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Oji Fibre Solutions

**FURTHER SUBMISSION ON  
PROPOSED PLAN CHANGE 13 TO  
THE BAY OF PLENTY REGIONAL  
NATURAL RESOURCES PLAN**

27 July 2018

To: The Chief Executive  
Bay of Plenty Regional Council  
By email to [air@boprc.govt.nz](mailto:air@boprc.govt.nz)

Date: 27 July 2018

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## **1. INTRODUCTION**

This is a further submission in support of or in opposition to submissions on Proposed Plan Change 13 to the Bay of Plenty Regional Natural Resources Plan ('PC13') under Clause 8 of the First Schedule to the Resource Management Act 1991 ('RMA').

Oji Fibre Solutions ('Oji FS') have an interest in Plan Change 13 that is greater than the interest the general public has as the operations of Oji FS Tasman Mill are potentially affected by PC13.

Oji FS wish to be heard in support of this further submission.

Oji FS do not gain an advantage in trade competition through this submission.

## **2. SPECIFIC SUBMISSION POINTS**

Oji FS's specific further submission points are set out below.

To the extent that the following further submissions oppose the relief sought by another party, Oji FS consider that the relief sought is inappropriate, unreasonable, unnecessary or inconsistent with the provisions of the RMA.

To the extent that the following further submissions support the relief sought by another party, Oji FS consider that the relief sought is generally appropriate, reasonable and/or necessary including for the reasons set out in the submission, or that it is otherwise consistent with the provisions of the RMA and/or Oji FS's own submissions.

The above reasons are deemed to be included as part of the "reason for support or opposition" for each further submission referred to in the following table.

| Submission Number                 | Decision Requested by Submission   | Support / Oppose | Reason for Support / Opposition  | Relief Sought      |
|-----------------------------------|--|------------------|--|--------------------|
| Objectives                        |  |                  |  |                    |
| 45-24<br>Fonterra                 | Insert new objective:<br><u>Provide for activities discharging to air where significant adverse environmental effects can be avoided, and other effects can be appropriately remedied or mitigated</u>   | Support          | The PC13 objectives do not adequately recognise the need to provide for activities to discharge contaminants to air in the region. | Accept submission  |
| 45-4<br>Fonterra                  | Insert a new objective:<br><u>The operational requirements of light and heavy industry, other location specific industry, infrastructure, rural activities and mineral extraction activities are recognised and provided for</u>   | Support          | The PC13 objectives do not adequately recognise the need to provide for activities to discharge contaminants to air in the region. | Accept submission  |
| 76-3<br>Federated Farmers of NZ   | Insert new objective:<br><u>Provide for discharges of contaminants to air from activities that are appropriate in the particular zone in which they are located</u>  | Support          | The PC13 objectives do not adequately recognise the need to provide for activities to discharge contaminants to air in the region. | Accept submission  |
| 21-2, 21.3, 21.4<br>Jodie Bruning | Insert new objectives:<br><b><u>Ensure the life-supporting capacity of water, soil and ecosystems is safeguarded</u></b><br><u>Avoid, remedy or mitigate the adverse effects of bioaccumulation in water and soil systems from discharges of contaminants into air so that the life-supporting capacity of water, soil, and ecosystems are safeguarded</u> | Oppose           | To the extent these concepts need to be reflected in the PC13 objectives, they are already captured in Objectives AQO1 – AQO3.     | Reject submissions |

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**Protect the foreseeable needs of future generations**

Safeguard water, soil and ecosystems so that future generations may provide for their social, economic, and cultural wellbeing and for their health and safety. Where long term harm arising from discharge of contaminant is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm and a precautionary approach shall be taken

**Commitment to best practice science for monitoring, detection and restriction of discharges of emerging organic contaminants.**

Encourage and develop best international practice science for monitoring; detection and restriction of discharges into air, and resultant residues in water, soil and ecosystems of emerging organic contaminants.

**Policy AQP4**

|                          |  |         |  |                   |
|--------------------------|--|---------|--|-------------------|
| 45-21, 45-22<br>Fonterra | <p>Insert the following clauses into Policy AQP4:</p> <p>i) <u>The extent to which the air discharge and associated activities may provide for economic or social wellbeing.</u></p> <p>j) <u>The value of investment in existing infrastructure to mitigate adverse effects associated with the discharge of contaminants to air.</u></p> | Support | These are matters that decision makers should have particular regard to when considering the acceptability of a discharge. | Accept submission |
|--------------------------|--|---------|--|-------------------|

| Submission Number                   | Decision Requested by Submission  | Support / Oppose | Reason for Support / Opposition   | Relief Sought     |
|-------------------------------------|---|------------------|---|-------------------|
| <b>Definitions</b>                  |   |                  |   |                   |
| 45-15<br>Fonterra                   | Retain definition of 'Ambient Air' which is:<br><br><b>Ambient air</b> means the air outside buildings and structures. This does not include indoor air, air in the workplace, or contaminated air discharged from a source   | Support          | The definition of ambient air is appropriate and should be retained.  | Accept submission |
| 58-11<br>Horticulture<br>NZ         | Add definition of 'localised air quality' as follows:<br><br><b>Localised air quality</b> means the air quality as a result of specific localised discharge to air such as dust or smoke.   | Oppose           | Oji FS considers the proposed definition confusing and the proposal to, via definition, classify air as either "ambient air" or "localised air quality" unnecessarily complicated.  | Reject submission |
| 19-16<br>Z Energy Ltd<br>and others | Add definition of 'Best Practicable Option' as follows:<br><br><b>Best practicable option</b> means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:<br><br>(a) <u>The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</u><br><br>(b) <u>The financial implications, and the effects on the environment, of that option when compared with other options; and</u><br><br>(c) <u>The current state of technical knowledge and the likelihood that the option can be successfully applied:</u> | Support          | Oji FS does not consider a definition of Best Practicable Option is strictly necessary as the term is defined in the Resource Management Act 1991 ('RMA').<br><br>However, if a definition is to be included it should be identical to the definition contained in the RMA. | Accept submission |

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| 36-15<br>Mercury NZ Ltd | <p>Delete the following definition of 'noxious and dangerous':</p> <p>Noxious or dangerous means an activity or discharge of contaminants to air that causes, or is likely to cause, an adverse effect on property and/or the environment. This may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Human health effects from acute exposure or chronic exposure. These include allergic reactions, toxic poisoning or exposure to carcinogens.</li> <li>(b) Contamination of potable water supplies where the concentration of contaminant in the water supply is at a level that exceeds the safe level for human consumption.</li> <li>(c) Exceedance of a maximum residue limit for an agrichemical on, or in, food or stock feed at harvest or slaughter.</li> <li>(d) Adverse effects on ecosystems including water bodies. This includes exotic and indigenous flora and fauna.</li> <li>(e) Damage to crops or plants where contaminants have affected the growth or quality of the crop such that levels exceed safe levels for human consumption and/or the market value of the crop is reduced.</li> <li>(f) A discharge of fertiliser or agrichemical spray that compromises the organic status of another property.</li> </ul> | Support          | The proposed definition is out of step with the current usage of this term in RMA planning, noting it is a key part of the RMA s17 obligation. | Accept submission |

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|                                  | <p>(g) Damage to paintwork, windows or surfaces from deposition of airborne contaminants.</p> <p>(h) Reduced visibility that endangers the passage of any vehicle, aircraft, or ship.</p>  |                  |  |                   |
| 45-17<br>Fonterra                | Delete definition of 'noxious and dangerous'.  | Support          | The proposed definition is out of step with the current usage of this term in RMA planning, noting it is a key part of the RMA s17 obligation.   | Accept submission |
| 11-1<br>Waikato Regional Council | Provide a definition of 'offensive and objectionable'.   | Oppose           | Oji FS does not consider a definition of offensive or objectionable is needed in PC13. Oji FS notes that despite this term being used extensively in regional air plans under the RMA, it is not aware of any regional air plan which has included a definition of the term. | Reject submission |
| 33-18<br>Balance Agri-Nutrients  | <p>Insert the following definition of 'offensive and objectionable':</p> <p><b>Offensive or objectionable</b> discharge means a discharge that is materially unpleasant to neighbouring property owners or the public within the vicinity of the discharge. The effects of such discharges may include, but are not limited to, the following:</p> | Oppose           | Oji FS does not consider a definition of offensive or objectionable is needed in PC13. Oji FS notes that despite this term being used extensively in regional air plans under the RMA, it is not aware of any regional air plan which has included a definition of the term. | Reject submission |
| 58-5<br>Horticulture NZ          | Insert a definition of 'offensive and objectionable effects'   | Oppose           | Oji FS does not consider a definition of offensive or objectionable is needed in PC13. Oji FS notes that despite this term being used extensively in regional air plans under the RMA, it is not aware of any regional air plan which has included a definition of the term. | Reject submission |



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| 75-3<br>Swap<br>Stockfoods    | Insert an additional Policy or Policies, or an Advice Note, or amend the Definitions to include the information provided by Section 5.6.5 (Interpretation of the terms Offensive and Objectionable) of the Operative Bay of Plenty Regional Air Plan, or other relief to the same effect.  | Oppose           | Oji FS does not consider a definition of offensive or objectionable is needed in PC13. Oji FS notes that despite this term being used extensively in regional air plans under the RMA, it is not aware of any regional air plan which has included a definition of the term. | Reject submission |
| 76-37<br>Federated<br>Farmers | Insert a definition of 'offensive and objectionable'   | Oppose           | Oji FS does not consider a definition of offensive or objectionable is needed in PC13. Oji FS notes that despite this term being used extensively in regional air plans under the RMA, it is not aware of any regional air plan which has included a definition of the term. | Reject submission |
| 36-16<br>Mercury NZ           | Amend the definition of 'public amenity area' as follows:<br><br><b>Public amenity area means</b> a public area where members of the public are likely to congregate for extended periods of time, including (but not limited to): backcountry huts, barbeques, changing facilities, cycleways, outdoor sports facilities, <del>parks and reserves</del> , playgrounds and playground equipment, public toilets, seating and picnic tables, shelters, squares, and walkways. | Support          | The definition includes places where people do not congregate for extended periods of time.  | Accept submission |
| 45-18<br>Fonterra             | Include a new definition of 'regionally significant industry' as follows:<br><br><b><u>Regionally significant industry means an economic activity based on the use of natural and physical resources in the region and is identified in regional or</u></b>  | Support          | PC13 should include specific recognition of regionally significant industrial sites in Bay of Plenty.  | Support           |

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|   | <u>district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.</u>   |                  |   |                   |
| 36-17<br>Mercury NZ                     | Delete clause (h) – (n) from the definition of ‘sensitive activities’   | Support          | The PC13 definition of sensitive activity is too broad and could include a number of activities that are not sensitive. | Accept submission |
| 50-20<br>Ravensdown Ltd                 | Delete the ‘sensitive activity’ definition as notified, and replace it with the definition contained in the RPS, as follows:<br><br><b><u>Sensitive activities:</u></b> <u>Activities which suffer should they experience adverse effects typically associated with some lawful activities. For example, smells from a sewage treatment facility or noise from a port facility. Activities considered to be sensitive include but are not necessarily limited to any residential activity, any childhood education centre and any other accommodation facility.</u> | Support          | The PC13 definition of sensitive activity is too broad and could include a number of activities that are not sensitive. | Accept submission |
| 67-19<br>Port of Tauranga               | Delete clause (h) – (n) from the definition of ‘sensitive activities’   | Support          | The PC13 definition of sensitive activity is too broad and could include a number of activities that are not sensitive. | Accept submission |
| 74-17<br>Bay of Plenty Regional Council | Amend the definition of ‘sensitive activity’ as follows:<br><br>Sensitive activity means an activity that <del>may be adversely affected by contaminants</del> <u>is particularly sensitive to adverse effects associated with air</u>  | Support          | The PC13 definition of sensitive activity is too broad and could include a number of activities that are not sensitive. | Accept submission |

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contaminant discharges either due to the vulnerability of the population or area exposed to the contaminant, or due to the potential for prolonged exposure and includes...:

### Reverse Sensitivity

|                                 |   |         |  |                   |
|---------------------------------|---|---------|--|-------------------|
| 19-18<br>Z Energy Ltd           | Amend the definition of ‘Reverse sensitivity’ to provide for the potential impacts of the intensification of sensitive activities, as follows:<br><br><b>Reverse sensitivity</b> means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or <u>intensification</u> of other activities which are sensitive to the adverse environmental effects being generated by the pre existing activity. | Support | Oji FS considers the PC13 definition of reverse sensitivity in PC13 adequately describes the concept. But it agrees that ‘intensification’ is one way reverse sensitivity effects can arise and that it is useful to include reference to this matter in the definition. | Accept submission |
| 33-19<br>Balance Agri-nutrients | Retain the definition of ‘reverse sensitivity’ as notified.   | Support | The definition of reverse sensitivity in PC13 adequately describes the concept.  | Accept submission |
| 19-21<br>Z Energy Ltd           | Insert provisions to manage reverse sensitivity.  | Support | Oji FS agrees that additional provisions to manage reverse sensitivity should be included in PC13.   | Accept submission |
| 33-4<br>Balance Agri nutrients  | Insert new objective as follows:<br><u>Avoid reverse sensitivity effects on lawfully existing business and industrial activities</u>  | Support | Oji FS agrees that additional provisions to manage reverse sensitivity should be included in PC13.   | Accept submission |

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|--------------------------|--|------------------|--|-------------------|
| 45-9<br>Fonterra Ltd     | <p>Insert new policy as follows:</p> <p><u>Seek to avoid the establishment or expansion of land uses which are sensitive to the effects of existing activities involving the discharge of contaminants to air</u></p>  | Support          | Oji FS agrees that additional provisions to manage reverse sensitivity should be included in PC13. | Accept submission |
| 58-6<br>Horticulture NZ  | <p>Insert new policy as follows:</p> <p><u>The Regional Council will recognise reverse sensitivity when considering:</u></p> <p>a) <u>complaints on discharges to air; and</u></p> <p>b) <u>resource consent applications and making comments or submissions on territorial authority district plans and resource consent applications where new activities are proposed in areas that may compromise, constrain or conflict with existing lawfully established activities which discharge to air.</u></p>                         | Support          | Oji FS agrees that additional provisions to manage reverse sensitivity should be included in PC13. | Accept submission |
| 58-38<br>Horticulture NZ | <p>Include a new method as follows:</p> <p><u>The Bay of Plenty Regional Council will seek to avoid potential reverse sensitivity effects associated with odours, chemicals, and particulates when considering resource consent applications or making submissions on district plans and resource consent applications to TA's. by actively discouraging:</u></p> <p>(a) <u>new sensitive activities locating near activities that discharge to air offensive and objectionable odours, chemical emissions or particulates</u></p> | Support          | Oji FS agrees that additional provisions to manage reverse sensitivity should be included in PC13. | Accept submission |

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(b) New activities that discharge offensive and objectionable odours, chemical emissions or particulates from locating near sensitive activities

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