

FONTERRA LIMITED

FS20

FURTHER SUBMISSIONS ON PROPOSED CHANGE 13 (AIR
QUALITY) TO THE BAY OF PLENTY REGIONAL NATURAL
RESOURCES PLAN

To: The Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatane 3158

Via email: air@boprc.govt.nz

SUBMITTER: FONTERRA LIMITED

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Fonterra Limited (Fonterra) has an interest in Proposed Plan Change 13 to the Bay of Plenty Regional Air Plan (PC13) that is greater than the interest the general public has.

Fonterra has significant assets and operational interests within the Bay of Plenty region that may be affected by the plan change, including the Edgecumbe Dairy Manufacturing Site (Edgecumbe site).

Fonterra made submissions on PC13, listed as Submission 45.

The attached schedule sets out Fonterra's further submissions in respect of points made by other parties.

I confirm that I am authorised on behalf of Fonterra to make this further submission.

Fonterra wishes to be heard in support of this submission. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Fonterra could not gain an advantage in trade competition through this submission.

I can confirm that copies of this further submission have been served on the person making the original submission.

Dated: 31 July 2018

Fonterra Limited by their duly authorised agents

Mitchell Daysh Limited



Mark Chrisp, Director

ATTACHMENT A: FONTERRA LIMITED'S FURTHER SUBMISSIONS ON THE PROPOSED CHANGE 13 (AIR QUALITY) TO THE BAY OF PLENTY NATURAL RESOURCES PLAN

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
36-2 36-18	Mercury NZ Ltd	Objective AQ O1	Support	For the reasons outlined in Mercury's submission.	Accept Submission
7-2	Western Bay of Plenty District Council	Objective AQ O3	Oppose	Fonterra considers that this objective should focus on the management of containment discharges rather than outright "protection". Objective AQ O1 already seeks the protection of air quality.	Disallow
21-1	Jodie Bruning	Objective AQ O3 - delete and replace	Oppose	Fonterra considers that Objective O3 is appropriate to manage air quality (subject to including a new enabling objective).	Disallow
21-2	Jodie Bruning	New Objective	Oppose	Fonterra considers that if discharges are appropriately managed then there is no need to specifically include a new objective relating to bioaccumulation and maintaining the life supporting capacity of ecosystems. Protecting the life-supporting capacity of water, soils and ecosystems is already a fundamental part of sustainable management as defined by the RMA. The proposed objectives in PC 13 (and the provisions in the other sections of the Plan) already provide these functions and seek these outcomes.	Disallow
21-3	Jodie Bruning	New Objective	Oppose	Fonterra considers that if discharges are appropriately managed then there would no need to specifically include an objective relating to future generations, which is already a fundamental requirement of sustainable management as defined by the RMA. Managing air discharges as proposed gives effect to the overarching purposes of the RMA such that this duplication is unnecessary.	Disallow
21-4	Jodie Bruning	New Objective	Oppose in part	Fonterra supports the intent of encouraging appropriate air quality and environmental monitoring. However, an objective is not required to encourage appropriate monitoring of air quality. Further discussion is required regarding the appropriate mechanisms and type of provision to encourage monitoring.	Allow in Part
37-1	Oji Fibre Solutions Ltd	New Objectives	Support	For the reasons outlined in the Oji Fibre Solutions submission, and also the Fonterra submission. There should be an objective that provides for activities.	Accept Submission

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
58-12	Horticulture New Zealand	New Objective	Support	For the reasons outlined in the Oji Fibre Solutions submission, and also the Fonterra submission. Further discussion regarding the wording of any new objective is required.	Accept Submission
33-4	Ballance Agri-Nutrients Ltd	New Objective – Reverse Sensitivity	Support	For the reasons outlined in Ballance Agri-Nutrients submission, and Fonterra’s submission, it is considered appropriate to have an objective recognising the effects of reverse sensitivity and seeking that effects on existing activities be avoided. Further discussion is required regarding the most appropriate provisions to manage reverse sensitivity.	Accept in part
76-3	Federated Farmers of New Zealand	New Objective	Support	For the reasons also outlined in Fonterra's original submission, it is considered appropriate to have an enabling objective. Further discussion regarding the wording of any new objective is required.	Accept Submission
76-4	Federated Farmers of New Zealand	New Objective – Reverse Sensitivity	Support	For the reasons outlined in the Federated Farmers submission. Further discussion is required regarding the most appropriate provisions to manage reverse sensitivity.	Accept in Part
10-1	Toi Te Ora Public Health	Policy AQ P3	Support in Part	Fonterra supports the intent of the submission, however the relief sought is more appropriate as an assessment criteria rather than a policy.	Disallow in Part
31-2	Tauranga Moana – Te Arawa ki Takutai Partnership Forum	Policy AQ P2	Oppose	Fonterra supports the intent of this submission. However, this submission seeks a new clause relating to assigning activities that cannot fully mitigate effects to be a non-complying activity at the policy level. The discussion around mitigation of effects generally comes through via the resource consent process, which is after the activity status has been set.	Disallow
10-1	Toi Te Ora Public Health	Policy AQ P3	Support in Part	Fonterra supports the intent of the submission, however the relief sought is more appropriate as an assessment criteria rather than a policy.	Disallow in Part
13-2	Gray Southon	Policy AQ P3	Oppose	The control of greenhouse gases is not a function of the Resource Management Act.	Disallow
21-6	Jodie Bruning	Policy AQ P3 (e)	Oppose	The use of “avoid” in clause (e) is an inappropriately high threshold for a policy that is focussed on the management of discharges.	Disallow

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
21-7	Jodie Bruning	Policy AQ P3 – new clause	Oppose	Fonterra considers that this clause is unnecessary as the existing provisions seek that air discharges are managed (which would include consideration of other environmental domains including soil and water), and the existing sections of the plan already manage soils, marine and freshwater ecosystems.	Disallow
51-5	Nga Potiki Resource Management Unit	Policy AQ P3	Oppose	Fonterra supports the intent of this submission point; however Fonterra is concerned with use of “avoid” in provisions as it has significant consequences in a post King Salmon context. There are a number of ways to manage the effects of discharges rather than avoiding them.	Disallow
68-6	Ngati Ranginui Iwi Society Inc	Policy AQ P3	Oppose	Fonterra supports the intent of this submission point; however Fonterra is concerned with use of “avoid” in provisions as it has significant consequences in a post King Salmon context. There are a number of ways to manage the effects of discharges rather than avoiding them.	Disallow
37-15 37-16 37-17	Oji Fibre Solutions Limited	Policy AQ P4	Support	For the reasons outlined in Oji Fibre Solutions’ submission and Fonterra’s submission.	Accept in Part
7-6	Western Bay of Plenty District Council	Policy AQ P4	Oppose	This submission seeks that “established” be removed – the reference would be for all sensitivities rather than established sensitive activities. Fonterra does not consider this to be appropriate from a reverse sensitivity perspective.	Disallow
22-5	Waste Management New Zealand	New Policy – Reverse Sensitivity	Support	For the reasons outlined in Waste Management New Zealand and Fonterra’s submissions it is appropriate that new provisions be introduced relating to reverse sensitivity. Further discussion is required regarding the most appropriate provisions to manage reverse sensitivity.	Accept in Part
58-6	Horticulture New Zealand	New Policy – Reverse Sensitivity	Support	For the reasons outlined in Horticulture New Zealand and Fonterra’s submissions it is appropriate that new provisions be introduced relating to reverse sensitivity. Further discussion is required regarding the most appropriate provisions to manage reverse sensitivity.	Accept in Part

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
76-7	Federated Farmers of New Zealand	New Policy – Reverse Sensitivity	Support	For the reasons outlined in Federated Farmers submission and discussed in the original Fonterra submission. There needs to be recognition in PC 13 that the effects on existing and consented activities from reverse sensitivity need to be avoided. Further discussion is required regarding the most appropriate provisions to manage reverse sensitivity.	Accept in Part
51-10	Nga Potiki Resource Management Unit	Rule AQ R3	Oppose	Fonterra supports the intent of this submission. However, for the reasons outlined in Fonterra’s submission a permitted activity status is appropriate for these activities. The effects of these activities can be appropriately managed through performance standards such that a controlled activity status is not necessary.	Disallow
11-1	Waikato Regional Council	New Definitions – Offensive or Objectionable	Support in Part	For the reasons outlined in the Waikato Regional Council’s submission. Further discussion is required around the appropriate wording of any definition.	Accept in Part
33-18	Ballance Agri-Nutrients Ltd	New Definitions – Offensive or Objectionable	Support in Part	For the reasons outlined in Ballance Agri-Nutrients submission. Further discussion is required around the appropriate wording of any definition.	Accept in Part
76-37	Federated Farmers of New Zealand	New Definitions – Offensive or Objectionable	Support	For the reasons outlined in the Federated Farmers submission there should be a definition for “Offensive or Objectionable” in the Plan. Further discussion is required around the appropriate wording of any definition.	Accept in Part
58-5	Horticulture New Zealand	New Definitions – Offensive or Objectionable	Support	For the reasons outlined in Horticulture NZ’s submission. Further discussion is required around the appropriate wording of any definition.	Accept in Part
76-38	Federated Farmers of New Zealand	Definitions - Fertiliser	Support	For the reasons outlined in the Federated Farmers submission.	Accept Submission
50-16	Ravensdown Limited	Definitions – Intensive Farming	Support	For the reasons outlined in Ravensdown’s submission. Further discussion is required on the appropriate wording for this definition.	Accept in Part

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
8-7	Jon Burchett	Definitions – Noxious and Dangerous	Oppose	Any changes to the definition of noxious and dangerous has wider implications for the provisions of PC13, including the rules. Fonterra does not support the proposed amendments to this definition.	Disallow
19-18	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	Definitions – Sensitive Activity	Support in Part	For the reasons outlined in the submission of Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd.	Accept in Part
19-18	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	New Definition – Reverse Sensitivity	Support	Fonterra supports the inclusion of a definition of reverse sensitivity and that it be amended in line with this submission (recognising the potential impacts from the intensification of sensitive activities). Further discussion is required regarding the appropriate wording for the proposed definition.	Accept in Part
58-11	Horticulture New Zealand	New Definition – Localised Air Quality	Support in Part	For the reasons outlined in Horticulture New Zealand's submission. Further discussion is required regarding the appropriate definition.	Accept in Part
58-38	Horticulture New Zealand	New Methods – Reverse Sensitivity	Support	For the reasons outlined in Horticulture New Zealand's submission. Further discussion is required regarding the most appropriate methods for recognising reverse sensitivity.	Accept Submission
76-12 76-13 76-14	Federated Farmers of New Zealand	New Methods – Reverse Sensitivity	Support	For the reasons outlined in the Federated Farmers submission. Further discussion is required regarding the most appropriate methods for recognising reverse sensitivity.	Accept Submission