

Form 7

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON  
PROPOSED POLICY STATEMENT OR PLAN**

*Clause 14(1) of First Schedule, Resource Management Act 1991*

To: The Registrar  
Environment Court  
Auckland

**Tegel Foods Limited** appeals against a decision of the Canterbury Regional Council (Environment Canterbury) on the following policy statement or plan:

**Proposed Canterbury Natural Resources Regional Plan (“Plan”)**

Tegel Foods Limited made submissions on that Plan.

Tegel Foods Limited received notice of the decision on 3 October 2007.

The decision was made by Environment Canterbury.

The decision (or part of the decision) that Tegel Foods Limited is appealing is:

**1. “Localised Adverse Effects”**

Further submission F435 in support of New Zealand Institute for Crop and Food Research Ltd Submission 374.

Decision recommendations p149

The reasons for the appeal are as follows:

- a. Tegel supported the submission to clarify the meaning of ‘immediate vicinity’ in the definition of “Localised adverse effects”.
- b. The submission was accepted in part and the Commissioners recommended changes to the definition of ‘localised adverse effects’.

- c. However, this recommendation was not adopted in the amended Plan by decisions Chapter 1.

Tegel Foods Limited seeks the following relief:

- Provide the following definition of ‘localised adverse effects’ –

*‘means adverse effects of air pollution which occur within the immediate vicinity of contaminant discharges from one (or more) source(s). Immediate vicinity includes the geographic area:*

- (a) *Where contaminated air discharged from a source has not been reasonably mixed with the ambient air; and/or*
- (b) *Beyond the boundary of the property from which the discharge occurs where there is a specific adverse effect directly attributable to the discharge(s).*

*Some contaminant discharges may have both localised adverse effects and also contribute to adverse effects over a wider area.’*

Or words to that effect; and

- Such further or other relief as is appropriate.

## 2. Acknowledgement of Reverse Sensitivity in Issues and Objectives

Further submission F435 (point 2) in support of Carter Holt Harvey Panels MDF Ltd Submission 391 (point 2)

Decision recommendations p111

The reasons for the appeal are as follows:

- a. Tegel supported the submission to include an additional issue and objective which supports the policies acknowledging reverse sensitivity.
- b. Environment Canterbury considered that in the context of air quality, reverse sensitivity effects will generally relate to local air quality, and as such will fall under Issue AQL1 and Objective AQL1 and that reverse sensitivity effects are specifically addressed in Policies AQL5 (odour), AQL6 (dust) and AQL7 (agricultural).
- c. Each of the policies noted above has a related method providing for direction from territorial authorities, on the basis that reverse sensitivity effects arise primarily in the context of land use controls.

Tegel Foods Limited seeks the following relief:

- Include an additional issue and objective which supports the policies acknowledging reverse sensitivity’;

- Such further or other relief as is appropriate.

### 3. Policy AQL5 Avoid Odour Nuisance

Submission 435 (point 1)

Decision recommendations p385

The reasons for the appeal are as follows:

- (a) Tegel sought the avoidance of generalised statements that intensive livestock farming activities give rise to offensive and objectionable effects, including odour.
- (b) Environment Canterbury advised that this submission had been considered elsewhere; however, no reference has been found and it appears that no consideration of the submission has been carried out through a Plan amendment.

Tegel Foods Limited seeks the following relief:

- Remove generalised statements in the Plan that intensive livestock farming activities give rise to offensive and objectionable effects, including odour.
- Such further or other relief as is appropriate.

### 4. Policy AQL4 Reverse Sensitivity Complaints

Submission 435 (point 3)

Decision recommendations p387

The reasons for the appeal are as follows:

- a. Tegel sought to clarify how the protection from reverse sensitivity complaints would be achieved in practice.
- b. Environment Canterbury appears to have considered this submission with submissions which sought to amend or replace Policy AQL5 with one that recognises the responsibilities that territorial authorities have for the management of odour effects of land use, and for the control of effects of land use to avoid potential reverse sensitivity effects from occurring.
- c. Tegel also sought to delete the provisions relating to managing odour effects where controls on odour are included in District Plans.

Tegel Foods Limited seeks the following relief:

- Clarify how the protection from reverse sensitivity complaints will be achieved in practice.

- Amend or replace Policy AQL5 with one that recognises the responsibilities that territorial authorities have for the management of odour effects of land use, and for the control of effects of land use to avoid potential reverse sensitivity effects from occurring.
- Delete the provisions relating to managing odour effects where controls on odour are included in District Plans.
- Such further or other relief as is appropriate.

## 5. Policy AQL6 Avoid Dust Nuisance

Further submission F435 (point 2) in support of Tasman Farms Limited submission 429

Decision recommendations p419

The reasons for the appeal are as follows:

- a. Submissions sought to retain Policy AQL6, but recognising that some land uses cannot contain all effects on site.
- b. These submissions were accepted but no changes to the Plan were made.

Tegel Foods Limited seeks the following relief:

- Amend the Plan to retain Policy AQL6, but recognising that some land uses cannot contain all effects on site; and
- Such further or other relief as is appropriate.

## 6. AQL8 Recognition of Reverse Sensitivity in Explanation and Principal Reasons

Further submission F435 in support of Lyttelton Port Company Ltd submission 329.

Decision recommendations p491

The reasons for the appeal are as follows:

- a. Submissions sought to add new paragraphs to the explanation and principal reasons of Policy AQL8 identifying reverse sensitivity as an important issue.
- b. Environment Canterbury considered that reverse sensitivity is a land use planning matter, and that as AQL8 relates to the control of the discharge of contaminants to air, it is not appropriate to include a reference to reverse sensitivity.

Tegel Foods Limited seeks the following relief:

- Add new paragraphs to the explanation and principal reasons of Policy AQL8 identifying reverse sensitivity as an important issue; and

- Such further or other relief as is appropriate.

#### **7. Rule AQL49 Provision of Controlled/Restricted Discretionary Activity Status**

Further submission F435 (point 3) in support of Department of Corrections submission 370 (point 2)

Decision recommendations page 1728

The reasons for the appeal are as follows:

- a. Submissions sought to amend the rule to provide for controlled and restricted discretionary activities when the permitted activity conditions cannot be met.
- b. Environment Canterbury considered that the inability to comply with permitted activity conditions could, in some circumstances, result in significant adverse effects and that therefore it is appropriate that such discharges should be assessed on a case-by-case basis via the consent process as discretionary activities.
- c. This would enable the consenting authority to refuse consent if the applicant was unable or unwilling to mitigate such adverse effects.

Tegel Foods Limited seeks the following relief:

- Provide for a default to controlled and / or restricted discretionary activity status when a permitted activity status is not available because the requirements for a permitted activity cannot be met.
- Such further or other relief as is appropriate.

#### **8. Rule AQL58 Provision of Controlled/Restricted Discretionary Activity Status**

Refer section 7 above.

#### **9. Rule AQL59 Intensive Layer Poultry Farming Established on or after 1 June 2002 – Permitted Activity**

Submission 435 (point 1)

Decision recommendations p1872

The reasons for the appeal are as follows:

- a. As an alternative to withdrawing chapter 3, Tegel sought to delete the stated poultry limits, as there is no justification provided for the limit. No section 32 analysis has been provided.

- b. The setting of a threshold is not effects based; nor is it sound resource management practice. It creates an unreasonable and unmerited level of regulation.
- c. Commercial poultry farming activities should be provided for in the Plan as a permitted, controlled or restricted discretionary activity, without the need for public notification or reference to the poultry industry's Code of Practice.
- d. Rule AQL59, which establishes a threshold at which it is necessary to assess the potential effects of the discharge of contaminants to air from intensive layer poultry farming, is flawed.
- e. Although Environment Canterbury must be certain that in allowing an activity to proceed without a requirement for resource consent, its effects on the environment will be no more than minor in any location, it is possible to manage commercial scale operations without the need for resource consent for a discretionary activity.
- f. The incorporation of codes of practice into the conditions of a regional rule is not compatible with the requirements for a condition of a rule, because a condition must be for resource management purpose, it must be reasonable and it must be enforceable.
- g. The poultry industry Codes of Practice are intended primarily to address the welfare of poultry and not resource management issues associated with the activity. They are not readily enforceable and they are not a regulatory document. Inclusion of such a document would mean that the provisions of the Code would become conditions of consent, which is not appropriate for the above reasons.

Tegel Foods Limited seeks the following relief:

- Delete references to bird numbers or raise the maximum bird numbers so that commercial poultry farming operations are not excluded from the category of permitted activity.
- Provide for commercial poultry farming operations as a controlled or restricted discretionary activity.
- Delete the requirement that commercial poultry farming operations must obtain a discretionary resource consent.
- Delete any references to Codes of Practice for poultry.
- Such further or other relief as is appropriate.

#### **10. Rule AQL59 Deletion of rule and recognition of District Plan provisions**

Further submission F435 (point 1) in support in part of Selwyn District Council submission 429 (point 1)

Decision recommendations p1871

The reasons for the appeal are as follows:

- a. Rule AQL59 should be deleted as territorial authorities manage nuisance discharges of dust through district plan provisions and it is unnecessary to have such a rule in a regional plan.
- b. Such a rule is particularly unnecessary in a Plan where layer farms are treated separately from other poultry farming activities and arbitrary limits are set on poultry numbers.

Tegel Foods Limited seeks the following relief:

- Delete Rule AQL59 or
- Exclude intensive poultry farming operations from the ambit of the Rule
- Such further or other relief as is appropriate.

## **11. AQL60 Deletion of Poultry Limits**

Submission 435 (point 1)

Decision recommendations p1884

The reasons for the appeal are as follows:

- a. As an alternative to deleting Chapter 3, the poultry number limit should be deleted and provision made for commercial poultry farming activities as permitted, controlled or restricted discretionary activities without the need for public notification or reference to the poultry industry's Code of Practice.
- b. Given that the proposed maximum bird numbers are set so low as to exclude commercial poultry farming operations, the provisions have the effect of requiring most if not all commercial farming operations to obtain a discretionary activity resource consent. This is unduly onerous and cannot be justified having regard to the effects of the activity.

Tegel Foods Limited seeks the following relief:

- The poultry number limit should be deleted or the maximum bird numbers raised to viable commercial levels and
- Provision should be made for commercial poultry farming activities as permitted, controlled or restricted discretionary activities without the need for public notification or reference to the poultry industry's Code of Practice.
- Such further or other relief as is appropriate.

## 12. Discharges to Air from Waste Management Processes

Further submission F435 (point 1) in support in part of a submission by Environment Canterbury 348.

Decision recommendations p1915

The reasons for the appeal are as follows:

- a. A new permitted activity rule should be included in the Plan to permit discharges to air from the storage of animal effluent and manure, except where this is provided for under Rule AQL61, subject to standards and conditions.
- b. Storage of poultry effluent and manure should be provided for as a permitted activity.
- c. The permitted activity status for pig waste under Rule AQL61 provides a valid comparison (compared with Rule AQL61 as notified which made the storage and treatment of pig effluent on intensive farms established or significantly expanded since 1 June 2002 a controlled activity).
- d. A rule requiring 150 metres separation from sensitive activities, no offensive or objectionable odour beyond the site boundaries and storage limited to 7 days is unreasonable.
- e. Such a rule would authorise the discharge of contaminants to air from the storage of effluents such as dairy shed effluent that have less potential than pig effluent to produce odour that have offensive or objectionable effects.
- f. Such effluents are generally stored on production land, and authority for the discharge to air from these activities is not required unless the activity contravenes a rule in the Plan.
- g. The direction provided by Policy AQL5 is that the effects of these activities are to be internalised and that a separation distance should not be the primary means of preventing adverse effects. Therefore, proposed condition 1 is not in accord with Policy AQL5. Proposed condition 2 restates section 17 of the RMA and proposed Condition 3 limits the storage time to 7 days. If the storage results in offensive or objectionable odour effects beyond the property boundaries then section 17 of the RMA can be invoked to address the adverse effects, but so long as such effects do not occur, then the length of time of storage should not be relevant.

Tegel Foods Limited seeks the following relief:

- Introduce a new permitted activity rule to permit the discharge to air from the storage of animal effluent and manure, except where this is provided for under Rule AQL61.
- Remove the requirement for a 150 metre separation distance from sensitive activities.

- Remove the 7 day storage limitation.
- Such further or other relief as is appropriate.

**13. Schedule AQL1 Regional Ambient Air Quality Targets (RAAQT) – Table 3-5  
Odour Effects Assessment Tools – existing activities**

Further submissions F435 (points 1, 2 and 3) in support of Primary Producers Co-Operative Society Limited submission 8, Carter Holt Harvey Panels MDF Ltd submission 391 and Ministry for the Environment 201.

Decision recommendations p2262 – 2264.

The reasons for the appeal are as follows:

- a. Reference to the Regional Ambient Air Quality Targets should be deleted.
- b. The same references should be deleted from the Primary Air Pollutants table and the Priority Hazardous Air Pollutants table.
- c. Amendments should be made so that reference is to the Proposed Ambient Air Quality Guidelines 2000 as guidelines and not as set standards on which rules are based.

Tegel Foods Limited seeks the following relief:

- Reference to the Regional Ambient Air Quality Targets should be deleted.
- The same references should be deleted from the Primary Air Pollutants table and the Priority Hazardous Air Pollutants table.
- Amendments should be made so that reference is to the Proposed Ambient Air Quality Guidelines 2000 as guidelines and not as set standards on which rules are based.

Dated this 14<sup>th</sup> day of November 2007



.....

Signature of appellant or person  
authorised to sign on behalf of  
the appellant

The following documents are attached to this notice:

- (a) A copy of the submission or further submission (with a copy of the submission opposed or supported by the further submission)
- (b) A copy of the relevant decision (or part of the decision)
- (c) ~~Any other documents necessary for an adequate understanding of the appeal.~~
- (d) A list of names and addresses of persons to be served with a copy of this notice.

**SUBMISSION ON A PUBLICLY NOTIFIED  
PROPOSED REGIONAL PLAN  
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE  
RESOURCE MANAGEMENT ACT 1991**

To Environment Canterbury Regional Council

Submission on Proposed Air Chapter (Chapter 3) to the Proposed Canterbury Natural Resources Regional Plan

Proposed Overview Chapter (Chapter 1) to the Proposed Canterbury Natural Resources Regional Plan

Name Tegel Foods Limited

Address c/- Harrison Grierson Consultants Limited  
P O Box 5760  
Wellesley Street  
**AUCKLAND**

**Attention Nicole Bremner**

**SUBMISSION IN OPPOSITION**

1. **The specific provisions of the Proposed Canterbury Natural Resources Regional Plan ('Proposed Regional Plan') that this submission relates to are as follows -**

Proposed Chapter 1: Overview ('Proposed Overview Chapter') in its entirety;  
Proposed Chapter 3: Air Quality ('Proposed Air Chapter') in its entirety.

2. **The submission is that -**

- 2.1 The submitter is involved in numerous poultry farming and production operations within the Canterbury Region, including farming operations by its contract growers. The operations represent a considerable investment (many operations are long-established) and contribute to the economic and social well-being of the Region. The submitter is concerned to ensure the continued operation of its current activities and has plans for further development and expansion of its operations within the Region.
- 2.2 The submitter opposes the whole of the Proposed Air Chapter on the basis that the proposal will impose an unreasonable level of control and regulation on the submitter's activities with no clear resource management justification.
- 2.3 The submitter further considers that the proposal is not necessary to achieve the purpose and principles of the Resource Management Act 1991 - particularly the sustainable management of natural and physical resources and the avoidance, remediation or mitigation of adverse environmental effects, it is not the most appropriate means for the Council to exercise its functions under the Act, and because it has not been demonstrated that the proposal is the most efficient and effective means relative to other means.

2.4 Throughout the Proposed Air and Overview Chapters and the supporting Section 32 Analysis, there is a lack of a clear justification or rationale for the proposed provisions. The Section 32 analysis of the proposal is considered by the submitter to be inadequate and the provisions (for example the proposed provisions concerning intensive farming) have been proposed with no robust consideration of –

- the alternative means which are available;
- the costs / benefits and efficiency / effectiveness of the various options;
- whether the provisions are necessary in achieving the purpose of the Resource Management Act 1991;
- whether the provisions are the most appropriate means of Environment Canterbury exercising its functions.

2.5 Without limiting the generality of the foregoing, the submitter has particular concerns as set out in the following sections.

#### **Offensive or Objectionable Effects**

2.6 The Proposed Air Chapter contains several references to the 'offensive or objectionable effects of odour' resulting from intensive livestock farming. For instance, the Explanation and Principal Reasons to Policy AQL5: Avoid Odour Nuisance (page 3-18) states -

*'Over half of the air quality complaints received by Environment Canterbury's pollution hotline relate to the offensive or objectionable effects of odour. These are principally attributed to intensive livestock farming, effluent and manure application to land...'*

However, Clause 20.1.1 (page 103) of the Section 32 Analysis of the Proposed Air Chapter states that -

*'Environment Canterbury has received few complaints in relation to odour and dust from intensive poultry farming over 1996-2000 period.'*

It is inappropriate for the Proposed Air Chapter to contain generalised statements to the effect that *all* intensive livestock farming activities give rise to offensive and objectionable effects / odour, as this is not correct for intensive poultry farming activities.

2.7 The submitter is also concerned that the Proposed Air Chapter refers variously to 'offensive or objectionable odours', 'offensive or objectionable effects', 'adverse effects of odour', 'odour nuisance' and 'offensive and offensive effects of odour', and seeks to ensure that *no* such effects / odours occur. It appears that the varying terms are open to differing interpretations as to their meaning.

The submitter is concerned that the Proposed Air Chapter does not provide that an acceptable air quality is one which may, from time to time, contain odours arising from natural, animal and human activities. A certain 'base' level of emissions may be acceptable to the receiving community, in which case the emissions should not be deemed offensive or objectionable, particularly in a rural environment.

The submitter also considers that Air Quality Appendices AGL4 (Criteria for Assessing Offensive or Objectionable Dust) and 5 (Odour) do not provide sufficient certainty for applicants as to what constitutes an offensive or objectionable effect with respect to the discharge of dust and odour.

## **Objectives and Policies**

- 2.8 The submitter holds concerns with the wording of the Objectives and Policies of the Proposed Air Chapter. The basis for these concerns is that some of the provisions are unreasonable and inflexible and are not focused on the environmental outcomes sought, so that it may be difficult to grant any consent assessed against them.
- 2.9 For example, Objective AQL1: Objective for localised air quality, seeks that discharges do not result in significant adverse effects on the environment including offensive or objectionable odours. The submitter is concerned with the term 'offensive or objectionable odours' and the methods for assessing such effects for the reasons stated in paragraph 2.7 above. In addition, the objective appears to apply to all 'objectionable odours' from air discharges, not just those beyond the property boundary.
- 2.10 Policy AQL5: Avoid odour nuisance, imposes an unreasonably high level of compliance for discharging activities by the use of the wording 'prevent any discharge of odour from new activities that discharge contaminants into air'.
- 2.11 Policy AQL5 generally seeks to avoid encroachment of sensitive activities on existing activities discharging odourous contaminants into air. The concept of protecting existing activities, particularly activities such as those undertaken by the submitter, from reverse sensitivity complaints, is supported in principle. However, it is unclear how this protection from reverse sensitivity complaints will be achieved in practice.

## **Rules for Intensive Poultry Farming and Associated Waste Activities**

- 2.12 The submitter has serious concerns with the Rules contained in Clause 3.3.5 of the Proposed Air Chapter, particularly Rules AQL58 - 65 that apply to intensive farming and waste activities.
- 2.13 The submitter has concerns with the use of the wording 'objectionable or offensive effect' (and similar wording) in the Rules, for the reasons discussed in paragraph 2.7 above.
- 2.14 Rules AQL58 and 63 refer to existing activities lawfully established before the date of notification of the Proposed Regional Plan. Given that the Proposed Regional Plan is being notified in a series of stages the submitter is unsure whether the date will be that of notification of the Proposed Air Chapter.
- 2.15 The submitter is concerned that Rules AQL58 and 63 require that certain existing activities can continue on the condition that there shall be no increase in the scale, intensity, frequency or duration of the discharge of contaminants into the air from the activity. The Rules are opposed on the basis that they are concerned with managing the discharge activities, rather than the effects of the discharges as required under the Resource Management Act 1991.
- 2.16 Rules AQL58 and 63 also refer to existing activities established at a 'permanent site'. This term does not appear to be defined and the submitter is unsure of the rationale for using this term in these rules.
- 2.17 Rules AQL59, 60 and 65 impose separation or buffer distances on various forms of intensive poultry farming. There is no clear rationale for imposing these separation distances. The distances proposed (ranging from 100, 150 and 200 metres) are arbitrary and unjustified in resource management terms.
- 2.18 Rules AQL 59 and 60 impose limits on the numbers of poultry that can be held at any one time as a Permitted Activity. A maximum of 2000 layer poultry, 30,000 broiler poultry and 10,000 breeder poultry are allowed.

There is no explanation in either the Proposed Air Chapter or in the Section 32 Analysis as to how the proposed limits can be justified. The approach does not represent an effects-based approach, and is not based on sound resource management practices. The proposed provisions impose an unreasonable and blanket level of regulation to poultry farming.

The proposed maximum bird numbers are set so low as to exclude commercial poultry farming operations. The provisions would have the effect of requiring most (if not all) commercial poultry farming activities to obtain a Discretionary Activity (Rule ALQ62), and this is unduly onerous. The rule makes no provision for commercial poultry farming activities which can successfully internalise air discharge effects to an acceptable level, as Permitted, Controlled or Restricted Discretionary Activities, and without the need for public notification.

Alternative approaches could be adopted as a means to manage potential adverse air discharges from poultry farms, in an effects-based manner. For instance, these alternatives may include reference to the poultry industry's Code of Practice as a means of achieving compliance with the Regional Plan.

- 2.19 It is unclear how the various rules would apply to existing intensive farming activities that undergo expansion or redevelopment. The relevant provisions set out in the Proposed Chapter are ambiguous in this respect. It appears that such activities would require consent as a Discretionary Activity, which would be an unreasonable activity status in the submitter's view.
- 2.20 The submitter is concerned that the rules applying to intensive poultry farming make no provision for air discharges from waste activities associated with the primary activity as a Permitted Activity. This means that air discharges from any new waste activity associated a new intensive poultry farm would require consent as a Discretionary Activity, whereas certain waste activities associated with intensive pig farming are a Permitted Activity. Such an approach is inequitable and unreasonable in the submitter's view.

**3. I seek the following decision from the Environment Canterbury Regional Council**

- 3.1 (i) Withdraw Proposed Chapter 1: Overview and Proposed Chapter 3: Air Quality to the Proposed Canterbury Natural Resources Regional Plan in their entirety;

AND


- (ii) Notify new provisions which are necessary to achieve the purpose of the Resource Management Act 1991, are based on sound resource management techniques and which are supported by a robust and comprehensive Section 32 analysis demonstrating that they are the most efficient and effective means to achieve the purpose of the Act, in such a way as to take account of and give effect to the concerns and principles expressed above and which are to the satisfaction of the submitter.

OR

- 3.2 Make deletions and / or amendments throughout Proposed Chapter 1: Overview and Proposed Chapter 3: Air Quality to address the submitter's concerns expressed above to the satisfaction of the submitter.

AND/OR

- 3.3 Such other additional or consequential relief as is necessary to satisfy the concerns of the submitter.
4. I do wish to be heard in support of my submission.
5. If others are making a similar submission I would be prepared to consider presenting a joint case with them at any hearing.

Signature .....   
(Signature of person authorised to sign on behalf of submitter)

Date ..... 30 August 2002

**Address for Service**            Harrison Grierson Consultants Limited  
   P O Box 5760  
   Wellesley Street  
   **AUCKLAND**

**Attention**                        Nicole Bremner

**Telephone**                      917 5000  
**Facsimile**                        917 5001  
**Email**                              [n.bremner@harrisongrierson.com](mailto:n.bremner@harrisongrierson.com)

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**NOTICE OF FURTHER SUBMISSION  
TO A PROPOSED REGIONAL PLAN  
UNDER THE FIRST SCHEDULE OF  
THE RESOURCE MANAGEMENT ACT 1991**

**To** Environment Canterbury  
P O Box 345  
**CHRISTCHURCH**

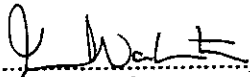
**Further Submission on** Proposed Natural Resources Regional Plan  
Chapters 1 - 3

**Name of Submitter** Tegel Foods Limited

**Address** C/- Harrison Grierson Consultants Limited  
P O Box 5760  
Wellesley Street  
**AUCKLAND**

**Attention: Jennifer Valentine**

1. The further submissions are contained on the attached sheets.  
The total number of sheets including this cover sheet is 36 sheets.
2. The submitter does wish to be heard in support of this further submission.
3. If others make a similar submission, the submitter would be prepared to consider presenting a joint case with them at any hearing.

**Signed**   
.....  
(Signature of person authorised to sign on behalf of submitter)

**Date** 30 May 2003  
.....

**Address for Service** Harrison Grierson Consultants Limited  
PO Box 5760  
Wellesley Street  
**AUCKLAND**

**Attention** Jennifer Valentine

**Telephone** 917 5000  
**Facsimile** 917 5001  
**E-Mail** [j.valentine@harrisingrierson.com](mailto:j.valentine@harrisingrierson.com)

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
<b>Clean Air Zone</b>				
Federated Farmers Of New Zealand Inc, North Canterbury Branch	347 01-012 03 00	Support	Amend so that the Clean Air Zone includes only urban city residential land.	The submission is supported as it is considered unduly onerous to apply the Clean Air Zone to rural land, which is primarily used for activities that require discharges to air as part of their normal operation.
<b>Commercial Purposes</b>				
Federated Farmers Of New Zealand Inc, North Canterbury Branch	347 01-012 11 00	Oppose	Amend the definition of Commercial purposes so that it applies to properties where commercial industry of an industrial or trade nature is occurring on non-productive land.	The submission is opposed as the proposed definition is considered to provide enough detail. Commercial purposes should not be exclusively on non-productive land. The PRP defines intensive poultry farming as being a "commercial" activity, yet it would certainly occur on productive land, that is rural land. Therefore, this demonstrates that the relief sought is not appropriate or justified in resource management terms.
<b>Composting</b>				
Michael Eder	286 01-012 13 00	Support	Amend the definition of Composting to exclude bedding material from any housing system used in intensive farming.	The submission is supported as it is appropriate to exclude poultry from the definition as pigs are already excluded. Furthermore the waste products from intensive farming are provided for elsewhere in the Proposed Regional Plan Rule AQL 63 and 65.
<b>Intensive Farming</b>				
AgResearch Ltd, Lincoln	404 01-017 34 00	Support	Add to the definition of 'Intensive Farming' (to exclude the following): (iv) deer handling facilities; or (v) feedpads; or (vi) calf rearing facilities; or (vii) stockyards; or (viii) woolsheds; or (ix) dairy sheds.	The submission is supported as it is appropriate to exclude these because the effects of these activities are quite different from intensive farming operations.
<b>Localised adverse effects</b>				
New Zealand Institute For Crop & Food Research Ltd	374 01-019 33 00	Support	Amend the definition of localised adverse effect to clarify what 'immediate vicinity' means in practice.	The submission is supported as the definition is considered to be ambiguous and clarification of the wording would be beneficial to users of the PRP.

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
Carter Holt Harvey Panels MDF Ltd	391 03-000 00 00	Support	Include an additional issue and objective which supports the policies which acknowledge reverse sensitivity. Include rules and alternative methods to ensure the effects of reverse sensitivity is adequately managed. Make any other consequential amendments to the Plan.	The submission is supported as Tegel considers it is important to protect rural activities from sensitive activities. Any changes made must be appropriate in resource management terms and in accordance with the purpose of the Act.
<b>3.1 Introduction</b>				
<b>3.1.2 Localised air quality issues</b>				
Federated Farmers Of New Zealand Inc, North Canterbury Branch	347 03-001 21 00	Support	Delete all references in objectives, Policies and Methods which deal with nuisance effects of odour, particles, smoke and dust.	The submission is supported on the basis that the term "nuisance" is not defined and there is no assessment tool in the PRP to identify nuisance effects.
<b>3.2 Issue Resolution (Issues, objectives, policies, methods)</b>				
<b>Objective A4.1: Objective for Localised Air Quality</b>				

Submitter Name	Submitter Number and Location	Oppose/Support/Statement	Submission	Reason
<b>POLICY AQL6 - Avoid Dust nuisance</b>				
Tasman Farms Limited	406 03-020 01 00	Support in Part	Retain Policy AQL 6, but recognise that some land uses cannot contain all effects on-site.	The submission is supported in part. Tegel raised concerns in its primary submissions regarding the terms and tests used for offensive and objectionable. Although it is considered desirable to internalise any potential adverse effects such as dust, it is noted that in some situations effects from dust may be inevitable beyond the boundary of a property. This needs to be provided for by the PRP.
Selwyn District Council	429 03-020 01 00	Oppose in Part	Delete Policy AQL 6 and replace with a policy which recognises and supports the role of district councils in managing non-point source dust effects from land uses such as developing roads and sections, construction activities, quarrying and mining, intensive livestock farming and managing potential reverse sensitivity effects through land use planning. Make any other consequential amendments as necessary.	The submission is opposed on the basis that the control of discharges of contaminants into air is a function of Regional Councils and it is important to retain a policy in the PRP which seeks to protect existing activities from the encroachment of sensitive activities.
Lyttelton Port Company Ltd	Policy AQL6 (a) 329 03-020 02 00	Oppose	As an alternative to deleting Policy AQL 6, delete (a) and replace with: 'The dispersal and deposition of dust from any discharge should not cause corrosion, and should not be noxious, dangerous, objectionable or offensive.' Make any consequential amendments to the Plan as necessary.	The submission is opposed as it does not provide a point of measurement of where these effects may occur. The relief sought does not provide for situations where effects from dust may be acceptable having regard to the sensitivity of the receiving environment and where the dust does not give rise to adverse effects.
Omya New Zealand Ltd	Explanation and Principal Reasons Para 1 355 03-020 13 00	Support in Part	Amend to read: "dangerous" but may be "offensive" or "objectionable" depending on the sensitivity of the receiving environment and the nature of the dust that is discharged, and the frequency, intensity or duration of the discharges.' Make any consequential amendments to the plan where necessary.	The submission is supported to the extent that it recognises that different receiving environments have different thresholds for adverse effects. It is unreasonable for the PRP to make broad generalisations by stating that most dust can be offensive or objectionable.

5.

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
Lytelton Port Company Ltd	329 03-025 01 00	Support	As an alternative to deleting Policy AQL 8, add a new clause: '(d) avoiding encroachment of sensitive activities on existing activities discharging contaminants to air, unless adverse effects of the contaminant can be avoided or mitigated by the encroaching activity.' Make any consequential amendments to the Plan as necessary.	The submission is supported as it is considered important to identify reverse sensitivity issues, to protect the operation of existing rural and industrial activities from the encroachment of sensitive activities.
Canterbury Meat Packers Ltd	Policy AQL8 (b) 353 03-025 07 00	Support	Delete 'avoiding' and replace with 'avoiding, remedying or mitigating'. Make any consequential amendments to the plan where necessary.	The submission is supported as it is considered appropriate to utilise the terminology of the Act and recognise that avoiding adverse effects may not be achievable in all circumstances.
Lytelton Port Company Ltd	Explanation and Principal Reasons 329 03-025 15 00	Support	Add new paragraphs to the Explanation and principal reasons, as follows: Discharges of localised contaminants to air are often associated with land use activities. Therefore, the issue of reverse sensitivity can be addressed by requiring sensitive activities to locate well away from activities that may cause objectionable or offensive emissions.  This will minimise problems associated with encroachment of residential and other development on existing industrial and trade processes. In general, existing industrial and trade activities have been developed in areas that are removed from sensitive areas and activities poor land use planning shall not diminish the value of the investment of the existing industrial and trade activities. <i>Cont'd</i>	The submission is supported as the identification of reverse sensitivity issues is important and has been referred to by Tegel in its primary submissions. The relief sought is considered to be sound resource management practice and would be appropriate in terms of achieving the purpose of the Act.

6.

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
<b>3.5.5 Discharges of Air from Intensive Farming</b>				
D Tocker	10 03-109 01 00	Support	Clarify rule and remove conditions.	The submission is supported for the reasons stated by Tegel in its primary submission. The rules do not define or provide the rationale for using the term 'permanent site', and the use of the terms 'objectionable or offensive effect' do not provide for a certain 'base' level of emissions that may be acceptable to the receiving environment. The conditions provide specific numbers of birds, and separation distances. There is no justification or rationale for using these specific numbers. The rules should represent an effects-based approach and be based on sound resource management practices.
Department of Corrections	370 03-109 01 00	Support in Part	Add a new controlled activity rule to cover lawfully established pig farming that does not comply with the conditions of Rule AQL 58.	The submission is supported insofar it should also extend to poultry farming. It is considered appropriate to provide controlled activity status for existing operations instead of full discretionary to allow a less onerous activity status for these activities.
<b>Rule AQL 58 Intensive Farming Lawfully Established Before the Date of Publication of the Proposed Rule</b>				
Harley Gundry	230 03-109 02 00	Support	Delete rule AQL 58.	The submission is supported in that the Rule is only concerned with the management of discharge activities not the effects of the discharges as required by the Act. Reference is made to the concerns raised in Tegel's primary submissions.
Grant Williams	387 03-109 02 00	Support	Add a policy on 'vindictive complaints' to deal with complaints under this rule.	The submission is supported insofar of providing a verified complaints procedure in the PRP, to ensure that vindictive or non-related complaints do not cause detriment for operators or those applying for consents or consent renewals.
Selwyn District Council	429 03-109 02 00	Support in Part	Apply Rule AQL 58 to 'urban areas' only, in respect of odour and dust effects. Make any other consequential amendments as necessary.	The submission is supported in part. The Rule should apply to all parts of the Region. However, it is considered appropriate that in urban areas, that is sensitive areas, when assessing applications greater emphasis and control should be placed on avoiding, remedying or mitigating any potential adverse effects on the environment from activities.

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
Crown Public Health, Canterbury Office	Condition 3 235 03-109 04b09	Oppose	Delete 'particles' and add 'of contaminants including particulates' and after the words 'cause an' add 'noxious, dangerous...'	The submission is opposed as the relief sought is unclear.
Selwyn District Council	Condition 3 429 03-109 04b10	Support in Part	Define the term 'noxious, dangerous, objectionable or offensive effect', and how are they measured, or rewrite condition to be quantifiable, measurable and certain for any person to know whether they comply or not. Make any other consequential amendments as necessary.	The submission is supported in part as it seeks to define terms that are currently undefined. However, Tegel holds concerns with the terms objectionable, offensive and noxious as they have been used in the PRP, as the wording does not recognise that a certain 'base' level of emissions may be acceptable to the receiving community, in which case the emissions should not be deemed as noxious, offensive or objectionable. It would also be appropriate to make reference to the Ministry for the Environment's 'Draft Good Practice Guide for Odour Management in NZ' dated Sept 2002, (or such other guidelines or other publications by MfE that may replace this document), which is only concerned with objectionable/offensive odours that give rise to an adverse effect on the environment.
Selwyn District Council	429 03-109 05 00	Support in Part	Delete Rule AQL 59. Make any other consequential amendments as necessary.	The submission is supported as it is unclear why the PRP separates out layer farms from other poultry activities. The number of poultry (2,000) is too low and would not encompass commercial operations. Tegel's Canterbury operations contain on average 70,000 birds. No apparent rationale has been given for the proposed buffer. Tegel is concerned to ensure that any amendments to the PRP are necessary to achieve the purpose of the Act, are an appropriate means of the Council exercising its functions under the Act, and are justified in resource management terms.
Selwyn District Council	429 03-109 05 00	Support in Part	Apply Rule AQL 59 to 'urban areas' only, in respect of odour and dust effects. Make any other consequential amendments as necessary.	The submission is supported in part. The Rule should apply to all parts of the Region. However, it is considered appropriate that in urban areas, that is sensitive areas, when assessing applications greater emphasis and control should be placed on avoiding, remedying or mitigating any potential adverse effects on the environment from activities.

Rule AQL 59 intensive layer poultry aiming to establish a specific notification of the Proposed NRRP - permit activity

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Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
Feltex Carpets Ltd	352 03-195 01 00	Support in Part / Oppose in Part	Delete the assessment criteria in Appendix 4 or amend to expressly require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.	The submission is supported as it is considered important to consider reverse sensitivity issues when assessing the effects of dust. Tegel has expressed concerns with the provisions of Appendix 4, in its primary submissions on the PRP. However, it is important that the PRP contains appropriate guidance as to how objectionable and offensive dust will be assessed, whilst recognising that it is only dust which results in an adverse effect which is relevant.
Feltex Carpets Ltd	352 03-197 01 00	Support in Part / Oppose in Part	Delete the assessment criteria in Appendix 5 or amend to expressly require regard for reverse sensitivity issues, including the length of time the discharge activity has been operating from its location when the sensitive activity was established relative to when the discharging activity was established. Make any consequential amendments to the plan where necessary.	The submission is supported as it is considered important to consider reverse sensitivity issues when assessing the effects of odour. Tegel has expressed concerns with the provisions of Appendix 4, in its primary submissions on the PRP. However, it is important that the PRP contains appropriate guidance as to how objectionable and offensive odour will be assessed, whilst recognising that it is only odour which results in an adverse effect which is relevant.
Chequer Packaging	354 03-199 01 00	Support	Delete Table 3-5 or amend the ranking system to consider other options, including professional odour surveys being ranked higher and also requiring complaints to be verified by monitoring officers. Make any consequential amendments to the plan where necessary.	The submission is supported as the Table may not provide the most appropriate assessment tools for assessing odour effects. Reference should be made to the Ministry for the Environment's 'Draft Good Practice guide for Odour Management in NZ' dated Sept 2002. It is important that only verified complaints should be taken into account. Furthermore there is a need to allow for other options such as industry/Council experience with like activities.
Primary Producers Co-Operative Society Ltd, Christchurch	8 03-211 02 00	Support	Delete reference to the Regional Ambient Air Quality Target.	The submission is supported as it is not considered there is sufficient justification for the setting of the proposed levels and furthermore it is inappropriate to apply these in the manner of standards.

Submitter Name	Submitter Number and Location	Oppose/Support	Submission	Reason
Carter Holt Harvey Panels MDF Ltd s	391 03-211 02 00	Support	Amend so that the Proposed Ambient Air Quality Guidelines 2000 are not used - they should be as guidelines, not as set standards on which rules are based. Make any other consequential amendments to the Plan.	The submission is supported in that the Ministry for the Environment provides these as guidelines not set standards, therefore the PRP is requiring an excessive level of compliance with these guidelines.
Ministry For The Environment	201 03-211 05 00	Support	Amend to refer to the revised 2002 Ambient Air Quality Guidelines.	The submission is supported as the PRP should reflect the most current information available in respect of measuring ambient air quality.
NZMP	411 03-211 05 00	Support in part	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), amend reference to the Ministry for the Environment Ambient Air Quality Guidelines to only apply to urban airshed management, not to individual discharges.	The submission is supported as requiring compliance of individual discharges with these guidelines is unduly onerous and inappropriate. Assessment should be based on a regional basis as indicated in the recent MfE document 'Ambient Air Quality Guidelines - 2002 Update'.
<b>Primary air pollutants table</b>				
Primary Producers Co-Operative Society Ltd, Christchurch	8 03-212 02 00	Support	Delete reference to the Regional Ambient Air Quality Target.	The submission is supported as it is not considered there is sufficient justification for the setting of the proposed levels and furthermore it is inappropriate to apply these in the manner of standards.
<b>Priority hazardous air pollutants table</b>				
Primary Producers Co-Operative Society Ltd, Christchurch	8 03-213 02 00	Support	Delete reference to the Regional Ambient Air Quality Target.	The submission is supported as it is not considered there is sufficient justification for the setting of the proposed levels and furthermore it is inappropriate to apply these in the manner of standards.

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