



**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*

0714

<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> <a href="mailto:air@boprc.govt.nz">air@boprc.govt.nz</a>
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**Submitter name:**

- This is a submission on **Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**
1. The details of my submission are in the attached table.
  2. I wish/~~do not~~ wish to be heard in support of my submission.

*[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.]*

Date \_\_\_\_\_

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## SUBMISSION POINTS:

Page no.	Reference (e.g. Policy, rule, method or objective number)	Support/oppose	Decision sought Say what changes to the plan you would like	Give reasons
2	AQ P4	Support with amendment	<p>Amend AQ P4 as follows:</p> <p><del>When considering the acceptability of any discharge of contaminants to air, regional plan users must have</del> particular regard to the following matters: <del>When</del> considering the acceptability of any discharge of <del>contaminants to air</del></p>	<p>Policy AQ P4 requires "plan users" to have particular regard to a number of matters. These are matters that everyone needs to have regard to in any situation where there is a discharge of contaminant to air. Not everyone may be a "plan user" and in some cases may not be aware of the plan at all. The current wording restricts who the policy applies to, when it was intended to apply to everyone involved with discharges of contaminants to air.</p>
3	AQ P7	Support with amendment	<p>Amend AQ P7 as follows:</p> <p><del>Avoid a net increase in discharges of particulates to air from certain solid fuel burners installed in dwelling houses or buildings in the Rotorua Airshed, in particular discharges from:</del></p> <p>(a) <del>new solid fuel burners, except pellet burners, and replacement low emissions woodburners, and new woodburners where an offset is provided</del></p> <p>(b) <del>indoor open fires, coal burners, multifuel burners, and woodburners installed before September 2005</del></p> <p>(c) <del>solid fuel burners that have been refurbished since their installation</del></p> <p>(d) <del>solid fuel burners used or designed for use other than as a space heater.</del></p>	<p>The policy as currently written seeks to avoid a net increase in discharges from certain solid fuel burners. This was a change made to the policy to accommodate AQ R13 which allowed for new woodburners to be offset. In making this change, the original intent of the policy, to avoid discharges, was lost. The requested amendment restores the intent of the original policy, while also accommodating the additional rule to allow offsets.</p> <p>The policy also needs to be amended to remove reference to burners installed in dwelling houses and buildings. Some solid fuel burners are not installed in either of these locations, yet still contribute to the overall PM10 emissions and poor air quality. The amendment would remove this reference and the policy would apply to all solid fuel burners in the Rotorua Airshed (but would not target open burning, covered by other policies and rules).</p>
5	AQ R3	Support with amendment	<p>Amend AQ R3 by adding to the list of permitted activities as follows:</p> <p>The discharge of contaminants to air from:</p> <p>.. (6) <del>roasting of coffee beans</del></p> <p>are permitted activities provided the discharge is not noxious or dangerous, offensive or objectionable beyond the</p>	<p>AQ R1 excludes discharges from industrial or trade premises as a permitted activity. This means any industrial or trade premises not specifically permitted by the other permitted activity rules in the Proposed Plan Change automatically requires a consent under AQ R2. According to the definition of "industrial or trade premises" in the RMA, any premises</p>

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8	AQ R12, AQ R13 Definition of Terms	Support with amendment	<p>boundary of the subject property or into any water body...</p> <p>Include in AQ R12 (b), AQ R12(d), and AQ R13 an additional requirement that any pellet burner, replacement woodburner or new woodburner must also be an Authorised Solid Fuel Burner.</p> <p>AQ R12(b) the discharge is from a <b>pellet burner</b>, provided the <b>pellet burner</b> is an Authorised solid fuel burner and...</p> <p>AQ R12(d)(iii) has a <i>thermal efficiency</i> of no less than 65% and (iv) is an Authorised solid fuel burner.</p> <p>AQ R13 (c)has a <i>thermal efficiency</i> of no less than 65% and (d) is an Authorised solid fuel burner.</p> <p>In the Definition of terms add <b>Authorised solid fuel burner</b> means a <b>solid fuel burner</b> that is either:</p> <p>(a) on the Ministry for the Environment's Authorised Wood Burner list or</p> <p>(b) has been authorised under the New Zealand Domestic Solid Fuel Burner Authorisation Manual (2011)</p>	<p>that discharges a contaminant from an industrial or trade process is an industrial or trade premises.</p> <p>Most of the types of industrial or trade processes that can be managed through a permitted activity (such as fuel burning equipment) have been included as permitted activity rules. One activity that has not been included is the roasting of coffee beans. It was not the intention of the rules to capture coffee roasting as a discretionary activity. The potential adverse effects of coffee roasting can be managed by the conditions in AQ R3, therefore an amendment to add coffee roasting to the list of activities in AQ R3 would remedy this issue.</p> <p>Under these rules, any new burner must have an emission rate of no more than 0.6g/kg and thermal efficiency of no less than 65%. These must be tested using Australian/New Zealand standard methods. Woodburners are tested by the manufacturers to ensure they meet these standards.</p> <p>An additional authorisation process was introduced by Environment Canterbury and Nelson City Council to check each burner against a number of criteria, including re-testing to ensure that the emission rate and thermal efficiency meets the standard. Burners that pass this second test are entered onto the Authorised Wood Burner list maintained by the Ministry for the Environment.</p> <p>It is national standard practice for purchasers and councils to use the Authorised Wood Burner list when selecting burners for installation and use in polluted airsheds. However, the authorisation process has not been included in legislation, and is only a practice, not a legal requirement.</p> <p>The inclusion of the authorisation process as part of the woodburner rules, gives more certainty to consumers and the Regional Council that any woodburner installed and</p>

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8	AQ R12(d) and AQ R13(b)	Support with amendment	Change 0.6g/kg to 0.60g/kg.	used in Rotorua has been through this two step process. The Authorised Wood Burner list contains 382 different burners (at the time of writing), providing a substantial range of options for size, insert or freestanding, and with or without water heaters.  The emission rate for new or replacement woodburners has been set at 0.6g/kg, or less. However, the test results for solid fuel burners often go to 2 decimal places. This may lead emission rates up to 0.64g/kg to be rounded down to 0.6g/kg.  The intention of the rule was to strictly limit emission rates for new woodburners to exactly 0.6g/kg, no more. By amending 0.6 to 0.60g/kg, this leaves no room for misunderstandings.
15	AQ R21(f)	Support with amendment	Amend AQ R21(f) as follows: <b>(f) Composting (including mushroom based processes) where the compost is for wholesale or retail sale</b>	The current rule lists all composting, regardless of scale, as a discretionary activity. This also encompasses domestic composting activities which was not the intention. The requested amendment would make it clear that only commercial scale operations are targeted by this rule
15	AQ R21(g)	Support with amendment	Amend AQ R21(g) as follows: <b>(g) Crematoria where either:</b> <u>(i) a new facility with a new discharge to air is being established after 27 February 2018 , or</u> <u>(ii) an existing facility is increasing its discharge to air after 27 February 2018</u> <del>installed after 27 February 2018</del>	The list of discretionary activities includes Crematoria installed after 27 February 2018. This was intended to leave any existing crematorium as it is currently managed (some have consents, some don't) but require consents for new crematoria.  However, it is unclear whether the rule applies to existing crematoria replacing or upgrading their furnace equipment, or just crematoria that are newly built. The intention was to only require new crematoria to apply for a resource consent and this amendment clarifies the intended application of the rule.

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17	Definition of Terms "coal burner"	Support with amendment	<p>Amend definition of term "coal burner" as follows:</p> <p><b>Coal burner</b> means a <b>solid fuel burner</b> designed to burn coal, which may have the following design features:</p> <p>(a) fuel combustion air supplies with separate controls</p> <p>(b) grate in the base of the firebox</p> <p>(c) ash pan under the grate.</p>	<p>Coal burners are specifically targeted by the Rotorua Airshed burner rules (AQ R12 - AQ R14) therefore a robust definition is essential to ensure these are not confused with any other type of solid fuel burner.</p> <p>The key part of the definition as currently written implies that a coal burner must have all three design features as listed to be defined as a coal burner. The key part of the definition is that it is a <u>solid fuel burner designed to burn coal</u>, and may not have all three design features. The amendment will clarify this and ensure that coal burners that do not have all three design features, even if they quite clearly are designed to burn coal, are still classified correctly.</p> <p>The term "emission rate" is also used both in relation to solid fuel burners and in AQ P10 for fuel burning equipment. The definition provided is only intended to be used in relation to solid fuel burners and could cause confusion if not amended.</p>
17	Definition of Terms "emission rate"	Support with amendment	<p>Amend definition of term "emission rate" as follows:</p> <p>Emission rate when used in relation to solid fuel burners means the amount of particles (in grams) discharged from a solid fuel burner for each kilogram of dry wood burnt. The discharge must be measured in accordance with:</p> <p>(a) the method specified in Australian/New Zealand Standard AS/NZS 4013:2014, Domestic solid fuel burning appliances – Method for determination of flue gas emission, or</p> <p>(b) for a woodburner excluded from that method, another method that is functionally equivalent.</p>	<p>Existing burners are subject to different rules under the Plan Change, therefore it is important to define what "existing" means in relation to solid fuel burners.</p> <p>"Existing" was defined as a burner with a building permit or building consent and was intended to apply only to burners already installed and in use in buildings or dwelling houses at the time the Plan Change was notified. An additional clause (c) was included to allow for any burner that was in the process of being consented on the notification date.</p>
17	Definition of Terms "existing"	Support with amendment	<p>Amend definition of terms "existing" as follows:</p> <p>(a) is in situ and has a building permit issued under the Local Government Act 2002, or</p> <p>(b) <u>is in situ and</u> has a building consent issued under the Building Act 2004, or</p>	<p>Existing burners are subject to different rules under the Plan Change, therefore it is important to define what "existing" means in relation to solid fuel burners.</p> <p>"Existing" was defined as a burner with a building permit or building consent and was intended to apply only to burners already installed and in use in buildings or dwelling houses at the time the Plan Change was notified. An additional clause (c) was included to allow for any burner that was in the process of being consented on the notification date.</p>

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18	Definition of Terms "multifuel burner"	Support with amendment	Amend definition of term "multifuel burner" as follows: Multifuel burner means a solid fuel burner designed to burn wood and/or coal, which may have the following design features: (a) fuel combustion air supplies with separate controls (b) grate in the base of the firebox (c) ash pan under the grate.	However, this definition does not account for a number of solid fuel burners that were installed legally, but did not require a building permit at the time. As currently defined, these burners would not be able to be replaced according to AQ R12(d). The term "existing" needs to be expanded to include those burners that were lawfully (or not un-lawfully) installed and used during a time when building permits were not required. The definition also inadvertently defines any burner as existing if it has a building permit or consent, not whether the burner is actually already installed in the building or dwelling house. The definition should be expanded to clarify that only those burners in situ, are defined as "existing". Multifuel burners are specifically targeted by the Rotorua Airshed burner rules (AQ R12 – AQ R14) therefore a robust definition is essential to ensure these are not confused with any other type of solid fuel burner. The key part of the definition as currently written implies that a multifuel burner must have all three design features as listed to be defined as a multifuel burner. The key part of the definition is that it is a <u>solid fuel burner designed to burn wood and/or coal</u> , and may not have all three design features. The amendment will clarify this and ensure that coal burners that do not have all three design features, even if they quite clearly are designed to burn coal, are still classified correctly.
19	Definition of Terms "noxious or dangerous"	Support with amendment	Amend as follows: (a) human health effects from acute exposure or chronic exposure. These include allergic reactions, toxic poisoning or exposure to carcinogens	The definition of "noxious or dangerous" includes allergic reactions as a human health effect, alongside toxic poisoning and exposure to carcinogens. Although an allergic reaction is a human health effect, it is difficult to trace exactly what has caused the allergic reaction. Its inclusion alongside toxic poisoning or exposure

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20	Definition of Terms "reverse sensitivity"	Support with amendment	Remove the definition of the term "reverse sensitivity"	The term "reverse sensitivity" is not used in the Plan Change and therefore it is not necessary to include a definition of the term
20	Definition of Terms "sensitive activity"	Support with amendment	Amend to <b>sensitive activity</b> means an activity that <del>may be adversely affected by contaminants</del> is particularly sensitive to adverse effects associated with air contaminant discharges either due to the vulnerability of the population or area exposed to the contaminant, or due to the potential for prolonged exposure and includes. . .	The definition of sensitive activity is too broad and could include a number of activities that are not sensitive. Recommended that the opening sentence is expanded to define what a sensitive activity is, before giving examples.
20	Definition of Terms new definition	Support with amendment	Include new Definition of Term for subject property <b>subject property</b> means the property where the discharge of contaminants to air originates.	The term "subject property" is used throughout the Proposed Plan Change. The rule structure is designed around discharges of contaminants from properties – the location of the activity causing the discharge. However, an interpretation could be attempted that the application is to the boundary of the property experience the impacts of the discharge. To prevent any confusion a clarification is recommended to ensure the intent of the term is maintained.
21	Definition of Terms "solid fuel burner"	Support with amendment	Amend definition as follows: <b>Solid fuel burner</b> means a <del>domestic</del> solid fuel burning appliance. . . "	The definition of "solid fuel burner" includes the word "domestic". This was included as a reference to the scale of the burner (small) rather than the location where it was used (in a house). It was to ensure that solid fuel burners did not overlap with fuel burning equipment. However, the use of the word domestic implies that the burner is installed and used in a house, but there are several instances where a

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				<p>burner is located within a larger building and/or on business premises (such as a pub). These burners contribute to the air quality issue in Rotorua as much as any burner installed and used in a domestic house and are targeted by the rules. The definition could incorrectly limit the rules to only those burners in domestic houses, which is not the intention of the rule.</p> <p>The definition specifically excludes fuel burning equipment, therefore no further reference to scale is necessary.</p>