

# **Proposed Natural Resources Plan for the Wellington Region**

## **Section 42A Hearing Report For Hearing Commencing 10 July 2017**

**Report Dated: 12 June 2017**

Report on submissions and further submissions

### **Topic: Air Quality Management**

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Table 1: List of abbreviations

List of Abbreviations	
Wellington Regional Council	WRC
Wellington City Council	WCC
Porirua City Council	PCC
Kāpiti Coast District Council	KCDC
Hutt City Council	HCC
Upper Hutt City Council	UHCC
Regional Policy Statement for the Wellington Region 2013	RPS
Regional Air Quality Management Plan for the Wellington Region 2000	RAP
Regional Coastal Plan for the Wellington Region 2000	RCP
FIDOL	Frequency, intensity, duration, offensiveness and location



## 1. Executive summary

1. This report considers submissions and further submissions (submissions) that were received by the Wellington Regional Council (Council) in relation to air quality management provisions for the proposed Natural Resources Plan for the Wellington Region (proposed Plan).
2. The report outlines recommendations in response to the issues that have emerged from submissions.
3. There were 390 submission points related to air quality management from 65 submitters. Of these, three were prepared using a common format (Farmers Common Format, Land Matters Common Format, and Craig Dairy Farms Common Format) with approximately 293 submission points attributed to these common format submitters.

## Key issues and responses

4. **Issue 1: Managing ambient air quality** – submitters requested clarification on ambient air quality in relation to domestic fires and other discharges. Submitters also requested a consideration of a new framework to managing air quality and emissions from motor vehicles.
5. **Issue 2: Point source discharges** – submitters seek minor changes to industrial discharge rules from ‘large scale combustion processes’ to ‘food processing’. Agrichemicals to land and water received a large number of submissions seeking to increase the effectiveness of the provisions.
6. **Issue 3: Odour, smoke and dust** – submitters requested clarification over the use of the word minimise, and discharges of odour, smoke and dust beyond the boundary of a property.

## Overlapping topics

7. Submissions on air quality management overlap with the following topic reports:
8. Section 42A officer’s report: Part B: Overall framework of the proposed Plan
9. Section 42A officer’s report: Discharges to land

## **2. Introduction**

10. My name is Paul Anthony Denton. I am employed by the Council as a senior policy advisor. I hold the qualifications of Bachelor of Science from the University of Canterbury and Master of Environmental Studies from the University of Melbourne.
11. I have been employed in planning roles in central government and local government for over 20 years. I have been employed by Council as a policy advisor since 2000, in regional plan implementation and regional plan development.
12. My background with the preparation of the proposed Plan was from 2010 when I lead the development of the air, earthworks, vegetation clearance, plantation forestry, hazardous substances and contaminated land provisions.

## **3. Code of conduct**

13. I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it.
14. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
15. I am authorised to give this evidence on the Council's behalf.



## 4. Scope of hearing report

16. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions relating to air quality within the proposed Natural Resources Plan for the Wellington Region (proposed Plan).
17. The proposed Plan provisions relating to this topic are described below:

### 4.1.1 Interpretation

- Agrichemicals\*
  - Biogas\*
  - Crematoria\*
  - Domestic fires\*
  - Frost prevention device\*
  - Fumigants\*
  - Hazardous air pollutant
  - Large scale generator\*
  - Mobile sources
  - Open fire
  - Outdoor burning\*
  - Property
  - Polluted airshed\*
  - Sensitive activity
  - Sensitive area
  - Specified materials
18. \*Note: There were no submissions received on the definitions of: Agrichemicals, Biogas, Crematoria, Domestic fires, Frost prevention device, Fumigants, Large scale generator, Outdoor burning, and Polluted airshed

19. There are other definitions in the air quality management provisions and these are assessed in the following section 42A officers' reports:

- Community drinking water supply protection area – Section 42A officer's report: Discharges to land
- Good management practices – Section 42A officer's report: Water quality
- Natural wetlands – Section 42A officer's report: Wetlands and biodiversity
- Point source discharge – Section 42A officer's report: Water quality
- Wastewater – Section 42A officer's report: Discharges to land

#### **4.1.2 Objectives**

- Objective O39: Ambient air quality
- Objective O40: Point source discharges
- Objective O41: Air amenity

#### **4.1.3 Policies**

- Policy P52: Ambient air quality
- Policy P53: Domestic fires
- Policy P54: Open fires
- Policy P55: Air amenity
- Policy P56: Outdoor burning
- Policy P57: Burning of specified materials
- Policy P58: Industrial discharges
- Policy P59: Industrial point source discharges
- Policy P60: Agrichemical and fumigants
- Policy P61: National Environmental Standard for air quality

#### **4.1.4 Rules**

- Outdoor burning
  - Rule R1: Outdoor burning
  - Rule R2: Frost prevention devices
  - Rule R3: Outdoor burning for firefighting training
  - Rule R4: Pyrotechnics
  - Rule R5: Outdoor burning of specified materials

- Domestic fires
  - Rule R6: Fuels prohibited in domestic fires
  
- Large scale combustion activities
  - Rule R7: Natural gas and liquefied petroleum gas
  - Rule R8: Diesel or kerosene
  - Rule R9: Biogas
  - Rule R10: Untreated wood
  - Rule R11: Coal, light fuel oil, and petroleum distillates
  - Rule R12: Emergency power generators
  - Rule R13: Fuels not permitted in large scale generators
  
- Chemical and metallurgical processes
  - Rule R14: Spray coating within an enclosed space
  - Rule R15: Spray coating not within an enclosed space
  - Rule R16: Printing processes
  - Rule R17: Dry cleaning
  - Rule R18: Fume cupboards
  - Rule R19: Workplace ventilation
  - Rule R20: Mechanical processing of metals
  - Rule R21: Thermal metal spraying
  - Rule R22: Metallurgical or chemical processing of metal
  
- Cremation and incineration
  - Rule R23: Crematoria
  - Rule R24: Flaring of gas
  
- Dust generating activities
  - Rule R25: Abrasive blasting within an enclosed booth
  - Rule R26: Abrasive blasting outside an enclosed area
  - Rule R27: Handling of aggregate
  - Rule R28: Cement storage
  
- Food, animal or plant matter manufacturing and processing
  - Rule R29: Alcoholic beverage production
  - Rule R30: Coffee roasting
  - Rule R31: Food, animal or plant matter manufacturing and processing

- Fuel storage
  - Rule R32: Petroleum storage or transfer facilities
- Mobile sources
  - Rule R33: Mobile source emissions
- Gas, water and wastewater processes
  - Rule R34: Gas, water and wastewater
- Drying and kiln processes
  - Rule R35: Drying and heating of minerals
- Ground-based and aerial applications
  - Rule R36: Agrichemicals
  - Rule R37: Agrichemicals into water
  - Rule R38: Agrichemicals not permitted
- Fumigation
  - Rule R39: Fumigation
  - Rule R40: Discharge of other fumigants
- All other discharges
  - Rule R41: All other discharges

#### **4.1.5 Methods**

- Method M5: Polluted airsheds

#### **4.1.6 Maps**

- Map 25: Masterton urban airshed

20. Section 5 of this report sets out the statutory and non-statutory framework for the management of air quality.
21. Section 6 of this report outlines the key issues and planning background to the management of air quality.

22. Section 7 of this report is an analysis of the submissions and further submissions for air quality management.
23. Appendix A sets out the recommended amendments to the proposed Plan's provisions to manage air quality and provides the section 32AA assessment for these amendments.
24. Appendix B contains a list of individual submitters who used a common template.
25. Appendix C contains the recommended decisions on submissions.
26. As submitters who indicate they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
27. For the avoidance of doubt, any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.
28. This report is intended to be read in conjunction with the Section 42A officer's report: Part A: Introduction and procedural matters; Section 42A officer's report: Part A: Section 32 and consultation; Section 42A officer's report: Part A: Overall framework of the proposed Plan; and Section 42A officer's report: Part B: Overall framework of the proposed Plan. Part A reports are common to all topics whereas Part B is specific to each topic and addresses the submissions and further submissions relevant to that particular aspect of the proposed Plan.
29. This report and the associated hearing addresses submissions lodged to the air quality management provisions of the proposed Plan.
30. Some of the issues addressed in this report are related to matters addressed in the Section 42A officer's report: Discharges to land for the management of odour for certain activities.



## 5. Background – Statutory documents

31. The regulatory requirement for a regional plan is discussed in the Section 42A officer's report: Part A: Introduction and procedural matters and is not repeated here. Only the most relevant statutory and non-statutory documents for air quality are included in this section.

### 5.1 Resource Management Act 1991

32. The RMA requires in:

*Section 5(2)(b) the safeguarding the life-supporting capacity of air, water, soil, and ecosystems.*

*Section 15(1)(c) that no person may discharge any contaminant from any industrial or trade premises into air unless the discharge is expressly allowed by a national environmental standard or other regulation, a rule in a regional plan or a rule in a proposed plan, or a resource consent.*

*Section 30(d)(iv) in respect of any coastal marine area the discharges of contaminants into or onto land, air, or water and discharges of water into water.*

#### 5.1.1 National Environmental Standards for Air Quality

33. The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NESAQ) came into effect on 8 October 2004. The standard is made up of 14 separate interlinked standards and these include:

- Seven standards banning activities that discharge significant quantities of dioxins and other toxics into the air;
- Five standards for ambient (outdoor) air quality;
- A design standard for new woodburners installed in urban areas; and
- A requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.

34. Regional councils and unitary authorities are responsible for managing air quality under the RMA. They are required to identify areas where air quality is likely, or known, to exceed the standards. These areas are known as airsheds.

35. The Wellington Region has eight gazetted airsheds located in valleys between steep hills or mountains; Kāpiti Coast, Porirua Basin, Wellington City, Karori, Lower Hutt Valley, Wainuiomata, Upper Hutt Valley and Masterton.

36. At the time of notification of the proposed Plan the only airshed identified in the Wellington Region as being polluted above the acceptable level is the Masterton Urban Area airshed.

### **5.1.2 National Environmental Standards for Electricity Transmission Activities 2009**

37. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA) came into effect on 14 January 2010. The NES-ETA sets out a national framework for activities on existing electricity transmission lines.
38. The NES-ETA sets up a permissive regime for electricity transmission activities that permit activities, subject to conditions to ensure that significant adverse effects on the environment are not created. The NES-ETA only applies to existing transmission lines. It does not apply to the construction of new transmission lines, to substations or electricity distribution lines carrying electricity from regional substations to electricity users.
39. Of relevance to the air quality provisions in the proposed Plan, the NES-ETA contains permitted, controlled or restricted discretionary activity regulations for abrasive blasting and applying protective coatings to transmission structures including power pylons, i.e. Regulation 25 and 26 of the NES-ETA.

### **5.1.3 Regional Policy Statement for the Wellington Region 2013**

40. The Regional Policy Statement for the Wellington Region 2013 (RPS) identifies the following significant regional management issues for air quality:
- Impacts on amenity values and people's well-being from odour, smoke and dust; and
  - Health effects from the discharges of fine particulate matter.
41. The RPS has two objectives for the management of air quality in the region and these are:
- Objective 1 – the discharges of odour, smoke and dust do not adversely affect amenity values and people's well-being; and
  - Objective 2 – human health is protected from unacceptable levels of fine particulate matter.



42. RPS Policy 1 directs district plans to discourage sensitive activities locating close to odour-producing land use and vice versa.
43. RPS Policy 2 directs that regional plans have provisions to protect or enhance the amenity values of neighbouring areas from the effects of discharges of odour, smoke and dust, and that people's health is protected from the effects of discharges of dust, smoke and dust, and fine particulate matter.
44. RPS Method 6 requires that the regional council produce information on methods to reduce air pollution.
45. RPS Method 26 requires the regional council in collaboration with city and district councils and main stakeholders to create an action plan for polluted airsheds.

## **6. Background**

### **6.1 Overview of the issues**

46. There are four main issues<sup>1</sup> for air quality management in the Wellington Region, and these are:

- Increased concentration of fine particulate matter
- Discharge from industrial and trade premises and other activities
- Incidences of odour, smoke and dust
- Mobile sources

#### **6.1.1 Increased concentration of fine particulate matter**

47. Fine particulate matter, especially particles 10 microns (PM<sub>10</sub>) and smaller has been shown to affect people's health. Research has also shown that particulate matter less than 2.5 microns is more hazardous than the standard of 10 microns in terms of health effects. Discharges from domestic fires produce concentrations of fine particulate matter that in some locations in the region such as Masterton, Wainuiomata, Upper Hutt, and Raumati South reaches

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<sup>1</sup> Section 32 Report: Air quality management

concentrations that exceed the national environmental standard for air quality (GWRC, 2015).

### **6.1.2 Discharge from industrial and trade premises and other activities**

48. Point source discharges into the air include discharges from industrial and trade premises, waste management processes, intensive indoor productive (farming) activities and off-target agrichemical spray drift. The discharges into air can have varying adverse effects on air quality, including odour, dust, particulates, and reduced visibility due to smoke or haze. The adverse effects need to be managed if the discharge to the air is noxious, dangerous, offensive, or objectionable, and therefore affecting people's health and well-being (GWRC, 2015).

### **6.1.3 Incidences of odour, smoke and dust**

49. Odour, smoke and dust discharges from industrial manufacturing plants, sewage treatment plants, fish processing plants, meat works, solvent plants and wastewater treatment plants are prevalent discharges to air according to the WRC's pollution control database (GWRC, 2015). In particular odour complaints are the most prominent complaint received and occur from both consented and permitted activities. Discharges to air of odour, smoke and dust can affect people's health in some cases, and cause reduced amenity and well-being.

### **6.1.4 Mobile sources**

50. Mobile sources, in particular motor vehicles, make up a large proportion of air pollution in the Wellington Region. The Air Pollutant Emissions (Inventory) in the Wellington Region (2001) suggests that the transport sector contributes 36% of the region's non-methane volatile organic compounds (NMVOC); 85% of the total nitrogen oxides; 94% of sulphur oxides; 79% of carbon monoxide; and 23% of PM<sub>10</sub>. Other emissions from the motor vehicles include other hazardous air pollutants such as benzene (GWRC, 2012).

51. Mobile sources of air pollution (e.g. motor vehicles, trucks, buses, etc.) are not addressed by the proposed Plan. The reasons for this are explained in Issue 1.4 below.

### 6.1.5 Operative plans – provisions for air quality management

52. The operative Regional Air Quality Management Plan for the Wellington Region 2000 (RAQMP) and the operative Regional Coastal Plan for the Wellington Region 2000 (RCP) include specific provisions to address issues of concern to people and communities. A review of the operative provisions concluded (GWRC, 2008):

- There are many permitted activity rules that were compliant and had a low number of complaints. Rules fitting this category were Rules 1 and 2 (agricultural processes), Rule 4 (agricultural processes), Rules 12 (metallurgical processes), Rule 16 (abrasive blasting), and Rule 20 (landfilling and composting).
- Activities allowed by Rule 5, which permits discharges from a wide range of food production processes like coffee roasting and deep fat frying at fast food outlets, also had widespread application with few effects.
- Where the operative plan had not been that effective was in relation to activities that cause offensive and objectionable odour beyond the boundary of the property, and in combustion processes that cause particulate matter, and in particular PM<sub>10</sub>.
- Many complaints related to activities with resource consents where the effects of odour may have been better controlled by setting activity-based controls on the process rather than setting an 'effects-based' condition about the effect at the property boundary.
- Complaints about smoke were second to odour almost every year since the Council's environmental hotline was established in 2000. Sources tended to be residential (domestic fires) or industrial (burning metal or timber) rather than generators or boilers and most incidents attended were compliant at the time of the on-site investigation and no action was necessary.
- Domestic fires are the source of most of the PM<sub>10</sub> in winter throughout the region wherever there are many houses and topography restricts the

dispersion of the smoke. This is particularly so in the airsheds where PM<sub>10</sub> concentrations approach or exceed the NESAQ.

- Permitted activity rules in the operative plan that were considered to be ineffective in achieving the objectives in the operative air plan are parts of Rule 5, which allows processing of large amounts of plant and animal matter, rules about combustion – 6, 18 and 19, Rule 10 (sorting and storage of bulk products), and Rule 21 (sewage treatment).

53. The review of the operative plans concluded that these plans have been largely effective in managing discharges into air. Plans could all benefit from improvements in rule design and construction to improve rule effectiveness (GWRC, 2008).

## **6.2 Consultation**

54. Consultation on air quality management was undertaken as part of the overall consultation process for the development of the proposed Plan (see Section 42A officer's report: Part A: Section 32 and consultation).

55. There was no specific consultation on the air provisions.

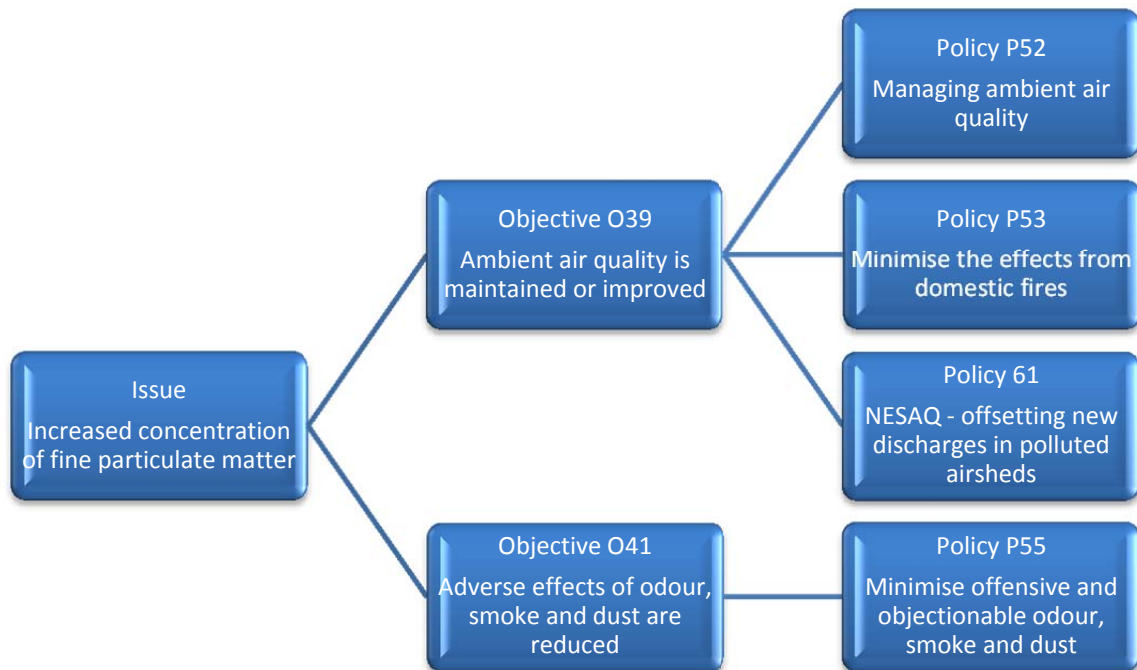
## **6.3 Overview of the policy framework for the proposed Plan**

56. Due to the integrated nature of the proposed Plan, air quality management provisions are provided for in a suite of connected objectives and policies. For example, while there are specific policies to protect people's amenity from the effects of odour, smoke and dust from industrial discharges into air, these provisions also protect people from the discharge of odour from discharges to land in agricultural situations. This integrated approach of the proposed Plan is discussed in Section 42A officer's report: Part A: Overall framework of the proposed Plan.

### **6.3.1 Managing ambient air quality**

57. Ambient air quality is defined as all outside areas and includes roads, footpaths, gardens, etc. The areas that are not included in the definition of ambient air quality and hence not managed by the proposed Plan air provisions are all indoor areas (inside trade and commercial buildings, inside houses, etc.)

and road and rail tunnels. The proposed Plan aims to improve ambient air quality to the acceptable category or better across many air pollutants and these are shown in Schedule L1 of the proposed Plan. For example, PM<sub>10</sub> is a pollutant in ambient air and some airsheds in the region exceed the alert level (24-hour). The policy framework requires that these areas are improved to acceptable or better through the provisions of the proposed Plan. Figure 1 sets out the policy framework of the proposed Plan to manage ambient air quality.



**Figure 1: Policy framework to manage ambient air quality**

58. Objective O39, Policy P52, Policy P53, Policy P61, together with the air quality management rules (Rules R1 to R41), and Method M5 focus on reducing pollutants in ambient air where the pollutant level has reached a level that is not acceptable according to the limits in Schedule L1 of the proposed Plan. As discussed above the main issue is reducing fine particulate matter from domestic fires. However, along with this issue, are effects on people's amenity from smoke and particles beyond property boundaries causing offensive and objectionable effects. This issue is addressed by Objective O41 which requires the incidences of odour, smoke and dust to be reduced over the life of the proposed Plan. Policy P55 is the main policy to address the effects of smoke through the promotion of good management practices.

### **6.3.2 Managing point source discharges**

59. Point source discharges (sometimes termed localised discharges) occur from primarily industrial and trade premises. Other discharges include waste management processes, agrichemicals and fumigants. These discharges can have varying levels of effect including visible smoke or haze, odours, and in some situations hazardous effects on people's health.
60. Objective O40, Policies P58, P59 and P60, and in particular the air quality management rules (Rule R7 to R41) provide for the protection of people's health, property and the environment from the adverse effects of point source discharges. The policy framework works by avoiding discharges of hazardous air pollutants (HAPs) and seeking to manage all other point source discharges through good management practices. Industrial discharges from stacks or vents are sometimes managed by industry good management practices and national standards. For example, panel and paint shops have a national standard (AS/NZS 4114.1: 2003 Spray painting booths) for the venting of solvents from the paint shop and drying rooms.
61. There also can be discharges of odour (in particular), smoke or dust from industrial or trade premises and these are termed fugitive emissions. This type of discharge is addressed by Objective O41 and Policy P55 that manage the discharge of odour, smoke or dust beyond the boundary of the property with good management practices. Figure 2 sets out the policy framework of the proposed Plan to manage point source discharges.

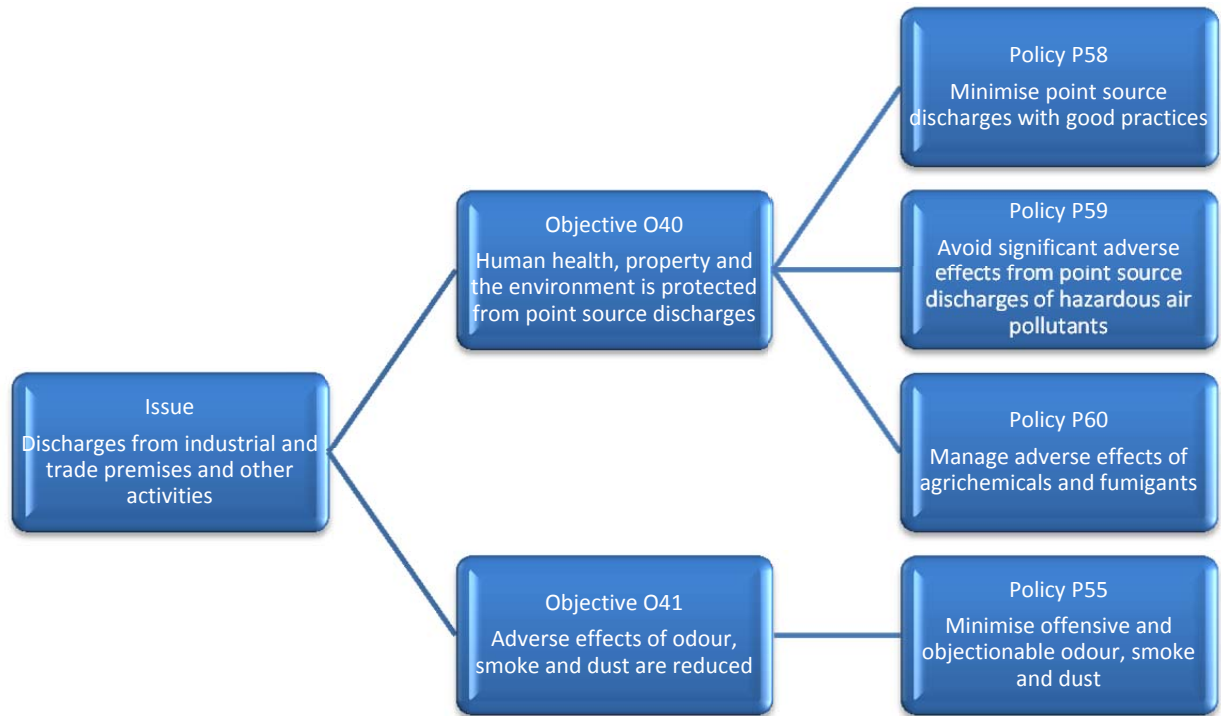


Figure 2: Policy framework to manage point source discharges

### 6.3.3 Incidences of odour, smoke and dust

62. Incidences of odour, smoke and dust can occur from industrial plants, sewage treatment plants, fish processing, meat works and many other processing activities. The most prominent discharge is odour, emanating from food processing and manufacturing primarily followed by smoke discharges and finally dust. Objective O41, Policies P5, P56 and P57, and the air quality management rules (Rule R1 to R5) require the management of odour, smoke and dust with the use of good management practices. This suite of provisions also requires the avoidance of discharges of hazardous air pollutants that can affect people's health and well-being from the burning of specified materials. Figure 3 sets out the policy framework of the proposed Plan to manage odour, smoke and dust.

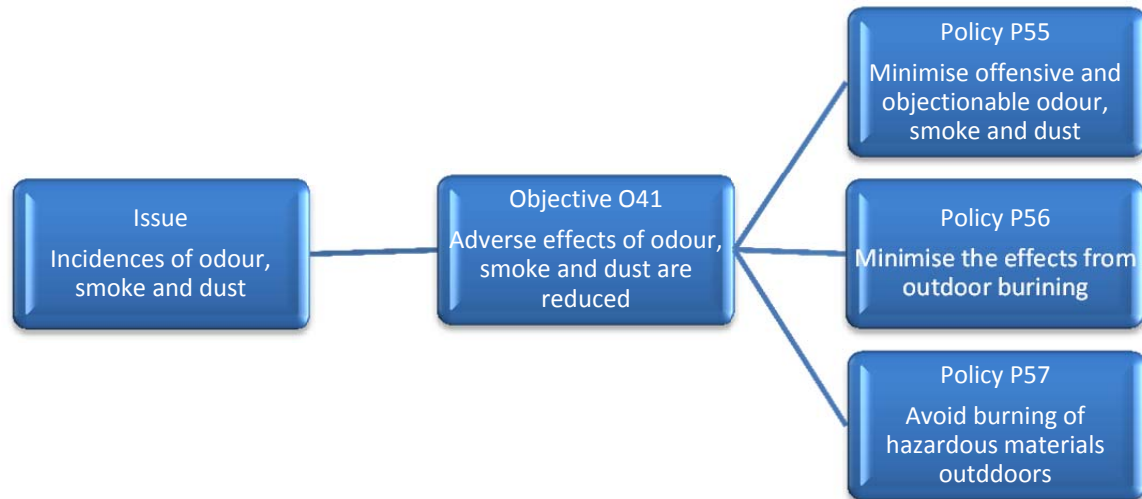


Figure 3: Policy framework to manage incidences of odour, smoke and dust

## 6.4 Implementation of the proposed Plan

63. The proposed Plan was notified on 31 July 2015 and the provisions have had legal effect since that date. The Hearing Commissioners have requested feedback on experience with implementing the proposed Plan. The following matters may assist the Hearing Panel to deliberate on both the effectiveness of the proposed Plan's provisions and the appropriateness of any recommended amendments.

64. Officers have reported that the following provisions are misleading and require changes to improve effectiveness:

- Rule R34 permits the discharge of odour from the storage, conveyance and pumping of gas, water and wastewater provided the effects of the odour discharge are not offensive or objectionable at the boundary with a sensitive activity. (A sensitive activity<sup>2</sup> is defined by the proposed Plan to mean places like residential areas, early childhood centres and care homes.) The issue brought to my attention is that the word storage could be construed to be a sewage treatment pond that is part of a waste treatment facility and the odour discharge would be permitted. This is not the intent of the rule – the rule was designed to permit water and wastewater pumping stations that occur through the city environment. The rule was

<sup>2</sup> Sensitive activities are defined in the RPS



not intended to include the wastewater treatment facility where the wastewater may end up. I consider that the issue at hand however, is not the facility whether it be enclosed or not, rather it is the discharge of odour (in this case) that required management. The discharge of odour originates from a vent, chimney or stack from the conveyance and processing of wastewater. Therefore, the effects are from such a device and not from the pipe or pond. I recommend that the words ‘vent’, ‘stack’ or ‘chimney’ are inserted into the rule to make it clear that the discharge of odour is from such a point source device. I propose this change with other changes from submitters in Issue 2.7 below.

- Rules R36 and R37 manage the discharge of agrichemicals to land and water. Both of these rules have a substantial number of submissions and these are addressed in Issue 3 below. Officers have also identified issues with the way the rule may be interpreted and the contradiction and drafting errors of the rules. These errors and contradictions have also been submitted on and are assessed in Issue 3. I am confident that all the issues with these rules both from a Council view and submitter’s view are addressed through my evaluation and recommended amendments in Issue 3.

## **6.5 Overview of the submissions received**

65. There were around 65 submitters and 390 submission points received on the provisions relevant to air quality management.

### **6.5.1 Key issues raised in submissions**

66. I have set out my analysis of the air quality management provisions by issue and then by respective components of the air quality topic, under the following headings:

- Issue 1 Managing ambient air quality
  - Issue 1.1 Ambient air quality management (Objective O39 and Policy P52)
  - Issue 1.2 Domestic fires (Policies P53 and P54 and Method M5)
  - Issue 1.3 Air receiving environments

- Issue 1.4 Motor vehicle emissions
- Issue 2 Point source discharges
  - Issue 2.1 Point source discharge policies (Policies P58, P59 and P60)
  - Issue 2.2 Effects based approach
  - Issue 2.2 A minor discharges rule
  - Issue 2.3 Large scale combustion activities
  - Issue 2.4 Chemical processes
  - Issue 2.5 Dust generating activities
  - Issue 2.6 Food manufacturing and processing
  - Issue 2.7 Agrichemicals
  - Issue 2.8 Fumigation
  - Issue 2.9 All other point source discharges
- Issue 3 Odour, smoke and dust
  - Issue 3.1 Avoid, remedy or mitigate
  - Issue 3.2 Odour, smoke and dust beyond the boundary

## **6.6 Pre-hearing meetings**

67. There were no pre-hearing meetings held for this topic.

## **7. Evaluation of submissions and recommendations**

### **Issue 1. Ambient air quality management**

#### **Issue 1 Background**

68. The policy approach for ambient air quality in the proposed Plan is to maintain good ambient air quality and improve degraded ambient air quality.

69. There are standards and guidelines that refer to ambient air quality. The NESAQ sets standards for certain air contaminants, and guidelines such as the National Ambient Air Quality Guidelines (2002) (MfE, 2002) contains values and targets for contaminants and the effects on human health and amenity.

70. The proposed Plan uses both the standards and guidelines in the management of ambient air quality. The NESAQ provisions have primacy over provisions in the proposed Plan.
71. Objective O39, Policy P52 and Schedule L1 (ambient air quality) directs how ambient air quality contaminants are to be managed by the proposed Plan.
72. From the submissions received there are a number of sub-issues on ambient air quality and these can be categorised as follows:
- Issue 1.1 The ambient air quality policy framework
  - Issue 1.2 Domestic fires
  - Issue 1.3 Air receiving environments
  - Issue 1.4 Motor vehicle emissions

## **Issue 1.1 The ambient air quality policy framework**

### Issue 1.1 Background

73. Objective O39 is to maintain or improve degraded ambient air to the acceptable action or alert category or better in Schedule L1 (ambient air).
74. Policy P52 describes how air pollution is to be managed by maintaining ambient air in the acceptable category and improving air where it is in the unacceptable category signified by the alert category.

### Issue 1.1 Submissions and assessment

75. Horticulture NZ (S307/021, 041) seeks that as Objective O39 mentions ambient air quality this should be defined in the proposed Plan. The submitter states that ambient air quality is distinct from localised air quality and the term ambient air quality should be defined by the proposed Plan. The submitter included a suggested definition.
76. Ambient air quality is managed by the proposed Plan, however as the submitter notes it is not defined. Ambient air is generally described to mean all air in the open or outdoors (MfE, 2011). By not defining ambient air in the proposed Plan there is potential for uncertainty with the approach to ambient air quality

in the proposed Plan. To increase effectiveness of the air provisions, I consider that the term should be defined.

77. To assist with establishing an appropriate definition for ambient air, I note that in the recommendations of the Hearing Commissioners on the proposed Canterbury Air Regional Plan<sup>3</sup>, the commissioners recommended that ambient air quality should be defined by that plan to provide certainty to plan users. I propose that the definition proposed for the Canterbury Air Regional Plan is adopted for the proposed Plan to provide clarity and certainty for the provisions of the proposed Plan for the management of ambient air quality. The proposed new definition is recommended below.
78. First Gas Limited (S145/040) and NZ Transport Agency (S146/110) seek that the term minimise is substituted with avoid, remedy or mitigate in Policy P52(c).
79. The term minimise is used in many policies of the proposed Plan and Policy P4 provides guidance for how minimise is to be interpreted in the proposed Plan. The use of the term is fully assessed in Section 42A officer's report: Part B: Overall framework of the proposed Plan. In short, for the purposes of this assessment with regards to Policy P52, I consider that minimise is more appropriate for managing ambient air quality than avoid, remedy or mitigate. Ambient air quality as discussed above is all air outside, or outdoors. The sources of contaminants found in ambient air are from multiple sources and difficult to control or manage. To avoid, ambient air discharges as the submitter suggests, would in many ways be very difficult, if not impossible. I consider therefore, that to manage ambient air discharges the most appropriate approach is to minimise air discharges through good management practices, where the sources can be reliably established. Other air policies avoid air significant adverse effects where the source is known and can be managed to prevent discharges into air that may have effects on people's health. I consider

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<sup>3</sup> Report and Recommendations of the Hearing Commissioners on the Proposed Canterbury Air Regional Plan (from the Environment Canterbury website <https://www.ecan.govt.nz/get-involved/council-and-committee-meetings/>)

that minimising discharges into air is an appropriate policy approach for managing contaminants that degrade ambient air quality and that this policy remains as proposed.

80. Wellington Water Limited (S135/077) seeks clarification regarding whether discharges to air from wastewater and potable water treatment plants fit into Policy P52, and provide exclusion for them if they are caught by this policy. The issue raised by this submitter is addressed in Issue 2.1 below, where Wellington Water Limited raised the same issue of water treatment plants with Policy P59.
81. Porirua City Council (S163/065) seeks simplification of Policy P52 so that common activities are easily identified as being acceptable or not. The submitter requests clarification regarding whether discharges to air from wastewater treatment plants fit under this policy. Policy P52 is about managing ambient air, which is all air in the open or outdoors. Some contaminants in ambient air are well known (such as PM<sub>10</sub>), but there are contaminants that have not been identified, and there is also a possibility that new contaminants are introduced into ambient air that were not there previously. It is difficult to identify all such contaminants from discharges in ambient air. Hence, to answer the concern in the submission, there is no easy way to identify activities that would be acceptable or not with Policy P52. However, there are contaminants from discharges such as domestic fires (PM<sub>10</sub>) in ambient air that are well known and managed specifically by the proposed Plan.

#### Issue 1.1 Summary of recommendations

82. I recommend a new definition of ambient air quality as follows:

Ambient air quality:

Ambient air means the air outside buildings and structures. This does not include indoor air, air in the workplace, or contaminated air discharges from a source.

83. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## **Issue 1.2 Domestic fires (Policies P53 and P54, Rule R6 and Method M5)**

### Issue 1.2 Background

84. Policies P53, P54 and P61 and Method M5 direct how domestic fires are to be managed by the proposed Plan.

### Issue 1.2 Submissions and assessment

85. The Wellington Regional Council (S133/002) seeks the removal of the definition 'open fire' from the proposed Plan as Council considered that it is not appropriate to define open fire for the purposes of Resource Management (National Environmental Standards for Air Quality) Regulations 2004 alone. However, I note the term is used Policy P54 – Open fires, where all new open fires in the Masterton Urban airshed are to be avoided. This policy is giving effect to the NESAQ where all new open fires are prohibited in polluted airsheds. The Masterton Urban airshed is a polluted airshed. Therefore, defining open fires in the proposed Plan has a purpose in Policy P54. I do not consider that the word requires deletion as this would reduce the effectiveness of Policy P54.

86. Penelope Ann O'Neill (S44/001) requests for Policy P53 that all old woodburners are banned and only new woodburners are permitted with the correct flues. Policy P53 directs that domestic fires are managed through good management practices. If old woodburners are to be replaced from a dwelling, any new woodburner must adhere to the NESAQ standard for woodburners.

87. Robert Jackson (S89/005) submits that Policy P53 is vague with the use of the words 'encourage' and 'minimise'. Policy P53 directs the management of domestic fires through good management practices. These practices are delivered through programmes that encourage best practice in the management of domestic fires such as the type of kindling, moisture content of the fuel (wood), fire start-up and woodburner dampening down procedures. I consider the words in Policy P53 are appropriate for the management of domestic fires.

88. Hamish Trolove (S31/023) requests that all open fires are banned in all airsheds in Policy P54. The NESAQ requires that only new open fires are banned in polluted airsheds. All other airsheds in the Wellington Region do not

exceed the NESAQ and new open fires are subsequently not banned. During policy development for the proposed Plan it was decided not to ban open fires in all airsheds as the effects from open fires is not a significant contributor of PM<sub>10</sub> in those airsheds.

89. Robert Jackson (S89/010) supports Rule R6. However, the submitter has a general concern with the Section 32 analysis for air quality. Submissions and assessments on section 32 reports are assessed in Section 42A officer's report: Part A: Section 32 and consultation.
90. Robert Jackson (S89/011) seeks clarification over the date and content of the airshed action plans in Method M5. The airshed action plan is to be delivered by Council, the Masterton District Council and lead stakeholders for the management of domestic fires in the Masterton Urban airshed. The action plan is to improve ambient air quality for the Masterton Urban airshed by 2020.

#### Issue 1.2 Summary of recommendations

91. No changes to Policies P53, P54 and P61 and Method M5.

### **Issue 1.3 Air receiving environments**

#### Submission and assessment

92. Horticulture NZ (S307/023, 042) seeks a new objective and policies to take into account the differences in air-receiving environments. This submission is supported by Federated Farmers (FS54/102) but is opposed by Rangitāne o Wairarapa (FS74/249), as they contend the assessment of the effects of activities is achieved through resource consent assessments and does not require an objective in the proposed Plan.
93. I note the submitters' concern with the air quality objectives and that specific objectives could be developed for particular air-receiving environments. Objectives O39-O41 comprehensively covers the region from areas with industrial point source discharges to unacceptable ambient air quality in a degraded airshed. If further objectives were to be developed, this would result in specific zones that experience air quality that may be different from another zone. For example, heavy industrial zones may experience poorer air quality in the form of elevated levels of dust than say a rural zone. This type of air

planning would create special zones where air quality could be semi-permanently degraded and there is little incentive to improve air quality.

94. I note that the identification of air-receiving environments is used in other regions such as in the Auckland Unitary Plan (AUP). In the AUP there are industrial areas where there is an expectation of reduced amenity, presumably to address issues in that region from industrial discharges and heavy vehicles. Auckland is a particular case in New Zealand where there are large defined areas of industrial activity. In the Wellington Region I do not consider that there are comparable areas where there is a need to have provisions to further refine these areas.
95. I do not consider that specific objectives and policies, or a special zone is appropriate for the management of the effects of discharges to air in the Wellington Region. The current set of air objectives all aim to maintain or improve the current air quality through the air quality provisions.

#### Issue 1.3 Summary of recommendations

96. No change to the policy framework for air quality management.

### **Issue 1.4 Motor vehicle emissions**

#### Issue 1.4 Submissions and assessment

97. In reference to Objective O39 the Mt Victoria Residents Association (S162/004) and Robert Charles Andrew (S114/003) ask why there are no provisions for motor vehicle emissions in the proposed Plan. Wellington International Airport Limited (FS69/027) opposes this submission as the submitter considers it would be inappropriate to apply additional regulation to aircraft discharges.
98. Mt Victoria Residents Association questions why there is no mention of motor vehicle emissions in the objectives or other provisions of the proposed Plan. The submitter points out that Greater Wellington's (GWRC, 2012) report on air quality state and trends shows that nitrogen dioxide concentrations are elevated on some arterial roads.



99. The Ministry of Transport manages motor vehicle emissions through the importation controls on vehicles at the ports of New Zealand. It is here that vehicles must meet minimum emission control standards from their country of origin. There are no requirements in New Zealand to test motor vehicle emissions in the normal course of a vehicle's life. A 'hot running test' is made when vehicles are tested at the warrant of fitness.
100. Council's work with the Ministry of Transport on ambient air quality monitoring of discharges from motor vehicles helps inform the Ministry of Transport in the management of motor vehicle emissions in New Zealand. It is my view that the Ministry of Transport through the import control regulations is the best equipped to manage motor vehicle emissions in New Zealand.

#### Issue 1.4 Summary of recommendations

101. No new provisions to manage motor vehicle emissions.

## **Issue 2. Industrial point source discharges**

### Issue 2 Background

102. Industrial point source discharges typically occur from a chimney, stack or vent. The majority of point source discharges are from industrial and trade premises. These discharges into air are varied and released throughout the production cycle. An issue noted above in section 6 of this report is the management of odour from industrial and trade premises and other places. Odour discharges can occur as a one-off discharge or a chronic discharge that is sometimes difficult to manage.
103. The generator discharge rules are based on fuel-type, chimney or stack height and distance from neighbouring properties. This approach is a change from the operative Regional Air Quality Management Plan for the Wellington Region (RAQMP) which was an end-of-pipe discharge standard. The fuel-type based approach is deemed more effective and efficient as the discharge can be catered to individual industries based on the type of discharge (Beca, 2012). Information gathered and modelled about the air discharges from New Zealand and internationally forms the basis of the air rules.

104. The primary policy framework for industrial and point source air discharges is Objective O40, and Policies P58 and P59. The rules pertaining to industrial air discharges are Rules R7 to R35, and R41.
105. The sub-issues on industrial point source discharges are as follows:
- Issue 2.1 Industrial policies (P58 and P59)
  - Issue 2.2 Effects based approach
  - Issue 2.3 A minor discharges rule
  - Issue 2.4 Large scale combustion activities
  - Issue 2.5 Chemical processes
  - Issue 2.6 Dust generating activities
  - Issue 2.7 Food manufacturing and processing
  - Issue 2.9 All other industrial discharges and default rule (R41)

## **Issue 2.1 Industrial policies (Policies P58 and P59)**

### Issue 2.1 Submissions and assessment

106. Wellington Civic Trust (S62/012, 013, 014) is supportive of Policy P58 and Policy P59, however the submitter considers that ‘amenity’ is not sufficiently embedded into the policies and seeks changes to Policy P59 to reflect this. The submitter notes that the overall direction for amenity is in Policy P55. Mt Victoria Residents Association (FS83/014) supports the submission.
107. It is worth noting here that all air policies are to be read together and no one policy takes precedence over another. Policy P55 is a general policy where air amenity in all areas is to be minimised. I do not consider that amenity by not being specifically mentioned by Policy P58 or P59 is not managed by the proposed Plan. I do not consider that the effectiveness of Policies P58 and P59 would be improved by the addition of ‘amenity’ into the wording of the policies, and do not recommend a change to these policies.
108. Ravensdown Limited (S310/032) seeks that Policy P58 use the words ‘avoid, remedy or mitigate’ to manage industrial air discharges rather than minimise. As discussed in Issue 1 above, minimise is used throughout the proposed Plan

and in the air policies for those situations where the discharge is more appropriately managed through good management practices. Policy P4 defines the word ‘minimise’. A full assessment of the use of the word minimise is in Section 42A officer’s report: Part A: Overall policy framework of the proposed Plan. Overall, I consider that minimise is more appropriate wording for air policies for the management of effects from air discharges.

109. C.T. and E.M. Brown (S13/009) are concerned that Policy P59 would apply to the discharge of fertiliser and seek that the policy is changed to accommodate a transitory discharge.<sup>4</sup> Policy P59 is specifically about industrial point source discharges that could have noxious or dangerous effects on people’s health. I do not consider that fertiliser is an industrial discharge from a point source stack or chimney. Generally speaking, the discharge of fertiliser would affect people’s amenity values if the discharge of fertiliser crossed a property boundary. I do not consider that fertiliser discharges are the subject of Policy P59. The discharge of fertiliser is assessed in Section 42A officer’s report: Discharges to land.
110. Wellington Water Limited (S135/078, 079) seeks clarification of whether Policy P59 would apply to wastewater and potable water treatment plants and that generally using good management practices does not lead to certainty unless a practice guide is referred to. Policies P58 and P59 are specifically about discharges from industrial and trade premises. The question then, are water treatment and wastewater treatment plants considered to be industrial and trade premises? I consider that both of these plants are industrial and trade premises, as the definition of industrial and trade premises in the RMA, part (b) suggests that any premises used for the storage, transfer, treatment or disposal of waste materials or other waste management purposes. A wastewater treatment plant treats industrial and trade premises waste from the waste stream, therefore the plant is part of this waste stream in the processing of trade

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<sup>4</sup> In the proposed Plan, Rule R82 deals with the discharge of fertiliser as a permitted activity subject to conditions and is addressed in Mr Loe’s Section 42A officer’s report: Discharges to land.

waste. I consider that water treatment plants and wastewater treatment plants are managed by Policies P58 and P59.

111. The term good management practice is used throughout the proposed Plan where the discharge is more appropriately minimised by using good management practice. Again, it is not possible to list all the practices that may be relevant at any point in time as they vary and are frequently updated (as is inherent in the definition of good management practice). The policy position is to provide industry with an approach to follow, where the actual details are worked out by the industry concerned to meet the policy requirements. Submissions on the definition of good management practice are fully assessed in Section 42A officer's report: Water quality.
112. Rural Residents Environment Society Incorporated (S125/016) considers that that Policy P59 is too restrictive if it only applies to industrial discharges. The proposed Plan protects people's health from non-industrial discharges through Policy P57, which relates to hazardous discharges from open burning. Therefore, I consider that the proposed Plan is complete with the management of hazardous air pollutants from both industrial and non-industrial sources.
113. NZ Transport Agency (S146/022) requested clarification of the hazardous air pollutants in Schedule L1 (ambient air) and Schedule L2 (air pollutants). I agree with the submitter that the definition of hazardous air pollutants only refers to Schedule L2 when it is clear that there are hazardous air pollutants in Schedule L1. I note that Schedule L1 refers to hazardous substances in ambient air and Schedule L2 refers to a list of hazardous air pollutants. The air quality provisions use the two schedules in different ways. Schedule L1 hazardous air pollutants are those that can be detected in ambient air by monitoring stations able to detect this type of contaminant, whereas Schedule L2 hazardous air pollutants refer to discharges not usually found in ambient air and from a point source discharge. The definition of hazardous air pollutants is misleading as it only refers to one type of hazardous air pollutant from Schedule L2. I consider the reference in the definition of hazardous air pollutants to Schedule L2 should be deleted from the definition to improve the clarity around what is meant by hazardous air pollutant in the proposed Plan.

## Issue 2.1 Summary of recommendations

114. I recommend that the definition of hazardous air pollutants is amended as follows:

Hazardous air pollutant	Any substance known or suspected to cause a significant adverse effect on human health or to the environment due to its toxicity, persistence in the environment, tendency to bio-accumulate or any combination of these things. <del>Hazardous air pollutants are identified in Schedule L2 (air pollutants).</del>
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115. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## Issue 2.2 The effects based approach

### Issue 2.2 Submissions and assessment

116. Upper Hutt City Council (S107/005), Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council (S85/012), and the New Zealand Defence Force (S81/009) seek clarification about why the discharge rules are not effects based when this is the focus of the RMA.
117. There are two types of industrial discharge into air rules in the proposed Plan; large-scale generator discharge rules that are based on fuel-type; and industry-specific discharge to air rules. The technical report by Beca (2012) evaluates different options for approaches to rule structure.
118. The large-scale generator discharge rules control particulates emitted from the burning of fuel for the generation of energy, and are based on fuel type. These are a departure from the RAQMP which is based on a single point source discharge. I consider this change more effective and efficient to control the effects of the activity that may arise from the burning of fuel, as the industry has a specific rule for their particular type of discharge rather than having to comply with a point-source discharge standard. Compliance with the point source discharge is deemed more onerous to industry as each industry would need to provide evidence of their discharge for compliance with the point source standard. Full details and modelling for the fuel-type discharges have been evaluated in the source document for this topic (Beca, 2012).

119. The other non-fuel-type industrial discharges, e.g. spray painting into air rules, are specific to industry, where each industry has unique discharge conditions that must be adhered to for compliance. I consider this approach effective and efficient to control the emissions from specific industries, as otherwise each industry would be required to ensure compliance for their discharge which is likely to be very onerous. The non-fuel-based approach is assessed in the source document for the air provisions (see Beca, 2012).
120. Overall, the approach for fuel discharges and other discharges to air by individual industries is considered to be industry best practice and follows the approach of other regional air plans in New Zealand. It is also worth noting that discharges into air have been well researched and documented in countries such as the United States of America where stack and plume discharge dispersal modelling is highly researched. This knowledge is transferable if the discharge is similar.
121. Overall, I consider the fuel-based rules for large-scale generators and activity-based industrial discharges are the most effective and efficient for the assessment of discharges into air and based on the Beca (2012) report, this approach is appropriate for managing the effects of discharges to air in the proposed Plan.

### **Issue 2.3 Large scale combustion discharges**

#### **Issue 2.3 Background**

122. Large scale combustion discharges are defined as over 40kW in the proposed Plan and are usually from a single stack or other single point source. They are typically from diesel generator or natural gas generators.
123. The rules for large scale generators are Rule R8 to Rule R13.

#### **Issue 2.3 Submissions and assessment**

124. Blended Fuel Solutions NZ Limited (S58/001, 002) (Blended Fuel) seeks changes to Rules R8 and R11 to improve the accuracy of the title and wording to be consistent with the source technical document from Beca (see Beca, 2012). I agree with Blended Fuel that the title and associated wording is not consistent with the source document. This change is recommended below.

125. Wellington Electricity Lines Limited (S126/025) seeks a change to Rule R12 clause (c) to take account of planned outages as a result of routine maintenance. I agree with the submitter that there are situations when there are planned outages and these need to be recognised by Rule R12. Planned outages are not permanent discharges therefore the effects of the discharge are temporary and minor.
126. Chorus New Zealand Limited (S144/021) and Spark New Zealand Trading Limited (S98/20) seek a change to Rule R12 to make provision for load shedding or peak load generation. I agree with the submitters concerning a change to Rule R12 to permit load shedding. This can occur from time to time when the supply is under extreme load. This situation is not a permanent discharge.

### Issue 2.3 Summary of recommendations

127. I recommend that Rule R8 is amended to:

**Rule R8: Diesel or kerosene blends – permitted activity** 

The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 2MW, from the combustion of diesel or kerosene blends outside a **polluted airshed** is a permitted activity, provided the following conditions are...

128. I recommend that Rule R11 is amended to:

**Rule R11: Coal, light fuel oil, and petroleum distillates of higher viscosity – permitted activity** 

The discharge of contaminants from any **large scale generator** not exceeding a maximum generating capacity of 500kW, from the combustion of coal, light fuel oil, and petroleum distillates of higher viscosity outside a **polluted airshed** is a permitted activity, provided the following conditions are...

129. I recommend that Rule R12 is amended to:

**Rule R12: Emergency power generators – permitted activity** 

The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:

- a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or
- b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or
- c) the electricity connection is not available due to planned outages, or load shedding/peak load generation is required

is a permitted activity, provided the following conditions are met:...

130. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## **Issue 2.4 Chemical processes**

### **Issue 2.4 Background**

131. Chemical process discharges in the proposed Plan are associated with paint and panel shops and the discharge is from a vent or single pipe.
132. The air rules for chemical processes are Rule R14 to Rule R22.

### **Issue 2.4 Submissions and assessment**

133. Wellington Regional Council (S133/005/006) questions Rules R14 and R15 with respect to the type of paint that can be discharged. The Council points out that water-based paint is now used more frequently by panel painters but there are no references to this paint type in the rules. Under the proposed rules this would mean that non-toxic water-based paints would need a resource consent to discharge into air when toxic based paints do not if rule conditions are met. The Council submission points out an oversight in rule-making and Rules R14 and R15 should refer to any paint used in a spray booth. This would remove the contradiction in the rule for the application of water-based paints to require a resource consent. I recommend this change to the rules below.
134. Mt Victoria Residents Association (S162/006) seeks for Rule R14 that all vents should be 3m above the roofs of any residential building within a radius of 50m of the vents. The wording in Rule R14 clause (d) is the industry standard distance from AS/NZS 4114.1:2003 Spray painting booths. I consider this



standard is appropriate for the management of spray painting booths in protecting people and the environment from the effects of spray painting and do not recommend a departure from the standard in Rule R14.

135. Mt Victoria Residents Association (S162/007) seeks for Rule R15 clause (c) – the distance from a sensitive activity or sensitive area is increased to 50m from an educational facility. Rule R15 is to allow spray coating not within an enclosed space and usually occurs in locations that may not usually be associated with a spray painting operation. A mobile spray plant is used in most cases. Based on the Beca evaluation report,<sup>5</sup> I consider that a separation distance of 10m is adequate for this type of discharge where a permanent booth is not used.
136. Regional Public Health (S136/006) seeks for Rule R14 that a new clause is added to include a separation distance of 20m from the point of discharge. I note that clause (d) has a discharge standard with regards to the vent height above the building roof, which is from the Australia/New Zealand Standard<sup>6</sup> for spray booths in New Zealand. The other clauses of this rule are also from the New Zealand standard for spray booths. Overall, I consider that the rule sufficiently protects people's health from the effects of solvents from spray booths and that another clause is not necessary to add in a new separation distance to protect public health.
137. Regional Public Health (S136/007) seeks for Rule R15 that the separation distance is increased to 20m in clause (c) rather than the current 10m. Based on the Beca (2012) report assessment of how far spray drift from such units might travel, I consider that 10m is sufficient for this type of discharge to protect people and the environment from the discharge. The extension of another 10m would not in my view provide any increase in protection. Rule R15 provides for small scale and one-off spray applications and the applicator should adhere

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<sup>5</sup> Beca (2012) evaluation of permitted activities dated 3 February 2012 page 46

<sup>6</sup> AS/NZS 4114.1:203 Spray painting booths, designated spray painting areas and paint mixing rooms, Part 1: Design, construction and testing

to good management practice in all applications through Policy P58 (Industrial discharges).

138. New Zealand Defence Force (S81/013,014,015) requests that rules are bundled together (including Rule R14 and Rule R15) to manage the discharge to land as well as the discharge into air. I note that the proposed Plan has bundled rules where it is relevant to do so. In reference to this request, the submitter suggests that for spray painting and abrasive cleaning the rule only covers discharges to air, but many other rules encompass and bundle all discharges into one rule. I agree with the submitter, there is efficiency in bundling some activities however, for activities such as the discharge of solvents or abrasive blasting of paint it is difficult to establish what other discharge conditions are required. I would consider that for all abrasive blasting operations for example, that appropriate practices are employed to recover any paint debris to prevent a discharge to land or to water, as some paint debris is toxic to aquatic life. I do not consider that air discharge rules should accommodate a discharge to land as well.
139. Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council (S85/017) seek a definition for ‘enclosed booth’ which relates to Rule R15. I do not consider that a new definition is required because the plain meaning applies. The term is used in Rule R25 to mean a totally enclosed room where the discharge of contaminants is controlled. The enclosed booth meaning is similar to the meaning of spray booth in Rule R14 which is defined by the AS/NZS 4114.1: 2003 Spray painting booths to be an enclosed booth where spray painting takes place and the booth is vented to the atmosphere.

#### Issue 2.4 Summary of recommendations

140. I recommend that Rule R14 is amended to:

**Rule R14: Spray coating within an enclosed space – permitted activity**



The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic-plasticisers, or water-based paints

within a spray booth and/or room is a permitted activity, provided the following conditions are met...

Rule R15: Spray coating not within an enclosed space – permitted activity



The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, or water-based paints not within a spray booth and/or room is a permitted activity, provided the following conditions are met...

141. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## Issue 2.5 Dust generating activities

### Issue 2.5 Background

142. Dust generating activities are typically abrasive blasting operations, quarries and other bulk product movements on a large scale such as at the port.
143. The proposed Plan provides for discharges to air from dust generating activities in permitted activity Rules R25 to R28, subject to conditions.

### Issue 2.5 Submissions and assessment

144. NZ Transport Agency (S146/138) seeks for Rule R27 that a note is added to explain how the discharge over the boundary is to be assessed using the FIDOL factors. The FIDOL factors are Council (and industry) best practice for odour assessments both nationally and internationally. The Ministry for the Environment has recently released the ‘*Good Practice Guide for Assessing Air Discharge from Industry (2016)*’. This guide is used by councils and industry alike for the assessment of odour and other discharges from industry.
145. I do not consider that the FIDOL factors should be added as a note to this rule as the FIDOL factors apply to all permitted activity rules. If a note were to be added them this would need to apply to all rules. However, the FIDOL factors are an assessment tool for assessing if odour, for example, is offensive or objectionable. On the question of making an assessment, with a permitted activity rule condition such as with Rule R27(a), it is not intended that people know the FIDOL factors or how they are intended to work in practice. This requires specific training. The principle applying with regards to the offensive

or objectionable test in this rule and other air permitted rules is whether the effects are unacceptable or not. If so, the effects need to be further assessed by a Council officer using the FIDOL factors. Also, the degree to which a particular discharge might cause an offensive or objectionable effect is dependent on the sensitivity of the receiving environment. For example, odour that may be accepted in a rural setting but may be unacceptable in a residential area. Overall, I do not consider that Rule R27 needs to include the FIDOL assessment factors.

146. Transpower New Zealand Limited (S165/023,024) seeks that a note is added to Section 5.1 to explain that abrasive blasting does not apply to the discharge of contaminants in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid as these activities are covered by clauses 25 and 26 of the Resource Management (National Environmental Standards for Electricity Transmission Activities). The submitter also requests that an exception is made in Rule R26(b) for the abrasive blasting of transmission lines that are part of the National Grid. The NPS-ET and NES-ETA manage electricity transmissions lines activities in New Zealand (see above section 5 of this report). The NES-ETA regulates abrasive blasting through clauses 25 and 26 of this standard. Section 44A of the RMA requires that there is no duplication or conflict in district or regional plans with national environmental standards. I do not consider that Rule R26 should duplicate, or is in conflict with clause 25 or 26 of the NES-ETA. As Regulations 25 and 26 take precedence over Rule R26, I do not consider that a note or an exception in clause (b) of Rule R26 for transmission lines activities is required.
147. Wellington City Council (S286/042) seeks to amend Rule R25 to permit the blasting of lead-based paint when the activity is managed to prevent the discharge of lead into the environment. I consider that good management practice should be operating for abrasive blasting for all types of paint removal where paint debris may fall to the ground. For lead-based paints, I consider that there should be stringent paint collection systems operating where all lead-paint scrapings are collected and disposed of appropriately. Therefore I do

consider that this type of discharge should be excluded from the conditions of Rule R25.

148. South Wairarapa District Council (S366/101) and Masterton District Council (S367/101) seek a new set-back distance of 500m in Rule R27. The submitter is concerned with how gravel extraction activities in riverbeds are provided for by this rule under the definition of 'property'. The submitter requests for the sake of certainty that the definition of property in the proposed Plan and the condition of this rule should be clarified. I have examined the situations where gravel extraction activities occur in riverbeds in the region. Gravel takes are managed and controlled by Council under resource consents and gravel licences.<sup>7</sup> The takes from the beds of rivers occurs only in the dry areas of the river beds where the effects on river ecosystems are minor. Dust is not normally an issue with these gravel takes, however over a prolonged summer period there may be dust discharged in some locations when a strong wind is blowing. However, given all of these eventualities I do not consider that dust is an issue or has been a regularly reported issue/complaint to Council. The submitter requests that 500m set-back is introduced to the rule. I do not recommend that a set-back of 500m is included in Rule R27. The current management of gravel takes is sufficient to manage this issue through the licence conditions.
149. CentrePort (S121/089) seeks a new rule in addition to Rule R27 (Handling of aggregate) and Rule R28 (Cement storage) for the handling and storage of 'other dry or bulk products'. The submitter notes that Rule 10 of the operative plan provides for this activity. I agree with the submitter, the RAQMP in Rule 10 provides for the handling of bulk materials including storage and conveying (loading and unloading) of materials such as fertiliser, grains, timber and logs. This activity is not provided for as a permitted activity in the proposed Plan. I consider that Rule R27 should be changed to provide for the handling of bulk materials at the port. The main reasons for including a new clause in this rule

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<sup>7</sup> Council applies for a resource consent to extract gravel from the beds of rivers. Gravel licences are then issued to companies to extract the gravel under the licence conditions.


are that the commercial port area covers a large area as defined in Map 32 for the handling of bulk solid materials. Other areas of the commercial port area as defined in Maps 33 and 34 do not usually handle bulk materials. For example, Seaview is a wharf for the transfer of liquid materials (petroleum). The area defined by Map 32 is large and has a variety of bulk dry materials, in particular logs. Due to the size of this area, I consider that specific mention in the rule is justified provided there is no discharge beyond the boundary of the port. This change is recommended below.

150. Hutt City Council (S84/016), Spencer Holmes Limited (S273/002) and Woodridge Homes (S105/001) seek a change to Rule R27 to accommodate dust discharges from cleanfill operations and other activities. I note that all cleanfills in New Zealand should be managed according to the Ministry for the Environment, *A Guide to the Management of Cleanfills (2002)*. There is a scale difference with regards to cleanfills, some are just a movement of earth from one place to another, whereas others are commercial and accept cleanfill from multiple places. In the proposed Plan Rule R70 – Cleanfill material (permitted activity) specifically manages cleanfill materials as a discharge to land. I consider that this rule is the most appropriate place for the discharge of dust from cleanfill materials in the proposed Plan. Rule R27 concerns the bulk handling of materials associated with quarries, the commercial port area and other places where materials are moved and stored. I have recommended that the definition of bulk solid materials exempt cleanfill materials to provide certainty for plan users that all cleanfill material management is controlled through one rule; Rule R70. Therefore, I recommend that the issue of dust associated with cleanfill materials is assessed in Hearing 5 in the Section 42A officer's report: Discharges to land, and that the definition of bulk solid materials exempt cleanfill materials so that Rule R27 is not associated with this activity.

#### Issue 2.5 Summary of recommendations

151. I recommend that a new definition of bulk solid material is introduced and changes made to Rule R27 is amended to:

Bulk solid material: means materials consisting of, or including, fragments that could be discharged as dust or particulate. These materials include but are not limited to: gravel, quarried rock, fertiliser, coal, cement, flour, rock aggregate, grains, compost and woodchip. Bulk solid material does not include **cleanfill materials**.

Rule R27: Handling of bulk solid materials aggregate – permitted activity 

The discharge of contaminants into air from the handling of bulk solid materials aggregate (~~rock, sand and shingle~~) including quarrying, mining, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, conveyance sorting, and storage is a permitted activity, provided the following conditions are is met:

- (a) for the **Commercial Port Area** shown on Map 32 any discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **Commercial Port Area** on Map 32, and
- (b) for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

152. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## **Issue 2.6 Food processing and manufacturing**

### Issue 2.6 Background

153. Food processing and manufacturing discharges into air are varied from local food shops to discharges from commercial and manufacturing processes. The discharges from food processing and manufacturing are typically odour producing.
154. The rules that manage the discharge to air from food processing and manufacturing activities are permitted activity Rules R29 and R30, and discretionary activity Rule R31 controls the discharge of contaminants from food, animal or plant matter.

### Issue 2.6 Submissions and assessment

155. Wellington Regional Council (S133/007) submits that Rule R31(f) does not control the discharge to air when the discharge to air fails the standard air condition for the discharge of odour, smoke or dust over the property

boundary. The intent of the clause is that product processing is permitted provided the discharge is within the standard conditions. I concur with the submitter that clause (f) does not refer to the standard air conditions (offensive or objectionable) for the discharge of odour, smoke and dust beyond the boundary. This is an oversight in the drafting of the rule as discharges into air for production less than 250kg/hour may cause adverse effects beyond the boundary of the property. I recommend that the standard air condition referring to discharge of odour, smoke and dust less than 250kg/hr from food processing and manufacturing is inserted into a new Rule R30A. This change is recommended below and will result in a consequential change to Rule R31 if the conditions of R30A are not met.

156. Imperial Tobacco New Zealand Limited (S134/001) questions why in the RAQMP (Rule 5) the submitter may operate subject to permitted activity conditions, however in the proposed Plan the submitter would require a resource consent to operate. I agree with the submitter there has been a change made between the RAQMP and the proposed Plan for the discharge of odour for food processing and manufacturing. In the proposed Plan, Rule 31(f) permits product processing under 250kg/hour,<sup>8</sup> however, processing over this amount requires a resource consent to discharge into air. The threshold of 250kg/hour is an accepted maximum limit for discharges into air from the manufacturing of product in regional air plans in New Zealand. Processing over 250kg/hour of product is deemed large-scale product processing and a resource consent to discharge into air is required by the proposed Plan. The submitter, if processing over 250kg/hr of product would require a resource consent to discharge into air.
157. South Wairarapa District Council (S366/102) and Masterton District Council (S367/102) request another permitted rule to allow the discharge into air from small-scale food processing. They have also submitted that there is no definition of 'food processing' in the proposed Plan. Rule R31(f) permits product processing if the total processing is under 250kg/hour. This is the

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<sup>8</sup> Based on Beca evaluation of permitted activity thresholds dated 3 February 2012 page 38



accepted threshold between small-scale and large-scale processing. I do not consider that a further new permitted rule or definition of small-scale processing is required and Rule R31 operates effectively.

## Issue 2.6 Summary of recommendations

158. I recommend that a new rule is inserted into the proposed Plan Rule R31A as follows:

Rule R30A: Food, animal or plant matter manufacturing and processing – permitted activity



The discharge of contaminants into air from food, animal or plant matter manufacturing and processing including any process incidental to the cooking of food such as deep fat frying, oil frying, roasting, drying curing by smoking and the slaughter or skinning of animals not exceeding 250kg/hour of product is a permitted activity, provided the following condition is met:

- (a) the discharge does not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.

Rule R31: Food, animal or plant matter manufacturing and processing – discretionary activity



The discharge of contaminants into air from food, animal or plant matter manufacturing and processing that is not permitted by Rule R30A or including:

- (a) drying of milk products to produce milk powder...

159. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

## Issue 2.7 All other industrial discharges, minor discharges rule and the default rule (Rule R41)

### Issue 2.7 Submissions

160. Mt Victoria Residents Association (S162/008) requests that crematoria in Rule R23 should be prohibited in residential areas. The submitter cites effects on mental health. All discharges into air from crematoria (humans and animals) require consent through Rule R23. The consent process undertakes an assessment of all effects (amenity, cultural and health) of crematoria in whatever location they apply for consent. New crematoria are not permitted to discharge particulates into air as the use of double after-burners (one after burner connection to another) produces just heat. I do not consider that

crematoria should be prohibited in a residential area when there are multiple safeguards operating. Other authorisations are required from city or district councils for the location of such an activity.

161. The Oil Companies (S55/045) question Rule R32 for the storage of petroleum. The submitter contends that fuel terminals and service stations will discharge BTEX<sup>9</sup> compounds beyond the boundary of the premises and this discharge cannot be avoided. I agree with the submitter that BTEX compounds can occur from fuel service stations and alike, with effects on health or amenity that are less than minor. I consider that Rule R32(b) is amended to make provision for this type of discharge, which has minimal effects on human health in open spaces such as service station courtyards. The change is recommended below.
162. Wellington Water (S135/137) and Porirua City Council (S163/080) seek a change to the title of Rule R34 to take into account the nature of wastewater pumping stations and the processes that are part of these activities. The submitters suggest the title of Rule R34 is changed to include the word 'processes'. Also, above in section 2.6 in this document Council officers have further suggested that confusion could occur with this rule regarding where the discharge of odour actually emanates from. I do agree with the submitter and Council officers that this rule was not intended to include wastewater treatment plants and oxidations ponds, and hence storage could be interpreted to mean such a facility. The insertion of the word 'processes' would not assist with the interpretation of the rule as this could mean other processes that are not defined by the rule, making the addition unhelpful. I consider as I have discussed in section 2.6 of this report above that the discharge from such facilities will emanate from a vent, stack or chimney in all cases and these words should be added into the rule to improve effectiveness. I recommend these changes below for Rule R34.
163. The New Zealand Defence Force (S81/018), Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council

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<sup>9</sup> Benzene, toluene, ethylbenzene and xylenes (BTEX)

(S85/015), and Transpower New Zealand Limited (S165/025) ask for a minor discharges rule to be included in the rule suite for the air chapter or amend Rule R41 to only require consent only for discharges that will have adverse effects.

164. The proposed Plan air quality rule suite does not include a discharges rule for those discharges into air that would be treated as minor, e.g. a minor discharge of odour from an industrial or trade premises that may occur infrequently. The rule suite includes a set of activity-based permitted activity rules and a default discretionary rule (Rule R41), which means that if the activity is not covered, the activity requires a resource consent to discharge into air. Other discharge chapters in the proposed Plan have a permitted activity rule for minor discharges – see Discharges to Water, Rule R42<sup>10</sup> that controls minor discharges into water.
165. The discharge of contaminants into air rules were the subject of a review and evaluation of air discharges (Beca, 2012) that categorised discharges into the groups of rules for the air chapter. Industry stakeholders also prefer to have a specific rule for their particular industry as this allows for certainty for their activity and discharge. I do not recommend any changes to the approach for the air quality provisions.
166. First Gas Limited (S145/052) requests that a note is added to Rule R34 explaining how the FIDOL odour assessment procedures work. The submitter considers this important as odorant is added to gas to enable detection of leaks. Including the FIDOL factors in the proposed Plan is assessed in Issue 2.5 above. The proposed Plan does not included reference to the use of these factors as they are accepted practices for odour control. Recent guidelines have been produced by the Ministry for the Environment on the use of the FIDOL factors.

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<sup>10</sup> Rule R42 is dealt with in the RMA Section 42A officer's report: Water quality prepared by Ms Greenberg Hearing 4

167. Holcim (New Zealand) Limited (S276/016) has opposed Rule R41 as a discretionary rule and suggests restricted discretionary is more effective. I note that the proposed Plan does not have many restricted discretionary rules. The main reason for this is that matters for discretion (in an integrated plan like the proposed Plan) can become long and unworkable for an individual activity and this was not recommended during the plan development process. The number of matters to be considered as restricted discretionary for this activity would be extensive and therefore it would not be considered an appropriate activity status. Hence, for many sections of the proposed Plan rules the default rule is a discretionary consent requirement. I note also the default rule in the RAQMP is a discretionary consent and the operative plans are not integrated plans. I recommend the default rule remain discretionary.

#### Issue 2.7 Summary of recommendations

168. I recommend that Rule R32 is amended to:

Rule R32: Petroleum storage or transfer facilities – permitted activity



The discharge of contaminants into air from the storage or transfer of petroleum products including but not limited to, volatile organic compounds, solvent vapours, ventilation of solvents and displacement of solvents is a permitted activity, provided the following conditions are met:...

- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property** that does, or is likely to, cause adverse effects on human health, ecosystems or **property**.

169. I recommend that Rule R34 is changed as follows:

Rule R34: Gas, water and wastewater – permitted activity



The discharge of contaminants into air from a vent, stack or chimney associated with ~~from~~ the storage, conveyance and pumping of gas, water and **wastewater** is a permitted activity, provided the following condition is met:...

170. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

### Issue 3. Agrichemicals

#### Issue 3 Background

171. Agrichemicals are any substance, whether inorganic or organic, man-made or naturally occurring, modified in its natural state that is used in any agriculture, horticulture or related activity, to eradicate, modify or control flora or fauna. Agrichemicals include agricultural compounds, but exclude fertilisers, vertebrate pest control products and oral nutrition compounds.
172. Agrichemicals are used by primary producers and in many domestic or amenity situations for weed, pest and disease control. When used correctly agrichemicals can make a positive contribution to sustainable land use. People can use agrichemicals as a permitted activity subject to conditions of Rules R36 and R37.
173. The proposed Plan's approach to the management of agrichemicals is consistent with the requirements of the New Zealand Standard – Management of Agrichemicals (*NZS 8409:2004 Management of Agrichemicals*). Meeting the requirement of this standard will ensure good management practice applies to the use, application, storage and disposal of agrichemicals.
174. In the proposed Plan, Policy P60 directs the management of the discharge of agrichemicals and the rules to manage the discharge of agrichemicals are in section 5.1.13 (Permitted activity Rule R36 for agrichemicals to land, permitted activity Rule R37 for agrichemicals to water, and discretionary activity Rule R38 if the conditions of Rule R36 or Rule R37 are not met.)
175. A number of sub-issues can be drawn from the submission points on agrichemicals and these fall into the following categories:
- Issue 5.1 Policy framework (Policy P60)
  - Issue 5.2 Ground-based applications (Rule R36)
  - Issue 5.3 Agrichemicals to water (Rule R37)
  - Issue 5.7 Default rule (Rule R38)

### **Issue 3.1 Policy framework (Policy P60)**

#### **Issue 3.1 Background**

176. Policy P60 is the main policy for the management of agrichemicals and fumigants. The policy is to manage the effects of discharges on human health, property and the environment through good management practices.
177. The practice guidance for agrichemicals is the New Zealand Standard – Management of Agrichemicals (NZS 8409:2004) and fumigants HSNOCOP31 – Control and Safe Use of Fumigants.

#### **Issue 3.1 Submissions and assessment**

178. Wellington Civic Trust (S62/015) supports the policy intent, however seeks that ‘amenity’ is embedded into more of the air policies as there are amenity issues from industrial discharges in the Wellington CBD and the port. The submitter notes that there is a general air amenity policy in Policy P55.
179. All policies in the air section of the proposed Plan (Section 4.7) apply at the same time and no one policy is to be read in isolation. Therefore, I consider that Policy P55 sufficiently manages people’s amenity values from the discharge of agrichemicals and fumigants that may be offensive or objectionable. I consider that the submitter’s request for the inclusion of ‘amenity’ into Policy P60 would not improve the policy framework for managing this type of discharge. I do not recommend any changes to Policy P60.

### **Issue 3.2 Ground-based applications (Rule R36)**

#### **Issue 3.2 Background**

180. Permitted activity Rule R36 manages discharges of agrichemicals to land where they may enter water through conditions that exclude aerial applications in residential areas.
181. Rule R36 is based on the relevant conditions from *NZS 8409:2004 Management of Agrichemicals*.
182. If the conditions of Rule R36 cannot be met a resource consent is required through Rule R38.

### Issue 3.2 Submissions and assessment

183. Porirua Harbour and Catchment Community Trust (S33/044) request a definition for aerial spraying. I do not consider that aerial spraying is required to be defined by the proposed Plan. Aerial spraying has a common meaning from the word ‘aerial’ which means operating from the air. This means that a spraying operation needs to be from the air in some form such as from an aeroplane or helicopter. Aerial is not intended to be from a hand-held device or otherwise delivered from a quad or tractor.
184. Beef and Lamb New Zealand (S311/008), Waa Rata Estate (S152/046), Federated Farmers of New Zealand (S352/045) and DairyNZ and Fonterra Co-operative Group Limited (S316/018) have all requested changes to the definition of ‘sensitive area’. The definition of sensitive area in the proposed Plan has been reproduced here to aid in interpretation:

Sensitive area	<p>A sensitive area includes the following:</p> <ul style="list-style-type: none"> <li>(a) dwelling house, and</li> <li>(b) educational facilities, and</li> <li>(c) amenity areas and public places, and</li> <li>(d) group drinking water supplies and community drinking water supply protection areas, and</li> <li>(e) surface water bodies and associated riparian vegetation, and</li> <li>(f) non-target plants, crops, which are sensitive to agrichemicals, and</li> <li>(g) organically certified properties, e.g. Bio-Gro, and</li> <li>(h) natural wetlands, outstanding water bodies listed in Schedule A and ecosystems and habitats with significant indigenous biodiversity values listed in Schedule F.</li> </ul>
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185. Beef and Lamb New Zealand seeks that the word ‘Marae’ is added to the definition of sensitive areas. I agree with the submitter’s request, a Marae is not in the list of sensitive areas and cannot be inferred from the existing list. Waa Rata Estate and other submitters seek changes to other clauses in this definition. Waa Rata Estate seeks to exclude any inference of ‘private land’ from (c), delete ‘associated riparian vegetation’ from (e) and delete natural wetlands from (h). In regards to clause (c), amenity areas and public places are interpreted to be all public places, i.e. public parks and gardens managed by city and district councils. I agree that ‘amenity areas’ could be interpreted to mean private land or land that does not have public access but has ‘amenity’

value. To remove the uncertainty I recommend that ‘amenity areas’ is deleted from clause (c). In regards to the clause (e) I agree that associated riparian vegetation is not intended to be part of a ‘sensitive area’ whereas ‘surface water bodies’ are sensitive areas. The definition of sensitive area is only referred to in two rules – Rule R15: Spray coating and Rule R36: Agrichemicals. The ‘associated riparian vegetation’ reference may be subject to the application of agrichemicals and this would create an unintended conflict. Rule R15 would not be affected by ‘associated riparian vegetation’. I recommend that the phrase is deleted. In regards to ‘natural wetlands’ in clause (h), I do not agree that these words are deleted. The term ‘natural wetlands’ is defined in the proposed Plan and these areas are sensitive areas to agrichemical sprays. Therefore I recommend that natural wetlands remain in the definition. All changes to the definition are recommended below.

186. Heather Jean Phillips (S138/005), Porirua City Council (S163/081), Wairarapa Winegrowers Association (S103/004) and Wellington City Council (S286/036) all question the second sentence of Rule R36 and the uncertainty over what are residential areas, how the knapsack and hand-held applications is supposed to work within the rule. Horticulture New Zealand (FS71/123) supports a new rule for knapsack and hand-held applications. NZ Transport Agency (FS60/020) seeks confirmation that hand-held is a permitted activity. Horticulture New Zealand (FS71/121) opposes the Porirua City Council submission requesting amending the third line of Rule R36. The Minister of Conservation (S75/115) supports the permitted activity status for agrichemicals. Porirua City Council (S163/082) requests a definition for ‘hand-held/knapsack’ and ‘public amenity areas’.
187. Rule R36 manages the discharge of agrichemical onto land where it may enter water including aerial applications. The rule is based on good management practice, which is *NZS 8409:2004 Management of Agrichemicals*. Overall, I agree with the majority of submitters that the rule is onerous for most applications of agrichemicals. There are also contradictions and errors in the drafting that has added to the uncertainty for what is intended for residential areas, knapsack and hand-held applications. The rule is different from many other permitted rules in the proposed Plan that refer to New Zealand standards



in that most of the standards for agrichemicals have been replicated in the clauses of Rule R36. This rule follows in many respects operative Rule 1 in the RAQMP, however, Rule R36 differs by not using the volume requirements of RAQMP Rule 1 for the applications of agrichemicals.

188. The second sentence of Rule R36 has created confusion for submitters with some requesting removal of the sentence, others clarification for consenting purposes, and others still queried the terms residential and hand-held. The intent of the sentence was to exclude (completely) residential, hand-held and knapsack applications from Rule R36, and for these activities to be permitted. Agrichemical spraying in residential areas and hand-held or knapsack applications was assessed during plan development to be a low risk for people, communities and the environment and did not warrant inclusion in Rule R36. The exclusion clause is a drafting error and in fact defaults to a discretionary consent – this is not the intention of the sentence. To improve certainty for users I consider the most efficient option is to delete the sentence. This means that no particular application method or area (residential or rural) is specifically caught by the rule but in effect all application methods and all areas fall under Rule R36. The intent of Rule R36 is to ensure that all methods of application and areas comply with the clauses of the rule, in essence *NZS 8409:2004 Management of Agrichemicals*.
189. Horticulture New Zealand (S307/062) requests that ‘noxious and dangerous’ in Rule R36(a) is removed. Carterton District Council (FS85/182) opposes the submission.
190. Rule R36(a) is a general clause in many of the permitted activity rules for the air section of the proposed Plan. The intent of this clause is to protect people and the environment from the effects of the discharge, where the discharge is noxious, dangerous, offensive or objectionable. Horticulture New Zealand requests that noxious and dangerous is deleted from the clause. This request is the same request from the submitter for Rules R1 and R2 assessed below in Issue 5.4. The submitter does not provide a reason for the deletion but that policy guidance is provided for the assessment of clause (a). As mentioned above clause (a) is a standard clause and the frequency, intensity, duration,

offensiveness and location (FIDOL) assessment is the standard method for determining the level of offensiveness of the discharge. The submitter suggests (below in Issue 5.4) that noxious and dangerous cannot not be assessed through olfactory methods. I agree, this statement is true, however including the noxious and dangerous conditions is appropriate to further protect people and the environment from noxious or dangerous discharges, even if they cannot be assessed by olfactory methods.

191. The Minister of Conservation (S75/116) states in relation to Rule R36(b) that product labels do not list many environmental weed species and this would affect the work carried out by the Department of Conservation to control environmental weeds. This submission is supported by Beef and Lamb New Zealand (FS53/006) and New Zealand Defence Force (FS64/016) but opposed by Horticulture New Zealand (FS71/125).
192. Rule R36(b) is intended to ensure that the application of agrichemicals is applied according to the manufacturers' instructions or what is written on the product label. The intent is about the proper use of the agrichemical not the target species. The clause has an 'or', therefore if the label is not complete the manufacturers' instructions should be consulted. It is not possible to include or exclude weed species in a regional rule. The clause in effect is for the protection of people and property beyond the boundary, and where a spray was not administered according to the instructions there is a higher likelihood of Rule R36 being breached through poor usage. For these reasons I consider that clause (b) remain as proposed.
193. Horticulture New Zealand (S307/062) requests that Rule R36(d) is changed to improve certainty over what is 'a residential area' as this is not defined in the proposed Plan. I agree with the submitter that the residential areas could be made clearer, and the submitter's relief is appropriate to include reference to district plans. This recommendation is made below.
194. Horticulture New Zealand (S307/065) requests a new rule for agrichemical applications required as part of a response to a biosecurity incursion of unwanted organisms. Rangitāne o Wairarapa (FS74/258) opposes this

submission and Beef and Lamb New Zealand (FS53/004) supports the submission.

195. Rule R36 in my opinion would not prevent the Minister for Primary Industries under the Biosecurity Act 1993 undergoing a spray application for biosecurity purposes. The Minister has separate powers under the Biosecurity Act that he or she can use for biosecurity purposes. I do not consider the proposed Plan need have a permitted activity rule for this purpose.
196. The Minister of Conservation (S75/118), Federated Farmers of New Zealand (S352/185), Horticulture New Zealand (S307/062), Farmer Common Format submitters, Craig Dairy Farms Common Format submitters and Waa Rata Estate (S152/045) have all questioned clause Rule R36(e) – no discharge into a community drinking water supply protection area; and have requested that the clause is deleted or further evidence be presented to support this measure.
197. Submissions on the provisions relating to community drinking water supply protection areas will be fully assessed in Hearing 5 in the Section 42A officer's report: Discharges to land. At this point I recommend that any changes to Rule R36(e) are left to Hearing 5 when further evidence will be presented by Council for an overall approach to the discharges that are to be controlled in these areas. Therefore, I recommend no change is made to this clause (e) at this time.
198. The Minister of Conservation (S75/119) requests that Rule R36(f) is amended to ensure that the discharge is in accordance with *NZS 8409:2004 Management of Agrichemicals* unless inconsistent with the conditions of the relevant New Zealand Environmental Protection Authority (EPA) approval. The Minister's submission is opposed by Horticulture New Zealand (FS71/129) on the grounds that *NZS 8409:2004 Management of Agrichemicals* is an approved Code of Practice under the Hazardous Substances and New Organisms Act 1996 (HSNO) and is an appropriate mechanism to achieve HSNO regulations. Horticulture New Zealand (S307/062) requests that 'including' is deleted from clause (f).

199. Horticulture New Zealand seeks that the word ‘including’ is deleted from Rule R36(f) in the first sentence. I agree the list of Appendices is intended to be limited to those listed and I recommend that the word ‘including’ is deleted from the clause. The Minister requests that the discharge is in accordance with *NZS 8409:2004 Management of Agrichemicals* unless inconsistent with the conditions of the relevant EPA approval. The further submission suggests otherwise that *NZS 8409:2004 Management of Agrichemicals* is complete. There is a possibility of another approval under the EPA diverging from *NZS 8409:2004 Management of Agrichemicals*. I propose to include the wording ‘where relevant to the particular substance and application method being used’ to allow either HSNO or another approval under the EPA to be administered by the rule. This change is recommended below.
200. Griffin Ag-Air Limited (S357/002), Farmers Common Format submitters, Craig Dairy Farms Common Format submitters, and Land Matters Common Format submitters have all questioned Rule R36(g) (preparation of a spray plan) to more reasonably reflect the practicalities and risk. Alexander Haddon Webster (S274/035) requests retention of clause (g). Anders and Emily Crofoot (S304/006) requests clause (g) is reworded to better represent the neighbours affected. Hamish Trolove (S31/010) requests for clause (g) that reference is made to continuous monitoring. Federated Farmers of New Zealand (S352/185) and Wairarapa Winegrowers Association (S103/002) request clause (g) is deleted. Land Matters Limited (S285/078) opposes the requirements to notify neighbours. Horticulture New Zealand (FS71/133) opposes the Land Matters Limited submission.
201. Rule R36(g) refers to the spray plan. The spray plan is a method in *NZS 8409:2004 Management of Agrichemicals* to ensure people applying spray (applicators) keep track of their usage and notify neighbours or adjoining properties of their intentions to spray. The spray plan is good management practice which is the focus of Policy P60 assessed above; and the spray plan is referred to above in clause (g) and in clause (f) of Rule R36 through adherence to Section 5.3 and Appendix M4 of *NZS 8409:2004 Management of Agrichemicals*. Clause (g) is based on Section 5.3 and Appendix M4 of the standard, and in my opinion it provides a reminder to applicators of their

responsibilities before they begin a spray operation. I agree with Horticulture New Zealand that clause (g) (iii) should be an ‘or’ rather than an ‘and’. This would improve the effectiveness of the clause, and mean that applicators have a choice about the way they notify their neighbours. Anders Crofoot’s submission sought that clause (g) (ii) and (iii) are more restrictive than the *NZS 8409:2004 Management of Agrichemicals* and that (ii) should read ‘neighbours likely to be affected’. I agree, the wording of these sub-clauses are overly restrictive and does not cater for the many types of spray applications that many occur. I recommend that sub-clause (ii) is changed to refer to neighbours likely to be affected.

202. Minister of Conservation (S75/120), Wairarapa Winegrowers Association (S103/002), Tim Mansell and Family (S351/094), Land Matters Limited (S285/078) and Land Matters Common Format submitters request Rule R36 (h) is deleted. Porirua Harbour and Catchment Community Trust (S33/044) seek that clause (h) is removed for small properties. Rex McKay (S322/043) requests Rule R36 adopt GROWSAFE provisions. Horticulture New Zealand (FS71/130) opposes the Minister of Conservation submission to delete clause (h).
203. Rule R36(h) requires that commercial operators, and Rule R36(i) requires that other applicators (that are not commercial applicators), have as a minimum the GROWSAFE accreditation. The reasoning behind this requirement is GROWSAFE was one of the first providers and remains a major provider of educational resources on the use of agrichemicals. GROWSAFE is in the operative RAQMP in Rule 1 as a requirement for commercial operators. However, since the RAQMP was made operative new service providers are available for educational resources for the application of agrichemicals. The *NZS 8409:2004 Management of Agrichemicals* is another resource that provides the background and resources that are needed for the correct use of agrichemicals outside formal training.
204. Submitters are concerned that the permitted activity rule is limited to GROWSAFE, as there are other providers. An applicant would need a resource consent for another provider to operate. In my opinion this is overly restrictive

for the provision of training resources for the application of agrichemicals. I note in clause (j)(ii) of the same rule that there is only a requirement for a company or operator to have a suitable accreditation for in this case aerial applications. There is no specific provider mentioned.

205. I propose that in Rule R36(h) a commercial applicator (a person for hire or reward on either private or public land) must be a Registered Chemical Applicator,<sup>11</sup> or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of a Registered Chemical Applicator. The commercial application is likely to be of a scale that accreditation is necessary for the type of application that takes place.
206. For applications that are non-commercial, clause (i) requires that applicators hold as a minimum the GROWSAFE Introductory certificate or be supervised by a person with a GROWSAFE Advanced certificate. The change sought by submitters would in effect mean that clause (i) is deleted in its entirety and non-commercial applicators are not required to have GROWSAFE certification. There are other safeguards to neighbouring people and property for non-commercial applicators, and these include adherence to Rule R36(b) that requires following the agrichemical product label and manufacturers' instructions, and ensuring that when discharging the agrichemical the discharge does not go beyond the boundary of the property that it originates. I recommend that clause (i) is deleted.
207. Rule R36(j) requires aerial application operators to hold an agrichemical rating under the Civil Aviation Act and suitable accreditation. The Minister of Conservation seeks that the word suitable is unclear. I agree with the submitter the word suitable is uncertain to what 'suitable accreditation' actually means and the word should be removed. I recommend this change below.
208. The Minister of Conservation (S75/120,122, 123) requests clause (k), (l), (m) are all deleted as they repeat other clauses above in (f). Horticulture New

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<sup>11</sup> This recommendation is based on information from an article in the Local Government Magazine (December 2016) by Roger Parton for Rural Contractors New Zealand.

Zealand (FS71/126) opposes this submission. I agree with the Minister of Conservation that there is no purpose for repeating conditions within the same rule. This is not effective rule making. I recommend that the clause (k), (l), (m) are all deleted.

209. The Minister of Conservation requests that Rule R36(n)(i) is deleted as this clause duplicates other regulation (HSNO). Horticulture New Zealand (FS71/128) opposes the submission. Waa Rata Estate (S152/045) seeks that public amenity areas are defined so as they are clearly distinguished from private land. I agree with the Minister's submission, this clause is in the HSNO regulations and therefore duplicates other regulation. I recommend that clause (n)(i) is deleted. I propose to delete the word 'amenity' in the first sentence of clause (n) to improve certainty that the public areas are those areas that are used by the public such as roadsides, public areas administered by city, district and regional councils, and other agencies such as the Department of Conservation, schools, sports clubs, and all other areas where the public has unrestricted access.

### Issue 3.2 Summary of recommendations

210. I recommend that the definition of 'sensitive area' and Rule R36 is amended to:

Sensitive area	<p>A sensitive area includes the following:</p> <ul style="list-style-type: none"> <li>(a) dwelling house <u>or marae</u>, and</li> <li>(b) educational facilities, and</li> <li>(c) <del>amenity areas</del> and public places, and</li> <li>(d) <b>group drinking water supplies and community drinking water supply protection areas, and</b></li> <li>(e) surface water bodies <del>and associated riparian vegetation</del>, and</li> <li>(f) non-target plants, crops, which are sensitive to <b>agr chemicals</b>, and</li> <li>(g) organically certified properties, e.g. Bio-Gro, and</li> <li>(h) natural wetlands, outstanding water bodies listed in Schedule A and ecosystems and habitats with significant indigenous biodiversity values listed in Schedule F.</li> </ul>
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### Rule R36: Agr chemicals – permitted activity



The discharge of **agr chemicals** into air or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:

~~For all applications excluding residential areas and hand-held/knapsack applications:~~

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the discharge shall be in accordance with the rate specified on the **agricultural** product label or the manufacturer's instructions, and
- (c) the **agricultural** is in accordance with the Hazardous Substances and New Organisms Act 1996, and
- (d) there is no aerial spraying in areas zoned residential or urban in district plans areas, and
- (e) there is no discharge into water or within a **community drinking water supply protection area**,<sup>12</sup> and
- (f) the discharge shall be in accordance with *NZS 8409:2004 Management of Agriculturals*, including where relevant to the particular substance and application method being used:
  - (i) *Storage – Appendix L4*, and
  - (ii) *Use – Part 5.3*, and
  - (iii) *Disposal – Appendix S*, and
  - (iv) *Records – Appendix C9*, and
- (g) the applicator, manager or owner of the **property** shall prepare a spray plan at least once per annum, and:
  - (i) identify **sensitive areas** adjacent to where discharges of **agricultural** shall occur in accordance with *NZS 8409:2004 Management of Agriculturals: Section 5.3 and Appendix M4*, and
  - (ii) notify ~~adjacent~~ neighbours likely to be affected that a spray plan is available on request at start of a spray season, or
  - (iii) gain written agreement from adjoining neighbours that notification is not required, ~~and or~~

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<sup>12</sup> This clause (e) will be assessed in Section 42A officer's report: Discharges to land in Hearing 5.



- (iv) supply a copy of the spray plan at least 24 hours prior to the discharge of **agricultural chemicals** to the owner/occupier of a **property** identified as a **sensitive area** or likely to be directly affected by the discharge, or requests a copy, and
- (h) ~~for ground-based applications by a commercial applicator the principal applicator shall:~~ any person applying agricultural chemicals in a public place or on private property for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered Chemical Applicator accreditation, and
  - ~~(i) hold a current GROWSAFE<sup>®</sup> Registered Chemical Applicators Certificate, or~~
  - ~~(ii) hold a current GROWSAFE<sup>®</sup> Introductory Certificate and be supervised by a person holding a current GROWSAFE<sup>®</sup> Registered Chemical Applicators Certificate, and~~
- ~~(i) for ground-based applications where the applicator is not a commercial applicator the applicator shall:~~
  - ~~(i) hold a GROWSAFE<sup>®</sup> Introductory Certificate, or~~
  - ~~(ii) be supervised by a person holding a current GROWSAFE<sup>®</sup> Advanced Certificate, and~~
- (j) for aerial applications the applicator shall:
  - (i) hold a Pilots' **Agricultural Chemical** Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, and
  - (ii) the company or operator holds an suitable accreditation for **agricultural chemical** application, and
- ~~(k) all **agricultural chemicals** shall be securely contained and stored in accordance with NZS 8409:2004: Management of Agricultural Chemicals: Appendix L4, and~~
- ~~(l) all mixing and application of **agricultural chemicals** shall be conducted in accordance with NZS 8409:2004 Management of Agricultural Chemicals: Appendix F, and~~
- ~~(m) records are kept in accordance with NZS 8409:2004: Management of Agricultural Chemicals: Appendix C9 and shall be available to the Wellington Regional Council upon request, and~~
- (n) in public amenity areas the applicator shall:

~~(i) place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period, as specified on the product label, has expired, and~~

(ii) alongside roadways, vehicles associated with spraying **agricultural chemicals** shall display prominent signs (front and back) advising that spraying is in progress, and

(~~ok~~) for discharges adjacent to a **sensitive area** a risk assessment prior to the discharge shall be undertaken in accordance with *NZS 8409:2004: Management of Agricultural Chemicals*.

211. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

### **Issue 3.3 Agricultural chemicals into water (Rule R37)**

#### Issue 3.3 Background

212. Rule R37 manages discharges of agricultural chemicals to water. This rule is based on the New Zealand Standard - *NZS 8409:2004 Management of Agricultural Chemicals*.

213. If the conditions of Rule R37 cannot be met a resource consent is required through Rule R38.

#### Issue 3.3 Submissions and assessment

214. The Minister of Conservation (S75/124, 125) supports the intent of the rule as there are specific controls required for discharge of herbicides approved by the EPA into water. The Minister however requests that in Rule R37(b) ‘the discharge shall be in accordance with *NZS 8409:2004 Management of Agricultural Chemicals ...*’ unless inconsistent with the conditions of the relevant EPA approval, in which case the conditions of the relevant EPA approval are followed. I agree with the submission, EPA approvals take precedence over *NZS 8409:2004 Management of Agricultural Chemicals* and this needs to be made clear in clause (b). I recommend words to that effect are added to clause (b), to make this distinction clear to users. The proposed wording is below.

215. Wellington Regional Council (S133/008) notes that the intention of the proposed Plan is to permit the discharge of agricultural chemicals into stock dams, ponds and other artificial places subject to conditions. The permitted activity

conditions should only apply to surface water bodies as defined in the proposed Plan. I agree with the Wellington Regional Council, the intent of Rule R37 is to manage discharges into surface water bodies, not stock dams or artificial ponds and alike and the rule should refer to surface water bodies as requested. This change is recommended below.

216. With regard to Rule R37(c) Beef and Lamb New Zealand (S311/010) submits that clause (c) does not permit the application of agrichemicals from a boat, and there is no provision for pest control under the Biosecurity Act 1993. Kaiwaiwai Dairies Limited (S119/020) submits that commercial contractors are not included in clause (c), and Jim Hedley (S340/084) submits that there is no reference to the approved handler certificate in clause (c). The Minister of Conservation (S75/126) submits that GROWSAFE is just one industry provider, not an industry-wide standard or legal requirement and requests that (c) is deleted. Porirua Harbour and Catchment Community Trust (S33/032) requests that GROWSAFE certification requirements are removed from small holdings. Horticulture New Zealand (FS71/135) opposes the Minister's submission to delete (c) on the grounds that this is best practice.
217. In my opinion, Rule R37 should follow the changes made to Rule R36 for consistency and understanding. This means that clause (c) should refer to the recommended clauses above in Rule R36 for a commercial applicator spraying for hire or reward. This person should be a Registered Chemical Applicator, or an Approved Handler under the supervision of a Registered Chemical Applicator. Submitters have noted the discrepancy with this clause in not referring to commercial operators or obtaining the approved handling certificate. I recommend this change below.
218. Rule R37(c) refers to ground-based applications, meaning that boats are not applicable. I recommend that ground-based includes reference to discharges to water for ground-based (including from a boat) is inserted to allow applications from a boat. This change is recommended below.
219. As explained above in Issue 3.2. I do not agree that special provision is required for biosecurity purposes. The Minister for Primary Industries has


special powers under the Biosecurity Act 1993 for the incursion of unwanted pests; a special rule is not required in the proposed Plan.

220. I agree with the Minister of Conservation that GROWSAFE is just one of many providers. As I have recommended in Rule R36 above, the references to GROWSAFE should be deleted as it creates an unfair situation for other providers who also provide best practice.
221. The Minister of Conservation (S75/127) submits that Rule R37(d)(ii), the word suitable is deleted. I agree, as I have recommended above in Rule R36, the word suitable is subjective and lacks certainty and should be deleted to improve effectiveness.
222. Rule R37(e) refers to the discharge into community drinking water supply areas and potable water supply areas. Regional Public Health (S136/008) submits that Rule R37(e)(i) notification requirement is one week before discharge not 12 hours. Federated Farmers of New Zealand (S352/186) requests for Rule R37(e)(ii) that each resource consent holder for taking water from a community drinking water supply protection area within 1km downstream of the discharge one week before.
223. As discussed above in Rule R36, provisions relating to community drinking water supply protection areas will be fully assessed in Hearing 5 in the Section 42A officer's report: Discharges to land. I recommend that any changes to Rule R37(e)(i) and (e)(ii) are left to Hearing 5 when evidence will be presented by Council for an overall approach to the discharges that are controlled in these areas. Therefore, I recommend no change is made to clause (e) until that time.
224. The Minister of Conservation (S75/128) seeks that Rule R37(f)(i) is deleted as it duplicates HSNO controls. As I have recommended above in Rule R36 this deletion would improve the use of the rule and the sub-clause is deleted.
225. Porirua City Council (S163/083) seeks that public amenity is defined in clause (f). I proposed as in Rule R36 above that the word 'amenity' is deleted to improve certainty about what areas are to have signage during spray applications. This change is consistent with that recommended below.

226. The Minister of Conservation (S75/129) seeks that the note is deleted from the bottom of Rule R37. I agree, this note is confusing as control for aerial spraying over natural wetlands is not controlled by Rule R105 it is controlled by Rule R37. I recommend the note is deleted.

### Issue 3.3 Summary of recommendations

227. I recommend that Rule R37 is amended to:

Rule R37: Agrichemicals into surface water bodies ~~water~~ – permitted activity 

The discharge of **agrchemicals** into surface water bodies ~~water~~ is a permitted activity, provided the following conditions are met:

- (a) the **agrchemical** is approved by the Environmental Protection Authority for discharge into surface water bodies ~~water~~, and
- (b) the discharge shall be in accordance with *NZS 8409:2004 Management of Agrichemicals* and *NZS 8409:2004 Management of Agrichemicals, Records – Appendix C9*, unless inconsistent with the relevant Environmental Protection Agency approval in which case the conditions of the relevant Environment Protection Agency approval is followed, and
- (c) any person (including from a boat) applying **agrchemicals** in a public place or on private **property** for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered Chemical Applicator accreditation, or
- ~~(e) — for ground-based applications the applicator shall hold either:~~
  - ~~(i) — a current GROWSAFE<sup>®</sup> Registered Applicators Certificate with the Aquatic strand, or~~
  - (ii) New Zealand Qualification Authority National Certificate in Agrichemical Application with the Aquatic strand, and
- (d) for aerial applications the applicator shall hold either:
  - (i) a Pilots' Agrichemical Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, or
  - (ii) the company or operator holds an suitable ~~suitable~~ accreditation for **agrchemical** application, and

- (e)<sup>13</sup> the applicator shall notify:
  - (i) every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and
  - (ii) each resource consent holder for taking water from a **community drinking water supply protection area** downstream of the discharge one week before the discharge begins, and
- (f) in a public ~~amenity~~ area the applicator shall:
  - (i) ~~place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period as specified on the product label has expired, and~~
  - (ii) alongside roadways, vehicles associated with spraying agrichemicals shall display prominent signs (front and back) advising that spraying is in progress.

*Note*

~~Aerial application of agrichemicals to natural wetlands is controlled by Rule R105.~~

228. Assessment of this recommended change pursuant to Section 32AA of the RMA is attached in Appendix A.

### **Issue 3.4 Default rule (Rule R38)**

#### Issue 3.4 Submissions and assessment

229. Wellington City Council (S286/037), Horticulture New Zealand (S307/064) and New Zealand Defence Force (S81/017) have all requested that Rule R38 should be restricted discretionary rather than full discretionary. Submitters consider if a spray application is not permitted, that the matters of discretion should be known to the applicant.

230. The proposed Plan has applied a common approach to activities that are considered complex and where the matters of discretion would be high in number (in these instances a Restricted Discretionary Activity would be considered inappropriate). In the case of spray applications generally, however,

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<sup>13</sup> All of clause (e) will be assessed in Section 42A officer's report: Discharges to land in Hearing 5.

matters are restricted to the effects of spray drift over the boundary of the property of application.

231. I agree with submitters, discretionary status for spray applications is unnecessary when the effects of an application of spray are specific and well known in most cases.
232. I note also, that the actual number of consents issued by Council for spray applications is very low, numbering only a few per decade. The matters for discretion should then be able to specify in some detail the circumstances for the discharge. I recommend that Rule R38 is changed in activity status from discretionary to restricted discretionary and this change is proposed below. I consider the matters for discretion recommended are appropriate to ensure any adverse effects can be avoided, remedied or mitigated through a resource consent process.

#### Issue 3.4 Summary of recommendation

233. I recommend that Rule R38 is changed to restricted discretionary as follows:

Rule R38: Agrichemicals not permitted – restricted discretionary activity

The discharge of **agrchemicals** into air or onto land where it may enter water or into surface water bodies ~~water~~ that is not permitted by Rule R36 or Rule R37, is a restricted discretionary activity.

Matters for discretion

1. The substance to be discharged including its toxicity and volatility and the carrying agent (formulation); and
2. The proposed method of application, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground; and
3. The nature of any training undertaken by the operator; and
4. Measures to avoid agrichemical spray drift beyond the target site, and
5. The extent to which the use or application complies with NZS8409:2004 *Management of Agrichemicals*; and
6. The proximity of the application to **sensitive areas**, and
7. The timing of the application in relation to weather conditions, and

8. Communication requirements for the application.

**Issue 4. Fumigants**

Issue 4 Background

234. Fumigants are any chemical which at a specific temperature and pressure can exist in a gaseous state in sufficient quantities to be lethal to a pest organism and which is approved as a hazardous substance under the HSNO.
235. Fumigants are used by the commercial port company for the treatment of logs before export. Fumigants are also used in the household for the control of borer and other pests. People can use fumigants provided they do not result in adverse effects on other people, the environment or property and they are used safely and responsibly in accordance with good management practice.
236. The discharge of fumigants is managed through Proposed Policy P60, and Rules R39 and R40.

Issue 4 Submissions and assessment

237. Andrew Francis Carman (S40/001) requests that the discharge of methyl bromide include recapture technology and the gas has something added to give it a pungent smell. Regional Public Health (S136/009) seeks a reference to recapture technology for fumigants discharged under Rule R40.
238. The discharge of methyl bromide is commonly used in New Zealand for the eradication of quarantine pests from import or export cargo and is managed by the EPA. Methyl bromide is an ozone depleting substance and the importation and use is controlled through the Ozone Layer Protection Act 1996. The Ministry for Primary Industries and the EPA both provide details about methyl bromide on their websites including practice and monitoring notes.<sup>14</sup>
239. Recapture is already occurring at some ports in New Zealand and will be required for all fumigation starting in 2020. Wellington's port – CentrePort is currently requiring recapture technologies for fumigation of logs in enclosed

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<sup>14</sup> See [www.biosecurity.govt.nz/files/regs/treat/methyl-bromide-info.pdf](http://www.biosecurity.govt.nz/files/regs/treat/methyl-bromide-info.pdf) official note on methyl bromide and [www.epa.govt.nz/about-us/monitoring/methyl-bromide-reports/read\\_mbr\\_reports/Pages/default.aspx](http://www.epa.govt.nz/about-us/monitoring/methyl-bromide-reports/read_mbr_reports/Pages/default.aspx)



spaces such as shipping containers. There is no recapture of methyl bromide used in the holds of ships.

240. The concern raised by submitters is that recapture should be a requirement under proposed Rule R40. I consider given that the release and use of methyl bromide is strictly controlled through the EPA processes and that recapture technologies are required by 2020 it is not necessary to also require recapture technologies through Rule R40. Recapture technologies are encouraged by the EPA and are currently being used at CentrePort. A question remains over the discharge of methyl bromide into the holds of ships. It is certainly more difficult to apply recapture technologies given the size of the hold of the ship. Therefore, the discharge of methyl bromide in these situations is managed through best practice methods.
241. Porirua City Council (S163/084, 085) seeks clarification over the matters of control in Rule R40 and notes that there is a drafting inconsistency between Rules R39 and R40. The submitter seeks that fumigants are restricted inside or adjacent to sites of significance and the buffer distance requires further clarity.
242. I agree with the submitter that there is a drafting error between Rules R39 and R40. Proposed Rule R39 permits the discharge of fumigants provided the fumigant is not in the hazardous air pollutant list – Schedule L2. This limits the discharge of fumigants known to cause significant adverse effects. Rule R40 states that the discharge of fumigants including the discharge of the listed odourless fumigants is a controlled activity. There is no link between the two rules. Rule R39 needs to exclude the fumigants listed in Rule R40 or Rule R40 needs to state that the discharge of fumigants not meeting the conditions of Rule R39 is a controlled activity. I consider that Rule R40 needs to state that the discharge of fumigants not meeting the conditions of Rule R39 is a controlled activity. This in effect means that all discharges of fumigant not meeting Rule R39 are a controlled activity. Otherwise, the discharge of fumigants not meeting Rule R39 is a discretionary activity under Rule R41. This is not the intention of Rule R39.

243. I also agree with the Porirua City Council that the matters of control for Rule R40 concerning the buffer distance is vague. The intention of the matter is for the Council to ensure the buffer distance from the area or place of discharge is at a distance that protects people's health. There are best practice distances that are used for chemicals such as methyl bromide. The buffer distance is from the main source of the discharge and this should be added to this matter of control. The proposed change is shown below and assessed in Appendix 1.
244. Porirua City Council also seeks control of fumigants inside or adjacent to significant areas in the proposed Plan. I am unsure of the situations that may arise when fumigation may be necessary inside or adjacent to a site of significance. I do not consider this to be a common situation and is not one that would warrant a resource consent consideration. As I suggested in the background note for this section on fumigation, it is a chemical to control pests along with agrichemicals. Fumigants are less common than agrichemicals as they tend to be used in situations that are enclosed and target a specific pest that requires eradication – such as wood borer. In rural situations fumigants are used for some crops; however the majority of pest control is through agrichemicals. I consider that there is no requirement to have further considerations in the proposed Plan for fumigants inside or adjacent to sites of significance.
245. Simon Stannard (S115/002) opposes Rule R40 as the submitter contends there is a discharge into air, albeit minor, if there is a manual activation (with the use of water) of the substance. This would make the use of fumigants to control rabbits a controlled activity resulting in a significant reduction in the control of this pest. The submitter suggests a minimum volume for the discharge of this type of fumigant. I do not consider that the discharge of fumigant in the manner the submitter suggests is actually a discharge under the RMA. The discharge appears to be minor if at all and would not be in a position to change the chemical state of the air in which it is discharged. Therefore, I do not consider that there is a concern with this type of chemical for the control of rabbits in this case.

246. Friends of the Paekakariki Streams (S112/091) request all discharges of fumigants to be a discretionary activity. I consider that this is a high test for the discharge of fumigants when they are a permitted activity in the operative plan and if discharged in the correct manner in accordance with the manufacturers' directions there is a low risk to people's health and the environment. I therefore do not consider that fumigants require a discretionary activity status.

#### Issue 4 Summary of recommendations

247. I recommend that Rule R39 and Rule R40 should read:

##### Rule R39: Fumigation – permitted activity

The discharge of **fumigants** into air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**.

##### Rule R40: Discharge of other fumigants – controlled activity

The discharge of **fumigants** that is not permitted by Rule R39, or including the discharge of **fumigants** including ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin into air is a controlled activity.

##### *Matters of control*

1. Monitoring and reporting requirements
  2. Distance of the buffer zone from the area of discharge
1. Assessment of this recommended change pursuant to section 32AA of the RMA is attached in Appendix A.

## Issue 5. Odour, smoke and dust

### Issue 5 Background

248. Odour is an ongoing air quality management issue in the region. Odour occurs from industrial and trade premises, but also arises from households burning materials in backyard incinerators or from (internal) woodburners. In many situations the discharge of odour can be managed in a reasonable way,

however, there are situations where the discharge of odour is an ongoing issue for neighbouring properties.

249. Incidences of smoke occur from backyard incinerators is a constant cause for concern for some people. The hilly nature of Wellington City and other suburbs makes the issue more marked as the discharge point can be parallel with a neighbouring household. This restricts people's well-being in these situations. The Council policy is to assess the incident and inform the city or district council for any further action.<sup>15</sup>

250. Incidences of dust are not as common as discharges of odour or smoke. Dust discharges depend on wind direction and recent ground dryness. Dust from roading or subdivisions earthworks or cleanfills is a common incident for Council over the summer months. Major road projects mitigate dust with hydroseeding on open ground and this has proved effective. Dust, like smoke usually is associated with a land use, the effects of which are managed by a city or district council.

251. The sub-issues on odour, smoke and dust discharges are as follows:

- Issue 5.1 Definitions related to odour, smoke and dust
- Issue 5.1 Policy framework (Objective O41, Policies P55, P56 and P57)
- Issue 5.2 Smoke over the boundary
- Issue 5.3 Outdoor burning

## **Issue 5.1 Definitions related to odour, smoke and dust**

### **Issue 5.1 Background**

252. Submissions have been received on the definitions of: firefighter training, outdoor burning, property and specified materials.

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<sup>15</sup> Smoke from domestic fires that may affect people's amenity is treated as a nuisance under section 29(m) of the Health Act 1956. These nuisances are managed by city and district councils. The Council has assisted in some instances where the smoke from domestic fires is an ongoing problem in some places such as Raumati South on the Kāpiti Coast.

253. Another related definition to this issue is ‘good management practice’ which is assessed in Section 42A officer’s report: Water quality.

#### Issue 5.1 Submissions and assessment

254. New Zealand Defence Force (S81/003) seeks a definition for ‘firefighter training’ as the submitter contends there could be confusion over this activity. I do not consider that a definition of firefighter training is necessary for this activity. The definition relates to Rule R3 which regulates firefighter training outdoors subject to three conditions. Rule R3(b) defines the authorities that must control such a fire therefore the possibility of misinterpretation of who can or cannot provide for this activity would be very low. I recommend that no new definition is provided for firefighter training.
255. Southern North Island Branch of the National Beekeepers Association (S108/001) and Horticulture New Zealand (S307/061) request provision for the burning of materials for biosecurity purposes in the definition of outdoor burning. Permitted activity Rule R1 (outdoor burning) does not specify biosecurity purposes. I note that the conditions in Rule R1(b) is that there is no burning of ‘specified materials’. The definition of ‘specified materials’ specifically excludes the burning of animal carcasses or plant material for biosecurity purposes. I consider the conditions in the permitted activity, together with the exclusion from the definition of ‘specific materials’ are wide ranging and provide for the burning of materials for biosecurity purposes. I do not consider that the air quality provisions needs to have a specific policy or rule for the burning of animals or plants for biosecurity purposes.
256. The Southern North Island Beekeepers Association however, requests that the burning of hives be permitted, as this is the only way (presently) to sterilise hives from American foulbrood disease under the Biosecurity Act 1993. The hives have plastic frames and the burning of plastic (outdoors) is to be avoided. The Southern North Island Beekeepers Association issue is problematic as they are required to adhere to the Biosecurity Act 1993 and burn hives for the control of the American foulbrood disease, however, this activity is not permitted by the proposed Plan. Details of the disease and management requirements are described in the American Foulbrood National Pest

Management Plan.<sup>16</sup> I propose to include an exception in the definition of specified materials to allow the burning of bee hives for biosecurity purposes as there are few other options at this stage. The change is proposed below.

257. Wellington City Council (S286/039), Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council (S85/005), Fertiliser Association of New Zealand (S302/008), Federated Farmers of New Zealand (S352/041), New Zealand Defence Force (S81/010) and Porirua City Council (S163/029) have all requested clarification around the definition of ‘property’ and how the definition is to treat areas that are not in private ownership such as roads and rivers. Dan Riddiford (S350/004) seeks that acknowledgement is made to the decision of the Supreme Court in *Waitakere v Estate Homes*. Horticulture New Zealand (FS71/004) has opposed any change to the proposed Plan definition. Hutt City Council and Upper Hutt City Council Roding, Parks and Gardens and Solid Waste (FS59/006, 009) supports the Wellington City Council submission. Federated Farmers of New Zealand (FS54/109) supports the Dan Riddiford submission. Wellington Water Limited (FS25/006) supports the Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council submission. Rangitāne o Wairarapa (FS74/017) opposes the Federated Farmers of New Zealand submission.
258. The definition of ‘property’ in the proposed Plan is limited as it only refers to land in freehold title. Therefore, I agree with submitters that this limitation leads to uncertainty for those areas not in freehold title and this would in turn cause confusion for permitted activity rules in Section 5.1 of the proposed Plan that exclusively use the word ‘property’. The word in my opinion requires a new definition to remove this uncertainty and ensure permitted activity rules where this word is used, can be made effective and efficient. The Fertiliser Association of New Zealand provides a useful alternative definition of ‘property’ that I consider addresses the submission point on the proposed Plan

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<sup>16</sup> See website: <http://www.afb.org.nz/spread-of-afb>

definition. I recommend that this definition replaces the definition in the proposed Plan and this is given below.

259. New Zealand Defence Force (S81/006) supports the definition of ‘specified materials’ and Waa Rata Estate (S152/043) seeks that ‘green waste’ is added to the definition. I agree with the submitter, ‘green waste’ is not a material in the list of ‘specified materials’ that can lead to a toxic smoke discharge. I recommend that ‘green waste’ is made exempt from the ‘specified materials’ list.

#### Issue 5.1 Summary of recommendations

260. I recommend that the definition of property is changed below:

Property	<del>Any contiguous area of land or freehold title in one ownership.</del> <u>Property means any contiguous area of land, including land separated by a road or river, held in one or more than one ownership that is utilised as a single operating unit, and may include one or more certificates of title.</u>
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261. I recommend that the definition of ‘specified materials’ is amended to:

Specified materials	<p>Specified materials includes, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and</li> <li>(b) wood treated with copper, chromium and arsenic (CCA) or other chemicals, and</li> <li>(c) timber treated with preservatives or impregnated with chemicals, including but not limited to particleboard, MDF and chipboard, and</li> <li>(d) construction or demolition waste, and</li> <li>(e) all plastics, including but not limited to halogen or phosphorus-containing plastics, and</li> <li>(f) paint and other surface-coating materials, and</li> <li>(g) used or waste oil, and</li> <li>(h) tar or bitumen, and</li> <li>(i) all rubber, including but not limited to rubber tyres, and</li> <li>(j) materials containing asbestos, and</li> <li>(k) synthetic material, including but not limited to foams, fibreglass, and</li> <li>(l) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and</li> <li>(m) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principal waste, and</li> <li>(n) sludge from industrial processes, and</li> <li>(o) municipal, commercial, institutional, domestic, or industrial waste.</li> </ul> <p>This definition of specified materials excludes:</p> <ol style="list-style-type: none"> <li>1. the burning of pyrotechnics for private or public display or military training or for their authorised disposal by the New Zealand Defence Force, and</li> <li>2. the burning of materials in burn boxes authorised by the New Zealand Defence Force, and</li> <li>3. the burning of animal carcasses or plant material for biosecurity purposes.</li> <li>4. <u>the burning of bee hives as required under the Biosecurity Act 1993.</u></li> <li>5. <u>the burning of green waste.</u></li> </ol>
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262. Assessment of this recommended change pursuant to section 32AA of the RMA is attached in Appendix A.

## **Issue 5.2 Policy framework (Objective O41, Policies P55, P56 and P57)**

### Issue 5.2 Submissions and assessment

263. Powerco (S29/006) and The Oil Companies (S55/005) request that the effects from odour, smoke and dust are not ‘reduced’ but replaced with ‘avoid, remedy or mitigate’ in Objective O41.

264. Objective O41 is to reduce the incidents of odour, smoke and dust. The key word in the objective is ‘reduce’. The approach in the plan acknowledges that such discharges cannot be totally eliminated as when one discharge is completely eliminated or mitigated for example, a new process or practice can



produce another. Also, it is not always possible to avoid discharges of odour, smoke and dust. Discharges of this nature can be infrequent or one-off and difficult to completely eliminate. Therefore, the aim of Objective O41 is to reduce the numbers of incidents to a lower level than is current today. The policy suite that implements Objective O41 are: Policy P55 which requires amenity values to be managed by minimising odour, smoke and dust, Policy P56 that requires all outdoor burning to be managed with good management practices, and Policy P57 that requires the avoidance of burning hazardous materials outdoors to protect people's health. The policy framework relies on the use of good management practices to manage effects to meet Objective O41. The rules that implement the objective and policies are Rules R1 to R5, however there are other relevant provisions, which is, all point source or industrial permitted activity rules (Rule R7 to Rule R41) can have an odour, smoke and dust discharge component.

265. The NZ Transport Agency (S146/061) seeks for Objective O41 that the adverse effects of odour, smoke and dust on amenity values and people's well-being are reduced to the extent practicable.
266. I consider that the addition of these qualifier words as requested by the submitter is not helpful and would dilute the effectiveness of the objective. There are potentially many examples where 'to the extent practicable' could apply such as cost or resources and would make the aim of achieving a reduction in the incidents of odour, smoke and dust difficult to achieve. Also an objective with such a qualifier would lead to poor management practices for the management of odour, smoke and dust resulting in the objective not being met. For these reasons I do not agree with the additional words to the extent practicable for Objective O41.
267. Federated Farmers of New Zealand (S352/096, 097) seek a new objective for new sensitive activities and that these should not be located near land uses that emit odour, smoke and dust. The submitters also request that Objective O41 only regard 'significant' effects from odour, smoke and dust. The RPS Policy 1 directs district plans to discourage reverse sensitivity situations from occurring by ensuring that sensitivity activities are not located close to land uses that

produce odour, smoke and dust. It is my understanding of the submitter's request that RPS Policy 1 is already providing policy direction for the location of land and sensitive activities and vice versa. I do not consider the proposed Plan needs to provide similar direction because of RPS Policy 1.

268. The submitter also requests that Objective O41 only regard 'significant' effects of odour, smoke and dust. This type of discharge – odour, smoke and dust affects people's amenity and can also in some cases have health effects. In the human population there is a range of sensitivity to odour, where the effect on some people can be marked and others not so. If the objective were to be limited to only 'significant' effects there is a likelihood that people sensitive to odour would not be fully considered by the proposed Plan. I do not consider this would be the most effective means of giving effect to RPS Policy 2 which is to protect people's amenity values from the discharges of odour, smoke and dust.
269. NZ Transport Agency (S146/102) and Vector Gas Limited (S145/041) seeks that Policy P55 is amended so that air quality amenity in urban, rural and the coastal marine areas is managed so that offensive or objectionable odour, smoke and particular matter fumes, ash and visible emissions are 'minimised to the extent practicable'. As discussed above in reference to Objective O41 I consider that inserting words such as 'to the extent practicable' is not helpful and would dilute the effectiveness of the policy. There are potentially many examples where 'to the extent practicable' could apply such as cost or resources and would make the management of amenity difficult to achieve (see paragraph 266 above in this document). For these reasons I do not agree with the additional words to the extent practicable for Policy P55.
270. Horticulture New Zealand (S307/059) and Federated Farmers of New Zealand (S352/157) seeks guidance on the use of the FIDOL factors in air amenity. As discussed in Issue 2.5 above I do not consider that a description of the FIDOL factors is necessary in the proposed Plan when there is central government guidance on the appropriate use of these factors for air discharges.

271. Horticulture New Zealand (S307/022, 043) seeks that the focus of Policy P56 should be on avoiding, remedying and mitigating effects. This request is common to other submission points and I refer to Issue 2.1 above for an explanation of why provisions have not always stated this phrase. Overall, the proposed Plan has not repeated the words of the RMA but rather has used words that provide more meaning for managing effects the type of discharge in question. In this case, discharges are minimised through good management practices other than avoiding these discharges where in many cases they are not able to be avoided, for example, smoke from a domestic chimney; and 'minimise' is defined in Policy P4.

### **Issue 5.3 Discharges over the boundary of a property**

#### **Issue 5.3 Background**

272. Permitted activity air discharge rules in the proposed Plan have a general clause to protect people's amenity and health where any discharge of odour, smoke and dust beyond the boundary of the property and does not cause noxious, dangerous, offensive or objectionable effects.

#### **Issue 5.3 Submissions and assessment**

273. Mt Victoria Residents Association (S162/005) and New Zealand Defence Force (S81/010) seek confirmation about how the provisions work with places like rivers and roads.
274. Waa Rata Estate (S152/026, 035 to 041) seeks clarification over the use of the words 'beyond the boundary of the property' (e.g. height above boundary) or 'noxious, offensive or objectionable'. The submitter contends it is fundamental that smoke will go beyond a boundary.
275. Submitters seek confirmation about how the provisions work with amenity and the rule clause beyond the boundary for places like rivers and roads. For areas outside private property such as roads and rivers it is assumed that people use these areas on a temporary basis. It is not where people normally reside. Therefore, the effects are only going to be temporary and not affecting the people's health or amenity over the long term. People's amenity could be affected by infrequent odours for example from an industrial premise onto a

roadway or footpath which people use. This may be offensive or objectionable to some people and if so, the effects would need to be assessed by Council officers and enforcement action taken if determined to be appropriate. In summary, the rules work to protect people's health and amenity where a discharge is encountered and every discharge onto a public space such as a river or a roadway would need to be assessed on a case-by-case basis.

276. Related to public spaces is the submission by Waa Rata Estate over the use of the phrase 'beyond the boundary of the property'. I have dealt with the definition of 'property' as defined in the proposed Plan and recommended above in Issue 5.1 that a change is made to mean any contiguous area of land including land separated by a road or river in one title or multiple titles.
277. The discharge of contaminants into air such as dust from a property is treated the same way by the proposed Plan – that is if the discharge goes beyond the boundary of the property. For example, a quarry being a large area has many activities within it that may cause dust. A quarry truck for example driving around within a quarry area will generate dust on a metalled road over a dry period. This dust can be discharged within the boundary of the quarry property. If the dust affects people or workers within the quarry boundary then this is a matter for the quarry owner or the person who manages the quarry to resolve. If the dust goes over the boundary of the quarry and affects a neighbouring property then this would be an issue for the proposed Plan, if the dust causes an offensive or objectionable effect.
278. Offensive or objectionable effects are assessed using the FIDOL (frequency, intensity, duration, offensiveness and location) factors. The FIDOL factors are used commonly for the assessment of odour, but they can be used for other discharges such as dust. Council officers are trained in applying the FIDOL factors for discharges into air. The proposed Plan protects people's amenity (and health) as required by Policy P55 (and Policy 2 in the RPS) through these provisions. The boundary of a property is treated in the same way as in property law, where the boundary extends above the landward boundary into airspace. The submitter notes that smoke will always go beyond a boundary. This is true and undisputed, however if that smoke causes an offensive or

objectionable effect as assessed by a Council officer using the FIDOL factors then there is a breach of the proposed Plan. In summary, I consider the words in the proposed Plan to control discharges into air beyond the boundary of a property are appropriate to protect people's amenity and health.

## **Issue 5.4 Outdoor burning (Rule R1 to Rule R5)**

### Issue 5.4 Background

279. The management of outdoor burning is through permitted activity Rules R1, R2, R3, R4 and prohibited activity Rule R5. If the discharge does not comply with the conditions in the permitted activity rules and is not prohibited, then a resource consent is required through Rule R41.

### Issue 5.4 Submissions and assessment

280. Allan A. Smith (S35/012) seeks that a small amount of 'specified materials' can be burnt outdoors. Jim Hedley (S340/010) requests that Rule R1(b) is deleted.

281. Allan A. Smith and Jim Hedley refer to the no burning of specified material in Rule R1(b).

282. I consider that exceptions should not be made for the burning of small amounts of 'specified materials'. From the Council's enforcement perspective, a 'small amount' is easily misinterpreted and would lead to uncertainty by users. For example, a person may want to burn construction materials which may contain a small amount of asbestos. In this example, the asbestos material would be burnt alongside other materials and it is my understanding that even a minute amount of asbestos burned or released could have an adverse effect on people's long-term health. For these reasons, both from an enforcement point of view and public health, I do not recommend that there exceptions (albeit minor) to the burning of specified materials.

283. Horticulture New Zealand (S307/058,060) seeks that 'noxious and dangerous' is removed from Rule R1(a) and Rule R2(a) as there should be no toxic discharge if the rules are complied with. I consider this is a logical request as if the rules are fully complied, meaning that any materials burnt outdoors only includes non-toxic substances such as wood and paper or cardboard, then there

would not be any noxious or dangerous effect on people's health. However, by removing these words as the submitter requests, the rule would enable the discharge of toxic substances. I consider it important that 'noxious and dangerous' remains in the rules concerned. These words provide an extra level of protection for people that there are no toxic materials burnt that could lead to effects on people's health. I consider these provisions are important for the air quality management and meeting the air quality objectives of the proposed Plan.

284. Wellington Regional Council (S133/004) seeks that the word 'commercial' in Rule R4 creates unnecessary confusion over private/domestic displays and requests that all displays (private and public) are permitted. I agree there is a level of uncertainty in Rule R4 whether private displays are permitted. The effects from commercial and private fireworks (mostly light, smoke and noise) are temporal and less than minor if best practice is adhered to when lighting or firing. In my opinion fireworks provide for people's well-being and are temporary in nature and should not be further managed by the proposed Plan. I recommend Rule R4 is changed to permit all displays of fireworks both private and public.

#### Issue 5.4 Summary of recommendations

285. I recommend that Rule R4 is amended to:

Rule R4: Pyrotechnics – permitted activity



The discharge of contaminants into air from ~~commercial~~ pyrotechnics displays is a permitted activity.

286. Assessment of this recommended change pursuant to section 32AA of the RMA is attached in Appendix A.

## **8. Conclusions**

287. I have assessed the submissions and recommended changes to the provisions as proposed.
288. I consider that the proposed Plan provisions (objectives, policies, rules, method and schedules in this topic) as notified or recommended for amendment are appropriate and suitable for their intended purpose, which are to manage air quality in the region.
289. The proposed Plan provisions meet the section 32 statutory tests of the objectives being the most appropriate way of achieving the purpose of the RMA, and the policies, rules, method and schedules are the most effective and efficient way of achieving the objectives.

## 9. References

Beca. 2012. Permitted Activity Thresholds: An evaluation of permitted activity thresholds in the regional air quality management plan. Beca Infrastructure Limited.

Greater Wellington Regional Council. 2008. Effectiveness report: regional air quality management plan. Wellington Regional Council, Publication No. 346675, Wellington.

Greater Wellington Regional Council. 2012. Air quality in the Wellington region: State and trends. Greater Wellington Regional Council, Publication No. GW/EMI-T-12/137, Wellington.

Greater Wellington Regional Council. 2015. Section 32 report: Air quality management for the Proposed Natural Resources Plan for the Wellington Region. Greater Wellington Regional Council, Publication No. GW/EP-G-15/50, Wellington.



## Appendix A: Requested amendments and section 32AA assessment

Note: The requested amendments from the revised chapter are set out below. Additions to the notified text are in underline and deletions are ~~strike through~~ text. The section 32AA assessment follows alongside for each of the provisions.


Amendment number/Submission point number	Chapter	Provision	Requested amendment	Evaluation of amendment (section 32AA assessment)
A1/S307/021	2	Definition	<p><u>Ambient air quality:</u>  <u>Ambient air means the air outside building and structures.</u>  <u>This does not include indoor air, air in the workplace, or contaminated air discharges from a source.</u></p>	<p><u>Effectiveness and efficiency</u>  This amendment to include a new definition for ambient air quality in the proposed Plan will provide increased effectiveness for the management of ambient air quality. An improvement in ambient air quality is an objective of the air quality management provisions, in particular reductions in discharges from domestic fires.</p> <p><u>Costs: (numerical and potential costs)</u>  No specific costs have been assessed for the insertion of this definition. There are unlikely to be increased costs to the community from the insertion of this definition into the proposed Plan.</p> <p><u>Benefits: (environmental, cultural, economic and social)</u>  There is potentially an increased environmental benefit by improving the effectiveness of the provisions for ambient air quality.</p> <p><u>Risk of acting or not acting</u>  There is a moderate risk of not acting.</p> <p><u>Decision about most appropriate option</u>  This is an important matter that requires recognition by the proposed Plan and provides useful clarification for plan users.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic</p>


				growth or have a negative effect on employment.
A2 (S121/089)	2	Definition	<p><b><u>Bulk solid material:</u></b>  <u>Means materials consisting of, or including, fragments that could be discharged as dust or particulate. These materials include but are not limited to: gravel, quarried rock, fertiliser, coal, cement, flour, rock aggregate, grains, compost and woodchip. Bulk solid material does not include cleanfill materials.</u></p>	<p><b><u>Effectiveness and efficiency</u></b>                  This amendment is to include a new definition for bulk solid material for the management of the discharge of dust in the proposed Plan. This amendment will improve the effectiveness of dust management and exempt cleanfill materials from this definition.</p> <p><b><u>Costs: (numerical and potential costs)</u></b>                  No specific costs have been assessed for the insertion of this definition. There are unlikely to be increased costs to industry or the community from the insertion of this definition into the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>                  There is potentially an increased environmental benefit by improving the effectiveness of the dust management provisions.</p> <p><b><u>Risk of acting or not acting</u></b>                  There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b>                  This is an important matter that requires recognition by the proposed Plan and provides useful clarification for plan users.                  In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A3 (S46/022)	2	Definition	<p><b>Hazardous air pollutant:</b>                  Any substance known or suspected to cause a significant adverse effect on human health or to the environment due to its toxicity, persistence in the environment, tendency to bio-</p>	<p><b><u>Effectiveness and efficiency</u></b>                  This amendment to the definition of hazardous air pollutant will provide increased effectiveness and remove misunderstanding that may have occurred from the use of this term in the air quality</p>


			<p>accumulate or any combination of these things. <b>Hazardous air pollutants</b> are identified in Schedule L2 (air pollutants).</p>	<p>management provisions in the proposed Plan.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this definition. There are unlikely to be increased costs to the community from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased environmental benefit by improving the effectiveness of the provisions for ambient air quality that manage hazardous air pollutants.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan, and provides useful clarification for plan users.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A4 (various submitters, see para 253)</p>	<p>2</p>	<p>Definition</p>	<p><b>Property:</b>  <del>Any contiguous area of land or freehold title in one ownership.</del>  <u>Property means any contiguous area of land, including land separated by a road or river, held in one or more than one ownership that is utilised as a single operating unit, and may include one or more certificates of title.</u></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to the definition of property will provide increased effectiveness and remove potential misunderstanding that may have occurred from the use of this term in the air quality management provisions and other provisions in the proposed Plan.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this definition. There are unlikely to be increased costs to the community from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p>

				<p>There is potentially an increased benefit by improving the effectiveness of the provisions for ambient air quality that use this term.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan and provides useful clarification for plan users.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A5 (various, see Issue 3.2)	2	Definition	<p>A sensitive area includes the following:</p> <ul style="list-style-type: none"> <li>(a) dwelling house <u>or marae</u>, and</li> <li>(b) educational facilities, and</li> <li>(c) <del>amenity areas and</del> public places, and</li> <li>(d) <del>group drinking water supplies and community drinking water supply protection areas,</del> and</li> <li>(e) surface water bodies <del>and associated riparian vegetation,</del> and</li> <li>(f) non-target plants, crops, which are sensitive to agrichemicals, and</li> <li>(g) organically certified properties, e.g. Bio-Gro, and</li> <li>(h) natural wetlands, outstanding water bodies listed in Schedule A and ecosystems and habitats with significant indigenous biodiversity values listed in Schedule F.</li> </ul>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to the definition of sensitive area will provide increased effectiveness and remove misunderstanding that may have occurred from the use of this term in the air quality management provisions. The amendment clarifies areas that are deemed sensitive for the preparation of a spray plan and consequently whether notification of the owners/occupiers of those sensitive areas is required under Rule R36.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this definition. There are unlikely to be increased costs to the community from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased benefit by improving the effectiveness of the provisions for ambient air quality that use this term.</p> <p><b><u>Risk of acting or not acting</u></b></p>



				<p>There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan and provides useful clarification for plan users.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A6 (S307/061, S81/006, S152/043)	2	Definition	<p><b>Specified materials</b> includes, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and</li> <li>(b) wood treated with copper, chromium and arsenic (CCA) or other chemicals, and</li> <li>(c) timber treated with preservatives or impregnated with chemicals, including but not limited to particleboard, MDF and chipboard, and</li> <li>(d) construction or demolition waste, and</li> <li>(e) all plastics, including but not limited to halogen or phosphorus-containing plastics, and</li> <li>(f) paint and other surface-coating materials, and</li> <li>(g) used or waste oil, and</li> <li>(h) tar or bitumen, and</li> <li>(i) all rubber, including but not limited to rubber tyres, and</li> <li>(j) materials containing asbestos, and</li> <li>(k) synthetic material, including but not limited to foams, fibreglass, and</li> </ul>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to the definition of specified materials will increase the effectiveness of this term in the air quality management provisions. The amendments include exceptions for certain activities that will increase the effectiveness and efficiency of the plan in allowing for those activities.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this definition. There are unlikely to be increased costs to the community from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased benefit by improving the effectiveness of this definition for the air quality provisions.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan. It will allow for an activity supported by other legislation i.e. burning infected bee hives and burning of green waste that does not contain hazardous materials.</p> <p>In my opinion the proposed amendment is the most appropriate way</p>



			<p>(l) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and</p> <p>(m) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principal waste, and</p> <p>(n) sludge from industrial processes, and</p> <p>(o) municipal, commercial, institutional, domestic, or industrial waste.</p> <p>This definition of specified materials excludes:</p> <ol style="list-style-type: none"> <li>1. the burning of pyrotechnics for private or public display or military training or for their authorised disposal by the New Zealand Defence Force, and</li> <li>2. the burning of materials in burn boxes authorised by the New Zealand Defence Force, and</li> <li>3. the burning of animal carcasses or plant material for biosecurity purposes.</li> <li>4. <u>the burning of bee hives as required under the Biosecurity Act 1993.</u></li> <li>5. <u>the burning of green waste.</u></li> </ol>	<p>to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A7 (S58/001)	5.1	Rule R8	<p>Rule R8: Diesel or kerosene <u>blends</u> – permitted activity </p> <p>The discharge of contaminants into air from any large scale generator not exceeding a maximum generating capacity of 2MW, from the combustion of diesel or kerosene <u>blends</u> outside a polluted airshed is a permitted activity, provided the following conditions are...</p>	<p><u>Effectiveness and efficiency</u></p> <p>This amendment to Rule R8 will increase the effectiveness of this rule in the air quality management provisions. The amendment includes a specific word to improve the meaning of the rule.</p> <p><u>Costs: (numerical and potential costs)</u></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this</p>


				<p>amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are potentially improved benefits form this amendment.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan, and clarifies intent and is more aligned to actual practice.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A8 (S58/002)	5.1	Rule R11	<p>Rule R11: Coal, light fuel oil, and petroleum distillates of <u>higher viscosity</u> – permitted activity </p> <p>The discharge of contaminants from any large scale generator not exceeding a maximum generating capacity of 500kW, from the combustion of coal, light fuel oil, and petroleum distillates of <u>higher viscosity</u> outside a <b>polluted airshed</b> is a permitted activity, provided the following conditions are...</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R11 will increase the effectiveness of this rule in the air quality management provisions. The amendment includes a specific word to improve the meaning of the rule.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increase in benefits by improving the effectiveness of this provision.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan and clarifies intent and is more aligned to actual practice.</p>


				<p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A9 (S126/025. S144/021)</p>	<p>5.1</p>	<p>Rule R12</p>	<p>Rule R12: Emergency power generators – permitted activity</p>  <p>The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:...</p> <p>c) the electricity connection is not available <u>due to planned outages, or load shedding/peak load generation is required</u> is a permitted activity...</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R12 will increase the effectiveness of this rule in the air quality management provisions. The amendment includes a specific change to clause (c) to improve the meaning of this clause in situations of power failure or disruption.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule clause. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is a potentially increased economic and social benefit by improving the effectiveness of this provision.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan, and clarifies intent and is more aligned to actual practice.</p> <p>In my opinion the proposed amendment is the most appropriate way</p>





				to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.
A10 (S133/005, 006)	5.1	Rule R14	<p>Rule R14: Spray coating within an enclosed space – permitted activity </p> <p>The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, <u>or water-based paints</u> within a spray booth and/or room is a permitted activity, provided the following conditions are met...</p> <p>Rule R15: Spray coating not within an enclosed space – permitted activity </p> <p>The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, <u>or water-based paints</u> not within a spray booth and/or room is a permitted activity, provided the following conditions are met...</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rules R14 and R15 will increase the effectiveness of these rules in the air quality management provisions. The amendment includes specific words to improve the effectiveness of the rule in permitting water-based paints in enclosed spaces and outside an enclosed space.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to these rules. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are potentially increased benefits by improving the effectiveness of this provision by including a substance with potentially less potential environmental effects than those already listed in the rule.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan; clarifies intent and is more aligned to actual practice.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>

<p>A11 (S121/089)</p>	<p>5.1</p>	<p>Rule R27</p>	<p>Rule R27: Handling of <u>bulk solid materials aggregate</u> – permitted activity </p> <p>The discharge of contaminants into air from the handling of <u>bulk solid materials aggregate (rock, sand and shingle)</u> including <u>quarrying, mining, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, conveyance sorting, and storage</u> is a permitted activity, provided the following conditions <u>are is met:</u></p> <p>(a) <u>for the Commercial Port Area shown on Map 32 any discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the Commercial Port Area on Map 32, and</u></p> <p>(b) <u>for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.</u></p>	<p><u>Effectiveness and efficiency</u></p> <p>The amendments to Rule R27 will increase the effectiveness of this rule in the air quality management provisions.</p> <p>The amendment includes insertion of specific dust producing activities that will improve the meaning of the rule and the management of these activities.</p> <p>The amendment also includes a new clause (a) for the handling of bulk solid materials at the Commercial Port Area as shown on Map 32 of the proposed Plan.</p> <p><u>Costs: (numerical and potential costs)</u></p> <p>No specific costs have been assessed for the amendments to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><u>Benefits: (environmental, cultural, economic and social)</u></p> <p>There is potentially an increased benefit by improving the effectiveness of this provision.</p> <p><u>Risk of acting or not acting</u></p> <p>There is a moderate risk of not acting.</p> <p><u>Decision about most appropriate option</u></p> <p>This is an important matter that requires recognition by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A12 (S133/00&amp;)</p>	<p>5.1</p>	<p>Rule 30A</p>	<p>Rule R30A: <u>Food, animal or plant matter manufacturing and processing</u> – permitted activity </p> <p><u>The discharge of contaminants into air from food, animal or</u></p>	<p><u>Effectiveness and efficiency</u></p> <p>This amendment to include a new Rule R30A will increase the effectiveness of this rule in the air quality management provisions.</p>

			<p><u>plant matter manufacturing and processing including any process incidental to the cooking of food such as deep fat frying, oil frying, roasting, drying curing by smoking and the slaughter or skinning of animals not exceeding 250kg/hour of product is a permitted activity, provided the following condition is met:</u></p> <p><u>(a) the discharge does not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.</u></p>	<p>The amendment includes a insertion of a new permitted activity rule to provide greater effectiveness for discharges into air from food processing and manufacturing where the product processing does not exceed 250kg/hr. It was uncertain in proposed Rule 31 if this threshold of processing (less than 250kg/hr) was managed by Rule R31. This amendment provides food manufacturing and processing with clear and certain requirements for the discharge of odour, smoke or dust.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are potentially increased benefits to the environment, people and communities from the insertion of this provision.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a high risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan. Without this amendment the processing of less than 250kg/hour would be allowed with no controls on the adverse effects of the activity.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A13 (S133/007)	5.1	Rule R31	<p>Rule R31: Food, animal or plant matter manufacturing and processing – discretionary activity </p> <p>The discharge of contaminants into air from food, animal or</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R31 will increase the effectiveness of this rule in the air quality management provisions. The amendment is a</p>

			<p>plant matter manufacturing and processing <u>that is not permitted by Rule R30A or including:...</u></p>	<p>consequential change from the inclusion of a new permitted activity Rule R30A.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are potentially increased benefits to the environment, people and communities from the insertion of this provision.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a high risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan. Without this amendment the processing of less than 250kg/hour would be allowed with no controls on the adverse effects of the activity.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A14 (S55/045)</p>	<p>5.1</p>	<p>Rule R32</p>	<p>Rule R32: Petroleum storage or transfer facilities – permitted activity </p> <p>The discharge of contaminants into air from the storage or transfer of petroleum products including but not limited to, volatile organic compounds, solvent vapours, ventilation of solvents and displacement of solvents is a permitted activity, provided the following conditions are met:...</p> <p>(b) there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R32 will increase the effectiveness of this rule in the air quality management provisions. The amendment includes a specific amendment to clause (b) to permit the discharge of Schedule L2 compounds from petroleum facilities such as petrol stations. Schedule L2 compounds discharged from this type of premise in the open air would have less than minor effect on people's health.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p>


			<p><u>of the property that does, or is likely to, cause adverse effects on human health, ecosystems or property.</u></p>	<p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased economic benefit by improving the effectiveness of this provision and clarifying that it is not the intent for petrol stations to require resource consent for the discharge of odour associated with petroleum.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan; clarifies intent and reflects actual practice.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A15 (S135/137)	5.1	Rule R34	<p>Rule R34: Gas, water and wastewater <u>processes</u> – permitted activity </p> <p>The discharge of contaminants into air from the <u>enclosed</u> storage, conveyance and pumping of gas, water and wastewater <u>processes</u> is a permitted activity, provided the following condition is met:...</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R34 will increased the effectiveness of this rule in the air quality management provisions. The amendment includes a specific word to clarify and improve the meaning of the rule in the management of wastewater processes.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan. The proposed amendment aligns more closely to the requirements of the operative RAQMP and therefore will not impose any increased costs from those that already exist.</p>


				<p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>                  There are potentially increased environmental, cultural and social benefits by improving the effectiveness of this provision.</p> <p><b><u>Risk of acting or not acting</u></b>                  There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b>                  This is an important matter that requires recognition and clarification by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A16 (various, see Issue 3.1)	5.1	Rule R36	<p>Rule R36: Agrichemicals – permitted activity </p> <p>The discharge of agrichemicals into air or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:</p> <p><del>For all applications excluding residential areas and hand-held/knapsack applications:</del></p> <p>(a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and</p> <p>(b) the discharge shall be in accordance with the rate specified on the agrichemical product label or the manufacturer’s instructions, and</p> <p>(c) the agrichemical is in accordance with the Hazardous Substances and New Organisms Act 1996, and</p> <p>(d) there is no aerial spraying in <u>areas zoned residential or</u></p>	<p><b><u>Effectiveness and efficiency</u></b>                  These amendments to Rule R36 are various. Overall, the amendments will improve the effectiveness of the rule in different agrichemical applications. The amendments improve the effectiveness of the clauses for the management of agrichemicals on private and public land to ensure the discharge of agrichemicals adheres to good management practice, and provides a framework which does not favour one provider over another.</p> <p>Note: Clause (e) of Rule R36 will be assessed in Section 42A officer’s report: Discharge to land in Hearing 5.</p> <p><b><u>Costs: (numerical and potential costs)</u></b>                  No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan. There is the potential for decreased costs to operators, due to a more simple and equitable rule framework.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p>


		<p><u>urban in district plans</u> areas, and</p> <p>(e) there is no discharge into water or within a community drinking water supply protection area, and</p> <p>(f) the discharge shall be in accordance with <i>NZS 8409:2004 Management of Agrichemicals</i>, including <u>where relevant to the particular substance and application method being used</u>:</p> <p>(i) <i>Storage – Appendix L4</i>, and</p> <p>(ii) <i>Use – Part 5.3</i>, and</p> <p>(iii) <i>Disposal – Appendix S</i>, and</p> <p>(iv) <i>Records – Appendix C9</i>, and</p> <p>(g) the applicator, manager or owner of the property shall prepare a spray plan at least once per annum, and:</p> <p>(i) identify sensitive areas adjacent to where discharges of agrichemical shall occur in accordance with <i>NZS 8409:2004 Management of Agrichemicals: Section 5.3 and Appendix M4</i>, and</p> <p>(ii) notify adjacent neighbours <u>likely to be affected</u> that a spray plan is available on request at start of a spray season, or</p> <p>(iii) gain written agreement from adjoining neighbours that notification is not required, <del>and or</del></p> <p>(iv) supply a copy of the spray plan at least 24 hours prior to the discharge of agrichemicals to the owner/occupier of a property identified as a sensitive area or likely to be directly affected by the discharge, or requests a copy, and</p> <p>(h) <del>for ground-based applications by a commercial applicator the principle applicators shall:</del> <u>any person applying agrichemicals in a public place or on private property for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered</u></p>	<p>There is potentially an increased benefit to applicators and the community by improving the effectiveness of this provision.</p> <p><u>Risk of acting or not acting</u></p> <p>There is a high risk of not acting.</p> <p><u>Decision about most appropriate option</u></p> <p>This is an important matter that requires clarification and simplification by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
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		<p><u>Chemical Applicator, and</u></p> <p><del>(i) hold a current GROWSAFE® Registered Chemical Applicators Certificate, or</del></p> <p><del>(ii) hold a current GROWSAFE® Introductory Certificate and be supervised by a person holding a current GROWSAFE® Registered Chemical Applicators Certificate, and</del></p> <p><del>(i) for ground-based applications where the applicator is not a commercial applicator the applicator shall:</del></p> <p><del>(i) hold a GROWSAFE® Introductory Certificate, or</del></p> <p><del>(ii) be supervised by a person holding a current GROWSAFE® Advanced Certificate, and</del></p> <p><del>(ii) for aerial applications the applicator shall:</del></p> <p><del>(i) hold a Pilots' Agrichemical Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, and</del></p> <p><del>(ii) the company or operator holds an suitable accreditation for agrichemical application, and</del></p> <p><del>(k) all agrichemicals shall be securely contained and stored in accordance with NZS 8409:2004: Management of Agrichemicals: Appendix L4, and</del></p> <p><del>(l) all mixing and application of agrichemicals shall be conducted in accordance with NZS 8409:2004 Management of Agrichemicals: Appendix F, and</del></p> <p><del>(m) records are kept in accordance with NZS 8409:2004: Management of Agrichemicals: Appendix C9 and shall be available to the Wellington Regional Council upon request, and</del></p> <p><del>(n) in public amenity areas the applicator shall:</del></p> <p><del>(i) place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period, as specified on the product label, has expired, and</del></p>	
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			<p>(ii) alongside roadways, vehicles associated with spraying agrichemicals shall display prominent signs (front and back) advising that spraying is in progress, and</p> <p>(ek) for discharges adjacent to a sensitive area a risk assessment prior to the discharge shall be undertaken in accordance with <i>NZS 8409:2004: Management of Agrichemicals</i>.</p>	
A17 (various submitters, see Issue 3.3)	5.1	Rule R37	<p>Rule R37: Agrichemicals into <u>surface water bodies</u> <del>water</del> – permitted activity </p> <p>The discharge of agrichemicals into <u>surface water bodies</u> <del>water</del> is a permitted activity, provided the following conditions are met:</p> <p>(a) the agrichemical is approved by the Environmental Protection Authority for discharge into <u>surface water bodies</u> <del>water</del>, and</p> <p>(b) the discharge shall be in accordance with <i>NZS 8409:2004 Management of Agrichemicals</i> and <i>NZS 8409:2004 Management of Agrichemicals, Records – Appendix 9</i> <u>unless inconsistent with the relevant Environmental Protection Agency approval in which case the conditions of the relevant Environment Protection Agency approval is followed</u>, and</p> <p>(c) <u>any person (including from a boat) applying agrichemicals in a public place or on private property for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered Chemical Applicator</u>, or:</p> <p>(e) <del>for ground-based applications the applicator shall hold either:</del></p> <p>(i) <del>a current GROWSAFE® Registered Applicators Certificate with the Aquatic strand, or</del></p>	<p><u>Effectiveness and efficiency</u></p> <p>These amendments to Rule R37 are various and follow on from the amendments made to Rule R36.</p> <p>Overall, amendments will improve the effectiveness of the rule in different agrichemical applications over water. The amendments improve the effectiveness of the clauses for the management of agrichemicals on private and public land to ensure the discharge of agrichemicals adheres to good management practice. The amendments will remove duplication of with respect to other regulations and other agencies, and provide equity for other providers of agrichemical training.</p> <p>Note: All of clause (e) of Rule R37 will be further assessed in Section 42A officer's report: Discharges to land in Hearing 5.</p> <p><u>Costs: (numerical and potential costs)</u></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><u>Benefits: (environmental, cultural, economic and social)</u></p> <p>There is potentially an increased benefit to applicators and the community by improving the effectiveness of this provision.</p> <p><u>Risk of acting or not acting</u></p> <p>There is a high risk of not acting.</p> <p><u>Decision about most appropriate option</u></p>

			<p>(ii) New Zealand Qualification Authority National Certificate in Agrichemical Application with the Aquatic strand, and</p> <p>(d) for aerial applications the applicator shall hold either:</p> <p>(i) a Pilots' Agrichemical Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, or</p> <p>(ii) the company or operator holds an <u>suitable</u> accreditation for agrichemical application, and</p> <p>(e) the applicator shall notify:</p> <p>(i) every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and</p> <p>(ii) each resource consent holder for taking water from a <b>community drinking water supply protection area</b> downstream of the discharge one week before the discharge begins, and</p> <p>(f) in a public <b>amenity</b> area the applicator shall:</p> <p><del>(i) place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period as specified on the product label has expired, and</del></p> <p>(ii) alongside roadways, vehicles associated with spraying agrichemicals shall display prominent signs (front and back) advising that spraying is in progress.</p> <p><i>Note</i> Aerial application of agrichemicals to natural wetlands is controlled by Rule R105.</p>	<p>This is an important matter that requires recognition by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A18 (S286/037, S307/064, S81/017)</p>	<p>5.1</p>	<p>Rule R38</p>	<p>Rule R38: Agrichemicals not permitted – <u>restricted</u> discretionary activity </p> <p>The discharge of agrichemicals into air or onto land where it may enter water or into <u>surface water bodies</u> that is not permitted by Rule R36 or Rule R37 is a <u>restricted</u></p>	<p><u>Effectiveness and efficiency</u></p> <p>This amendment to Rule R38 from a discretionary activity to restricted discretionary activity will improve the effectiveness for applicants applying for a resource consent to discharge a agrichemical that does not meet the conditions of Rule R36 and</p>

			<p>discretionary activity.</p> <p><u>Matters for discretion</u></p> <ol style="list-style-type: none"> <li>1. <u>The substance to be discharged including its toxicity and volatility and the carrying agent (formulation); and</u></li> <li>2. <u>The proposed method of application, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground; and</u></li> <li>3. <u>The nature of any training undertaken by the operator; and</u></li> <li>4. <u>Measures to avoid agrichemical spray drift beyond the target site, and</u></li> <li>5. <u>The extent to which the use or application complies with <i>NZS8409:2004 Management of Agrichemicals</i>; and</u></li> <li>6. <u>The proximity of the application to sensitive areas, and</u></li> <li>7. <u>The timing of the application in relation to weather conditions, and</u></li> <li>8. <u>Communication requirements for the application.</u></li> </ol>	<p>R37. The proposed matters of discretion are sufficient with the associated objectives and policies to ensure adverse effects are managed appropriately.</p> <p>A restricted discretionary consent is more effective and efficient in the situation of discharges of agrichemicals, as it is possible to identify the discrete number of potential adverse effects of the discharge and thereby restrict the matters of discretion.</p> <p><u>Costs: (numerical and potential costs)</u></p> <p>No specific costs have been assessed for the amendment to this rule. There is the potential for costs to applicants from this amendment in the proposed Plan to be reduced, due to a less complex resource consent application being required.</p> <p><u>Benefits: (environmental, cultural, economic and social)</u></p> <p>There is potentially an increased benefit to applicators and the community by improving the effectiveness of this provision.</p> <p><u>Risk of acting or not acting</u></p> <p>There is a low risk of not acting.</p> <p><u>Decision about most appropriate option</u></p> <p>This is an important matter that requires recognition by the proposed Plan. Providing clarity and direction to resource consent applicants is the most appropriate option.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A19 (S163/084)	5.1	Rule R40	<p>Rule R40: Discharge of other fumigants – controlled activity</p>  <p>The discharge of fumigants <u>that is not permitted by Rule R39, or including the discharge of fumigants including ethylene</u></p>	<p><u>Effectiveness and efficiency</u></p> <p>This amendment to R40 will increase the effectiveness of this rule and associated Rule R39 in the air quality management provisions. This amendment includes changes to Rule R40 to improve the</p>

			<p>dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin into air is a controlled activity.</p> <p><i>Matters of control</i></p> <ol style="list-style-type: none"> <li>1. Monitoring and reporting requirements</li> <li>2. Distance of the buffer zone <u>from the area of discharge.</u></li> </ol>	<p>effectiveness of the rule with the accompanying Rule R39.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule. There are unlikely to be increased costs to applicants from this amendment in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are potentially increased environmental and social benefits by improving the effectiveness of this provision.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan and provides clarity for plan users.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
A20 (S133/004)	5.1	Rule R4	<p>Rule R4: Pyrotechnics – permitted activity </p> <p>The discharge of contaminants into air from <del>commercial</del> pyrotechnics <u>displays</u> is a permitted activity.</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This amendment to Rule R4 will increase the effectiveness of this rule in the air quality management provisions. The amendment includes deleting the reference to commercial displays allowing all displays to be permitted on private and public land.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for the amendment to this rule.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased social benefit by improving the effectiveness of this provision.</p>

				<p><b><u>Risk of acting or not acting</u></b>                  There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b>                  This is an important matter that requires recognition by the proposed Plan. It clarifies the intent, and ensures there is not a perverse outcome of permitting large scale public displays whilst requiring resource consent for small private displays.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
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## Appendix B: Common template submissions

### List of Farmer Common Format submitters

Submitter number	Name
S365	A.J. Barton
S298	A.T. McKay
S334	Alan Westbury
S345	Alex Kyle
S292	Andrew Patrick
S336	Andrew Thomson
S343	Andy Phillips
S396	Bernie George
S393	Blair Roberts
S337	Bob Tosswill
S347	Brian Bosch
S320	Charlie Matthews
S289	Charlotte and Toby McDonald
S339	Chris and Steven Price
S170	Chris Engel
S379	Clayton Hartnell
S303	Craig and Janet Morrison
S38	D.P. Wood
S350	Dan Riddiford
S395	Daniel George
S341	David Hume
S377	Donald McCreary
S323	D.W. and P.C. McKay
S321	Edward Handyside
S342	Gary James and Anne Marie Daysh
S363	Gavin Bruce
S371	George Ritchie
S388	Gerard Vollebregt
S381	Glen Rowe
S375	Graeme Hugh Tulloch
S391	Guy Didsbury
S390	Hayden Thurston

S332	Hiwi Trust
S404	J.Q. and P.M. Donald
S376	James Falloon
S373	Jamie Falloon
S280	Jan and Jock Richmond
S389	Jeremy Bennill
S281	Jim, Pascoe and Henry Reynolds
S401	Joe Hintz
S314	John Carred
S74	Kairoa Farms Limited
S360	Kyle Wells
S372	Leo Vollebregt
S378	Lewis Herrick
S293	Margaret Niven
S348	Max Lutz
S355	Michael Hewison
S113	Michael John Slater
S374	Michael Taylor
S385	Michael Wood
S356	Mike Butterick
S397	Mike McCreary
S400	Mike Moran
S394	Owen Butcher
S331	Pip Tocker
S387	Pip Wilkinson
S322	Rex McKay
S384	Richard Osborne
S368	Richard Tosswill
S369	Richard Wilkie
S290	Robert Kyle
S354	Sam Orsborn
S361	Sandra Shivas
S399	Sandy Bidwell
S386	Shane and Geoff Wilkinson
S392	Stewart Weatherstone
S171	Stuart Woodman

S317	Susannah and Mark Guscott
S312	Taratahi Agricultural Training Centre
S324	Tim Williams
S151	Warren Bryant
S380	Willy and Sally Bosch

#### List of Land Matters Common Format submitters

Submitter number	Name
S294	Bell Camp Trust
S295	Carter Families
S299	Julian and Ruth Blackett
S297	Kennott Family Trust
S285	Land Matters Limited
S370	Mahaki Holdings Limited
S348	Max Lutz
S351	Tim Mansell and family
S349	USNZ
S346	Waikanae Christian Holiday Park (El Rancho)

#### List of Craig Dairy Farms Common Format submitters

Submitter number	Name
S427	A.B. and D.E. Smith
S430	Ali and Dion Kilmister
S426	Beryl Masters Stuart
S429	Blair Percy
S358	Craig Dairy Farm Limited
S431	Garry Daniell
S342	Gary James and Anne Marie Daysh
S428	James and Jane Smallwood
S378	Lewis Herrick
S173	N. and S. Terry
S361	Sandra Shivas



## **Appendix C: Recommended decisions on submissions**