



**BAY OF PLENTY  
REGIONAL COUNCIL  
TOI MOANA**

## Submission Form

Send your submission to reach us by **4.00 pm on Wednesday, 18 April 2018**

Submission Number  
*Office use only*

014

<b>Post:</b> The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	<b>or Fax:</b> 0800 884 882	<b>or email:</b> air@boprc.govt.nz
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**Submitter Name:** Andrew Clow

This is a submission on **Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**

I could not gain an advantage in trade competition through this submission. [Delete as required.]

*[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]*

- The details of my submission are in the attached table and notes.
- I do wish to be heard in support of my submission. [Delete as required]
- If others make a similar submission, I will consider presenting a joint case with them at a hearing. [Delete if you would not consider presenting a joint case.]

18 April 2018

Date

*[Signature of person making submission or person authorised to sign on behalf of person making submission.]*  
*[NOTE: A signature is not required if you make your submission by electronic means.]*

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Page No.	Reference e.g. Policy, Rule, Method or Objective number	Support/Oppose	Decisions Sought Say what changes to the plan you would like	Give Reasons
AQ P8	(a) "avoid spray drift"	amend	"avoid significant spray drift"	Recommendation in Table 4.4 of Section 32 Evaluation Report seems to have been omitted here. See note 1.
AQ R15	4 (a)	amend	"no earlier than 8 days"	See note 2
	4 (a)	amend	"no later than 18 hours"	See note 3
	4 (a) "the date/s of proposed application"	amend	"A start and end date for spray operations"	clearer and suitable for other amendments
	4 (f)	Add	"Occupiers in adjacent properties specified in 4 (a) once notified by a request must (if they wish to receive spray notification) supply means for communication of one of the following forms: email address, mobile phone number or landline with answephone."	It seems reasonable that those adjacent to application areas should provide timely means of communication. Personal visits, and hand delivered written communication are in general impractical for many businesses.

AQ R15	1 (a) "The discharge must not be ... objectionable ..."	Oppose	replace the entirety of part 1(a) with "The discharge must not result in any harmful concentration of agricultural beyond the boundary of the subject property or into water."	Wish to keep the existing Air Quality plan rules (i.e. status quo) for this matter. Part of reason for opposing is similar to Note 1. "too high a threshold and impossible to comply with while carrying out any discharge activity."
AQ R15	4 a (ii)	amend	be reviewed and resigned annually <i>upon request</i>	Usually neighbours do not wish to revise agreements annually, and it will appear pointless to many. It is a compliance cost which is unnecessary, and will in practice require annual appointments and personal visits to be made. This will be impractical for businesses such as companies leasing multiple orchards.

	4 a (ii)	amend	"name and type of agricultural chemical to be applied if requested"	The information is not helpful to most of the general public, and may cause susceptible people to become paranoid. To those who want this information it would still be available. It is simple for adjacent occupiers to notify the owner that they wish additional information (i.e. a single notification lasting indefinitely)
	1 (b)	amend	"more than 10m above the target"	Drone accidents cause uncontrolled chemical release into the environment. There needs to be some height clearance for safe operation of drones to prevent crashes. The higher the drone, the less likely it is to crash, and the more opportunity drone operators have to correct in the case of emergency. It is like allowing clearance between a cyclist and a car. The further the car is from the cyclist, the less chance of an accident.

**Note 1:**  
Section 32 Evaluation Report , Table 4.4

Objectives, policies and rules used the term “avoid” or “protect”. Considered by many commenters to be too high a threshold and impossible to comply with while carrying out any discharge activity. The term changed either to “avoid significant” or to “minimise” where appropriate.

“section-32-evaluation-report-plan-change-13-final-pdf-27-february-2018”

**Note 2:**

*There are two problems.*

- (A) The notification window is proposed to be reduced from 19.5 days to 2 days. The reduction is excessive.
- (B) It will be inconvenient for both the residents adjacent to the spray area, and also the spray applicator.

*Definition of terms:*

Notification window - the difference between the earliest and latest possible notification. e.g. the proposal is a notification window of 72 - 24 = 48 hours.

Spray window - the difference between the earliest and latest possible spray start and spray end times. It is according the proposed plan equal to the notification window i.e. 48 hours.

**(A) The notification window is too short.**

If the applicators are running an 8am to 5pm business, Monday to Friday, under many circumstances the proposed notification window for phone calls is 1 working day.

*Example (1)*

Consider a spray application at 6am on Wednesday. Notification must occur before 6am Tuesday. Notification can not occur outside business hours. Therefore latest notification is 5pm Monday. Earliest notification is theoretically 6am Monday. But if the business opens at 8am then the earliest notification is 8am Monday. **Not only so.** A notification at 8am on Sunday, only permits the applicator 2 hours time to apply sprays i.e. from 6am until 8am on Wednesday. Going past 8am would exceed the notification window of 72 hours, i.e. the notification would be for spraying after 72 hours time.

**(B) Excessive number of notifications are required by the applicator. Proposed changes result in nuisance notifications to neighbours.**

The applicator will be required to notify continually every day in inclement weather, while he waits for suitable conditions.

The intent of the Proposed alteration of the air quality plan is that the applicator do the following:

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- (a) notify on day 1.
- (b) wait on day 2.
- (c) spray on day 3.

If spraying is not possible on day 3, the process would be repeated. This is not practical. A reasonable operator would notify, and wait for suitable weather to spray, but using this method he could not do so. The proposed intent is that the applicator propose a date, if the weathers bad on that day, then propose another date. This would be madness. It proposes that applicators lose half of the days available to spray in good weather. It would also mean applicators are more likely to spray in borderline conditions, because half of the opportunities to spray in good conditions have been removed by the proposed air quality plan.

I recommend reducing the notification period from 20 days to 8 days. This allows the operator to notify once per week of his intention to spray, without repeated daily phone calls to affected parties which may cause offence. The start date would usually be the first notified date of spraying, and notification given that it may be delayed due to weather.

**Note 3. Increasing the notification from 12 hours to 24 hours is too long.**

- (a) Weather is unpredictable, and often there is only a narrow window of opportunity during a rainy week in which spray application can occur. The further from the spraying time notification is given, the more likely that it will be a 'negative' notification, i.e. be rescheduled due to weather.
- (b) 24 hour notification often precludes notification during business hours on the day preceding the spray application. If the notification were instead increased from 12 hours to 18 hours, then there is ample time to shift stock, and for notifications to be made in a timely manner on the preceding day. e.g.

*[A] 6am spray application on Wednesday*  
[18hour notification]

Latest notification is before 12pm midday Tuesday. [latest notification can occur on preceding working day, stock shifted Tuesday afternoon]  
[24 hours notification]

Latest notification is before 6am Tuesday [**latest notification can not occur on preceding working day**]

*[B] 1pm spray application on Wednesday*  
[18hour notification]

Latest notification is before 7pm Tuesday [latest notification can occur on preceding working day, stock shifted Wednesday Morning]  
[24 hours notification]

Latest notification is before 1pm Tuesday [latest notification can occur on preceding working day]