

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN

TRUSTPOWER LIMITED

(ENV-2007-CHC-284)

(Topic: ENV-2008-308-012)

AND

RANGITATA DIVERSION RACE
MANAGEMENT LIMITED

(ENV-2007-CHC-283)

(Topic: ENV-2008-308-012)

AND

TEGEL FOODS LIMITED

(ENV-2007-CHC-288)

(Topic: ENV-2009-308-027)

Appellants

AND

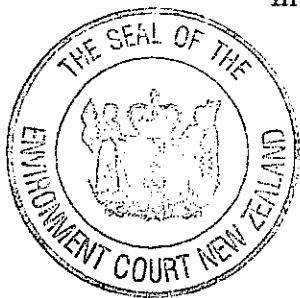
CANTERBURY REGIONAL
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J E Borthwick sitting alone under section 279 of the Act

In Chambers at Christchurch



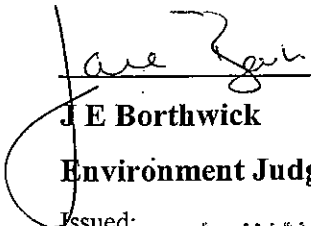
Order

[5] Therefore the Court orders, by consent, that the appeals are allowed to the extent that the Canterbury Regional Council is directed to modify Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan as specified in **Appendix One** attached to and forming part of this consent order.

[6] The appeals, as they relate to topics ENV-209-308-012 and ENV-2009-308-027, are otherwise dismissed.

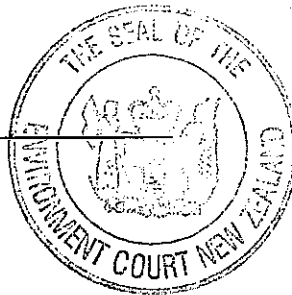
[7] There is no order for costs.

DATED at CHRISTCHURCH ¹¹⁻¹² June 2009.


J E Borthwick
Environment Judge

Issued:

11 JUN 2009

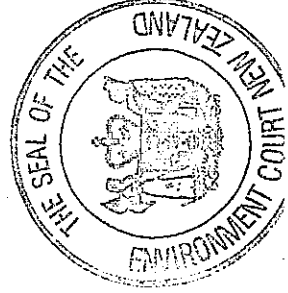


Appendix One: Changes to Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan

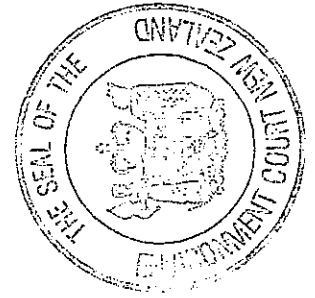
1. Table 3.1 Summary of Rules

Amend Table 3.1 Summary of Rules by adding the following between Rule AQL41 and Rule AQL50 as follows:

Discharges to air from industrial or trade premises and industrial or trade processes				
Activity to which applies	Rule N°	Description	Activity Status	Page N°
Anywhere in the Canterbury region	AQL38	Fugitive dust emissions from unconsolidated surfaces	Permitted	
	AQL39	Petroleum storage and transfer facilities	Permitted	
	AQL40	Dry cleaning	Permitted	
	AQL41	Metal work processes	Permitted	
	AQL41A	Metal work processes subject to Rule AQL41 but which do not comply with the conditions in that rule	Restricted Discretionary	
	AQL42	Bulk materials	Permitted	
	AQL43	Seed cleaning	Permitted	
	AQL44	Clay firing	Permitted	
	AQL45	Laboratory fume cupboards in educational institutions	Permitted	
	AQL46	Commercial laboratory fume cupboards	Permitted	
	AQL47	Wood waste generating processes	Permitted	
	AQL48	Discharges of heat, steam or water vapour	Permitted	



AQL49	Food or animal product cooking and processing	Permitted	
AQL49A	Food or animal product cooking and processing subject to Rule AQL49 but which do not comply with the conditions in that rule	Restricted Discretionary	
AQL50	Fumigation	Permitted	
AQL51	Water blasting	Permitted	
AQL52	Dry or wet abrasive blasting within an enclosed booth	Permitted	
AQL53	Small scale spray coating not within a spray booth	Permitted	
AQL54	Small scale spray coating within a spray booth	Permitted	
AQL55	Printing processes using water-based inks	Permitted	
AQL56	Workplace ventilation	Permitted	
AQL57	Industrial or trade premises and processes not complying with Regional Rules AQL38 to AQL56 or not otherwise identified	Discretionary	
Anywhere in the Canterbury region			

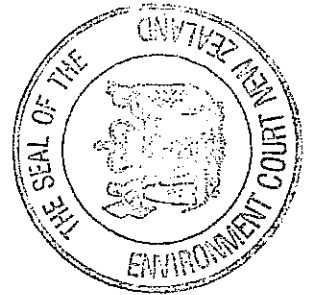


2. Rule AQL41A Metal work processes – Restricted Discretionary Activity

Add new Rule AQL41A as follows:

Rule AQL41A Metal work processes subject to Rule AQL41 but which do not comply with the conditions in that rule - restricted discretionary activity

Activity	Standards/Terms	Restriction of Discretion	Cross reference
<p>The discharge of contaminants to air from metal work processes subject to Rule AQL41 but which do not comply with one or more of the conditions in that rule is a restricted discretionary activity.</p>	<p>Nil</p>	<p>Environment Canterbury has restricted its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. The quantity, quality and type of discharge and any effects arising from that discharge. 2. The methods to minimise the discharge and to avoid, remedy or mitigate any adverse effects of the discharge including the adequacy of the control measures for the collection, containment, management and treatment of the discharge, as well as the type and adequacy of control equipment and preparation of management plans. 3. The location of the discharge. 4. Available measurements, samples, analyses, surveys, investigations, or inspections. 5. Provision of information to the consent authority at specified times. 6. Compliance with monitoring, sampling and analysis conditions at the consent holder's expense. 7. Duration of consent. 8. Review of conditions of consent and the timing and purpose of the review. 	

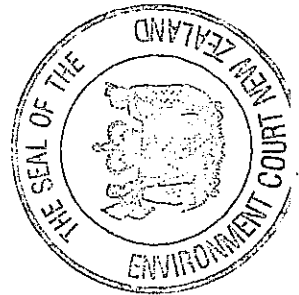


3. Rule AQL49A Food or animal product cooking and processing – Restricted Discretionary Activity

Add new Rule AQL49A as follows:

Rule AQL49A Food or animal product cooking and processing subject to Rule AQL49 but which do not comply with the conditions in that rule - restricted discretionary activity

<u>Activity</u>	<u>Standards/Terms</u>	<u>Restriction of Discretion</u>	<u>Cross reference</u>
<p><u>The discharge of contaminants into air from food or animal product cooking and processing subject to Rule AQL49 but which do not comply with one or more of the conditions in that rule is a restricted discretionary activity.</u></p>	<p><u>Nil</u></p>	<p><u>Environment Canterbury has restricted its discretion to the following matters:</u></p> <ol style="list-style-type: none"> <u>1. The quantity, quality and type of discharge and any effects arising from that discharge.</u> <u>2. The methods to minimise the discharge and to avoid, remedy or mitigate any adverse effects of the discharge including the adequacy of the control measures for the collection, containment, management and treatment of the discharge, as well as the type and adequacy of control equipment and preparation of management plans.</u> <u>3. The location of the discharge.</u> <u>4. Available measurements, samples, analyses, surveys, investigations, or inspection.</u> <u>5. Provision of information to the consent authority at specified times.</u> <u>6. Compliance with monitoring, sampling and analysis conditions at the consent holder's expense.</u> <u>7. Duration of consent.</u> <u>8. Review of conditions of consent and the timing and purpose of the review.</u> 	



4. 3.5 Explanations and principal reasons for methods

Add new Explanation and principal reason for methods for new Rule AQL41A Metal work processes subject to Rule AQL41 but which do not comply with the conditions in that rule - restricted discretionary activity after Rule AQL41 Metal work processes – permitted activity as follows:

Rule AQL41A Metal work processes subject to Rule AQL41 but which do not comply with the conditions in that rule - restricted discretionary activity

Rule AQL41A controls the discharge of contaminants to air from metal work processes which are subject to Rule AQL41 but fail to meet one or more of the conditions of Rule AQL41. Where conditions are not met, the rule provides for the exercise of the appropriate level of control of any potential adverse effects on the environment resulting from the discharge. The rule specifies the matters of discretion which the consent authority retains when considering any application for consent under this rule.



5. 3.5 Explanations and principal reasons for methods

Add new Explanation and principal reason for methods for new Rule AQL49A Food or animal product cooking and processing subject to Rule AQL49 but which do not comply with the conditions in that rule - restricted discretionary activity after Rule AQL49 Food or animal product cooking and processing – permitted activity as follows:

Rule AQL49A Food or animal product cooking and processing subject to Rule AQL49 but which do not comply with the conditions in that rule - restricted discretionary activity

Rule AQL49A controls the discharge of contaminants to air from food or animal product cooking and processing which are subject to Rule AQL49 but fail to meet one or more of the conditions of Rule AQL49. Where conditions are not met, the rule provides for the exercise of the appropriate level of control of any potential adverse effects on the environment resulting from the discharge. The rule specifies the matters of discretion which the consent authority retains when considering any application for consent under this rule.

6. 3.5 Explanations and principal reasons for methods

Amend Rule AQL57 Industrial or trade premises and processes not complying with Rules AQL38 to AQL56 or not otherwise identified – discretionary activity as follows:

Rule AQL57 Industrial or trade premises and processes not complying with Rules AQL38 to AQL56 or not otherwise identified – discretionary activity

This is a "catch-all" type rule. Having already made a distinction between those discharges that Environment Canterbury considers should be permitted or restricted discretionary activities, this rule provides for those discharges over which Environment Canterbury wishes to retain greater control through the resource consent process. The rule ...

