

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

FS26

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

EMAIL: air@boprc.govt.nz

Name: Western Bay of Plenty District Council

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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:

I am: A person who has an interest in the proposal that is greater than the interest the general public has as a Territorial Local Authority.

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

Private bag 12803, Tauranga Mail Centre, Tauranga 3143

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

Matthew Leighton, Senior Policy Analyst

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	Submitter Name	Section Reference	Support/Oppose	Reasons
36-18	Mercury NZ Ltd PO Box 445 Hamilton 3240	AQ 01	Support in part	<p>The principle behind the submission is supported, and recognition that some discharges are acceptable is beneficial in the objectives.</p> <p>However, the addition of the word 'significant' is opposed. It would reduce the scope of the Air Plan and reduce its effective application. It is suggested that 'more than minor' may be more suitable words to include.</p>
33-6	Balance Agri-Nutrients Ltd Private Bag 12 503 Tauranga Mail Centre Tauranga 3143	AQ P3(c)	Support	<p>The inclusion of the phrase 'more than minor' would recognise that some levels of adverse effects may be warranted and accept that decisions on the trade-offs between uses is necessary.</p>
10-15	Toi Te Ora Public Health PO Box 2120 Tauranga 3140	AQ P4 – whole policy	Oppose	<p>The suggested amendment is opposed. AQ P4(e) requires regard to 'The effect of the discharge on human health....'. It is felt that this is sufficient and the additional detail sought by the submitter is unnecessary, and risks weakening the policy.</p> <p>To include the consideration of "the ability of the population to take steps to avoid the exposure" is not only hard to understand or monitor, but risks reducing the onus placed on a person discharging to air and moving to those that may be effected.</p>

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
74-1	Bay of Plenty Regional Council PO Box 364 Whakatane 3158	AQ P4 – whole policy	Support	The suggested amendment addresses the ambiguity that arose around the use of the term 'plan users'. The amendment is supported.
76-43	Federated Farmers of New Zealand PO Box 447 Hamilton 3240	AQ P4(b)	Support in part	The intent of the amendment sought is supported in part. Recognition that particular zones have different acceptable discharges is beneficial. However, introducing different requirements for rural and urban zones may be confusing and difficult to implement. The Air Plan would need to define rural and urban zones (WBOPDC have already raised concerns with the Air Plan trying to define urban property) or specify which city or district plan zones would be considered rural or urban zones (for example, how would WBOPDC's rural-residential zone be considered). The request also doesn't take into account that acceptable discharges of odour, smoke or dust in a rural zone may affect nearby urban zones.
12-1	NZ Defence Force c/- Tonkin & Taylor PO Box 2083 Wellington 6140	AQ P5	Support	The inclusion of 'emergency response' in AQ P5 is supported and addresses the need for controlled burns in response to emergency situations.

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
30-6	Trustpower Ltd Private Bag 12023 Tauranga 3143	AQ P8	Support	Recognition that agrichemical spraying may be required with close proximity to and in some cases directly to water bodies is supported.
26-26	Rotorua Lakes Council Private Bag 3029 Rotorua 3046	AQ R1	Support	Retain the rule as proposed.
51-10	Nga Potiki Resource Management Unit c/- Arthur Flintoff Unit 6, 34 Gravatt Road Fashion Island Papamoa	AQ R3 – whole rule	Oppose	Whilst we recognise Nga Potiki concern driven by kaitiakitanga, we do not think the suggested amendment will offer a workable response. Changing the discharges from Permitted to Controlled will place a significant cost and unnecessary administrative burden on many routine activities, without providing any corresponding benefit.
69-6	KiwiRail Holdings Ltd PO Box 593 Wellington 6140	AQ R4(a)	Support	Clarity around the rule regarding 'rail vehicles' is welcomed.

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
63-7	Silver Fern Farms Management Ltd PO Box 941 Dunedin 9054 (Attn. Group Environmental)	AQ R4(b)	Support in part	<p>Allowing the discharge of contaminants (generally odour) from in transit stock movements is supported, were it is a transient effect.</p> <p>We note that there are other similar activities that produce similar effects (such as the transportation of fertilisers, animal feed and bio-solids between sites). It is suggested that the suggested amendment be expanded to address such cases.</p> <p>Clarity as to the activity status of items not explicitly listed in the plan is sought, and if such activities would become controlled.</p>

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
32-2	Agcarm 111 The Terrace Wellington	AQ R15 – whole rule	Oppose	<p>Whilst it is acknowledged that rule AQ R15 is very detailed, the suggested amendment does not appear to deliver on the objectives of the plan.</p> <p>As a particularly common activity, the rules around agrichemical spraying need to be clear on what is permitted.</p> <p>There is no reasoning provided as to why the HSNO Act, label instructions and/or the New Zealand Standards Management of Agrichemicals NZS 8409:2004 would provide a better solution, or if it would clarify what is permitted. It is felt that there may be a risk that some of the issues currently addressed through proposed AQ R15 would be overlooked.</p>
54-6	Tauranga City Council Private Bay 12022 Tauranga 3143	AQ R15 – whole rule	Support	Some restructuring of the rule is supported in so far as it will aid clarity and usability.
54-32	Tauranga City Council Private Bay 12022 Tauranga 3143	AQ R15(5)	Support in part	Deletion of the words 'potentially affected parties' will prevent confusion with 'affected persons'. However, it is suggested that 'potentially affected parties' be replaced with 'any other party'. This would provide clarity that it is not just BOPRC that are able to request a spray risk management plan.

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
54-7	Tauranga City Council Private Bay 12022 Tauranga 3143	AQ R16	Support in part	<p>The suggested amendment is supported. As TCC and ourselves both carry out similar functions, we share the same concern.</p> <p>Further consideration to allowing the use of small quantities of di-isocyanates or organic plasticisers to be a permitted activity, given the large number of products that use these, is sought. It is suggested that R14 of the Greater Wellington Regional Council Regional Air Quality Management Plan may form a suitable model.</p>
18-2	New Zealand Transport Agency PO Box 13055 Tauranga Central Tauranga 3141	Definition – Public Amenity Area	Support	Walkways and cycleways in the road reserve, and the road reserve itself should not be considered as public amenity areas. The generally transient nature of use and means that the public are unlikely to congregate for extended periods of time. This will help address in part the concerns raised through our submission (submission number 7-12).

Submission number	Submitter Name	Section Reference	Support/Oppose	Reasons
71-6	Timberlands Ltd PO Box 1284 Rotorua 3040	Definition – Public Amenity Area	Oppose	The restriction of public amenity areas to solely areas of public ownership is not supported. There are multiple sites that are not in public ownership, but should still be considered public amenity areas (for example privately owned sports fields). This is of particular importance to ensure they are fully considered through AQ P4(g).