

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

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To: Bay of Plenty Regional Council

Attn: The Chief Executive

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Submitter: Port of Tauranga – Submitter #67

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A detailed further submission is attached.

The Port of Tauranga Limited (PoT) represents a relevant aspect of the public interest, and also has an interest in Proposed Plan Change 13 (Air Quality) to the NRP that is greater than the interest held by the general public.

Port of Tauranga **does** wish to be heard in support of its further submission, and should others make a similar further submission, Port of Tauranga will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.

Date: 31 July 2018



Signed on behalf of Port of Tauranga Limited

Section	Submission point reference	Submitter name	Support / oppose	PoT's reasons for support/opposition
AQ New Objective	21-2, 21-3, 21-4	Jodie Bruning	Oppose	PoT opposes this submission because it introduces a further objective that specifies outcomes relating to water and soil, which falls outside the identified scope of the Air Plan
AQ New Objective	37-18, 45-4, 58-12, 76-3	Oji Fibre Solutions, Fonterra Ltd, Horticulture NZ, Federated Farmers of NZ	Support	The submissions identified all recognise that PC13, as notified, does not provide for any enabling provisions. PoT support the inclusion of such an enabling provision.
AQ01	17-1, 19-1, 26-1, 37-2, 45-1, 68-1	Tauranga Moana Fumigant Action Group, Z energy, BP Oil NZ Ltd and obil Oil NZ Ltd, Rotorua Lakes Council, Oji Fibre Solutions, Fonterra Ltd, Ngati Ranginui Iwi Society.	Oppose	All of these submission points refer to retaining Objective AQ01 as notified. PoT request the Objective is amended as per its original submission.
AQ01	36-18	Mercury NZ Ltd	Support	This submission point requests that Objective AQ01 refers to significant adverse effects, and echoes submission point 67-2 made by PoT in its original submission.
AQ02	17-2, 19-2, 26-2, 37-3, 45-2, 68-1,	Tauranga Moana Fumigant Action Group, Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Rotorua Lakes Council, Oji Fibre Solutions, Fonterra Ltd, Ngati Ranginui Iwi Society.	Oppose	All of these submission points refer to retaining Objective AQ02 as notified. PoT request the Objective is amended as per its original submission.

Section	Submission point reference	Submitter name	Support / oppose	PoT's reasons for support/opposition
AQ03	17-3, 26-3, 31-1, 36-4, 37-4, 50-7, 66-3, 68-3	Tauranga Moana Fumigant Action Group, Rotorua Lakes Council, Tauranga Moana – Te Arawa ki Takutai Partnership Forum, Mercury NZ, Oji Fibre Solutions, Ravensdown Ltd, First Gas Ltd, Ngati Ranginui Iwi Society Inc	Support	These submissions all seek for Objective AQ03 to be retained as notified, and broadly reflect the original submission made by PoT.
AQ03	7-2	WBOPDC	Oppose	<p>WBOPDC state that the use of the word “managing” is an action which does not specify a desired outcome. They go on to state that the word “protect” should be used in lieu of it.</p> <p>PoT disagree with this reading of proposed Objective AQ03, and oppose the submission. When read as a whole, this objective establishes that the discharge of contaminants should be managed in line with the anticipated adverse environmental effects. It implies a management approach which is befitting the scale and significance of any adverse effect.</p> <p>Inserting the word “protect” into this objective alters the meaning of the said objective.</p>
AQP1	36-5, 30-2	Mercury NZ Ltd, Trustpower	Support	The submission identifies that the current rule framework (as notified) does not align with the proposed policy, as all industrial or trade activities are assigned a Discretionary Activity status irrespective of their likely nature and scale of adverse effects. This echoes submission point 67-5 from PoT's original submission.
AQP2	21-5	Jodie Bruning	Oppose	PoT opposes this submission, and seeks that Policy AQP2 is amended as per its original submission.

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AQP2	31-2	Tauranga Moana Te Arawa ki Takutai Partnership Forum	Oppose	PoT opposes this submission as it suggests that where the discharge of hazardous substances cannot be avoided they shall be considered non-complying. This is limiting to trade and industrial operations and does not align with the RMA wording of 'avoiding, remedying or mitigating' environmental effects of an activity.
AQP2	51-4	Nga Potiki Resource Management Unit	Oppose	PoT opposes this submission to delete 'best practicable option' from the objective, and seeks that Policy AQP2 is amended as per its original submission.
AQP2	19-5, 22-1, 26-5, 33-5, 68-5	Z Energy Limited, Waste Management NZ, Rotorua Lakes Council, Balance Agri-Nutrients Ltd, Ngati Ranginui Iwi Society Ltd	Oppose	All of these submission points refer to retaining Policy AQP2 as notified. PoT request the policy is amended as per its original submission.
AQP3	21-16	Jodie Bruning	Oppose	PoT opposes this submission as it is outside the scope of an air plan.
AQP3	13-2	Gray Southon	Oppose	PoT opposes this submission. The proposed plan specifically identifies that it is not intended to address greenhouse gases or climate change on Page 1.
AQP3	8-11, 8-12, 8-13, 10-13, 10-14, 17-4, 17-12, 22-3, 31-3, 69-3, 69-8	Jon Burchett, Toi Te Ora Public Health, Tauranga Moana Fumigant Action Group, Waste Management Nz, KiwiRail Holdings Ltd	Oppose	All of these submission points refer to retaining Policy AQP3 as notified. PoT request the policy is amended as per the original submission.
AQP3(a)	37-7, 45-7	Oji Fibre Solution, Fonterra Ltd	Support in part	PoT supports the intent of these submissions, which identify the potential implications of requiring adverse effects to be avoided post- <i>King Salmon</i> . PoT opposes the policy wording proposed in these submissions however, and

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				seeks that the relief instead reflects the wording proposed in its original submission.
AQP3(d)	37-14	Oji Fibre Solution	Oppose	PoT opposes this submission as the suggested amended policy calls for protection of regionally significant infrastructure, rather than avoidance of adverse effect on regionally significant infrastructure. Protection which would be difficult to implement and measure and open to interpretation.
AQP3(e)	8-1	Jon Burchett	Oppose	PoT opposes this submission. Both the BOPRC Air Plan and the RMA are underpinned by a focus on environmental effects rather than what is or is not acceptable to landowners or occupiers. It is requested that the relief sought in this submission is rejected. As per PoT's original submission it is requested that AQP3(e) is deleted entirely.
AQP3(e)	21-6	Jodie Bruning	Oppose	PoT opposes this submission and requests that the relief sought in this submission is rejected. As per PoT's original submission it is requested that AQP3(e) is deleted entirely.
AQP3(e)	51-5, 68-6	Nga Potiki Resource Management Unit, Ngati Ranginui Iwi Society Inc	Oppose	PoT opposes these submissions as the suggested replacement word "avoid" is far more restrictive than the current wording of "minimise". It is requested that the relief sought in this submission is rejected. As per PoT's original submission it is requested that AQP3(e) is deleted entirely.
AQP9	17-6	Tauranga Moana Fumigant Action Group	Oppose	PoT opposes this submission. The removal of 'best practicable option' restricts any future options that may be more efficient than recapture technology.
AQR1	8-3, 26-26, 45-10, 51-9,	Jon Burchett, Rotorua Lakes Council, Fonterra, Nga Potiki Resource Management Unit	Oppose	All of these submission points refer to retaining Rule AQR1 as notified. PoT request Rule AQR1 is amended as per the original submission.

Section	Submission point reference	Submitter name	Support / oppose	PoT's reasons for support/opposition
AQR1(c)	19-8, 30-7, 33-9, 36-9, 37-9, 50-12, 63-4	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Trustpower Ltd, Balance Agri-Nutrients Ltd, Mercury NZ Ltd, Oji Fibre Solutions, Ravensdown Ltd, Silverfern Farms	Support in part	PoT supports the underlying premise of these submissions, which oppose the inclusion of Rule AQR1(c) as notified. This rule would capture all discharges from an industrial or trade premise as a Discretionary Activity, irrespective of the size, scale and effect of the discharge. PoT requests that Rule AQR1 is amended as per the original submission.
AQR1	68 -11	Ngati Ranginui Iwi Society Inc	Oppose	PoT opposes this submission as 'adequate setback' is undefined and may introduce unnecessary uncertainty and / or restrictions to industry.
AQR3	51-10	Nga Potiki Resource Management Unit	Oppose	PoT opposes this submission as the suggested amendment removes the permitted activity status of discharges to air from several industrial and commercial activities and makes the plan unnecessarily restrictive.
Definitions - Public Amenity Area	8-8	Jon Burchett	Oppose	PoT opposes this submission and suggests the inclusion of all public space in the definition of a public amenity area is unnecessarily inclusive, and may inadvertently capture public spaces such as road verges, walk ways etc.