

Aurecon New Zealand Limited
Ground Level 247 Cameron Road
Tauranga 3110
PO Box 2292
Tauranga 3140
New Zealand

T +64 7 578 6183
F +64 7 578 6143
E tauranga@aurecongroup.com
W aurecongroup.com



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18 April 2018

The Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatāne 3158

To whom it may concern

Submission on Proposed Plan Change 13 – Air Quality

Please find attached, a submission on Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan.

This submission has been prepared on behalf of Lawter New Zealand Limited.

If you have any questions regarding the attached, please don't hesitate to give me a call on 07 577 5156, or email me at romae.calland@aurecongroup.com.

Yours faithfully

A handwritten signature in black ink, appearing to read "RAC" followed by a stylized flourish.

Romae Calland
Associate, Environment and Planning

Enc: Submission on Proposed Plan Change 13

Copies: Ronald de Jong - ronald.dejong@lawter.com
Stuart Cooney - stuart.cooney@lawter.com



Submission Form

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

Submission Number
Office use only

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

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

1. I ~~seek/could~~ not gain an advantage in trade competition through this submission. [Delete as required.]
 - a) I ~~am/am~~ not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and
 - b) My submission ~~does/does~~ not relate to trade competition or the effects of trade competition. [Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]
2. The details of my submission are in the attached table.
3. I ~~wish/de-not-wish~~ to be heard in support of my submission. [Delete as required]
4. 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.]

[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.]

18th April 2018

Date

Address for Service of Submitter

Romae Calland (on behalf of Lawter New Zealand Limited)

Telephone

Daytime: 0297779994

After Hours: N/A

Email

Romae.Calland@aurecongroup.com

Fax: —

Page No	Reference (e.g. Policy, Rule, Method or Objective number)	Support/Oppose	Decision Sought	Give Reasons
Pg. 1	AQ P2	Neutral	Further guidance on the use of 'best practical option' should be included in AQ P2.	This policy references the use of 'best practical option' however does not provide any further guidance. Reference to the Resource Management Acts definition of 'Best Practical Option' should be included.
Pg. 2	AQ P3	Neutral	For Council to; <ul style="list-style-type: none"> ■ Include the use of "and/or" in list. ■ Provide clarity as to cumulative effects, with regard to b). 	<p>The inclusion of "and/or" provides clarity for those using plans (including decision makers) as to whether only some of the matters within a list will need to be considered, or whether the entire list will need to be considered.</p> <p>There is no clarity as to how plan users (including decision makers) considers discharges from multiple sources which cumulatively may exceed the NES-AQ or AAQG. Current wording does not explain how an exceedance would be approached if more than one source is contributing to the breach of the NES-AQ.</p>

Page No	Reference (e.g. Policy, Rule, Method or Objective number)	Support/Oppose	Decision Sought	Give Reasons
			<ul style="list-style-type: none"> ■ Either identify regionally significant infrastructure within the Bay of Plenty, or define 'regionally significant infrastructure. 	<p>There is no definition of 'regionally significant infrastructure' in Plan Change 13 or the Natural Resource Plan. It is considered that 'regionally significant infrastructure' should be defined or, identified to provide a degree of clarity for those using the plan.</p>
Pg. 2	AQ P4	Support	Include this policy without changes.	This policy clearly outlines matters which should be considered by decision makers assessing resource consent applications.
Pg. 5	AQ R4	Neutral	Clarification as to why discharges from ships has been excluded from PC13.	<p>A notable change from the Operative Air Plan is the removal of ships from AQ R4 of the Proposed Air Plan.</p> <p>Discharges from ships arriving and departing from the Port of Tauranga would potentially contribute to the TSP and SO₂ concentrations within the Mount industrial area (which is understood to be in exceedance of the NES-AQ ambient air quality limits).</p> <p>It is also noted that discharges from ships are not considered in either the Natural Resource Plan, the Operative Coastal Plan, or the Proposed Coastal Plan.</p> <p>Clarification is sought as to how ships are considered under Proposed Plan Change 13.</p>
Pg. 7	AQ R10	Support	Include this rule without changes.	There is the potential that burning of the materials listed in Rule AQ R10 could impact on the NES-AQ ambient air quality limits.

Page No	Reference (e.g. Policy, Rule, Method or Objective number)	Support/Oppose	Decision Sought	Give Reasons
Pg. 12	AQ R18	Neutral	Exclude new discharges of particulates in the Mount industrial area. Clarify whether Rule 18 (3) restricts the replacement of existing fuel burning equipment.	<p>Rule AQ R18 excludes any new fuel burning equipment using clean oil, coal or untreated wood from discharging particulates into any part of the Rotorua Airshed.</p> <p>The Mount industrial area is understood to be exceeding the NES-AQ ambient air quality limits for PM₁₀. It is therefore pertinent to exclude new discharges of particulates as a permitted activity in the Mount industrial area.</p> <p>Rule 18 (3) does not state whether the replacement of existing fuel burning equipment is included in this provision. There is the potential for other industrial operators to be upgrading their plant but complying with the pre-February 2018 provisions. Any upgrades should be compliant with the post-February 2018 provisions, while small scale maintenance activities would require compliance with pre-February 2018 provisions.</p>
Pg. 15	AQ R21	Support	Include this rule without changes.	
Pg. 17	Definition – Airshed	Neutral	Clarification as to how Regional Council approach degraded airsheds.	<p>The definition of 'Airshed' is designed to include all the ambient air within the Bay of Plenty, with the exclusion of areas which have been 'gazetted' under the NES-AQ.</p> <p>This definition does not provide for the identification of an airshed that is not gazetted. Subsequently, is unclear how Regional Council approaches air sheds that may be degraded but do not require</p>

Page No	Reference (e.g. Policy, Rule, Method or Objective number)	Support/Oppose	Decision Sought	Give Reasons
				gazetting under the NES-AQ, such as the Mount industrial area.
Pg. 19	Definition – Noxious or dangerous	Support	Include this definition without changes.	The definition of 'Noxious or Dangerous' is up to date with the RMA, and relevant case law, and therefore represents best practice.
Pg. 19	Definition – Open Burning	Support	Include this definition without changes.	
Pg.19	Definition – Particulates	Support	Include this definition without changes.	
Pg. 20	Definition – Reverse Sensitivity	Neutral	Clarification as to why Reverse Sensitivity is included in PC13 (given that it is not referenced elsewhere).	Although reverse sensitivity is defined in proposed plan change 13, it is not referenced elsewhere. Clarification as to the purpose of its inclusion is sought.
Pg. 20/21	Definition – Sensitive Activity	Support	Include this definition without changes.	
-	-	-	Inclusion of a new policy surrounding reverse sensitivity effects.	District plan makers are required to consider regional plans during the preparation and renewal of district plans. It is considered that the inclusion of a policy discouraging sensitive activities within the Mount industrial area is appropriate.