



**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

051

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

Submitter Name: Arthur Flintoff / Nga Potiki Resource Management Unit

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

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

- (a) I am/~~am not~~ directly affected by an effect of the subject matter of the submission that adversely affects the environment; and
- (b) My submission ~~does/does not~~ relate to trade competition or the effects of trade competition. [Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]

2 The details of my submission are in the attached table.

3 I wish/~~do not wish~~ to be heard in support of my submission. [Delete as required]

4 ~~I wish to make a submission, I will consider presenting a joint case with them at a hearing.~~ [Delete if you would not consider presenting a joint case.]

18/04/2018

[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

Address for Service of Submitter:

Unit 6 / 34 Gravatt Road, Fashion Island, Papamoa

Telephone:

Daytime: 07 572 3344

After Hours: 021 215 9297

Email:

Fax:

Contact person: [Name and Designation if applicable]

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 |
|----------------|---|-----------------------|---|---------------------|
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Nga Potiki Resource Management Unit submission on Bay of Plenty Regional Council Plan Change 13

Date: 18 April 2018

Submitter: Arthur Flintoff BEP Grad.NZPI

The following submission is made on behalf of Nga Potiki Resource Management Unit and reflects the aspirations of our Draft Resource Management Plan. It is not to be summarised but to be considered in full. We wish to also speak to our submission to a commission with a Maori representative on the committee.

For Maori, air is a taonga. In Maori mythology, following the separation of Ranginui and Papatuanuku (the earth mother) their child Tawhirimatea fled with Ranginui to his new home in the sky from where Tawhirimatea controls the wind and elements.

Pollution degrades or lessens the mauri of these elements and in so doing negatively impacts the mauri of all other living things.

It is important that Maori exercise kaitiakitanga and protect the mauri of this resource. We are concerned about contaminant emissions that are released into the atmosphere. Of particular concern, are:

1. Emissions that are harmful to health of plants, animals and humankind;
2. The accumulative effects of persistent contaminant emissions especially its contribution to climate change;
3. Visibility of the sky, moon and stars.

On these grounds we believe the Regional Natural Resources Plan (RNRP) can make a positive contribution toward air quality and its restoration through taking the correct, appropriate and sincere stand against air pollution. We submit on the following eleven (11) points covering Air Quality objectives, policies and rules.

OBJECTIVES

1. AQ O1 Protect air from adverse effects — Te tiaki i te hau mai i ngā pānga kino
Protect the mauri of air ~~and human health~~ from adverse effects of anthropogenic contaminant discharges to air, and enhance air quality where degraded.

Remove text “and human health”.

Reason: The mauri of air quality should not be limited to only its impact on human health or areas of human habitation. Emissions contribution to atmospheric changes

2. AQ O3 Local air quality — Te pai o te hau o te rohe
Manage discharges of contaminants to air according to their adverse effects on human health, cultural values, amenity values and the environment.

Support

Reason: This policy reflects contaminant discharge based on economic gains are no longer acceptable and positive steps towards phasing out fossil fuels and other negative atmospheric pollutants.

POLICIES

3. AQ P2 Hazardous substances — Ngā matū mōrearea
Avoid discharges of hazardous substances to air and where avoidance is not possible, remedy or mitigate the discharge ~~using the best practicable option.~~

Delete part of sentence

Reason: Complaints to date have shown that where avoidance was not upheld, remedy and mitigation efforts fail. Best practical option is not an acceptable excuse.

4. AQ P3 Management of discharges — Te whakahaere i ngā tukunga

Activities that discharge contaminants to air must be managed, including by use of the best practicable option, to:

(e) ~~minimise~~ [Avoid] 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.

Replace 'minimise' with 'avoid' in part (e).

Reason: Any discharge of contaminants beyond the boundary of the subject property is an intrusion on property rights to not be subject to any contaminant discharge of any manner. In the case of horticulture spraying these have been conducted when weather conditions increased the likelihood of spray drift into neighbouring properties. Any intrusion beyond the subject zone is unacceptable.

5. AQ P5 Open burning — Te tahutahu ahi

Avoid the discharge of contaminants to air from open burning on urban properties while permitting open burning:

carried out as part of a recreational/cultural activity, (a) and/or outside urban areas, provided the burning is managed to minimise production of noxious or dangerous, offensive or objectionable discharges

Support.

Reason: Recreational and cultural practices such as barbeques, hangi and umu create minimal impact and such practices should be preserved.

6. AQ P6 Solid fuel burners — Ngā pāka ahi

Avoid significant adverse effects on the environment from the operation of solid fuel burners installed in dwelling houses or buildings by avoiding:

~~(a) excessive discharge of particulates (eg. caused by burning wet wood or restricting oxygen flow to the fire)~~

(b) any discharge that is noxious or dangerous, offensive or objectionable (eg. burning painted or treated timber or waste).

Delete AQ P6 (a).

Reason: Section is covered in AQ P7

7. AQ P8 Agrichemical spraying — Te tōrehu matū ahūwhenua

Agrichemical sprayers will manage adverse effects on human health and the environment by:

(a) avoiding spray drift beyond the boundary of the subject property and into water bodies where possible

~~(b) mitigating effects particularly on sensitive activities where avoidance of spray drift is not possible~~

(c) using a risk management approach for agrichemical spraying activities with a higher risk of becoming noxious or dangerous, offensive or objectionable.

Delete AQ P8 (b)

Reason: Mitigation is unacceptable where there is potential for effects on neighbouring properties.

RULES

8. AQ R2 General activities – Discretionary — Ngā mahinga noa – Ka whiriwhirihia

Any discharge of contaminants into air that cannot comply with any permitted activity rule, is not discretionary under any other rule, and is not otherwise a controlled or noncomplying activity under any other rule of this Air Quality chapter, is a discretionary activity.

Support

Reason: Any discharge not covered under other rules should be considered on a case-by-case basis and monitored for compliance.

9. Miscellaneous discharges – ~~Permitted~~ Controlled — Ngā tukunga matahuhua – E hakaehia ana

The discharge of contaminants to air from:

- (1) spray irrigation, soil injection, or land soakage of liquid waste
- (2) the ventilation and displacement of liquids in storage tanks and tankers
- (3) the use and application of fertiliser
- (4) the disturbance of land and soil carried out according to rules LM R1, LM R2, and LM R3 of this regional plan
- (5) contaminated land remediation permitted by DW R24 of this regional plan 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.

Change activity status to controlled

Reason: By changing to a controlled status acknowledges potential health hazards (especially from waste effluent). Conditions and monitored on the consent can be imposed as the case requires.

10. AQ R19 Intensive farming – Controlled — Ngā mahi ahūwhenua – E whakahaerehia ana

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.

The Regional Council reserves control over the following matters:

- (a) Setting conditions to control dust, odour, particulates, including but not limited to any matter contained in relevant industry codes of practice.
- (b) Duration of consent.
- (c) Compliance monitoring.
- (d) Review of the conditions of the consent and the timing and purpose of the review.
- (e) Payment of administrative charges.

Support

Reason: Agriculture and significantly, intensive farming is a major contributor to greenhouse gas (GHG) emissions and council has an obligation to reduce these emissions. This will involve a strategic approach that takes into consideration the economic wellbeing of those farmers and the technological developments that may mitigate much of the adverse effects from this industry. In the meantime, the councils control over compliance monitoring and consent conditions can begin to reduce emissions.

11. AQ R20 Fumigation for quarantine application or pre-shipment application –

Discretionary or Non-complying — Auahina ki te paitini mō te tonono taratahi, tonono utanga-tōmua rānei – Ka whiriwhirihia, Tautuku-kore rānei

The discharge of contaminants into air from fumigation for quarantine application or pre-shipment application:

- (a) Using fumigants other than methyl bromide, is a discretionary activity.
- (b) Using methyl bromide with recapture, is a discretionary activity.
- (c) Using methyl bromide without recapture, is a non-complying activity.

Support.

Reason: Strict monitoring of fumigant chemicals is required and conditions should include onsite data collection and reporting.

Further Recommendations

We also recommend that the National Environmental Standards for Air Quality (2004) be reviewed and amended to reflect:

- The significance of 'Mauri' in its purpose and objectives;
- New Zealand's commitment to the Paris Agreement;
- Changes in contaminant threshold concentrations;
- To introduce visibility standards; and
- To introduce PM2.5 standards.

The review must include participatory decision-making of tangata whenua in accordance with the principles contained in the Treaty of Waitangi and the Resource Management Act 1991.