IN THE MATTER	of the Resource Management Act 1991 (RMA);
AND	
IN THE MATTER	Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010
AND	
IN THE MATTER	of the Proposed Canterbury Air Regional Plan (PCARP)
TO BE HEARD BY	Environment Canterbury

Statement of Evidence of Christopher Adrian Hansen on Behalf of Ravensdown Fertiliser Co-operative Ltd

18 September 2015

Introduction

1. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications are a Bachelor of Regional Planning (Hons) from Massey University (1980). I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Assoc., and a certified Hearings Commissioner. I have over 33 years' experience in planning and resource management.
2. I have particular experience in the review and assessment of regional and district plans and the preparation of submissions, attendance at hearings providing expert planning evidence, and in mediation to resolve appeals.
3. I provide the following statement of evidence in support of the submission lodged by Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to the proposed Canterbury Air Regional Plan (PCARP). I assisted Ravensdown to review the proposed PCARP and to prepare its submission.
4. I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Background

5. As outlined in its submission, 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 Ravensbourne (Dunedin) and Awatoto (Napier)); two lime quarries and 8 bulk fertiliser stores.
6. Mr Peter Hay, Hornby's Works Manager, has provided an outline of the contribution the Hornby Works makes to the local and regional economy, and in particular identifies the Hornby fertiliser manufacturing plant which represents a $130m investment employing 51 staff.

7. As also outlined in Ravensdown's submission, 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 the notified PCARP in this zone (already) apply to the site.

8. The provisions included within the notified PCARP would have a profound negative 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 renewed in 2030. For example, the notified 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 92 year operation at Hornby plant will need to close at the expiry of its consent – or sooner if reviewed (if this is the case).

Outline of Evidence

9. Ravensdown has provided a comprehensive submission to the PCARP, and I do not intend to repeat the detail of this submission in my evidence, but to focus on the key planning issues. I will divide my evidence into two parts: in Part One I will cover the key planning matters of importance to Ravensdown. The approach I will take to addressing these key planning matters includes:

    - An outline of the issues and any planning principles to be considered;
    - A review of the notified PCARP provision;
    - A review of the relief sought by Ravensdown in its submission;
    - A brief review of the s.42A Report recommendation regarding the PCARP provisions;
    - Planning comment.

10. In Part Two, for completeness, I will cover the specific matters raised in Ravensdown's submission in light of the recommendations included in the s.42A Report. My approach to the specific matters will include:

    - A brief summary of the notified CARP provision;
    - A brief review of the relief sought by Ravensdown in its submission;

- A brief review of the s.42A Report recommendation regarding the PCARP provisions;
- Planning comment as required.

I have included as an appendix to my evidence all of the amendments/provisions I am recommending be adopted to address the matters raised by Ravensdown in its submissions.

11. I also rely on the expert evidence of Mr Roger Cudmore (Principal at Golder Associates) relating to the following air quality matters:
    - Air Quality Goals, Issues and Challenges
    - The MfE Ambient Air Quality Guidelines
    - Localised versus ambient air quality

Planning Evidence – Part One – Key Planning Matters

General Support for the PCARP

12. Before addressing the key planning matters I should reiterate that in its submission Ravensdown generally supported the overall intent of the PCARP. Ravensdown accepts that there are air quality issues in Canterbury, and supports an approach intended to implement the Resource Management (National Environmental Standards for Air Quality) Regulations (NESAQ) (MfE, 2004) and to maintain or improve air quality within Canterbury where air quality is degraded through adoption of a Best Practicable Option (BPO) approach.
13. However, this general support is subject to addressing a number of matters raised in its submission which I address below.
14. In particular Ravensdown is concerned that some of the provisions of the notified PCARP could have impacts on the wider community, and in particular the operation and future expansion of existing lawfully established industrial activities, and the development in the future of new industrial activities. As I discuss further in my evidence, I question whether the notified PCARP meets the purpose of the Resource Management Act 1991 (RMA) being to promote the sustainable management of (natural and) physical resources (section 5 (1)). In my view a physical resource includes an industrial plant such as the Hornby fertiliser manufacturing plant, which is required to be sustainably managed.

Recognition of existing industrial activities

15. Of particular relevance to the recognition of existing industrial activities are:

    - Managing the use, development, and protection of (natural and) physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while achieving a number of environmental outcomes (section 5 (2));
    - Having particular regard to other matters (section 7) including the efficient use and development of (natural and) physical resources (section 7 (b)).

16. Section 30 outlines the functions of a regional council which includes (amongst other things) the preparation of objectives and policies and methods to achieve the integrated management of (natural and) physical resources (section 30 (1) (a)); to control effects (section 30 (1) (b)); and to control the discharges of contaminants into air (section 30 (1)(f)). In light of this, I consider there is a requirement for regional plans to recognise and provide for, in this case, industrial activities that provide significant economic and social wellbeing to the community.

17. In my opinion, the notified PCARP is deficient in that it lacks recognition of existing industrial activities in the objectives, policies and rules, and recognition that these industrial activities provide significant economic and social benefits to the region. That includes Ravensdown's Hornby fertiliser manufacturing plant that is not recognised or provided for in the PCARP. Mr Hay in his evidence has provided information regarding the operation and contribution the Hornby fertiliser manufacturing plant makes to the regional and local community. In my opinion, the provisions of the notified PCARP are likely to have significant consequences on the long term operation and viability of this important physical resource, if the PCARP remains as notified.

18. I summarise below the relief sought by Ravensdown to recognise existing industrial activities in the PCARP:

    - A clear statement in the Introduction associated with the purpose of the PCARP that recognises that existing activities are important to the region and are recognised and provided for;

- Deleting the word *'significant'* from the introductory statements that misrepresents the proportion of contaminants industry emits when compared with domestic sources and traffic;
- Additional wording added to Objective 5.5 that clarifies that discharges to air are managed in a way that recognises and provides for the relationship of Ngai Tahu with their culture and traditions with the air resource;
- Additional wording added to Objective 5.7 so that the objective applies to all important infrastructure in Canterbury;
- Additional wording added to Policy 6.11 that recognises that large scale industrial and trade activities are regionally significant and contribute to the regional and national economy;
- Additional wording added to Policy 6.19 so that it relates only to new activities;
- A new Policy 6.19B to address reverse sensitivity issues by ensuring 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 occur over time;
- Provision for existing large-scale industrial and trade activities in the rules.

19. The s.42A Report acknowledges that the strategy intended for managing large scale and industrial emissions in the PCARP to require BPO to be applied (as required by section 70 of the RMA) has not been fully realised in the proposed plan (paragraph 3; page 3-7) and lacks the policy guidance to achieve the intended strategy for managing large scale and industrial discharges and uphold environmental limits (paragraph 5; page 13-1). Section 13 of the s.42A Report goes on to recognise that the PCARP goes further than is necessary when taken in the context of the overall emission reduction strategy of the Plan and the purpose of the RMA (paragraph 6; page 13-1) and recommend amendments to manage large scale and industrial discharges as follows:

- A new bullet point is added to the Introduction (page 1-1 of the PCARP) that recognises the investment and significant contribution to economic and social wellbeing of existing industrial, service and rural productive activities that discharge into air;
- Objective 5.5 is amended as sought by Ravensdown in its submission;
- New policies are inserted that set clear expectations around application of the best practicable option in the context of the receiving environment;
- Rules 7.17 and 7.18 are deleted and replaced with provisions to enable industry to develop in a way that is appropriate relative to the sensitivity of the receiving environment.

20. While overall I support the views expressed in the s.42A Report, the new bullet point recommended in the Introduction, and the need to include new policies and rules to achieve the outcomes expressed, without any specific policies or rules it is difficult for me to determine whether the concerns expressed by Ravensdown in its submission have been met.

21. In the absence of any policies or provisions, I recommend the following amendments to the key provisions relating to industrial activities:

- Amend the first sentence under the heading *Industrial and large scale discharges of contaminants* of the Introduction Section (page 1 – 3) to read: *"Industry, including the service industry, contributes a ~~significant~~ proportion of the contaminants in our air, including odour and dust, particularly in urban areas"*;
- Accept the s.42A Report recommendation to amend Objective 5.5 as sought by Ravensdown in its submission;
- Amend Objective 5.7 to read: *"Nationally and regionally significant infrastructure, and large-scale industrial and trade activities, is enabled and… "*;
- Amend Policy 6.11 to read: *"Recognise the contribution of nationally and regionally significant infrastructure and large-scale industrial and trade activities to the regional and national economy and provide for the operation and development of those ~~that~~ infrastructure and activities."*

- Amend Policy 6.19 to read: "*Enable <u>new</u> discharges of contaminants into air …*";
- Add the new Policy 6.19B as requested by Ravensdown in its submission;
- Amend Rule 7.1 to delete the reference to where two rules are applicable to the same activity, the more stringent activity status applies, or alternatively, amend Rule 7.59 to include the rules recommended by the s.42A Report to replace Rules 7.17 and 7.18 as activities particularly provided for and not subject to the discretionary activity 'default' rule;
- Provide a new rule to replace Rule 7.18 that provides for discharges for large-scale industrial and trade activities located within a Clean Air Shed that either have existing use rights, or are authorised by a discharge permit, as a restricted discretionary activity and amend the rule regime as notified to allow for this activity status.

22. The reason for these amendments are that they are consistent with the overall intent of the environmental outcomes of the PCARP and provides for the recognition of existing large-scale industrial and trade activities in a way that reflects the recommendations of the s.42A Report and to meet the purpose of the RMA to sustainably manage physical resources while managing effects.

Reverse Sensitivity Issues

23. The concept of reverse sensitivity does not originate directly from the provisions of the RMA, but instead has evolved through case law to become the planning label for a particular kind of effect. Reverse sensitivity responds to the need to consider existing activities when assessing the effects of introducing a new and potentially conflicting activity into the environment.

24. Reverse sensitivity has been defined by the Court in *Affco NZ Ltd v Napier CC 4/11/04, EnvC W082/04*, where Judge Thompson found the following definition helpful:

"Reverse sensitivity can be understood as the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a

new, benign activity is proposed for that land. The 'sensitivity' is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity."

25. While there are a number of planning approaches and mechanisms to manage reverse sensitivity effects, in my experience the most effective method is an integrated approach between the regional and district plans. In the air quality context, regional plans control the discharge of air while district plans control the land uses and spatial distribution of activities. A district plan cannot be inconsistent with a regional plan, and the integrated approach can be achieved with regional plans providing guidance and direction to district plans regarding land use and spatial issues. Furthermore, regional and district plans are to give effect to a regional policy statement (RPS). This latter point is a matter I discuss further below in the context of Ravensdown's submission.

26. The approach taken in the notified PCARP focuses on the changing surrounding land use patterns and requires existing industrial 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 my opinion this approach is contrary to the normal understanding of reverse sensitivity issues as I have described above, and is contrary to other regional and district plans I have been involved in.

27. There are a number of issues that arise from the notified PCARP approach. Firstly, in my opinion there is no requirement in the RMA to internalise all effects within a site boundary, although I accept that all reasonable steps should be taken to try and do so. Secondly, the possibility of relocating the Hornby fertiliser manufacturing plant would be at substantial cost (in the vicinity of$130m to relocate as outlined by Mr Hay in his statement) 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. In my view, that demonstrates a lack of recognition of existing activities (as discussed above).

28. Thirdly, in my opinion the reverse sensitivity approach taken in the PCARP is contrary to the provisions of the Canterbury RPS (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."

29. The RMA requires a regional plan to give effect to a RPS (s.67 (3)(c)). In my opinion the PCARP fails to give effect to the RPS in this regard.

30. I summarise below the relief sought by Ravensdown to address the concerns with regard to the approach taken to reverse sensitivity issues in the PCARP:

- Either deletion of Objective 5.9 or amendments to the notified policy that would see Environment Canterbury work with district councils to ensure new activities do are spatially located so they do not result in reverse sensitivity issues with existing lawfully established activities that have air discharges;
- Deletion of Policy 6.7;
- Deletion of Policy 6.8.

31. I also note that Ravensdown sought a new Policy 6.19B (discussed above) to address reverse sensitivity issues.

32. The s.42A Report discusses the issue of reverse sensitivity on page 3-29 and recognises the strong directive policy of the RPS, primarily to be implemented through district plan provisions, seeking the avoidance of reverse sensitivity effects. However, the commentary goes on to note that: *"… there is a legacy issue where reverse sensitivity effects have occurred and as a result some discharging activities are located in areas where they are no longer appropriate. The pCARP has been developed to focus on the part of the issue it can influence, being discharges of contaminants to air. Encroachment of*

activities on discharging activities is appropriately managed through district plans, with strong direction from the CRPS. The pCARP does provide policy tools to manage legacy issues (requiring reduction in effects or relocation) so that the objectives of the Plan can be achieved."

33. I disagree with the intention of the PCARP to address *'legacy issues'* in this way. The fundamental concept adopted is that where sensitive activities have previously come into an area, the discharges from existing activities might not be acceptable and will need to change. This fails to recognise that in some cases (and in particular the case of the Hornby plant) air discharge permits have been obtained recently (in 2010) on the basis that the effects from the discharge are acceptable, notwithstanding that there are residential activities near the plant.

34. While there is a clear indication that the district plan should control activities (which is accepted), the co-ordination between land use and discharge activities does not seem to be provided as I have experienced in other regions. The intention to address *'legacy issues'* have significant implications for the Hornby manufacturing plant as discussed above. In my opinion, the RPS gives a clear indication of how reverse sensitivity issues should be addressed, as also discussed above.

35. In relation to the relief sought by Ravensdown, the s.42A Report makes the following recommendations:

    - Objective 5.9 is amended as follows: *"<u>Discharging and sensitive activities</u> are spatially located so that ~~they result in~~ appropriate air quality outcomes <u>are</u> ~~being~~ achieved both at present and in the future"*;
    - Policy 6.7 is retained as proposed;
    - Policy 6.8 is retained as proposed.

36. While I accept the relief sought in its submission is to either delete or amend Objective 5.9, and delete Policies 6.7 and 6.8, essentially the s42A Report rejects the relief sought by Ravensdown. In relation to Objective 5.9, I note the s.42A Report states that the PCARP seeks resolution of legacy reverse sensitivity issues (Page 9-6). The comment is made that the relief Ravensdown seeks is an appropriate response but is it better achieved by the RPS rather that

the PCARP. I find this an inappropriate statement as the PCARP is required to give effect to the RPS, and therefore should be amended, in my view, as sought by Ravensdown. I address what Ravensdown sought later in this evidence, but I note it sought Objective 5.9 to only apply to new activities, and this has been rejected in the s.42A Report.

37. In relation to Policies 6.7 and 6.8, I note the s.42A Report states (page 10-7) that the avoidance of reverse sensitivity is a cornerstone policy of the RPS, and the scope of the PCARP is to manage air discharges so it cannot ensure protection to discharging activities from sensitive activities. The s.42A Report also does not address the Ravensdown submissions on these policies on this basis.

38. If the Commissioners are inclined to accept the s.42A Report recommendation and retain the provisions, then I recommend the following amendments be made:

- Amend Objective 5.9 to read: *"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."*
- Delete Policy 6.7 and replace it with the following new policy: *"New activities that discharge to air are to locate away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated."*
- Delete Policy 6.8 and replace it with the following new policy that reads: *"Provide longer consent durations for the discharge of contaminants into air where the sensitivity of the receiving environment, the level of investment made in the activity and the ability to minimise adverse effects on air quality achieves sustainable management."*

39. In relation to Objective 5.9, in my opinion the amended Objective provides a clear statement that Environment Canterbury intends to work with the local authorities, and provides clear guidance to local authorities on how spatial

planning needs to control new activities in order to avoid reverse sensitivity issues for existing lawfully established activities.

40. In relation to Policy 6.7, the intent is to ensure new activities that discharge to air do not affect existing sensitive activities. This provides guidance to local authorities when undertaking land use planning.

41. In relation to Policy 6.8, this policy provides guidance on the consenting duration that can be expected when reverse sensitivity issues have been addressed.

42. Overall I consider the collective amendments I proposed above achieve the purpose of the RMA to promote the sustainable management of physical resources while any adverse environmental effects are managed.

Inappropriate use of the Ambient Air Quality Guidelines (AAQG)

43. The notified PCARP refers a number of times to the Ambient Air Quality Guidelines 2002 (AAQG) published by the Ministry for the Environment (MfE). In its submission Ravensdown noted the purpose and intent of the AAQG referenced a number of statements regarding how the guidelines should or should not be used.

44. I note Mr Cudmore addresses the inappropriate use of the AAQG in the PCARP in his evidence. Mr Cudmore concludes the PCARP has misused the criteria and the approach to air quality management (MfE, 2002) and monitoring (MfE, 2009) (paragraph 43), and in particular a component of the MfE AAQG recommendations was used inappropriately (paragraph 49). That related to use of the Air Quality Indicator Categories (MfE, 2002) to assess the significance of localised air quality impacts from industry. Mr Cudmore also considered that this same misuse of the categories shows up in Policies 6.2 and 6.3 of the Plan (paragraph 49).

45. Furthermore, I note Policy 6.21 and Rule 7.18 of the notified PCARP use the AAQG as a regulatory method to determine avoidance and a prohibited activity status for an activity. In my opinion, and based on Mr Cudmore's evidence, this use of the AAQG in this regulatory context is inappropriate and contrary to the intentions of the Guidelines and the reference to the guidelines should be deleted.

46. To address this key matter Ravensdown sought the following relief:

- Delete Policy 6.2;
- Delete Policy 6.3;
- Delete Policy 6.4.

47. I note s.42A Report recommends these policies be retained as proposed.

48. If the Commissioners are in a mind to retain these provisions as recommended in the s.42A Report, I recommend the following amendments are made to these provisions:

    - Amend Policy 6.2 to read: *"Manage adverse effects on ambient air quality where regional ambient monitoring results indicate concentrations of contaminants are between 66% and 100% of the guideline values set out in the Ambient Air Quality Guidelines 2002 Update, so that ambient air quality does not exceed 100% of those guideline values."*
    - Amend Policy 6.3 to read: "*Where regional ambient monitoring results indicate concentrations of contaminants exceed 100% of guideline values set out in the Ambient Air Quality Guidelines 2002 Update, action is taken to improve air quality."*
    - Amend Policy 6.4 to read: "*Reduce overall concentrations of $PM_{2.5}$ in clean air zones (as measured at regional ambient monitoring sites) so that by 2030 $PM_{2.5}$ concentrations do not exceed 25µg/m^3 (24 hour average), while providing for industrial growth."*;

49. The reason for amending these policies is to focus on effects associated with the wider regional ambient air quality rather than localised effects that may occur from specific activities.

50. Overall, I consider the collective amendments proposed above achieve the intent of the PCARP and the purpose of the RMA to promote the sustainable management of physical resources while adverse environmental effects are managed.

Principle of 'Avoid' as only management option leading to 'Prohibited Activity Status'

51. The RMA prohibits discharges into air from industrial and trade premises unless the NESAQ, a rule in a regional plan or a resource consent expressly

allows the discharge (section 15). To ensure these activities can take place, the PCARP must provide rules that enable discharges.

52. In its submission Ravensdown acknowledged a policy which references the word *'avoid'* can enable a prohibited activity status. In particular Ravensdown noted 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."

53. 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."

54. Mr Cudmore has discussed the inappropriate use of the AAQG and the need to assess localised air quality vs ambient air quality values in his evidence. Based on this advice, it is my opinion that the implementation of Policy 6.21 should not be limited to *'avoid'* as the only management option, and that *'avoid'* in this context does not justify a prohibited activity status in Rule 7.18. The activity status should be considered on its merits, based on the current applicable standards. This view is consistent with Ravensdown's submission on this matter.

55. For example, Ravensdown's Hornby fertiliser manufacturing plant is located in the Christchurch Clean Air Zone and would be a prohibited activity under Rule 7.18. That is because the PM_{10} values contained in the AAQG are regularly breached in the airshed. This is despite the fact that the Hornby fertiliser manufacturing plant has an air discharge permit granted in 2010 and is discharging within the PM_{10} limits set in that permit, as discussed by Mr Hay in his statement.

56. Furthermore, it is my view that the AAQG have not been through a robust RMA process, and are therefore in quite a different position to the NESAQ which needs to be complied with. There is no justification, in my opinion,

based on meeting the AAQG values or on the evaluation included in the section 32 Report, for a prohibited activity status being adopted.

57. Furthermore, I note 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."* This statement is supported by the statement in the section 32 Report that clearly anticipated non-complying activity status for activities that did not meet the AAQG values. I cannot therefore understand why the notified PCARP included Rule 7.18 which adopts prohibited activity status when the section 32 evaluation does not arrive at the conclusion that prohibited activity status is necessary to ensure any effects are avoided.

58. To address this matter Ravensdown sought the following relief:

- Amend Objective 5.3 to ensure air quality is managed so that the mauri/life supporting capacity of air is maintained for future generations;
- Amend Objective 5.7 to refer to industry representing significant economic investment and benefits;
- Retain the intent of Policy 6.10 and adopt BPO approach to cumulative effects;
- Retain the intent of Policy 6.20;
- Amend Policy 6.21 to include remedy and mitigate and delete reference to AAQG;
- Delete Rule 7.18 and provide for large scale industrial and trade premises in the Clean Air Zone as discretionary activity.

59. While there is acknowledgement in the s.42A Report that Rule 7.18 restricts industrial activities and recommends it be deleted and replaced with a new rule or rules that enable application of BPO as appropriate to the receiving environment, to implement the Objectives and Policies of the Plan, it is not clear what the activity status of this new rule (or rules) would be, or what it will address. This makes addressing this matter in this evidence difficult.

Notwithstanding this, I generally support the recommendation that Rule 7.18 be deleted, and generally support a new rule regime that enable application of BPO.

60. In addition, the s.42A Report recommends Objectives 5.3 and 5.5 be amended as sought by Ravensdown. The s.42A Report also retains the intent of Policy 6.10 as sought by Ravensdown, with a minor word amendment and recommends Policy 6.21 is amended to provide clear guidance as to what is to be achieved in applying BPO in different receiving environments and to refer to the NESAQ as well as Ambient Air Quality Guidelines. I support the application of BPO in different receiving environments.

61. In the absence of any policy or rule regime being offered in the s.42A Report, I provide the following provisions for consideration by the Commissioners:

- Accept the s.42A Report recommendation to amend Objectives 5.3 and 5.5 as sought by Ravensdown in its submission;
- Accept the s.42A Report to retain the intent of Policy 6.10 as sought by Ravensdown;
- Amend Policy 6.20 to read: *"Apply the best practicable option to all large scale and industrial activities discharging contaminants into air so that localised effects on ~~degradation of ambient~~ air quality ~~is minimised~~ does not cause significant adverse effects."*
- Delete Policy 6.21 and replace it with a new policy to read: *"Apply the best practicable option to all large scale and industrial activities discharging contaminants into air so that degradation of ambient air quality is minimised."*
- Rule 7.18 be deleted and replaced with a new rule that provides for discharges for large-scale industrial and trade activities located within a Clean Air Shed that either have existing use rights, or are authorised by a discharge permit, as a restricted discretionary activity and amend the rule regime as notified to allow for this activity status.
- Provide for the new restricted discretionary activity rule proposed above in the PCARP by amending Rule 7.59 to include the new rule as activities particularly provided for and therefore not subject to the discretionary activity 'default' rule.

62. The reason for amending Policy 6.20 is to ensure that localise air discharges are managed. This is consistent with Mr Cudmore's evidence, and the intent of the policy.

63. The reason for amending Policy 6.21 is ensure large scale industrial and trade activities that provide significant economic and social benefits are able to continue to operate. This is achieved by adopting BPO to all such activities and minimising effects on the wider ambient air quality. While Ravensdown originally sought for Policy 6.21 to include remedy and mitigate, on reflection in my opinion the term 'minimise' is more appropriate as this means a range of management options (avoid, remedy or mitigate) can be adopted to achieve appropriate cumulative airshed wide air quality effects.

64. The reason for providing a new Rule 7.18 is because the s.42A Report has not provided a rule at this stage to comment on. In the absence of any recommended provisions, I have recommended a restricted discretionary activity rule which applies to activities with existing use rights or air discharge permits to allow these activities to continue to operate (I will provide wording for such a rule at the hearing). A reference to this new RDA rule will be required in Rule 7.59 to ensure it is exempt from the discretionary activity 'default' rule regime. In my opinion, this rule is appropriate and necessary to achieve the outcomes sought by the PCARP, and the purpose of the RMA to promote the sustainable management of physical resources.

Section 32 Report

65. Section 32 of the RMA requires and evaluation of a number of matters including:

- the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act by evaluating, amongst other things;
- the efficiency and effectiveness of the provisions in achieving the objectives

66. The evaluation needs to identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

if practicable, quantify the benefits and costs of these matters.

67. In its submission Ravensdown noted 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 particular Ravensdown quoted parts of the section 32 Report relating to how industrial processes and activities suggesting a sinking lid approach achieved over time by applying a BPO approach.

68. Furthermore, in its submission Ravensdown generally supported the intent to manage discharges to air from industrial processes. As I have discussed above, in my view the reader of the section 32 Report could conclude that the full range of options is available to Council (to avoid, remedy or mitigate and adverse environmental effects), and I do not see how the managing of the discharges proposed infers prohibition of activities. Ravensdown also generally supported the intent to reduce emissions (rather than avoiding them) and to adopt an industry and the sinking lid approach in polluted airsheds through introducing a 'cap' and BPO. However, I do not see how the above approach has been incorporated into the notified PCARP.

69. To address this key matter Ravensdown sought the following relief:

- Delete Objective 5.2;
- Retain the intent of Objective 5.8 and re-write it to be an Objective;
- Delete Objective 5.9 or amend it with words suggested in the submission;
- Amend Policy 6.21 to include remedy or mitigate as management options;
- Retain the Restricted Discretionary Activity status of Rule 7.14 and to clarify its purpose and application;
- Delete Rule 7.18 and provide for large scale industrial and trade premises within the Clean Air Zone as a Discretionary Activity.

70. In my view, the adequacy of the section 32 Report is not properly addressed in the s.42A Report, particularly in relation to evaluating Rules 7.17 and 7.18. While I accept that the adequacy of the section 32 Report becomes less of an issue if the s.42A Report recommendation is accepted and Rules 7.17 and 7.18

are deleted and replaced with a new rule or rules that enable application of BPO as appropriate to the receiving environment, to implement the Objectives and Policies of the Plan, as discussed above it is not clear what the activity status of this new rule (or rules) would be, or what it will address.

71. Notwithstanding this, I do acknowledge that any further amendments through the hearings process will be subject to a section 32AA evaluation.

72. I also note that the s.42A Report recommends amendments to Objective 5.2 which are in line with the matters raised by Ravensdown; amendments to Objective 5.8 which remains written as a statement, rather than an objective; amendments to Objective 5.9 that do not address Ravensdown's concerns; amendments to Policy 6.21 to provide clear guidance as to what is to be achieved in applying BPO in different receiving environments and to refer to the NESAQ as well as Ambient Air Quality Guidelines but no words are provided; and retaining the restricted discretionary activity status of Rule 7.14 while replacing the rule with a new rule.

73. In the absence of any policy or rule regime being offered in the s.42A Report, I provide the following provisions for consideration by the Commissioners:

- Accept the recommendation to amend Objective 5.2;
- Retain intent of Objective 5.8 and rewrite it as follows (or similar): *"~~It is recognised that~~ Where air quality expectations ~~throughout the Region~~ differ as a result of ~~depending on~~ location or ~~and~~ the characteristics of the receiving environment, including the underlying landuse patterns or zoning, manage ~~and~~ discharge~~ing~~ activities ~~are located~~ by appropriately locating them within the receiving environment."*;
- Amend Objective 5.9 as provided above in paragraph 38 of this evidence;
- Amend Policy 6.21 as provided above in paragraph 61 of this evidence;
- Support the s.42A Report recommendation on Rule 7.14 and seek that the intent of the rule is clarified;
- Delete Rule 7.18 and replace it with a new rule as outlined above in paragraph 61 of this evidence.

74. The reason for amending Objective 5.8 is to provide clear guidance to local authorities regarding how spatial planning should address reverse sensitivity issues. This approach is consistent with the directives of the RPS.

75. The reason for amending Objective 5.9 is discussed above in paragraph 39 of this evidence.

76. The reason for amending Policy 6.21 is discussed in paragraph 63 of this evidence.

77. The reason deleting Rule 7.18 and replacing it with a new Rule is discussed above in paragraph 64 of this evidence.

Part Two – Specific Points

78. In addition to the above key planning matters, a number of requested changes to provisions are set out below. For completeness I cover these submission points and provide my view regarding the s.42A Report recommendation.

Plan Provision: 1 Introduction - Industrial and large scale discharges of contaminants

79. In its submission, Ravensdown opposed the use of the word *'significant'* and sought for it to be deleted.

80. The s.42A Report recommends the word *'significant'* remain in this section, a new paragraph is added recognising large scale and industrial discharges provided for and the use of the BPO approach.

81. I support the additional paragraph recommended to be included in this section. However, I agree with the Ravensdown submission point that the word *'significant'* should be deleted from the first paragraph. As Mr Cudmore states based on modelling undertaken by Golder, 2008, *"What this modelling invariably highlights is that individual industries, or the combined industrial sector within Christchurch, do not contribute significantly to the wider ambient air quality levels."* (paragraph 52).

82. I therefore seek for the Commissioners to add the new paragraph recommended in the s.42A Report, and delete the word *'significant'* from the first paragraph.

Plan Provision: 1 Introduction – Working with key partners

83. In its submission, Ravensdown support in part 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 industrial and trade premises within a Clean Air Zone, which is deemed a prohibited activity in the notified PCARP. Ravensdown requested the Council 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.

84. The s.42A Report recommends the intent of the statement be retained, and deleting the last sentence in the paragraph and replacing it with the following sentence: *"Where discharging activities are provided for, they must be protected from reverse sensitivity effects through provisions in district plans that ensure the avoidance of encroachment of sensitive activities into these areas".*

85. I support the retention of the intent of the section, and the new sentence to be included. I address below whether these matters have been carried through into the rules as requested by Ravensdown.

Plan Provision: Table 4.1 – Large scale and industrial emissions

86. In its submission Ravensdown supported the statement which is enabling, with an intention that adverse effects are minimised. Notwithstanding this support, Ravensdown considered the PCARP provisions do not reflect this enabling approach. Ravensdown sought 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.

87. The s.42A Report retains the approach taken and, as discussed above, recommends Rule 7.18 be deleted and replaced with a new rule or rules that enable application of BPO as appropriate to the receiving environment, to implement the Objectives and Policies of the Plan.

88. I support the retention of the approach as sought by Ravensdown, and as discussed above, support the deletion of Rule 7.18 and its replacement with a new rule or rules that enable application of BPO as appropriate to the receiving environment, to implement the Objectives and Policies of the Plan.

Plan Provision: Policy 6.5

89. While Ravensdown generally supported the intent of Policy 6.5, as notified it is written as a statement rather than a policy. Ravensdown sought for Policy 6.5 to be deleted.

90. The s.42A Report recommends Policy 6.5 be retained as written. The s.42A Report states that on the face of it, the suggested amendments will not provide better or more clear advice. Overall, the s.42A Report considered that the proposed policy provides the intended guidance in a way that is more effective in implementing the objectives.

91. I disagree with the s.42A Report findings. The intent of a policy prepared in the context of the RMA is to provide a course of action to achieve or implement an objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Policies are implemented through methods (often plan rules) so policies need to be worded to provide clear direction to those making decisions on rules and those implementing methods. This is particularly important when considering the tests set out in s.104D(1) relating to non-complying activities (which the PCARP includes) and there is a need to provide clear, strong, objectives and policies when it is envisaged that the non-complying activity status will need to be used to manage a particular issue where consents should only be granted in exceptional circumstances.

92. In my opinion, Policy 6.5 does not provide a course of action to achieve an objective, and does not provide clear directives should a non-complying activity test under s.104D (1) be required for an activity that is non-complying.

93. While it is my opinion Policy 6.5 should be deleted, should the Commissioners decide to retain the intent of Policy 6.5, I would recommend the following wording be adopted: *"Avoid discharges into air that are assessed as causing offensive or objectionable effects in accordance with Schedule 2."*

Plan Provision: Policy 6.6

94. Ravensdown opposed Policy 6.6 as it is considered to be inappropriate and unnecessary. The reason for this is because the policy makes a vague statement regarding an outcome Council has limited ability to control, as district plans control spatial planning. In my opinion the policy does not meet the basic tests for a policy as I have discussed above in relation to Policy 6.5.

Furthermore, it is not clear how this policy will be implemented, and how existing discharges are accommodated.

95. The s.42A Report recommends Policy 6.6 be retained as written and states that it provides clear guidance that discharges to air are to be located in areas that are appropriate, where appropriate is determined by the underlying land use patterns.

96. In my opinion, similar to my comments on Policy 6.5 above, the policy as written fails to provide a course of action to achieve an objective, and does not provide clear directives should a non-complying activity test under s.104D (1) be required for an activity.

97. While it is my opinion that Policy 6.6 should be deleted, should the Commissioners decide to retain Policy 6.6, I would recommend the following wording be adopted: *"Existing activities that discharge to air (including the re-consenting or expansion of those activities), 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."*

Plan Provision: Policy 6.10

98. In its submission Ravensdown supported Policy 6.10 and adopting the BPO approach to cumulative effects and asked for it to be retained as written.

99. The s.42A Report accepts this submission point and retains Policy 6.10 as written with a minor word deletion.

100. I support this recommendation.

Plan Provision: Policy 6.22

101. In its submission, Ravensdown supported the intent of Policy 6.22 to provide for activities to off-set their effects in accordance with the NESAQ and asked for it to be retained as written.

102. The s.42A Report accepts this submission point and retains Policy 6.22 as written.

103. I support this recommendation.

Plan Provision: Policy 6.25

104. Ravensdown supported the intent of Policy 6.25 and asked for it to be retained as it is written.

105. The s.42A Report accepts this submission point and retains Policy 6.25 as written.

106. I support this recommendation.

Plan Provision: Policy 6.26

107. Ravensdown supported the intent of Policy 6.26 and asked for it to be retained as it is written.

108. The s.42A Report accepts this submission point and retains Policy 6.26 as written.

109. I support this recommendation.

Plan Provision: Rule 7.1

110. Ravensdown questioned 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.

111. The s.42A Report recommends Rule 7.1 be retained as proposed.

112. In my opinion, the second sentence in Rule 7.1 is problematic as it has direct implications when considered in conjunction with the 'default' discretionary activity approach of Rule 7.59. In other words, unless an activity is specifically provided for in the rules listed in Rule 7.59, the discretionary activity status of Rule 7.59 becomes the most stringent rule and applies. As I have already stated above, while I accept and support the s.42A Report recommendation to delete Rules 7.17 and 7.18, without an understanding of the rule regime proposed, it is likely Rule 7.59 will apply as the most stringent rule regardless of the intent of the new rule regime proposed by the s.42A Report. I have recommended the principle of the most stringent rule applying be deleted from the second sentence of Rule 7.1, and I recommend a new restricted discretionary activity rule replace Rule 7.18 as outlined in paragraph 61 above with the need to amend Rule 7.59 to exempt this new RDA rule from the discretionary activity 'default' status applying.

Plan Provision: Rule 7.3

113. Ravensdown opposed 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.

114. The s.42A Report recommends Rule 7.3 be retained as proposed. The intention of Rule 7.3 is to implement Policy 6.5 and the s.42A Report states that Rule 7.3 provides the means by which discharges that give rise to offensive and objectionable effects are discouraged. Rule 7.3 is intended to apply alongside discharge specific rules, to ensure the nature of the effects of discharges is understood and either determined to be below the offensive and objectionable threshold, or appropriately avoided, remedied or mitigated.

115. I agree with Ravensdown's submission that discretionary activity is appropriate as any adverse effects can be identified and managed through the FIDOL approach. I note the s.42A Report supports the appropriateness of using the FIDOL approach to determine '*offensive and objectionable*' meaning adverse effects can be fully determined. A discretionary activity allows for the assessment of such effects using the FIDOL approach, and Council has the ability to decline the consent should the adverse effects be unacceptable.

116. I recommend Rule 7.3 be amended to be a discretionary activity.

Plan Provision: Rule 7.17

117. Ravensdown supported in part providing for discharges into air from industrial and trade premises outside a Clean Air Zone. Notwithstanding this support, Ravensdown considered non-complying activity status is unhelpful and is an unnecessarily high hurdle when the re-consenting of existing activities is required. Ravensdown considers a restricted discretionary activity as appropriate, with Council restricting its discretion to similar matters contained in Rule 7.14.

118. The s.42A Report accepts in part the submission point and recommends Rule 7.17 be deleted and replaced with a new rule or rules that enable application of BPO as appropriate to the receiving environment, to implement the Objectives and Policies of the Plan.

119. As I have stated above, while accept and support the s.42A Report recommendation, it is difficult to comment on the s.42A Report

recommendation without being able to assess the proposed wording of the new rule or rules, and without knowing what activity status is proposed.

120. I recommend a new Rule 7.17 as a restricted discretionary activity addressing similar activities outside the clean air zone as I proposed in paragraph 61 above to replace Rule 7.18. I note if the Commissioners accept this recommendation, then amendments would also be required to Rule 7.1 and/or 7.59 as I have discussed for the proposed new rule RDA to replace Rule 7.18.

Plan Provision: 7.28

121. In its submission, while Ravensdown supported the restricted discretionary activity status of Rule 7.28, it expressed concern 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 considered this is onerous and inappropriate.

122. Ravensdown sought for Council to retain restricted discretionary activity status of Rule 7.28, and amend the rule to read (additions underlined):

"The discharge of objectionable and offensive odour, beyond the boundary of the property of origin, …."

123. The s.42A Report accepts in part the submission point and recommends the restricted discretionary activity status of the rule be retained. However, the s.42A Report recommends no wording change as sought by Ravensdown.

124. In my opinion, the amendments proposed by Ravensdown are consistent with section 17 (3) of the RMA and represent sound resource management planning principles. I consider the additional words provide clear directions to resource users and appropriately manages any adverse effects from discharges that might cause an odour.

125. – I recommend Rule 7.28 be amended as requested by Ravensdown.

Plan Provision: Rule 7.29

126. In its submission, Ravensdown supported the intent and restricted discretionary activity status of Rule 7.29 and sought for the rule to be retained as written.

127. The s.42A Report recommends Rule 7.29 be retained as proposed.

128. I support this recommendation.

Plan Provision: Rule 7.37

129. In its submission, Ravensdown supported the intent and permitted activity status of Rule 7.37. However, Ravensdown considered 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 (unless specifically exempt by Rule 7.59). Ravensdown considers full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met.

130. The s.42A Report accepts in part Ravensdown's submission and recommends the permitted activity status of Rule 7.37 be retained. However, the s.42A Report rejects the request by Ravensdown for 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. In fact, the s.42A Report does not seem to record that Ravensdown sought a new rule where permitted activity standards cannot be met.

131. In my opinion, full discretionary activity consent if not appropriate or necessary for an activity that is unable to comply with the permitted activity standards listed. The handling of bulk solid materials (and in Ravensdown's case the mixing of fertiliser products) is often at a small scale, and located on larger sites that are often in rural areas, meaning the receiving environment is not sensitive to any potential air discharges. In Ravensdown's case, their sites are managed to reduce any risk of loss of fertiliser products from the site. In my opinion, restricted discretionary activity is more appropriate for an activity that is unable to comply with the permitted activity standards or Rule 7.37. Council has the ability to apply conditions and monitoring to any consent, and only needs to consider that permitted activity standard that cannot be complied with.

132. I recommend a new Rule 7.37B be incorporated into the PCARP that reads (or similar): *"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.37, it is a* ***Restricted Discretionary Activity*** *with Council restricting it's to discretion to the one or more permitted activity standards not complied with."*

Plan Provision: Rule 7.38

133. In its submission, Ravensdown supported the intent and permitted activity status of Rule 7.38. However, Ravensdown considered 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 (unless specifically exempt by Rule 7.59). Ravensdown considered full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met.

134. The s.42A Report accepts in part Ravensdown's submission and recommends the permitted activity status of Rule 7.38 be retained. However, the s.42A Report rejects the request by Ravensdown for 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. Similar to Rule 7.37 above, the s.42A Report does not seem to record that Ravensdown sought a new rule where permitted activity standards cannot be met.

135. The same comments I make above apply to the outdoor storage of bulk solid materials.

136. I recommend a new Rule 7.38B be incorporated into the PCARP that reads (or similar): *"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.38, it is a* ***Restricted Discretionary Activity*** *with Council restricting it's to discretion to the one or more permitted activity standards not complied with."*

Plan Provision: 7.52

137. In its submission, Ravensdown supported the intent and permitted activity status of Rule 7.52. However, Ravensdown considered 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 (unless specifically exempt by Rule 7.59). Ravensdown considered full discretionary activity is inappropriate and unnecessary as any effects can be attributed to the standard not being met. Similar to above, the s.42A Report does not seem to record

that Ravensdown sought a new rule where permitted activity standards cannot be met.

138. The s.42A Report accepts in part Ravensdown's submission and recommends the permitted activity status of Rule 7.52 be retained. However, the s.42A Report rejects the request by Ravensdown for 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.

139. Similar comments apply to the discharge of contaminants into air from the ventilation of buildings located on industrial or trade premises as discussed above relating to Rules 7.37 and 7.38.

140. I recommend a new Rule 7.52B be incorporated into the PCARP that reads (or similar): *"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.52, it is a Restricted Discretionary Activity with Council restricting it's to discretion to the one or more permitted activity standards not complied with."*

Plan Provision: Rule 7.59

141. In its submission, while Ravensdown supported 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.

142. The s.42A Report accepts in part Ravensdown's submission and recommends the discretionary activity default rule is retained. However, the s.42A Report does not delete reference to bulk fertiliser handling as sought by Ravensdown. The s.42A Report states that the list is provided for information purposes only and its contents are intentionally broad, such that they provide an indication that most commercial activities that discharge contaminants into air and are not otherwise provided for, will require consent.

143. In my opinion, including fertiliser bulk storage in the table is unnecessary and inappropriate. For example, my experience with the Ravensdown bulk storage facilities (around New Zealand) is that the sites are managed to ensuring fertiliser is not spilt or stockpiled where winds can blow it away, and is mostly stored and handled within enclosed buildings. Therefore, the possibility that

bulk storage facilities has effects beyond the boundary of their sites is reduced by operational and management procedures. Any effects of a fertiliser bulk storage facility can be identified and managed. Therefore, in other plans, bulk storage and handling of fertiliser is often a permitted activity so long as there are no effects beyond the boundary of the site. In my opinion, this is a pragmatic and justified approach to managing any effects from a fertiliser bulk storage facility.

144. In addition, as discussed above in relation to the recommendation to include new rules to replace Rules 7.17 and 7.18 with RDA status, Rule 7.59 would need to be amended to include reference these new rules to provide an exemption to the discretionary activity status that would apply by default (particularly if Rule 7.1 remains unchanged).

145. I recommend the reference to bulk fertiliser handling be deleted from the table accompanying Rule 7.59 and the new restricted activity rule numbers to replace Rules 7.17 and 7.18 be added to the list of rules exempt from Rule 7.59 applying to.

Plan Provision: Rule 7.72

146. In its submission, Ravensdown supported the intent and permitted activity status of Rule 7.72 and sought for the rule to be retained as written.

147. The s.42A Report recommends Rule 7.72 be retained as proposed.

148. I support this recommendation.

Plan Provision: Rule 7.74

149. In its submission, while Ravensdown supported the intent and restricted discretionary activity status of Rule 7.74, it sought 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 conditions of rule 7.72.

150. As Fertiliser is referenced in clause 4 of the matters of discretion included Rule 7.74, Ravensdown considered there is no need for any other amendments.

151. The s.42A Report accepts Ravensdown's submission and recommends fertiliser be added to the rule.

152. I support this recommendation.

Chris Hansen

18 September 2015

Appendix: Amendments recommended to the PCARP to address Ravensdown's submission point.

Appendix: Amendments recommended to the PCARP to address Ravensdown's submission points.

Introduction (Paragraph 2; Page 1-1)

"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."

Introductory - Industrial and large scale discharges of contaminants (Page 1-3)

"Industry, including the service industry, contributes a ~~significant~~ proportion of the contaminants in our air, including odour and dust, particularly in urban areas."

Objective 5.2

"Where air quality is degraded so that it does not provide for people's health and wellbeing, it is improved over time to ensure it will provide for people's health and wellbeing."

Objective 5.3

"Air quality ~~protects~~ is managed to ensure the mauri/life supporting capacity ~~of the environment~~ air is maintained for future generations."

Objective 5.5

"Discharges to air ~~do not adversely effect~~ 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."

Objective 5.7

"Nationally and regionally significant infrastructure, and large scale industrial and trade activities, 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."

Objective 5.8

"~~It is recognised that~~ Where air quality expectations ~~throughout the Region~~ differ as a result of ~~depending on~~ location or ~~and~~ the characteristics of the receiving environment, including the underlying landuse patterns or zoning, manage ~~and~~ discharge~~ing~~ activities ~~are located~~ by appropriately locating them within the receiving environment."

Objective 5.9

"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."

Policy 6.2

"Manage adverse effects on ambient air quality where regional ambient monitoring results indicate concentrations of contaminants are between 66% and 100% of the guideline values set out in the

Ambient Air Quality Guidelines 2002 Update, so that ambient air quality does not exceed 100% of those guideline values."

Policy 6.3

"Where regional ambient monitoring results indicate concentrations of contaminants exceed 100% of guideline values set out in the Ambient Air Quality Guidelines 2002 Update, action is taken to improve air quality."

Policy 6.4

"Reduce overall concentrations of $PM_{2.5}$ in clean air zones (as measured at regional ambient monitoring sites) so that by 2030 $PM_{2.5}$ concentrations do not exceed 25µg/m^3 (24 hour average), while providing for industrial growth."

Policy 6.5

"Avoid discharges into air that are assessed as causing offensive or objectionable effects in accordance with Schedule 2."

Policy 6.6

"Existing activities that discharge to air (including the re-consenting or expansion of those activities), 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."

Policy 6.7

"New activities that discharge to air are to locate away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated."

Policy 6.8

"Provide longer consent durations for the discharge of contaminants into air where the sensitivity of the receiving environment, the level of investment made in the activity and the ability to minimise adverse effects on air quality achieves sustainable management."

Policy 6.10

"All activities that discharge into air apply~~, at least,~~ the best practicable option so that cumulative effects are minimised."

Policy 6.11

"Recognise the contribution of nationally and regionally significant infrastructure and large scale industrial and trade activities to the regional and national economy and provide for the operation and development of those ~~that~~ infrastructure and activities."

Policy 6.19

"Enable new 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."

New Policy 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."

Policy 6.20

"Apply the best practicable option to all large scale and industrial activities discharging contaminants into air so that localised effects on ~~degradation of ambient~~ air quality ~~is minimised~~ does not cause significant adverse effects."

Policy 6.21

"Apply the best practicable option to all large scale and industrial activities discharging contaminants into air so that degradation of ambient air quality is minimised."

Rule 7.1

"Any activity must comply with all applicable rules in Section 7 of this Plan, except where explicitly stated to the contrary in any other applicable rule in this Plan. ~~Where two rules are applicable to the same activity, the more stringent activity status applies.~~"

Rule 7.3

"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~~ discretionary activity."

Rule 7.17

New rule that provides for discharges for large-scale industrial and trade activities located outside of a Clean Air Shed that either have existing use rights, or are authorised by a discharge permit, as a restricted discretionary activity.

Rule 7.18

New rule that provides for discharges for large-scale industrial and trade activities located within a Clean Air Shed that either have existing use rights, or are authorised by a discharge permit, as a restricted discretionary activity.

Rule 7.28

"The discharge of objectionable and offensive odour, beyond the boundary of the property of origin, …."

New Rule 7.37B

"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.37, it is a **Restricted Discretionary Activity** with Council restricting it's to discretion to the one or more permitted activity standards not complied with."

New Rule 7.38B

"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.38, it is a Restricted Discretionary Activity with Council restricting it's to discretion to the one or more permitted activity standards not complied with."

New Rule 7.52B

"Where an activity is unable to comply with one or more of the permitted activity standards of Rule 17.52, it is a Restricted Discretionary Activity with Council restricting it's to discretion to the one or more permitted activity standards not complied with."

Rule 7.59

"Any discharge of contaminants into air from an industrial or trade premise or process that does not comply with the appropriate permitted activity rule and conditions, and is not prohibited, and is not otherwise provided for by rules 7.3, 7.4, 7.X or 7.28 - 7.58 is a discretionary activity."

Rule 7.74

"The discharge of contaminants into air from the application of agrichemicals or fertiliser that does not comply with one or more of the conditions of rules 7.72 and 7.73 is a restricted discretionary activity."