID: 63146	Delete Policy 6.6 and replace with the following Policy: <i>“Existing activities that discharge to air, including the re-consenting or expansion thereof, are to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment, so as to reduce the potential for reverse sensitivity effects.”</i>	Oppose in part Support in part	The Oil Companies oppose the decision to delete Policy 6.6. The Oil Companies are not opposed to a requirement to consider BPO – this may be better as a separate policy, however BPO is already addressed in 6.10.
Lyttelton Port Company pCARP-755	Insert a new clause into Policy 6.11 as follows: (a)	Support in part	The Oil Companies support the intent of the new policy but recognise it has to be implemented by

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ID: 63151	<i>(b) Recognise that reverse sensitivity effects associated with air discharges emitted from nationally and regionally significant infrastructure should be avoided, acknowledging this issue is addressed in Christchurch Preplacement district Plan”</i>		suitable District Plan provisions across all districts, not just Christchurch.
Lytelton Port Company Limited pCARP-759 ID: 63151	Insert a new policy as follows: <i>“Enable discharges of contaminants into air associated with national and regionally significant infrastructure while ensuring that adverse effects on air quality are managed”</i>	Support	The Oil Companies support the amendment for reasons given in the original submission.
Synlait Milk Limited pCARP-2431 ID: 63180	Amend Policy 6.21 as follows: <i>“Avoid Manage the localised adverse effects from the..... 2002 update at sensitive receptors, except where it is demonstrated the adverse effect of the discharge will be minor”</i>	Support	The Oil Companies support Synlait’s amendments as it is considered that an avoidance approach is too high a test given the uncertainty as to how the ambient Guideline values are or may be applied to point discharges.
Waimakariri District Council pCARP-1635 ID: 62684	Delete Section 2: Odour Annoyance Surveys from Schedule 2 and replace with the following or similar: <i>“The use of survey to ascertain the extent of odour annoyance shall be undertaken using reputable methods appropriate to the population surveyed, and the methods used are to be set out clearly in any survey report purporting to demonstrate odour annoyance based on the number of people affected”</i>	Oppose	The Oil Companies oppose the submission. Their primary submission sought to retain Section 2: Odour Annoyance Surveys from Schedule 2.
Chevron New Zealand pCARP-1648 ID: 63218	Amend Rule 7.34 to remove the Dust and Odour Management Plan conditions to read: <i>“The discharge of contaminants into air from the storage or transfer of petroleum or transfer of petroleum products, including vapour ventilation and displacement, is a permitted activity provided the following conditions are met:</i>	Support	The Oil Companies support the amendments for the reasons given in the Chevron submission.

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	<ol style="list-style-type: none"> 1. <i>The discharge does not cause a noxious or dangerous effect.</i> 2. <i>If there is a discharge of odour or dust beyond the boundary of the property of origin, an odour and/or dust management plan prepared in accordance with Schedule 2 must be held and implemented by the persons responsible for the discharge into air; and</i> 3. <i>The odour and/or dust management plan is supplied to the CRC on request."</i> 		
Chevron New Zealand pCARP-1658 ID: 63218	<p>Provide appropriate alternative relief should management plan requirements for permitted activities be retained in Schedule 2: Assessment of offensive and objectionable effects.</p> <p>The submitter seeks that management plan provisions are amended to provide greater guidance for specific permitted activities (in particular, air discharges from the storage and transportation of petroleum products). Such detail may include specific environmental standards as well as mitigation methods and technological measures to be adopted. Directions will also need to be included in the proposal regarding how the adequacy of management plans will be assessed for enforcement purposes.</p>	Oppose	<p>The Oil Companies oppose the alternate relief as it indicates that it may be appropriate to apply (unspecified) standards. It is uncertain what standards are being referred to and how compliance would be measured and monitored. they would be monitored</p>
Christchurch City Council pCARP-2606 ID: 52285	<p>Rules Clarify the term "property of origin" in rules as in many cases the property of origin is not where the activity is being undertaken.</p>	Support	<p>The Oil Companies support the intent of the submission. While the term "property" is defined the term 'property of origin' is not. The term is used in a number of rules and could benefit from being defined.</p>
Chevron New Zealand pCARP-1632	<p>Rule 7.3 Change of activity status from non-complying to discretionary. Chevron considers that the non-complying activity</p>	Support	<p>The Oil Companies support greater clarification as to how the rule cascade works and the change in activity is supported. It is important to ensure activity</p>

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ID: 63218	status for any offensive or objectionable odour, dust or smoke discharges beyond the boundary of the property of origin provided in this rule is overly stringent and has the potential to unduly stifle necessary air discharging activities. Chevron also considers that this general non-complying activity status clashes with the residual discretionary activity status provided for unspecified air discharging activities under Rule 7.59.		statuses are appropriate and do not have unintended consequences. In particular clarification as to how Rules 7.3 (non-complying), and 7.59 (discretionary) are applied but also 7.28 (restricted discretionary). This matter is addressed further in the Oil Companies submission at pCARP-3122 and 3123.
Christchurch City Council pCARP-2584 ID: 52285	Amend Rule 7.3 <i>The discharge of odour, dust or smoke into the air from <u>an existing activity</u> 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.</i>	Support	The Oil Companies agree the Schedule 2 process can only be implemented for existing discharges and this amendment will help avoid confusion with regard to the applicable standard. The Oil Companies submission sets out that such a default rule should be (no worse than) a discretionary activity rule (pCARP-3122).
Alliance Group Limited pCARP-2976 ID: 63137	Delete Rule 7.3 as it is not clear how this rule will be applied in practice. The criteria set out in Schedule 2 seems to require real time data (frequency of events, intensity, duration and complaints) in order to be able to accurately determine whether the discharge is causing an objectionable or offensive effect.	Support in part	The Oil Companies share the submitters concerns with this provision and supports the deletion of the non-complying activity status for the provision. It may be in sorting out the rule cascade that it is also appropriate to delete this entire provision.
Lyttelton Port Company Limited pCARP-767, 771 and 772 ID: 63151	Delete Rules 7.3, 7.17 and 7.18. The rules are ultra vires of the RMA due to a lack of certainty. Rules must be able to be read by a person to determine whether a discharge complies with the rule and to understand the status of the activity associated with the discharge. The matters raised in the rules should be addressed as matters for discretion where relevant, and there are already policies that address these issues and would be considered under any restricted discretionary or full discretionary consent applications (i.e. Policy 6.5 and Policy 6.21).	Support in part	The Oil Companies share the concerns with the provisions. Rule 7.3 is confusing and status uncertain. A non-complying activity status is not necessary. The Oil Companies submission sets out a suitable permitted activity rule and suggests a default to a discretionary activity if the permitted activity is not complied with following assessment. It may be in sorting out the rule cascade that it is also appropriate to delete this entire provision. Rules 7. 17 and 7.18 seem to be aimed at the discharge of contaminants into air from large scale

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			burning devices but also appear to capture more general discharges from all industrial or trade premises. The rules also introduce guidelines as discharge standards and this is not supported. The rules should be deleted or alternatively amended to remove the references to industrial or trade premises.
Fletcher Building Limited pCARP-2347 ID: 63095	Amend Rule 7.29 to ensure that the discharge of dust from industrial and trade premises is a permitted activity subject to no objectionable or nuisance effects occurring beyond the boundary of the site.	Support	The Oil Companies support the proposed amendment to have a permitted activity rule. This will enable that discharges of dust from the likes of construction activities not otherwise provided for under Rule 7.30 do not inadvertently require consent under the Air Plan.
Lyttelton Port Company Ltd pCARP-777 ID: 63151	Amend Rule 7.30 so that it permits the discharge of contaminants into air from unsealed or unconsolidated surfaces from an industrial or trade premise or alternatively define the words “unsealed/unconsolidated” and “earthworks”.	Support	The Oil Companies supports both relief options. They would help clarify the intent of this rule which as notified could be interpreted as unnecessarily requiring a dust management plan for minor works such as earthworks associated with landscaping works along a property boundary.
Vector Ltd pCARP-809 ID: 63105	Amend Rule 7.34 as follows to clarify that the storage of LPG is a permitted activity: <i>The discharge of contaminants into air from the storage or transfer of petroleum products (including LPG), including vapour ventilation and displacement, is a permitted activity provided the following conditions are met:....</i>	Support	The Oil Companies support the proposed change to the rule. There is potential for the discharge of contaminants to air from the storage or transfer of LPG (albeit deminimis) and this would be appropriately provided for under this rule.
Canterbury District Health Board pCARP-545 ID: 62935	Rule 7.47(9); be amended to require an independently auditable odour/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 CRC at the time of consent application and audited at the discretion of CRC	Oppose	The Oil Companies oppose the proposal of the submitter. Rule 7.47 is a permitted activity rule and therefore the submission of an odour/dust management plan at the time of the consent application is not appropriate. An odour and/or dust management plan is already required by condition 9 and is required to be supplied to CRC on request. Any such odour management plan could be

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			independently audited if so desired. Requirement for independent audits in all circumstances raises cost recovery issues, which in turn is likely to lead to an unnecessary change in activity status in order to recover costs of such audits.
Canterbury Aggregate Producers Group pCARP-3026 ID: 63194	Delete Rule 7.55	Support	The Oil Companies support the submission. A specific rule for the disposal of cleanfill is not required. Cleanfill, by its very nature, should not lead to discharge of contaminants into air other than potential dust. Dust should be dealt with elsewhere in the proposed plan (Rules 7.29/7.30) and need not be specifically addressed with regard to cleanfill at Rule 7.55.
Fonterra Co-operative Group Limited pCARP-739 ID: 63146	Amend Schedule 2 page 8-6 to page 8-18 as follows: <i>The Canterbury Regional Council, for the purposes of assessing compliance with..... effects beyond the property boundary:</i> 1. <i>the frequency of odour events; and</i> 2. <i>the intensity of events, as indicated by the degree of strength but taking account of character or quality; and</i> 3. <i>the duration of each odour event; and</i> 4. <i>the offensiveness of the discharge having regard to the character of the odour; including reference to the "hedonic tone"; and</i> 5. <i>the location of the odour, having regard to the sensitivity of the receiving environment, including taking into account the relevant zone(s) and provisions in the relevant District Plan.</i> Assessment will be based on the combined impact of items 1 to 5 above, determined from some or all of the following applicable information which outlines a range of assessment tools, situations where they are best applied and specific details	Support in part Oppose in part	The Oil Companies support the intent of the submission for the reasons set out in the original submission. However, it is considered that the sentence in bold below could reasonably be retained: <i>The Canterbury Regional Council, for the purposes of assessing compliance with..... effects beyond the property boundary:</i> 1. <i>the frequency of odour events; and</i> 2. <i>the intensity of events, as indicated by the degree of strength but taking account of character or quality; and</i> 3. <i>the duration of each odour event; and</i> 4. <i>the offensiveness of the discharge having regard to the character of the odour; including reference to the "hedonic tone"; and</i> 5. <i>the location of the odour, having regard to the sensitivity of the receiving environment, including taking into account the relevant zone(s) and provisions in the relevant District Plan.</i> Assessment will be based on the combined impact of items 1 to 5 above, determined from

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	<i>regarding their implementation. In the eventcomplaint investigations.</i>		<i>some or all of the following applicable information which outlines a range of assessment tools, situations where they are best applied and specific details regarding their implementation. In the eventcomplaint investigations.</i>
Horticulture New Zealand pCARP-1098 ID: 63138	Delete “with permitted activity conditions” from Schedule 2 in relation to smoke, dust and odour.	Support	The Oil Companies support the submission. While not necessarily referred to in a relevant rule, this reference in the schedule suggests a need for permitted activities to comply with this schedule. The requirements of the schedule remain uncertain and inappropriate for a permitted activity rule and as such deletion of this reference is supported.