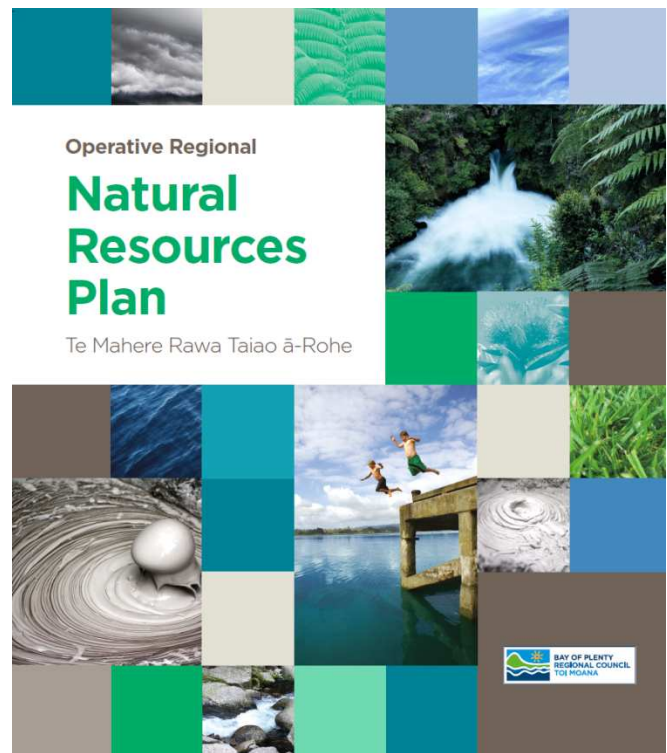




Consequential changes resulting from Proposed Plan Change 13 (Air Quality) to the Operative Bay of Plenty Regional Natural Resources Plan



Consequential Changes to the Regional Natural Resources Plan

The text on this page is explanatory only and is not included as part of the Consequential Changes.

Notes:

1. Consequential changes to the Operative Bay of Plenty Regional Natural Resources Plan are shown in track changes – red underlined text for new content, and ~~red text with strikeout~~ for deleted content.
2. Changes recommended by the Section 42A Report are shown in track changes – green underlined text for new content, and ~~green text with strikeout~~ for deleted content.
3. Explanatory text within the document that does not form part of the change is shown **[in bold blue with parentheses]**.
4. Only pages and sections that have consequential changes are included. If a page or section is not included there are no consequential changes to that page or section.
5. The consequential changes included in this document are open for comment as part of the submission process on Plan Change 13 (Air Quality) and should be read in conjunction with the Plan Change.
6. Consequential changes will have headers, footers, and page numbers of the pages that they are incorporated into. They are not shown in this document.

Bay of Plenty Regional Council
PO Box 364
Whakatane
New Zealand

Strategic Policy Publication 2008/06
ISSN 1176 4112

BAY OF PLENTY REGIONAL NATURAL RESOURCES PLAN

Formerly the Bay of Plenty Regional Water and Land Plan

1 December 2008

Plan Change 8 (Groundwater Bores and Flooding Conditions)
incorporated on 2 March 2010

Amended 28 June 2011 as required by National Policy Statement for
Freshwater Management 2011

Amended 8 October 2014 as required by National Policy Statement for
Freshwater Management 2014

Amended 14 September 2017 for reformatting

Plan Change 13 (Air Quality) incorporated on [date to be inserted]

Bay of Plenty Regional Council

[Global change – will be changed for every occurrence within the Plan once the Plan Change is made operative]

~~Operative Regional Air Plan~~ [Air Quality Chapter](#)

[Reader Guidance – Page 2]

AQ Air Quality: ~~no current content.~~ [Provisions to manage the discharge of contaminants to air. This chapter relates to section 15 of the Resource Management Act 1991.](#)

[Reader Guidance Page 4]

List of Abbreviations and Acronyms

| | |
|----------------------------------|---|
| AAQGs | Ambient Air Quality Guidelines 2002 |
| Act/The Act | Resource Management Act 1991 |
| AEP | Annual Exceedance Probability |
| CSC | Comprehensive Stormwater Consents |
| Regional Council | Bay of Plenty Regional Council |
| IFIM | Instream Flow Incremental Methodology |
| IMFR | Instream Minimum Flow Requirement |
| Kilowatt (kW) | an energy level of 1,000 watts. |
| LTP | Long Term Plan |
| MALF | Mean Annual Low Flow |
| Megawatt (MW) | an energy level of 1,000,000 watts or 1,000 kilowatts. |
| µg/m³ | micrograms per cubic metre and is a mass per volume measurement of concentration of a substance in air. A microgram is one millionth (10⁻⁶) of a gram. |
| NERMN | Natural Environment Regional Monitoring Network |
| NESAQ | Resource Management (National Environmental Standards for Air Quality) Regulations 2004 or the National Environmental Standards for Air Quality and its amendments. |
| NZTA | New Zealand Transport Agency |
| OSET Plan | On-Site Effluent Treatment Regional Plan |
| PM_{2.5} | Particulate matter less than 2.5 micrometres in diameter |
| PM₁₀ | Particulate matter that is less than 10 micrometres in diameter |

| | |
|------------------------|-------------------------------------|
| RHYHABSIM | River Hydraulic Habitat simulation |
| The/this regional plan | Regional Natural Resources Plan |
| TLI | Trophic Level Index |
| <u>TSP</u> | <u>Total suspended particulates</u> |
| WMA | Wetland Management Agreement |

[\[Reader Guidance Page 5\]](#)

Guide to Regional Rules

Activities under this regional plan are permitted, controlled, restricted discretionary, non-complying, discretionary or prohibited. A permitted activity is allowed without a resource consent if it complies with all the conditions specified in the rule. A controlled, restricted discretionary, discretionary, activity is allowed only if a resource consent is obtained for that activity. A prohibited activity will not be allowed in the region, and no resource consent will be granted in respect of that activity.

[\[Reader Guidance Page 8 – add to table\]](#)

| <u>Air Quality</u> | |
|---|---------------------------------------|
| <u>General Activities</u> | <u>AQ R1, AQ R2</u> |
| <u>Miscellaneous Discharges from Disposal of Liquid Waste, Ventilation of Storage Containers, Use of Fertiliser, Disturbance of Land, Contaminated Land Remediation</u> | <u>AQ R3</u> |
| <u>Vehicles and Roads</u> | <u>AQ R4</u> |
| <u>Venting of Geothermal Gas and Steam</u> | <u>AQ R5</u> |
| <u>Open burning</u> | <u>AQ R6, AQ R7, AQ R8, AQ R9</u> |
| <u>Burning of specific material</u> | <u>AQ R10</u> |
| <u>Solid fuel burners (Domestic Heating)</u> | <u>AQ R11, AQ R12, AQ R13, AQ R14</u> |
| <u>Agrichemical spraying</u> | <u>AQ R15</u> |
| <u>Spraypainting and Abrasive Blasting</u> | <u>AQ R16, AQ R17</u> |
| <u>Fuel Burning Equipment (Boilers)</u> | <u>AQ R18</u> |
| <u>Intensive Farming</u> | <u>AQ R19</u> |
| <u>Fumigation for Quarantine Application or Pre-shipment Application</u> | <u>AQ R20</u> |
| <u>Industrial and Commercial Activities</u> | <u>AQ R21</u> |

Scope of Plan

Spatial Coverage

The regional plan covers all the area within the Bay of Plenty Regional Council boundary, as seen in Map 1. ~~excluding the Coastal Marine Area. The air quality provisions in this regional plan apply to the Coastal Marine Area while the land and water provisions of this regional plan exclude the Coastal Marine Area.~~ The Bay of Plenty Regional Coastal Environment Plan has defined the boundary between the Coastal Marine Area and the land/freshwater zone. This boundary often extends upstream into the mouths of rivers.

Resource Coverage

The regional plan covers the following natural and physical resources in the Bay of Plenty:

- (a) Air (including air in the Coastal Marine Area)
- (b) Land (including soil);
- (b) Water (including rivers, streams, lakes, wetlands, modified watercourses and groundwater);
- (c) Geothermal resources in the Bay of Plenty, excluding geothermal resources covered by the Rotorua Geothermal Regional Plan¹; and
- (d) Physical resources associated with the use of water resources (e.g. structures in, on, under or over the bed of a river, stream or lake).

Some areas of brackish water may be included in the resource coverage of this regional plan due to the extent of the spatial coverage.

Issue Coverage

This regional plan addresses issues relating to management of the environmental effects of the use and development of **air**, land, water and geothermal resources that are within the scope of the Regional Council's functions and responsibilities under the Act (refer to Table 1 for an explanation). This regional plan does not include issues that are addressed by the Regional River Gravel Management Plan, or the Rotorua Geothermal Regional Plan. Where the discharge from an on-site effluent treatment system requires a resource consent under the On-Site Effluent Treatment Regional Plan ('OSET Plan'), the activity will be assessed in accordance with the OSET Plan and the relevant provisions of this regional plan.

¹ Environment Bay of Plenty, 1999. Rotorua Geothermal Regional Plan.

Purpose of Plan

The purpose of this regional plan is to achieve the following aims (refer to Figure 1 for illustration):

- (a) Promote the sustainable management of air, land, water and geothermal resources.
- (b) Achieve the integrated management of air, land, water and geothermal resources.
- (c) Maintain or improve environmental quality in the Bay of Plenty region.
- (d) Protect existing high quality environments and resources.
- (e) Protect sensitive receiving environments, including human health.
- (f) Sustain the life-supporting capacity of air, soil, water and ecosystems.
- (g) Maintain or enhance the ecological, Maori cultural, recreational, natural character and landscape values of air, land, water and geothermal resources.
- (h) Establish appropriate environmental standards to achieve (c) to (f). This includes ensuring instream minimum flow requirements are maintained in rivers and streams.
- (i) Address the adverse environmental effects of the use and development of land, water and geothermal resources, and the discharge of contaminants to air.
- (j) Allow for the use and development of land, water and geothermal resources, and the discharge of contaminants to air where it is consistent with (a) to (g).
- (k) Enable people and communities to provide for their social, economic and cultural wellbeing, while achieving (a) to (i).
- (l) Work with communities to promote community participation and interest in the management of natural and physical resources in the Bay of Plenty region.

Role of the Bay of Plenty Regional Council under the Act

The functions of regional councils are specified in section 30 of the Act. This gives the Regional Council primary responsibility to control use and development activities for the purposes of soil conservation, maintaining or enhancing water quality, maintaining and enhancing aquatic ecosystems, maintaining water quantity, ~~and~~ avoiding or mitigating natural hazards, and controlling the discharge of contaminants into or onto land, air, or water and discharges of water into water. Section 13(2)(b) of the Act gives regional councils the ability to control the disturbance, removal, damage or destruction of aquatic plants and the habitats of aquatic plants and animals in the bed of a river or lake. The Regional Council also has obligations to uphold matters specified in Part 2 (section 5 to 8) of the Act. The Act also gives regional councils other environmental management functions, such as monitoring (section 35), development of regional plans (Part 5), resource consents (Part 6), and enforcement (Part 12).

[Introduction Page 8]

| Section 30 of the Act | Bay of Plenty Regional Council responsibilities | Other agencies who have responsibilities |
|---|--|--|
| Section 30(1)(f) – control of discharges to the environment | <p>Objectives, policies, methods and rules in regional plans. This relates to activities specified in section 15 of the Act (discharge of contaminants to air, discharge of contaminants to water or land, and discharges of water to water).</p> <p>Regional council permits discharges relative to the risk on:</p> <ul style="list-style-type: none">• Soil conservation.• Maintenance and enhancement of water quality.• Maintenance of water quantity.• Maintenance and enhancement of aquatic ecosystems.• Avoidance or mitigation of natural hazards.• Maintenance and enhancement of air quality. <p>Part 2 matters are considered when a resource consent is required.</p> | |

[Introduction Page 9 – to be inserted underneath section Management of Land and Water Resources under the Act]

Management of Air Resources under the Act

Discharges of contaminants to air are managed by Section 15 of the Act. The level of management depends on whether the discharge is from industrial or trade premises, or from other sources (Section 15(1)(c) of the Act).

Discharges to air from industrial or trade premises cannot be carried out unless expressly allowed by a national environmental standard, a rule in a regional plan, or managed by a resource consent (Section 15(2A) of the Act). This regional plan contains rules to permit discharges from industrial or trade premises or in the Coastal Marine Area subject to standard conditions to avoid, remedy or mitigate adverse effects on air.

Discharges to air from other sources are permitted provided they do not contravene a national environmental standard or a regional rule. This regional plan contains rules to permit the discharge of contaminants to air where the adverse effects are minor or acceptable and the risk of adverse effects is low. Other rules allow the Regional Council to assess the adverse effects of activities on a case by case basis through the resource consent process.

This regional plan cannot duplicate, or be in conflict with a national environmental standard unless the standard expressly allows this. This regional plan must also give effect to any national policy statement and to the Regional Policy Statement.

[Definitions of Terms – changes to definitions shown below in track changes]

Agrichemical any substance, whether organic or inorganic, manufactured or naturally occurring, modified or in its original state, that is used in any agricultural, pastoral, horticultural or related activity, to eradicate, modify or control ~~undesirable~~ flora and fauna. For the purposes of this regional plan, ~~this definition~~ includes agricultural compounds, ~~and but~~ excludes fertiliser, vertebrate pest control products and oral nutrition compounds.

Contaminant *includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that by itself or in combination with the same, similar, or other substances, energy, or heat:*

- (a) *when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or*
- (b) *when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.*