

12 August 2024

Lawter NZ Ltd
c/o Tonkin & Taylor
PO Box 317,
Tauranga

Attn: Romae Calland

Dear Romae,

Resource Consent Application RM19-0753 – Discharge of contaminants to air, 211 Totara Street, Mount Maunganui - Deferral pending application for additional consents (s91 and s88E(2) RMA)

Following a review of the information you provided with the above consent application, it has become apparent that an additional consent will be required and in my opinion it is appropriate, for the purpose of better understanding the nature of the proposal and the associated effects, for that application to be made before proceeding further. On this basis I have made a determination that the scheduled hearing of application RM19-0753 will be deferred under s91(1) RMA pending lodgment of the further application required.

The additional consent required is for a discharge of greenhouse gas from a heat device under Regulation 10 of the National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat (NES-GHG), which reads:

(1) The discharge of any greenhouse gas from a heat device is a restricted discretionary activity if the device—

- (a) burns any fossil fuel other than coal; and*
- (b) is not a back-up device; and*
- (c) is not on a low-emissions site.*

The ongoing operations sought to be authorised under application RM19-0753 will also require authorisation under the NES-GHG. The best practicable options for the discharges are likely to be interrelated and would benefit from consideration together.

The application under Regulation 10 must contain an Emissions Reduction Plan (EMP) in accordance with Regulations 13, 14 and 15 of the NES-GHG. Note that Regulation 14 requires a SQEP to technically review the EMP prior to lodgment.

The section 92 response records that the EMP will be ready for lodgment in October. You have verbally confirmed to me that this and the NES-GHG application itself will be lodged within the first two weeks of October. Based on this it is my expectation that the application and EMP to be lodged no later than Friday 11 October.

Under s88E(2) of the RMA application RM19-0753 will be put on hold until a consent application for the discharge of greenhouse gases under the NES-GHG is received by BOPRC.

Please be advised that, in accordance with s91(3), you may apply to the Environment Court for an order directing that any determination under section 91 be revoked.

Please feel free to contact me if you have any questions regarding this letter, at Jacob.steens@boprc.govt.nz

Yours faithfully,



Jacob Steens
Senior Consents Planner