



**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
072

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
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Submitter Name: Thermal Brewing Company Limited

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/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 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.]

[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.]

18-4-2018
Date

Address for Service of Submitter: C/- Lara Burkhardt, Holland Beckett Law, Private Bag 12011, Tauranga

Telephone: **Daytime:** 075782199

Email: lara.burkhardt@hobec.co.nz **After Hours:** **Fax:**

Contact person: Thermal Brewing Company Limited, c/-Lara Burkhardt, Holland Beckett Law

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
Various	All provisions relating to the management of discharges from solid fuel burners in the Rotorua Airshed and any other provisions of the plan change which may impact the submitter's activities	Oppose	<p>Amend the plan change to address the reasons for the submission, including but not limited to:</p> <ul style="list-style-type: none"> Change or introduce policy(s) and rule(s) that better provide for the particular circumstances of the kind associated with the submitter's activities. <p>Similar and / or consequential amendments (including to definitions) that would satisfactorily address the matters raised in this submission.</p>	<p>The submitter owns and operates the Pig & Whistle Historic Pub located on the northeast corner of the intersection of Haupapa and Tutanekai Streets in the Central City.</p> <p>A feature of the venue is its open fireplace located in a covered garden bar, which was installed at the premises in 2016.</p> <p>The submitter is interested in the parts of the plan change relating to the Rotorua Airshed, and the application of provisions to its fireplace (which appears to be classified as a non-complying solid fuel burner under proposed rule AQ R14).</p> <p>While the submitter generally supports the reasons for the plan change as they relate to the Rotorua Airshed, the potential implications for its activities of the new provisions as notified are not considered to be appropriate or justified on the basis that:</p> <ul style="list-style-type: none"> The plan change does not appear to have been developed with reference to the particular circumstances of the kind associated with the submitter's activities;

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				<ul style="list-style-type: none"> • The plan change may therefore result in unintended consequences and requires further consideration; • The submitter has been advised by the Bay of Plenty Regional Council that its activities do not breach the Rotorua Air Quality Control Bylaw 2017. It is unclear why a different outcome is appropriate or necessary under the plan change; • The fireplace feature contributes significantly to the amenity of the premises (which itself contributes to the vibrancy of the CBD) and should be able to be enjoyed by patrons who, if residents of Rotorua, are no longer able to have an open fire in their homes; and • The effects of the fireplace are considered acceptable.

