

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

Clause 8 of Schedule 1, Resource Management Act 1991

Please send your submission to be received by **4:00 pm on 31 July 2018**

Further Submission Number
Office use only

FS09

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

EMAIL: air@boprc.govt.nz

Name: Bay of Plenty Regional Council

[Full name of the person or organisation making the submission]:

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.
[Delete as required]
2. If others make a similar submission I **would not** be prepared to consider presenting a joint case with them at any hearing.
[Delete as required]
3. We are the local authority and therefore may make a further submission under s.8(c) Schedule 1 RMA
[Please tick one]

Signature *[of person making submission or person authorised to sign on behalf of person or organisation making submission.*

A signature is not required if you make your submission by electronic means]

Address for Service *[Provide full postal details]:*

PO Box 364, Whakatāne 3158

Telephone:

Daytime:0800 884 880

After Hours: 0800 884 880

Email:

info@boprc.govt.nz

Contact person *[Name & Designation if applicable]:*

Namouta Poutasi

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

FURTHER SUBMISSION POINTS:

Submission Number <i>[Submission number of original submission as shown in the "Summary of Decisions Requested" report]</i>	Submitter Name <i>[Please state the name and address of the person or organisation making the original submission as shown in the "Summary of Decisions Requested" report]</i>	Section Reference <i>[Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposed plan change]</i>	Support/Oppose	Reasons <i>[State in Summary the nature of your submission giving clear reasons]</i>
26	Rotorua Lakes Council Private Bag 3029 Rotorua Mail Centre Rotorua 3046	26-21 – The submission supports AQ R12 (a) with no change sought.	Support in part	<p>Under RMA s.86B(3)(a) a rule in a proposed regional plan that protects or relates to air has immediate legal effect. Because of this, the Regional Council has already started to implement the rules of the Proposed Plan Change.</p> <p>The Rotorua Burner Rules Implementation Group was set up to develop approaches and processes to implement the Rotorua Air Quality Bylaw (the bylaw) and rules AQ R12-14 in the Proposed Plan Change. Membership includes staff from Rotorua Lakes Council and the Regional Council.</p> <p>As the bylaw was already adopted when the plan change rules were developed, every effort was made to keep the Rotorua burner rules in the plan change as consistent with the Bylaw as possible. Therefore the indoor open fire rule was replicated with no change.</p> <p>However, during discussions of the implementation group, an inconsistency was found between the indoor open fire rule in the Bylaw and the equivalent rule in the plan change. The rule in the Bylaw (rule 4.11) applies only to existing indoor open fires. As new indoor open fires are managed by the new burner rule of the Bylaw, the word "existing" was not included in the indoor open fire rule as it was not necessary.</p> <p>However, the same rule, carried over to the plan change as AQ R12(a), permits discharges from any indoor open fire used for the two purposes allowed in the conditions. This includes both new and existing indoor open fires. It should apply only to <u>existing</u> indoor fires. The installation of new indoor fires is still prevented by the Bylaw.</p> <p>New indoor open fires have been banned by the bylaw since 2010, and there was never any intention to alter this. Therefore the Regional Council supports the submission to retain the rule, but only in part as an amendment is necessary to resolve the issue. A change to the wording of the rule AQ R12(a) to refer to "existing" indoor open fires would resolve the issue. This change clarifies the rule framework and does not impose any additional requirement on the community.</p>

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