

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (**Act**)

AND

IN THE MATTER OF CRC157809 – to discharge odour and dust into air from
an animal food manufacturing plant, located at 37C and
37D McNally Street, Ashburton (Lots 3 & 7 DP 374220)

APPLICANT Precision Animal Supplements Limited

**DECISION OF HEARING COMMISSIONER DAVID CALDWELL
1 APRIL 2016**

Heard on: 29 February 2016

Location: Environment Canterbury – Ashburton Depot
4 McNally Street, Ashburton

Appearances**Applicants:**

Neville Prendergast, Director

Jeff Bluett, Planning

Submitters:

K W & W Meade/Ashburton Longrun Iron

Canterbury Regional Council officers:

Craig Davidson – Consents Planner

Myles McCauley – Principal Consents Planner

Introduction

- 1 I have been appointed by the Canterbury Regional Council (**CRC**) as independent commissioner to hear and determine an application by Precision Animal Supplements Limited (**PAS**) for:
- (a) a consent to discharge odour and dust into air from an animal food manufacturing plant, located at 37C and 37D McNally Street, Ashburton.

Background

- 2 The application was submitted in June 2015. The application was limited notified. The limited notification was in two tranches. 9 parties were served notice on 25 June 2015 with submissions to close on 23 July 2015. Following that limited notification, CRC identified an additional 6 parties located within 100m of the site that had not been served. The application was then re-limited notified with the remaining 6 parties being served on 19 August 2015 with submissions to close on 17 September 2015.
- 3 A total of 4 submissions were received. These were as follows:

Submitter	Support/Neutral/Oppose	To be heard
Kenneth and Wilhelmina Meade	Oppose	Yes
Duncan and Debra Ross	Oppose	No
Chief Developments Limited	Oppose	No
Paradise Assets Limited	Support	No

- 13 The issues raised in opposition related to dust, air contamination and human health, and insufficient proposed mitigation measures.
- 14 I am informed that Te Rūnanga o Arowhenua was also advised of the application and asked for a response outlining any concerns in relation to the proposed activity. No response was received.
- 15 I was also informed that the Ashburton District Council was advised of the application, as was the Canterbury District Health Board. No responses were received.
- 16 Written approval has been provided by two parties, Arthur Cates Limited (a party which was served), and South Island Seed Dressing and Storage Company Limited, (a company which was not served).

Hearing and procedural matters

- 17 I raised a potential conflict of interest arising from the fact that the submitters, Duncan and Debra Ross, were clients of my firm. I called for comment. No comments were received in relation to that.
- 18 The hearing of the application proceeded on 29 February 2016. The hearing had originally been set for an earlier date but, at the Applicant's request, was adjourned to allow for a pre-hearing meeting, and allow for trialling of proposed mitigation.
- 19 The hearing was adjourned on 29 February 2016 for further proposed conditions to be provided. The draft conditions, together with a draft Air Quality Management Plan (**AQMP**) were provided on 10 March 2016 and forwarded to Mr and Mrs Meade on that date for comment. Comments were received from Mr and Mrs Meade on 14 March 2016. The hearing was closed on 15 March 2016.
- 20 I undertook a site visit on 29 February 2015. The site visit had been discussed during the hearing. I attended the application site accompanied by Mr Cannon, the manager of the Applicant. Mr Cannon was present at the hearing but was not a witness. Mr Cannon simply escorted me around the site. I also viewed the properties in the surrounding area, including external views of the submitters' properties.
- 21 At the time of the site visit, the conditions were reasonably fine with a light to moderate breeze.

The proposal

- 22 PAS produces feed pellets and mineral supplements for dairy farming operations. The products used in that process include peas, barley, canola, wheat husks, molasses, lime and trace minerals. The peas and grains are delivered by truck and are either transferred by auger or blown directly into one of 5 silos for storage. Smaller volumes of bagged input materials (largely the minerals) are stored on shelves and racking inside the building. The grains and peas are transferred from the silos by an auger and a bucket lift, fed into a hammer mill to create a powder, which is then stored inside the main building.
- 23 The pellets are created by adding the components together and placing those in a mixer which feeds into a pellet mill via a bucket lift. The ingredients are then subjected to high pressure through a die which forces the materials to bind together to form the pellets. They are then cooled and transferred to wooden containers ready to be transferred off site.
- 24 The production of pellets is seasonally variable and operates over 5 or 6 days of the week, typically outputting 231 tonnes of pellets per week.
- 25 The original application was for 600 tonnes per week, (being a production rate of 5 tonnes an hour). At the hearing, PAS requested to amend the original application to enable a maximum production of pellets to 450 tonnes per week. That quantity is greater than what has been produced on the site to date.
- 26 A number of mitigation measures have been offered, and some adopted, since the application was filed. These include an upgrading of some of the infrastructure, and the adoption of an AQMP.

The Site and Locality

- 27 The site subject to the application is located within the Riverside Industrial Park, located within the Business Zone D under the Ashburton District Plan. That zone anticipates light industrial, service and commercial activities.
- 28 There are approximately 15 land parcels located within the Riverside Industrial Park. There is a site adjacent which is occupied by the Ashburton District Council and contains the Ashburton EA Networks Centre, a recreational facility which is located approximately 20m to the north east of the manufacturing plant at its closest. That land is zoned Open Space A Zone in the Ashburton District Plan.
- 29 Some of the neighbouring properties, including the properties of the submitters, are in close proximity.

The hearing

- 30 **Neville Prendergast** provided an overview of the Applicant and its history, a description of the products produced, discussed the economic benefits for Ashburton, and his participation in the pre-hearing consultation meeting. He advised that the Applicant presently employs 6 staff. He summarised the operation. He also addressed mitigation measures which had been undertaken including hand sweeping once a week and more regularly if spills occur. He noted there is a site maintenance plan to be developed which would include washing of surfaces and visual inspection. He advised this was not a written plan.
- 31 He discussed the dust houses which have been introduced to provide greater enclosure, the practice of leaving the top box on a stack upside-down to avoid the box liner flapping, a developed protocol in relation to the loading out of pellets onto trucks and that, in early January, clear curtains were installed at the entrances to the Production building. He also discussed the unloading of bulk materials from trucks where approximately 50% of the trucks used a direct blower system. From the end of this season, all deliveries will be through that system. This reduces dust omissions as compared to delivery to the silos through augers.
- 32 **Jeff Bluett** then provided evidence. Mr Bluett holds the qualifications of a Bachelor of Science from Otago University and a Master of Science Degree (First Class Honours) in Environmental Science from Lincoln University, specialising in air pollution modelling. He outlined his expertise and experience. He was involved in the preparation of the application and AEE. He also acknowledged that he had read and was familiar with the Environment Court Code of Conduct for Expert Witnesses.
- 33 Mr Bluett addressed dust omissions which he acknowledged occurred from the site during dry and windy conditions. He characterised the adverse effects as general nuisance impacts, rather than health effects given the particulate materials are expected to be coarse. He summarised the dust assessment which has been carried out using the FIDOL factors and identified that a number of neighbouring properties were potentially adversely affected by moderate to high dust impacts based on the high frequency of exposure to strong, dry winds, and close proximity of the neighbours. In light of those factors he considered that specific management practices and mitigation measures were necessary to ensure that dust impacts were kept to an acceptable level. He addressed the complaints records, the dust mitigation measures proposed and explained the system and installation of ventilation and dust filtration.

- 34 He noted the loading of pellets had been identified as the most significant source of dust and that a truck loading protocol had been prepared which reduced the amount of dust discharged. The protocol requires positioning of trucks on the site, loading of trucks and/or trailers with bin heights just above the levels of sides, tilting of forklift not to be fully extended, (which ensures the bottom of the box is on the windward side) and that any spillages are immediately cleaned up. He advised that in dry and windy conditions trucks are loaded inside the factory building, meaning currently approximately 20% of loading takes place inside. He also advised that the Applicant wished to retain the option of loading trucks outside as it was considerably less time consuming and noted internal space is limited.
- 35 He addressed other mitigation measures that would be implemented including:
- installation of wind speed and direction monitoring equipment;
 - potentially installing a container on the southern boundary;
 - cleaning of surfaces;
 - potentially increasing the size of ducts and ventilation system and/or increasing the airflow rate;
 - refining the truck loading procedures and increasing the proportion of trucks being loaded inside;
 - upgrading existing wind barriers; and
 - water blasting, mechanical sweeping or vacuuming of the dust off the hard stand areas.
- He also identified the potential upgrading of the ventilation infiltration system if the current proposed measures did not prove to be sufficiently effective.
- 36 He also addressed the proposed AQMP, the pre-hearing meeting, and commented on the CRC s42A Officers Report (**s42A Report**).
- 37 Mr Bluett also provided comment on recommended consent conditions.

Submitters

- 38 I then heard from **Mr Meade and Mrs Meade**. Mrs Meade discussed the history of the purchase of their business, noting that the building was not air tight. She confirmed that they did not notice as much nuisance now as previously. She advised that the wheat was a real issue and that the workers also notice it, some becoming unwell within 6 weeks of commencing work.
- 39 Mr Meade also gave oral evidence advising that we are now in the 21st century, not the 19th century and that the dust should be retained on site. He advised that the biggest issue was with the loading of trucks and described the bins and the air time for the pellets to drop. He again advised that it was less of an issue now but there had been a big drop in activity. His evidence was that ideally trucks should be loaded inside and made a suggestion that blower trucks be used to load the truck internally, rather than through a bin.
- 40 His view was that the extraction systems in the building seem to be fine and that the dust inside the buildings was not really his concern. He discussed the EA Centre, discussed the way wind moves around the buildings and again emphasised that his biggest concern related to the loading of trucks.

- 41 Mr Meade in response to questioning talked about the other dust producing activities in the area, identifying the primary source appeared to be from the Applicant's premises.
- 42 He noted that the dust settles on the steel roofing products. He noted that it is very fine. Mr Meade provided some useful evidence in relation to the activities that are occurring on the site when the effects are noticed by the submitters. He again addressed the issue of allergies with employees and concluded by re-enforcing that it was the loading out of the trucks which appeared to be the main issue.

Officer's Report

Canterbury Regional Council

- 43 **Mr Davidson** spoke to his s42A Report. He confirmed his recommendation of the grant subject to conditions. He spent some time discussing potential conditions and helpfully outlined the relevant planning framework.

Reply

- 44 **Mr Bluett** then presented an oral reply addressing the unsealed area which he considered was not a major issue and discussed the nature of the particular products in terms of potential health effects, noting that any mould or toxin would render the material unsuitable for use. He stated any wet or mouldy material is not accepted. He advised that the Applicant would be prepared to offer a condition requiring 100% of deliveries to be through blower tubes following the completion of the current season. He addressed the Ashburton EA Networks Centre and noted that the sensitivity had increased due to its construction. He advised that the Applicant had identified the Ashburton District Council as a stakeholder and spoken to the property manager but no issues had been raised.
- 45 He addressed the truck loading protocol and the moving of the location of loading trucks to the northern boundary. In response to a matter raised by Mr Meade, he stated that using blower trucks to load out pellet product was not practicable. In response to comments regarding the efficacy of using a broom to clear dust from the hard seal areas, he advised that water blasting would also be used. Again he noted that spillages are normally swept up into piles and there is sufficient staff on site to ensure appropriate clean-ups.
- 46 He addressed the health issue and the Applicant's willingness to have a positive and open communication channels with all submitters. He noted that there will still be some dust which transgresses the boundary, but did not consider it would be at the objectionable and offensive levels. He discussed the reduction in volumes and the mitigation measures proposed, the proposed AQMP and conditions which had been suggested.
- 47 He discussed the duration of consent. He considered that a 35 year term was reasonable.

Assessment

- 48 In assessing the application I have considered the application documentation and assessment of environmental effects (**AEE**), the s42A Report, all submissions received, and the evidence provided both prior to, and during, the hearing.
- 49 I have included a reasonably detailed summary of the evidence presented. While my assessment does not specifically address every point raised, I

confirm that I have considered all the matters raised in that evidence, and in the submissions from those submitters who chose not to be heard, in making my determination.

Status of the Application

- 50 The starting point for the assessment of the Application is to determine the status of the activity. It was accepted by the Applicant and by the Reporting Officer, that the overall activity status of the application is discretionary. I note that the activity has discretionary activity status under Rule AQL57 of the Natural Resources Regional Plan (**NRRP**), and is a restricted discretionary activity under Rules 7.28 and 7.29 of the proposed Canterbury Air Regional Plan (**CARP**).

Statutory Considerations

Section 104, 104B and 105 RMA

- 51 In terms of my decision making, I am required to have regard to the matters set out in sections 104, 104B and 105 of the Act.
- 52 Section 104(1) RMA sets out the matters which I must have regard to in my consideration of the application. The relevant factors are as follows:

"104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - ~~[(b) any relevant provisions of—~~
 - ~~(i) a national environmental standard:~~
 - ~~(ii) other regulations:~~
 - ~~(iii) a national policy statement:~~
 - ~~(iv) a New Zealand coastal policy statement:~~
 - ~~(v) a regional policy statement or proposed regional policy statement:~~
 - ~~(vi) a plan or proposed plan; and]]~~
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- ...
- (3) *A consent authority must ~~[[not,]]—~~*
- ~~[(a) when considering an application, have regard to—~~
 - ~~(i) trade competition or the effects of trade competition; or~~
 - ~~(ii) any effect on a person who has given written approval to the application:]]~~

- 53 Section 104(1) of the RMA provides that the matters listed are subject to Part 2, which includes sections 5 through to 8. I address Part 2 RMA matters later in this decision.

Section 105 – RMA Discharges

- 54 In terms of s105, when considering an s15 discharge application, I must, in addition to the matters addressed in s104(1), have regard to –
- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

- (b) The applicant's reasons for the proposed choice; and
- (c) Any possible alternative methods of discharge, including discharge to any other receiving environment.

55 I have had regard to these matters in considering the Application.

Part 2 RMA

56 My consideration of the Application is subject to Part 2 of the RMA. Sections 6, 7 and 8 contribute to and inform my evaluation under s5 RMA.

57 The RMA has a single purpose. Section 5 provides:

"5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

58 Section 6 identifies matters of National importance that I must "recognise and provide for" in my decision making. There are none which have been brought to my attention in this application.

59 Section 7 lists a number of matters to which I am required to have "particular regard to". Relevantly these include:

- "(b) The efficient use and development of natural and physical resources:*
- (c) The maintenance and enhancement of amenity values:*
- (f) Maintenance and enhancement of the quality of the environment."*

60 Finally, in relation to Part 2 matters, s8 requires that I take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Issues in contention

61 The principal issues which arose on the Application were, in essence, related to effects, the scale of those effects, and potential mitigation measures. The case focussed on dust and odour, and associated amenity and health effects.

Actual and potential effects on the environment

62 In carrying out my assessment of actual and potential effects, I am not to have regard to any effects on those who have given written approval. I confirm that I have not taken into account any effects on Arthur Cates Limited, nor on South Island Seed Dressing and Storage Company Limited. In relation to the latter, that Company was not served as part of the limited notification process.

Dust and Odour

- 63 As noted above, the Applicant, through Mr Bluett, recognised that the operations have the potential to result in adverse dust effects, and potentially odour effects. The evidence of Mr Bluett addressed the dust emissions in particular. As noted above, Mr Bluett's evidence specifically acknowledged that dust omissions occurred during dry and windy conditions. He acknowledged, using the FIDOL factors, that a number of neighbouring properties were potentially adversely affected due to the high frequency of exposure to strong and dry winds, together with the close proximity of the neighbours. Mr Bluett also identified that the loading of pellets had been noted as the most significant source of dust. He discussed a number of mitigation measures to address that.
- 64 The odour effects have previously been an issue but it appears that through management activities, including changing of methodologies, odour is no longer a significant issue.
- 65 There is still potential for discharge of odour to air as a result of a mechanical failure. That is anticipated to be a rare event, and the Applicant has incorporated methods to minimise that prospect.
- 66 On the evidence of Mr and Mrs Meade I accept that dust has been, and potentially remains, an adverse effect. Mr and Mrs Meade noted the fine coating of dust which occurs on their products, the need to water blast the outside of their building on a regular basis, and noted that dust contamination on purlings and trusses internally were difficult to address. Their evidence also noted the dust particles settle on vehicles resulting in what are seen to be additional maintenance costs and inconvenience with the dust forming a "porridge" when wet.
- 67 Mr Davidson agreed largely with the Applicant's AEE. He noted that at the time of his site visit it was evident the existing activity was, overall, dusty in nature and a large quantity of dust was escaping and being visibly deposited on hard stand surfaces, both inside and outside of the manufacturing plant.
- 68 I accept that Mr and Mrs Meade, and it appears other submitters, have experienced adverse dust effects. I find however that the Applicant has illustrated a commitment to addressing those effects and overall I consider that with compliance with the conditions which I will impose, dust effects will be no more than minor and will not be offensive and objectionable. This does not mean that there will not be times when dust will leave the site.
- 69 In terms of odour, there was little discussion of this issue during the hearing, other than Mr Bluett providing a full description of the odour issues that had occurred previously and the methods of addressing those. Odour was not a major focus of Mr and Mrs Meade's case.
- 70 Overall, I am satisfied that with the conditions of consent which I propose, and compliance with those which I am obliged to assume, the effects of odour will be no more than minor and will not be offensive or objectionable.

Effects on public health

- 71 Health effects were addressed by Mr and Mrs Meade in both their submission and their evidence. They gave evidence of staff developing sneezing, having headaches and having to use medication. They also referred to customers and sales representatives commenting on that issue.

- 72 Mr Bluett in his evidence considered that dust effects were more of the nature of nuisance than health risks. Given particularly the products used (being natural products not anticipated to produce high risk toxic or bacterial discharges) and the particulate size (estimated to be greater than 20 microns in diameter) there was, in his view, a low risk to public health.
- 73 Mr Davidson following an audit of the AEE, agreed that while dust discharge is likely to contain some PM₁₀, the quantity would be small and he did not anticipate there would be any health impact of the discharge.
- 74 Overall, with the conditions to be imposed, I consider that the effects on human health are likely to be less than minor.

Positive effects

- 75 The witnesses for the Applicant spoke of the positive effects and have identified those. There are direct economic benefits to the Applicant and its staff and there appears to be wider economic benefits in terms of the flow on to other businesses in Ashburton.

Overall conclusion on effects

- 76 Following consideration of all of the evidence, submissions and information presented, I am satisfied that overall the adverse effects will be no more than minor, subject to appropriate conditions.

Relevant planning provisions

- 77 An analysis of the relevant provisions was provided by the Applicant in its application and by Mr Davidson in his Report.

National Environmental Standards

- 78 The Applicant and Mr Davidson addressed the Resource Management (National Environment Standards for Air Quality) Regulations 2004. Mr Davidson concluded that the NESAQ, and particularly Regulation 17 was not triggered by the application. On the evidence, I agree.

Canterbury Regional Policy Statement (RPS)

- 79 Again, this was addressed in the application and by Mr Davidson in his s42A Report.
- 80 Both the application and Mr Davidson identified Objective 14.2.2 of the RPS which seeks to:

"Enable the discharges of contaminants into air provided there are no significant localised adverse effects on social, cultural and amenity values, flora and fauna, and other natural and physical resources."

- 81 Mr Davidson considered the proposal was generally consistent with that Objective, while noting there is potential for the discharge of dust to extend beyond the boundary, which could be addressed through additional mitigation.
- 82 The application addressed Policy 14.3.1 which seeks to maintain air quality by setting appropriate standards for discharges and avoid more than minor adverse effects where existing ambient air quality is higher than required by the standards set; and, prioritise the improvement of ambient air quality in

main centres. The application also noted Policy 14.3.3 which seeks to set appropriate standards to manage localise adverse effects on air quality.

- 83 The application identified Policy 14.3.5 and Mr Davidson focussed his consideration on the RPS policies on that policy.
- 84 Mr Davidson's opinion was that the proposal was generally consistent with the policy given the zoning and the Ashburton District Plan. He did note that the Ashburton EA Networks Centre was located approximately 20 meters northeast of the Applicant site, and while that was a sensitive land use, the proposed mitigation would ensure the potential adverse effect were no more than minor in terms of dust and less than minor in relation to odour.
- 85 Mr Davidson also identified Chapter 2 of the RPS addressing the issues of resource management significance to Te Rūnanga o Ngāi Tahu, and Chapter 4. Mr Davidson's opinion was that the proposal was consistent with those chapters, given that there was no comment received from the Runanga, and that it was not located within 1000 meters of any Te Rūnanga o Ngāi Tahu statutory acknowledgements area, or silent files.
- 86 Overall, I agree that the proposal is not inconsistent with the RPS.

Relevant Plans

- 87 Again, both the application and Mr Davison addressed the relevant regional plans. In terms of the NRRP – Chapter 3 (Air Quality), Objective AQL1 was identified. This provides:

"Localised contaminant discharges into air do not, either on their own or in combination with other discharges, result in significant adverse effects on the environment, including:

(c) offensive or objectionable odours."

- 88 Mr Davidson also identified Policies AQL5 which address odour nuisance, and AQL6 which requires that the discharge to air of dust shall not be corrosive, noxious, dangerous, objectionable, or offensive to the extent that it has, or is likely to cause an adverse effect on the environment beyond the boundary of the site where the discharge originates. Mr Davidson also identified Objective AQL1 which provides:

"Localised contaminant discharges into air do not, either on their own or in combination with other discharges, result in significant adverse effects on the environment, including:

(a) the loss of air as a taonga to Tangata Whenua."

- 89 Overall Mr Davidson concluded that the proposal was consistent with the relevant objectives and policies. With the conditions I intend to impose, I agree that the proposal is consistent with the overall objective and policy framework of Chapter 3.

proposed Canterbury Air Regional Plan (pCARP)

- 90 In terms of the pCARP, the relevant provisions were identified as Objective 5.4 (maintaining the amenity values of the receiving environment) and Objective 5.9 (spatially locating activities to ensure appropriate air quality outcomes).

- 91 Policy 6.5 of the pCARP which identifies “offensive and objectionable odours are unacceptable, and therefore the frequency, intensity, duration, offensiveness, and location of discharges into air must be identified and managed”.
- 92 Policy 6.6 is also relevant. This relates to the location, taking into account the distribution of land use as provided for in the relevant District Plan. The activity is within an appropriately zoned area.
- 93 Mr Davidson also identified Policy 6.8 which addresses consent duration for appropriately located activities of discharge into air. This Application does not, in my view, offend that policy.
- 94 Mr Davidson also identified Objective 5.5 and Policy 6.9 which both addressed Tangata Whenua issues. In my view, on the basis of the evidence, this activity does not offend that objective or policy.
- 95 Overall, I conclude the proposal is, subject to conditions, consistent with the relevant objectives and policies.

Other Relevant Matters – Mahaanui Iwi Management Plan 2013 (MIMP)

- 96 Mr Davidson addressed the MIMP in paragraphs 108 to 117 of his s42A Report. I consider the relevant provisions are properly identified in those paragraphs.
- 97 Given the conditions I propose, and given that there are no sites of Wahi Tapu, Wahi Taonga, or sites of significance to Ngai Tahu within 1000 meters of the proposed discharge site, I conclude the proposal is consistent.

Part 2

- 98 In terms of section 6 matters, I am required to recognise and provide for those. No matters of national importance were identified in the evidence and I agree that there are none.
- 99 In terms of section 7 matters, I have had particular regard to the relevant provisions, including the efficient use of natural resources, the maintenance and enhancement of amenity values and the quality of the environment.
- 100 I find the use of the site is an efficient use of resources given the facility is established.
- 101 In terms of maintenance and enhancement of amenity values, and the quality of the environment, I consider that the proposal with the conditions imposed will ensure the maintenance and enhancement of amenity values and the quality of the environment both in and around the application site.
- 102 I do not consider there are any section 8 matters of relevance and none were brought to my attention.

Overall evaluation

- 103 My decision requires an overall judgment to achieve the purpose of the RMA after taking into account the relevant factors identified in s104, avoiding consideration of any irrelevant matters, and allowing for a comparison of the conflicting considerations, the scale and degree of conflict, and their relative significance or proportion in the final outcome.

- 104 I have addressed above the actual and potential effects of the environment. I consider with the mitigation measures, both recently implemented and proposed, the effects of the proposal can be appropriately avoided, remedied or mitigated by conditions imposed, and that the consent is consistent with the relevant planning framework.
- 105 Having considered the application documents, all of the submissions that were made, hearing the evidence of Mr and Mrs Meade and the evidence for the Applicant at the hearing, and considering the s42A Report and Mr Davidson's comments at that hearing, I conclude the purpose of the RMA is best met by granting the application subject to conditions, which I now address.

Conditions and monitoring

- 106 As noted earlier, a final set of proposed conditions was provided in accordance with my direction that the Applicant and the Canterbury Regional Council finalise a set of conditions acceptable to them, and that they be provided to Mr and Mrs Meade for comment. As part of that process, I have also been provided with a draft AQMP.
- 107 In general terms, I find that the proposed conditions, subject to some changes, are generally appropriate.
- 108 In Condition 2, I have added the words "on any" and "in any" in references to the day and the week respectively. This is to clarify that those limits are for any particular day and any particular week, and do not allow for averaging.
- 109 In terms of Condition 3, I have made some minor changes which are largely grammatical. I have however included the word "noxious" in the discharge provisions. That may assist in relation to concerns relating to health issues raised by Mr and Mrs Meade and given the evidence for the Applicant's on that issue, and the nature of the products used, I do not consider that the imposes any greater costs on the Applicant.
- 110 In terms of Condition 5 I have retained the word "visible". The primary performance standard is the prevention of the discharge of noxious, offensive or objectionable dust. I acknowledge there may be times when dust is discharged beyond the boundary of the Applicant's site. The visible dust or suspended particulate requirement is included to operate as a trigger. The Applicant is then required to cease dust generating site activities until corrective measures have been implemented to ensure the offensive or objectionable discharge of dust or suspended particulate does not occur.

Load Out

- 111 The conditions in relation to load out are, in my view, the most difficult. It is clear from the evidence of Mr and Mrs Meade that this is the most significant source of problems. One option is to require the loading of trucks and pellets to occur inside the manufacturing plant at all times. I have given careful consideration to this. I understand that complete internal loading is impractical, and may have health and safety issues. A blanket ban on the loading of trucks outside may frustrate the consent.
- 112 Having carefully considered the views of Mr and Mrs Meade's, the Applicant, and Mr Davidson, I conclude that Condition incorporated into the attached conditions is appropriate. That provides some certainty that in dry and windy conditions the loading must occur inside, and that if any dust plumes are observed from the truck loading procedures beyond the site, any further loading must occur inside. Mr and Mrs Meade suggested wind speed should

be measured at 3 metres per second and that an hourly average was not an effective measure as wind gusts moves around the buildings. Overall I accept the evidence of Mr Bluett, and Mr Davidson's view that the wind speeds incorporated into Condition 17 are appropriate.

- 113 The particular provisions relating to the load out are ultimately to achieve Condition 3. To this end Condition 18 also imposes an obligation on the consent holder to take all practical steps to prevent the omission of dust when pellets are being loaded.
- 114 In terms of the AQMP, it is useful to have had that provided in draft. I have made some minor amendments to the conditions relating to that. The conditions proposed did not address certification which was a matter identified as appropriate at the pre-hearing meeting, and in discussions during the hearing.
- 115 I have made some minor changes to the wording to the AQMP particularly to expressly record that it is to describe the measures to be undertaken to achieve compliance with the conditions of consent.
- 116 I have included a best practicable option provision in the review conditions.

Duration of Consent

- 117 The application is for a 35 year term. Mr Davidson considered that was appropriate. I asked a number of questions about this during the hearing but both Mr Davidson and Mr Bluett were satisfied that it was an appropriate term.
- 118 Under the circumstances, and considering the conditions which are to be imposed, the mitigation measures that are to be undertaken, the nature of the receiving environment, I consider that term is appropriate.

Decision

- 119 For the reasons outlined above, it is the decision of the Canterbury Regional Council, pursuant to sections 104, 104B, 105 and 108, and subject to Part 2 of the Resource Management Act 1991, to grant to Precision Animal Supplements Limited discharge permit CRC157809 – to discharge odour and dust into air; and subject to the consent conditions set out in Appendix 1.

Dated 1 April 2016



D C Caldwell
Independent Commissioner

Appendix 1

CRC157809 – To discharge Odour and Dust into Air from an animal food manufacturing plan, located at 37C and 37D McNally Street, Ashburton

Limits

1. The discharge into air shall only be of fugitive dust and odour from the pellet production and ancillary processes, including the associated storage and handling of bulk materials from an animal pellet production plant located at 37C and 37D McNally Street, Ashburton, legally described as Lot 3 DP 274220 and Lot 4 DP 374220, and labelled as “Site Location” on Plan CRC157809, which forms part of this consent.
2. The production of pellets shall not exceed a total of 100 tonnes on any day, or 450 tonnes in any week.

Discharges into Air

3. The discharges into air shall not cause deposited or suspended particulate material or odour which is noxious, offensive or objectionable beyond the boundary of the consent holders' site.
4. **Wind Speed and Direction Monitoring:**
 - a. Prior to 1 June 2016, the consent holder shall install and maintain an anemometer and wind vane on site which accurately monitors and records wind speed and direction, and shall record this data in real time;
 - b. The consent holder shall keep weekly records of wind speed and direction throughout the period when operations occur within the site. This record shall be provided to the Canterbury Regional Council on request.
5. In the event of visible dust or suspended particulate being transported beyond the boundary of the site, the consent holder shall:
 - a. Cease dust generating site activities until corrective measures, as described in the Air Quality Management Plan (AQMP) referred to in condition (19) of this consent, have been implemented to ensure the offensive or objectionable discharge of dust or suspended particulate does not occur beyond the boundary of the site; and
 - b. Keep records which detail:
 - i. The location where the dust or suspended particulate was being discharged beyond the boundary of the site;
 - ii. The date and time the discharge occurred beyond the boundary of the site;
 - iii. A description of the wind speed and wind direction when the discharge occurred beyond the boundary of the site;
 - iv. The corrective measures that were implemented to ensure the discharge remained within the boundary of the site.

- c. The records specified in clause (b) shall be provided to the Canterbury Regional Council, Attention Regional Manager, RMA Monitoring and Compliance, on request.

Hardstand Areas

6. All sealed hardstand areas shall be cleaned or swept each day to ensure the accumulation of dust is kept to a minimum, and to ensure compliance with condition (3) of this consent.

Bulk Storage

7. Pellet components or grains which have been processed by the hammer mill shall be stored in three-sided bins within the production building.

Storage Silos

8. The amount of grains and proteins stored on site shall not exceed 225 tonnes.
9. From 01 August 2016, the filling of all silos shall occur via a blower tube system.
10. The outlets of all silos shall be ducted to a filtration system so the air displaced from the silo during filling can be captured and filtered.

Production Building

11. The production building shall be serviced by three dust extraction and filtration systems, as described in the AQMP.
12. The dust extraction and filtration systems shall be operating at all times that the plant is producing pellets.
13. The dust extraction and filtration systems shall be operated and maintained according to the manufacturer's specifications, by a suitably skilled qualified and experienced person. Maintenance records shall be retained and provided to the Canterbury Regional Council on request.
14. All indoor surface areas, walls, and equipment shall be cleaned or swept at least once a week to ensure the accumulation of dust is kept to a minimum, and to ensure compliance with condition (3) of this consent.
15. Plastic screen curtains shall be fitted to all three factory doors and used at all times. The screen curtains shall be designed and installed to minimize the amount of dust being discharged from the building doors and to increase the effectiveness of the extraction and filtration systems referred to in Condition (11).

Load Out

16. Any spillages associated with the load out of pellets shall be cleaned up immediately.
17. The loading of pellets into trucks shall occur inside the manufacturing plant when:

- a. The weather conditions are dry and when wind speeds measured on site are greater than six metres per second as an hourly average; or
 - b. The pellets being loaded are a particularly dusty product; or
 - c. Dust plumes from truck loading procedures are observed at or beyond the site boundary.
18. The consent holder shall take all practicable measures to prevent the emission of dust when pellets are being loaded into trucks.

Air Quality Management Plan

19. Within 3 months of the date of issue of this consent, the consent holder shall prepare and submit to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, for certification an Air Quality Management Plan (AQMP), for the operation.
20. The operation is to be managed in accordance with the AQMP, and a copy shall be held on site by the operator at all times.
21. The AQMP shall include, but not be limited to:
- a. A description of the animal plant production operation;
 - b. A description of the measures to be undertaken to achieve compliance with the conditions of this consent;
 - c. Identifying emission sources that may generate odour and dust, and the measures in place to avoid, remedy or mitigate those discharges;
 - d. Maintenance procedures for dust extraction and filtration systems
 - e. Staff training requirements;
 - f. A dust and odour Monitoring programme;
 - g. Complaints and response procedures;
 - h. Record keeping;
 - i. Roles and responsibilities;
 - j. An audit and review process.
20. A copy of the AQMP shall be kept, along with a copy of this discharge permit, in the consent holder's office on site at all times.
21. The AQMP shall be reviewed once every 2 years, and updated as required, and the outcome of the review and any update shall be provided in writing to the Canterbury Regional Council, Attention: RMA Compliance and Monitoring Manager by 1 May.

Complaints Record

22. The consent holder shall keep and maintain records of any odour or dust complaints received by the consent holder and provide these to the Canterbury Regional Council, Attention: RMA Compliance and Monitoring Manager on request and shall identify:

- a. The name, location and telephone number of the complainant when odour/dust is detected (if provided);
- b. The date and time when the odour/dust was detected;
- c. Weather conditions, including when the dust/odour was detected by the complainant;
- d. Any possible cause of the odour/dust complained of; and
- e. Any corrective measures undertaken.

Administration

- 23. The Canterbury Regional Council may annually, on the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
 - a. Dealing with any adverse effect on the environment which may arise from the exercise of this consent;
 - b. Complying with the requirements of a relevant rule in an operative regional plan;
 - c. Requiring further mitigation if verified complaints and/or any other relevant information indicate non-compliance with Condition 3; and
 - d. requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- 24. If this consent is not exercised before 31 March 2021, it will lapse in accordance with Section 125 of the Resource Management Act 1991.

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0 0.03 0.06 0.09 0.12
Kilometres

Scale: 1:2,000 @A4

Map Created by Environment Canterbury on 9/10/2015 8:44:16 a.m.

