

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 RAVENSDOWN FERTILISER CO-
OPERATIVE LIMITED

(ENV-2007-CHC-273)

(Topic: ENV-2009-308-030)

Appellant

AND

CANTERBURY REGIONAL
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

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

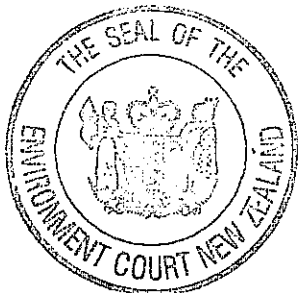
In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties received on 9 April 2009.

[2] No person has given notice of an intention to become a party to topic ENV-2009-308-030 under s274.



[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

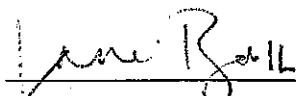
Order

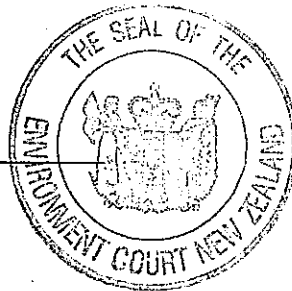
[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Canterbury Regional Council is directed to modify Rule AQL56 in Chapter 3 of the Proposed Canterbury Natural Resources Plan as set out in **Appendix One** attached to and forming part of this consent order.

[5] The appeal, as it relates to topic ENV-2009-308-030, is otherwise dismissed.

[6] There is no order for costs.

DATED at CHRISTCHURCH 21 April 2009.


J E Borthwick
Environment Judge



Issued: 21 APR 2009

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

1. Rule AQL56 Workplace ventilation – permitted activity

Amend Rule AQL56 Workplace ventilation – permitted activity as follows:

Rule AQL56 Workplace ventilation – permitted activity

Activity	Conditions	Cross Ref.
<p>Discharge of contaminants into air via windows, doors and vents as a result of ventilation of buildings on industrial or trade premises or from industrial or trade processes not permitted under Rules AQL38 to AQL55 or Rules AQL63 to AQL68 is a permitted activity, excluding:</p> <p>(a) discharges that are a discretionary activity for which a resource consent is required under Rule AQL69; and</p> <p>(b) the discharge of priority hazardous air pollutants identified in Schedule AQL1 and other hazardous air pollutants identified in Schedule AQL2; and</p> <p>(c) processes discharging contaminants directly to air outside the building via an emission stack or treatment system (other than passive filterers for the removal of particulate matter); and</p> <p>(d) application of fibreglass at a rate of more than 1 kilogram per hour, except for applications of no more than 25 kilograms of fibreglass for the purpose of:</p> <p>i) the repair and maintenance of fixed plant at a frequency of no more than 4 times per year and where the point of discharge from the ventilation is more than 50 metres from a sensitive activity located on an adjoining site; or</p> <p>ii) the unforeseen urgent repair of fixed plant.</p>	<ol style="list-style-type: none"> 1. The dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates. 2. The discharge of odour beyond the boundary of the site shall not be noxious, dangerous, offensive or objectionable to such an extent that it has an adverse effect on the environment. 3. The discharge shall not cause corrosion to any structure beyond the boundary of the property where the discharge originates. 4. The concentration of contaminants in the workplace, immediately prior to discharge, shall not exceed the maximum concentration requirements for those contaminants specified in the Workplace Exposure Standards - 1994, Occupational Safety and Health Service of the Department of Labour. 	

