

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

FS23

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

EMAIL: air@boprc.govt.nz

Name: Lawter New Zealand 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 ~~or do not~~ wish to be heard in support of my further submission.
[Delete as required]
2. If others make a similar submission I would ~~or would not~~ be prepared to consider presenting a joint case with them at any hearing.
[Delete as required]
3. I am:-
[Please tick one]
 - a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category.)
 - a person who has an interest in the proposal that is greater than the interest the general public has. (Specify upon what grounds you come within this category.)

On the following grounds: Lawter currently operate within the Mount Maunganui industrial area. The site currently holds resource consent to discharge contaminants to air, which are due for renewal at the end of 2019. The outcome of Proposed Plan Change 13 will have direct implication on Lawter in terms of operation.

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]: c/o Aurecon, PO Box 2292, Tauranga 3140

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Contact person: Romae Calland – Associate, Environment and Planning

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	Submitters name	Section Reference	Support/Oppose	Reason
33 - 1	Ballance Agri-Nutrients Limited	AQ O1	Support in part	<p>Lawter support the proposed amendment (only with regards to the definition of 'degraded') made to Objective AQ 01, however Lawter recommend changes to the way it is drafted.</p> <p>The current interpretation of the proposed amendments read as a double negative, and that plan users must seek to 'enhance' degraded air quality to such a degree where is 'does not meet national air quality requirements'.</p> <p>It should be noted that Lawter hold a neutral stance in terms of the remaining amendments recommended by submission 33 - 1.</p> <p>Decision sought: Either:</p> <ul style="list-style-type: none"> • amend the proposed objective as follows; '...and enhance air quality where degraded [insert: (where it does not meet national air quality standards)], or • amend the proposed objective as recommended by submission 50 - 5 and 76 - 1.
50 - 5	Ravensdown Limited	AQ O1	Support	<p>Lawter generally support the proposed amendment to AQ 01, as recommended by submission 50 - 5. Lawter seek clarity as to what the term 'degraded' means for them. The term needs to either;</p> <ul style="list-style-type: none"> • Be removed from objective AQ O1, or • Amended so guidance is provided for the purpose of the plan user. <p>Decision sought: Either;</p> <ul style="list-style-type: none"> • amend the proposed objective as recommended by submission 50 - 5 and 76 - 1; or • amend the proposed objective as follows; '...and enhance air quality where degraded [insert: (where it does not meet national air quality standards)].
76 - 1	Federated Farmers of New Zealand	AQ O1	Support	<p>Lawter support the amendment of AQ 01 as recommended by submission 76 - 1. The term 'degraded air quality' needs to be either clearly defined, or removed as it can be interpreted in different ways.</p> <p>Decision sought: Either:</p> <ul style="list-style-type: none"> • amend the proposed objective as follows; '...and enhance air quality where degraded [insert: (where it does not meet national air quality standards)], or • amend the proposed objective as recommended by submission 50 - 5 and 76 - 1.

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
33 – 2	Ballance Agri-Nutrients Limited	AQ O2	Support	Lawter support submission 33 – 2. Like any planning tool, national environmental standards are revised periodically to ensure that they represent best practice. Decision sought: Amend policy AQ P3(b) as recommended by submission 33-2.
67 - 3	Port of Tauranga	AQ O2	Oppose	Lawter consider that the proposed deletion (as recommended by submission 67 – 3) removes clear guidance as to what ambient clear quality should be, although notes the concerns made by Port of Tauranga. Lawter consider that an amendment should be made to objective AQ O2 to address Port of Tauranga's concerns. Decision sought: Amend objective AQ O2 as follows: 'and ambient air quality guidelines (2002) [insert: or any subsequent national environmental standards for air quality or ambient air quality guidelines].
19 - 3	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	AQ O3	Support	Lawter support the proposed amendment as recommended by submission 19 - 3. What might be considered as offensive or objectionable in a residential zone is likely to be completely different in an area which is zoned industrial. Objective AQ O3 should be tailored to manage the expectations of different 'local environments'. Decision sought: Amend objective AQ O3 as recommended by submission 19 – 3.
30 - 2	Trustpower Limited	AQ P1	Oppose	Lawter consider that the purpose of permitted activities are to enable activities which Council consider have acceptable levels of adverse effects on the environment. It is acknowledged that there are many industrial and trade activities which may have insignificant adverse effects, however these industrial or trade activities may cumulatively be contributing to the degradation of ambient air quality. It is also considered that discharges from industrial and trade activities cannot be suitably managed with general conditions, and therefore the current rule framework is consistent with what is drafted in Proposed Plan Change 13. Decision sought: Retain current list of policies as notified, unless submitted on by Lawter.
36 - 5	Mercury NZ Limited	AQ P1	Oppose	Lawter consider that the purpose of permitted activities are to enable activities which Council consider have acceptable levels of adverse effects on the environment. It is acknowledged that there are many industrial and trade activities which may have insignificant adverse effects, however these industrial or trade activities may

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
				<p>cumulatively be contributing to the degradation of ambient air quality. It is also considered that discharges from industrial and trade activities cannot be suitably managed with general conditions, and therefore the current rule framework is consistent with what is drafted in Proposed Plan Change 13.</p> <p>Decision sought: Retain current list of policies as notified, unless submitted on by Lawter.</p>
67 - 5	Port of Tauranga	AQ P1	Oppose	<p>Lawter consider that the purpose of this rule, and of permitted activities in general is to enable activities which Council consider have acceptable levels of adverse effects on the environment. It is acknowledged that there are many industrial and trade activities which may have insignificant adverse effects, however these permitted activities may cumulatively be contributing to the degradation of ambient air quality. On this basis, it is considered that discharges from industrial and trade activities cannot be suitably managed with general conditions, and therefore the current rule framework is consistent with what is drafted in Proposed Plan Change 13.</p> <p>Decision sought: Reject submission 67 – 5.</p>
30 - 3	Trustpower Limited	AQ P2	Neutral	<p>Lawter neither support or object to the proposed amendments recommended in submission 30 – 3. Lawter wish to be kept informed of the progression of this policy, as the term 'hazardous air pollutants' may adversely effect Lawter's operation.</p>
31 – 2	Tauranga Moana – Te Arawa ki Takutai Partnernship Forum	AQ P2	Oppose	<p>The wording of AQ P2 proposed in submission 31 – 2 may result in any activity which is unable to comply with the permitted activity rule defaulting to a Non-Complying Activity, even if the best practical option is successfully adopted (and subsequently effects being either remedied or mitigated).</p> <p>Decision sought: Retain policy AQ P2 as notified.</p>
67 - 6	Port of Tauranga	AQ P2	Neutral	<p>Lawter neither support or object the proposed amendments recommended in submission 67 - 6. Lawter wish to be kept informed of any progression of changes, as the term 'hazardous air pollutants' may adversely effect Lawter's operation.</p>
21 - 16	Jodie Bruning	AQ P3 (new clause)	Oppose	<p>Lawter oppose the creation of a new clause as recommended by submission 21 – 16. Freshwater has a number of different inputs from both point source and diffuse discharges. If there is an exceedance of the ANZECC guidelines, these sources of discharges should also be considered, not just those to air.</p> <p>Decision sought: Retain policy AQ P3 as notified, subject to changes suggested by Lawter.</p>

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
19 - 6	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	AQ P3(a)	Support	Lawter supports the amendments recommended by submission 19 - 6. The proposed amendments are in line with our previous comments on the matter (submission 19 – 3), to which discharges to air should be managed based on the receiving environment. Decision sought: Amend policy AQ P3(a) as recommended by submission 19 – 6.
30 - 4	Trustpower Limited	AQ P3(a)	Support in part	Lawter generally support the amendments made by submission 30 – 4. As notified, the current wording may prohibit discharges to air where adverse effects could be successfully remedied or mitigated, but not avoided. Decision sought: Amend policy AQ P3(a) so that: <ul style="list-style-type: none"> • Significant adverse effects on human health are avoided; and • All other adverse effects (including all other effects on human health) are managed (remedied or mitigated) accordingly.
36 - 7	Mercury NZ Limited	AQ P3(a)	Support	Lawter generally support the recommendation made in submission 36 – 7. The proposed wording of AQ P3(a) may prohibit discharges to air where adverse effects could be successfully remedied or mitigated, but not avoided. Decision sought: Amend policy AQ P3(a) as recommended by submission 36 - 7, and as supported by Lawter in other submissions.
37 - 7	Oji Fibre Solution	AQ P3(a)	Support in part	Lawter generally support the recommendation made in submission 37 – 7. The proposed amendment of AQ P3(a) is drafted more like an objective in terms of effects on human health (the outcome being to protect human health), but does not provide an action as to how human health is to be protected. Decision sought: amend policy AQ P3(a) so that: <ul style="list-style-type: none"> • Significant adverse effects on human health are avoided; and • All other adverse effects (including all other effects on human health) are managed (remedied or mitigated) accordingly.
45 - 7	Fonterra Limited	AQ P3(a)	Support in part	Lawter generally support the recommendation made in submission 45 – 7. The proposed wording does not provide for adverse effects on human health which are not 'significant'. It is Lawter's position that all effects on human health should be either avoided, remedied or mitigated. Decision sought: amend policy AQ P3(a) so that: <ul style="list-style-type: none"> • Significant adverse effects on human health is avoided; and • All other adverse effects (including all other effects on human health) are managed (remedied or mitigated) accordingly.

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
50 - 9	Ravensdown Limited	AQ P3(a)	Support in part	<p>Lawter generally support the recommendation made in submission 45 – 7 with regards to the notified wording of Policy AQ P3(a). The current wording does not provide for adverse effects on human health which are 'significant'. It is Lawter's position that effects on human health which are significant should be avoided.</p> <p>Decision sought: amend policy AQ P3(a) so that:</p> <ul style="list-style-type: none"> • Significant adverse effects on human health is avoided; and • All other adverse effects (including all other effects on human health) are managed (remedied or mitigated) accordingly.
67 – 7	Port of Tauranga	AQ P3(a)	Support in part	<p>Although Lawter supports the inclusion of 'remedy and mitigate' as recommended by submission 67 – 7, It is considered that industries should be aiming to address any adverse effects on human health, not just those which are considered to be 'significant'.</p> <p>Decision sought: amend policy AQ P3(a) so that:</p> <ul style="list-style-type: none"> • Significant adverse effects on human health are avoided; and • All other adverse effects (including all other effects on human health) are managed (remedied or mitigated) accordingly.
22 - 4	Waste Management Limited	AQ P3(b)	Oppose	<p>Lawter consider that the term 'contribute to' is clear in this context, and should be retained in policy AQ P3. discharges should be avoided if they cause an exceedance, or breach of the NESAQ or AAQG.</p> <p>Decision sought: Retain policy AQ P3 as notified, subject to changes suggested by Lawter.</p>
30 - 15	Trustpower Limited	AQ P3(b)	Oppose	<p>Lawter oppose the proposed amendment of Policy AQ P3(b) recommended by submission 30 - 15. Although it is acknowledged that there are going to be some activities which have negligible adverse effects on their own when compared to the NESAQ and AAQG, these 'negligible' activities can cumulatively contribute to the degradation of air quality.</p> <p>Decision sought: Retain policy AQ P3(b) as notified.</p>
36 - 20	Mercury NZ Limited	AQ P3(b)	Oppose	<p>Lawter oppose the proposed amendment of Policy AQ P3(b) recommended by submission 36 - 20. Although it is acknowledged that there are going to be some activities which have negligible adverse effects on their own when compared to the NESAQ and AAQG, these 'negligible' activities can cumulatively contribute to the degradation of air quality. It is also noted that the definition of 'airshed' involves an assessment of the entire Bay of Plenty region, which is inappropriate when assessing local air quality.</p> <p>Decision sought: Retain AQ P3(b) as notified.</p>

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
50 – 22	Ravensdown Limited	AQ P3(b)	Support	Lawter support the proposed amendment to Policy AQ P3(b). Like any planning tool, national environmental standards are revised periodically to ensure that they represent best practice. Changes to this policy should seek to provide for updated guidelines and relevant planning documents. Decision sought: Amend Policy AQ P3(b) to provide for updated resource management tools.
67 – 20	Port of Tauranga	AQ P3(b)	Oppose	Lawter oppose the amendments proposed in submission 67 – 20. The purpose of AQ P3(b) is to prevent cumulative effects caused by discharges, which on their own may be insignificant, however together could be contributing to the degradation of ambient air quality below NESAQ and AAQG guidelines. Decision makers should be taking cumulative effects into consideration. Decision sought: Retain policy AQ P3(a) as notified.
45 - 19	Fonterra Limited	AQ P3(d)	Support	Lawter support the inclusion of 'regionally significant industry' as recommended by submission 45 – 19, on the basis that a corresponding robust definition of regionally significant infrastructure and industry is included. Decision sought: Amend policy AQ P3(d) as recommended by submission 45-19, dependent on the inclusion of suitable definitions.
19 - 22	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	AQ P3(e)	Support	Lawter supports the amendments recommended by submission 19 - 22. The proposed amendments are in line with our previous comments on the matter (submission 19 – 3), to which discharges to air should be managed based on the receiving environment. Decision sought: Amend policy AQ P3(e) as recommended by submission 19 – 22.
21 - 6	Jodie Bruning	AQ P3(e)	Oppose	Lawter disagree that discharges beyond the boundary of a property should be outright avoided, and that instead it may be appropriate to minimise or mitigate. We consider that the discharge of contaminants should be appropriate for the relevant receiving environment. For example, air quality expectations in a residential zone are likely to be different in an area which is zoned industrial. Decision sought: Amend policy AQ P3(e) as recommended by submission 19 - 22 and as supported by Lawter in other submissions.
51 - 5	Nga Potiki Resource Management Unit	AQ P3(e)	Oppose in part	Although Lawter understand the intent behind the proposed amendments, we consider that the proposed amendments unfairly capture industries who have tall discharge stacks to prevent discharging contaminants onto neighbouring property. Lawter oppose the recommendation made by submission 51 - 5, however we consider this matter can be resolved through the inclusion of 'remedy or mitigate', as well as 'avoid'.

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				Decision sought: amend policy P3(e) as followed; 'avoid [insert –, remedy or mitigate] the discharge of...'
68 – 6	Ngati Ranginui Iwi Society Inc.	AQ P3(e)	Oppose in part	Lawter consider that the use of the word 'avoid' is too restrictive in this context, especially where effects outlined in AQ P3(e) can be remedied or mitigated successfully. Although Lawter oppose submission 68 – 6 in part, we consider this matter can be resolved through the inclusion of 'remedy or mitigate', as well as 'avoid'. Decision sought: Amend policy P3(e) as follows: 'avoid [insert – remedy or mitigate] the discharge of...'
8 - 1	Jon Burchett	AQ P3(e)	Oppose	Lawter oppose the proposed amendments recommended in submission 8 - 1. The amended policy provides a platform for submitters to prevent a discharge to air from occurring, even if the effects can be successfully minimised. Decision sought: Retain policy AQ P3(e) as notified subject to changes suggested by Lawter.
21 – 7	Jodie Bruning	AQ P4	Oppose	Lawter consider that the proposed clause in submission 21 – 7 is already addressed in AQ P3, which requires managing discharges through the use of the best practical option. Decision sought: Retain policy AQ P4 as notified.
58 - 4	Horticulture New Zealand	AQ P4	Support	Lawter support the proposed insertion of a clause on 'receiving environment' as recommended by submission 58 - 4. As discussed in earlier submissions, what might be considered as offensive or objectionable in a residential zone is likely to be completely different in an area which is zoned industrial. This should be taken into consideration by decision makers. Decision sought: Adopt a clause relating to 'receiving environment' to policy AQ P4, as recommended by submission 58 - 4.
50 - 25	Ravensdown Limited	AQ P4(b)	Support	Lawter support the proposed amendment to Policy AQ P4(e). Like any planning tool, national environmental standards are revised periodically to ensure that they represent best practice. Changes to this policy should seek to provide for updated guidelines and relevant planning documents. Decision sought: Amend Policy AQ P4(e) to provide for updated resource management tools.
19 - 7	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	AQ P4(e)	Support	Lawter supports the amendments recommended by submission 19 - 7. The proposed amendments are in line with our previous comments on the matter (submission 19 – 3), to which discharges to air should be managed based on the receiving environment.

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				Decision sought: Amend policy AQ P4(e) as recommended by submission 19 - 7.
45 - 8	Fonterra Limited	AQ P4(e)	Support in part	Lawter support in part the inclusion of 'regionally significant industry' as recommended by submission 45 - 8. A corresponding robust definition of regionally significant infrastructure and industry must be included. Decision sought: Amend policy AQ P4(e) as recommended by submission 45-8, dependent on the inclusion of suitable definitions.
36 - 27	Mercury NZ Limited	AQ P4(f)	Oppose	Lawter oppose the proposed amendment to clause (f) as proposed by submission 36 - 27. The insertion of 'significant' may omit smaller industries who are contributing to cumulative effects from being considered. Decision sought: Retain policy AQ P4(f) as notified.
33 – 7	Ballance Agri-Nutrients Limited	AQ P4(g)	Oppose	The matters raised in submission 33-7 is better addressed through the new reverse sensitivity objective promulgated in submission 33-4. Decision sought: Retain policy AQ P4(g).
36 - 26	Mercury NZ Limited	AQ P4(g)	Oppose	Lawter oppose the proposed amendments as recommended in submission 36 – 26. Both AQ P4(a) and (g) have distinct differences which result in different matters for council to consider. Clause (a) requires an assessment to be made of the proximity of sensitive activities from both new and existing discharges. Clause (g) requires all effects of new activities to be fully assessed (not limited to proximity only). Decision sought: retain AQ P4(g) as notified.
50 – 10	Ravensdown Limited	AQ P4(g)	Oppose	The matters raised in submission 50-10 is better addressed through the new reverse sensitivity objective promulgated in submission 33-4. Decision sought: Retain policy AQ P4(g).
66 - 6	First Gas Limited	AQ P4(g)	Oppose	Lawter oppose the proposed deletion of clause (g), as recommended in submission 66 - 6. Both AQ P4(a) and (g) have distinct differences which result in different matters for council to consider. Clause (a) requires an assessment to be made of the proximity of sensitive activities from both new and existing discharges. Clause (g) requires the effects of new activities to be fully assessed (not being limited to only proximity). Decision sought: Retain policy AQ P4(g) as notified.
7 - 6	Western Bay of Plenty District Council	AQ P4(g)	Oppose	Lawter oppose the proposed amendment recommended by submission 7 - 6. We consider that the purpose behind clause (g) is to restrict new discharges near sensitive activities that will result in greater cumulative adverse effects (and whether these cumulative effects will cause ambient air quality to be breached).

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
				<p>Meanwhile, clause (a) focuses primarily on reverse sensitivity effects, and the location of new and existing sensitive activities in relation to discharges to air.</p> <p>Decision sought: Retain policy AQ P3(g) as notified.</p>
19 - 8	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	AQ R1	Oppose	<p>Lawter oppose the proposed amendments recommended by submission 19 - 8. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13.</p> <p>Decision sought: Retain rule AQ R1 as notified.</p>
30 - 7	Trustpower Limited	AQ R1	Oppose	<p>Lawter oppose the proposed amendment recommended by submission 30 - 7. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13.</p> <p>Decision sought: Retain rule AQ R1 as notified.</p>
33 - 9	Ballance Agri-Nutrients Limited	AQ R1	Oppose	<p>Lawter oppose the proposed amendment recommended by submission 33 - 9. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that this does not take into consideration cumulative effects which may result from several different industrial and trade premises, which could cause the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13.</p> <p>Decision sought: Retain rule AQ R1 as notified.</p>
36 - 9	Mercury NZ Limited	AQ R1	Oppose	<p>Lawter oppose the proposed amendment recommended by submission 36 - 9. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this</p>

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				reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
37 - 9	Oji Fibre Solution	AQ R1	Oppose	Lawter oppose the proposed amendment recommended by submission 37 - 9. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
50 - 12	Ravensdown Limited	AQ R1	Oppose	Lawter oppose the proposed amendment recommended by submission 50 - 12. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
63 - 4	Silver Fern Farms Management Limited	AQ R1	Oppose	Lawter oppose the proposed amendment recommended by submission 63 - 4. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that this does not take into consideration cumulative effects which may result from several different industrial and trade premises, which could cause the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
67 - 8	Port of Tauranga	AQ R1	Oppose	Lawter oppose the proposed amendment recommended by submission 67 - 8. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this

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				reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
75 - 1	Swap Stockfoods Limited	AQ R1	Oppose	Lawter oppose the proposed amendment recommended by submission 75 - 1. Although it is accepted that some industrial and trade premises will discharge contaminants at 'less than minor' or 'de minimis' levels, we note that there is no way in knowing whether cumulative effects are occurring, which may result from several different 'permitted' discharges from industrial and trade premises. These discharges could contribute to the degradation of ambient air quality. For this reason, Lawter support the 'catch-all' approach with regards to industrial and trade facilities, which has been adopted in Proposed Plan Change 13. Decision sought: Retain rule AQ R1 as notified.
63 - 5	Silver Fern Farms Management Limited	AQ R2	Oppose	Lawter oppose the recommendation made by submission 63 - 5. As stated in our further submission relating to rule AQ R1, the 'catch-all' approach that has been adopted in Proposed Plan Change 13 ensures new industries and existing industries are held accountable of degraded air quality. Decision sought: Retain rule AQ R2 as notified.
76 - 17	Federated Farmers of New Zealand	AQ R2	Neutral	Although Lawter would generally like to retain rule AQ R2 as notified, we consider that a restricted discretionary rule may be appropriate. Lawter reserve the right to participate in further discussions regarding the development of rule AQ R2.
45 - 18	Fonterra Limited	Definition - Regionally Significant Industry	Neutral	Until a definition of 'Regionally Significant Industry' has been drafted for Plan Change 13, Lawter neither support or object this definition. Lawter wish to be kept informed of any progression of this definition.
19 - 18	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	Definition - Reverse Sensitivity	Support	Lawter support an amendment of the definition. Protection should be afforded from the potential impacts of the development, intensification and encroachment of sensitive activities near activities with discharges to air. Decision sought: Amend the definition of reverse sensitivity as recommended by submission 19 - 18.
54 - 3	Tauranga City Council	Definition - Risk Management	Neutral	Until a definition of 'Risk Management' has been drafted for Plan Change 13, Lawter neither support or object this definition. Lawter wish to be kept informed of any progression of this definition.
7 - 19	Western Bay of Plenty District Council	Definition - Sensitive Activity	Oppose	Lawter oppose the proposed amendments recommended by submission 7 - 19. The purpose of a definition is to provide an exact meaning of the subject matter. It

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
				is considered that the proposed amendments remove the clarity and meaning that is currently provided with this definition. Decision sought: Retain the definition of 'Sensitive activity' as notified.
74 – 12	Bay of Plenty Regional Council	Definitions – Emission Rate	Support	Lawter support the amended definition of 'Emission Rate'. Emission rate is a term used by Lawter to describe the rate of emission from their stacks. 'Emission Rate' doesn't also have to refer to particulates (i.e. in Lawter's case, this could refer to sodium dioxide). Decision sought: Amend definition of 'Emission Rate' as defined in submission 74 – 12.
74 – 16	Bay of Plenty Regional Council	Definitions – Reverse Sensitivity	Oppose	Although the definition of 'Reverse sensitivity' has not been used within the plan, it is something that plan users (including decision makers) will be considering when making assessments on new air discharge activities. Decision sought: Adopt the definition of 'Reverse sensitivity', either as drafted by council, or as amended by any supported submission in this document.
21 – 2	Jodie Bruning	New Objective	Oppose	Lawter consider that the proposed objective referenced in submission 21 – 2 is already addressed within Section 5, Part 2 of the Resource Management Act. Decision makers are already required to assess new and existing air discharges against the provisions of Part 2. Decision sought: Do not include additional objective.
21 – 3	Jodie Bruning	New Objective	Oppose	Lawter consider that the proposed objective referenced in submission 21 – 3 is already addressed within Section 5, Part 2 of the Resource Management Act. Decision makers are already required to assess new and existing air discharges against the provisions of Part 2. Decision sought: Do not include additional objective.
21 - 4	Jodie Bruning	New Objective	Oppose	Lawter oppose the proposed objective referenced in submission 21 - 4. It is considered that 'best international practice' may not represent local practice which could be better suited for the environment of the discharge. Council should instead adopt the 'best practical option', which is consistent with the Resource Management Act. Decision sought: Do not include additional objective.
37 - 1	Oji Fibre Solution	New Objective	Support in part	Lawter support the inclusion of a new objective which provides for the operational requirements of industries, infrastructure and rural production industries, however Lawter also consider that this should be limited to established activities.

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				Decision sought: amend, and adopt the objective proposed by submission 37 - 1 as follows; 'Competing demands [insert: of established activities] for the use of the air....'
45 - 24	Fonterra Limited	New Objective	Support	Lawter support the inclusion of a new objective which enables air discharges (as long as the effects are appropriately avoided, remedied or mitigated). Industries provide positive economic and social effects, which should be recognised. Decision sought: Adopt new objective as recommended by submission 45 – 24.
45 - 4	Fonterra Limited	New Objective	Support	Lawter support the inclusion of the proposed objective which enables air discharges (as long as the effects are appropriately avoided, remedied or mitigated). The operational requirements of industries should be recognised and provided for. Decision sought: Adopt new objective as recommended by submission 45 – 4.
58 - 12	Horticulture New Zealand	New Objective	Support	Lawter support the inclusion of an enabling objective as recommended by submission 58 - 12. The current plan does not provide such an objective, and therefore should be included as part of proposed plan change 13. Decision sought: Adopt new objective as recommended by submission 58 – 12.
76 - 3	Federated Farmers of New Zealand	New Objective	Support	Lawter support the inclusion of a new objective which enables discharges to air that are appropriate for their zone. Discharges to air from industries should be retained within industrial zones. Decision sought: Adopt new objective as recommended by submission 76 – 3.
33 – 4	Ballance Agri-Nutrients Limited	New Objective – Reverse Sensitivity	Support	Lawter support submission 33 – 4. Mount Maunganui Industrial Area is an example of industrial zoned land being located close to sensitive activities. Existing industries which rely on frequent discharges to air should be provided a degree of protection from reverse sensitivity effects. Decision sought: Adopt an objective as recommended by submission 33-4.

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
21 - 11	Jodie Bruning	New Policy	Oppose	Lawter consider that the proposed amendments recommended in submission 21 - 11 are already provided for in policy AQ P3, and the implementation of the best practical option. Decision sought: Retain current list of policies as notified, unless submitted on by Lawter.
22 – 5	Waste Management Limited	New Policy	Support	Lawter support a proposed policy as recommended by submission 22 – 5. Lawter consider that a policy on reverse sensitivity should be included as part of Proposed Plan Change 13. Decision sought: Adopt a policy as recommended by submission 22 – 5.
27 - 2	GBC Winstone	New Policy	Oppose	Lawter oppose a policy which enables unquantified permitted air discharges from industrial and trade activities. It is acknowledged that there are some activities that could be generating adverse effects, which on their own may be insignificant, however together could be contributing to the degradation of ambient air quality. Decision sought: Do not include additional policy.
45 - 9	Fonterra Limited	New Policy	Support	Lawter support a proposed policy as recommended by submission 45 – 9. Lawter consider that a policy on reverse sensitivity should be included as part of Proposed Plan Change 13. Decision sought: Adopt a policy as recommended by submission 45 – 9.
19 – 21	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	New Provisions – Reverse Sensitivity	Support	Lawter support further provisions within Plan Change 13 which will manage reverse sensitivity effects. Industries should be protected from the potential impacts of development and intensification of sensitive activities near industries which require frequent discharges to air. Decision sought: Adopt additional provisions as recommended by submission 19 – 21.
27 - 1	GBC Winstone	New Rule	Oppose	Lawter oppose the inclusion of a new rule which permits unquantified minor discharges from any industrial or trade activities. Although we acknowledge that effects from such facilities may not cause effects that are 'minor, or more than minor', we note that this does not take into consideration cumulative effects which may result from several different permitted air discharges, which could cause effects that are 'minor or more than minor'.

Submission Number	Submitters name	Section Reference	Support/Oppose	Reason
				<p>Such an example is the Mount Maunganui Industrial Area, where discharges to air from industrial activities have resulted in cumulative adverse effects, and subsequently has caused the degradation of ambient air quality.</p> <p>Decision sought: Do not include additional Rule.</p>