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**SUBMISSION ON
PROPOSED PLAN CHANGE 13 (AIR QUALITY)
TO THE REGIONAL NATURAL RESOURCES PLAN**

TO: Bay of Plenty Regional Council
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Via email: air@boprc.govt.nz

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1. INTRODUCTION

Ravensdown Limited – Overview and Interests in the Bay of Plenty Region

- 1.1 Ravensdown Limited (**Ravensdown**) is a farmer owned co-operative. Ravensdown's goal is to enable smarter farming for a better New Zealand. Given this goal, Ravensdown provides products, namely fertiliser and agrochemicals (agrichemicals), expertise and technology to help farmers reduce environmental impacts and to optimise value, or outputs, from land.
- 1.2 Ravensdown, in deciding whether to participate in regional planning processes, considers whether the plan, or proposed plan change, will achieve the purpose of the Resource Management Act 1991 (**RMA**) while also evaluating whether the planning provisions will unduly constrain its own activities (i.e., manufacturing, store sites and quarries) and/or the users of their products.
- 1.3 In this context, the nature of Ravensdown's interests in the Bay of Plenty region, include the operation of four stores, located at Te Puke, Broadlands, Galatea and Te Teko. The Te Puke store is Ravensdown owned and operated while the others are locally owned and operated consignment stores. These sites service the fertiliser and agrichemical needs of Ravensdown's shareholders in the region.
- 1.4 Given the nature of Ravensdown's activities in the region, Ravensdown seeks to ensure that the Proposed Plan Change 13 (**PPC13**) to the Regional Natural Resources Plan (**RNRP**) promotes the sustainable management of natural and physical resources, in this instance, the region's air resource. This includes the ability to use and develop resources, as well as protecting resources from inappropriate use and development, while ensuring that adverse effects of activities on air quality are avoided, remedied or mitigated.
- 1.5 In this context, the provisions of PPC 13 are of interest to Ravensdown given the potential for its activities in the region, as outlined in **paragraph 1.3** above, to discharge contaminants to air. Therefore, in preparing this submission, Ravensdown has focussed on the policy framework, rules and related definitions that will apply to potential discharges to air associated with Ravensdown's stores, as well as the use of fertiliser and agrichemicals in the region.

Overview of Submission

- 1.6 Ravensdown's submission, given the nature of its activities in the Bay of Plenty Region and the potential implications of PPC13 in terms of future use and development of the region's air resource, generally supports PPC13.
- 1.7 However, through this submission, Ravensdown also seeks amendments that enable Ravensdown and the users of its products to continue to use and develop resources in the region in a manner that continues to provide for the sustainable management of natural and physical resources, including the region's air resource, while also ensuring that adverse effects on the environment are avoided, remedied or mitigated.
- 1.8 Ravensdown's submission on PPC13 is structured as follows:
 - (a) General comments, including the areas of support and areas of concern where Ravensdown seeks amendments to provisions, are overviewed in **Section 2** of this submission;

- (b) Specific submission points on PPC13 provisions are contained in the table provided in **Attachment A**; and
- (c) A conclusion, including the overarching reasons for the submission, is provided in **Section 3**.

2. GENERAL COMMENTS ON PROPOSED PLAN CHANGE 13 (AIR QUALITY)

Definition of 'Fertiliser'

2.1 Ravensdown, in preparing this submission, has considered the implications of the definition of 'fertiliser' contained in the operative PNRP and the Bay of Plenty Regional Air Plan (**RAP**).

2.2 The PNRP definition is:

"any substance which is described as or held out to be for, or suitable for sustaining or increasing the growth, productivity or quality of plants or animals through the application of the following essential nutrients to plants or soils: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride, sodium, as major nutrients or manganese, iron, zinc, copper, boron, cobalt, molybdenum, selenium, as minor nutrients or additives, and any other product which is considered to meet identified soil or plant nutrient deficiencies and is applied with this as the principle objective. Products discharged or applied as part of a waste treatment process require resource consents and are not covered by this code. This definition is from The Code of Practices For Fertiliser Use 1998."

2.3 The definition of fertiliser in the RAP is:

- (a) means a substance or mix of substances that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of —*
 - (i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or*
 - (ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or*
 - (iii) fertiliser additives; and*
- (b) includes non-nutrient attributes of the materials used in fertiliser; but*
- (c) does not include substances that are plant growth regulators that modify the physiological functions of plants; and*
- (d) does not include substances that are plant growth regulators containing the active ingredient hydrogen cyanamide."¹*

2.4 It is acknowledged that as the PNRP definition is operative, and given that PPC13 is proposed as a plan change to PNRP and as PPC13 does not propose any changes to the fertiliser definition contained in PNRP, the definition of fertiliser in the PNRP is not necessarily subject to amendment.

2.5 However, Ravensdown is of the opinion that consideration needs to be given to the fertiliser definition that should apply to PPC13, and ultimately the PNRP. Accordingly, a proposed

¹ The RAP definition for 'fertiliser', except for part (b) of the definition, is from Clause 3 (Interpretation) of the Agricultural Compounds and Veterinary Medicines Regulations 2001.

replacement definition for 'fertiliser' which reflects the current operative RAP definition, has been requested by Ravensdown (refer to **Attachment A – Sub. Ref. 18**).

Areas of Support

2.6 Ravensdown supports the intent of PP13 to provide for the use and development of the region's air resource, subject to a management framework, while ensuring that the air resource is safeguarded. The overall approach adopted is supported, subject to amendments to address the matters raised in this submission.

2.7 In relation to PPC13 provisions, Ravensdown supports:

(a) Objectives for the region's air resource that aim to protect the mauri of the air resource, enhance degraded ambient air quality and manage adverse effects on human health, cultural values, amenity values and the environment.

(b) The general policy framework that will underpin Ravensdown's activities in the region.

(c) The rule hierarchy approach. This includes:

- permitting specific discharges, including the use and application of fertiliser (Rule AQ R3), provided the discharge is not noxious or dangerous beyond the property boundary or into any water body;
- permitting the discharge of agrichemicals (Rule AQ R15); and,
- discretionary activity status for activities that are not provided for by other PPC13 rules.

Areas of Concern

Ambient Air Quality (Objectives AQ O1 and O2, Policy AQ P4)

2.8 Ravensdown acknowledges that the National Environmental Standards for Air Quality (NES) and the Ambient Air Quality Guidelines (AAQG) are tools for use within New Zealand's resource management framework. The NES specifies standards, and the AAQG contains guidelines values, which are able to be used as a technical tool to identify whether or not an area's ambient air quality provides for the protection of human health and the environment.

2.9 In the context of the RMA, these standards (or guidelines) can then guide community decisions about whether the air quality needs to be improved or enhanced, based on whether or not these standards and guidelines are met, due to the fact that ambient air quality is sufficiently degraded that it does not provide for or protect human health or the environment. It is appropriate to utilise these tools.

2.10 On this basis, Ravensdown considers that the basis of PPC13 in relation to ambient air quality should be to maintain it where human health and the environment is provided for, and where it is not then ambient air quality can be considered degraded and improvement then becomes the aim. Then at the policy level, the NES, AAQG, or revised or replacement standards and guidelines are one of the tools that can be utilised to determine the state of the region's ambient air quality.

2.11 Amendments to Objectives AQ O1, AQ O2 and Policy AQ P4, as detailed in **Attachment A** of this submission, are therefore requested by Ravensdown to reflect the above approach.

Avoidance of Adverse Effects (Policy AQ P3)

- 2.12 Policy AQ P3 seeks to manage activities that discharge contaminants to air, by a range of approaches, including avoiding discharges or effects on specific values.
- 2.13 Ravensdown does acknowledge that under the RMA, there is the potential to establish a hierarchy, whereby avoidance is the first management response, then remediation and mitigation of adverse effects. However, in this instance, the policy does not provide for this hierarchy. Rather only avoidance is being sought, which means that resource users do not have access to remediation or mitigation approaches that effectively have the potential to result in the same environmental outcome. Ravensdown considers that this policy needs to enable resource users to avoid, remedy and mitigate adverse effects in accordance with the approach provided for by the RMA.
- 2.14 Another issue with the proposed reliance on avoidance only approaches, is that as a result of recent case law, policy guidance that aims to avoid adverse effects requires activities that do not achieve this to be prohibited. Ravensdown anticipates that this outcome was not what was envisaged when the policy was drafted.
- 2.15 Amendments to Policy AQ P3, as detailed in **Attachment A** of this submission, are therefore requested by Ravensdown to address this area of concern.

Matters to Consider (Policy AQ P4)

- 2.16 Policy AQ P4 outlines the matters that are to be considered when assessing applications to discharge contaminants to air. Clause (a) and (g) of this policy specify the following:
- “(a) The proximity of sensitive activities to the discharge.*
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- (g) The effects of new activities discharging contaminants into air near established sensitive activities.”*
- 2.17 Clauses (a) and (g) both require consideration of the effects of the discharge on sensitive activities, with the clause (a) relating to all discharges (both new and existing discharges which require a new resource consent) while clause (g) only relates to new discharges. This is unnecessarily repetitive and unnecessary.
- 2.18 As currently drafted, this policy does not identify that when considering resource consent applications where the resource consent being sought is for an existing activity, that consideration should be given to the existing commitment, or investment, that the applicant has to the site. This is particularly the case where an activity is appropriately located in relation to the land use anticipated or provided for in an area.
- 2.19 Amendments to clause (g) of Policy AQ P4 in order to remove the effective repetition between these two clauses and to then recognise existing lawfully established activities are therefore requested by Ravensdown (refer to **Attachment A** of this submission).

Ravensdown Bulk Stores – Applicable Rules

- 2.20 Rule AQ R1 permits the discharges to air from activities not subject to other rules, subject to conditions, including the requirement that the discharge is not noxious or dangerous beyond

the subject boundary or into any water body (Condition (a)) and provided the discharge is not from an industrial or trade premise.

- 2.21 Ravensdown's bulk stores are considered an 'industrial or trade premise' as they provide for the "intervening storage of ... product". Therefore, Rule AQ R1, as proposed, does not provide for these bulk stores even though they have controls in place to ensure that there is no discharge of dust, let alone 'noxious or dangerous' contaminants beyond the property boundary.
- 2.22 As there are no activity specific rules that provide for this activity provided in PPC13, a resource consent would be required under Rule AQ R2 (discretionary activity). This is not considered an appropriate resource management approach in circumstances where the effects of the activity will be less than minor.
- 2.23 Amendments to Rule AQ R1, as detailed in **Attachment A** of this submission, are therefore requested whereby discharges to air, including from industrial or trade premises (including Ravensdown's bulk stores), which comply with Condition (a) of this rule, and which are not provided for by specific other rules, are provided for as permitted activities.

Application of Lime as a Soil Conditioner

- 2.24 Lime is used throughout New Zealand as a soil conditioner, in conjunction with fertilisers. Lime application to land facilitates a change in the pH of soils which then facilitates nutrient uptake by plants.
- 2.25 Therefore, while Ravensdown supports Rule AQ R3(3) which permits the use and application of fertiliser, Ravensdown considers that given the role that lime plays in supporting plant growth that this rule should be amended to also permit lime application when taking place to condition soil. Any such application of lime would be subject to all of the permitted activity rule conditions.
- 2.26 Amendments to Rule AQ R3, as detailed in **Attachment A** of this submission, are therefore requested by Ravensdown to provide for this activity. Alternatively, an addition to the requested definition of 'fertiliser' is proposed.

Agrichemical Spraying – Notification and Spray Risk Management Plans (Conditions 3 and 4 of Rule AQ R15)

- 2.27 While permitted activity status for agrichemical spraying is supported (refer to **paragraph 2.7(c)** above), Ravensdown have concerns about Conditions 3 and 4 of the rule. These conditions place more restrictive and stringent requirements for notification and Spray Risk Management Plans than the requirements of the Hazardous Substances and New Organisms Act 1996 and the New Zealand Standards (NZS8409:2004 Management of Agrichemicals).
- 2.28 The approach currently provided for by these conditions has the potential to duplicate and complicate requirements for those undertaking agrichemical spraying, while not necessarily providing for any additional avoidance, remediation or mitigation of potential effects arising from the activity.
- 2.29 To avoid undue duplication and additional complication, it is considered that compliance with the requirements of Hazardous Substances and New Organisms Act 1996 and NZS8409:2004

Management of Agrichemicals, or any replacement or revised provisions, should be relied on in relation to notification and Plan requirements for agrichemical spraying.

2.30 Amendments to Rule AQ R15, as detailed in **Attachment A** of this submission, are therefore requested by Ravensdown to address this concern.

Definitions - Intensive Farming, Noxious or Dangerous, Reverse Sensitivity and Sensitive Activity

2.31 Ravensdown, in this submission (refer to **Attachment A** for specific amendments being sought), have proposed amendments to the following definitions for the reasons outlined:

- (a) **Intensive farming.** The definition provided does not correlate to the examples provided nor to the rules that apply to intensive farming. Based on Ravensdown's interpretation of Rule AQ R19, it seems it is intended to apply to intensive farming activities accommodated in buildings and structures (i.e., indoor farming). Also, the current reference to farming where "*stocking density limits or prevents dependence of natural soil quality*" could be interpreted to refer to all New Zealand farmland, irrespective of intensity. This is because within New Zealand products, including fertiliser, has or is applied to much of New Zealand's farmland in order to improve soil quality (and associated plant growth).
- (b) **Noxious or dangerous.** Part (c) and (e) relate to land and farm management practices and are not relevant to management of contaminants to air pursuant to the RMA.
- (c) **Reverse sensitivity.** Reverse sensitivity issues do not necessarily relate to the adverse environmental effects of the existing activity (i.e., if the activity is permitted then the effects form part of the environmental baseline and thus there is no adverse effect), but rather from the differing nature and expectations arising from both the existing and new activities. It is therefore considered that the definition should not refer to new activities being sensitive to the adverse environmental effects of an existing activity.
- (d) **Sensitivity activity.** The Bay of Plenty Regional Policy Statement (**RPS**) contains an operative definition for sensitive activity that differs from that proposed in the PPC13. To provide for consistency in terms of terminology and definitions within the region, Ravensdown considers that the RPS definition should be used.

3. CONCLUSION

3.1 Ravensdown generally supports PPC13, subject to the amendments requested to address the concerns raised within this submission. In relation to the provisions that Ravensdown has raised concerns about, those provisions require amendment because, without amendment, those provisions:

- (e) will not promote sustainable management of resources and will not achieve the purpose of the RMA;
- (f) is contrary to Part 2 and other provisions of the RMA;
- (g) will not enable the social and economic well-being of the community of the Bay of Plenty region;

- (h) will not meet the reasonably foreseeable needs of future generations;
- (i) will not achieve integrated management of the effects of the use, development or protection of the air resource and associated resources of the region;
- (j) will not enable the efficient use and development of Ravensdown's assets and operations, and of those resources which are dependent on, or benefit from, Ravensdown's assets and operations; and
- (k) do not represent the most appropriate means of exercising Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

3.2 Ravensdown could not gain an advantage in trade competition through this submission.

3.3 Ravensdown wishes to **be heard** in support of this submission.

3.4 If others are making a similar submission, Ravensdown will consider presenting a joint case with them at the hearing.

Date: 18 April 2018



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Carmen Taylor

Consultant Planner

Authorised to sign this submission on behalf of Ravensdown Limited

ATTACHMENT A – RAVENSDOWN LIMITED'S SUBMISSIONS ON PROPOSED PLAN CHANGE 13 (AIR QUALITY)

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Objectives					
1	Objective AQ O1 – Protect air from adverse effects	1	Support, subject to amendments	<p>This objective contains two different concepts. The first is the protection of the mauri of the air resource and human health, and the second is the enhanced of degraded air quality.</p> <p>The first element of this objective is an appropriate resource management approach to managing the region's air resource and it is considered that this matter should standalone as an objective.</p> <p>In relation to the region's ambient air quality and the associated management response, it is considered that this should be part of a separate objective as submitted on below (refer to the submission on Objective AQ O2 – Sub. Ref. 2).</p>	<p>Amend Objective AQ O1 as follows:</p> <p><i>“Protect the mauri of air and human health from adverse effects of anthropogenic contaminant discharges to air, and enhance air quality where degraded.”</i></p>
2	Objective AQ O2 – Ambient air quality	1	Oppose	<p>The National Environmental Standards for Air Quality (NES) and the Ambient Air Quality Guidelines (AAQG) are tools which are able to be used within a resource management framework to determine whether or not an area's ambient air quality will protect human health and the environment. That is, where the standards and guidelines are met then human health and the environment is protected or provided for, and where it is not then an appropriate resource management response is to provide for improvement of ambient air quality.</p> <p>In this context, as resource management tools it is considered that the NES and AAQG are more appropriately utilised within a policy that supports an objective which aims to maintain acceptable air</p>	<p>Amend Objective AQ O2 as follows:</p> <p><i>“The region's ambient air quality is maintained where human health and the environment is provided for, and enhanced where ambient air quality is degraded. —meets the National Environmental Standards for Air Quality (2004) and the Ambient Air Quality Guidelines (2002).”</i></p>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
3	Objective AQ O3 – Local air quality	1	Support	quality and improve degraded air quality. The aim of this objective is to ensure that discharges of contaminants to air are managed according to their adverse effects on human health, cultural values, amenity values and the environment. This is an appropriate resource management approach.	Retain Objective AQ O3 as notified.
Policies					
4	Policy AQ P1 – Classification of activities	1	Support	This policy seeks to provide for discharges, where adverse effects are managed such that they are avoided, remedied or mitigated, as permitted activities. All other activities which discharge contaminants to air are to be classified as controlled, discretionary or non-complying activities. This hierarchy of rules is considered an appropriate resource management approach.	Retain Policy AQ P1 as notified.
5	Policy AQ P3 – Management of discharges	2	Support, subject to amendments	The areas of potential adverse effects identified in this policy address the matters associated with discharges to air within the region. However, the policy driver is to ensure that adverse effects are avoided, rather than providing for adverse effects to be avoided, remedied or mitigated as provided by the RMA. It is also noted, that given recent case law, policy guidance that aims to avoid adverse effects requires activities that do not achieve this to be prohibited. It is anticipated that this was not what was envisaged when the policy was drafted. It is agreed that the standards and guidelines contained in the NES and AAGQ are the current resource management tools to be used when managing the discharge of contaminants to air.	Amend Policy AQ P3 as follows: "Activities that discharge contaminants to air must be managed, including by use of the best practicable option, to: (a) safeguard the life supporting capacity of the air, avoid adverse effects on human health, and manage adverse effects on human health, cultural values, amenity values, and the environment (b) avoid, remedy or mitigate the discharge of contaminants at a rate or volume that may contribute to, or cause an exceedance or breach of the ambient air quality standards of the NESAQ or exceed the health-based values of the AAQGs, or revised or replacement

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
6	Policy AQ P4 – Matters to consider	2	Support, subject to amendments	<p>However, it is possible that during the term of the PPC13 that the tools to be used may change and it is considered that this potential should be provided for within the policy.</p> <p>The matters to have regard to when considering resource consents to discharge contaminants to air are generally appropriate, subject to addressing the issues discussed further below</p> <p>The first issue is associated with ‘sensitive activities’ and reverse sensitivity issues. It is agreed that when considering applications, it is important to consider the proximity of sensitive activities to the discharge and therefore part (a) of this policy is supported. Given part (a) of this policy, it is considered that part (g), as currently drafted, effectively repeats part (a) and therefore is not required.</p> <p>In relation to part (g), it seems that it was an attempt to address ‘reverse sensitivity’ issues although it seemed to take a reverse approach to this issue (i.e., protecting existing sensitive activities, not preventing new sensitive activities establishing near existing activities). Given that this policy relates to activities seeking air discharge permits, and that part (a) requires that consideration is given to sensitive activities, it is considered that part (g) should recognise if a discharge permit is from an existing activity. Accordingly, amendments to part (g) of this</p>	<p><u>standards or guidelines.</u></p> <p><u>(c) avoid remedy or mitigate the reduction in visibility where it may cause adverse effects on vehicle, aircraft, or ship safety</u></p> <p><u>(d) avoid remedy or mitigate the discharge of contaminants that may cause adverse effects on regionally significant infrastructure</u></p> <p><u>(e) ...”</u></p> <p>Amend Policy AQ P4 as follows:</p> <p><u>“When considering the ...:</u></p> <p><u>(a) ...</u></p> <p><u>(b) The location of any Gazetted airsheds, or areas where the discharge may cause an exceedance or breach of the ambient air quality standards of the NESAQ or exceed the health-based values of the AAQGs, or revised or replacement standards or guidelines.</u></p> <p><u>...</u></p> <p><u>(g) The effect of new activities discharging contaminants into air near established sensitive activities. Where the discharge is from an existing lawfully established activity, the existing investment associated with the activity’s location and whether the activity is appropriately located in relation to the land use anticipated and provided for in the area.”</u></p>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
7	Policy AQ P8 – Agrichemical spraying	3	Support	<p>policy are proposed which requires consideration to be given discharges from existing lawfully established and appropriately located activities.</p> <p>The second issue, as discussed above (refer to Sub. Ref. 5 above), is the potential for the ambient air quality standards and guidelines to change over the timeframe that the PPC13 is operative.</p> <p>This policy aims to manage adverse effects on human health and the environment arising from the spraying of agrichemical by adopting a risk management approach, avoiding spray drift beyond the property boundary, and where this is not possible mitigating effects on sensitive activities. This approach represents good management practice for such activities.</p>	Retain Policy AQ P8 as notified.
Rules					
8	Rule AQ R1 – General activities - Permitted	4 and 5	Oppose	<p>This rule permits the discharges to air from activities not subject to other rules, subject to conditions, including the requirement that the discharge is not to be noxious or dangerous beyond the subject boundary or into any water body (Condition (a)). Providing for activities that do not discharge noxious or dangerous contaminants in these circumstances is appropriate.</p> <p>However, Ravensdown’s bulk stores are considered an ‘industrial or trade premise’ as they involve the ‘<i>intervening storage of ... product</i>’. On this basis, even though these stores have controls in place to ensure that there is no discharge of dust, let alone ‘noxious or dangerous’ contaminants beyond the property boundary, as Condition (c) of this rule</p>	<p>Amend Rule AQ R1 by deleting Condition (c) as follows:</p> <p>“ ... (e) The discharge is not from industrial or trade premises.”</p>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
9	Rule AQ R2 – General activities - Discretionary	5	Support	<p>specifies that the discharge is not to be from an industrial or trade premise this rule does not permit any discharges to air from these stores. In addition, as there are no activity specific rules that provide for this activity, a resource consent would be required under Rule AQ R2 (discretionary activity). This is not considered an appropriate resource management approach in circumstances where the effects of the activity will be less than minor, especially when the discharge of contaminants to air from a range of other industrial and trade premises are permitted (e.g., spray painting; abrasive blasting; and, fuel burning equipment, such as generators, at industrial sites).</p>	Retain Rule AQ R2 as notified.
10	Rule AQ R3 – Miscellaneous discharges - Permitted	5	Support in part	<p>This rule permits discharges from a range of activities, including the use and application of fertiliser, provided that the discharge is not noxious or dangerous beyond the subject boundary or into any water body. A permitted activity status in relation to potential discharges to air associated with fertiliser use in the region, subject to the rule conditions, is considered appropriate.</p> <p>While Rule AQ R3(3) permits discharges to air from the use and application of fertiliser, Ravensdown considers that the rule also needs to provide for related use and application of lime where it is applied as a soil conditioner. Lime is a 'non-nutrient attribute' of fertilisers that are used within New Zealand (refer to the proposed definition of 'fertiliser' (part (b) requested below – refer to Sub. Ref. 18). While lime</p>	<p>Amend Rule AQ R3 as follows:</p> <p><i>“The discharge of contaminants to air from:</i></p> <p>... <i>(3) the use and application of fertiliser and lime when applied to land as a soil conditioner</i> <i>(4) ...”</i></p> <p>Alternatively, provide for the application of lime in the 'fertiliser' definition by amending clause (b) of the definition as requested in Sub. Ref. 18 below, as follows:</p> <p><i>“(b) includes non-nutrient attributes of the materials used in fertiliser, including materials that adjust the pH of soils; but”</i></p>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
11	Rule AQ R15 – Agrichemical spraying - Permitted	9 to 11	Support, subject to amendments	<p>principally consists of calcium, lime is not a 'nutrient' utilised directly by plants (i.e., as provided for by part (a)(i) of the proposed fertiliser definition) and therefore is not provided for by the proposed fertiliser definition. Lime is applied to land to change the pH of soils (e.g., to correct for acidic soils) which then facilitates nutrient uptake by plants. Therefore, while lime is not providing nutrients to the soil or plants directly, it does play an important role in supporting plant growth.</p> <p>This rule provides for agrichemical spraying within the region subject to a range of conditions relating to general use, method of application, signage, notification and spray risk management plans (where required). Permitted activity status, subject to complying the conditions of the rule, is considered appropriate.</p> <p>However, Conditions 3 and 4 of the rule, which specify conditions in relation to notification and Spray Risk Management Plans are stringent than the requirements of the Hazardous Substances and New Organisms Act 1996 and the New Zealand Standards that apply to such activities. The retention of Conditions 3 and 4 has the potential to duplicate and complicate requirements for those undertaking agrichemical spraying, while not necessarily providing for any additional avoidance, remediation or mitigation of potential effects arising from the activity.</p>	<p>Amend Rule AQ R15 by:</p> <ul style="list-style-type: none"> - deleting Condition (3) which relates to 'Notification' and Condition (4) which relates to 'Spray Risk Management Plans'; and - replacing these conditions with the following requirements: <ul style="list-style-type: none"> <u>"The substance is approved under the Hazardous Substances and New Organisms Act 1996, or any replacement or revised legislation, and the use and discharge of the substance is in accordance with all conditions of the approval; and</u> <u>The application of the agrichemicals is undertaken in accordance with Appendix L4 (Storage), Part 5.3 (Use), Appendix S (Disposal) and Appendix C9 (Records) of NZS8409:2004 Management of Agrichemicals, or replacement or revised standards, where relevant to the particular substance and application method being used."</u>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Definition of Terms					
12	Intensive farming	18	Support, subject to amendments	<p>Rules AQ R19 (controlled activity) and AQ R21(j) (discretionary activity) provide for the discharges to air associated with 'intensive farming' activities as defined in PPC13. It is considered, given that PPC13 relates to discharges to air and the examples contained within the definition, that it is intended that 'intensive farming' in the context of these rules actually relates to intensive farming activities where produce or animals are predominantly accommodated indoors in buildings or structures and where there is an associated 'point source' discharge to air.</p> <p>As currently worded, the definition could refer to all farming activities. This is because products, including fertiliser, has been and is applied to New Zealand farmland to improve natural soil quality (and associated plant growth), irrespective of the intensity of the farming activity.</p> <p>Given this issue an amended definition that reflects the nature of the farming activity to which the rules relate is proposed. In proposing amendments, the following definition contained in the operative Waikato Regional Plan has been referred to:</p> <p><i>"Intensive indoor farming. The housing and growth of livestock, or fungi, that is reliant on food and/or raw materials brought into the building. It specifically excludes intensive pastoral farming or greenhouses."</i></p>	<p>Amend the 'intensive farming' definition as follows:</p> <p><i>"Intensive indoor farming means agricultural production where produce or livestock, accommodated within buildings or structures, are reliant on the stocking density limits or prevents dependence on natural soil quality on the site, and/or food and/or raw materials that is required to be brought into the building or structure to the site. Includes poultry farming, piggeries, mushroom production but excludes free-range farming, and greenhouses."</i></p> <p>And, any consequential amendments arising from this submission point.</p>
13	Low pressure boom	18	Support	<p>In the context of PPC13, 'low pressure boom' is one of the methods in the agricultural spraying</p>	<p>Retain the 'low pressure boom' definition as notified.</p>

SUB. REF.	PLAN PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
14	Noxious or dangerous	19	Support, subject to amendments	<p>permitted activity rule. The definition identifies that low pressure booms are where: the liquid pressure is less than 3 bar; the discharge occurs less than 1m above ground; the nozzles point down; and, the nozzles are designed to create coarse droplets greater than 250 microns in diameter. It is understood that these requirements reflect normal ground spray booms used for agrichemical spraying.</p> <p>The proposed definition, with the exception of parts (c) and (e), is considered to appropriately outline discharges to air that have the potential to create noxious or dangerous effects. This includes part (f) which relates to the <i>“discharge of fertiliser and agrichemical spray that compromises the organic status of another property”</i>.</p> <p>Parts (c) and (e) of the definition relate to the agrichemical residue on food or stock food (part (c)) and contaminants in crops or plants that exceed safe levels for human consumption or where the market value of a crop is reduced (part (e)). It is considered that these matters relate to land and farm management practices and are not relevant to the management of discharges of contaminants to air pursuant to the RMA.</p>	<p>Amend the ‘noxious or dangerous’ definition by deleting parts (c) and (e) as follows:</p> <p><i>“Noxious or dangerous means an activity or discharge of contaminants to air that causes, or is likely to cause, an adverse effect on property and/or the environment. This may include, but is not limited to, the following:</i></p> <p>(a) ...</p> <p>(e) Exceedance of a maximum residue limit for an agrichemical on, or in, food or stock feed at harvest or slaughter.</p> <p>(d) ...</p> <p>(f) Damage to crops or plants where contaminants have affected the growth or quality of the crop such that levels exceed safe levels for human consumption and/or the market value of the crop is reduced.</p> <p>(f) ...”</p>
15	Reverse sensitivity	20	Support, subject to amendments	<p>The proposed definition correctly outlines that reverse sensitivity is where, as a result of a new more sensitive activity locating in an area, an existing activity may be compromised, constrained or</p>	<p>Amend the ‘reverse sensitivity’ definition as follows:</p> <p><i>“Reverse sensitivity means the potential for the operation of an existing lawfully established</i></p>

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				<p>curtailed. In this context, the sensitivity between the two different activities relate to differing expectations. An example, would be where a residential activity is able to establish alongside a light industrial activity which is located within an appropriately zoned industrial area (i.e., where the nature of industrial activity is anticipated and provided for by regional and district plan rules). This sensitivity does not necessarily relate to the adverse environmental effects of the existing activity (i.e., if the activity is permitted then the effects form part of the environmental baseline and thus there is no adverse effect), but rather from the differing nature and expectations arising from both activities. It is therefore considered that the definition should not refer to new activities being sensitive to the adverse environmental effects of existing activity.</p> <p>It is acknowledged that the proposed PPC13 definition is the same as that contained in the RPS. However, although this is the case it is still considered that an amendment to the PPC13 definition is required to reflect the generally accepted approach to reverse sensitivity issues as discussed above.</p>	<p><i>activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity."</i></p>
16	Sensitive activity	20 and 21	Oppose	<p>The RPS contains a definition for 'sensitive activities' that differs, particularly in relation to the range of activities identified, from that proposed in the PPC13. For the purposes of general consistency of terminology and definitions used within the region, it is considered that the operative RPS definition should also be utilised within PPC13.</p>	<p>Delete the 'sensitive activity' definition as notified, and replace it with the definition contained in the RPS, as follows:</p> <p><i>"Sensitive activities: Activities which suffer should they experience adverse effects typically associated with some lawful activities. For example, smells from a sewage treatment facility or noise from a port facility. Activities considered to be sensitive include but are not necessarily limited to any</i></p>

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					<i>residential activity, any childhood education centre and any other accommodation facility."</i>
Consequential Changes to the Regional Natural Resources Plan					
17	Definitions of Terms - Agrichemical	6	Support	The proposed amendments to the operative definition more accurately reflects the nature of and purpose of agrichemicals.	Retain the amendments to the 'agrichemical' definition as notified.
Additional Consequential Changes to the Regional Natural Resources Plan					
18	Definition of Terms – Fertiliser (PNRP)	-	Oppose PNRP definition	As discussed in paragraphs 2.1 to 2.5 of the 'General Comments' of this submission, Ravensdown considers that the operative Bay of Plenty Regional Air Plan (RAP) definition of fertiliser more appropriately traverses the nature of fertiliser than the operative definition in the PNRP.	<p>Replace the PNRP definition of 'fertiliser' with the operative RAP definition as follows:</p> <p>"Fertiliser</p> <p><i>(a) means a substance or mix of substances that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of –</i></p> <p><i>(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</i></p> <p><i>(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</i></p> <p><i>(iii) fertiliser additives; and</i></p> <p><i>(b) includes non-nutrient attributes of the materials used in fertiliser; but</i></p> <p><i>(c) does not include substances that are plant growth regulators that modify the physiological functions of plants; and</i></p>

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					<p><i>(d) does not include substances that are plant growth regulators containing the active ingredient hydrogen cyanamide."</i></p> <p>Also, refer to Sub. Ref. 10 above which requests, as an alternative option to the requested amendment to Rule AQ R3, an amendment to clause (b) of the above definition.</p>

