Mount Maunganui Air Quality Working Party - Agenda

 Thursday 9 September 2021, 9am to 10.30am

Via ZOOM

**Chair:** Graeme Marshall

**In attendance:** Councillor Matemoana McDonald, Councillor Paula Thompson (BoPRC); Commissioner Shadrach Rolleston, Commissioner Bill Wasley (TCC); Dominic Adams, Charlie Bourne (Ballance Agri-nutrients), Hayden Henry (Ngāi Tukairangi); Dan Kneebone, Joey McKenzie (Port of Tauranga); Craig Duxfield, Jodi Langbien (Lawter); Dudley Clemens (J. Swap Contractors), Aroha Kopae (Ngāti Kuku), Aubrey Wilkinson (TMFAG); Joel Ngatuere (Whareroa), Emma Jones, Heidi Hughes (Clear the Air Mt Maunganui); , Lindsey Webber (WBPHO); Mark Proctor; Bridget Robson; Mark Hollands (Waste Management); Kate Barry-Piceno (TMFAG); Don Hammond (STIMBR); Katherine Lay (MfE); Jessica Somerville (BoPRC)

**Guest Speakers:** Reuben Fraser (BoPRC); Jo Gascoigne (MfE).

**Support:** Sarah Omundsen, Reece Irving (BoPRC); Barbara Dempsey (TCC)

**Apologies:** Kiri Peita (WBPHO); Ashley Hart (Lawter); Emily Gudsell (TCC); Pete Chandler, Jim Miller (DHB)

**Note:** Mount Maunganui College environment group representative has been invited to participate in the Working Party. This group has declined the invitation.

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| Timing | Agenda Item | Notes |
| 09:00am | Welcome / KarakiaGeneral BusinessAdopt Terms of Reference | Accept Minutes of previous meetingGeneral Business questions received via emailBased on final circulated draft |
| 09:15am | Report on identified actions | Taken as read |
| 09:25am | Jo Gascoigne / Katherine LayMinistry for the Environment | Update on Ministry initiatives regarding air quality |
| 09:45am | Reuben FraserConsents Manager BoPRC | Notifying consents – the RMA process |
| 10:00am | Moving forward | Future of the Working Party |
| 10:15am | Meeting close | Next meeting: week of 8 November |

**Actions and Decisions Register – tasks to complete**

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| **Action** | **Agency** | **Completed** |
| Updated Terms of Reference circulated with this agenda. To be adopted at the 5 August Working Party hui. | BoPRC | Circulated with Agenda |
| Send a letter to MfE outlining they are an important partner in the Air Quality Working Party and their attendance at future meetings is considered a requirement for meaningful engagement. Ministry to present at next hui. | BoPRC | Letter sent and response received |
| TCC to give a presentation on National Planning Standards at a future Working Party meeting. | TCC | To be confirmed. |
| BoPRC shows consents that are active, when they are coming up for renewal and where they are located. | BoPRC | Spreadsheet circulated with Agenda |
| Working Party to be provided monitoring information from BoPRC and industry. | BoPRC / Industry | BoPRC data circulated with Agenda |
| Ballance will report to the Working Party at the next meeting as to the outcomes of the Industrial Network discussions. | Ballance | Carried over |

**Progress report on seven identified actions**

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| Zoning | Assessment of what best practice looks like for industrial zoning using recent examples in mixed use areas (such as Tauriko) | TCC |
| Health | Understand the contaminants being discharged in the Airshed which may be harmful to health, and ensure GPs in the area understand the risks | DHB & BOPRC |
| Consents | Look into the feasibility of placing a moratorium on consents until cumulative impacts are better understood | TCC & BOPRC |
| Social license | Bring industry together and develop social license charter with the community | Led by Ballance |
| Monitoring | Specific site based monitoring to better understand discharge sources, potentially delivered through an industry owned fund | Led by Ballance |
| New rules for the Airshed | Set fit for purpose air discharge rules in the Airshed that ensure people and the environment are safe | BOPRC |
| Hearing panels | Ensure hearing panels for consents and plan changes include health professionals and cultural experts | TCC & BOPRC |

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| **ZONING** |
| **Action**: Provide an assessment of what best practice looks like for industrial zoning using recent examples in mixed use areas (such as Tauriko) |
| **Why**: There has been a maturity around industrial planning in other cities, can the standards in the Mount be the same as other areas?  | **Who**: Janine Speedy, Tauranga City Council |
| **When**: December 2021 |
| **Current update:**As requested by Joel in the meeting on 18 May, Tauranga City Council staff have met with Whareroa Marae to provide an overview of the City Plan Review project and workshop issues and options.A further request was made by J Swap to meet for Tauranga City Council to provide an overview of the City Plan Review. Workshops were held on the week starting 5 July with key stakeholders on key issues and options for the City Plan Review. Workshops were held on the week starting 12 July with tangata whenua on key issues and options for the City Plan Review.Tauranga City Council are still waiting on direction from central government on the Resource Management reforms.  |
| **Previous Update to Working Party 18 May:**Tauranga City Council has commenced the review of the Tauranga City Plan. The City Plan Review has identified 5 key phases. Phases 1 and 2 are currently underway which are research and investigation and issues and options. Phase 3 will be extensive consultation on the proposed approach Council is taking to the rule frameworks and spatial application of zones. Council are required to notify the proposed City Plan by April 2024 to meet the National Planning Standards (Phase 4). The final phase is hearings and appeals.  Central Government released the National Planning Standards in May 2019 to improve the efficiency and effectiveness of the planning system. The National Planning Standards include standardised definitions and noise/vibration metrics relevant to the Industrial chapter. The National Planning Standards also provide for Light Industrial, General Industrial and Heavy Industrial zones to be included in the Industrial Chapter. The Special Purpose Zone includes a Port Zone. While the National Planning Standards provide the purpose of these zones, the rule framework is for each Council to work through. In October 2020, SmartGrowth resolved through the Managers Group that a Business Land Framework for the Western Bay of Plenty sub region that would inform the SmartGrowth Joint Spatial Plan and the WBOPDC and TCC district plan reviews, which includes industrial land. The framework is being prepared over two stages. Stage 1 being to assess the current state and challenges and Stage 2 will consider the future state and application of zones. Stage 1 is currently underway where staff are considering the business land across WBOPDC and TCC. This includes understanding current zones, what is required through the National Planning Standards and research of other councils across the country. Once there is an understanding of what each zone will provide for (and not provide for) there will be a spatial planning exercise to investigate the spatial application of these zones. This will be an iterative process as the team work through these phases. Through the implementation of the industrial chapter there will also be consideration of the integration of the Hazardous Substances chapter of the proposed City Plan. It is noted that the recent central Government announcement will repeal the Resource Management Act and introduce three new pieces of legislation. The Natural and Built Environments Act will be requiring one combined plan across the Bay of Plenty region. This has raised the question of whether Tauranga City Council should continue with the City Plan Review when the new legislation will require one combined plan. Council will be following the preparation of the Natural and Built Environments Act closely including the transitional provisions. |

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| **HEALTH** |
| **Action**: Understand the contaminants being discharged in the Airshed which may be harmful to health, and ensure GPs in the area understand the risks |
| **Why**: There is an educational role of DHB/Regional Council to provide information to the public and workers about health issues that may arise from air quality in the Mt Maunganui Airshed. The DHB needs to ensure GPs are aware of these issues as well in order to better record and notify any health effects.  | **Who**: Cat Lochore, Toi te Ora & Reece Irving, Bay of Plenty Regional Council |
| **When**: Complete |
| **Current Update**:1. Toi te Ora has now advised GPs in the area
2. Regional Council’s latest Air Quality Monitoring Report outlines the contaminants being monitored and where they exceed guidelines and limits. Report circulated at a prior meeting.
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| **CONSENTS** |
| **Action**: Look into the feasibility of placing a moratorium on consents until cumulative impacts are better understood |
| **Why**: There is a lot of work under way looking at the regulatory framework, including the investigation into managed retreat, and the community has asked whether it is appropriate to continue issuing land use and discharge consents before we know what the outcome of this work is.  | **Who**: Dan Smith, Tauranga City Council & Reuben Fraser, Bay of Plenty Regional Council |
| **When**: COMPLETE |
| **Update**:Fact sheet prepared and circulated.**Outcome:** The Resource Management Act makes no provisions for the consenting authority to not process consents. As such, a moratorium would be unlawful if it were imposed by the consent authority rather than volunteered or agreed to by consent applicants. |

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| **SOCIAL LICENSE** |
| **Action**: Bring industry together and develop social license charter with the community |
| **Why**: Industry needs to come together to understand what social license means to them, what are the issues, what they can do to improve the environment, what the short and long term solutions are and put pressure on each other. | **Who**: Industry – led by Charlie Bourne & Dominic Adams, Ballance |
| **When**: XX |
| **Update**:Representatives of Mount Maunganui industry have now met twice as the Industrial Network group on 20 May and 23 June 2021. During the first meeting the concept of social licence was discussed, and all agreed that we want to engage with our community and reduce our impact on our neighbours while improving our environment for all. Everyone is very keen to help improve air quality in the area.A smaller sub-group has also been formed to help develop and progress ideas in-between the main meetings with findings then reported back to the group. One of the items being developed by the sub-group is a group charter aimed at clarifying the intent of the group and defining the members who will be actively involved in progressing initiatives.The next sub-group meeting is planned to be held in early August and the next main group meeting is currently planned for late August.At the last main group meeting, the opportunity to take part in environmental enhancement projects in the area as well as the PPIS (People & Plants in Schools) scheme was tabled. The group considered these but at that time the consensus was that due to the main concern with air quality issues at present, resources and time should be focused on initiatives that can directly address that. |

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| **MONITORING** |
| **Action**: Specific site based monitoring to better understand discharge sources, potentially delivered through an industry owned fund. |
| **Why**: More site specific information is needed to help understand the ambient air quality issues, but recognise many industries do not have the resources to do that. Further, there needs to be a co-ordinated approach. What type of monitoring, for what duration, using what equipment, with what defined criteria, who will report on the findings of the monitoring? | **Who**: Industry – led by Charlie Bourne & Dominic Adams, Ballance |
| **When**: XX |
| **Update**:The group is keen to establish some air monitoring and options for locations and parameters have been discussed at length. We are currently awaiting a proposal from WaterCare (who provide and maintain both the Regional Council’s AQ monitors as well as Ballance’s). The proposal will include providing solar powered and fully secured units to help reduce problems associated with locations confined by availability of a power source and being in a secure yard area. We are currently looking into monitoring SO2, PM10 and VOC’s (volatile organic compounds). We are also looking into options for capturing dust samples alongside these monitors to then submit these to a laboratory for analysis to help determine potential sources of the nuisance dust already noted to be affecting residents’ properties in the Mount area. |

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| **NEW RULES FOR THE AIRSHED** |
| **Action**: Set fit for purpose air discharge rules in the Airshed that ensure people and the environment are safe |
| **Why**: The current regulatory framework isn’t working. New rules are needed to ensure air quality improves and to set a new threshold for new industrial activities | **Who**: Mark Hamilton, Bay of Plenty Regional Council |
| **When**: Draft provisions shared for feedback by December 2021 |
| **Update**:*In mid-2019, the Regional Council responded to central government concerns about air quality around the Mount Maunganui Industrial area. The Council referred to its recently expanded air quality monitoring network, and noted the intention to seek the establishment of a Mount Maunganui Airshed to act as an air quality management area, for which new plan provisions would be developed.*These new provisions will help inform a proposed plan change to manage odour and particulate emissions to air within the Mount Maunganui Airshed and are intended to guide consents officers, resource consents applicants and regulatory compliance staff in relation to activities with discharges to air.The plan drafting process is at a stage where new pre-draft provisions have been researched and are being put through an ongoing process of shaping and discussion by Council staff. This allows a useful, legible, plan framework to be presented as an initial draft to key stakeholders for informal consultation, which can then further refined at the plan change notification and formal submission stage. We’re particularly aware of the very strong interest held by industry, tangata whenua and community in air quality matters within the Airshed, and the eagerness of all groups to have their say. As such, informal consultation with the key stakeholders will occur prior to the plan change being notified so that key figures get to consider and contribute to our draft ideas as part of the proposed Plan Change process.There are several external factors that will also have a bearing on the drafting and eventual structure of the plan change:* The bulk solid material handling rule of PC 13 is under appeal in the Environment Court, so PC 18 must be mindful of the Court’s decision and what that might mean for this new plan change to ensure that activity is covered appropriately within the overall Natural Resources Plan.
* The National Environmental Standards for Air Quality (NESAQ), which include minimum standards for specific contaminants to air, is due to be updated near the end of 2021. One possible change is the standard for particulate matter changing from PM10 to the finer fraction PM2.5. The implications of such a change would need to be considered in combination with PC 18.
* The repealing and replacement of the Resource Management Act (RMA). It’s not yet apparent what the legislation to replace the RMA will require in terms of plan changes, and the plans themselves, but the new legislation could well become part of the PC 18 process. However, we’ll continue to adhere to the RMA until the replacement legislation is introduced.

So while PC 18 is being worked on, the provisions are still at a pre-draft stage. However, they will give us a framework for our key stakeholders to examine and make comment on. Given that PC 13 is still under appeal, the formation of PC 18 will be mindful of the outcome of that process, as well as amendments to the NESAQ and the replacement of the RMA. |

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| **HEARING PANELS** |
| **Action**: Ensure hearing panels for consents and plan changes include health professionals and cultural experts |
| **Why**: The potential effects on human health are not being considered through the processing of district and regional consents, particularly with cumulative effects in mind.  | **Who**: Dan Smith, Taranga City Council and Reuben Fraser, Bay of Plenty Regional Council |
| **When**: COMPLETE |
| **Update**:Regional and District Councils consider different aspects of the environment. Each Council appoints Qualified Commissioners with a range of expertise relevant to the application. For example the potential impact on cultural values would mean Council would appoint a Commissioner with expertise in this area. There are no matters regulated by the City Council that would require the appointment of a health expert to the hearings panel.For Regional Council, unfortunately there are no Qualified Commissioners with health expertise. In any case, the most important aspect is making sure that decision-makers are fully informed rather than being experts, which means health effects need to be part of the assessments required through the consenting process. **Outcome:**Regional Council will ensure that an assessment of health effects is included in relevant consent applications. |