

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)

Submission on Behalf of Ravensdown Limited

1 April 2016

Introduction

1. Ravensdown Limited (Ravensdown) lodged submissions to the proposed Canterbury Air Regional Plan (pCARP) and has attended the hearings of its submissions providing expert air quality and planning evidence. Furthermore, Ravensdown provided a *Memorandum of Counsel for Ravensdown Limited* (Memorandum of Counsel) dated 12 February 2016 in response to Minute 3 issued by the Commissioners dated 10 December 2015.
2. In the Memorandum of Counsel, a written response was provided to the redrafting of Policies 6.20 and 6.21 and Rules 7.17 and 7.18 of the pCARP as set out in the *Memorandum of Counsel for the Canterbury Regional Council* dated 18 December 2015.
3. In Minute 5 (dated 30 March 2016) the Commissioners invited the 12 submitters to file submissions in response to the s.42A Report Reply by 2pm on 1 April, or to make an oral submission at the hearing on 4 April 2016. Ravensdown Limited provides this response to the s.42A Report Reply.

Application to be heard

4. Ravensdown notes that Minute 5 records that it applied (along with Synlait Milk Limited) to be heard in support of its written submissions filed in response to Minute 3. Minute 5 records that both submitters seek an opportunity to respond to the section 42A Reply Report segments that deal with policies 6.20 to 6.22B and rules 7.17 - 7.18.
5. Ravensdown wishes to record that it did not apply to the Commissioners to be heard in support of its written submission filed in response to Minute 3, but did seek clarification from the Hearings Administrator whether an opportunity would be provided at the reconvened hearing to speak to its written submission. Ravensdown was informed no opportunity would be provided.
6. Notwithstanding this, Ravensdown is appreciative of the Commissioners providing an opportunity to provide this written submission in response to the s.42A Report Reply.

Background

7. In its Memorandum of Counsel, Ravensdown provided specific comment on the proposed amendments to Policies 6.19; 6.20; and 6.21, and the deletion of Rules 7.17 and 7.18. When considering the deletion of Rules 7.17 and 7.18, Ravensdown provided its view on how Rules 7.3 and 7.4; 7.19 – 7.27; and 7.28 – 7.59 might apply to its activities at its Hornby Site.
8. Ravensdown notes that while the s.42A Report Reply recognises its comments on Policies 6.19; 6.20 and 6.21, it can find no reference to its comments on the rules.
9. Ravensdown would therefore make the following submission points in response to the s.42A Report Reply.

Submission Points

Policy 6.19

10. Ravensdown notes that the s.42A Report Reply does not accept its views expressed in its Memorandum of Counsel. After reading the Council Officer's reasons for not accepting Ravensdown's views, Ravensdown remains of the opinion that the Policy 6.19 should be amended to only apply to new discharges, and a new Policy 6.19A be included to provide for existing discharges as requested. Paragraph [5] of the Memorandum of Counsel provides reasons for this request.

Policy 6.20

11. Ravensdown notes in paragraphs [43] and [44] of the s.42A Report Reply that matters raised by Fonterra and supported by Ravensdown are accepted, and the amendments are recommended. Ravensdown supports these recommendations.
12. Furthermore, Ravensdown notes in paragraph [45] that the Council Officer considers an amendment to the Policy is appropriate so that BPO is required to be applied so the discharge "does not cause significant adverse effects" rather than adverse effects being "minimised". However, Ravensdown cannot see this recommendation included in Policy 6.20 as stated in paragraph [41].

Ravensdown would seek the Commissioners to amend the Policy as requested by Fonterra and agreed to by the Council Officer.

Rules

13. In its Memorandum of Counsel, Ravensdown provided its interpretation regarding how the Hornby site activities are defined in the pCARP, and what rules apply. In particular, Ravensdown determined:
- Ravensdown's Hornby operation does not appear to meet the pCARP definition of 'large scale fuel burning device' and therefore its discharges are not managed by Rules 7.19 – 7.27;
 - Ravensdown's Hornby operation is an industrial and trade premise, and therefore Rules 7.28 – 7.59 apply, and in particular Rules 7.28; 7.29 and 7.59;
 - Overall the activity status for Ravensdown's Hornby site would be discretionary under Rule 7.59 and not restricted discretionary under Rules 7.28 and 7.29;
 - Rule 7.4(14) does not apply to Ravensdown's Hornby discharges for the reasons outlined in the paragraph [19] of the Memorandum of Counsel.
14. Ravensdown would seek confirmation from the Council Officer, through the Commissioners, that the above interpretation is correct. This is an important matter for Ravensdown as how its activities are defined determine which rules apply. If its interpretation is not correct, Ravensdown has concerns regarding what rules will apply, and implications for its future operations and consenting, as outlined in paragraph [20] of the Memorandum of Counsel.



Chris Hansen

Planner for Ravensdown Limited

1 April 2016