

CNR KIRK & BRYCE STREETS WANGANUI, NEW ZEALAND

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Ms R Harrison
One Plan Hearings Administrator
Horizons Regional Council
Private Bag 11025
Palmerston North 4442.

FILE NO. OMS 10 17
DATE TO JUN 2009
ROCHALD INFO ACTION COPYTO SIGNED
ROBYN H.

8th June 2009.

Dear Ms Harrison,

Notice of Hearing: Administration and Finance, Air, Hazards, Infrastructure Energy and Waste, Landscapes and Natural Character, and Management of Production Soils.

Thank you for the Notice of Hearing for the above One Plan Topics. I wish to advise that Mars NZ Limited is unable to attend the hearing, but wishes to reiterate the matter identified in its submission in relation to Chapter 14 of the Proposed One Plan, seeking inclusion of a new rule in the chapter.

In its submission, Mars NZ Ltd seeks a controlled activity status in relation to any consent being sought to replace an existing consent held for a discharge to air. It is noted that the officer's report has recommended that our submission be rejected, partly on the basis that there is 'no provision under the RMA for a replacement consent". While that statement is technically correct, the key issue is that where a consent is being sought for an existing activity that has been undertaken under the terms of an existing consent, recognition should be given to the fact that reliance has been placed on and considerable investment has often been made on the basis of that consent. Despite what the officer states on page 87 of the report, the situation we described in our submission relates to a consent for the continuation of an existing activity (whether you choose to call is a "replacement consent" or not).

While it is correct that a resource consent application must be considered on its merits, we consider that specific recognition must be given to the fact that the activity exists and investment has been made accordingly. We consider that an appropriate way to achieve this would be to make such consent applications a controlled activity, where consideration would be given to the conditions of consent rather than to whether or not the consent should exist. The issues the officer identifies in the report (the provisions of the Air Chapter, targeting the likely effects to avoid, remedy or mitigate adverse effects) can be readily achieved through the appropriate consent conditions.

While we are unable to attend the hearing, we request that our position an this letter be



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tabled with the Hearing Commissioners to reinforce the submission we have made on the air section of the One Plan. We urge the Hearing Committee to ensure that a framework is provided that recognizes the benefits of industry and the reliance that is placed on resource consents to provide for long term security for resource users.

Yours sincerely,

Martin Inness

Commercial Manager

Mars Petcare

Mars NZ Ltd