



12 April 2018

Plan Change 13
Bay of Plenty Regional Council
PO Box 364
Whakatane, 3158
Via email: air@boprc.govt.nz

Dear Sir/Madam

RE: PROPOSED PLAN CHANGE 13, AIR QUALITY – NZTA SUBMISSION

Thank you for the opportunity to provide feedback on proposed Plan Change 13 (Air Quality) to the Bay of Plenty Regional Natural Resources Plan.

This submission provides input from the New Zealand Transport Agency (*Transport Agency*), reflecting its land use and transport integration role as well as its perspective as the operator of the Bay of Plenty's state highway network. This feedback also takes into account the Transport Agency's environmental obligations and objectives. In addition to the high-level commentary in this letter, provision-specific feedback is attached.

The Land Transport Management Act 2003 requires the Transport Agency to exhibit a sense of social and environmental responsibility in all aspects of its work. To this end, the Transport Agency is committed to taking a pro-active approach to management of air quality and will continue to support Council's efforts in this regard.

The Transport Agency is required to undertake pest management within the state highway network, which typically takes the form of agrichemical spraying of weeds. We support Council's aspirations to ensure that members of the public are kept informed in circumstances where spraying activity could affect them, particularly for higher risk spraying methods. However, as detailed in the attached table, clarification is sought in relation to the circumstances under which the Transport Agency would be required to display warning signage in association with agrichemical spraying, and the form that public notification must take.

In terms of relief sought, the Transport Agency supports the proposed plan change, subject to the amendments and clarifications set out in this submission. The Transport Agency does not wish to present at a hearing in support of this submission.

We welcome the opportunity to discuss these matters in more detail. Please contact me directly in the first instance.

Yours faithfully

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

Rodney Albertyn
Senior Planner
Consents and Approvals

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Attachment 1: PROVISION-SPECIFIC COMMENTARY

Ref	Page	Section	Title	Comments	Modification requested
1	17	-	'Definition of Terms'	<p>The vast majority of park and reserve land adjoining the state highway network is densely vegetated or vacant, with no public tracks or congregation areas near the state highway's boundary. Under such circumstances, the risk that members of the public will be exposed to agrichemicals due to Transport Agency weed management spraying is negligible, and the warning signage specified in proposed section AQ R15 (3) (Signage) would not be warranted.</p> <p>The definition of "public amenity area" as currently worded could be interpreted to capture to the entirety of any public park or reserve, not only the portions thereof in which members of the public are likely to congregate for extended periods of time. The Transport Agency seeks clarification that "public amenity area" does not include all park and reserve land, but only the parts thereof in which members of the public are likely to congregate for extended periods of time.</p> <p>The Transport Agency considers that the spraying of agrichemicals within the state highway network adjoining reserve or park land should have permitted activity status without warning signage, provided that the spraying does not occur within the prescribed distance of tracks or other public congregation areas.</p>	Clarification of definition
2	17	-	'Definition of Terms'	<p>The Transport Agency seeks that the definition of "public amenity area" be amended to make it clear that "walkways" and "cycleways" do not include footpaths or cycle lanes in the road reserve, and that "reserves" does not include the road reserve (legal road).</p>	Amend definition

3	11	AQ R15 (4)(e)	'Notification'	Proposed Section AQ R15 (4)(e) requires public notification of agricultural spraying under certain circumstances. Notification must be via an "appropriate method". The transport Agency seeks clarification of what means of notification would constitute an appropriate method.	Clarification of rule
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- a) This is a submission on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan.
- b) The Transport Agency could not gain an advantage in trade competition through this submission.
- c) The Transport Agency does not wish to be heard in support of its submission.
- d) The Transport Agency does not wish to present joint evidence.

Signed by Alan Catchpole
Principal Planner, Consents and Approvals
Pursuant to the Authority of NZ Transport Agency



Date 12/04/2018