

Further Submission on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan

Clause 8 of Schedule 1, Resource Management Act 1991

Submission to be received by **4:00 pm on 31 July 2018**

Further Submission Number
Office use only

FS05

TO: **The Chief Executive**
Bay of Plenty of Regional Council
PO Box 364
Whakatāne 3158

EMAIL: air@boprc.govt.nz

Name: Timberlands Limited

This is a further submission in support of or opposition to a submission on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan

1. I do wish to be heard in support of my further submission.
2. If others make a similar submission I would be prepared to consider presenting a joint case with them at any hearing.
3. I am a person who has an interest in the proposal that is greater than the interest the general public has on the following grounds:
Timberlands has an interest greater than that of the general public as manager of 176,000Ha of plantation forest.
Approximately 120,000Ha of this planted estate is in the Bay of Plenty and subject to the Air plan rules on spraying and burning.
Timberlands exports approximately 1.5 million tonnes, and is thus subject to the Air plan rules on fumigants and dust.

A signature is not required if you make your submission by electronic means. Further submission emailed on: 30 July 2018

Address for Service:

Timberlands Ltd PO Box PO Box 1284 Rotorua

Telephone:

Daytime: 027 224 1574

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bridget@eland.co.nz

Contact person

Bridget Robson

Note: A copy of your submission must be served on the original submitter within 5 working days after making this further submission

Further subs BOPRC air plan

Sub #	Submitter Name	Provision	support/oppose	Reasons
67-2	Port of Tauranga	AQ O1	Support in part	<p>Timberlands supports in part the amendment of Objective AQ O1 to read (addition in underline): Protect the mauri of air and human health from <u>significant</u> adverse effects of anthropogenic contaminant discharges to air, and enhance air quality where degraded for the reasons status in the submission that the Objective should refer to significant adverse effects.</p> <p>The current objective would seek to protect human health from all adverse effects which could only be achieved by having no discharges, which is inconsistent with the purpose of the RMA.</p>
67-3	Port of Tauranga	AQ O2	Support in part	<p>Timberlands supports in part the amendment of Objective AQ O2, in order to ensure that successors to the National Environmental Standards for Air Quality (2004) and Ambient Air Quality Guidelines (2002) are also covered by this objective, to ensure that consistency is retained between regional and national instruments.</p>
33-3	Ballance AgriNutrients Ltd	AQ O3	oppose	<p>Timberlands opposes the suggested amendment of AQ O3 to require lower performance levels in industrial areas. Although there may be different expectations of air quality from an amenity perspective in industrial areas, the health effects of diminished air quality are not spatially sensitive. While in industrial areas background odours and dust may occur, this should not lead to an automatic expectation of lower air quality.</p>
67-5	Port of Tauranga	AQ P1	support	<p>Timberlands supports the submission for the reasons expressed, that the current rule framework of the Plan Change does not align with the policy, because all industrial trade activities are assigned a discretionary status irrespective of the likely nature and scale of their resultant adverse effects. Timberlands believes that the rule framework needs to include a restricted discretionary category for activities that don't meet AQ R1, but are not so significant in their effects that a full discretionary status is needed.</p>
19-6	Z Energy	AQ P3(a)	support	<p>Timberlands supports the submission for the reasons expressed, to manage the effects of the discharge of contaminants to air according to the receiving environment, rather than the environment in general.</p>
36-20	Mercury NZ Ltd	AQ P3 (b)	Support in part	<p>Timberlands supports in part the submission for the reasons given, namely that the text "contribute to" in (b) is inappropriate because it has no de minimus element to it. All discharge of contaminants will have a contribution to ambient air quality but the discharge in itself could be insignificant. The discharge needs to have a more than minor effect on compliance with the standards and guidelines.</p>

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19-22	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	AQ P3 (e)	support	Timberlands supports the submission for the reasons expressed, to manage the effects of the discharge of contaminants to air according to the receiving environment, rather than the environment in general.
30-7	Trustpower	AQ R1	Support in part	Timberlands supports in part the submission, which opposes the current rule drafting that makes all industrial or trade premises a discretionary activity, irrespective of size, scale and effects. To go from permitted to full discretionary is not a proportionate way of dealing with environmental effects.
76 17	Federated Farmers of New Zealand	AQ R2	support	<p>Timberlands supports the submitters proposed solution to deal with the problem of activities that may not meet the threshold test for a permitted activity, but their size, scale or effect would not normally cause them to require a discretionary consent. Timberlands appreciates that there needs to be a rule providing for activity status of a discharge to air if the permitted standards in AQ R1 is not met, however a full discretionary activity status is onerous, expensive and time consuming for both the applicant and the council. It would seem reasonable that the Plan would contain a consent cascade that would include controlled or restricted discretionary status. This is not the case in the proposed plan. The overly restrictive default activity status will increase the cost and uncertainty for those that need to apply for resource consent and increase the time and cost for Council. There appears to be no benefit from this approach, particularly in cases where the relevant matter for discretion is likely to be a particular standard or threshold the activity does not meet.</p> <p>Timberlands supports changing the default to restricted discretionary activity status, with discretion restricted to:</p> <ul style="list-style-type: none"> (i) the reasons for and any likely effects of the departure from the permitted activity standards, terms and clauses. (ii) whether the discharge is to be undertaken in accordance with current good practice (such as the Good Practice Agrichemical spray Management Guidelines). (iii) potential or actual adverse effects on the surrounding environment. (iv) the proximity and nature of nearby activities (v) Frequency, duration and intensity of the discharge. <p>The section 32 report advises that:</p> <p><i>AQ R1 retains the restrictive presumption for industrial and trade premises under the RMA. If a discharge from this type of activity is not covered by a specific rule, it defaults to discretionary under AQ R2 rather than permitted as under the current plan.</i></p> <p><i>Other discharges, like dust and odour, rely on general rules AQ R1 to assess whether they are permitted or not. The general activity rule is designed to manage discharges either not anticipated at the time of plan drafting, or not expected to be sufficiently significant to require a specific rule (e.g. coffee roasters).</i></p> <p><i>The general rule is not intended to manage large scale sources, hazardous substance discharges or</i></p>

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				<p><i>cumulative effects from diffuse sources (such as fugitive dust emissions). This is the current situation in General conditions in AQ R1 such as (a) “the discharge must not be noxious or dangerous. . .” can be difficult to prove and enforce in these situations and the burden of proof usually falls to the Regional Council. The monitoring and analysis required for this proof is expensive and time consuming. By contrast, a specific condition in a permitted activity is easy to prove, for example that a boiler stack is 12 metres high. The second part of condition (a) also requires that “the discharge must not be...offensive or objectionable...” This allows for situations where the discharge may not necessarily be noxious or dangerous but has an effect on cultural or amenity values. A condition regarding the offensiveness and objectionableness of discharges is still best practice and discussed further in Topic 7.</i></p> <p>This description explains why and how there needs to be a clear threshold test in AQ R1, but it does not explain why the threshold test then must default to full discretionary, rather than having an intermediate step of restricted discretionary that could deal with the known assessment parameters relevant to the type of discharge for which consent is being sought.</p>