

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

FS30

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

EMAIL: air@boprc.govt.nz

Name: Swap Stockfoods Limited

[Full name of the person or organisation making the submission]:

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** wish to be heard in support of my further submission.
2. If others make a similar submission I **would** be prepared to consider presenting a joint case with them at any hearing.
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:

Submitter on Plan Change 13

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 c/- AECOM, PO Box 13161, Tauranga, 3141

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Contact person: Ariell King – Principal Planner

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 <i>[Submission number of original submission as shown in the "Summary of Decisions Requested" report]</i>	Submitter Name <i>[Please state the name and address of the person or organisation making the original submission as shown in the "Summary of Decisions Requested" report]</i>	Section Reference <i>[Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposed plan change]</i>	Support/Oppose	Reasons <i>[State in Summary the nature of your submission giving clear reasons]</i>
45 - 24	Fonterra Ltd	AQ 0X – New objective	Support	Agree that an objective should be included that provides for activities discharging to air where significant adverse environmental effects can be avoided, and other effects can be appropriately remedied or mitigated
37-18	Oji Fibre Solution	New objective	Support	Agree that the plan change should provide an objective that provides for the operational requirements of activities, including heavy industry, other location specific industry, infrastructure, rural production activities and mineral extraction activities.
45 - 4	Fonterra Limited	New objective	Support	Agree that the plan change should provide an objective that provides for the operational requirements of activities, including heavy industry, other location specific industry, infrastructure, rural production activities and mineral extraction activities.
58 - 12	Horticulture New Zealand	New objective	Support	Agree that an objective should be provided which enables discharges of contaminants to air where the potential for adverse effects can be managed through the application of best practice.
76 - 3	Federated Farmers of New Zealand	New objective	Support	Agree that an enabling objective should be provided
27 - 2	GBC Winstone	New policy	Support	This submission supports the submitter's original submission in providing for discharges to air from industrial and trade activities as permitted activities, where their potential effects are known and mitigations can demonstrate that effects are managed to specified acceptable levels.

30 - 4	Trustpower Ltd	AQ P3 (a)	Support	Support the inclusion of "avoid, remedy and mitigate" in terms of consistency with the RMA.
67 - 7	Port of Tauranga	AQ P3 (a)	Support	Support the inclusion of "remedy and mitigate significant" in terms of consistency with the RMA.
50 - 23	Ravensdown Ltd	AQ P3 (c)	Support	Support the inclusion of "remedy and mitigate" in terms of consistency with the RMA.
33 - 6	Ballance AgriNutrients Ltd	AQ P3(d)	Support	Support the addition of "more than minor" in terms of adverse effects on regionally significant infrastructure. This provides for discharges where the effects can be shown to be less than minor.
36 - 21	Mercury NZ Ltd	AQ P3(d)	Support	Support the intent of the addition to provide a level of effect in terms of the potential effects of discharges on regionally significant infrastructure.
50 - 24	Ravensdown Ltd	AQ P3(d)	Support	Support the intent of the addition in terms of consistency with the RMA.
58 - 46	Horticulture New Zealand	AQ P3(d)	Support	Support the intent of the addition to provide a level of effect in terms of the potential effects of discharges on regionally significant infrastructure.
66 - 5	First Gas Ltd	AQ P3(d)	Support	Support the intent of the addition to provide a level of effect in terms of the potential effects of discharges on regionally significant infrastructure.
67 - 21	Port of Tauranga	AQ P3(d)	Support	Support the intent of the addition to provide a level of effect in terms of the potential effects of discharges on regionally significant infrastructure.
37 - 15	Oji Fibre Solution	AQ P4 - new clause	Support	Support the inclusion of (h) The operational requirements of the discharging activity, and any locational constraints to which it is subject, particularly heavy industry, infrastructure and rural production activities. This addition acknowledges the area where these activities are located and an understanding that a discharge to air is required and is suitable in that particular location. It also recognises that in some cases these areas may have a lower level of amenity due to the types of activity and industry that already exist.

37 - 17	Oji Fibre Solution	AQ P4 - new clause	Support	Support the inclusion of the FIDOL (frequency, intensity, duration, offensiveness and location) for determining the adverse effects in relation to dust and odour]
45 – 20	Fonterra Ltd	AQ P4 - new clause	Support	Support including an additional matter to be considered as suggested by the submitter “(h) the utilisation of the best practicable option for emission control and management practices that are appropriate to the scale of the discharge and potential adverse effects”.
45 – 21	Fonterra Ltd	AQ P4 - new clause	Support	Support including an additional matter to be considered as suggested by the submitter “(i) The extent to which the air discharge and associated activities may provide for economic or social wellbeing”.
45 - 23	Fonterra Ltd	AQ P4 - new clause	Support	Support including an additional matter to be considered as suggested by the submitter “(k) The FIDOL factors (frequency, intensity, duration, offensiveness and location) for determining the adverse effects in relation to dust and odour”.
66 – 18	First Gas Ltd	AQ P4 - new clause	Support	Support including an additional matter to be considered as suggested by the submitter “(g) Benefits created by the discharge”.
10 – 15	Toi te Ora Health	AQ P4 - whole policy	Oppose	Swaps Stockfoods does not support the inclusion of the proposed provisions. The proposed policy already includes a requirement to consider the effect on human health and the environment (which by definition under the RMA includes people and communities). At the time that resource consent is sought this will require the applicant to demonstrate the effects on human health in consideration of the relevant discharge standards.
45 - 8	Fonterra Ltd	AQ P4(e)	Support	Support the inclusion of (e) The effect of the discharge on human health,- cultural values, amenity values, the environment, and regionally significant infrastructure [insert and regionally significant industry.]
33 - 7	Ballance AgriNutrients Ltd	AQ P4(g)	Support	Support the amendment of AQ P4 as proposed by the submitter: (g) [delete the effect of new activities discharging contaminants into air near established sensitive activities] [insert any reverse sensitivity effects, including the need to ensure that the operational requirements of lawfully existing business and industrial activities are not unduly impinged by the encroachment of sensitive activities.]
19 - 8	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	AQ R1	Oppose	The proposed addition is not supported. In some instances a discharge may meet the standard in terms of quality but may occur beyond the boundary and would therefore not be a permitted activity.
30 - 7	Trustpower Ltd	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.

33 - 9	Ballance AgriNutrients Ltd	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
36 - 9	Mercury NZ Ltd	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
37 - 9	Oji Fibre Solution	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
50 - 12	Ravensdown Ltd	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
58 - 24	Horticulture New Zealand	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission. Clarification should be provided as to how 'offensive and objectionable' will be assessed.
63 - 4	Silver Fern Farms Management Ltd	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
67 - 8	Port of Tauranga	AQ R1	Support	Support is provided as the submission is consistent with the intent of Swap Stockfoods original submission.
76 - 16	Federated Farmers of New Zealand	AQ R1	Oppose	Swap Stockfoods do not support the retention of clause (c) as outlined in our submission.
30 - 13	Trustpower Ltd	AQ R21 - whole rule	Support	If the proposed plan change is amended to include a more specific definition of "industrial and trade premise" and this activity gets included under AQ R21 as a discretionary activity this would potentially remove the opportunity for any activity to be considered permitted.
19 - 17	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
33 - 17	Ballance AgriNutrients Ltd	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
36 - 15	Mercury NZ Ltd	Definitions - Noxious or dangerous	Oppose	Swap Stockfoods oppose deleting the definition for noxious or dangerous.
45 - 17	Fonterra Ltd	Definitions - Noxious or dangerous	Oppose	Swap Stockfoods oppose deleting the definition for noxious or dangerous.

48 – 9	Lawter New Zealand Ltd	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
50 - 18	Ravensdown Ltd	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
54 - 21	Tauranga City Council	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
66 - 11	First Gas Ltd	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
67 - 17	Port of Tauranga	Definitions - Noxious or dangerous	Oppose	Swap Stockfoods oppose deleting the definition for noxious or dangerous.
74 - 15	Bay of Plenty Regional Council	Definitions - Noxious or dangerous	Support	Support a definition for 'noxious or dangerous' being retained in the plan change. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition. Support deleting "allergic reactions" from the definition.
11 - 1	Waikato Regional Council	Definitions - Offensive or objectionable	Support	Support for the provision of a definition for offensive or objectionable. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
33 - 18	Ballance AgriNutrients Ltd	Definitions - Offensive or objectionable	Support	Support for the provision of a definition for offensive or objectionable. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
58 5	Horticulture New Zealand	Definitions - Offensive or objectionable	Support	Support for the provision of a definition for offensive or objectionable. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.

76 – 37	Federated Farmers of New Zealand	Definitions - Offensive or objectionable	Support	Support for the provision of a definition for offensive or objectionable. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
19 -18	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	Reverse sensitivity	Support	Support the provision of a definition for reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
19 – 21	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
22 - 5	Waste Management New Zealand	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
33 - 4	Ballance AgriNutrients Ltd	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
33 – 19	Ballance AgriNutrients Ltd	Reverse sensitivity	Support	Support the provision of a definition for reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
45 - 9	Fonterra Ltd	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
48 - 14	Lawter New Zealand Ltd	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
50 - 19	Ravensdown Ltd	Reverse sensitivity	Support	Support the provision of a definition for reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
58 - 6	Horticulture New Zealand	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.

58 – 38	Horticulture New Zealand	Reverse sensitivity	Support	Support the provision of a method to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the method.
63 – 2	Silver Fern Farms Management Ltd	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
63 - 11	Silver Fern Farms Management Ltd	Reverse sensitivity	Support	Support the provision of a definition for reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the definition.
74 – 16	Bay of Plenty Reginal Council	Reverse sensitivity	Oppose	Support the inclusion of reverse sensitivity in the proposed plan change including the provision of policies, methods and a definition.
76 – 5	Federated Farmers of New Zealand	Reverse sensitivity	Support	Support the provision of policies to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the policies.
76 – 12	Federated Farmers of New Zealand	Reverse sensitivity	Support	Support the provision of a method to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the method.
76 - 13	Federated Farmers of New Zealand	Reverse sensitivity	Support	Support the provision of a method to manage reverse sensitivity. Swap Stockfoods would like the opportunity to be involved in the discussions regarding the proposed wording of the method.

Note: A copy of your submission must be served on the original submitter within 5 working days after making this further submission