



Proposed Change 13 (Air Quality) to the Bay of Plenty Regional Natural Resources Plan

Section 32AA evaluation of changes

4 February 2019

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1 Introduction

Section 32AA of the Resource Management Act 1991 (the RMA) requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case the Proposed Plan Change 13 (Air Quality) "PC-13") since the original s32 evaluation report was completed.

This Section 32AA Evaluation Report should be read in conjunction with the Section 32 Evaluation Report dated 27 February 2018, the Section 42A Report dated October 2018, and the recommendations of the Hearing Panel report dated January 2019.

This report evaluates the provisions of Version 8.0 of PC-13 in accordance with the requirements of section 32AA.

The further evaluation must be published in an evaluation report that is made available for public inspection at the same time as the decision on the proposal is publicly notified, or be referred to in the decision in sufficient detail to demonstrate that the further evaluation has been undertaken in accordance with section 32 RMA.

1.1 Scale and significance

The further evaluation is only required to address changes that have been made to the proposal since the original assessment was done. These changes are the changes between the original proposal (version 4.0) and the amended proposal (version 8.0)

Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes.

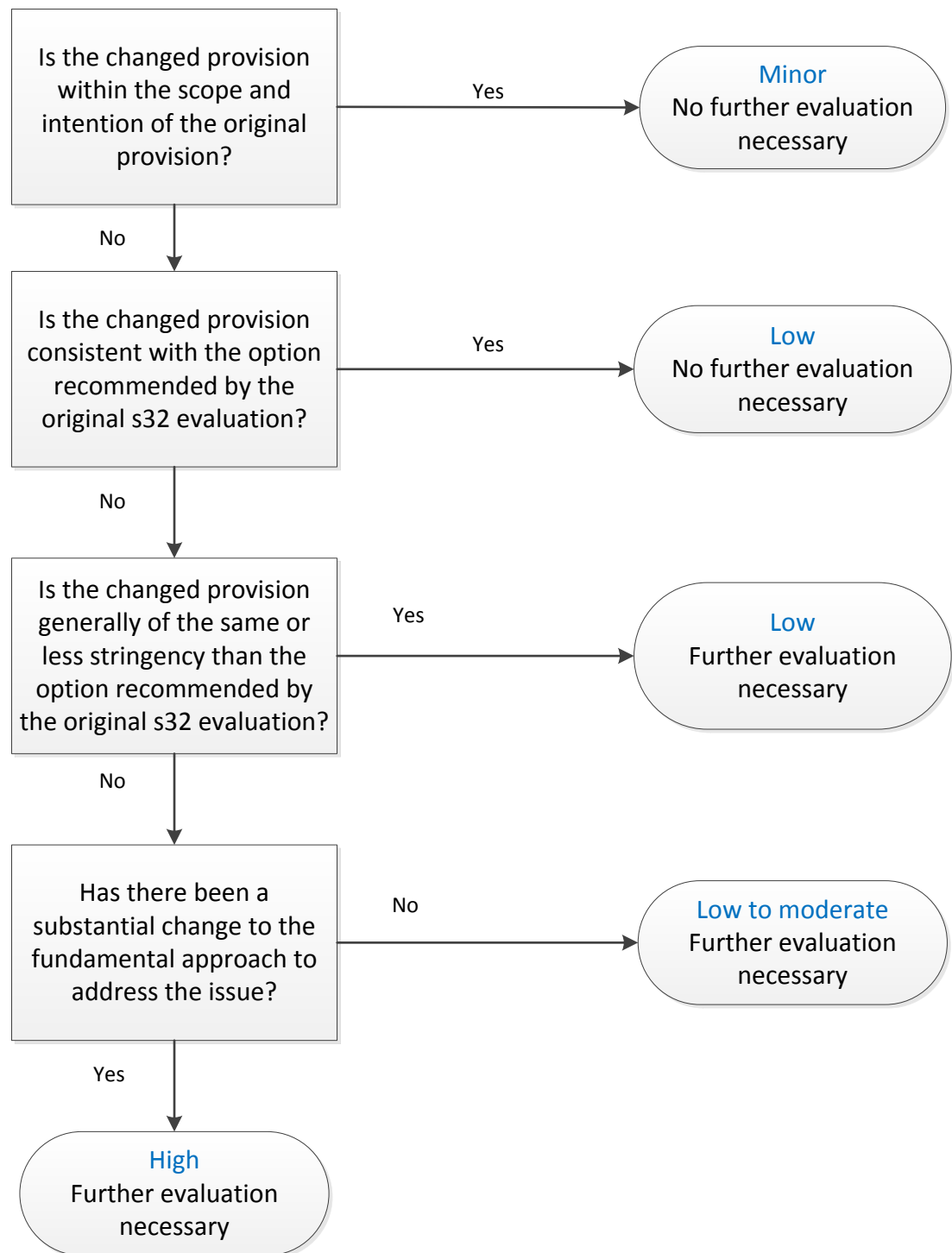
The scale and significance of the *changes* should not be confused with the scale and significance of the *topic*, as assessed and determined in the original section 32 evaluation. While a topic may have been assessed as low, moderate or high in the section 32 evaluation, the change made to the provision through the Hearings process may only be assessed as being of low significance, even if there has been considerable debate and new information introduced by way of submissions and evidence.

1.2 Assessment of scale and significance of changes

To determine the scale and significance of changes, each amended provision was compared with the proposed provision using a set of criteria to determine the scale and significance of the change. These criteria and the level of scale and significance, are summarised in Figure 1. Based on the criteria, the evaluation of each amended provision in Section 2 is carried out at the appropriate level as determined by this assessment.

Policy AQ P6 and AQ R19 have no changes, therefore are not assessed in this report.

Figure 1 – Assessment of scale and significance of change



2 Evaluation of minor changes

There are ten provisions where the change is to wording or terms that do not change the intent or scope of the proposed provision. The original section 32 evaluation is appropriate for these provisions.

These changes are considered to be minor changes for which no further evaluation under section 32AA is considered necessary and are summarised in Table 1.

Table 1 – summary of provisions with minor changes

Provision	Change to proposed provision
AQ P1	Wording amended to assist clarity
AQ P9	Change from sensitive activity to sensitive area
AQ R2	The proposed rule listed all different types of activities. This has been simplified
AQ R8	Wording amended to ensure consistency with Fire and Emergency New Zealand Act
AQ R11	Abbreviation of NESAQ is written in full
AQ R14	Wording amended to improve clarity of rule
AQ R17	Wording changed to be consistent with similar condition in AQ R16
AQ R18	Wording amended to assist clarity

3 Evaluation of low-scale changes within original options

A number of provisions have been changed in such a way that the intent and scope has changed, but where the provision is still within the proposed option as recommended in the original section 32 evaluation.

As the section 32 evaluation was carried out at a topic level rather than as an evaluation of each provision on its own the evaluation does not need to be amended and the original section 32 evaluation remains appropriate.

The provisions with a low-scale but not significant change, requiring no further evaluation are summarised in Table 2.

Table 2 – summary of provisions with a low-scale change

Provision	Change to proposed provision
AQ O1	Requirement to “enhance air quality where degraded” removed
AQ O2	Requirement to meet the AAQGs has been removed
AQ O3	Requirement to consider adverse effects on the receiving environment added
AQ P2	<p>Hazardous air pollutants have been included alongside hazardous substances</p> <p>Wording amended to improve clarity and assist interpretation and implementation</p>
AQ P3	<p>Amended so that the policy only applies to discharges that may cause a breach of ambient limit, rather than smaller scale discharges that may “contribute to” a breach</p> <p>Policy broadened to include management of discharges that may cause adverse effects on regional significant industry</p>
AQ P4	Scope broadened to include particular regard to a number of other matters
AQ P8	<p>Clause added to encourage best practice</p> <p>Wording amended to improve clarity and assist interpretation and implementation</p>
AQ P10	Amended to include updated calculations and allow alternative emission factors to calculate offsets
AQ R5	Changes to conditions to manage odour
AQ R7	<p>Scope expanded to include infected vegetation</p> <p>Wording amended to improve clarity and assist interpretation and implementation</p>
AQ R10	Amendment made to materials list to ensure consistency with AQ R18
AQ R20	Change made from requiring “recapture” to requiring “effective recapture”

4 **Evaluation of low-scale changes requiring additional evaluation**

A number of provisions of the proposed plan change have been changed through the Hearings process and are no longer consistent with the proposed option recommended by the original section 32 evaluation. Some further evaluation is required.

The Hearing Panel's duty is to examine whether the provisions of the amended proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options and assessing the efficiency and effectiveness of provisions.

The reasonably practicable options assessed in this evaluation only include the provision in the original proposal (version 4.0), and the amended provision in version 8.0. No further options are considered as the amended provision has been determined through the public consultation process and any options outside these would deprive submitters of the opportunity to respond to alternatives.

As the scale of these changes is considered to be low, the further evaluation is brief and provisions are assessed at a topic level where appropriate.

4.1 **Vehicles and roads**

The amended AQ R4 has removed the management of internal combustion engines from the Plan Change. The proposed rule was not realistically achievable with Regional Council powers, skills and resources, providing limited ability to enforce non-compliance with this rule. The amended rule is therefore more effective.

4.2 **Rotorua burners**

The amended policies and rules for Rotorua burners are more appropriate than the proposed version for the following reasons:

- Amended policy AQ P7 now applies to any solid fuel burner, not only those within dwelling houses and buildings. This is more consistent with AQ R14 which classifies any solid fuel burner that is not permitted by other rules as non-complying, not just those installed within dwelling houses and buildings. Consistency between policies and rules (particularly for non-complying activities) increases effectiveness.
- Amended policy AQ P7 now provides for exceptional circumstances. Previously this policy was to avoid discharges of particulates to air from certain solid fuel burners listed in the policy, which implied that use of these burners would be prohibited. This was not the intention and the amendment to allow for exceptional circumstances resolves this, improving effectiveness.
- The amended policies and rules provide for ultra-low emission burners, ensuring that modern technology is encouraged, improving the effectiveness of the rules particularly in meeting AQ O2.
- Amended AQ R12(a) now only provides for existing indoor open fires as permitted activities, ensuring new indoor open fires are not introduced into the Rotorua Airshed, increasing the effectiveness of the plan.

- Amended rule AQ R12(d) and AQ R13 only permit Authorised solid fuel burners, which ensure burners have been checked through an independent process to ensure they meet the design criteria, improving effectiveness.
- AQ R12(c)(iv) and AQ R13a provide a rule framework for a specific outdoor fire on business premises in Rotorua. This reduces effectiveness as the plan has allowed for a limited type of burners as permitted and relies upon all other burners to be phased out. Efficiency is also reduced as there is an increased environmental and social cost of allowing continued use of this burner in a polluted airshed. However, the activity is only permitted until 2020, after which time it becomes discretionary. The earliest date to determine whether AQ O2 is achieved for PM₁₀ in Rotorua is 2020, therefore, on balance, the amended proposal is still appropriate.
- AQ R13b provides an additional discretionary activity allowing a more lenient process for modern burners fitted with secondary emission reduction devices. This may improve effectiveness if homeowners choose to install these devices, further decreasing emissions. Efficiency is improved as the more lenient consenting process as a discretionary activity reduces costs for both applicant and Council.

4.3 Agrichemical spraying

The amended rule AQ R15 for agrichemical spraying is more appropriate than the proposed version for the following reasons.

- A number of minor amendments improve clarity and assist interpretation and implementation of the rule which increases effectiveness.
- The amended rule includes a condition requiring approved training for persons using certain spray methods. This raised awareness of spray drift potential and methods to minimise spray drift, increasing the effectiveness of the rule.
- Minor amendments have been made to the signage and notification requirements of the rule that increase its effectiveness at meeting the objectives, enables sprayers to comply with the rule with fewer costs, while still achieving environmental and social benefits.

An additional rule AQ R25 has been included in the amended proposal to allow for agrichemical spraying as a controlled activity, where the conditions of the permitted rule cannot be met. Under the proposed rules, any agrichemical spraying that could not comply with the permitted activity was discretionary by default.

The amended provisions provide for a controlled activity where a consent must be granted but Council retain the ability to set conditions. This reduces costs for both Council and applicant while still ensuring environmental and social benefits through the consent process and conditions.

4.4 General interaction between permitted and discretionary activities

The effectiveness of the plan change relies on the interaction between the general permitted activity rule (AQ R1), specific permitted activity rules and the discretionary activity rule list (AQ R21).

Some additional rules have been which increases the complexity of the plan change. However this increased complexity is minor in this instance.

A number of amendments to rules AQ R1, AQ R3, AQ R21 and the inclusion of three new rules (AQ R23, AQ R24, AQ R26) have improved the appropriateness of the plan change in the following ways:

- The amended proposal includes three new specific permitted activity rules (AQ R23, AQ R24, AQ R26). These rules manage diesel generators and pumps, flaring of natural gas, and cement storage and handling. The more specific and tailored the rule, the more effective the plan as it minimises ambiguity and assists implementation. Efficiency is improved as including appropriate permitted activities reduces resource consent costs, without reducing benefits.
- Condition (c) has been removed from AQ R1, improving efficiency. This is because the proposed condition broadly excluded any industrial or trade premises from the permitted activity, requiring consent even for a *de minimus* activity. This would have increased costs with no significant increase in benefits and the amendment remedies this.
- The amended proposal also includes four permitted activities added to the list in AQ R3. This makes the amended proposal more effective as listing specific activities adds clarity that aids interpretation and implementation. The amended rule is more efficient as including appropriate permitted activities reduces resource consent costs, without reducing benefits.
- The amended discretionary activity rule AQ R21 includes clarification for levels of free range farming and composting which improves effectiveness by limiting consents to those activities that may cause adverse effects.

5 Low to moderate scale changes requiring further evaluation

Provisions for open burning and crematoria have been amended through the Hearings process and are no longer consistent with the proposed option recommended by the original section 32 evaluation. Some further evaluation is required.

The amended provision is a more stringent option than the option recommended in the original section 32 evaluation. For this reason, the scale and significance is assessed as low to moderate.

The Hearing Panel's duty is to examine whether the provisions of the amended proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options and assessing the efficiency and effectiveness of provisions.

The reasonably practicable options assessed in this evaluation only include the provision in the original proposal (version 4.0), and the amended provision in version 8.0. No further options are considered as the amended provision has been determined through the public consultation process and any options outside these would deprive submitters of the opportunity to respond to alternatives.

The further evaluation is assessed at a topic level.

5.1 Open burning

Provisions to manage open burning, AQ P5, AQ R6, and AQ R9, have been amended through the Hearings process and are no longer consistent with the proposed option as recommended by the original section 32 evaluation.

The scope of the proposed provisions was to manage open burning in urban areas. The amended provisions now include any burning carried out within 100 metres of a neighbouring dwelling house. This has broadened the scope and intent of the provisions into rural areas. This change was in response to a community issue identified by submitters.

This is a more stringent option than the recommended option in the original section 32 evaluation. The scope of these changes is low to moderate and a further assessment is required.

The amended provisions now include all properties within the region where open burning may be carried out, in particular for agricultural and horticultural activities where open burning is carried out as part of land management practice.

This further evaluation does not consider urban properties as these were considered by the original evaluation.

Assessment of Effectiveness

The amended provisions have increased the effectiveness in the following ways:

- The objectives of the plan change are better met by using an effects based approach that targets all open burning likely to cause an adverse effect.
- The provisions are within Council's roles set out in section 30, to control discharges of contaminants to air.
- The provisions are easier to implement, monitor and enforce when using distance to assess compliance, rather than a definition of urban property.
- The amendment targets all open burning that could cause an adverse effect, as raised through submissions, not only burning in one particular type of area.
- Provides for written approval from those potentially affected.

Assessment of Efficiency

Efficiency measures whether the provisions achieve the objectives at the lowest cost with the highest benefit when assessed across the four well-beings, economic, environmental, social and cultural.

The benefits of the amended provisions are:

- Reduced adverse effects from open burning on residents in nearby houses and an improvement in health and amenity values. This benefit now applies region wide, not only in urban areas.
- Provides for neighbours to give written approval leading to more lenient process for dischargers.
- Urban properties that did not fit the proposed definition are now covered by these amended provisions.
- Reduced complaints from the public and reduction in Council resources required to respond.

The costs of the amended provisions are:

- Short term increase in complaints following introduction of rules, requiring additional Council resources.
- Those with burn sites within 100 metres of neighbouring houses will need to find an alternative site. As this may involve a reduction in area of production

land it increases cost to the landowner. This is mitigated by providing for a permitted activity if written approval is obtained from neighbours.

- Some landowners may need to apply for resource consents.
- Perceived impact on personal property rights for those that regard open burning as a right.
- Potential for an increase in fly-tipping and waste to landfill.

Risk of acting or not acting

The further assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Complaints to Council regarding open burning provides evidence that this activity causes health effects and nuisance in all areas, not only urban areas. These effects are unacceptable to the wider community.

Assessment of appropriateness

The overall effectiveness of the amended provisions has increased as they are more effects based. The rules are also fairer as they apply in all areas of the region where open burning is carried out, instead of only in urban areas that fit the definition.

The costs of the activity have potentially increased for landowners that use open burning regularly, within 100 metres of neighbouring houses. The benefits, particularly improved health and amenity for those in neighbouring houses, outweigh the costs.

The amended provisions AQ P5, AQ R6, and AQ R9 are more appropriate than the provisions as proposed.

5.2 Spraypainting

Rule AQ R16 has been changed to include the spray application of all surface coatings, not only those that contain di-isocyanates or spray on anti-fouling paint. There is an exclusion for water based paints and use of solvent based paints (0.5 litres per hour and 5 litres per month) to allow low-scale spraypainting without onerous conditions.

This has broadened the scope of the rule to affect anyone carrying out spraypainting (of a particular paint/ above a particular rate) therefore further assessment is necessary.

The rule also includes an additional conditions to manage the discharges from spraying of large, fixed structures that cannot be spraying in a spray booth.

Assessment of Effectiveness

The amended provision has increased the effectiveness in the following ways:

- The amendment responds to submitter concerns that it is not practicable to contain all items that may need to be sprayed, but that the discharges can be effectively managed with conditions that ensure the objectives will still be met.
- The rule is more effects based, targeting all spraying likely to cause adverse effects. This improves the ability to meet the objectives.

- The provisions are within Council's roles set out in section 30, to control discharges of contaminants to air.
- The rule addresses submitter's concerns that adverse effects also occur from forced air drying of spray paint, not only the spraypainting itself. Drying areas are now covered by conditions of the rule.

Assessment of Efficiency

Efficiency measures whether the provisions achieve the objectives at the lowest cost with the highest benefit when assessed across the four well-beings, economic, environmental, social and cultural.

The benefits of the amended provisions are:

- Improved health and quality of life for nearby residents/occupiers of any spraypainting activity not previously covered under the current rules.
- Reduced complaints from the public and reduction in Council resources required to respond.

The costs of the amended provisions are:

- Applicants' cost for resource consents required for existing activities that no longer comply with the permitted activity rule.
- Costs for mitigating existing discharges to ensure compliance with the permitted activity rule or cost for applying for a resource consent.

Risk of acting or not acting

The further assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The adverse effects of volatile organic compounds from spraypainting on human health and well-being is well established.

Assessment of appropriateness

The overall effectiveness of the amended provisions has increased as they are more effects based. The rules are also fairer as they apply to all spray painting with solvent based paints over a particular scale.

The costs of the activity have potentially increased for those without booths or appropriate extraction equipment that carry out spraypainting not excluded from the rule. However, the benefits in improved health and amenity values outweigh these costs.

5.3 Crematoria

Rule AQ R21(f) has been amended to only require consent for new crematoria facilities, while existing facilities are covered by a new controlled, non-notified activity rule AQ R27.

The scope of the proposed provisions was to require consents for new crematoria, while management of existing facilities remained unchanged. The amended provisions now include rule AQ R27 requiring consents for existing crematoria. This is a more stringent option than the proposed provision and requires further evaluation.

Previously it was unclear whether crematoria required resource consent, leading to inconsistent interpretation where some crematoria have consent, and others do not.

Assessment of Effectiveness

The amended provisions have increased the effectiveness in the following ways:

- The amendment responds to a community concern raised through the submission process that the previous rules were not clear and not applied consistently.
- The provisions are now more effects based, requiring all crematoria to apply for resource consent to allow for assessment of adverse effects through the consent process. This improves the ability to meet the objectives through specific consent conditions relevant to each situation.
- The provisions are within Council's roles set out in section 30, to control discharges of contaminants to air.
- The rules are clear cut, requiring all crematoria to apply for consent, making them easier to interpret and implement.
- All crematoria, whether existing or new, require a resource consent. This is a more balanced approach, managing all discharges from similar sources under the same air quality management regime.

Assessment of Efficiency

Efficiency measures whether the provisions achieve the objectives at the lowest cost with the highest benefit when assessed across the four well-beings, economic, environmental, social and cultural.

The benefits of the amended provisions are:

- Reduced adverse effects from mercury discharges and general discharges from crematoria.
- Controlled activity for existing facilities increases the costs for those existing facilities that do not currently hold a consent, but a reduced cost compared with discretionary activities. It also provides some certainty for applicant and allowing for management of adverse effects.
- Phase-in date of controlled activity allows for preparation of consent applications.

The costs of the amended provisions are:

- Increased cost for existing crematoria applying for consents for existing activities.
- Increased cost for Council to process and monitor consents.
- Some risk of increased costs depending on the nature of consent conditions.

Risk of acting or not acting

The further assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The adverse effects of mercury on human health is well established, and crematoria are known to discharge mercury (from amalgam fillings). There is also evidence from past consent processes that crematoria can create community concern including impact on visual amenity.

Assessment of appropriateness

The overall effectiveness of the amended provisions has increased as it is fairer and more effects based, requiring resource consent for all crematoria, regardless of when they were established. This allows for better management of adverse effects to meet the objectives.

The costs and uncertainty have increased for existing crematoria, who will now need to apply for a resource consent. This is mitigated through providing a phase-in period to allow for preparation. A controlled activity gives certainty to consent applicants that they will be granted a consent.

The amended provisions are more appropriate than the provisions as proposed.

5.4 Intensive farming

Rules AQ R21(j) and AQ R19 manages discharges to air from farming activities, including intensive farming. The rules themselves have not changed, however the definition of intensive farming now include "other livestock". This makes the rule more stringent as it has broadened the scope from poultry or pig farms to any livestock, which includes the beef, dairy, and sheep.

Currently there are no known intensive beef, dairy or sheep farms in the region. However, if they were to be established, any intensive farm, regardless of type of livestock, is likely to be a source of odour. These types of activities are best assessed using the resource consent process.

Assessment of Effectiveness

The amended provision has increased in effectiveness in the following ways:

- The amendment is in response to a concern that some types of intensive farms were treated differently to others. The provision is now more effects based, applying to all intensive farms which have the potential to cause odour issues. All intensive farms must apply for resource consent to allow for assessment of adverse effects through the consent process. This improves the ability to meet the objectives through specific consent conditions relevant to each situation.
- The provisions are within Council's roles set out in section 30, to control discharges of contaminants to air.

Assessment of Efficiency

Efficiency measures whether the provisions achieve the objectives at the lowest cost with the highest benefit when assessed across the four well-beings, economic, environmental, social and cultural.

The benefits of the amended provisions are:

- Reduced adverse effects from odour discharges from all types of intensive farms.

The costs of the amended provisions are:

- Increased costs and uncertainty for intensive farms applying for consents.
- Increased cost for Council to process and monitor consents.

Risk of acting or not acting

The further assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

It is well established that intensive farms have a higher potential for offensive and objectionable odour.

Assessment of appropriateness

The overall effectiveness of the amended rule and definition has increased as it treats all intensive farms equally and is more effects based, requiring resource consent for all types of intensive farms. This allows for better management of adverse effects to meet the objectives.

The costs and uncertainty have increased for intensive farms who will now need to apply for a resource consent, regardless of livestock type. This is balanced by reduced adverse effects on the community.

The amended provisions are more appropriate than the provisions as proposed.

5.5 Handling of bulk solid materials

A new rule has been included in the amended proposal to classify the handling of bulk solid materials such as fertiliser, cement, or grains as a discretionary activity when over certain thresholds.

This activity was considered in the original section 32 assessment as part of the Topic 6 – Mount Maunganui, and as part of Topic 7 General activities and listed discretionary activities. The assessment was broad, consistent with the general nature of the original rules. However, as this rule is now highly specific, additional assessment is appropriate.

Assessment of Effectiveness

The amended rule AQ R22 has been designed to manage large scale handling of bulk solid material – specifically the unloading of bulk solid materials (such as palm kernel extract) from ships at the Port of Tauranga, its transfer to storage sheds in the Mount Maunganui area, and further distribution. This includes a facility at De Havilland Way which is on the same legal property as several residential homes in Aerodrome Road.

This activity has previously been managed by Rule 17 (of the Operative Regional Air Plan). The current rule manages adverse effects beyond the boundary. As the complainants in the above case are within the same legal boundary as the alleged offender, enforcing any rule that relies on effects “beyond the boundary” has been problematic. This has resulted in years of complaints and ongoing issues in the area, while Council is left with little ability to resolve any of the issue.

There have been other occasions where this issue has caused adverse effects. For example, a similar issue is present at the Port of Tauranga (the Port). The Port is a large site with several different activities taking place within its legal boundary. Under the current rules it is difficult to take enforcement action when an adverse effect is not occurring beyond the boundary.

The proposed general permitted activity rule AQ R1 also uses the boundary as part of its conditions. This is standard practice for air quality management and in most cases will work effectively and efficiently. However, it is not an appropriate rule to use in this case. The adverse effects of this activity will continue and this will not achieve the objectives.

The amended rule AQ R22 is therefore more effective at achieving the objectives than either the current plan and the amended general activity rules of the proposed plan. It is more effective to target activities that have known adverse effects with a specific rule to ensure they are managed appropriately. A discretionary activity improves the ability to meet the objectives through specific consent conditions relevant to each situation.

This is a fair approach, targeting only large-scale bulk handling known to cause adverse effects. Smaller scale bulk handling, such as fertiliser at distribution centres, may still be carried out without consent.

The provisions are within Council's section 30 role to control discharges of contaminants to air.

Assessment of Efficiency

Efficiency measures whether the provisions achieve the objectives at the lowest cost with the highest benefit when assessed across the four well-beings, economic, environmental, social and cultural.

The benefits of the amended provisions are:

- Improved health and quality of life for nearby residents/occupiers
- Improved ability to run business, and reduced impact on property
- Reduced complaints from the public and reduction in Council resources required to respond.

The costs of the amended provisions are:

- Applicants' cost for resource consent could be substantial – particularly if the consent application is publicly notified.
- Cost of meeting conditions to mitigate adverse effects.

Risk of acting or not acting

The further assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The adverse effects of bulk handling of palm kernel extract (and other similar materials) has been well demonstrated by submitters during the Hearings process. There has been an adverse effect on health and on the ability for residents to run their businesses.

The Council has installed a PM₁₀ monitor at Aerodrome Road to establish the level of particulates for this specific case. The monitor has been in place for only a few months therefore a long term trend is not yet available.

One verified exceedance of the ambient air quality standard for PM₁₀ was recorded at this site on 5 January 2019. At the time of writing the exact source has not yet been determined. However, based on a Council Officer's observations of the area during the event, the principal source is believed to be palm kernel extract unloaded at the Port of Tauranga then delivered and transferred to and from the storage facility at De Havilland Drive.

It is well established that large-scale handling of bulk solid materials has a high potential to cause adverse effects if not managed properly.

Assessment of appropriateness

The overall effectiveness of the amended rule has increased as it is more effects based, requiring resource consent for large scale bulk handling of materials known to cause adverse effects if not managed properly. The rule does not contain a “beyond the boundary” assessment of adverse effects, a key reason why the previous rule was not effective.

The costs for operators to handle bulk material will increase as they must now apply for resource consent, and potentially carry out mitigation as required by consent conditions. However, the benefits, particularly the improvement to human health, outweigh this cost.

The amended provisions are more appropriate than the provisions as proposed.