



### **SUBMISSION ON**

#### **BAY OF PLENTY REGIONAL COUNCIL PROPOSED PLAN CHANGE 13 – AIR QUALITY**

**TO:** Bay of Plenty Regional Council  
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**BY E-MAIL:** [air@boprc.govt.nz](mailto:air@boprc.govt.nz)

**SUBMISSION ON:** **Proposed Plan Change 13 – Air Quality**

**BY:** Ballance Agri-Nutrients Limited

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Attention: **Mr Kevin Wood**

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# 1. INTRODUCTION

## The Submitter

Ballance Agri-Nutrients Ltd (hereafter referred to as '**Ballance**', or '**the Company**') is a farmer-owned co-operative with over 19,000 shareholders and approximately 800 staff throughout New Zealand. We own and operate super-phosphate manufacturing plants located in Tauranga and Invercargill, as well as New Zealand's only ammonia-urea manufacturing plant located at Kapuni, South Taranaki. The Company also owns and operates the agricultural aviation company 'Super Air', 'SealesWinslow' (a high performance compound feed manufacturer). Ballance places a strong emphasis on delivering value to its shareholders and on the use of the best science to inform sustainable nutrient management.

In addition to its major manufacturing plant based in Mount Maunganui, Ballance has a network of fertiliser storage and dispatch facilities ('**Service Centres**') across the country, a number of which are located within the Bay of Plenty Region. Our service centres are dedicated facilities for the storage and redistribution of fertiliser, both in bulk and bagged form. Further, our Service Centres are also manned by Ballance staff, and the larger stores often include mixing plants (for the supply of blended product), bagging facilities and weighbridges (for the accurate loading of trucks). In addition, Ballance also operate a number of consignment stores in the region. Consignment stores are not normally manned by Ballance staff, are typically smaller and only normally function as retail outlets (that is, they do not typically have mixing and bagging plants).

## Submission on Proposed Plan Change 13

This submission is made to the Bay of Plenty Regional Council's Proposed Plan Change 13 Air Quality that was notified on the 27<sup>th</sup> of February 2018 and is hereafter referred to as '**PC13**'. PC13 proposes changes to the Bay of Plenty Regional Natural Resources Plan.

In preparing its feedback Ballance has had regard to the following:

- a) National Environmental Standards for Air Quality 2004 ('**NESAQ**'),
- b) Bay of Plenty Regional Policy Statement ('**RPS**'),
- c) Bay of Plenty Regional Natural Resources Plan ('**RNRP**'), and
- d) Resource Management Act 1991 ('the **Act**' or 'the **RMA**').

## Structure of this document

This document submits on key issues of interest to Ballance and addresses the proposed Objectives, Policies, Rules and Definitions in turn.

Where the Company's submission proposes drafting changes to the provisions in PC13, text shown as "~~strikethrough~~" is to be deleted, while text shown as "underlined" is to be added.

## 2. OBJECTIVES

| Submission Reference | PC13 Provision   | Support or Oppose | Reasons   | Relief Sought  |
|----------------------|--|-------------------|---|--|
| 1                    | <p><b>AQ O1</b></p> <p><i>Protect air from adverse effects — Te tiaki i te hau mai i ngā pānga kino</i></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> | Oppose in part    | <p>Balance supports the intent of Objective AQ O1, however the Company considers that guidance should be provided as to how the term ‘degraded’ is defined, so that it is clear when air quality is required to be enhanced. In this respect, while it may be assumed that air quality will need to be ‘enhanced’ if it does not meet national air quality requirements, the objective does not specifically state this, which leaves the requirement to ‘enhance’ air quality open to interpretation.</p> <p>Balance also notes that the term ‘mauri’ brings together many resource management concepts, and it is not defined within the RNRP, rather the Definitions section of the RNRP refers to the RNRP Chapter 3 on <b>Kaitiakitanga</b> as a guide. Balance considers that either the term mauri should be defined for the air chapter of the RNRP or guidance should be provided within the AQ O1 as to what aspect of the mauri of air is to be protected. With respect to AQ O1, Balance understands that it is the aspect of the life supporting capacity of air that is to be protected as this is considered to be paramount. Adoption of the term ‘life supporting capacity’ in AQ O1 encompasses environmental and human</p> | <p>Amend AQ O1 as follows:</p> <p><b>Protect air from adverse effects — Te tiaki i te hau mai i ngā pānga kino</b></p> <p><i>Protect the life supporting capacity <del>mauri</del> of air <del>and human health</del> from the adverse effects of anthropogenic contaminant discharges to air, and enhance air quality where degraded, such that it does not meet national air quality requirements.</i></p> |

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|   |  |                | health matters, while AQ O3 provides for the management of discharges that could adversely affect cultural and other values.  |   |
| 2 | <p><b>AQ O2</b></p> <p><b>Ambient air quality – Te pai o te hau</b></p> <p><i>The region’s ambient air quality meets the National Environmental Standards for Air Quality (2004) and the Ambient Air Quality Guidelines (2002).</i></p>  | Oppose in part | <p>Balance supports the intent of Objective AQ O2, however the Company is concerned to ensure that the region’s air quality accords with the most up to date standards and requirements. Objective AQ O2 does not allow for the National Environmental Standards for Air Quality (2004) or the Ambient Air Quality Guidelines (2002) to be superseded. Balance considers that the Objective should allow for national policy change so as to ensure that the region is required to meet the most up to date requirements.</p> | <p>Amend AQ O2 as follows:</p> <p><b>Ambient air quality – Te pai o te hau</b></p> <p><i>The region’s ambient air quality meets the National Environmental Standards for Air Quality (2004) and the Ambient Air Quality Guidelines (2002),<u> or any subsequent national environmental standards for air quality or ambient air quality guidelines.</u></i></p> |
| 3 | <p><b>AQ O3</b></p> <p><b>Local air quality — Te pai o te hau o te rohe</b></p> <p>Manage discharges of contaminants to air according to their adverse effects on human health, cultural values, amenity values and the environment.</p> | Oppose in part | <p>The amenity effect of diminished air quality is spatially sensitive. Offensive or objectionable air quality in an area may not necessarily be considered offensive or objectionable in another.</p> <p>In rural areas background odours from agriculture and horticulture are part of the rural amenity and should be expected.</p> <p>In industrial areas background odours and dust are part of the industrial amenity.</p>  | <p>Amend AQ O3 as follows:</p> <p><b>Local air quality — Te pai o te hau o te rohe</b></p> <p>Manage discharges of contaminants to air according to their adverse effects on <u>local human health, cultural values, amenity values and the environment.</u></p>  |
| 4 | <b>New Objective</b>   |                | <p>Balance seeks that a new objective be adopted that reflects the importance of avoiding reverse sensitivities.</p> <p>The concept of reverse sensitivities stems</p>  | <p>Insert new objective as follows:</p> <p><u>Avoid reverse sensitivity effects on lawfully existing business and industrial activities.</u></p>  |

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|  |  |  | from the need to ensure that the operational requirements of lawfully existing business and industrial activities are not unduly impinged by the later encroachment of sensitive activities. Lawfully existing businesses and industry need a reasonable degree of operational certainty before sizable investments in plant and infrastructure will be made. Local planning mechanisms are key to providing such certainty. |  |
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### 3. POLICIES

| Reference | Provision   | Support or Oppose | Reasons  | Relief Sought                    |
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| 5         | <p><b>AQ P2</b><br/> <b>Hazardous substances - Ngā matū mārearea</b><br/> <i>Avoid discharges of hazardous substances to air and where avoidance is not possible, remedy or mitigate the discharge using the best practicable option.</i></p> | Support           | <p>Ballance supports use of the 'best practicable option' to remedy or mitigate effects brought about by discharges of hazardous substances where avoidance is not possible.</p> <p>Ballance notes that the RNRP defines <b>Best Practicable Option</b> as follows and that PC13 does not alter this definition:</p> <p><i>In relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to –</i></p> <p><i>(a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</i></p> | Retain Policy AQ.P2 as notified. |

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|   |   |                | <p>(b) <i>The financial implications, and the effects on the environment, of that option when compared with other options; and</i></p> <p>(c) <i>The current state of technical knowledge and the likelihood that the option can be successfully applied:</i></p> <p>Ballance considers that this approach is consistent with the provisions of Part 2 of the Act, and that it allows costs and technical limitations to be considered.</p> |   |
| 6 | <p><b>AQ P3</b></p> <p><b>Management of discharges — Te whakahaere i ngā tukunga</b></p> <p><i>Activities that discharge contaminants to air must be managed, including by use of the best practicable option, to:</i></p> <p>(a) <i>safeguard the life supporting capacity of the air, avoid adverse effects on human health, and manage adverse effects on cultural values, amenity values, and the environment</i></p> <p>(b) <i>avoid 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</i></p> <p>(c) <i>avoid reduction in visibility where it may cause adverse effects on vehicle, aircraft, or ship safety</i></p> <p>(d) <i>avoid the discharge of contaminants that may cause adverse effects on</i></p> | Oppose in part | <p>Ballance considers that AQ P3(d) is too inclusive. As proposed, AQ P3(d) can be read to prevent the discharge of contaminants even where the effects on regionally significant infrastructure can be shown to be less than minor.</p>  | <p>Amend AQ P3 as follows:</p> <p><b>Management of discharges — Te whakahaere i ngā tukunga</b></p> <p><i>Activities that discharge contaminants to air must be managed, including by use of the best practicable option, to:</i></p> <p>(a) <i>safeguard the life supporting capacity of the air, avoid adverse effects on human health, and manage adverse effects on cultural values, amenity values, and the environment</i></p> <p>(b) <i>avoid 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</i></p> <p>(c) <i>avoid reduction in visibility where it may cause adverse effects on vehicle, aircraft, or ship safety</i></p> <p>(d) <i>avoid the discharge of contaminants that may cause more than minor adverse effects on regionally significant</i></p> |

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|   | <p><i>regionally significant infrastructure</i></p> <p>(e) <i>minimise the discharge of contaminants into areas beyond the boundary of the subject property where it may cause adverse effects on human health, cultural values, amenity values, or the environment.</i></p>   |                |  | <p><i>infrastructure</i></p> <p>(e) <i>minimise the discharge of contaminants into areas beyond the boundary of the subject property where it may cause adverse effects on human health, cultural values, amenity values, or the environment.</i></p>   |
| 7 | <p><b>AQ P4</b></p> <p><b>Matters to consider — Ngā take hei whiriwhiri</b></p> <p><i>When considering the acceptability of any discharge of contaminants to air, regional plan users must have particular regard to the following matters:</i></p> <p>(a) <i>The proximity of sensitive activities to the discharge.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>Adverse effects on air quality values identified in the relevant iwi and hapū resource management plans.</i></p> <p>(d) <i>The effect of the prevailing weather conditions, including rainfall, wind speed and wind direction.</i></p> <p>(e) <i>The effect of the discharge on human health, cultural values, amenity values, the environment, and regionally significant infrastructure.</i></p> | Oppose in part | <p>Ballance considers that AQ P4(g) should provide for the consideration of reverse sensitivity effects, that is the need to ensure that the operational requirements of lawfully existing business and industrial activities are not unduly impinged by the later encroachment of sensitive activities.</p> <p>The Company notes that consideration of new discharges on existing sensitive activities is provided for in AQ P4(a), and that AQ P4(g) should provide for the consideration of the effect of new sensitive activities encroaching on lawfully existing discharges.</p> | <p>Amend AQ P4 as follows:</p> <p><b>Matters to consider — Ngā take hei whiriwhiri</b></p> <p><i>When considering the acceptability of any discharge of contaminants to air, regional plan users must have particular regard to the following matters:</i></p> <p>(a) <i>The proximity of sensitive activities to the discharge.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>Adverse effects on air quality values identified in the relevant iwi and hapū resource management plans.</i></p> <p>(d) <i>The effect of the prevailing weather conditions, including rainfall, wind speed and wind direction.</i></p> <p>(e) <i>The effect of the discharge on human health, cultural values, amenity values, the environment, and regionally significant infrastructure.</i></p> |

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| 8   | <p><i>(f) Cumulative effects.</i></p> <p><i>(g) The effect of new activities discharging contaminants into air near established sensitive activities.</i></p> |  |   | <p><i>(f) Cumulative effects.</i></p> <p><i>(g) The effect of new activities discharging contaminants into air near established sensitive activities.</i></p> <p><i>Any reverse sensitivity effects, including the need to ensure that the operational requirements of lawfully existing business and industrial activities are not unduly impinged by the encroachment of sensitive activities.</i></p> |
| <p><b>AQ P8</b></p> <p><b><i>Agrichemical spraying — Te tōrehu matū ahūwhenua</i></b></p> <p><i>Agrichemical sprayers will manage adverse effects on human health and the environment by:</i></p> <p><i>(a) avoiding spray drift beyond the boundary of the subject property and into water bodies where possible</i></p> <p><i>(b) mitigating effects particularly on sensitive activities where avoidance of spray drift is not possible</i></p> <p><i>(c) using a risk management approach for agrichemical spraying activities with a higher risk of becoming noxious or dangerous, offensive or objectionable.</i></p> | Support   | <p>Balance considers the wording of Policy AQ P8 to be appropriate in that it clearly sets out how agricultural sprayers are to manage adverse effects on human health and the environment.</p> <p>While not part of this plan change, Balance notes that the definition of ‘agrichemical’ as provided within the RNRP excludes ‘fertiliser’. The Company supports the exclusion of fertiliser from the definition of agrichemicals.</p> | <p>Retain Policy AQ P8 as notified.</p> |  |



## 4. RULES

| Reference | Provision   | Support or Oppose | Reasons  | Relief Sought   |
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| 9         | Rule AQ R1 – General activities - Permitted   | Oppose            | <p>Ballance Service Centres are 'industrial or trade premise'. We store bulk fertiliser inside buildings and although these buildings have controls in place to ensure that there is no discharge of dust, let alone 'noxious or dangerous' contaminants beyond the property boundary.</p> <p>Condition (c) of this rule 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 buildings. 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> | <p>Amend Rule AQ R1 by deleting Condition (c) as follows:</p> <p>“ ...<br/>           (c) <del>The discharge is not from industrial or trade premises.</del></p>                    |
| 10        | AQ R3<br>Miscellaneous discharges – Permitted<br>– Ngā tukunga matahuhua – E whakaaehia ana<br>The discharge of contaminants to air | Support in part   | <p>Ballance notes that the term “noxious or dangerous, offensive or objectionable” is used in a number of provisions within PC13. While “noxious or dangerous” is defined in PC13, “offensive or</p>   | <p>Amend the definition of “noxious or dangerous” and add a definition of “offensive or objectionable” as set out in the Company's submissions numbered 15 and 16 respectively.</p> |

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| <p>from:</p> <p>(1) <i>spray irrigation, soil injection, or land soakage of liquid waste</i></p> <p>(2) <i>the ventilation and displacement of liquids in storage tanks and tankers</i></p> <p>(3) <i>the use and application of fertiliser</i></p> <p>(4) <i>the disturbance of land and soil carried out according to rules LM R1, LM R2, and LM R3 of this regional plan</i></p> <p>(5) <i>contaminated land remediation permitted by DW R24 of this regional plan</i></p> <p><i>are permitted activities provided the discharge is not noxious or dangerous, offensive or objectionable beyond the boundary of the subject property or into any water body.</i></p> <p><i>Advice Note - Discharge of liquid waste, and the use and application of fertiliser must also meet all other requirements of this regional plan (see DW Discharges to Water and Land and OSET On-site Effluent Treatment).</i></p> |                        | <p><i>objectionable</i>" is not.</p> <p>As these terms are used to determine whether an activity is permitted or not, Ballance recommends that the utmost clarity on their scope be identified within PC13.</p> <p>In this regard, in Section 5 of this submission Ballance is seeking an amendment to the definition of "noxious or dangerous" and is seeking the addition of a definition of "offensive or objectionable".</p> |   |
| <p>11.</p> <p><b>AQ R11</b></p> <p><i>Solid fuel burners outside the Rotorua Airshed – Permitted — Ngā pāka ahi i waho o te Takiwā Hou o Rotorua – E whakaāehia ana</i></p> <p><i>The discharge of contaminants to air from a solid fuel burner installed in any dwelling house or building outside the boundary of the Rotorua Airshed, is a</i></p>   | <p>Support in part</p> | <p>As for Ballance's Submission 8, the Company notes that the term "noxious or dangerous, offensive or objectionable" is used in a number of provisions within PC13. While "noxious or dangerous" is defined in PC13, "offensive or objectionable" is not.</p> <p>As these terms are used to determine whether an activity is permitted or not, Ballance recommends that the utmost</p>  | <p>Amend the definition of "noxious or dangerous" and add a definition of "offensive or objectionable" as set out in the Company's submissions numbered 15 and 16 respectively.</p> |

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|    | <p><i>permitted activity provided:</i></p> <p><i>(a) The discharge from the solid fuel burner complies with the regulations of the NESAQ and any local bylaw</i></p> <p><i>(b) The solid fuel burner is operated so that all reasonable steps are taken to minimise the amount of smoke discharged</i></p> <p><i>(c) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the subject property</i></p> <p><i>(d) No materials either listed in AQ R10 or prohibited by the NESAQ regulations are burned.</i></p>  |         | <p>clarity on their scope be identified within PC13.</p> <p>With this, in Section 5 of this submission Ballance is seeking an amendment to the definition of “<i>noxious or dangerous</i>” and is seeking the addition of a definition of “<i>offensive or objectionable</i>”.</p>  |                            |
| 12 | <p><b>AQ R17</b></p> <p><b><i>Abrasive blasting – Permitted — Te whakapahū pākaha – E whakaehia ana</i></b></p> <p><i>The discharge of contaminants to air from an abrasive blasting operation (excluding blasting of transmission line support structures) is a permitted activity provided the following conditions are complied with:</i></p> <p><i>(a) The discharge from any abrasive blasting operation must be controlled either:</i></p> <p><i>(i) through use of a sealed abrasive blasting booth where the air is extracted from the booth using a filtering system maintained according to the manufacturer’s</i></p> | Support | <p>As noted in Ballance’s comments on the Draft Air Plan in June 2016, the Company undertakes small abrasive blasting activities, such as blasting paint and corrosion off small pieces of machinery, where any potential effects of the activity can readily be mitigated through permitted activity standards.</p> <p>Ballance supports provision for small abrasive blasting activities as permitted activities, as set out in AQ R17.</p> | Retain AQ R17 as notified. |

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|  | <p>instructions</p> <p>OR</p> <p>(ii) where a sealed abrasive blasting booth cannot be used, the discharge must be controlled using a current, best practice method such as screening, wet nozzles, or vacuum.</p> <p>(b) Material used for blasting must not contain more than 5% free silica on a dry weight basis.</p> <p>(c) The site and work areas must be kept clean and free of accumulations of deposited abrasive blasting material and other debris.</p> <p>(d) For mobile abrasive blasting operations:</p> <p>(i) the owner/occupier/agent must notify the occupier of any properties within 50 metres of the blasting site at least 24 hours prior to commencing the work</p> <p>(ii) all blasting material and other debris must be removed from site once the operation is completed.</p> <p>(e) The discharge must not be <b>noxious or dangerous</b>, offensive or objectionable beyond the boundary of the subject property, or discharge into any waterbody.</p> <p><b>Advice Note:</b> The discharge of <b>contaminants</b> to air from blasting and applying protective coatings to a</p> |  |  |
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| 13 | <p><i>transmission line support structure is managed by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</i></p> <p>AQ R19<br/><i>Intensive farming – Controlled – Ngā mahi ahūwhenua – E whakahaerehia ana</i></p> <p><i>The discharge of contaminants into air from a permanent, intensive farming operation established prior to 1 January 2001, is a non-notified, controlled activity for which applications will be considered without the need to obtain the written approval of affected persons.</i></p> <p><i>The Regional Council reserves control over the following matters:</i></p> <p><i>(a) Setting conditions to control dust, odour, particulates, including but not limited to any matter contained in relevant industry codes of practice.</i></p> <p><i>(b) Duration of consent.</i></p> <p><i>(c) Compliance monitoring.</i></p> <p><i>(d) Review of the conditions of the consent and the timing and purpose of the review.</i></p> <p><i>(e) Payment of administrative charges.</i></p> | Oppose in part | <p>While Ballance considers the provision of a definition for “Intensive farming” is appropriate, the Company is concerned that the proposed definition of intensive farming is unclear, which, in turn, leads to the application of AQ R19 being unclear. This is addressed further in the Company’s submission numbered 14.</p> <p>The Company considers that it is unclear why 1 January 2001 has been adopted in this rule and there is no explanation of this provided in the Section 32 Evaluation Report for PC13.</p> <p>Also, the rule as notified means that an intensive farming operation that was established prior to the 1<sup>st</sup> of January 2001, regardless of whether it complies with the permitted activity conditions in AQ R1, will require a controlled activity consent; while an intensive farming operation that was established on the 1<sup>st</sup> of January 2001 (or later) that complies with AQ R1 is a permitted activity. Ballance considers that regardless of when an activity was established, if the activity is able to comply with the permitted activity condition then it should be able to continue as a permitted activity.</p> | <p>Amend the definition of “Intensive farming” as set out in the Company’s submissions numbered 14.</p> <p>Amend AQ R19 as follows:</p> <p><i>The discharge of contaminants into air from a permanent, intensive farming operation that is unable to comply with the conditions of AQ R1 and was established prior to 1 January 2001, is a non-notified, controlled activity for which applications will be considered without the need to obtain the written approval of affected persons.</i></p> <p><i>The Regional Council reserves control over the following matters:</i></p> <p><i>(a) Setting conditions to control dust, odour, particulates, including but not limited to any matter contained in relevant industry codes of practice.</i></p> <p><i>(b) Duration of consent.</i></p> <p><i>(c) Compliance monitoring.</i></p> <p><i>(d) Review of the conditions of the consent and the timing and purpose of the review.</i></p> <p><i>(e) Payment of administrative charges.</i></p> |
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## 5. DEFINITIONS

| Reference | Provision  | Support or Oppose | Reasons  | Relief Sought   |
|-----------|--|-------------------|--|---|
| 14        | <b>Definition of Agrichemicals</b>   | Support           | <p>Ballance supports the definition of Agrichemicals that is adopted by PC13. The definition currently resides in the RNRP and explicitly excludes fertilisers. Agrichemicals and fertilisers have a distinctly different purpose of use and pose distinctly different potential effects. Ballance considers it is appropriate to separately manage the use of the two product groups.</p> <p>Further to the above, Ballance supports the notified changes to the definition of Agrichemicals.</p> | Retain the definition of Agrichemicals as currently included in the RNRP and as amended by PC13.  |
| 15        | <b>Definition of Fertiliser</b>  | Support           | <p>Ballance supports the definition of Fertiliser that is adopted by PC13. The definition currently resides in the RNRP and specifically distinguishes fertilisers to being used for the principle objective of meeting identified soil or plant nutrient deficiencies.</p>  | Retain the definition of Fertiliser as currently included in the RNRP.  |
| 16        | <b>Definition of Intensive farming</b><br><i>Intensive farming means agricultural production where the stocking density limits or prevents dependence on natural soil quality on the site, and/or food required to be brought to the site. Includes poultry farming, piggeries, mushroom production but excludes</i> | Oppose            | <p>Ballance supports the inclusion of a definition of “intensive farming”, however the Company is concerned that the proposed definition is unclear. For example, the first part of this definition can be read as including sheep and beef farming that import supplementary feed, whether the animals are kept outdoors or indoors, while the second part of the</p>   | <p>Clarify the definition to “Intensive farming” to ensure that AQ R19 only addresses the intended activities and their associated effects.</p> <p>This may mean amending the definition as follows:<br/><i>Intensive farming means poultry farming, piggeries, and mushroom production</i></p> |

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|           | <p><b>free-range farming, and greenhouses.</b></p>   |                       | <p>definition excludes sheep and beef farming completely.</p> <p>Since the term “intensive farming” forms part of determining whether an activity is permitted or controlled, Ballance recommends that the utmost clarity of meaning is achieved.</p> <p>If the effects being managed by the corresponding AQ R19 only relate to poultry farming, piggeries and mushroom production, the definition should be clarified to provide for this.</p> | <p><del>agricultural production where the stocking density limits or prevents dependence on use of the natural soil quality on the site, and/or where food is required to be brought to the site. Intensive farming includes poultry farming, piggeries, mushroom production but excludes free-range farming of poultry and pigs, and greenhouses.</del></p>   |
| <p>17</p> | <p><b>Definition of noxious or dangerous discharges</b></p> <p>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:</p> <p>(a) Human health effects from acute exposure or chronic exposure. These include allergic reactions, toxic poisoning or exposure to carcinogens.</p> <p>(b) Contamination of potable water supplies where the concentration of <b>contaminant</b> in the water supply is at a level that exceeds the safe level for human consumption.</p> <p>(c) Exceedance of a maximum residue limit for an <b>agricultural</b> on, or in, food or stock feed at harvest or slaughter.</p> <p>(d) Adverse effects on ecosystems</p> | <p>Oppose in part</p> | <p>Ballance is concerned that the primary definition does not include noxious or dangerous effects on people. While the effects on people are included in the list of example effects, Ballance considers that effects on people are sufficiently important to be included in the primary part of the definition.</p>  | <p>Amend the definition as follows:</p> <p><b>Noxious or dangerous discharge means a discharge that is materially harmful to people, property or the environment—<del>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</del> The effects of such discharges may include, but are is not limited to, the following:</b></p> <p>(a) Human health effects from acute exposure or chronic exposure. These include allergic reactions, toxic poisoning or exposure to carcinogens.</p> <p>(b) Contamination of potable water supplies where the concentration of <b>contaminant</b> in the water supply is at a level that exceeds the safe level for human consumption.</p> <p>(c) Exceedance of a maximum residue limit for an <b>agricultural</b> on, or in, food or stock</p> |

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|    | <p>including water bodies. This includes exotic and indigenous flora and fauna.</p> <p>(e) Damage to crops or plants where <b>contaminants</b> 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) A discharge of <b>fertiliser</b> or <b>agrichemical</b> spray that compromises the organic status of another property.</p> <p>(g) Damage to paintwork, windows or surfaces from deposition of airborne <b>contaminants</b>.</p> <p>(h) Reduced visibility that endangers the passage of any vehicle, aircraft, or ship.</p> |   | <p>feed at harvest or slaughter.</p> <p>(d) Adverse effects on ecosystems including water bodies. This includes exotic and indigenous flora and fauna.</p> <p>(e) Damage to crops or plants where <b>contaminants</b> 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) A discharge of <b>fertiliser</b> or <b>agrichemical</b> spray that compromises the organic status of another property.</p> <p>(g) Damage to paintwork, windows or surfaces from deposition of airborne <b>contaminants</b>.</p> <p>(h) Reduced visibility that endangers the passage of any vehicle, aircraft, or ship.</p> |
| 18 | <p><b>Definition of offensive or objectionable discharges</b></p>  | <p>There is no definition of 'offensive or objectionable discharges' in PC13, yet it is a term that sits alongside 'noxious or dangerous' discharges in a number of provisions in PC13.</p> <p>Ballance considers that guidance should be provided on what is meant by 'offensive or objectionable discharges'.</p> | <p>Add a new definition for "Offensive or objectionable discharge" as follows and add examples of the effects of such discharges to guide interpretation (as has been provided in the definition of noxious and dangerous discharge).</p> <p><u>Offensive or objectionable discharge means a discharge that is materially unpleasant to neighbouring property owners or the public within the vicinity of the discharge. The effects of such discharges may include, but are not limited to, the following:</u></p> <p>(a)....</p>  |
| 19 | <p><b>Definition of Reverse sensitivity</b></p>  | <p>Support</p>  | <p>Ballance supports the definition of Reverse</p> <p>Retain the definition of "Reverse</p>   |



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|  | <p><i>Reverse sensitivity means the potential for the operation of an existing lawfully established 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> | <p>Reverse sensitivity as it appropriately explains the challenges that can result for some lawfully existing activities following the establishment of new activities that are sensitive to effects that were existing prior to their establishment.</p> | <p>sensitivity' as notified.</p> |
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## 6. CONSEQUENTIAL RELIEF

In addition to the submissions outlined above, Balance seeks such further or other consequential or alternative relief as may be necessary to fully give effect to the relief sought in this submission.

## 7. CONCLUSION

Ballance thanks the Bay of Plenty Regional Council for this opportunity to submit on the notified Proposed Plan Change 13 (Air Quality). Ballance wishes to continue to be involved with the development of Plan Change 13 and is happy to respond to any queries or work with Council to achieve outcomes that are acceptable to all.

**Signature:**

A handwritten signature in black ink, appearing to read 'Kevin Wood', written in a cursive style.

Kevin Wood, Environmental Manager,  
on behalf of Ballance Agri- Nutrients Limited

**Date:**

17<sup>th</sup> of April 2018