



DOCDM-5465098

18 April 2018

Bay of Plenty Regional Council
PO Box 364
Whakatāne, 3158
New Zealand

Dear Sir/Madam

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

Please find enclosed the submission by the Director-General of Conservation in respect of the Proposed Plan Change 13 to the Regional Natural Resources Plan. The submission identifies the Director-General's support and opposition for rule AQ 15 regarding agrichemical spraying, which relates to the Department of Conservation's weed spraying operations in the Bay of Plenty.

In summary, the Director generally supports rule AQ 15 as it allows for continued operation of the environmental weed control programmes throughout the region without any unnecessary restrictions, with the exception of the increased requirements for notification, which the Director-General opposes.

Please contact Angus Gray (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission (email agray@doc.govt.nz or phone 027 621 8195).

Yours sincerely



Amy Robinson
Planning and Land Manager
Hamilton
Acting pursuant to delegated authority

***Submission on Proposed Plan Change 13 Air Quality to the Bay of Plenty
Regional Natural Resources Plan***

Resource Management Act 1991

1. This is a submission on the Proposed Plan Change 13 Air Quality to the Regional Natural Resources Plan.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to are set out in the Submission Table in Attachment A.
4. My submission relates to Rule AQ 15 which relates to agrichemical spraying.
5. Additionally, I support or oppose or seek amendments to the specific provisions as set out in the Submission Table A
6. The Department provided comments to Bay of Plenty Regional Council on the draft version of Plan Change 13 in June 2016 seeking amendments to the agrichemical rules. I would like to acknowledge the Bay of Plenty Regional Council for their consideration of those comments.
7. The Department of Conservation commonly undertakes hand-held knapsack spraying of agrichemicals as part of its environmental weed control operations throughout the Bay of Plenty. The Department is also responsible for administering a number of small reserves and sites around the region, many of which are included in the plan's definition of 'public amenity area' including backcountry huts, parks and reserves.

I seek the following decision from the Council:

8. I seek the following:

- a) That the Council retains rule AQ 15 of the Proposed Plan Change 13 Air Quality as notified, with the exception of provision 4(e) which should be amended as shown in Attachment A.
- b) Such other relief as may be necessary and appropriate to address my concerns.

9. I wish to be heard in support of my submission.



Amy Robinson
Planning and Land Manager
Hamilton
Acting pursuant to delegated authority

Date: 18 April 2018

Address for service:
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240
Attn: Angus Gray, 0276218195

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Attachment A – Submission Table on the Bay of Plenty Proposed Plan Change 13 (Air Quality)

The following table sets out further details of the Director-General's submission (with reasons) and the decisions sought with respect to the Bay of Plenty Proposed Regional Plan Change 13 (Air Quality). The specific parts of the Proposed Plan Change 13 (Air Quality) to which this submission relates, along with the submission (with reasons) and the decision sought, are set out in the table below.

The specific provision of the Proposed Plan Change :	My submission on this provision is:		I seek the following relief from the Bay of Plenty Regional Council
	Support/ Oppose/ Amend	Reasons for my submission:	
AQ R15: Advice Note	Support	I support the inclusion of New Zealand Standard Management of Agrichemicals 8409: 2004 in the advice note as a matter that should be considered when using agrichemicals, rather than as a rule. This allows for agrichemical use that is undertaken in accordance with Hazardous Substances and New Organism Act 1996 controls, but in a different way to that prescribed by NZS 8409: 2004.	Retain as notified.
AQ R15 (1)	Support	The rules for the general use of agrichemicals are considered appropriate.	Retain as notified.
AQ R15 (2)	Support	The more permissive requirements for hand-held, non-motorised methods is appropriate considering there is a lower risk of spray drift.	Retain as notified.
AQ R15 (3)	Support	The rules for signage are considered appropriate.	Retain as notified.
AQ R15 (4)	Amend	The small window of notification in 4(e) is impractical, and more restrictive than the current Operative Bay of Plenty Regional Air Plan. The Department's weed control programmes cover numerous small sites, scattered across the region, and are often implemented over 12-month periods. Notifying these works would require continuous notification for the spraying of each individual site, creating a large amount of work. It would be more appropriate for the rule to require notification "at least one week prior to application".	Amend AQ 15(4)(e) to: "Where agrichemicals are sprayed on public amenity areas, the owner/occupier or agent must publicly notify the agrichemical spraying using an appropriate method from at least 24-hours-prior , up to one week prior to the agrichemical use..."
AQ R15 (5)	Support	The rules for spray risk management plans are considered appropriate.	Retain as notified.