



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

Submission Number
Office use only
063

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

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

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

- (a) I ~~am/aren't~~ not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and
- (b) My submission ~~does/does not~~ does not relate to trade competition or the effects of trade competition. [Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]
- 2 The details of my submission are in the attached table.
- 3 I ~~wish/don't wish~~ wish to be heard in support of my submission. [Delete as required]
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing. [Delete if you would not consider presenting a joint case.]


Daryn Jemmett, Group Environmental Manager

18 April 2018
Date

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

Address for Service of Submitter:

Silver Fern Farms Management Limited, PO Box 941, Dunedin 9054 (Attn: Group Environmental)

Telephone:

Daytime: 03 477 3980
Head Office Reception

After Hours: 027 267 2446
Group Environmental Manager

Email:

daryn.jemmett@silverfernfarms.co.nz
Group Environmental Manager

Fax:

BOPRC ID: A2802144

Note, for privacy reasons please keep the after hours and email details confidential.



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Page No.	Ref.	Support / Oppose	Decision Sought	Reasons
2	AQ P3 (e)	Support in part	Recognise notional boundaries.	<p>By their very nature, odours and noise do not physically constrain themselves to property boundaries, and may dissipate at some notional boundary beyond the property boundary.</p> <p>Where it is stated “... the discharge of contaminants into areas beyond the boundary of the subject property ...” somewhat recognises the principal of notional boundaries by recognising effects beyond the boundary of the property. However, for clarity it would be appropriate to recognise notional boundaries.</p>



Page No.	Ref.	Support / Oppose	Decision Sought	Reasons
2	AQ P4	Oppose in part	<p>Include in matters for consideration:</p> <ul style="list-style-type: none"> • Reverse sensitivity; and, • The District Plan zone, and relevant outcomes expected for that zone, where the activity is being carried out. 	<p>When considering the acceptability of any discharge of contaminants to air, regard needs to be provided to recognise the investment and contribution of existing well-established industries over a period of time, and for which are zoned appropriately for the activities being carried out.</p> <p>Given a number of industrial operations may have been in the same location for a number of years, largely due to the level of investment, it could be argued that the effects of those operations may have set the permitted baseline for that location.</p> <p>Without giving appropriate regard to these matters, undue restrictions may be placed on legally established industrial operations.</p>



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4	AQ R1 (a)	Oppose in part	Make provision for notional boundaries.	By their very nature, odours and noise do not physically constrain themselves to property boundaries, and may dissipate at some notional boundary beyond the property boundary.
4	AQ R1 (c)	Oppose	Include provision for Industrial activities as permitted activities.	<p>Making provision to apply the rule at a notional boundary, beyond the boundary of the site, may be the most practical option for monitoring purposes for lawfully established existing activities that may result in odour or noise.</p> <p>The blanket presumption that all industrial activities default to discretionary is unreasonable.</p> <p>It is more appropriate to apply a default to discretionary because an activity cannot meet all of the standards for a permitted activity, rather than a blanket criteria. The RMA is an effects based piece of legislation with the provision of cascading controls. By not providing a permitted activity threshold for industry would appear unreasonable and overly restrictive.</p>



Page No.	Ref.	Support / Oppose	Decision Sought	Reasons
5	AQ R2	Oppose in part	Remove the blanket discretionary presumptive test on industry.	The blanket presumption in AQ R1 (c) that that all industrial activities default to discretionary, then also means that this rule directly applies to all industrial activities.
5	AQ R3 (2)	Support in part Oppose in part	Support the ventilation and displacement, but need to make provision for notional boundaries alongside.	<p>The discretionary presumptive test being applied in PC13 across any industrial activity, and by not providing any permitted activity threshold for industry, would appear unreasonable and overly restrictive.</p> <p>It is positive that provision of permitted activity status is provided for the transient contaminants associated with the displacement of liquids, including from storage tanks such as those on stock trucks when being emptied following transit.</p> <p>However, by their very nature, displacement contaminants do not physically constrain themselves to property boundaries, and may dissipate at some notional boundary beyond the property boundary.</p> <p>Making provision to apply the permitted rule at a notional boundary, beyond the boundary of the site, may be the most practical option for monitoring purposes for lawfully established existing activities.</p>



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5	AQ R4 (b)	Support in part Oppose in part	Amend to include the discharge of contaminants (generally odour) from in-transit stock movements.	It is positive that provision of permitted activity status is provided for vehicle movements. In doing so recognises the short-lived and transient nature of those discharges. However, as written the rule does not capture those transient effects from the movement of stock trucks and any associated odours. By their very nature stock have an odour, and the transportation of such should be included as a permitted activity with the minimum of bureaucracy.
6	AQ R7	Support in part Oppose in part	Amend to include the burning of food items processed / packaged prior, or during, the emergency declaration.	It is positive that provision of permitted activity status is provided for open burning for the emergency disposal of diseased carcasses. However, if such an emergency were to occur it is also possible that food items processed / packaged prior, or during, the emergency declaration may also be quarantined and require burning. In this case it would appear appropriate to allow for the burning of those items.



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13	AQ R18 (2) (b)	Oppose in part	Amend to include permitted activity if emission stack constructed prior to end of December 2003.	<p>Whilst the s.32 Evaluation Report outlines that “<i>Existing boilers are unaffected by new requirements ...</i>”</p> <p>However, as written in the rule it is unclear whether or not the rule applies to emission stacks constructed prior to the end of December 2003.</p> <p>It would seem appropriate to clarify that the rule applies to all emission stacks constructed prior to the end of December 2003.</p>
15	AQ R21 (s)	Oppose in part	Amend to exclude meat processing operations.	<p>Whilst recognise that the activities listed have the potential to release odours from their operations, it is unclear if this rule also capture meat processing operations.</p> <p>Bundling modern meat processing operations in with the other aspects of animal product processing, appears to be a somewhat outdated perception of the industry.</p> <p>It would seem appropriate to exclude meat processing operations within the bounds of this rule.</p>



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20	Definition: Reverse Sensitivity	Support	Retain Reverse Sensitivity definition.	<p>It is positive that an appropriate recognition of reverse sensitivity matters is provided in the Definition of Terms.</p> <p>More often than not, reverse sensitivity effects result in placing unwarranted expectations on existing activities to manage effects over which they had little or no control, e.g., notional boundary effects of odour / noise.</p> <p>As outlined earlier in this submission, it would seem appropriate to include reverse sensitivity matter into AQ P4. Thereby, giving effect to the inclusion of this definition.</p>





**SILVER
FERN
FARMS**

Silver Fern Farms Management Limited
Head Office
283 Princes Street
Dunedin 9016

TEL: 03 477 3980
FAX: 03 474 1087
www.silverfernfarms.com

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

air@boprc.govt.nz

18 April 2018

**RE: PROPOSED PLAN CHANGE 13 (AIR QUALITY) TO THE REGIONAL
NATURAL RESOURCES PLAN**

Silver Fern Farms appreciates this opportunity to provide feedback on the Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan [**PC13**].

Silver Fern Farms Limited is the major meat processing company in New Zealand, with operations strategically spread throughout the country, one of these operations is located in the Bay of Plenty at Rotorua ("**Silver Fern Farms Rotorua**").

In addition, many of Silver Fern Farms suppliers, contracting companies, and farmers are based in the wider Bay of Plenty region, and further afield, relying on Silver Fern Farms Rotorua operation.

The key concern for Silver Fern Farms is that our Rotorua operation appears to be unduly affected by the proposed change to existing permitted activities, now requiring these lawfully operating activities to require resource consent under a discretionary status.

Feedback, containing matters of relevance to Silver Fern Farms, is provided in the attached completed pro-forma Submission Form.



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If you wish to clarify any of the matters raised, or just wish to further discuss any of the points made, please do not hesitate to contact Alison Johnstone from our Group Environmental team by phone (027 496 6129) or email (alison.johnstone@silverfernfarms.co.nz).

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Jemmett', with a long horizontal stroke extending to the right.

Daryn Jemmett
Group Environmental Manager

c.c.
Jim Falconer, Plant Manager
Ash Mackay, Regional Manager
Gary Williams, GM FQEA
Alison Johnstone, Environmental Advisor Planning

