

**Before the Independent Commissioners**

In the matter of the Resource Management Act 1991  
(the "Act")

And

In the matter of Submissions and Further Submissions  
lodged on the Proposed Canterbury Air  
Regional Plan ("PCARP"), notified 28  
February 2015

Submitter Chevron New Zealand (Submitter ID  
63218)

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**MEMORANDUM OF COUNSEL ON BEHALF OF CHEVRON NEW ZEALAND**

**Dated:** 14 October 2015

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## May it please the Independent Commissioners

1. This memorandum is lodged on behalf of Chevron New Zealand ("Chevron"). Chevron lodged submissions and further submissions on the PCARP supporting various provisions and seeking a number of amendments including:
  - (a) Amending the non-complying activity status for offensive and objectionable air discharges in Rule 7.3 to discretionary;<sup>1</sup>
  - (b) Amending Rule 7.34 which addresses permitted air discharges from the storage and transfer of petroleum products to remove the dust and odour management plan requirements;<sup>2</sup> and
  - (c) Deleting or altering the Schedule 2 management plan requirements on the basis that the schedule does not provide sufficient environmental standards for specific permitted activities which require management plans (such as Rule 7.34).<sup>3</sup>
2. The purpose of this memorandum is to clarify Chevron's further involvement in the PCARP hearing process. Chevron also wishes to support particular points raised in the primary evidence filed by David Le Marquand on behalf of the Oil Companies and Lynette Wharfe on behalf of Horticulture New Zealand.
3. Chevron will not be attending the hearing on 27 October 2015 and requests that the Independent Commissioners consider and adopt the changes Chevron has sought to the PCARP as set out in its primary and further submissions.
4. Chevron supported submissions by the Oil Companies to alter the non-complying activity status in Rule 7.3 to discretionary and to remove the management plan conditions from Rule 7.34.<sup>4</sup> Chevron has read the evidence of David Le Marquand filed on behalf of the Oil Companies and agrees with the reasoning provided in paragraphs 8.2-8.4 and 8.17-8.20 in respect of these amendments.
5. Chevron also supported a submission made by Horticulture New Zealand (HNZ) seeking to remove the reference to permitted activities within

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<sup>1</sup> pCARP-1632.

<sup>2</sup> pCARP-1648.

<sup>3</sup> pCARP-1653, 1656 and 1658.

<sup>4</sup> pCARP-3122 and pCARP-3125.

Schedule 2 of the PCARP.<sup>5</sup> Lynette Wharfe has filed evidence on behalf of HNZ supporting this amendment, stating:

*A permitted activity rule should not have to undertake an assessment as set out in Schedule 2 as a condition of a rule where the adverse effects are predictable and generally acceptable within the environment in which they occur.*<sup>6</sup>

6. Chevron supports the reasoning provided in paragraphs 8.7-8.15 of Ms Wharfe's evidence as to why references to permitted activities in Schedule 2 should be deleted.

**Dated:** 14 October 2015

A handwritten signature in blue ink, appearing to read 'R. Krzanich', written over a horizontal dotted line.

**Rafael Krzanich**

Counsel for Chevron New Zealand

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<sup>5</sup> pCARP-1098.

<sup>6</sup> Paragraph 8.14 of Ms Wharfe's primary evidence for HNZ.