Tabled @ Hearing
12.11.2015
Canterbury Aggregate
Producers Group
Legal Submission

Before the Independent Commissioners

UNDER	The Resource Management Act 1991
IN THE MATTER OF	The hearing of submissions and further submissions on the proposed Canterbury Air Regional Plan

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LEGAL SUBMISSIONS ON BEHALF OF CANTERBURY AGGREGATE PRODUCERS GROUP (SUBMITTER ID: 62784; FURTHER SUBMITTER ID: 1042012)

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Tavendale and Partners
Lawyers, Christchurch
PO Box 442
Christchurch 8140
Telephone: (03) 374 9999; Fascimile: (03) 374 8888

Solicitor acting: D Caldwell / G Hamilton
david.caldwell@tp.co.nz / georgina.hamilton@tp.co.nz

May it Please the Hearing Commissioners:

Introduction

1 These legal submissions are presented on behalf of Canterbury Aggregate Producers Group (**CAPG**).

2 The CAPG's members are responsible for the vast majority of aggregate production in the Canterbury region.[1] As such, the CAPG has an interest and is affected by the proposed Canterbury Air Regional Plan (**pCARP**). Accordingly, the CAPG made a submission and further submissions on the pCARP.[2]

3 The CAPG has refined its position on the matters raised in its submission and further submissions following a review of Council's Section 42A Report and through the preparation of evidence. The legal submissions that follow focus on the residual issues of concern to the CAPG, which relate to:

3.1 the need for recognition of the importance of aggregates and the locational constraints for quarrying activity within the pCARP's policy framework;

3.2 the reverse sensitivity policies, Policies 6.6 – 6.9;

3.3 the use of the Ambient Air Quality Guidelines 2002 Update as a management tool under Rules 7.17 and 7.18;

3.4 Permitted Activity Rules 7.38, 7.39 and 7.55, and the definition of "sensitive activity";

3.5 the relevance of the Risk Management Standard AS/NZS ISO 31000: 2009, referred to in Schedule 1;

3.6 the extent of the Clean Air Zones for Christchurch shown in the Planning Maps.

4 Evidence in support of CAPG's position on these issues will be given by:

4.1 **Mr Bob Willis** – Regional Environmental Manager for Fulton Hogan Limited, a member of the CAPG. Mr Willis will provide an introduction to the CAPG, its interests and economic contribution in

[1] Statement of Evidence of Bob Willis on behalf of the CAPG at [13].
[2] Dated 1 May 2015 (primary submission); 10 July 2014 (further submission).

Canterbury. He will also address the implications of aspects of the pCARP on the CAPG's operations.

4.2 **Mr Richard Chilton** – Senior Air Quality Scientist, Golder Associates (NZ) Limited. Mr Chilton will address the technical aspects of the pCARP rule framework as they relate to the matters raised in the CAPG's submissions.

4.3 **Mr Kevin Bligh** – Senior Planner, Golder Associates (NZ) Limited. Mr Bligh will address the planning matters arising from the CAPG's submissions, and outlines recommendations as to the textual amendments to the pCARP that he considers are necessary to address those matters.

The CAPG's Interest in the pCARP

5 As is evidenced by the largely confined nature of the decisions now sought, the CAPG broadly accepts the pCARP as notified, subject to the amendments recommended in the Section 42A Report.

6 That said, the CAPG wishes to ensure that the pCARP provides an integrated and enabling planning approach for the Canterbury region's air quality resource, and in particular, does not unnecessarily:

6.1 restrict existing quarrying and cleanfill operations; or

6.2 foreclose opportunities for the development of new quarrying (and cleanfill operations in parts of the region where aggregate resource exists.

7 Underlying the CAPG's position in this regard, and in relation to the remaining issues identified in [3] above, are the following key fundamentals:

7.1 The vital role aggregates have in our economy and society – they are a building block for housing, business and infrastructure, and therefore fundamental to sustaining the needs and wellbeing of people and communities.[3]

7.2 The in-situ nature of the aggregate resource – it can only be quarried where it is found.[4]

[3] Statement of Evidence of Mr Willis, at [17].
[4] Ibid, at [25]

7.3 The availability of the aggregate resource – the demand for aggregates in the Canterbury region is forecast to be substantial due in part to the earthquake rebuild, but also planned infrastructure upgrades and urban growth.[5] With river-based supplies in the Canterbury region in decline, progressively aggregates will have to come from land-based sources.[6] However, presently available (consented) land-based supplies are likely to be exhausted in at least the medium term.[7]

7.4 The economic significance of distance from demand – the pCARP affects air discharges from both existing and new quarrying activity located in relative proximity to Christchurch and other demand centres within the wider Canterbury region. If quarries are forced to establish further from the source of demand, the cost of both raw and processed aggregate (in all its forms) will increase.[8]

7.5 The air quality effects of quarrying activity - dust generation is an inevitable and unavoidable by product of production of aggregate extraction, process and handing operations.[9] These effects cannot be removed or mitigated by simply relocating the activity.[10]

Recognition of Importance of Aggregates/Locational Constraints of Quarrying Activity

8 For the CAPG, it is important that the pCARP policy framework appropriately recognises the importance of aggregate supply and the locational constraints of quarrying activities. This is necessary to ensure the relevant contextual matters pertaining to aggregate supply and operations in Canterbury are properly considered during the decision making process for resource consents. In effect, the CAPG seeks to ensure an appropriate planning framework is achieved for quarrying activities.

9 The Environment Court's 2006 Decision *Road Metals Company Limited v Christchurch City Council*[11] illustrates the need for an appropriate planning framework for quarrying activities. There the Court observed:

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[5] Ibid, at [50].
[6] Ibid, at [53].
[7] Ibid, at [5].
[8] Ibid, at [56].
[9] Ibid, at [45].
[10] Ibid.
[11] C163/2006; 4 December 2006, Judge Smith.

9.1 quarrying activities tend to generate a high level of opposition with a consequent effect on lead in times;[12]

9.2 aggregate material is important to the district, regional and national economies;[13]

9.3 certainty as to where aggregate will come from is needed to support infrastructural development and the future growth of Christchurch;[14]

9.4 there is a future aggregate shortage in the Christchurch area which needs to be addressed to ensure the planning process and quarry development enables on-going adequate aggregate supply.[15]

10 In response to submissions, including those by the CAPG, the Reporting Officer recommends the inclusion a new Policy 6.11A. This new Policy goes some way to addressing the CAPG's submission in so far as the issue of locational constraints is concerned. It provides:

> *Locational constraints of discharging activities, including heavy industry and infrastructure, are recognised so that operational discharges into air are enabled where the best practicable option is applied.*

11 Mr Bligh supports the general tenor of the new Policy 6.11A. He considers the Policy is necessary to "fill the gap" in Objective 5.9 by recognising many discharging activities are significantly constrained in where they can locate.[16] However, in Mr Bligh's view, two amendments are required to the Policy:

11.1 The inclusion of a reference to "quarrying" after the term "heavy industry";[17] and

11.2 Deletion of references to Best Practicable Option on the basis that it is unnecessary in the context of the policy and other policies (such as Policy 6.10) already address such matters.[18]

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[12] At [88] and [111].
[13] At [89] "*We recognise the importance of this aggregate material to the district, regional and national economies. There is frequently a suggestion that these materials can be imported from elsewhere. Putting aside the question of cost, the Court has begun to wonder what particular area would be able to supply the materials. The response of local communities in various parts of New Zealand to date has been consistent in opposing aggregate extraction in their neighbourhood...*"
[14] At [111].
[15] At [110].
[16] Evidence in Chief of Mr Kevin Bligh, at [25].
[17] Ibid, at [29]
[18] Ibid, at [28].

12 In my submission, these amendments provide the clarification needed to ensure the locational constraints for quarrying activities (as described in [7.2] and [7.5] above) are specifically recognised in the resource consent decision-making process, and to avoid any unnecessary duplication within the policy framework itself.

13 The Reporting Officer's recommendation on Policy 6.11A does not, however, address the CAPG's broader concern that the pCARP's policy framework fails to appropriately recognise the importance of aggregate supply. The Section 42A Report is silent on the CAPG's request in this regard.

14 Mr Bligh opines that further policy guidance is required to specifically recognise this issue, not only for the reasons outlined, but in order to give effect to the Canterbury Regional Policy Statement's policy drivers for recovery and rebuild activities in Canterbury,[19] and in so far as the greater Christchurch metropolitan areas are concerned, to be consistent with the provisions of the Land Use Recovery Plan.[20]

15 Accordingly, Mr Bligh recommends the inclusion of a new policy, as follows:

> *"Recognise the importance of quarrying to the continued rebuild and development of the Region and the efficient and effective provision of regionally significant infrastructure is provided for and enabled."*

16 In my submission, the inclusion of a policy such as that proposed by Mr Bligh is a necessary component of the planning framework for quarry development envisaged by the Environment Court in *Road Metals*.

Reverse Sensitivity – Policies 6.6 – 6.8

17 As Mr Willis explains, the most significant threat to aggregate production is the post-hoc expansion of sensitive activities into the locale of quarries.[21] The CAPG is therefore concerned that the pCAPG's suite of reverse sensitivity policies, if retained, could force operators into reducing the scale of their existing activity or to relocate existing uses where sensitive receivers establish in close proximity to their sites. The issue primarily lies with Policy 6.7, which essentially reverses the established presumption as to where the onus lies in respect of reverse sensitivity and how such effects are to be managed.

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[19] Evidence in Chief of Mr Bligh, at [34], and outlined in Attachment A to Mr Bligh's evidence.
[20] ibid.
[21] Statement of Evidence of Mr Willis, at [46].

18 The Hearing Committee has already received comprehensive legal submissions on the vires and appropriateness of those policies from Counsel for Gelita NZ Limited[22] and Carter Holt Harvey Pulp and Paper Limited.[23] For the sake of brevity, I do not propose to repeat those here but rely on and adopt the position outlined in those submissions on this legal issue.

19 In my submission, the approach taken by Policy 6.7 in particular is inconsistent with the policy directives of the CRPS[24] and fails to recognise:

19.1 the locational constraints for quarry operations,

19.2 the considerable investment that is made in such operations, including in measures to avoid, remedy and mitigate adverse effects; and

19.3 the substantial costs that would be involved in relocating and re-establishing quarry operations.

20 Despite the mandatory requirements under section 32(2) of the Resource Management Act 1991, no analysis of such "costs" of the proposed policy approach appears to have been undertaken by Council.[25]

21 In order to address the shortcomings identified, Mr Bligh proposes the deletion of Policy 6.7, and that Policy 6.8 to be amended as follows:

> *"Where activities that discharge into air locate appropriately and where the effects of the discharge are avoided, remedied or mitigated ~~to avoid the potential for reverse sensitivity effects~~, then a longer consent duration ~~may be available~~ is appropriate to provide for ongoing operational certainty.*

22 In my submission, Mr Bligh's proposal would not only bring the policies into line with the established position on reverse sensitivity effects, but would also avoid the potentially undesirable practical outcomes of the policies (in their notified form), which as Mr Willis notes, would almost certainly have an effect on aggregate supply and cost, and the repatriation of closed quarries through cleanfilling.[26] It is submitted that such effects would have direct implications for the social and economic wellbeing of the communities of the Canterbury

[22] Summary of Submissions on Reverse Sensitivity Issue on behalf of Gelita NZ Limited, dated 30 October 2015.
[23] Legal Submissions on behalf of Carter Holt Harvey Pulp and Paper Limited, dated 29 October 2015.
[24] Particularly Policy 14.3.5 of the CRPS, as noted in the Evidence in Chief of Mr Bligh, at [42].
[25] Section 32 Report "Evaluation of Efficiency" for Industrial and Large Scale Discharges to Air (pages 4-41 to 4-43); Odour and Dust (pages 4-46 to 4-47).
[26] Statement of Evidence of Mr Willis, at [64].

region. Accordingly, in my submission, Mr Bligh's proposal would be more appropriate in terms of section 32 of the RMA.

23 Before moving from this topic, it is appropriate to draw one final matter to the Hearing Panel's attention.

24 A potential scope issue arises in relation to the relief now sought by the CAPG in relation to Policy 6.7. While the CAPG's submission and further submission addressed Policies 6.6 and 6.8, no decisions were sought in relation to that Policy. It is submitted that this should not be viewed as a bar to the relief now sought by the CAPG, as its submission sought amendments to Policy 6.6 to address the very issue at the heart of Policy 6.7 i.e. where the onus should lie in relation to reverse sensitivity effects. It is Mr Bligh's evidence that the issue raised by the CAPG's submission on Policy 6.6 is best addressed by deleting Policy 6.7.[27] In my submission, the decision sought by CAPG is therefore within scope. Should the Hearing Panel be minded to delete Policy 6.7, scope for that change would also arise from other submissions on the pCARP (such as those by Gelita NZ Limited) that have sought either the deletion of, or amendments to, Policy 6.7 to address the issues arising.

Ambient Air Quality Guidelines - Rules 7.17 and 7.18

25 The CAPG opposes Rules 7.17 and 7.18, which seeks to address existing and new discharges of contaminants to air from large scale solid fuel burning devices or industrial or trade premises *"...that will likely result in guideline values, set out in the Ambient Air Quality Guidelines 2002 Update, being exceeded..."*. Existing discharges outside Clean Air Zones are provided for as non-complying activities (Rule 7.17), while new discharges (established post 28 February 2015) are prohibited (Rule 7.18).

26 It is understood the Rules are intended to implement Objective 5.1 and 5.2, which seek to ensure that where air quality provides for people's health and safety it is maintained, and where it does not, then air quality is improved.

27 The crux of the CAPG's concern lies in the use of the Ambient Air Quality Guidelines 2002 Update (**AAQG**) as a management tool for individual discharges. As Mr Chilton explains, the AAQG is not intended to be used as

[27] Evidence in Chief of Mr Bligh, at [44] – [46].

a simple "pass/fail" test (as is proposed via Rules 7.17 and 7.18); the AAQG acknowledges this, stating that it was:[28]

> *...not designed to be used to assess the environmental and health impacts of individual discharges to air as required by the RMA or a regional or district plan.*

28 Mr Chilton also notes that the AAQG indicates where an exceedance of the AAQG values are predicted to occur, a more detailed effects assessment should be undertaken to better quantify the potential adverse effects of the discharge.[29] The opportunity to undertake such an assessment is not contemplated by the rules, as notified.

29 This is not the only shortcoming of the Rules. As Mr Bligh points out, there is also no ability for consideration in the consenting process to be made as to the significance or importance of an activity, in terms of enabling people and communities to provide for their social, economic and cultural well-being, or the wider policy drivers in the CRPS or the pCARP itself.[30]

30 It is acknowledged that since the pCARP was notified, Council has undertaken a "re-think" of Rules 7.17 and 7.18.[31] However, in the absence of any draft rules (and policies) being made available to submitters for consideration, it is difficult for the CAPG's witnesses to provide any constructive comment on Council's revised position.

31 At this point, it is the CAPG's preference for Rules 7.17 and 7.18 (as notified) to be deleted on the basis that they preclude the proper assessment of industrial air discharges.

Permitted Activity Rules 7.38, 7.39 and 7.55; the definition of "sensitive activity"

Rules 7.38 and 7.39 – handling and storage of bulk solid materials

32 The CAPG's preference is for the pCARP to include a new permitted activity rule for discharges of contaminants to air from quarrying activities. The proposed wording is set out in Mr Bligh's evidence in chief at [67].

33 Should the Hearing Panel be minded not to include a further permitted activity rule, the CAPG seeks amendments to Permitted Activity Rules 7.37

[28] AAQG, page 40.
[29] Evidence in Chief of Mr Chilton, at [22].
[30] Evidence in Chief of Mr Bligh, at [53].
[31] Section 42A Report, page 13-9 (Recommendations R-17 and R-18); Council response to Hearing Panel's questions (tabled at the hearing on 29 October 2015), at page 7 (item (8)).

(discharges to air from the handling of bulk solid materials) and 7.38 (discharges to air from outdoor storage of bulk solid materials).

34 In summary, the amendments now sought are:

34.1 Deletion of the requirements to hold and implement a Dust Management Plan (**DMP**), and supply the same to Council on request (conditions 4 and 5 of Rule 7.37; conditions 3 and 4 of Rule 7.38). In Mr Chilton's opinion, it is not necessary for a DMP to be a condition of a permitted activity rule as:[32]

(a) there is an overriding requirement for discharges to not cause an offensive or objectionable dust effect via Rule 7.3.

(b) DMPs tend only to be used of industrial consent holders where there are complexities associated with conditions of an air discharge consent that requires a management plan to set out how the consent conditions will be implemented and who will have responsibility for those actions. Such activities are unlikely to have permitted activity status under the pCARP.

34.2 Clarificatory amendments in conditions 6 of Rule 7.37 and 5 of Rule 7.38, to ensure the setback requirements apply only to sensitive activity *on a different property* from where the air discharge occurs.

35 In terms of efficiencies and effectiveness, in my submission, eliminating the need for DMPs and clarifying the intended application of the setback conditions, would reduce compliance costs for both Council and those seeking to rely on the permitted activity rules, without compromising the outcome sought to be achieved by the Rules. It is therefore submitted that the amendments sought by the CAPG would more appropriately achieve the purpose of the RMA.

Rule 7.55 – Cleanfilling

36 The CAPG considers that amendments are also required to the conditions of Rule 7.55 (discharges to air from cleanfilling) to provide better alignment with Permitted Activity Rules 7.37 and 7.38. In summary, the amendments sought are:

[32] Evidence in Chief of Richard Chilton, at [28] – [29].

36.1 Reduction of the required setback from a sensitive activity on an adjoining property from 300m to 200m, as is presently required under Rules 7.37 and 7.38. Mr Chilton considers there is no rationale or science basis for the greater setback distance provided in Rule 7.55.[33] He supports a 200m setback distance from an effects-based perspective; i.e. that the dust emissions generated by small cleanfill operations are similar in character and are no worse (and in many cases better) than small scale quarry operations, which are currently addressed under Rules 7.37 and 7.38.[34]

36.2 Deletion of condition 3. This is on the basis that cleanfill is not "stored", as is indicated in the condition.

36.3 Deletion of the requirements for dust and/or odour management plans under condition 5 and 6. As noted, it is Mr Chilton's evidence that a DMP is not necessary as a condition of a permitted activity. Mr Chilton also opines that an odour management plan is not necessary as a condition under Rule 7.55 as cleanfill operations are not a significant source of odour and the pCARP's definition of "cleanfill" specifically excludes materials that may be putrescible, degradable or contain leachate components, which are aimed at avoiding odorous materials.[35]

36.4 A clarificatory amendment to condition 4, to ensure the requirement that the discharge does not cause a noxious or dangerous effect apply only *beyond the boundary of the property*.

37 In a similar view to Rules 7.37 and 7.38, in terms of efficiency and effectiveness, the CAPG's proposed amendments would reduce compliance costs (for both Council and individuals seeking to rely on the permitted rules) and ensure internal consistency across the related permitted activity rules in the pCARP, without compromising the outcomes sought to be achieved by the Rule. For that reason, I submit that the CAPG's amendments would more appropriately achieve the purpose of the RMA.

[33] Evidence in Chief of Mr Chilton, at [32].
[34] Ibid, at [31].
[35] Ibid, at [33].

Definition of "sensitive activity"

38 Common to each of the permitted activity rules already addressed are conditions imposing setback requirements from any "sensitive activity". For example, Rule 7.37 as notified states:

> *The discharge of contaminants into air from the handling of bulk solid materials is a permitted activity provided the following conditions are met:*
>
> ...
>
> *6. The discharge does not occur within 200m of a sensitive activity....*

39 Following consideration of submissions, the Reporting Officer recommends the following definition of the term "sensitive activity" be included in the pCARP[35]:

> *Any non-target crop that will actually or potentially be adversely effected by a discharge or an activity undertaken in:*
> *(a) the area within the notional boundary of an occupied dwelling; or*
> *(b) a residential area or zone as defined in a district plan;*
> *(c) a public amenity area, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas; or*
> *(d) a place, outside of the Coastal Marine Area, or public assembly for recreation, education, worship, culture or deliberation purposes.*

40 The practical implications of the current drafting of the definition are traversed in some detail in the evidence of each of the CAPG's witnesses. Of the issues identified, the most concerning is Mr Willis' observation (echoed by Mr Bligh and Mr Chilton) that the uncertainty created by the absence of a definition in the pCARP of the term "notional boundary" and the amendments now proposed by the Reporting Officer to address "non-target crops" would invariably lead to dispute as to the boundary of a "sensitive activity" and whether a discharge is or is not a permitted activity.[37]

41 Mr Bligh also points to the significant additional costs those who could otherwise undertake activities without consent would face if the additional text relating to "non-target crops" was included in the definition,[38] a matter that Mr

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[36] As amended by the Reporting Officer, and outlined in the Section 42A Report.
[37] Statement of Evidence of Mr Willis, at [71].
[38] Rebuttal Evidence of Mr Bligh, at [13].

Chilton indicates is problematic from an air quality perspective in so far as dust emissions are concerned.[39]

42 In my submission, the definition (and consequently the conditions of the Permitted Activity Rules which refer to it) fails to meet the legal test for certainty. This test was helpfully summarised by the High Court in *Gordon v Al-Sabak Investments Ltd* in the following way:[40]

> *...a Rule cannot reserve to a consent authority the right to decide whether or not an activity is a permitted activity. A person considering a proposed activity against the District Plan must be able to determine, without reference to a decision to be made by a third party, whether that activity is a permitted activity or not...*

43 In my submission, the definition of "sensitive activity" has this very effect. Taking the earlier example, a person considering Rule 7.37 would be unable to determine, by simply looking at condition 6 and the definition of "sensitive activity", whether their discharge was permitted.

44 Mr Bligh suggests the issue of uncertainty could be addressed by carrying over the operative Natural Resources Regional Plan's definitions of "sensitive activity" and "notional boundary" into the pCARP.[41] In Mr Bligh's experience, those definitions are well understood and commonly accepted, and he is not aware of any problem associated with the implementation of these definitions, and in a practical sense, has found them relatively straightforward to apply.[42]

45 In my submission the amendments proposed by Mr Bligh are necessary to avoid the predicted difficulties in plan administration and implementation, not to mention the unnecessary consenting costs. Overall, the amendments are required to ensure the permitted activity rule framework is the most efficient and effective means of achieving the objectives of the pCARP, and the purpose of the RMA.

Schedule 1 / Planning Maps

46 In terms of Schedule 1 and the Planning Maps, the CAPG seeks:

46.1 The Clean Air Zone boundary for Christchurch so that the Clean Air 1 Zone aligns with the urban limits in Map A of Chapter 6 of the CRPS.

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[39] Evidence in Chief of Mr Chilton, at [17] – [19].
[40] High Court, CIV-2008-485-1191, 24 September 2008, Miller J, at [25].
[41] Evidence in Chief of Mr Bligh, at [88].
[42] Ibid, at [89].

In Mr Bligh's view, this would more appropriately reflect ECan's intention as expressed in the section 32 report, that:

> *"...as the urban boundary expands it is the intention that the Clean Air Zone would align to ensure that discharges to air from urban activities are managed to reduce their effect on the airshed.."*

This would avoid the potential issues that may arise if the Clean Air 1 Zone (as notified), is confirmed. In particular, the unintended consequence of constraining non-urban activity, such as quarrying activity, and consequential impacts on aggregate supply and cost.

46.2 Deletion of the final section of Schedule 1, which provides:

> *Information to be provided for resource consent applications where the effects of the activity are unknown or unpredictable due to absence of information.*
>
> *1. An assessment in accordance with the Risk Management Strategy AS/NZ ISO 31000:2009 to determine the risks associated with the proposal given the lack of certain information.*

The CAPG's position on this requirement is simple: it is unreasonable for such a detailed assessment to be undertaken owing only to unpredictability. The CAPG also questions the relevance of the Standard to resource consent applications.

Summary of Decisions Sought by CAPG

47 The CAPG respectfully requests that its submission on the pCARP be allowed to the extent that:

47.1 A new policy be inciuded in the pCARP to recognise the importance of aggregate supply as set out at [15] of these legal submissions;

47.2 Policy 6.11A be amended to include specific reference to quarrying;

47.3 Policy 6.7 be deleted and Policy 6.8 be amended in the manner outlined at [21] of these legal submissions.

47.4 Rules 7.17 and 7.18 be deleted;

47.5 A new permitted activity rule for air discharges from quarrying activity be included in the pCARP[43];

[43] The text of which is outlined in the Evidence in Chief of Mr Bligh, at [37].

47.6 In the alternative to [47.5], Rules 7.37 and 7.38 be amended by:

(a) Deleting 7.37(4) and (5) and 7.38(3) and (4) regarding dust management plans;

(b) Including the words "located on a different property" after the word "sensitive activity" in 7.37(6) and 7.38(5).

47.7 Rule 7.55 be amended by:

(a) Reducing the setback in 7.55(1) from 300m to 200m; and

(b) Deleting 7.55(3), (4) and (5).

47.8 Deleting the definition of "sensitive activity" (as notified) and replacing with the Natural Resources Regional Plan's definitions of "sensitive activity" and "notional boundary";

47.9 Amending the Clean Air Zone 1 to align with the urban limits in Map A of Chapter 6 of the CRPS; and

47.10 Deleting the final section of *Schedule 1 Information to be provided for resource consent applications where the effects of the activity are unknown or unpredictable due to absence of information.*

Dated: 12 November 2015

D Caldwell / G Hamilton
Counsel for Canterbury Aggregate Producers Group