Minutes of the
Mount Maunganui Air Quality Working Party

 Wednesday 22 February 2023, 09:00am to 11:30am

**Chair:** Graeme Marshall

**In attendance*:*** Commissioner Bill Wasley (TCC); Beau Cowdrey-Woods; (Ballance Agri-nutrients); Tony Clark, Jodi Langbien (Lawter); Dudley Clemens (J Swap); Jim Miller, Cat Lochore (Toi Te Ora); Owen West (MfE); Mark Hamilton (BoPRC); Joel Ngatuere (Whareroa); Joey McKenzie (Port of Tauranga); David Phizacklea, Carl Lucca (TCC); Rosie Kelway (Clear the Air)

**Presentations & Speakers:** Nigel Tutt (Priority One); Will Bamford (Waka Kotahi); Karen Parcell (BOPRC)

**Support:** Reuben Fraser, Reece Irving (BoPRC); Sarah Omundsen (TCC)

**Apologies:** Heidi Hughes (retired); Emma Jones (Clear the Air); Jess Andrew (Waka Kotahi); Dominic Adams (Ballance Agri-nutrients); Kiri Petia, Lindsey Webber (WBOP PHO); Dan Kneebone (Port of Tauranga); Councillor Matemoana McDonald, Councillor Paula Thompson (BoPRC); Commissioner Shadrach Rolleston (TCC); Shvonn Cunningham (Lawter), Nicole Smith, Kate Barry‑Piceno (TMFAG)

**Meeting Goals** - Gather information, maintain momentum, get answers, and drive actions. Get clarity and visibility on issues and actions; hold those responsible for air quality to account. Continue to seek ways to work collaboratively.

**Opening Karakia** – Joel Ngatuere

**Welcome and over-view of meeting; introduction to new faces with round table –** Chair Graeme Marshall

**General Business**

**Formalities**

Tabling and acceptance of previous meeting minutes as a true and accurate account

**Actions carried over:**

The Cruise line Industry Association (CLIA) has been contacted regarding presenting on the air quality impact of cruise lines at the Port of Tauranga at the next meeting.

**Q:** Could council give a summary showing whether there is any relationship to cruise ship visits and elevated SO2 detected in the airshed over the period of the latest cruise ship season?

**A:** BoPRC can collate SO2 data from the Rata Street monitoring station covering the current cruise ship season and present this to the Working Party.

**Support to community organisations**

A meeting was held between TCC/BoPRC and community organisation representatives to discuss how they can best be supported to represent the community on air quality issues. A number of options were explored, including appointing a paid advisor which would require a report to go before councils to get approval. Other suggestions were made including the way in which we share information and will be confirmed as to what is most appropriate with the community groups.

**Telephone survey undertaken by TCC**

TCC confirmed that staff had undertaken a telephone survey as part of their Chapel Street Wastewater Plant resource consent. The aim of the survey is to check in with residents to hear if they have concerns about odour / pollution impacts in the area.

**Air Quality Health Impact Study – Toi Te Ora**

Presentation of this study to assess the impacts of airborne contaminants on human health has been carried over as the final report is still being peer reviewed. Jim Miller gave a synopsis of the brief given to the external consultants who undertook the study, the questions they were asked to investigate. Until the peer review has been completed and the report finalised, its findings cannot be released.

**Presentation: - Outcomes of industrial survey undertaken on Mount businesses - Nigel Tutt, Priority One**

**(Appendix 1)**

The Priority One (P1) presentation outlined a recent survey undertaken on businesses in the Mount Maunganui Airshed which asked businesses to evaluate their environmental impact, determine whether they were operating under best practice conditions, determine what short-term wins could be put in place to improve the Mount industrial area environment and ascertain whether the Mount Industrial area was the most suitable area for businesses to continue operating.

Priority One is an independent agency tasked with growing the economy of the Bay of Plenty (with a focus on Tauranga and the Western Bay areas). It is separate from councils however Tauranga City and Western Bay District councils outsource most of their economic development activity to P1. The Mount Maunganui industrial area is amongst the three most important and developed industrially zoned areas in New Zealand, containing over 830 businesses operating on some of the highest value industrial land in the region providing direct employment to more than 12,000 people. P1 assesses around 42 of these businesses as having a high environmental impact, based on activity type and consents held.

P1 believes there is a need to promote the development of an Environmental Accord between businesses operating in the Mount area and addressing key issues such as methyl bromide use and odours.

**Q&A**

**Q:** How does the work of P1 tie in with the work being undertaken by TCC to develop the Mount Maunganui Spatial Plan?

**A:** There will be a tie in as the work being undertaken by P1 is looking at the long-term longevity and development of business in the Mount Industrial area, and whilst the TCC Spatial Plan is primarily concerned with residents and residential development, the future needs of industry are an equally important part of long-term planning and development. P1 is part of the Spatial Plan reference group working to ensure dots are connected between the various projects being undertaken.

**Statement:** Both business and residents lack knowledge and resource to be part of the many different forums in place to support for future planning in Mount Maunganui. Ideally, agencies should be working together to avoid having many different forums which often discuss the same issues with the same people.

**Q:** When will the P1 industrial survey work be completed?

**A:** Expected to be finalised in April.

**Q:** What are the quick wins that have been identified?

**A:** Tree planting and street scape beautification (Note: BoPRC surveyed 400 businesses during industrial audits in early 2022 to determine the capacity and willingness of business owners to have boundary planting undertaken. Most business premises either did not have suitable land available, it was fully sealed, covered in buildings or used for parking; or had no will/capacity to look after plants in the ground – watering, weeding, general maintenance. Many dead saplings were observed in areas that had been previously planted and neglected). Street scape beautification can have positive human health impacts, trees in particular make people feel better about themselves.

**Q:** Has there been any discussion with businesses about moving to more suitable locations?

**A:** Most businesses asked this question do not want to move as their current location provides easy access to the Port or major through roads which is why they have chosen to set up in the location they are in.

**Request:** Could P1 be involved in re-invigorating the Mount Industrial Network? P1 agreed it is possible for them to become more involved.

**Toi Te Ora statements**

* The perception that the problem is bigger than the reality. The community needs to be presented the facts to be able to make a judgement.
* Degraded air quality impacts on human health. This is a fact.
* Exceedances are not the human health issue; it is the exposure to general air pollution levels even if they are at levels below the guidelines.
* You often don’t see air pollution however this does not mean it is not present and not having an impact.
* The air-shed could lose its polluted status, but the fact the area is so intensely industrialised means the air-shed needs to remain and monitoring needs to also remain, even if the area does not remain “polluted”.
* One previous study has been undertaken, there is no argument that poor air quality is going to impact on human health, possibly to a level of smoking or obesity.

All the agencies (Toi Te Ora, BoPRC, TCC) need to be better linked up to make collective decisions based on data and facts.

**Presentation: Connecting Mount Maunganui – William Bamford, Waka Kotahi NZ Transport Agency**

**(Appendix 2)**

The presentation gave an update on a previous Waka Kotahi presentation regarding the business case being developed to increase and improve traffic flow and transport choices through the Mount Industrial area, with a focus on Hewletts Road and Totara Street. Over 170 scenarios were condensed into eight options, which after engagement with stakeholders will be shortlisted to four for final consideration. It was emphasised this is a multi-year project with physical groundworks at least 18 months away and the project running for up to 10 years before completion. Currently Waka Kotahi is trying to identify the widest range of solutions to suit the widest range of user groups with a focus on thru traffic as well as linking up the multitude of dead-end cul-de-sacs that run off Totara Street and Hull Road. A focus will be on mode-shift in transport use. The public can sign up for regular updates on development progress at: [nzta.govt.nz/CMM](https://urldefense.com/v3/__https%3A/aus01.safelinks.protection.outlook.com/?url=https*3A*2F*2Fwww.nzta.govt.nz*2Fprojects*2Fconnecting-mount-maunganui*2F&data=05*7C01*7Cwilliam.bamford*40nzta.govt.nz*7Cd06517b52d7d40f81a4308dacb492833*7C7245e48ca9ff4b2898ef05cfa8edb518*7C0*7C0*7C638045812311571031*7CUnknown*7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0*3D*7C3000*7C*7C*7C&sdata=STWWuueNZZc9NEiKUSTpJm6NCV5NAzBD8zn2YL*2F1Ft4*3D&reserved=0__;JSUlJSUlJSUlJSUlJSUlJSUlJSUlJSU!!DvYdZ-73Bg!yrWgglCz3moqrttUj9HPZ6pktS7FrLGa_hFcMypO7bG7SKxYfN3tdFe0oumO7PuoiaVtu9w92gm9fksrR8UjaU7tqgi8QjdUXY8L4-diFg$)

**Q&A**

**Q:** How do you mode-shift heavy vehicle users and tradespeople who by necessity are single vehicle occupiers?

**A:** Potentially introducing free right hand turns and dedicated freight lanes to keep heavy vehicles moving, less stopping at traffic lights and intersections.

**Q:** Have alternative fuels, such as hydrogen for heavy vehicles been looked at? It appears the project is looking only at developing roading infrastructure without the bigger picture such as fuel alternatives being considered.

**A:** Alternative fuels are currently not part of the study being undertaken. P1 said they have some information on alternative fuels they can discuss with Waka Kotahi.

**Q:** Really need to assess the types of vehicles that can realistically mode-shift which means moving more people and goods through the area without increasing the number of vehicles on the road. Has the study shown how many vehicles could mode-shift to another transport form?

**A:** The study shows 20-40% of vehicle users could move to another transport mode for at least some of their journeys, or perhaps one or two days a week.

**Presentation: Interim Environment Court decision regarding Plan Change 13 and matters pertaining to Bulk Solid Material handling – Karen Parcell, Bay of Plenty Regional Council**

**(Appendix 3)**

The full decision can be found at this link:

[https://www.environmentcourt.govt.nz/assets/2023-NZEnvC-001-Swap-Stockfoods-Limited-v-Bay-of-Plenty-Regional-Council.pdf](https://urldefense.com/v3/__https%3A/www.environmentcourt.govt.nz/assets/2023-NZEnvC-001-Swap-Stockfoods-Limited-v-Bay-of-Plenty-Regional-Council.pdf__;!!DvYdZ-73Bg!zpu0ImUZvYnDNnE27iX4VoKsgNKLSsZa0__nWaBrq0c2D7gM6FQsOYE9baEGNkPvok9w0pGRoW5_Zoc-otaXnXRPfR4WPaaKiBVPujx0EO3r$)

The Environment Court recently released its interim decision on the Appeals of Plan Change 13, Air Quality and matters pertaining to Bulk Solid Material handling in the Bay of Plenty.

The decision is open to additional submissions until mid-March with a final decision due soon after. The decision indicates an initial step is the development of an Air Shed Management Plan to control air contaminants in the Mount Maunganui Airshed. The Regional Council will be working to develop the Management Plan.

Unsealed industrial land is identified for its contribution to PM10, the Air Shed Management Plan will investigate the viability of requiring unsealed industrial sites to be sealed. It is accepted this is not always ideal as it can increase the flooding risk of some sites, with contaminants then entering the stormwater system.

The development of Plan Change 18 (PC18) will progress once the final Environment Court decision is released. PC18 has the intent of specific rules for the Mount Maunganui airshed to improve air quality and reduce emissions from industrial land and activities.

**Legal decision on Existing Use Rights regarding existing industrial activity – Commissioner Bill Wasley**

Tauranga City Council sought legal advice to assist with the development of its Mount Maunganui Spatial Plan and Mount Industrial Plan regarding Councils abilities to make changes to existing land use rights, asking the question: In the current planning framework can existing land use rights be changed?

Existing land use rights are protected under the RMA. Existing use rights cannot be terminated through a change to a District Plan.

Land use changes can be made through Resource Consent processes, and zoning changes could potentially constrain future (but not current) activities. The Mount Maunganui Industrial Area study will explore future options around industrial land use; based on a long-term vision.

Existing use rights endure in the RMA and appears it will also be the case under the new Natural and Built Environments Act, currently in Select Committee in Parliament.

**Q&A**

**Q:** Is there no legal mechanism that can be used to change the land use in the industrial area?

**A:** Under the current RMA and district planning frameworks there is not a legal mechanism to extinguish use rights.

**Q:** Do changes in industry scale, such as the expansion of plant or activities change existing use rights?

**A:** These would be considered through the Resource Consenting process.

**Q:** Where do these land use rights apply to Tangata Whenua? Whareroa has request a zoning change many times and not seen any progress on this.

**A:** Existing rights mean existing industries around Whareroa can continue to exercise their rights to operate. TCC continue to engage with Whareroa on land use matters.

**Q:** How can community groups be better supported to understand legislative changes and when to make submissions on legislation?

**A:** Councils will engage directly with community groups to assess their needs in this regard.

**Round Table Discussion**

* MfE say decisions have not been made about whether any changes will be made in relation the NES-AQ during the development of the NPF. The HAPINZ and WHO reports released in the last two years might justify changes.
* Toi Te Ora outlined the questions they have posed in relation to recent study building on previous study from Emissions Impossible which should be presented at the next meeting:
	+ Estimate of health impacts of air pollutants in the Mount Maunganui area where concentrations are known or can be estimated (similar sorts of things in relation to HAPINZ) including qualitative assessment of odour effects (excluding methyl bromide)
	+ Information to be used to inform emitters, regulatory agencies, and the community

**Next meeting:** Wednesday 17 May, venue to be advised.

**11:15am Meeting closed with Karakia**

**Table of Actions**

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| **Action** | **Agency** |
| Invite cruise line representatives to address future meeting | Graeme Marshall |
| Priority One to investigate how they can promote the Mount Industrial Network | BoPRC / Ballance / Port |
| Toi Te Ora to prepare presentation on Health Study report once it is publicly available. | Toi Te Ora |

**Appendices: PowerPoint Presentations**

Appendix 1: **Outcomes of industrial survey undertaken on Mount businesses**

Appendix 2: **Connecting Mount Maunganui**

Appendix 3: **Interim Environment Court decision regarding Plan Change 13 and matters pertaining to Bulk Solid Material handling**