

Planning Evidence and Recommendations Report

***Horizons Regional Council's Senior Consultant
Planners Report on Submissions to the Proposed
One Plan – Air***



February 2009

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	Taumarunui 34 Maata Street					
	Woodville Cnr Vogel (SH2) & Tay Sts					

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INTRODUCTION

CHAPTER 8: AIR (REGIONAL POLICY STATEMENT) AND CHAPTER 14: DISCHARGES TO AIR (REGIONAL PLAN)

*This report contains the recommendations from Horizons Regional Council's Senior Consultant Planner on submissions to the Air Chapters (8 and 14) of the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007; late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from individuals (314), organisations/companies (149), iwi (18), Territorial Authorities (15), interest groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. There were a total of 88 submissions to the Air Chapters totalling 268 submission points. Twenty-three submitters made further submissions to the Air Chapters totalling 134 submission points. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Senior Consultant Planner to the Hearings Panel, having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Senior Consultant Planner having regard to:

- The One Plan philosophy and intent
- Section 32 Report
- Technical information
- Resource Management Act responsibilities
- Case law

Horizons Regional Council staff met with some submitters to clarify points raised or negotiate potential outcomes, and they sought advice from technical advisors as appropriate. As noted in the readers' guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to:

- (a) consider the merits of the Air Chapters of the Proposed One Plan in light of submissions received; and
- (b) assist submitters by setting out responses to the points raised.

Part Four of the report presents the evaluation of submissions along with the technical information considered by Horizons Regional Council Senior Consultant Planner in making recommendations to the Hearing Panel. Tables are presented showing whether a submission point is recommended to be accepted, accepted in part or rejected as a consequence of these recommendations. Accept in part means that only part of the decision requested in that submission is recommended to be accepted. Unless detailed otherwise where the primary submission has been recommended to be accepted, it follows that the further submissions supporting the primary submission are recommended to be accepted, and that the further submissions opposing the primary submitter are recommended to be rejected.

PART ONE: READERS' GUIDE

1. Structure of Report

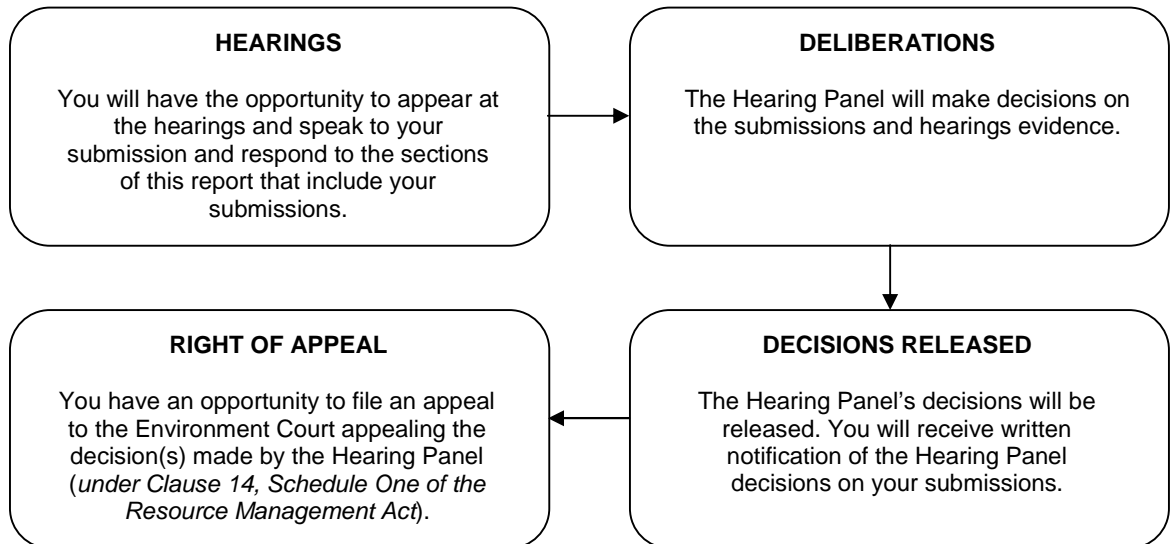
The Planning Evidence and Recommendations Report on submissions relating to Chapter 8: Air and Chapter 14: Discharges to Air includes:

- Part 1 Readers' guide
- Part 2 Statement of qualifications and experience
- Part 3 Summary of key themes and recommendation
 - Provides a summary of the key submission themes and recommendations relating to Chapter 8: Air and Chapter 14: Discharges to Air.
- Part 4 Recommendations on submissions on Chapter 8: Air and Chapter 14: Discharges to Air of the Proposed One Plan includes tables indicating whether a submission point is recommended to be accepted, accepted in part or rejected as a consequence of the Horizons Regional Council's Senior Consultant Planner's recommendation. The planning assessment is presented along with the Planner's evaluation, recommendation and wording changes to implement that recommendation for the following provisions:
 1. Chapter 8: General
 2. Chapter 8: 8.1 Scope and Background
 3. Chapter 8: Issue 8.1 Ambient Air Quality
 4. Chapter 8: Objective 8.1 Ambient Air Quality
 5. Chapter 8: Policies General
 6. Chapter 8: Policy 8-1 National Environmental Standards
 7. Chapter 8: Policy 8-2 Regional Standards for Ambient Air Quality
 8. Chapter 8: Policy 8-3 Regulation of Discharges to Air
 9. Chapter 8: Policy 8-4 Incompatible Land Uses
 10. Chapter 8: Policy 8-5 Fine Particles in Taihape, Taumarunui and other Unacceptable Airsheds
 11. Chapter 8: Policy 8-6 Fine Particles in Ohakune, Feilding, Dannevirke and Pahiatua and Other Degraded Areas
 12. Chapter 8: Table 8.1 National Environmental Standards for Ambient Air Quality
 13. Chapter 8: Table 8.2 Air Quality Categories and Designated Response
 14. Chapter 8: Table 8.3 Regional Standards for Ambient Air Quality
 15. Chapter 8: Method Improving Air Quality (PM₁₀) - Long Term Strategies: Taumarunui and Taihape and other Unacceptable Airsheds
 16. Chapter 8: Method Monitoring

17. Chapter 8: Method Protocols with Territorial Authorities and Health Boards
18. Chapter 8: Method Public Information – Air Quality
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20. Chapter 8: Paragraph 8.7.1 Ambient Air Quality
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23. Chapter 14: Policy General
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25. Chapter 14: Policy 14-2 Consent Decision Making for Other Discharges into Air
26. Chapter 14: Rules Sub Heading 14.1 Burning Rules
27. Chapter 14: Discharges to Air Rules General
28. Chapter 14: Rule 14-1 Small Scale Application of Agrichemicals
29. Chapter 14: Rule 14-2 Widespread Application of Agrichemicals
30. Chapter 14: Rule 14-3 Discharges of Agrichemicals not Complying with Permitted Activity Rules
31. Chapter 14: Rule 14-4 Small Scale Fuel Burning
32. Chapter 14: Rule 14-5 Open Burning
33. Chapter 14: Rule 14-6 Burning Activities Regulated by RMA Regulations 2004
34. Chapter 14: Rule 14-7 Prohibited Burning Activities
35. Chapter 14: Rule 14-8 Other Burning Activities
36. Chapter 14: Rule 14-10 Wet Abrasive Blasting and Water Blasting
37. Chapter 14: Rule 14-11 Dry Abrasive Blasting Using a Moveable Source
38. Chapter 14: Rule 14-12 Miscellaneous Discharges into Air from Industrial and Trade Premises
39. Chapter 14: Rule 14-13 Other Discharges into Air from Industrial and Trade Premises
40. Chapter 14: Glossary General
41. Chapter 14: Glossary Term – Agrichemicals
42. Chapter 14: Glossary Term – Ambient Air
43. Chapter 14: Glossary Term – Buffer Zone
44. Chapter 14: Glossary Term – Green Waste
45. Chapter 14: Glossary Term – Hand Held Appliance
46. Chapter 14: Glossary Term – Open Burning
47. Chapter 14: Glossary Term – Spray Drift
48. Chapter 14: Schedule G Air Sheds – General

1.1 Process from Here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision making process. The process for the decision making is set out below for submitters' information:



PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE

My name is Julie Clare Barton and I am a Senior Consultant Planner and Director of the consulting firm Environments by Design Limited (EBD). EBD consults predominantly in Palmerston North, Horowhenua, Taranaki and Wellington in relation to a range of resource management matters. I hold a Bachelor of Regional Planning degree (Honours) from Massey University, Palmerston North.

I have 19 years experience in New Zealand in the profession of planning. I have worked both as employee and consultant to local government authorities, the Ministry for the Environment and private consultancy firms. I worked in the Resource Management Directorate of the Ministry for the Environment from 1991 to 1994 and worked on preparing recommendations to select committees on both the Resource Management Act and its first amendment. I have been involved in the development of District Plans and in various Private Plan Change applications. I have assessed and reported on many applications for Resource Consents, including matters that have been decided in Hearings and in the Environment Court.

I have been engaged by the Manawatu-Wanganui Regional Council (trading as Horizons Regional Council) to report on the submissions to both Chapters 8 and 14 of the Proposed One Plan. I have only been directly involved with the specific development of the Proposed One Plan in preparation for the Hearing on the submissions to the Air Chapters. However, I have been working for the Regional Council on a consultancy basis within the Consents Section since December 2006. I am therefore generally familiar with the issues and process involved in the development of the Proposed One Plan and I have a good understanding of the issues that have arisen in the implementation of the provisions of the Proposed One Plan.

I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree that the overriding duty of the Environment Court expressed in paragraph 5.2.1 of that Code of Conduct will be treated as a duty to the Hearing Panel.

PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS

The purpose of this summary is to provide an overview of the submissions received to Chapter 8: Air and Chapter 14: Discharges to Air of the Proposed One Plan (POP) and the recommendations to the Hearing Panel. Due to the significant number of submissions received and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document and submitters may wish to have a short summary of the issues raised and the direction the Horizons Regional Council's Senior Consultant Planner has recommended in response to each issue. The following summary provides a broad overview.

Open burning

The largest number of submissions from individuals and also most Territorial Authorities raised concerns about the restrictive approach being taken to open burning. I recommend that open burning be permitted, with controls on what can be burnt and better guidance on assessing if it is offensive or objectionable.

Regional standards for ambient air quality

The three main concerns raised with regard to regional standards for ambient air quality in relation to Policies 8-1 and 8-2, and the recommendations, are:

- (a) Some submitters believe the regional standards are not necessary as the national standards are adequate. The regional standards are consistent with the National Environmental Standards for Air Quality. In general terms I do not recommend a change in approach taken within the regional standards. I recommend some amendments to provide greater clarity, including recognising that the regulations provide for changes for the standards for PM₁₀ after 1 September 2013. Additional provisions are also recommended to be added to the definition of PM₁₀.
- (b) Territorial Authorities are concerned that potentially their roading and solid waste activities will be contrary to the standards. Specifically, that complaints from the public about dust or smoke at a road works site, or odour while disposing of refuse at a transfer station or landfill site, may result in the activities being contrary to Policy 8-2. I recommend that Table 8.3 excludes public land and that the dust standard shall not apply to road construction and maintenance activities.
- (c) There is lack of certainty as to what is meant by the terms 'offensive' and 'objectionable' in Policy 8-1. I recommend adding a cross reference to the guidelines for managing noxious, dangerous, offensive and objectionable materials, as contained within section 14.2 at the bottom of Table 8.3.

Flaring

The Ministry of Social Development seek to have flaring of hydrocarbons on land associated with well testing operations listed as a Controlled Activity. A change to provide for this is recommended.

Discharges from specified mobile sources

In response to the submission from Higgins Group regarding specifically providing for discharges from mobile asphalt plants, I recommend the addition of a new rule to provide for the activity as Permitted subject to a number of standards.

Adverse effects on aircraft safety

Airways Corporation seeks to have adverse effects on aircraft safety from reduced visibility from discharges to air provided for. I recommend the addition of standards to deal with this matter within Rule 14-4.

Education facilities

In response to the submission from the Ministry of Education, I recommend the addition of a further bullet point to Policies 14-1 and 14-2 regarding preventing discharges to sensitive areas to include education facilities.

Rule 14-4

I recommend that biofuels and the disposal of green vegetative matter undertaken by NZ Police or the Department of Corrections be added as Permitted activities within Rule 14-4.

Fire training

A definition for the term 'fire training' is recommended to be added to the Plan Glossary.

Agrichemical

I recommend the addition of a reference to the NZ Standard for Agrichemicals within the definition of agrichemicals to cover agricultural compounds.

PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

4.1 Chapter 8 – General - Recommendation Air 1

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF ECONOMIC DEVELOPMENT	243	7	<p>Add new Rule 14-13 (and/or renumber proposed rule 14-13 as 14-14) so that flaring (on land) of hydrocarbons in connection with well testing operations is expressly a controlled activity:</p> <p>Rule : Rule 17-38 Flaring of hydrocarbons from petroleum exploration</p> <p>Activity: Discharges to air from combustion involving flaring of petroleum recovered from natural deposits in association with testing or enhancement of wellhead production flows</p> <p>Classification: Controlled</p> <p>Conditions/Terms</p> <p>(a) Flare point is a distance equal to or greater than 300 metres from any dwelling house; (b) No non-petroleum well stream product to be combusted. (c) Discharger must at all times adopt the best practicable option to prevent or minimise adverse effects on the environment.</p> <p>Specific Reason</p> <p>Flaring of petroleum undertaken on land in connection with well testing operations will have less than minor adverse effects on the environment and a default discretionary</p>	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			activity status under rule 14-13 is not warranted from an effects-based standpoint.	
	X 492	19	MINISTER OF CONSERVATION - Oppose	Reject
HOANE TITARI JOHN WI	2	15	Marae, Hapu and Iwi have no concept as to this part of the One Plan and education is required as well as resources to support such Education Programmes.	Reject
WAIKATO DISTRICT HEALTH BOARD - PUBLIC HEALTH UNIT	12	3	The Waikato DHB agrees with the approach proposed by the One Plan.	Accept
RUAPEHU DISTRICT COUNCIL	151	112	(a) Regional Council should remove all reference to Taumarunui and Ohakune from Section 8 of the One Plan until such time as more scientifically robust monitoring regimes are put in place in Taumarunui and Ohakune to properly measure air quality and establish an appropriate air quality classification for the towns.	Reject
	X 481	177	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	113	(b) That any gazetted reference to the Taumarunui Airshed is suspended.	Reject
	X 481	178	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	114	(c) A rolling PM10 monitoring unit should be considered for around the region.	Accept
	X 481	179	PALMERSTON NORTH CITY COUNCIL - Support	Accept
PUBLIC HEALTH SERVICES - MID CENTRAL HEALTH	174	6	No specific decision requested but support the adoption of the Resource Management (National Environmental Standards relating to Certain Air pollutants, Dioxins, and other Toxics) Regulations 2004 in the One Plan. Air Quality is a key concern for MidCentral Health and we are willing to work with Horizons Regional Council in this area.	Accept

Submitter	Number	Point	Decision Sought	Recommendation
PUBLIC HEALTH SERVICES - MID CENTRAL HEALTH	174	7	No specific decision requested but note the proposed One Plan still refers to monitoring for PM10 undertaken between 2001 and 2003. We remain concerned that although Ohakune, Feilding, Dannevirke, and Pahiatua all had the potential to exceed the PM10 standard, there is no record of results of additional monitoring. The 2013 deadline of the NES is only six years away, and Horizons and other agencies have little time to address any additional unacceptable airsheds that may be confirmed by additional monitoring	Accept
POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP	251	2	Delete Policy 8-2, Table 8.3, Policy 8-3 (b) in Section 8 and make consequential amendments to Section 14 to remove all reference to regional standards for ambient air quality.	Accept in Part
	X 512	3	INGHAMS ENTERPRISES (N Z) PTY LIMITED – Support	Accept in Part
TRANSIT NEW ZEALAND	336	23	Define the word 'dust' in Glossary 3 of the plan to make it clear that dust arising from highway maintenance and construction works is not covered by Section 8.	Accept in part
BRUCE DENNIS & ELIZABETH GAY KINLOCH	360	1	We wish to submit a proposal which gives greater powers to Horizons staff who handle applications for taking gravel from rivers and feel they should be able to make part of the consent conditional to applicants making provision for protecting neighbours from dust and noise.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	81	We generally endorse the Councils approach for dealing with air management issues. However, we have ...[some] comments and suggestions.	Reject
ENVIRONMENTAL WORKING PARTY	386	82	We ask that Council insert a new policy and/or objective within Chapter 8 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant	Reject

Submitter	Number	Point	Decision Sought	Recommendation
L M TERRY	425	5	and meaningful through all aspects of the One Plan. No specific decision requested, however submitter notes: The One Plan is at odds with legislation covering the application of agricultural chemicals.	Reject
NGA PAE O RANGITIKEI	427	81	We generally endorse the Councils approach for dealing with air management issues. However, we have ...[some] comments and suggestions.	Reject
NGA PAE O RANGITIKEI	427	82	We ask that Council insert a new policy and/or objective within Chapter 8 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.	Reject
LANDLINK LTD	440	61	Submitter does not clearly request a decision. However they do note: "We note that National Environmental Standards for Air Quality are mandatory requirements. We are confused by the inclusion of apparently external requirements within the Regional Policy Statement. If the One Plan is to be less complex and more straightforward we consider that unnecessary repetition should be reduced to nothing."	Reject

4.1.1 Summary of submissions

The Ministry of Economic Development seeks to provide for the flaring of hydrocarbons on land associated with oil well testing as a Controlled Activity subject to specified conditions/terms.

The Territorial Authority submissions seek to remove references to Taumarunui and Ohakune in the POP until such time as further air quality monitoring is undertaken and an appropriate air quality classification for the towns is established. Associated with these matters is the submission from Mid Central Health which seeks to have additional monitoring of fine particle (PM₁₀) levels undertaken across the Region.

Landlink Ltd outlines confusion as to why external provisions, ie. the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004 (NESAQ) are included in the POP.

The Poultry Industry submitters seek to have Policy 8-2, Table 8-3 and Policy 8-3(b) deleted and all references to regional standards for ambient air quality in Chapter 14 deleted.

Transit wants a definition of dust to specify that it excludes dust arising from highway maintenance and construction works.

Bruce and Elizabeth Kinloch submit that greater powers should be given to staff dealing with gravel applications to deal with dust and noise effects.

The Environmental Working Party and Nga Pae o Rangitikei seek to have cross references between the objectives and policies in the Air Chapter to those contained in Chapter 4 (Te Ao Maori) to provide greater linkage across the POP.

L M Terry considers the POP to be at odds with the legislation covering the application of agricultural chemicals, specifically that the POP is running ahead of the legislation on the management of agricultural chemicals.

4.1.2 Legislative assessment

In September 2004, the National Environmental Standards for Air Quality (NESAQ) were introduced to set standards for air pollution to protect public health.

The 14 standards comprise (as a list):

- (a) Five standards for ambient (outdoor) air quality;
- (b) Seven standards banning activities that discharge significant quantities of dioxins and other toxics into the air;
- (c) A design standard for new woodburners installed in urban areas; and

- (d) A requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.

Schedule 1 of the Standards provides ambient concentration limits for the following pollutants:

- (a) carbon monoxide (CO);
- (b) nitrogen dioxide (NO₂);
- (c) ozone (O₃);
- (d) fine particulate matter that is less than 10 micrometres in diameter (PM₁₀);
- (e) sulphur dioxide (SO₂)

The Standards set acceptable concentrations for these pollutants for a particular time average, with a specified number of permissible exceedances per year. The Standards apply in the open air everywhere that people may be exposed but do not apply to areas that are not in the open air, eg. inside a house or vehicle. The Standards also do not apply to sites on which resource consents apply (ie. within the site boundary) as long as the conditions of consent are adhered to.

The Standards place constraints on resource consents depending on the pollutant, the existing air quality of an airshed relative to the Standards and the date the resource consent application is lodged (for PM₁₀ discharges). An airshed is like an air quality management area. Taihape and Taumarunui are both listed as airsheds in the NZ Gazette. Regulation 15 requires the Regional Council to monitor air quality if the Standard is breached and for PM₁₀ this monitoring needs to be continuous. Regulation 16 requires the Regional Council to give public notice if the standard is breached.

The Standard is a 24 hour standard; there is no annual standard and there is no PM_{2.5} standard.

In airsheds that breach the Standard for PM₁₀ before 1 September 2013, regulations 17A to 17C apply if the discharge that is to be permitted by the resource consent is likely to significantly increase the concentration of PM₁₀ in the airshed. After 1 September 2013, in airsheds where PM₁₀ levels exceed the Standard, councils cannot give consent to any discharges of fine particles (PM₁₀). The Regional Council then has obligations in relation to the Standards, including the need to trigger resource consent applications or prohibit activities in airsheds that breach the PM₁₀ standards.

Noise is a matter that is not within the jurisdiction of the Regional Council to control through a Plan or resource consent application as it is a function of Territorial Authorities.

4.1.3 Evaluation

Flaring

The Ministry of Social Development seeks to have flaring on land of hydrocarbons associated with well testing operations listed as a Controlled Activity. It is solely flaring for testing, not well production, that is sought. Currently the activity would fall for consideration as a Discretionary Activity in

the catch-all Rule 14-13 of the POP. Under the current Regional Air Plan (RAP) the activity would also be considered as a Discretionary Activity under RAP Rule 17.

My experience in assisting Stratford District Council with a number of oil production resource consent applications, including for the Cheal B site on Mountain Road (SH3), Ngaere, Stratford is that once drilling has taken place the testing phase takes in the order of 40 days. If after this period the well is not productive then it is decommissioned.

Any flaring operation would need to meet all Territorial Authority requirements, particularly in regards to the storage of hazardous substances and noise. In terms of the effects of the discharge to air from the hydrocarbons, these are limited and with appropriate conditions included in the POP the effects can be controlled. I therefore recommend the addition of a rule providing for flaring from well testing on land as a Controlled Activity with appropriate limitations. An example of appropriate controls are those in the Taranaki Regional Air Plan, where flaring is allowed for no more than 45 days (cumulative); must be 300 metres plus from a dwelling; have no non-petroleum combustion allowed; and must adopt the Best Practicable Option.

Particles emitted during flaring of petroleum products will vary depending on the combustion efficiency of the flare. Other pollutants such as methane, carbon dioxide and sulphur dioxide may also be a concern. As long as the flaring is well controlled and is carried out for short periods of time, the effects will be minor

PM₁₀ and Air Quality Monitoring

The Regional Council seeks to meet its statutory obligations under the NES, particularly in regard to managing fine particle levels (PM₁₀). Taihape and Taumarunui are both listed as airsheds in the NZ Gazette. The NES requires that after 31 August 2013 no resource consent can be granted where fine particles exceed the standard. The provisions of POP then reflect the requirements of the Standard. The NES requires the Regional Council to undertake continuous monitoring in these airsheds. Where monitoring demonstrates that the levels of PM₁₀ are reduced then there is the potential for a Plan Change/Variation to be initiated to alter the status of these two areas within the Plan. The inclusion of these areas provides a clear steer to a POP user that any discharge requiring a resource consent that is likely to result in cumulative effects that exceed the PM₁₀ levels will be of concern.

The POP also lists Ohakune, Feilding, Dannevirke and Pahiatua as areas where fine particle levels, whilst not exceeding the NES, are of concern. Policy 8-6 sets out the circumstances around which consent applications will be considered, ie. the duration of the consent and offset by a reduction in PM₁₀ in the same area.

I consider that the POP is taking a responsible approach to the management of air quality in the Region. There are certain towns where air quality monitoring shows that PM₁₀ levels are high and in the case of Taihape and Taumarunui levels exceed the Standards.

I accept that some of the data upon which the PM₁₀ levels reflected in the POP are around five years old. However, air quality monitoring is ongoing across the Region and there is a statutory requirement for the Regional Council to monitor air quality, including in particular PM₁₀ levels. If other areas in the Region are shown through monitoring to exceed the standards then a Plan Change/Variation will be required to include the town name within the policies in the POP.

I do not consider there should be any change to the approach taken in the POP to listing areas where PM₁₀ is of concern. Air quality is a significant issue and is a problem in certain areas of the Region. The Regional Council is obliged to meet its statutory obligations and I consider the approach taken in the POP of highlighting areas of concern is responsible and pragmatic.

Policy 8-2, Table 8.3 and Policy 8-3(b)

Policy 8-2 sets the base standards by which ambient air quality will be managed. Specifically five contaminants are listed in Table 8.3 and standards listed. The five contaminants are odour, dust, smoke and water vapour, agrichemicals, gases and other airborne contaminants. Policy 8-3(b) refers to Policy 8-2 and states discharges of contaminants into air will generally be allowed if it is consistent with the standards in Table 8.3.

I consider the policies and table are an important mechanism on which an assessment of any individual resource consent can be based. They provide a clear indication of the parameters that need to be considered. However, I do consider that the wording in Policy 8-3 is too absolute in relation to its application in considering a resource consent application. I therefore recommend the following wording be included in Policy 8-3(b):

(b) The discharge is overall consistent with the regional standards for ambient air quality.

The intent of the inclusion of the word overall is to allow for some balancing when considering an application. For example, Table 8.3 is absolute in its approach, stating that there be no objectionable odour to the extent that it causes an adverse effect beyond the property boundary, and similarly for the other contaminants. It might be that an activity can meet the Regional Standards but on occasion, eg. during shed clean out there might be occasional odour beyond the boundary. The context of the application and the site need to be considered through the consent process and it might be found that overall, given the site is not close to sensitive activities, an occasional breach of the standard is acceptable.

Gravel extraction

The submission from Bruce and Elizabeth Kinloch seeks to allow for noise and dust effects to be controlled by way of conditions in the Plan or on a resource consent approval. As I outline earlier, the matter of noise is not an effect that is within the jurisdiction of the Regional Council to control. The provisions of Chapter 16 of the POP refer to gravel extraction and for larger scale gravel extraction (ie. over 50 m³) a resource consent application would be required as a Discretionary Activity under Rule 16-20. As a Discretionary Activity all effects can be considered, including dust. Conditions of consent can

therefore be imposed to deal with dust effects. In relation to particular sites, any individual can, where the application is notified or they are deemed to be a potentially affected party, make a submission raising issues of concern. I therefore do not consider that any change is required to the POP to deal with the matter of dust from gravel extraction.

Dust from roading works

Transit's submission seeks to include a definition that would exclude dust created from road maintenance and construction works from the POP provisions. Given the nature of roading projects and their narrow work area (ie. the width of a road reserve) it is likely that even with the inclusion of dust suppression methods there will be dust beyond the property boundary. Table 8.3 states a discharge of dust shall not cause any noxious, offensive or objectionable effect to the extent it causes an adverse effect beyond the property boundary or on public land. The definition of property in the POP includes a legal road. The current wording then within the POP means road works would have to contain the adverse effects of dust wholly within the road reserve if a consent is triggered for road works and if compliance with the policies is to be achieved. It would seem reasonable to expect this to occur. Regardless of any rule, Transit and other roading authorities are still obligated under s17 of the Resource Management Act 1991 to avoid, remedy or mitigate any adverse effect. If there were concerns with a particular roading project then the Regional Council's Compliance staff could require that methods are implemented to reduce dust emissions. I do accept it would be unreasonable to expect vehicles on roads to be the subject of the standard and therefore I propose adding an exception clause to Table 8.3 to exclude dust created from vehicles on roads.

Agricultural chemicals

I deal with the matter of agricultural chemicals, which has been raised in the submission from L M Terry, further in Section 4.28 of this report.

Cross referencing

The submissions from the Environmental Working Party and Nga Pae o Rangitikei seek to have cross references between the objectives and policies in the Air Chapter to those contained in Chapter 4 (Te Ao Maori) to provide greater linkage across the POP. Cross referencing within a Plan is a useful mechanism to provide guidance to Plan users as to other sections of relevance. There is no statutory obligation to cross reference different sections of a Plan but it is established planning practice to provide cross referencing where it is likely to be useful and appropriate. In the case of cross referencing between the Air Chapter and Te Ao Maori I do not consider it would provide for a useful link. I have considered cross referencing but cannot find any clear areas that need to be linked.

Minor changes

Minor changes to the policy and rule wording to clarify the level of obligation and appropriate policy and rule framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.1.4 Recommendation AIR 1

- (a) Accept in part the submission from Transit NZ regarding dust such that the changes proposed, whilst not including a definition for dust, do provide for exclusions of dust from vehicles on roads.
- (b) Accept in part the submission from the Poultry Industries to provide for wording changes to Policy 8-3(b) but reject the deletion of Policy 8-2 and Table 8.3.
- (c) Accept in part the submission from the Ministry of Economic Development. Some wording changes are proposed to the wording contained within the submission.
- (d) Reject the submissions that seek the deletion of Taumarunui and Taihape and other towns from the policies in the POP and the inclusion of NES matters in the POP.
- (e) Accept the submission of the Mid Central District Health Board in support of the POP.
- (f) Reject the submission from L M Terry.
- (g) Reject the submissions from the Environmental Working Party and Nga Pae o Rangitikei that seek to have cross references between the objectives and policies in the Air Chapter and those contained in Chapter 4 (Te Ao Maori).

4.1.4.1 Recommended changes to provisions

- (a) Add a further Rule 14-13a as follows and make all subsequent amendments to the cross referencing for the rule within the POP:

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
14-13a <u>Flaring of Hydrocarbons</u>	<u>The discharge to air of hydrocarbons from flaring on land associated with petroleum exploration for well-testing operations</u>	<u>Controlled</u>	<ol style="list-style-type: none"> (a) <u>The well testing shall be limited to a duration of 45 working days.</u> (b) <u>The flare point shall comply with the following separation distances:</u> <ol style="list-style-type: none"> (i) <u>300 metres from residences, maraes, schools, public buildings and public recreation areas;</u> (ii) <u>300 metres from any rare and threatened habitats* and at-risk habitats*;</u> (iii) <u>100 metres from bores, surface waterbodies, public roads and the coastal marine area;</u> (iv) <u>100 metres from any historic heritage as identified in any District or Regional Council plan.</u> 	<u>Control is reserved over:</u> <ol style="list-style-type: none"> (a) <u>The nature of the contaminants to be emitted during flaring and measures to manage effects including effects on sensitive activities.</u> (b) <u>Effects on rare and threatened habitats* and at-risk habitats*.</u> (c) <u>Duration of consent.</u> (d) <u>Compliance monitoring.</u> <u>Resource consent applications under</u>	<u>Policies guiding consent decisions include: Policy 14-2</u>

			(c) <u>No non-petroleum well stream product is to be combusted.</u> (d) <u>There shall be no objectionable odour, dust or waste drift beyond the property* boundary.</u>	<u>this rule shall not be notified and written approval of affected persons shall not be required (notice of applications need not be served on affected persons).</u>	
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- (b) Amend Policy 8-3 to read as follows or wording of similar effect (new wording is underlined):

(b) *The discharge is overall consistent with the regional standards for ambient air quality.*

- (c) Amend Table 8.3 to read as follows or wording of similar effect (new wording is underlined):

Contaminant	Regional Standard
Dust	<ul style="list-style-type: none"> A discharge shall not cause any noxious, offensive or objectionable dust to the extent that causes an adverse effect beyond the property boundary or on public land. <u>Except this standard shall not apply to dust created from vehicles on roads.</u>

- (d) Amend the following section of chapters 8 and 14 which did not receive any submissions for the reasons outlined in section 4.1.3 – Minor changes.

Amend Objective 8-2 as follows or wording of similar effect:

Objective 8-2: Fine particle (PM₁₀) levels

- (a) Fine particle levels in Taihape and Taumarunui are reduced to comply with the national ambient air* quality standard for PM10* by 1 September 2013 .
- (b) Fine particle levels in other areas are managed in a manner which ensures ongoing compliance with the national ambient air* quality standard for PM10*.

This Objective implements Issue 8-2

Amend Rule 14-9 as follows or wording of similar effect:

14-9 Abrasive blasting within an enclosure	The discharge of contaminants into air and any subsequent discharge onto land from abrasive blasting within a purpose-built enclosure that is not moveable.	Permitted	(a) The blasting enclosure shall be fully enclosed and air shall be mechanically ventilated to air pollution control equipment that is designed and maintained to achieve a particulate matter concentration of no more than 100 mg/m ³ (at 0°C, 1 atmosphere		<u>This Rule implements Policy 14-3</u>
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			<p>pressure, dry gas basis) at the point of discharge.</p> <p>(b) There shall be no visible discharge of dust from the abrasive blasting enclosure.</p> <p>(c) The discharge shall not result in noxious or dangerous levels of airborne contaminants beyond the property* boundary or on public land*.</p> <p>(d) Any abrasive media not in use shall be covered and reasonably protected from water and wind.</p>		
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4.2 Chapter 8 – Paragraph - 8.1 Scope and Background - Recommendation Air 2

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
SUSTAINABLE WHANGANUI	176	24	We applaud the establishment of airsheds for Taumarunui and Taihape for the purpose of managing and monitoring ambient air quality and seek the inclusion of policies that encourage the installation of heat pumps and renewal energy technologies in homes so as to discourage the use of open fires.	Accept
HORTICULTURE NEW ZEALAND	357	92	Decision Sought: Amend 8.1 Scope and Background as follows: Complaints about odours, smoke and dust have dominated complaints received by the Regional Council for some time, making up more than half of the complaints received between 2000 and 2004. Amend the last sentence by replacing 'these nuisance effects' with ' the potential for adverse effects and complaints.'	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	111	Amend as follows: Complaints about odours, smoke and dust have dominated complaints received by the Regional Council, making up more than half of the complaints received between 2000 and 2004"	Accept in part

4.2.1 Summary of submissions

Sustainable Whanganui supports the approach taken in POP regarding the airsheds identified for Taihape and Taumarunui.

Horticulture NZ and Federated Farmers of New Zealand Inc. seek to amend the wording in the Scope and Background Section.

4.2.2 Evaluation

The intent of the wording as currently drafted is to draw attention to both the nuisance effects and potential health effects of odours, smoke and dust; and also outline that these three effects comprise a large proportion of the complaints received by the Regional Council. As I read the submissions from Federated Farmers and Horticulture NZ, they seek to take the references to nuisance effects out of the introductory section. Odour, dust and smoke cause nuisance effects and have the potential to adversely affect amenity for residents. I consider it important that the POP acknowledges the nuisance effects from dust, smoke and odour. Removing the references to nuisance effects takes away from the intent of the wording and something would be lost in the impact of the wording if the references were to be removed.

However, I do agree that the wording at the end of the paragraph is currently not as clear as it could be, as it refers solely to reducing nuisance effects the paragraph is also dealing with potential health effects. That is why in large part the regional standards for ambient air quality have been set. I suggest therefore some modified wording be included, as set out below in section 4.2.3.1.

4.2.3 Recommendation AIR 2

- (a) Accept the submission from Sustainable Whanganui in support of the airsheds.
- (b) Accept in part the submissions from Horticulture NZ and Federated Farmers of NZ Inc to the extent that some wording changes to Section 8.1 Scope and Background be made.

4.2.3.1 Recommended change to provisions

- (a) Amend the wording of the third paragraph in Section 8.1 as follows or wording of similar effect (new wording is underlined and words proposed to be deleted are struck through)

Nuisances caused by odours, smoke and dust have dominated complaints received by the Regional Council for some time, making up more than half of the complaints received between 2000 and 2004. Some of these emissions can also be harmful to human, animal and plant health. Setting clear regional standards for ambient air quality, a 24-hour pollution hotline service and provision of public information are intended to help reduce ~~these nuisance effects~~ the potential for adverse health and nuisance effects and as a consequence the number of complaints.

4.3 Chapter 8 – Issue 8-1 Ambient air quality - Recommendation Air 3

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
TRANSIT NEW ZEALAND	336	24	That policy be included in the plan under Section 8 dealing specifically with discharges to air from the combustion of vegetation on production land or on forested land. Such discharges should not be permitted where it is likely to give rise to reduced visibility on any road, including a state highway or create any other highway safety issues. Such policy should be supported by specific rules under 14-5 which identify minimum distances from roads and highways where combustion should not occur where smoke drift over a highway or road is likely to reduce visibility.	Reject
HORTICULTURE NEW ZEALAND	357	93	Decision Sought: Amend 2nd sentence of Issue 8-1 to read: Localised effects on amenity values, human health, property or the environment can arise where . Retain recognition that the location of incompatible land uses is an issue	Accept in part the first part of the submission and accept the second part

4.3.1 Summary of submissions

Transit NZ seeks to have a policy included in Section 8 dealing with smoke effects on roads from the burning of vegetation. Transit also seeks a rule which identifies minimum distances from roads to reduce the potential for smoke drift to occur.

Horticulture NZ seeks to amend the second sentence in Issue 8-1.

4.3.2 Evaluation

Transit's submission has two limbs. The first part seeks a policy to deal with smoke effects on roads and the second a rule specifying minimum distances from roads where combustion should not occur.

In relation to a policy on this matter, Chapter 14, which contains the Regional Plan provisions in relation to air, includes within Policy 14.2 *Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable Effects*. The following are within the guidelines for offensive and objectionable:

In determining whether a discharge is resulting in any objectionable or offensive smoke, water vapour, dust, gases or airborne contaminant, a council enforcement officer may consider the following:...

- *Adverse effects, including effects on road visibility and aircraft flight paths...*

I consider this policy is adequate and appropriate to deal with the matters for which Transit seeks relief. The Policy sits within Chapter 14, which is where the rules sit and therefore is more directly relevant rather than in the Regional Policy Statement section of the POP.

Rule 14-5 deals with open burning as a Permitted Activity and includes the following standard:

- (b) *The discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that it causes an adverse effect beyond the boundary of the subject property or on public land.*

A road would comprise public property and the current rule provides that there be no offensive or objectionable smoke beyond the property boundary. I consider the standard to be certain and enforceable. If smoke was to become a nuisance then the Compliance staff at the Council could take the necessary action to stop the problem.

Specifying a minimum distance from a road boundary where fires can be lit is problematic for a number of reasons as follows:

- (a) Setting an appropriate distance to cover all likely wind and climatic conditions (ie. all it would take is for the wind to increase in intensity and even if the fire was the specified distance away, the smoke could then cover a road);

- (b) Setting a distance that would still enable smaller rural properties to burn vegetative material;
- (c) Enforcing the distance.

The outcome sought is to ensure that smoke does not cross a road and if it does that the standard is certain enough to allow the nuisance/safety effects to be stopped. I consider the current wording is both certain and enforceable and therefore no additional rules are required.

I consider there is some merit in the submission from Horticulture NZ which seeks to change the wording in Issue 8-1 to specify the effects are not adverse but are localised. I do not agree that the word adverse should be removed from the Issue as the concern is adverse effects on amenity values, human health, property and the environment. However, these effects are generally localised and the previous sentence in Issue 8-1 acknowledges that air quality in the Region is generally high. I suggest some wording changes to the Issue in Section 4.3.3.1 below to clarify the intent of the wording.

4.3.3 Recommendation AIR 3

- (a) Reject the submission from Transit New Zealand as the current POP provisions deal with the matters raised.
- (b) Accept in part the submission from Horticulture New Zealand as the wording of Issue 8-1 can be improved in terms of the intent of the Issue.

4.3.3.1 Recommended changes to provision

- (a) Change the wording of Issue 8-1 Ambient Air Quality as follows (new wording is underlined and words proposed to be deleted are struck through):

Aside from fine particle levels in some towns, as described in Issue 8-2, air quality in the Region is high. Nevertheless localised adverse effects, on amenity values, human health, property or the environment can arise where:...

4.4 Chapter 8 – Objective 8-1 Ambient air quality - Recommendation Air 4

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	26	WPI requests that Objective 8-1 be retained.	Accept
	X 501	52	ERNSLAW ONE LTD – Support	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	112	Amend Objective 8-1 as follows: "A standard of ambient air quality is maintained which is not detrimental to human health, property of the life-supporting capacity of air and meets the national ambient air quality standards." (or words to that effect)	Reject

4.4.1 Summary of submissions

The submission from Winstone Pulp International Ltd and supported by the further submission from Ernslaw One, seeks the retention of Objective 8-1.

Federated Farmers of New Zealand Inc. seeks to amend Objective 8-1 to remove the references to amenity values.

4.4.2 Legislative assessment

Section 7 *Other Matters* of the Resource Management Act 1991 (RMA) states:

“7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to

—
(c) *The maintenance and enhancement of amenity values;”*

Section 2 of the Resource Management Act 1991, defines amenity values as meaning a number of interrelated factors:

“those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

In preparing the POP the Council must do so in accordance with the provisions of Part 2 of the Act including Section 7 matters.

4.4.3 Evaluation

Objective 8-1 is well worded and clear and therefore it should be retained as sought by Winstone Pulp.

Deletion of the reference to amenity values within Objective 8-1 is contrary to the Act and diminishes the strength of the objective, which clearly also needs to deal with amenity values. Dust, smoke and odour in particular have the potential to adversely affect amenity values. These values should rightly be considered through the resource consent process and the Objective therefore needs to refer to the issues of concern.

I recommend minor changes to the policy wording to clarify the level of obligation and appropriate policy framework linkages in order to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land.

4.4.4 Recommendation AIR 4

(a) Accept the submission of Winstone Pulp International Ltd and the further submission of Ernslaw One Ltd in support of Objective 8-1.

- (b) Reject the submission from Federated Farmers of New Zealand Inc. which seeks to amend the wording of Objective 8-1 and remove the references to amenity values.

4.4.4.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Objective 8-1 as follows:

Objective 8-1: Ambient air quality

A standard of ambient air* quality is maintained which is not detrimental to amenity values, human health, property*or the life-supporting capacity of air and meets the national ambient air* quality standards.

This Objective implements Issue 8-1

4.5 Chapter 8 – Policies - General - Recommendation Air 5

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	83	<p>8.4.2 Other activities</p> <p>Policy 8-7</p> <p>(a)All activities affecting Air shall take into account chapter 4</p> <p>(b)remedial action for any adverse effects to the environment will be undertaken</p> <p>(c)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <p>i) are appropriate to the adverse environmental effects</p> <p>ii) account for the remedial process, and</p> <p>iii) will act as a deterrent for those intending not to comply.</p> <p>(e)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
NGA PAE O RANGITIKEI	427	83	<p>8.4.2 Other activities</p> <p>Policy 8-7</p> <p>(a)All activities affecting Air shall take into account chapter 4</p> <p>(b)remedial action for any adverse effects to the environment will be undertaken</p> <p>(c)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <p>i) are appropriate to the adverse environmental effects</p> <p>ii) account for the remedial process, and</p> <p>iii) will act as a deterrent for those intending not to comply.</p> <p>(e)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.</p>	Reject

4.5.1 Summary of submissions

Both submitters – Nga Pae o Rangitikei and Environmental Working Party – seek the inclusion of a new policy within Chapter 8 taking into account the provisions of Chapter 4 Te Ao Maori and including specific matters around remedial action, monitoring, notification of iwi and the discovery of koiwi or artifacts.

4.5.2 Legislative assessment

Section 6 of the RMA deals with Matters of National Importance and states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) ***The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.***
- (f) ***The protection of historic heritage from inappropriate subdivision, use and development.***
- (g) ***The protection of recognised customary activities.”***

Section 7 of the RMA states:

“7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to –

- (a) ***Kaitiakitanga:***
 - (aa) ***The ethic of stewardship;***
 - (b) *The efficient use and development of natural and physical resources:*
 - (ba) *The efficiency of the end use of energy;*
 - (c) *The maintenance and enhancement of amenity values;*
 - (d) *Intrinsic values of ecosystems;*
 - (e) *Repealed:*
 - (f) *Maintenance and enhancement of the quality of the environment:*
 - (g) *Any finite characteristics of natural and physical resources:*
 - (h) *The protection of the habitat of trout and salmon.*
 - (i) *The effects of climate change.*
 - (j) *The benefits to be derived from the use and development of renewable energy.”*

Section 8 of Part 2 of the RMA relates to the Treaty of Waitangi.

4.5.3 Evaluation

The remaining matters raised in the submissions for inclusion in a policy are in my opinion matters that are more suited to consent conditions, eg. stopping work if koiwi are discovered, or are matters that are determined through the consideration of the effects of individual consent applications, including whether an application is notified and who potentially adversely affected parties might be.

I consider that the provisions of the existing Chapter 4 in the POP, in conjunction with the individual activity chapters within Part II of the POP, are adequate and appropriate to cover the matters raised in the submissions. The POP provisions will enable iwi to be notified and for appropriate conditions of consent to be placed on any resource consent decision.

4.5.4 Recommendation AIR 5

- (a) Reject the submissions from the Environmental Working Party and Nga Pae o Rangitikei as the matters raised are dealt with in Chapter 4.

4.5.4.1 Recommended changes to provision

- (a) No changes are recommended.

4.6 Chapter 8 – Policy 8-1 National Environmental Standards - Recommendation Air 6

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	27	WPI requests that Policy 8-1 and Policy 8-2 be retained.	Accept
	X 501	53	ERNSLAW ONE LTD – Support	Accept
FONTERRA CO-OPERATIVE GROUP LIMITED	398	34	Fonterra considers that Policy 8-1 and Tables 8.1 and 8.2 should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.6.1 Summary of submissions

The submission from Winstone Pulp International Ltd and supported by the further submission from Ernslaw One Ltd seeks the retention of Policies 8-1 and 8-2.

Fonterra Co-operative Group Ltd seeks to amend Policy 8-1 and Tables 8.1 and 8.2 to be consistent with the National Environmental Standards for Air Quality (NESAQ), specifically incorporating the significance test.

4.6.2 Background

The Good Practice Guide for Assessing Discharges to Air from Industry prepared by the Ministry for the Environment and dated June 2008 sets out a process for undertaking an assessment of the potential and actual adverse effects on air quality from industrial activities applying for resource consent. The Guide outlines the process that can be followed to assist in a determination of the significance of any application. The Guide defines what is called the Three Tier assessment as follows:

- Tier 1** a preliminary assessment to identify whether there are likely to be significant air quality effects
- Tier 2** a largely qualitative assessment with screening level modelling only
- Tier 3** a largely quantitative assessment with increased complexity in modelling and reliance on site-specific data.

4.6.3 Evaluation

Tables 8.1 and 8.2 are consistent with the NESAQ. Fonterra accepts the tables are consistent but seeks reference to the above Three Tier Assessment in terms of the 'Significance Test'. The NESAQ uses the terms "*increase significantly*" in relation to PM₁₀ discharges. The meaning of significantly is not defined in the regulations. I deal with this matter in Section 4.8.1 of this report.

Minor changes to the policy wording to clarify the level of obligation and appropriate policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.6.4 Recommendation AIR 6

- (a) Accept the submission of Winstone Pulp International Ltd and the further submission of Ernslaw One Ltd in support of Policies 8-1 and 8-2.
- (b) Accept in part the submission from Fonterra Co-operative Group Ltd.

4.6.4.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 8-1 as follows:

Policy 8-1: National Environmental Standards

The National Environmental Standards set out in Table 8.1 shall be adopted as ambient air* quality standards for the Manawatu-Wanganui Region and ambient air* quality shall be—

- (a) Maintained or enhanced in those areas which meet the standards, and
(b) Enhanced in those airsheds which do not meet the standards—

in accordance with the air quality categories and designated responses in Table 8.2.

This Policy implements Objective 8-1

4.7 Chapter 8 – Policy 8-2 Regional Standards for Ambient Air Quality - Recommendation Air 7

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	115	(d) Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to Policy 8-2.	Accept
	X 481	180	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	20	TRANSIT NEW ZEALAND - Support	Accept
RUAPEHU DISTRICT COUNCIL	151	171	Council submits that Policy 8-2 and/or the definition of public land be amended such that solid waste, parks and recreation and roading activities will not be contrary to Policy 8-2	Accept
	X 481	236	PALMERSTON NORTH CITY COUNCIL - Support	Accept
TARARUA DISTRICT COUNCIL	172	56	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept
	X 481	327	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	16	TRANSIT NEW ZEALAND - Support	Accept
INGHAMS ENTERPRISES (N Z) PTY LIMITED	277	1	Proposed regional standards for ambient air quality be deleted in light of the National Environmental Standards that provide sufficient control for air quality within the region.	Reject
	X 526	1	POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP – Support	Reject
HOROWHENUA DISTRICT COUNCIL	280	60	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept
	X 481	421	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	18	TRANSIT NEW ZEALAND - Support	Accept

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	28	WPI requests that Policy 8-1 and Policy 8-2 be retained.	Accept
	X 501	54	ERNSLAW ONE LTD - Support	Accept
	X 512	1	INGHAMS ENTERPRISES (N Z) PTY LIMITED – Oppose	Reject
WANGANUI DISTRICT COUNCIL	291	44	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept
	X 481	504	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	15	TRANSIT NEW ZEALAND - Support	Accept
MANAWATU DISTRICT COUNCIL	340	70	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept
	X 481	626	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	19	TRANSIT NEW ZEALAND - Support	Accept
RANGITIKEI DISTRICT COUNCIL	346	56	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept
	X 481	761	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 498	17	TRANSIT NEW ZEALAND - Support	Accept
HORTICULTURE NEW ZEALAND	357	94	Decisions Sought:	Accept in part
			Amend Policy 8-2 and Table 8-3 to refer to localised air quality	
			Cross reference to the Chapter 14 Page 3 for explanations for noxious, dangerous offensive, or objectionable.	

4.7.1 Summary of submissions

Most of the submissions on Policy 8-2 are concerned that the references to public land will mean that solid waste and roading activities are caught by the provisions of the policy.

The Poultry Industry submissions seek the deletion of the regional standards for ambient air quality as the National Environmental Standards Air Quality are sufficient.

The submission from Horticulture NZ seeks to have Policy 8-2 and Table 8.3 amended to refer to localised air quality. This submission also seeks a cross reference to Chapter 14 for explanations of the terms noxious, dangerous, offensive and objectionable.

4.7.2 Evaluation

The Territorial Authorities seek to have the standards listed in Table 8.3 not apply to solid waste and roading activities on public land. It would be unreasonable to expect compliance with the standards for solid waste and roading activities on the site they are situated. I consider that the term 'or on public land' does not add to the intent of the standards which should apply beyond the boundary of a site and therefore I recommend the deletion of the words "*or on public land*".

Inghams Enterprises seeks to have the regional standards for ambient air quality deleted and reliance on the NES. The matters contained within Table 8.3 are amenity related standards that do not appear in the NES. They are matters which are important within the Region and need to be considered in relation to an assessment of any resource consent application. Subject to the recommended changes to this Policy outlined in my report, I consider that Policy 8-2 and Table 8.3 are important for setting the overall framework for the Region in managing potential and actual adverse effects on air quality.

Horticulture NZ seeks to amend Policy 8-2 and Table 8.3 to refer to localised air quality. I consider that the inclusion of the words "*causes an adverse effect beyond the property boundary*", which appears four times within Table 8.3 is adequate and appropriate and clearly establishes that consideration of the effects is on a localised basis. I therefore consider that there is no need to include the term localised within the Policy as it is already explicit that the effects being considered are in the local context.

Horticulture NZ seeks to have a cross reference within Chapter 8 to Chapter 14 in relation to the guidelines within that chapter for the terms noxious, dangerous, offensive and objectionable. I suggest a cross reference as I accept that the terms noxious, dangerous, offensive and objectionable appear for the first time in POP in Table 8.3 and it would be useful to refer to the guidelines for the terms within Chapter 14.

Minor changes to the policy wording to clarify the level of obligation and appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.7.3 Recommendation AIR 7

- (a) Accept the submissions from the Territorial Authorities seeking to ensure that solid waste and roading activities are not contrary to Policy 8-2.
- (b) Accept in part the submission from Horticulture NZ to the extent that there be a cross reference to the definition of terms contained within Chapter 14.
- (c) Reject the submission from Inghams Enterprises (NZ) Pty Limited which seeks to delete the regional standards for ambient air quality.

4.7.4.1 Recommended changes to provision

- (a) Delete the words “*or on public land*” in the four places it appears in Table 8.3.
- (b) Add a cross reference to the guidelines for managing noxious, dangerous, offensive and objectionable as contained within section 14.2 at the bottom of Table 8.3 as follows:

Note: *There are Guidelines contained within Section 14.2 that assist in defining the terms noxious, dangerous, offensive and objectionable.*

The table will then read as follows:

Table 8.3 Regional Standards for Ambient Air Quality

Contaminant	Regional Standard(s)
Odour	<ul style="list-style-type: none"> A discharge shall not cause any offensive or objectionable odour to the extent that causes an adverse effect beyond the property boundary or on public land.
Dust	<ul style="list-style-type: none"> A discharge shall not cause any noxious, offensive or objectionable dust to the extent that causes an adverse effect beyond the property boundary or on public land. <u>except this standard shall not apply to dust created from road construction and maintenance activities</u>
Smoke and water vapour	<ul style="list-style-type: none"> A discharge shall not result in any objectionable or offensive smoke or water vapour to the extent that causes an adverse effect beyond the property boundary or on public land.
Agrichemicals*	<ul style="list-style-type: none"> A discharge shall not give rise to noxious or dangerous levels of agrichemicals* in locations that are likely to cause adverse effects on human health, non-target plants or animals, or property.
Gases and other airborne contaminants	<ul style="list-style-type: none"> A discharge shall not result in noxious or dangerous levels of gases or other airborne contaminants beyond the property boundary or on public land.

Note: There are Guidelines contained within section 14.2 that assist in defining the terms noxious, dangerous, offensive and objectionable

- (c) Amend Policy 8-2 as follows:

Policy 8-2: Regional Standards for ambient air quality

In addition to the National Environmental Standards set out in Policy 8-1, ambient air* quality shall be managed in accordance with the Regional Standards set out in Table 8.3.

This Policy implements Objective 8-1

4.8 Chapter 8 – Policy 8-3 Regulation of discharges to air - Recommendation Air 8

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND FIRE SERVICE COMMISSION	149	4	Include a policy that provides for the discharge to air if the discharge is a fire fighting or a fire training activity.	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	37	Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part
NEW ZEALAND PORK INDUSTRY BOARD	409	25	Retain as written	Accept

4.8.1 Summary of submissions

The New Zealand Fire Service Commission seeks the inclusion of a policy providing for a discharge to air if it is for fire fighting or fire training purposes.

Fonterra Co-operative Group Ltd seeks to amend Policy 8-3 to be consistent with the National Environmental Standards for Air Quality, specifically incorporating the significance test. Having met with Fonterra representatives, their issues centre on providing for a differentiation between those activities that occur prior to 1 September 2013 and those that occur after that date. This date is a cut-off period within the NESAQ for reducing PM₁₀ levels.

The New Zealand Pork Industry Board supports Policy 8-3 as written.

4.8.2 Evaluation

In terms of the submission from the NZ Fire Service, Rule 14-5(b) specifically provides for the open burning of specified materials where the burning is for fire training purposes as a Permitted Activity. A policy is therefore unnecessary as no resource consent is required and therefore there can be no consideration given to policies within the Plan.

Policy 8-3 is consistent with the NESAQ. In terms of the matters raised by Fonterra it is considered appropriate to provide reference in the Policy to the 1 September date regarding PM₁₀ levels as it assists in the determination of resource consent applications.

Minor changes to the policy wording to clarify the level of obligation and appropriate policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.8.3 Recommendation AIR 8

- (a) Reject the submission from the New Zealand Fire Service Commission.
- (b) Accept in part the submission from Fonterra Co-operative Group Ltd.
- (c) Accept the submission of the New Zealand Pork Industry Board.

4.8.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 8-3 as follows:

Policy 8-3: Regulation of discharges to air

Discharges of contaminants into air shall ~~will~~ be generally allowed provided—

- (a) The effects of the discharge are consistent with the approach set out in Policy 8-1 for implementing the National Environmental Standards for ambient air* quality, and

- (b) The discharge is consistent with the Regional Standards for ambient air* quality set out in Policy 8-2.
- (c) Due consideration is given to the National Environmental Standards 1 September 2013 date for PM10 concentrations.

This Policy implements Objective 8-1

4.9 Chapter 8 – Policy 8-4 Incompatible land uses - Recommendation Air 9

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HIGGINS GROUP	153	15	Retain Policy 8-4 as proposed.	Accept
PALMERSTON NORTH CITY COUNCIL	241	87	That Horizons adopt Policy 8-4.	Accept
	X 500	142	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	142	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	142	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	271	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	142	WANGANUI DISTRICT COUNCIL - Support	Accept
MANAWATU DISTRICT COUNCIL	340	71	Re-frame Policy 8-4 to refer only to activities that are incompatible due to their air emissions.	Reject
	X 481	627	PALMERSTON NORTH CITY COUNCIL - Support	Reject
HORTICULTURE NEW ZEALAND	357	95	Decision Sought: Add c) to Policy 8-4 that Regional Council will advocate to Territorial Authorities to ensure that incompatibilities between activities are addressed and that adequate identification is placed on consent notices that the potential for incompatibilities exists.	Reject
	X 511	364	TRUST POWER LIMITED - Oppose	Accept
	X 526	26	POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation			
NEW ZEALAND PORK INDUSTRY BOARD	409	26	Delete (a): "Prevent the future establishment of potentially incompatible land use activities near each other	Reject			
			Amend (b): " Allow the establishment of potentially incompatible land use activities near each other provided no existing lawful activity, operated in a manner that adopts the best practicable option or which is otherwise environmentally sound, is restricted or compromised"				
			Add new clause(c): "place conditions on the consent/property title to provide for reverse sensitivity." (or words to that effect)				
FEDERATED FARMERS OF NEW ZEALAND INC	426	113	Reword Policy 8-4 as follows: "(a) Prevent Appropriately manage the future establishment of potentially incompatible land-use activities near each other, or	Reject			
			X 511		365	TRUST POWER LIMITED - Oppose	
FEDERATED FARMERS OF NEW ZEALAND INC	426	114	Include the following: 'Local authorities to ensure that incompatibilities between activities are addressed via identification on consent notices as to the types of activities and effects likely as part of the normal operation within a rural zone' (or words to this effect)	Reject			
			X 511		366	TRUST POWER LIMITED - Oppose	Accept
			X 526		27	POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP – Support	Reject
LANDLINK LTD	440	62	We strongly disagree with Policy 8-4 and request that it be removed. Managing land use is a District and City Council matter	Reject			

4.9.1 Summary of submissions

Higgins and the Territorial Authorities support the Policy, although Manawatu District Council seeks to have the Policy refer only to activities that are incompatible due to air emissions. Landlink considers the Policy should be deleted as land use is a Territorial Authority matter.

The submissions from Horticulture NZ and the Pork Industry Board seek that the Policy explicitly refer to the use of consent notices on property titles as a mechanism for alerting people to the potential for incompatible land use.

The Pork Industry Board and Federated Farmers seek the rewording of Policy 8-4(a) to remove the word 'prevent' and replace with 'appropriately managing the future establishment of potentially incompatible land use activities'.

4.9.2 Evaluation

The intent of the Policy is clear in that it is intended to provide guidance to Territorial Authorities in the development of their District Plans regarding the need to consider potential adverse sensitivity effects in establishing rules and other methods in their District Plans. The Territorial Authorities support the inclusion of such a policy and as a result must consider the Policy helpful. I do not see any reason why the Policy should be deleted as it provides a useful framework which will support the approaches taken in the District Plans to dealing with problems with incompatible land uses.

Manawatu District Council seeks to have the Policy explicitly refer to air emissions. Certainly, the wording of the Policy does not include the word 'air'. However, I consider that the Policy is contained within Chapter 8 which solely deals with air emission matters. Therefore the Policy clearly relates to air emissions and therefore no change is required.

Some submitters seek a further point be added to the Policy which directs that Territorial Authorities consider the use of consent notices on titles as a method of dealing with incompatible land uses. I consider that this would not be a policy but a method. Consent notices are but one method for dealing with incompatibilities and the selection of the methods should sit with a Territorial Authority in the context of their Plan development or through considering a particular resource consent application.

Some submitters seek the alteration of the wording of the Policy to take out the word 'prevention' in Policy 8-4(a) and allow for 'the management of the establishment of incompatible land uses'. I consider that the wording of the Policy is such as the word 'or' is used between points (a) and (b) which sets out that prevention is one approach but another is to allow the establishment of incompatible land uses where there are mechanisms to deal with the effects. The Policy works as a "two pronged approach" which is appropriate in terms of the management of the location of incompatible land uses this could include prevention, most possibly through the use of zoning methods.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with

recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.9.3 Recommendation AIR 9

- (a) Accept the submissions from Higgins Group and the Palmerston North City Council who support the Policy.
- (b) Reject the submission from the Manawatu District Council who seeks a reference to air emissions within the Policy.
- (c) Reject the submission from Horticulture NZ regarding advocacy.
- (d) Reject the submissions from the Pork Industry Board and Federated Farmers which seek to alter the wording of the Policy and include a requirement for consent notices.
- (e) Reject the submission from Landlink Ltd who is opposed to Policy 8-4.

4.9.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 8-4 as follows:

Policy 8-4: Incompatible land uses

Problems arising from incompatible land uses establishing near each other shall be avoided, remedied or mitigated primarily through District Plans and Territorial Authority consent decisions which—

- (a) Prevent the future establishment of potentially incompatible land use activities near each other, or
- (b) Allow the establishment of potentially incompatible land use activities near each other provided no existing lawful activity, operated in a manner that adopts the best practicable option or which is otherwise environmentally sound, is restricted or compromised.

This Policy implements Objective 8-1

4.10 Chapter 8 – Policy 8-5 Fine particles in Taihape, Taumarunui and other unacceptable airsheds - Recommendation Air 10

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
BRUCE & MARILYN BULLOCH	237	12	Improving Air Quality Long Term Strategy Taumarunui and Taihape and other unacceptable airsheds	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	38	Delete the word unacceptable in the above heading. Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.10.1 Summary of submissions

Bruce and Marilyn Bulloch seek to have the word 'unacceptable' deleted from Policy 8-5.

Fonterra Co-operative Group Ltd seeks to amend Policy 8-5 to be consistent with the National Environmental Standards for Air Quality, specifically incorporating the Significance Test.

4.10.2 Evaluation

The term 'unacceptable' first appears in Table 8.2, which sets out the measured value for when an area is unacceptable and what the designated response should be, ie. the term is defined. It is a term that reflects the content of the National Environmental Standards Air Quality (NESAQ). It provides consistency with the NES and therefore should be retained.

Policy 8-5 is consistent with the NESAQ. Having met with Fonterra it appears that their concern is that there is no reference to the Significance Test contained with NESAQ (refer to Section 4.8.1 of my report for further discussion on this matter). I consider that a cross reference within Policy 8-5 to the Significance Test contained within clause 17 of the regulations is appropriate as a matter that needs to be considered in assessing a resource consent application. The Significance Test is a mechanism for determining how much detail is required in preparing a resource consent application.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.10.3 Recommendation AIR 10

- (a) Reject the submission from Bruce and Marilyn Bulloch.
- (b) Accept in part the submission from Fonterra Co-operative Group Ltd.

4.10.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 8-5 as follows:

**Policy 8-5: Fine particles in Taihape, Taumarunui and other
"unacceptable" airsheds**

- (a) The Regional Council has established airsheds for Taihape and Taumarunui, as shown in Schedule G, on the basis that their fine particle (PM₁₀*) levels are "unacceptable" under Policy 8-1. The Regional Council will establish additional airsheds where monitoring shows fine particle levels that are "unacceptable".
- (b) Strategies to reduce fine particle levels shall be established by 2008 for Taumarunui and Taihape, and after this date for any other airsheds with

“unacceptable” fine particle levels. The strategies will primarily focus on existing wood burners and home heating appliances, and will identify ways of facilitating and supporting the changes necessary to comply with the fine particle standard.

- (c) Applications to discharge fine particles in the Taihape and Taumarunui airsheds, and in any other airsheds with “unacceptable” fine particle levels, shall be managed in accordance with regulations 17A and 17C of the “Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004”, including the Significance Test in clause 17 of the Regulations.

This Policy implements Objective 8-2

4.11 Chapter 8 – Policy 8-6 Fine particles in Ohakune, Feilding, Dannevirke and Pahiatua and other degraded areas - Recommendation Air 11

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
AFFCO NEW ZEALAND LTD – MANAWATU	50	7	Amend Policy 8-6 by adding clause (c) to read: (c) if the applicant can demonstrate that the effects of the proposed discharge of PM10 will be less than minor.	Accept
TARARUA DISTRICT COUNCIL	172	57	Define the airsheds to which Policy 8-6 is to apply and explain how information will be provided to allow policy 8-6(b) to be applied.	Reject
	X 481	328	PALMERSTON NORTH CITY COUNCIL – Support	Reject
	X 495	188	RUAPEHU DISTRICT COUNCIL – Support	Reject
BRUCE & MARILYN BULLOCH	237	14	Improving Air Quality - Awareness Programme: Ohakune, Feilding, Dannevirke, Pahiatua and other degraded areas Delete the word degraded in the above heading.	Reject
MANAWATU DISTRICT COUNCIL	340	73	Define the airsheds to which Policy 8-6 is to apply and explain how information will be provided to allow policy 8-6(b) to be applied.	Reject
	X 481	629	PALMERSTON NORTH CITY COUNCIL – Support	Reject
	X 495	190	RUAPEHU DISTRICT COUNCIL – Support	Reject
RANGITIKEI DISTRICT COUNCIL	346	57	Define the airsheds to which Policy 8-6 is to apply and explain how information will be provided to allow policy 8-6(b) to be applied.	Reject
	X 481	762	PALMERSTON NORTH CITY COUNCIL – Support	Reject
	X 495	189	RUAPEHU DISTRICT COUNCIL – Support	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	39	Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.11.1 Summary of submissions

Affco NZ Ltd – Manawatu seeks to have a further clause added to the Policy to allow for a situation where an Applicant can demonstrate that the effects of the proposed discharge of PM₁₀ will be minor.

The Territorial Authorities seek to have the airsheds to which Policy 8-6 applies listed within the Policy.

Bruce and Marilyn Bulloch seek to have the term 'degraded' deleted from Policy 8-6.

Fonterra Co-operative Group Ltd seek to amend Policy 8-6 to be consistent with the National Environmental Standards for Air Quality (NESAQ) specifically incorporating the Significance Test.

4.11.2 Evaluation

Table 8.2 of the POP identifies the measured values and designated response necessary for an airshed that is degraded. At this point in time, Ohakune, Feilding, Dannevirke and Pahiatua all qualify as degraded. The Policy signals that other areas might qualify as degraded in the future. A Plan Change/Variation can be pursued when an area becomes degraded in the future, or is no longer degraded, and it can be removed.

The submission from Affco seeks the inclusion in the Policy of a provision whereby an Applicant is able to demonstrate the effects of the discharge of PM₁₀ are minor. It would appear to be reasonable to assume there might be circumstances where an Applicant can demonstrate that the effects will be no more than minor and this does not require an offset or a consent term of five years, as provided for in the current wording of the Policy. I therefore recommend the addition of a further limb to Policy 8-6 to provide for this eventuality.

The wording of Policy 8-6 is consistent with NESAQ. It is therefore appropriate to retain the term 'degraded'. For the reasons given in Section 4.8.1 the concerns of Fonterra have been addressed.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.11.3 Recommendation AIR 11

- (a) Accept the submission of Affco.
- (b) Reject the submissions from the Territorial Authorities.
- (c) Reject the submission from the Bullocks.
- (d) Accept in part the submission from Fonterra.

4.11.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

(a) Amend Policy 8-6 as follows:

Policy 8-6: Fine particles in Ohakune, Feilding, Dannevirke and Pahiatua and other “degraded” areas

The Regional Council will generally only grant resource consents to discharge fine particles (PM₁₀^{*}) into the air in Ohakune, Feilding, Dannevirke and Pahiatua and other areas classified as “degraded” under Policy 8-1—

- (a) If the applicant has shown that the discharge is the best practicable option, and the consent is for a duration of five years or less, or
- (b) If the applicant can show that the discharge of PM₁₀^{*} will be off set by a reduction in other sources of PM₁₀^{*} within the same area; or
- (c) If the applicant can demonstrate that the potential and actual adverse effects of the proposed discharge of PM10 will be no more than minor.

This Policy implements Objective 8-2

4.12 Chapter 8 –Table 8.1 National Environmental Standards for Ambient Air Quality - Recommendation Air 12

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
FONTERRA CO-OPERATIVE GROUP LIMITED	398	35	Fonterra considers that Policy 8-1 and Tables 8.1 and 8.2 should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.12.1 Summary of submissions

Fonterra Co-operative Group Ltd seeks to amend Table 8.1 to be consistent with the National Environmental Standards for Air Quality (NESAQ) specifically incorporating the Significance Test.

4.12.2 Evaluation

The Wording in Table 8.1 is consistent with the NESAQ. The concerns raised by Fonterra have been covered in Section 4.8.1 of my report.

4.12.3 Recommendation AIR 12

- (a) Accept in part the submission from Fonterra.

4.12.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.13 Chapter 8 – Table 8.2 Air Quality Categories and Designated Response - Recommendation Air 13

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
FONTERRA CO-OPERATIVE GROUP LIMITED	398	36	Fonterra considers that Policy 8-1 and Tables 8.1 and 8.2 should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.13.1 Summary of submissions

Fonterra Co-operative Group Ltd seek to amend Table 8.2 to be consistent with the National Environmental Standards for Air Quality (NESAQ) specifically incorporating the Significance Test.

4.13.2 Evaluation

The wording in Table 8.2 is consistent with the NESAQ. The concerns raised by Fonterra have been covered in Section 4.8.1 of my report.

4.13.3 Recommendation AIR 13

- (a) Accept in part the submission from Fonterra.

4.13.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.14 Chapter 8 –Table 8.3 Regional Standards for Ambient Air Quality - Recommendation Air 14

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
PALMERSTON NORTH CITY COUNCIL	241	86	That Horizons amend Table 8.3, or alternatively the definition of public land, to ensure roading authorities can continue to carry out road works without being in breach of the One Plan.	Accept
	X 500	141	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	141	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	141	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	270	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	141	WANGANUI DISTRICT COUNCIL - Support	Accept
HORTICULTURE NEW ZEALAND	357	167	Decisions Sought: Amend Policy 8-2 and Table 8-3 to refer to localised air quality Cross reference to the Chapter 14 Page 3 for explanations for noxious, dangerous offensive, or objectionable.	
NEW ZEALAND PORK INDUSTRY BOARD	409	24	Retain as written	Accept

4.14.1 Summary of submissions

Most of the submissions on Table 8.3 are concerned that the references to public land will mean that solid waste and roading activities are caught by the provisions of the Policy.

The submission from Horticulture NZ seeks to have Policy 8-2 and Table 8.3 amended to refer to localised air quality. This submission also seeks a cross reference to Chapter 14 for explanations of the terms noxious, dangerous, offensive and objectionable.

The New Zealand Pork Industry Board seek the retention of Table 8.3 as written.

4.14.2 Evaluation

As outlined in Section 4.7.2 above, the Territorial Authorities seek to have the standards listed in Table 8.3 not apply to solid waste and roading activities on public land. It would be unreasonable to expect compliance with the standards for solid waste and roading activities on the site on which they are situated. I consider that the term 'or on public land' does not add to the intent of the standards which should apply beyond the boundary of a site and therefore I recommend the deletion of the words or 'on public land'.

As outlined in Section 4.7.2 above, Horticulture NZ seeks to amend Policy 8-2 and Table 8.3 to refer to localised air quality. I consider that the inclusion of the words 'causes an adverse effect beyond the property boundary', which appears four times within Table 8.3, is adequate and appropriate and clearly establishes that consideration of the effects is on a localised basis. I therefore consider that there is no need to include the term 'localised' within the Policy as it is already explicit that the effects being considered are in the local context.

Horticulture NZ seek to have a cross reference within Chapter 8 to Chapter 14 in relation to the guidelines within that chapter for the terms noxious, dangerous, offensive and objectionable. I suggest a cross reference as I accept that the terms noxious, dangerous, offensive and objectionable appear for the first time in POP in Table 8.3 and it would be useful to refer to the guidelines for the terms within Chapter 14.

4.14.4 Recommendation AIR 14

- (a) Accept the submissions of Palmerston North City Council and the supporting further submissions regarding the definition of public land.
- (b) Accept in part the submission from Horticulture NZ to the extent that there be a cross reference to the definition of terms contained within Chapter 14.
- (c) Accept the submission from the New Zealand Pork Industry Board which seeks the retention of Table 8.3.

4.14.4.1 Recommended changes to provisions

- (a) Delete the words “*or on public land*” in the four places it appears in Table 8.3.
- (b) Delete the words “*to the extent that causes an adverse effect*” in the three places it appears in Table 8.3. As a consequence of making this change the terms “to the extent that causes an adverse effect” appears elsewhere within the rules in Chapter 14. It is recommended that all references be deleted. This change is supported by the submission from Manawatu District Council (340/2) which seeks the deletion of all terms for Permitted Activities which contain an element of subjectivity, uncertainty, ambiguity or discretion.
- (c) Add a cross reference to the guidelines for managing noxious, dangerous, offensive and objectionable as contained within Section 14.2 at the bottom of Table 8.3 as follows:

Note: There are Guidelines contained within section 14.2 that assist in defining the terms noxious, dangerous, offensive and objectionable.

4.15 Chapter 8 – Method Improving Air Quality (PM10) - Long Term Strategies: Taumarunui and Taihape and other unacceptable airsheds - Recommendation Air 15

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF SOCIAL DEVELOPMENT - TARANAKI KING COUNTRY & WANGANUI REGIONS	122	1	<p>Although the ministry supports the overall provision in relation to the reduction of PM10 levels in the communities as identified, we would seek to be involved in the development of any long term strategies and to work with you to ensure that consultation processes and any information disseminated to increase awareness of air quality issues, has the best possible chance of reaching those who are mostly likely to be affected but least likely to be able to cope with associated financial and social costs.</p> <p>To this end, we would like the Ministry to be considered as one of the parties included in 8.5 Methods as follows:</p> <p>Project Name Improving Air Quality (PM10) Long Term Strategies: Taumarunui and Taihape and other unacceptable airsheds</p> <p>Who Regional Council, Ministry for the Environment, Ministry of Social Development, Energy Efficiency Conservation Authority, Health Boards, Territorial Authorities, Industry and the community.</p>	Accept
BRUCE & MARILYN BULLOCH	237	13	<p>Add under Project description involving Improving Air Quality a further bullet point:</p> <p>-to phase out the use of wood burners and pen fires that do not confirm to standards</p> <p>-but allow their use during an emergency such as a power</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU BRANCH OF N Z GREEN PARTY	433	47	<p>cut</p> <p>8.5 Methods. Improving Air Quality Long Term Strategy Taumarunui and Taihape and other unacceptable airsheds</p> <p>Delete the word unacceptable in the above heading.</p> <p>Add under Project description involving Improving Air Quality a further bullet point:</p> <p>to phase out the use of woodburners and open fires that do not conform to standards but allow their use during an emergency such as a power cut.</p>	Reject
MINISTRY OF SOCIAL DEVELOPMENT - TARANAKI KING COUNTRY & WANGANUI REGIONS	122	2	<p>Although the ministry supports the overall provision in relation to the reduction of PM10 levels in the communities as identified, we would seek to be involved in the development of any long term strategies and to work with you to ensure that consultation processes and any information disseminated to increase awareness of air quality issues, has the best possible chance of reaching those who are mostly likely to be affected but least likely to be able to cope with associated financial and social costs.</p> <p>To this end, we would like the Ministry to be considered as one of the parties included in 8.5 Methods as follows:</p> <p>Project Name Improving Air Quality (PM10) Awareness Programme: Ohakune, Feilding, Dannevirke, Pahiatua and other degrade areas</p> <p>Who Regional Council, Ministry for the Environment, Ministry of Social Development, Energy Efficiency Conservation Authority, Health Boards, Territorial Authorities, Industry and the community.</p>	Accept

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF SOCIAL DEVELOPMENT - CENTRAL REGION	263	1	<p>Although the ministry supports the overall provision in relation to the reduction of fine particle (PM10) levels in the communities as identified, we would seek to be involved in the development of any long-term strategies and to work with you to raise awareness of air quality issues and potential solutions with those who are most likely to be affected but least likely to be able to cope with associated financial and social costs.</p> <p>To this end the Ministry would like to be considered as one of the parties included in 8.5 Methods as follows:</p> <p>Project Name Improving Air Quality (PM10) - Awareness Programme: Ohakune, Feilding, Dannevirke, Pahiatua and other degrade areas</p> <p>Who - Regional Council, Ministry for the Environment, Ministry of Social Development, Energy Efficiency Conservation Authority, Health Boards, Territorial Authorities, Industry and the community.</p>	
MANAWATU BRANCH OF N Z GREEN PARTY	433	48	<p>Project name. Improving Air Quality - Awareness Programme: Ohakune, Feilding, Dannevirke, Pahiatua and other degraded areas.</p> <p>Delete the word degraded in the above heading, to apply to all areas.</p>	Reject

4.15.1 Summary of submissions

Part of the submission from the Ministry of Social Development (MSD) seeks that it be identified as a party that will be consulted in regards to Long Term Strategies for Unacceptable Airsheds and Degraded Areas.

Bruce and Marilyn Bulloch and the Manawatu Branch of the NZ Green Party seek to have an exception clause added to the methods which would specify that woodburners and pen fires could be used during an emergency such as power cuts.

The Manawatu Branch of the NZ Green Party seeks to have the term 'degraded' deleted from the tables within the Methods Section.

4.15.2 Evaluation

A number of parties are identified as organisations to be consulted through the method of improving air quality within unacceptable airsheds and degraded airsheds. The MSD seeks to be included on the list of parties to be consulted. It is considered appropriate that the MSD is included in the list of those to be consulted.

The Method seeks to outline that long term strategies will be developed to reduce emissions from woodburners. Part of the consideration of the development of any strategy will be the length of time required to implement such a strategy and the methods required to deal with matters such as emergencies. I do not consider it necessary to include in a broad method a provision that woodburners could be used during power cuts. This is a matter for consideration during the development of the strategy.

Table 8.2 of the POP identifies the measured values and designated response necessary for an airshed that is degraded. At this point in time Ohakune, Feilding, Dannevirke and Pahiatua all qualify as degraded. The provisions are consistent with NESAQ and it is appropriate to retain the term degraded.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.15.3 Recommendation AIR 15

- (a) Accept the submissions from the Ministry of Social Development that seek the inclusion of consultation with the Ministry within the Methods identified.
- (b) Reject the submissions of the Bullochs and the Manawatu Branch of the NZ Green Party.

4.15.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

(a) Amend the wording within the first two project boxes as follows:

<u>Project Name</u> Method 8-1	Improving Air Quality (PM ₁₀) – Long Term Strategies: Taumarunui and Taihape and other “unacceptable” airsheds
Project Description	Long term strategies will be developed to improve air quality in Taumarunui and Taihape, and other “unacceptable” airsheds, to meet the national ambient air* quality standard for fine particles (PM ₁₀ *). The primary focus of the long term strategies will be to reduce PM ₁₀ emissions from home heating appliances (wood burners). Strategies will include— <ul style="list-style-type: none"> • Consultation with the community, • Participation in the Ministry for the Environment “home heating programme”, • Investigation of funding options for upgrading domestic heating appliances, • Emissions inventory assessments and education, • Monitoring of PM₁₀, and • Encouraging practices that may reduce PM₁₀ emissions, including reduction of backyard burning.
Who	<u>The Regional Council</u> , shall work with the Ministry for the Environment, <u>Ministry of Social Development</u> , Energy Efficiency Conservation Authority, Health Boards, Territorial Authorities, industry and the community.
Links to Policy	This project links to <u>Method implements</u> Policy 8-5.
Targets	Taumarunui and Taihape airsheds will meet the national ambient air* quality standard for fine particles (PM ₁₀) by September 2013.

<u>Project Name</u> Method 8-2	Improving Air Quality (PM ₁₀) – Awareness Programme: Ohakune, Feilding, Dannevirke, Pahiatua and other “degraded” areas
Project Description	The aim of this project <u>Method</u> is to increase awareness of air quality issues in Ohakune, Feilding, Dannevirke and Pahiatua, and encourage practices that may improve air quality such as— <ul style="list-style-type: none"> • More use of efficient wood burners, • The upgrading of wood burners to reduce PM₁₀ emissions, • Reducing backyard burning, and • Monitoring of PM₁₀ where practicable.
Who	<u>The Regional Council</u> , shall work with the Ministry for the Environment, <u>Ministry of Social Development</u> , Energy Efficiency Conservation Authority, Health Boards, Territorial Authorities, industry and the community.
Links to Policy	This project links to <u>Method implements</u> Policy 8-6.
Targets	PM ₁₀ levels in Ohakune, Feilding, Dannevirke and Pahiatua will be maintained or improved to ensure ongoing compliance with the national ambient air* quality standard for fine particles (PM ₁₀ *).

4.16 Chapter 8 – Method Monitoring - Recommendation Air 16

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	72	Make it clear that the project headed "monitoring" on Page 8-6 is solely a Regional Council task.	Accept
	X 481	628	PALMERSTON NORTH CITY COUNCIL - Support	Accept

4.16.1 Summary of submissions

The Manawatu District Council seeks to have the heading within the last Method project box on page 8-6 of the POP specifically refer to monitoring by the Regional Council.

4.16.2 Evaluation

The amendment sought by the District Council that the monitoring is to be undertaken by the Regional Council as opposed to some other party helps to clarify the Method and therefore I support the proposed change.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.16.3 Recommendation AIR 16

- (a) Accept the submission of the Manawatu District Council regarding specifying that monitoring in the context of the Method is to be undertaken by the Regional Council.

4.16.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend the project "Monitoring" as follows:

<u>Project Name</u> Method 8-3	<u>Monitoring by the Regional Council</u>
<u>Project Description</u>	Air quality will be monitored for particulate matter (PM ₁₀ *) in Taumarunui and Taihape as per NES requirements and in Dannevirke, Ohakune, Feilding and Pahiatua as practicable. Air quality will also be monitored for particulate matter (PM ₁₀ *) in Palmerston North and possibly Wanganui, owing to the increased potential for population exposure. This project will also provide for the revision of the status of airsheds, including the gazettal of new airsheds in relation to National Environmental Standards for Air Quality.
<u>Who</u>	<u>The Regional Council</u> shall work with the Ministry for the Environment, National Institute of Water and Atmospheric Research and Territorial Authorities.
<u>Links to Policy</u>	This project links to <u>Method implements</u> Policy 8-1.
<u>Targets</u>	To monitor air quality to the standard required in the National Environmental Standard for Air Quality. To revise airshed status every two years after this Plan becomes operative and gazette new airsheds as necessary.

4.17 Chapter 8 – Method Protocols with Territorial Authorities and Health Boards - Recommendation Air 17

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND PORK INDUSTRY BOARD	409	27	Retain as written	Accept

4.17.1 Summary of submissions and evaluation

The support of the New Zealand Pork Industry Board for the Protocols with Territorial Authorities and Health Boards is noted.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.17.2 Recommendation AIR 17

- (a) Accept the submission of the New Zealand Pork Industry Board.

4.17.2.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend the project "Protocols with Territorial Authorities and Health Boards" as follows:

Project Name <u>Method 8-4</u>	Protocols with Territorial Authorities and Health Boards
Project Description	This project <u>Method</u> includes the development of protocols or Memoranda of Understanding with Territorial Authorities and Health Boards for air quality issues to agree on respective responsibilities, in particular— <ul style="list-style-type: none"> • Smoky fires and incinerators, • Fire permits and open burning*, • Dust complaints, • Odour complaints, and • Complaints about airborne contaminants, gases and fumes, and dangerous or noxious discharges.
Who	<u>The Regional Council</u> —shall work with Territorial Authorities and Health Boards.
Links to Policy	This project links to <u>Method implements</u> Policy 8-2.
Targets	Protocols agreed and signed off by 2009.

4.18 Chapter 8 – Method Public Information - Air Quality - Recommendation Air 18

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	96	Decision Sought: Add relevant industry organisations to the partners in Public Information - Air Quality	Reject

4.18.1 Summary of submissions

Horticulture New Zealand seeks to have relevant industry organisations added to those to be consulted in relation to Public Information – Air Quality.

4.18.2 Evaluation

The Method as currently drafted states and “other relevant authorities”, which I consider to be broad enough to include relevant industry organisations. Given the involvement of Horticulture New Zealand in the POP process, it is likely to continue to seek to be involved in the methods of implementation proposed by the Regional Council.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.18.3 Recommendation AIR 18

- (a) Reject the submission of Horticulture New Zealand.

4.18.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend the Method “Public Information - Air Quality” as follows:

Project Name <u>Method 8-5</u>	Public Information – Air Quality
Project Description	Easily accessible information will be developed and provided on the following air quality issues for the general public— <ul style="list-style-type: none"> • Smoky fires and incinerators, • Fire permits and open burning*, • Dust, • Odours, • Air-borne contaminants, gases and fumes, • Burning of wastes, • PM₁₀ and home heating, and • Agrichemical* spray drift*.
Who	<u>The Regional Council</u> shall work with Territorial Authorities, Health Boards and other relevant agencies.
Links to Policy	This project links to <u>Method implements</u> Policy 8-2.
Targets	Information provided via website and available in paper form by 2009.

4.19 Chapter 8 – Method 24 Hour Pollution Hotline- Recommendation Air 19

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
SUSTAINABLE WHANGANUI	176	25	The continuation of the pollution hotline is commendable, but needs to be actively promoted by the Council eg. public notices in newspapers and in rates reminder notices and possibly the Youth Environmental forum.	Accept

4.19.1 Summary of submissions

Sustainable Whanganui seeks to have the Pollution Hotline widely publicised so that it can continue to be used.

4.19.2 Evaluation

Having been involved in a number of resource consent application processes for the Regional Council it is evident to me that the Pollution Hotline, whilst an effective tool for allowing access to the Council's complaint process does suffer somewhat from a lack of "presence" in the community. Publicity about the Hotline needs to be encouraged to ensure that people are aware of the service that the Regional Council offers.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.19.3 Recommendation AIR 19

- (a) Accept the submission from Sustainable Whanganui.

4.19.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend the wording within the Method "Method 24 Hour Pollution Hotline" as follows:

Project Name <u>Method 8-6</u>	24 Hour Pollution Hotline
Project Description	This service relates to the ongoing provision of a 24 hour Pollution Hotline to record and respond to air quality complaints.
Who	<u>The</u> Regional Council.
Links to Policy	This project links to Method <u>implements</u> Policy 8-2.
Targets	24 hour Pollution Hotline continues <u>and is widely publicised</u> .

4.20 Chapter 8 – Paragraph 8.7.1 Ambient Air Quality - Recommendation Air 20

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND PORK INDUSTRY BOARD	409	28	Retain as written	Accept

4.20.1 Summary of submissions and evaluation

The submission from the New Zealand Pork Industry Board supports the provisions of paragraph 8.7.1 in relation to Ambient Air Quality.

4.20.2 Recommendation AIR 20

- (a) Accept the submission from the New Zealand Pork Industry Board in support of Paragraph 8.7.1.

4.20.4.1 Recommended changes to provisions

- (a) No changes are recommended.

4.21 Chapter 14 – Chapter 14 – General - Recommendation Air 21

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
P P C S LIMITED	10	1	To include alternative fuels (Biofuels) such as Tallow, Organic Wastes and Biodiesels in the Discharge to Air Rules of the One Plan	Accept
AIRWAYS CORPORATION OF NEW ZEALAND	36	15	<p>Airways therefore seeks the inclusion of a reference in the Objectives and Policies of the Plan that requires Council to assess the adverse effects on aircraft safety relating to whether there is likely to be any reduced visibility of an aircraft as a result of the discharge and whether the efflux velocity is likely to constitute a hazard under the Civil Aviation Authority Rules. An option could be to include a condition in the permitted activity rules, that discharges must not exceed 4.3 metres per second, or have generating capacities exceeding 5 megawatts. Activities over these limits would then be a discretionary activity. Suggested wording is provided below:</p> <p>Add to the permitted activity rules (Rule 13-4, 14-5 and 14-12) the following performance condition:</p> <p>"(x) the vertical velocity of the discharge does not exceed 4.3 metres per second, at 60 metres about ground level and/or does not penetrate the obstacle limitation surface of an aerodrome</p> <p>(xx) the combustion or industrial processes shall not exceed generating capacities exceeding 5 megawatts."</p>	Accept in part
	X 476	8	PALMERSTON NORTH AIRPORT LTD - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
AIRWAYS CORPORATION OF NEW ZEALAND	36	16	<p>Add to the air discharge Policies the following provision:</p> <p>Under Policy 14-1: Consent decision making for agrichemicals:</p> <p>When making decisions on resource consent applications and setting consent conditions for discharges of agrichemicals that fail to meet either Rule 14-1 or Rule 14-2 (and which are therefore discretionary activities), the Regional Council will have particular regard to:.....</p> <p>(c) avoiding or mitigating any unreasonable prevention or reduction in access to adjoining properties or public land because of agricultural spraying,</p> <p>"(d) preventing any adverse effects on aircraft safety from high velocity vertical discharges to air"</p> <p>(e) preventing any discharge that is likely to adversely affect sensitive areas.....</p>	Accept
	X 476	9	PALMERSTON NORTH AIRPORT LTD - Support	Accept
AIRWAYS CORPORATION OF NEW ZEALAND	36	17	<p>Add to the air discharge Policies the following provision:</p> <p>Under Policy 14-2: Consent decision-making for other discharges into air:</p> <p>When making decisions on resource consent applications and setting conditions for discharges of contaminants into air, the Regional Council will have particular regard to:</p> <p>(b) the guidelines in Section 14.2 for managing noxious, dangerous, offensive and objectionable effects</p> <p>"(c) adverse effects on aircraft safety from high velocity</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			vertical discharges to air."	
	X 476	10	PALMERSTON NORTH AIRPORT LTD - Support	Reject
HIGGINS GROUP	153	13	Less restrictive air quality rules. More specifically all of Higgins air discharge operations should be tested against the permitted activity standards of the Proposed One Plan rather than defaulting straight to a Discretionary Activity requiring resource consent. Remove asphalt plants from the rule guide to Rule 14-13.	Accept
HIGGINS GROUP	153	14	The specific provision of the operative RAP relating to mobile sources of air discharge as a permitted activity to be adopted in the Proposed One Plan.	Accept
TARARUA DISTRICT COUNCIL	172	84	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept in part
	X 481	355	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 485	20	AIRWAYS CORPORATION OF NEW ZEALAND – Support	Accept in part
	X 485	24	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
MARS PETCARE LIMITED	231	5	Insert a rule making replacement consents for discharges to air a controlled activity, with the following (or similar) conditions: (a)The discharge to air shall still comply with the original consent conditions. (b)The discharge shall not cause a breach of any of the National Environmental Standards for ambient air quality. (c)The discharge shall comply with the Regional Standards for ambient air quality (Table 8.3 in Policy 8-2).	Reject
HOROWHENUA DISTRICT COUNCIL	280	90	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			contrary to policy 8-2	
	X 481	451	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 485	22	AIRWAYS CORPORATION OF NEW ZEALAND – Support	Accept in part
	X 485	26	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
WANGANUI DISTRICT COUNCIL	291	28	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept in part
	X 481	488	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 485	19	AIRWAYS CORPORATION OF NEW ZEALAND – Support	Accept in part
	X 485	23	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
MANAWATU DISTRICT COUNCIL	340	116	Amend Policy 8-2 and/or the definition of public land such that solid waste and roading activities will not be contrary to policy 8-2	Accept in part
	X 481	672	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	84	Policy 8-2 and/or the definition of public land be amended such that solid waste and roading activities will not be contrary to policy 8-2	Accept in part
	X 481	789	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 485	21	AIRWAYS CORPORATION OF NEW ZEALAND – Support	Accept in part
	X 485	25	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
TRUST POWER LIMITED	358	79	Amend the Rules and Tables in Chapter 14 to make appropriate provision for the development and operation of infrastructure and energy generation and include adequate recognition of these activities being important and essential.	Reject
			Any similar amendments to like effect.	
			Any consequential amendments that stem from the amendment of the Rules and Tables in Chapter 14 as	

Submitter	Number	Point	Decision Sought	Recommendation
			proposed in this submission.	
	X 522	332	MERIDIAN ENERGY LIMITED - Support	Reject
ENVIRONMENTAL WORKING PARTY	386	97	We ask that Council insert a new policy and/or objective within Chapter 14 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.	Reject
NGA PAE O RANGITIKEI	427	97	We ask that Council insert a new policy and/or objective within Chapter 14 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.	Reject
LANDLINK LTD	440	98	Specific references to the Resource Management Regulations 2004 are unnecessary	Reject

4.21.1 Summary of submissions

PPCS Ltd seeks to include alternative fuels (biofuels) within the Rules.

Airways Corporation of New Zealand seek various alterations to the Air Chapter to require specific controls that would prevent/limit the potential adverse effects of discharges to air that would constitute a hazard under the Civil Aviation Authority rules and would not penetrate the obstacle limitation surface of an aerodrome, and a consideration of these effects in the determination of a resource consent application.

Higgins Group seeks to have asphalt plants, including mobile asphalt plants, provided for as a Permitted Activity.

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to have solid waste and roading activities provided for so they are not contrary to Policy 8-2.

Mars Petcare Ltd seeks to have “replacement consents” to air a controlled activity and include standards such as ensuring the new consent complies with the conditions of the original consent.

Trust Power Ltd seeks to have provisions within the Air Chapter providing for the development and operation of infrastructure and energy generation.

Environmental Working Party and Nga Pae o Rangitikei seek a new objective or policy to cross reference to Chapter 4 Te Ao Maori.

Landlink Ltd considers specific references to the Resource Management Regulations 2004 are unnecessary.

4.21.2 Evaluation

There is no reason why biofuels should not be included under Rule 14-4. The biofuel would normally be mixed with diesel, however it could be used on its own. The mix of biofuel to diesel would depend on the type of burner in which it was to be used. Some boilers may require modification for mixes above 5% and this is usually the case in motor vehicles. There is mixed evidence relating to emissions from biofuels, however, on the whole the use of biofuels should reduce emissions of PM₁₀, CO, SO₂ and VOCs but may increase NOX emissions. Even a 5% mix of biofuel should reduce emissions. This is partly because the higher oxygen content of the fuel increases the efficiency of combustion. Auckland is currently the only region where there have been any NO issues, which is a consequence of the high population density. The use of biofuels within the more sparsely populated Horizons Region will not be an issue.

Airways Corporation of New Zealand seeks to have either an objective and policy or a permitted activity rule to deal with adverse effects on aircraft safety from reduced visibility caused by a discharge to air. I recommend in Sections 31 and 32 that standards be added to the two permitted activity rules to ensure the issue of reduced visibility on any flight path is dealt with. The

objectives and policies are considered when determining a resource consent application. With any discretionary activity, all effects have to be considered and therefore if the activity were to be close to a flight path, these effects would be considered. The existing objectives and policies allow for these effects to be considered. Therefore it is my opinion that no further objectives or policies are necessary. Alternatively, the submitter seeks to add to Permitted Activity Rules 14-5 and 14-12 to provide conditions about vertical velocity and combustion rates. As I have already mentioned, I recommend changes to deal with reduced visibility on any flight path. I consider these target the effect of concern and therefore no further changes are needed.

Airways Corporation of New Zealand also seeks changes to Rules 14-1 and 14-2 to cover the potential adverse effects of aerial spraying on flight paths, with standards to cover eg. the prevention of any adverse effects on aircraft safety from high velocity vertical discharges to air. Currently the standards require that there be no discharge beyond the boundary of the subject property. I am concerned that with the changes proposed by the submitter there is the potential that aerial discharges might be unnecessarily constrained. Aerial top dressing will by necessity include a vertical drop. I do not support the changes as sought by the submitter.

Airways Corporation of New Zealand also seeks to have a reference in Policy 14-2 that when making decisions the provisions of the guidelines will be taken into account. I consider that the recommendations in Sections 31 and 32 cover this matter as I am now recommending cross references within the rules to the guidelines.

Higgins Group seeks less restrictive air quality rules, specifically by providing for discharges from mobile asphalt plants. Under the POP these activities would fall for consideration as a Discretionary Activity. The current POP provides for the extraction, processing in fixed plant (crushing and screening), storage and distribution of aggregates as a Permitted Activity under Rule 14-12.

The current Regional Air Plan (RAP) does provide for discharges from mobile sources as a Permitted Activity under RAP Rule 13 and specifically lists the discharge of contaminants to air from:

- (a) equipment to treat road surfaces by heat to remove impaired surfaces;
or
- (b) mobile aggregate crushing and screening plants; or
- (c) mobile asphalt plants; or
- (d) earthmoving or harvesting equipment

I consider that the POP has omitted to deal with mobile asphalt plants and therefore I recommend an additional rule to cover discharges from mobile sources.

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to have solid waste and roading activities provided for so they are not contrary to Policy 8-2. For the reasons outlined in Sections 7 and 14. I agree that these activities should not be referred to in the Policy. I recommend therefore the removal of the term “or on public land”.

Mars Petcare Ltd seek to have “replacement consents” to air a controlled activity and include standards such as ensuring the new consent complies with the conditions of the original consent. There is no reference in the Resource Management Act 1991 to the term “replacement consents”. Any resource consent needs to be considered on its merits against the framework of the POP. For the reasons outlined in the remainder of this report I consider that subject to the recommended changes, the provisions of the Air Chapter are appropriate and target the likely effects to provide for the avoidance, remediation or mitigation of those effects.

Trust Power Ltd seeks an amendment to Chapter 14 to provide for the development and operation of infrastructure and energy generation. Chapter 3 of POP specifically deals with the need for infrastructure and energy generation. There is in my opinion no need to then duplicate these provisions within the Air Chapter. Infrastructure and energy generation should be no different to any other activity. They should be required to meet the provisions of the Air Chapter and not be given any specific advantage. In general these activities should be able to meet the Permitted Activity standards in the Air Chapter and in my recent experience with Meridian’s Project Central Wind Farm the activities did meet the Permitted Activity rules.

The Environmental Working Party and Nga Pae o Rangitikei raise concerns that there should be a cross reference to Chapter 4 within the Air Section. In the case of cross referencing between the Air Chapter and Te Ao Maori I do not consider it would provide for a useful link. I have considered cross referencing but cannot find any clear areas that need to be linked. I have also dealt with this matter in Section 4.1.

Landlink Ltd considers specific references to the Resource Management Regulations 2004 are unnecessary. These regulations are matters that Council must deal with. The references within POP to the regulations is necessary to set the framework for the rules.

Minor changes to the policy and rule wording to clarify the level of obligation and appropriate policy framework linkages have been made in to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.21.3 Recommendation AIR 21

- (a) Accept the submission of PPCS Ltd.
- (b) Accept in part the submission of Airways Corporation of New Zealand
- (c) Accept the submission of Higgins Group.
- (d) Accept in part the submissions of Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council.
- (e) Reject the submission of Mars Petcare Ltd.
- (f) Reject the submission of Trust Power Ltd.
- (g) Reject the submissions of the Environmental Working Party and Nga Pae o Rangitikei.
- (h) Reject the submission of Landlink Ltd.

4.21.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Add a new Rule after Rule 14-13 as follows and alter the numbering of the current Rules, and make all subsequent amendments to the cross referencing for the Rule within the POP:

<u>Rule</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>	<u>Links</u>
14-13b <u>Discharges from specified mobile sources</u>	<u>The discharge of contaminants to air from:</u> (a) <u>equipment to treat road surfaces by heat to remove impaired surfaces except where the burning of bitumen is involved; or</u> (b) <u>mobile aggregate crushing and screening plants; or</u> (c) <u>mobile asphalt plants; or</u> (d) <u>earthmoving or harvesting equipment</u>	<u>Permitted</u>	(a) <u>The discharge shall not result in an offensive or objectionable odour, dust, smoke or water vapour beyond the boundary of the subject property.</u> (b) <u>The discharge shall not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the subject property.</u> (c) <u>The discharge of dust from the source at any site where minerals or aggregates are dried or heated or prepared for the manufacture of hot mix asphalt does not exceed 5kg/hr.</u> (d) <u>Mobile asphalt plants are equipped with temperature sensors and aggregate proximity sensors that limit and control operating temperatures within the drum.</u> (e) <u>Air pollution control equipment for mobile asphalt plants is designed to achieve a particulate matter concentration of not more than 250 milligrams per cubic metres (NTP).</u>		This rule implements Policy 14-3

- (b) Add new Objective to Chapter 14 as follows:

14.1a Objective

Objective 14-1: Air quality

The management of air quality in a manner that ensures:

- (a) Ambient air quality is maintained or enhanced in a manner that guards the health of our community;
- (b) Ambient air quality meets the national ambient air standards and National Environmental Standards;
- (c) Air quality is not detrimental to amenity values; and
- (d) Fine Particle (PM₁₀) levels are managed to ensure that they are reduced in unacceptable airsheds and managed in other areas to ensure compliance with the national ambient air quality standard for PM₁₀.

- (c) Amend Policy 14-3 as follows:

Policy 14-3: Regional Rules for Air

The Regional Council shall regulate activities relating to air through regional rules in accordance with Policies 11-1, 11-2 and 11-3.

This Policy implements Objective 14-1

4.22 Chapter 14 – Paragraph - Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable Odour - Recommendation Air 22

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
PUBLIC HEALTH SERVICES - MID CENTRAL HEALTH	174	9	No specific decision requested but note there is a January 2002 revision to the Workplace Exposure Standards published by the Occupational Safety and Health Service (pg 14-3).	Accept
SHELL N Z LTD, B P OIL N Z LTD, MOBIL N Z LTD & CHEVRON N Z	267	13	Retain section 14-2 without further modification.	Accept
HORTICULTURE NEW ZEALAND	357	127	Decision Sought: Include the terms noxious, dangerous, offensive and objectionable in the Glossary with a reference to the descriptors on Page 14-2 - 14-3.	Reject

4.22.1 Summary of submissions

Mid Central Health has provided the updated reference to the Workplace Exposure Standards produced in January 2002.

The Oil Companies support Section 14.2 The Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable.

Horticulture NZ seeks that the terms noxious, dangerous, offensive and objectionable are included in the Glossary section of the POP.

4.22.2 Evaluation

Given there is an updated version of the Workplace Exposure Standards it is appropriate to reference the update within the POP where the Standard is mentioned.

The support of the Oil Companies for Section 14-2 is noted.

The terms noxious, dangerous, offensive and objectionable appear in Chapters 8 and 14. Guidelines for the terms are included in Chapter 14. The recommendations I make in Section 4.7.3 above suggest that a cross reference be included in Chapter 8, where the terms appear, to Chapter 14 Guidelines. I do not consider it necessary to then duplicate the Guidelines within the Definitions section contained within the Glossary.

4.22.3 Recommendation AIR 22

- (a) Accept the submission from Mid Central Health in that a reference be included to the updated Workplace Exposure Standards.
- (b) Accept the submissions from Shell NZ, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ in support of Section 14.2.
- (c) Reject the submission from Horticulture NZ which seeks the terms noxious, dangerous, offensive and objectionable be included in the Glossary section of the POP

4.22.4.1 Recommended changes to provisions

- (a) Amend the wording of the first bullet point under the heading Noxious and Dangerous in Section 14.2 as follows or words of similar affect (the new wording is underlined):
 - The Workplace Exposure Standards (Occupational Safety and Health Service, 1994 and as updated in January 2002): as a guide....

4.23 Chapter 14 – Policy – General - Recommendation Air 23

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
ENVIRONMENT NETWORK MANAWATU	356	58	ENM believes this chapter template could be applied to other chapters in the proposed plan to give more coherence. ENM note the clarity than can be provided when guidance has been given at a national level, in this case the National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics, Resource Management Regulations 2004.	Accept in Part

4.23.1 Summary of submissions

Environment Network Manawatu (ENM) supports the approach taken in the Air Chapter which uses the guidance given in the National Environmental Standards Air Quality (NESAQ) and seeks to have the same certainty included in the other chapters of the POP.

4.23.2 Evaluation

The support of ENM for the Air Chapter is noted. Whilst not every chapter of the POP can utilise a NES, the comments regarding achieving certainty across the POP have been noted.

4.23.3 Recommendation AIR 23

- (a) Accept in part the submission of Environment Network Manawatu insofar as they support the approach taken in the Air Chapter, and their comments regarding providing as much certainty in other chapters, is noted.

4.23.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.24 Chapter 14 – Policy 14-1 Consent decision making for agrichemicals - Recommendation Air 24

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF EDUCATION	43	9	<p>The Ministry of Education also requests that Horizons previous response to the inclusion of education facilities to the list of sensitive environment's with respect to air discharges be enacted. Policy 14-1 should be amended as follows:</p> <p>"(e) preventing any discharge that is likely to adversely affect sensitive areas including, but not limited to-</p> <p>(i) dwelling houses</p> <p>(ii) places of public assembly and public amenity areas</p> <p>(iii)"education facilities"</p> <p>(iv) water bodies</p> <p>(v) waahi tapu, marae and other places of significance to tangata whenua...</p>	Accept
MANAWATU DISTRICT COUNCIL	340	117	Replace Policy 14-1 being re-cast as Rules, by policies that state the general course of action that will be taken to achieve the objectives in Chapter 8 of the Plan.	Reject
	X 481	673	PALMERSTON NORTH CITY COUNCIL – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	125	Decision Sought: Amend Policy 14-1 to include the list of sensitive activities in NZS 8409:2004 Management of Agrichemicals Appendix G4. Amend clause a) to require compliance with NZS 8409:2004 Management of Agrichemicals.	Reject
ENVIRONMENTAL WORKING PARTY	386	98	Add (a) pay regard to the objectives and policies of Chapter 4 to Policy 14-1	Reject
NGA PAE O RANGITIKEI	427	98	Add (a) pay regard to the objectives and policies of Chapter 4 to Policy 14-1	Reject
LANDLINK LTD	440	99	change reference to a specific document to "any relevant standards for agrichemical management".	Reject

4.24.1 Summary of submissions

The Ministry of Education seeks to have education facilities added in as a sensitive area within Policy 14-1(e).

Manawatu District Council seeks to re-cast Policy 14-1 as rules and replaced with a policy that outlines the general course of action that will be taken to achieve the objectives in Chapter 8 of the POP.

Horticulture NZ seek to have the sensitive activities listed in NZS 8409:2004 Management of Agrichemicals Appendix G4 included within Policy 14-1 and an amendment to clause a) of the policy to Require compliance with the NZS.

The Environmental Working Party and Nga Pae o Rangitikei seek a cross reference to the objectives and policies of Chapter 4 Te Ao Maori.

Landlink Ltd wants references to NZS 8409:2004 Management of Agrichemicals removed and replaced with a general statement requiring compliance with any relevant standards for agrichemical management.

4.24.2 Evaluation

Education facilities contain children and adults on a regular basis and the Policy is aimed at preventing any discharge that is likely to adversely affect sensitive areas. Dwelling houses, places of public assembly and public amenity areas are included in the list, and education facilities are in the same category in terms of potential sensitivity. I recommend that the term “education facilities” be added to the Policy.

Manawatu District Council seeks to have Policy 14-1 re-drafted as a rule and a more generic policy included. The approach taken to the development of the policies within the Air Chapter is to assist in the consideration of resource consent applications, eg. Policy 14-2. I consider that Policy 14-1 similarly sets out guidance for what needs to be considered in determining a resource consent application. The Policy sets the framework and provides guidance, and is wholly appropriate. The overall structure and need for integration between the objectives and policies sitting in both Part I and Part II of the POP are dealt with in my reports on the Administration sections of POP.

Horticulture NZ seek to have the sensitive activities listed in NZS 8409:2004 Management of Agrichemicals Appendix G4 included within Policy 14-1. Horticulture NZ also seeks an amendment to clause a) of the policy to require compliance with the NZS. The Policy sets the framework for consideration through the resource consent process. Full compliance with the New Zealand Standards (NZS) for the Management of Agrichemicals which is what is being sought by Horticulture NZ, might not be possible in a particular circumstance. The use of the terms “degree of compliance” allows for a consideration of the particulars of the case, which is the process that should be followed in a resource consent decision making process. The sensitive activities listed in the NZS 8409:2004 are broadly similar to those listed in Policy 14-1. The wording is slightly different, however the overall sentiment of the Policy is the same as NZS 8409:2004. The two main differences are the inclusion of schools and public roads in NZS 8409:2004. As schools will now be included

in the revision, the only real difference is public roads. Any exposure on public roads is likely to be of a short duration as traffic passes by. The wording of the Policy ensures that sensitive areas are not limited to those listed and therefore I do not consider there needs to be any change.

The Environmental Working Party and Nga Pae o Rangitikei seek cross references to Chapter 4. For the reasons outlined in section 4.1 I consider that cross referencing is inappropriate in this situation.

Landlink Ltd seeks to amend the reference to NZS 8409:2004 Management of Agrichemicals in Policy 14-1 to any relevant standard for agrichemical management. This proposed approach would result in little certainty for a POP user or a Council Officers interpreting which standards would need to be considered in any resource consent application process. Because of the lack of certainty of this approach I recommend this submission be rejected.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.24.3 Recommendation AIR 24

- (a) Accept the submission from the Ministry of Education.
- (b) Reject the submission from Manawatu District Council regarding re-drafting Policy 14-1 as a rule.
- (c) Reject the submission of Horticulture NZ.
- (d) Reject the submissions from the Environmental Working Party and Nga Pae o Rangitikei.
- (e) Reject the submission from Landlink Ltd.

4.24.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 14-1 as follows:

Policy 14-1: Consent decision making for agrichemicals

When making decisions on resource consent applications and setting consent conditions for discharges of agrichemicals that fail to meet either Rule 14-1 or Rule 14-2 (and which are therefore discretionary activities), the Regional Council ~~will~~ shall have particular regard to:

- (a) the degree of compliance with the NZS 8409:2004 Management of Agrichemicals
- (b) avoiding effects on human health
- (c) avoiding or mitigating any unreasonable prevention or reduction in access to adjoining properties or public land because of agrichemical spraying
- (d) avoiding damage to non-target plants or animals

- (e) preventing any discharge that is likely to adversely affect sensitive areas including, but not limited to:
 - (i) dwelling houses
 - (ii) places of public assembly and public amenity areas
 - (iia) education facilities
 - (iii) water bodies
 - (iv) waahi tapu, marae and other places of significance to tangata whenua
 - (v) domestic, municipal and commercial water supplies
 - (vi) rare and threatened habitats* and at-risk habitats*
 - (vii) certified organically farmed properties.

This Policy implements Objective 14-1

4.25 Chapter 14 – Policy 14-2 Consent decision-making for other discharges into air - Recommendation Air 25

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF EDUCATION	43	10	<p>The Ministry of Education also requests that Horizons previous response to the inclusion of education facilities to the list of sensitive environments with respect to air discharges be enacted. Policy 14-2 should be amended as follows:</p> <p>"(d) the location of the discharge in relation to, and any associated effects on, sensitive areas including, but not limited to -</p> <p>(i) dwelling houses</p> <p>(ii) places of public assembly and public amenity areas</p> <p>(iii) "education facilities"</p> <p>(iv) water bodies</p> <p>(v) waahi tapu, marae and other places of significance to tangata whenua.."</p>	Accept
WINSTONE PULP INTERNATIONAL LTD	288	34	WPI requests that Policy 14-2 be retained.	Accept
	X 501	61	ERNSLAW ONE LTD – Support	Accept
MANAWATU DISTRICT COUNCIL	340	118	Replace Policy 14-2 being re-cast as Rules, by policies that state the general course of action that will be taken to achieve the objectives in Chapter 8 of the Plan.	Reject
	X 481	674	PALMERSTON NORTH CITY COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
ENVIRONMENT NETWORK MANAWATU	356	57	ENM generally supports Policy 14.2 as it outlines how the compliance with rules will be assessed, allowing for case law precedent as it develops	Accept
HORTICULTURE NEW ZEALAND	357	126	Decision Sought: Amend Policy 14-2 d) vii) to include horticultural crops.	Reject
ENVIRONMENTAL WORKING PARTY	386	99	Add (b) the objectives and policies of Chapter 4 to policy 14-2	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	40	Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Reject
NGA PAE O RANGITIKEI	427	99	Add (b) the objectives and policies of Chapter 4 to policy 14-2	Reject

4.25.1 Summary of submissions

The Ministry of Education seeks to have education facilities added in as a sensitive area within Policy 14-2(d).

Winstone Pulp International Ltd supports Policy 14-2 and seeks that it be retained.

Manawatu District Council seeks to re-cast Policy 14-1 as rules and replace with a Policy that outlines the general course of action that will be taken to achieve the Objectives in Chapter 8 of the POP.

Environment Network Manawatu supports Policy 14.2.

Horticulture NZ seek to have the horticultural crops listed as a sensitive area in Policy 14-2(d).

The Environmental Working Party and Nga Pae o Rangitikei seek a cross reference to the Objectives and Policies of Chapter 4 Te Ao Maori.

Fonterra Co-operative Group Ltd seeks to amend the Policies and Rules to be consistent with the National Environmental Standards for Air Quality specifically incorporating the significance test.

4.25.2 Evaluation

Education facilities contain children and adults on a regular basis and the Policy is aimed at preventing any discharge that is likely to adversely affect sensitive areas. Dwelling houses, places of public assembly and public amenity areas are included in the list and education facilities are in the same category in terms of potential sensitivity. I recommend that the term "education facilities" be added to the Policy.

The support of Winstone Pulp and Environment Network Manawatu for Policy 14-2 is noted.

Manawatu District Council seeks to have Policy 14-2 re-drafted as a Rule and a more generic Policy included. The approach taken to the development of the Policies within the Air Chapter is to assist in the consideration of resource consent applications eg. Policy 14-1. I consider that Policy 14-2 similarly sets out guidance for what needs to be considered in determining a resource consent application. The Policy sets the framework and provides guidance, and is wholly appropriate.

Horticulture NZ seek to amend Policy 14-2 (d), which deals with the location of the discharge in relation to a sensitive area, to include reference to horticultural crops. The wording of Policy 14-2 is consistent with the NESAQ and no change is therefore recommended.

The inclusion of the Significance Tests within the POP as sought by Fonterra is not considered warranted. The Significance Test is a mechanism for determining how much detail is required in preparing a resource consent application. The Rules themselves establish a hierarchy as to what might

require a more detailed assessment, eg. for Discretionary Activity consent applications.

The Environmental Working Party and Nga Pae o Rangitikei seek cross references to Chapter 4. For the reasons outlined in Section 4.1 I. I consider that cross referencing is inappropriate in this situation.

Minor changes to the Policy wording to clarify the level of obligation and appropriate Policy framework linkages in to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.25.3 Recommendation AIR 25

- (a) Accept the submission from the Ministry of Education.
- (b) Accept the submissions from Winstone Pulp International and Environment Network Manawatu in support of the Policy.
- (c) Reject the submission from Manawatu District Council regarding re-drafting Policy 14-2 as a rule.
- (d) Reject the submission of Horticulture NZ.
- (e) Reject the submission from Fonterra.
- (f) Reject the submissions from the Environmental Working Party and Nga Pae o Rangitikei.

4.25.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 14-2 as follows:

Policy 14-2: Consent decision-making for other discharges into air

When making decisions on resource consent applications and setting consent conditions for discharges of contaminants into air, the Regional Council ~~will~~ shall in addition to considering these objective and policies have particular regard to:

- (a) the objectives and policies of Chapter 8 including:
 - (i) the degree of consistency with the approach set out in Policy 8-1 for implementing the National Environmental Standards for ambient air quality
 - (ii) the degree of compliance with the regional standards for ambient air quality set out in Policy 8-2
 - (iii) for discharges of fine particles, the approaches for managing fine particles (PM₁₀) in Policies 8-5 and 8-6, and the likely contribution of the proposed discharge to cumulative adverse effects in an unacceptable airshed or degraded area as identified under these policies.
- (b) the guidelines in Section 14.2 for managing noxious, dangerous, offensive and objectionable effects
- (c) any national policy statements, national regulations, or nationally accepted guidelines or codes of practice relevant to the activity

- (d) the location of the discharge in relation to, and any associated effects on, sensitive areas including, but not limited to:
 - (i) dwelling houses,
 - (ii) places of public assembly and public amenity areas,
 - (iia) education facilities
 - (iii) water bodies,
 - (iv) waahi tapu, marae and other places of significance to tangata whenua,
 - (v) domestic, municipal and commercial water supplies,
 - (vi) rare and threatened habitats* and at-risk habitats*
 - (vii) certified organically farmed properties.
- (e) effects on scenic, landscape, heritage and recreational values
- (f) the appropriateness of adopting the best practicable option to prevent or minimise adverse effects in circumstances where:
 - (i) numerical guidelines or standards establishing a level of protection for a receiving environment are not available or cannot easily be established
 - (ii) insufficient monitoring data is available to establish the existing air quality with sufficient certainty
 - (iii) the likely adverse effects are minor, and the costs associated with adopting the best practicable option are small in comparison to the costs of investigating the likely effects on air quality
- (g) the need for contingency measures to avoid accidental discharges, including discharges arising from mechanical failure.

This Policy implements Objective 14-1

4.26 Chapter 14 – Rules Sub Heading - 14.4 Burning rules - Recommendation Air 26

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
JOHN ROBERT GALE	16	1	Reverse the proposal to ban backyard fires. Allow reasonable people to continue to burn their garden waste so they don't add to environmental damage by travelling distances to and from waste stations or tips. Please note Levin does not even have a green waste recycling facility.	Accept
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN1 LTD AND O'HAGAN CONTRACTING LTD	303	34	Remove any requirement for transportation to green waste sites and replace with a rule that requires it to occur only within existing occupied urban areas where the effects cannot be contained within the property boundaries.	Accept
JILL STRUGNELL	366	8	The remedy is to provide for restriction only where there is evidence of national standards not being met.	Accept

4.26.1 Summary of submissions

All the submissions seek a relaxation of the Rules as currently drafted in relation to burning, specifically open burning.

4.26.2 Evaluation

A number of meetings have been held with parties concerned with the Rules relating to burning and specifically the proposed restrictions on open burning. I evaluate these concerns and the effects proposed to be controlled in relation to open burning in the POP in Section 4.32 below.

4.26.3 Recommendation AIR 26

- (a) Accept the submissions from J Gale, Pirie Consultants et al. and J Strugnell.

4.26.3.1 Recommended changes to provisions

- (a) Refer to Section 4.32 where I make recommendations in relation to Rule 14-5, which deals with the matters of concern for these submitters.

4.27 Chapter 14 – Discharge to Air – Rules – General - Recommendation Air 27

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	35	WPI requests that the current rules for activities, and associated activity statuses, for the rules contained in Chapter 14 Discharges to Air of the POP, be retained.	Accept
	X 501	62	ERNSLAW ONE LTD – Support	Accept
ENVIRONMENTAL WORKING PARTY	386	100	<p>14.6 Rules - Other activities</p> <p>(a)All activities involving Discharges to Air shall take into account Chapter 4</p> <p>(b) Remedial action for any adverse effects to the environment will be undertaken</p> <p>(c)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <p>i) are appropriate to the adverse environmental effects</p> <p>ii) account for the remedial process, and</p> <p>iii) will act as a deterrent for those intending not to comply.</p> <p>(e)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
FONTERRA CO-OPERATIVE GROUP LIMITED	398	41	<p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p>	Accept in part
			<p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.</p>	
NGA PAE O RANGITIKEI	427	100	<p>Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.</p>	Reject
			<p>14.6 Rules - Other activities</p> <p>(a)All activities involving Discharges to Air shall take into account Chapter 4</p> <p>(b) Remedial action for any adverse effects to the environment will be undertaken</p> <p>(c)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <ul style="list-style-type: none"> i) are appropriate to the adverse environmental effects ii) account for the remedial process, and iii) will act as a deterrent for those intending not to comply. 	

Submitter	Number	Point	Decision Sought	Recommendation
<p>(e)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.</p>				

4.27.1 Summary of submissions

Winstone Pulp International Ltd supports the provisions of Chapter 14.

The Environmental Working Party and Nga Pae o Rangitikei seek the inclusion of a new Rule which includes specific matters around remedial action, monitoring, notification of iwi and the discovery of koiwi or artifacts.

Fonterra Co-operative Group Ltd seeks to amend the Policies and Rules to be consistent with the National Environmental Standards for Air Quality, specifically incorporating the Significance Test.

4.27.2 Evaluation

The support of Winstone Pulp International for Chapter 14 is noted.

The matters raised in the submissions from Environmental Working Party and Nga Pae o Rangitikei for inclusion in a Rule are in my opinion matters that are more suited to consent conditions eg. stopping work if koiwi are discovered or they are matters that are determined through the consideration of the effects of individual consent applications, including whether an application is notified and who potentially adversely affected parties might be.

I consider that the provisions of the existing Chapter 4 in the POP, in conjunction with the individual activity chapters within Part II of the POP, are adequate and appropriate to cover the matters raised in the submissions. The Plan provisions will enable iwi to be notified and for appropriate conditions of consent to be placed on any resource consent decision.

The wording of the Policies and Plans in Chapter 4 are consistent with the NESAQ. For the reasons outlined in Section 4.8.1 the matters of concern to Fonterra have been addressed.

4.27.3 Recommendation AIR 27

- (a) Accept the submission from Winstone Pulp International Ltd in support.
- (b) Reject the submissions from the Environmental Working Party and Nga Pae o Rangitikei.
- (c) Accept in part the submission from Fonterra Co-operative Group Ltd.

4.27.3.1 Recommended changes to provisions

- (a) No change is recommended.

4.28 Chapter 14 – Rule 14-1 Small-scale application of agrichemicals - Recommendation Air 28

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
AIRWAYS CORPORATION OF NEW ZEALAND	36	18	The Airways Corporation of New Zealand requests that Rules 14-1 and 14-2 be retained as written in the Proposed One Plan, to allow for the spraying of areas surrounding air navigation aids.	Accept
	X 476	11	PALMERSTON NORTH AIRPORT LTD - Support	Accept
BRUCE & MARILYN BULLOCH	237	18	Under Activity: Add a definition of "Small scale application" (14-1)	Reject
BRUCE & MARILYN BULLOCH	237	19	Under conditions / standards etc 14-1 etc: Insert a notification requirement to the list if area to be sprayed is other than spot application.	Reject
BRUCE & MARILYN BULLOCH	237	20	Under conditions / standards etc 14-1 etc: Define "Spot Application" eg. under 2 square metres.	Reject
NEW ZEALAND DEFENCE FORCE	330	50	Amend rule 14.1 Condition(d) to read: There shall be no discharge within any rare or threatened habitat* or at-risk habitat*, except for the purposes of pest control, or for the purpose of protecting, maintaining or enhancing any rare or threatened habitat* or at-risk habitat*.	Reject
HANCOCK FOREST MANAGEMENT (N Z) LTD	331	29	Retain rule 14.1.	Accept
	X 501	170	ERNSLAW ONE LTD - Support	Accept

	X 520	83	N Z FOREST MANAGERS LTD - Support	Accept
HORTICULTURE NEW ZEALAND	357	128	Decision Sought: Amend the definition of hand held appliance as sought in Schedule 2 of this submission. Amend Rule 14-1 b) to read: There shall be no adverse effects from off target spray drift.	Reject
L M TERRY	425	6	No specific decision requested, however submitter notes: The One Plan is at odds with legislation covering the application of agricultural chemicals.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	177	Amend 14-1 to read: "(b) there shall be no discharge beyond the boundary of the subject property to the extent it causes an adverse effect"	Reject
MANAWATU BRANCH OF N Z GREEN PARTY	433	61	Under Activity: Add a definition of "Small Scale application" (14-1) and Widespread application" (14-2) Under Conditions / Standards etc 14-1 etc: Insert a notification requirement to the list if area to be sprayed is other than spot application. Define "Spot Application," eg. less than 2 square metres.	Reject

4.28.1 Summary of submissions

Airways Corporation of NZ seeks the retention of Rules 14-1 and 14-2 as written and Hancock Forest Management seeks the retention of Rule 14-1.

Bruce and Marilyn Bulloch and the Manawatu Branch of the NZ Green Party seek a definition for small-scale application, notification for areas other than spot spraying, and a definition for spot application.

NZ Defence Force seeks an amendment to Rule 14-1 allowing for spraying where it is for the purposes of protecting, maintaining or enhancing any rare or threatened habitat.

Horticulture NZ seeks to amend the definition for hand held appliance and amend Rule 14-1 to read there shall be no adverse effects from off-target spray drift.

L M Terry notes the POP is at odds with legislation covering the application of agricultural chemicals.

Federated Farmers of New Zealand Inc seeks to amend Rule 14-1 to specify there be no discharge beyond the boundary to the extent it causes an adverse effect.

4.28.2 Evaluation

The support of Airways Corporation and Hancock Forest Management for the retention of Rules 14-1 and 14-2 is noted.

In terms of the matters raised by Bruce and Marilyn Bulloch and the Manawatu Branch of the NZ Green Party I make the following comments:

- (a) The Rule refers to the small-scale application of agrichemicals, which is supported by the activity description which says the application has to be from a hand held appliance. I consider that the qualification of hand held appliance adequately defines small scale application.
- (b) If the submitters mean by notification the public notification of a Permitted Activity then this is contrary to the Resource Management Act 1991 as no resource consent application is required. If the submitters mean that they seek neighbours to be notified when spraying other than spot spraying occurs, then I consider the other standards within the Rule are adequate and appropriate to avoid potential adverse effects beyond the property boundary.
- (c) I cannot find any reference to the words "spot application" in the Rule and therefore the term does not require definition.

The NZ Defence Force wants to add into Rules 14-1(d) and 14-2(b) that would allow discharges within rare or threatened habitats or at-risk habitats where it is for the purpose of protecting, maintaining or enhancing that habitat. The Rules as written allow for a discharge where it is for the purposes of pest control. I am unclear as to what other purpose would give rise to a need to discharge agrichemicals into rare or threatened habitat or at-risk habitat. The words proposed by Defence to be included are for the purpose of protecting,

maintaining or enhancing any rare or threatened habitat or at-risk habitat. As a Permitted Activity standard this wording is too vague and uncertain as it would be difficult to gauge for what other purpose other than pest control there would be a need to discharge the agrichemical. For the reason of uncertainty of the proposed standard and the uncertainty as to what other purpose there would be to discharge, I recommend this submission be rejected.

I deal with a possible definition for hand held appliance as raised by Horticulture NZ in Section 4.45. In terms of the other matter raised by Horticulture NZ, ie. that Rule 14-1(b) be changed to state there shall be no adverse effects from off-target spray drift, I make the following comments:

- (a) The current standard states that there be no discharge beyond the boundary of the site and is certain in terms of its application and being able to be enforced.
- (b) The wording proposed by Horticulture NZ is uncertain in terms of its application and also with regards to its enforceability.

The submission from Federated Farmers similarly seeks that there be no discharge beyond the boundary where it causes an adverse effect. For the reasons outlined above I consider this approach to be inconsistent with the premise that Permitted Activity standards need to be certain and enforceable.

L M Terry has outlined that the POP is at odds with the legislation covering the application of agricultural chemicals. No decision is sought by the submitter and I am unclear as to what they mean. I consider the approach taken in the POP to not be inconsistent with the legislation.

Minor changes to the rule wording to clarify the appropriate policy framework linkages have been made to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.28.3 Recommendation AIR 28

- (a) Accept the submissions from Airways Corporation of New Zealand and Hancock Forest Management in support of the Rule.
- (b) Reject the submissions from Bruce and Marilyn Bulloch and the Manawatu Branch of the NZ Green Party.
- (c) Reject the submission from the New Zealand Defence Force.
- (d) Reject the submission from L M Terry.
- (e) Reject the submission from Horticulture New Zealand.
- (f) Reject the submission from Federated Farmers of New Zealand Inc.

4.28.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Change Rule 14-1 as follows:

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
14-1	The discharge of	Permitted	(a) The discharge shall not contravene any		This Rule implements

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	<u>Links</u>
Small-scale application of agrichemicals	agrichemicals into air or onto land from the use of a hand-held appliance*		<p>requirement specified in the agrichemical manufacturer's instructions.</p> <p>(b) There shall be no discharge beyond the boundary of the subject property*.</p> <p>(c) There shall be no discharge into any water body.</p> <p>(d) There shall be no discharge within any rare and threatened habitat* or at-risk habitat*, except for the purposes of pest control.</p> <p>(e) Where the agrichemical is used on public land, the discharge shall comply with mandatory requirements set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</p>		Policy 14-3

4.29 Chapter 14 – Rule 14-2 Widespread application of agrichemicals - Recommendation Air 29

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
N Z AGRICULTURAL AVIATION ASSOCIATION	19	1	That Rule 14.2 (f) be rewritten as follows: Every pilot undertaking the aerial application of agrichemicals shall hold a current pilot chemical rating issued by CAA.	Reject
	X 531	105	HORTICULTURE NEW ZEALAND - Support	Reject
N Z AGRICULTURAL AVIATION ASSOCIATION	19	2	That Rule 14.2 (g) be rewritten as follows: The discharge shall not result in any agrichemical knowingly being deposited on any roof or other structure used as a catchment for water supply.	Reject
	X 533	56	FEDERATED FARMERS OF NEW ZEALAND INC – Support	Reject
AIRWAYS CORPORATION OF NEW ZEALAND	36	19	The Airways Corporation of New Zealand requests that Rules 14-1 and 14-2 be retained as written in the Proposed One Plan, to allow for the spraying of areas surrounding air navigation aids.	Accept
	X 476	12	PALMERSTON NORTH AIRPORT LTD - Support	Accept
MINISTRY OF EDUCATION	43	7	The Ministry requests that condition 14-2(c) be retained as it is written in the Proposed Plan.	Accept
MOUNTAIN CARROTS N Z LTD	179	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	72	Column 4: Retain discretionary status	Reject
			Column 5: Add, "Resource consent applications under this rule shall be publicly notified."	

Submitter	Number	Point	Decision Sought	Recommendation
	X 482	11	LIVESTOCK IMPROVEMENT CORP LTD – Oppose	Accept
	X 486	19	AG RESEARCH LIMITED – Oppose	Accept
HORIZONS REGIONAL COUNCIL	182	65	Amend Rule 14-2 Condition (g) to read (in part) "...other than in accordance with condition (h)."	Accept
DAVID JOHN GREENWOOD	225	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
HOROWHENUA FRUITGROWERS ASSOCIATION	232	9	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
	X 492	252	MINISTER OF CONSERVATION – Oppose	Accept
BRUCE & MARILYN BULLOCH	237	21	Add a definition of	Reject
			"Widespread application" (14-2)	
P F OLSEN LIMITED	305	21	Allow as permitted to narrower boundaries -10m for rivers, 15m threatened habitat, subject to use of positive airflow indicators on boundary, GPS and direct boundary supervision. Note: Submission on threatened habitats & species Schedule E	Reject
	X 501	92	ERNSLAW ONE LTD – Support	Reject
	X 520	29	N Z FOREST MANAGERS LTD – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
GRIFFIN AG - AIR LTD	314	1	<p>Rule 14-2 (i) should read as follows:</p> <p>(i) For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals:</p> <p>(i) by operating only in wind drift conditions that ensure that no discharge takes place into any continually flowing river which has a bed width of 3 m or more, any lake or wetland which has an area of 1 ha or more or any rare or threatened habitat or at-risk habitat.</p>	Reject
	X 533	55	FEDERATED FARMERS OF NEW ZEALAND INC – Support	Reject
KIM YOUNG & SONS LTD	315	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
KAPITI GREEN LIMITED	317	15	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
KAPITI GREEN LIMITED	317	16	Delete the words "and at-risk habitats which are regulated by Rules 12-8 and 12-7."	Reject
N Z FOREST MANAGERS LTD	319	6	NZFM supports Rule 14-2: Widespread application of agrichemicals	Accept
	X 501	141	ERNSLAW ONE LTD – Support	Accept
NEW ZEALAND DEFENCE FORCE	330	51	<p>Amend rule Rule 14.2 Condition (b) to read:</p> <p>There shall be no discharge within any rare or threatened habitat* or at-risk habitat*, except for the purposes of pest control, or for the purpose of protecting, maintaining or enhancing any rare or threatened habitat* or at-risk habitat*.</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HANCOCK FOREST MANAGEMENT (N Z) LTD	331	30	Delete condition (i) (ii) of rule 14.2	Reject
	X 501	172	ERNSLAW ONE LTD – Support	Reject
	X 520	84	N Z FOREST MANAGERS LTD – Support	Reject
HANCOCK FOREST MANAGEMENT (N Z) LTD	331	31	amend to allow the application of agrichemicals in plantation forests as a permitted activity.	Accept in part
	X 501	173	ERNSLAW ONE LTD – Support	Accept in part
	X 520	85	N Z FOREST MANAGERS LTD – Support	Accept in part
WOODHAVEN GARDENS LTD	347	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
DAVID YOUNG	348	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
ALMADALE PRODUCE LTD	350	17	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
HORTICULTURE NEW ZEALAND	357	129	Decisions Sought: Amend Rule 14-2 as follows: Include a provision that there shall be no adverse effects from off target spray drift. Delete 'at-risk habitats' from clause b). Amend clause e) to be a current GROWSAFE Introductory certificate. Retain clause d) but include a spray plan template or	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			reference where it can be located.	
			Retain clause h) re use for aquatic plants	
			Amend clause i) i) to 10 metres and i) ii) to 20 metres.	
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	29	Ravensdown generally supports the intent of this rule and seeks Council to retain it in its current form.	Accept
HOROWHENUA DISTRICT GROWERS ASSOCIATION	392	9	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
NEW ZEALAND INSTITUTE OF FORESTRY	419	20	Allow as permitted to narrower boundaries - 10m for rivers and 15m for threatened habitat, subject to the use of positive airflow indicators on boundaries, plus GPS and direct boundary supervision.	Reject
	X 501	235	ERNSLAW ONE LTD – Support	Reject
	X 520	129	N Z FOREST MANAGERS LTD – Support	Reject
L M TERRY	425	7	No specific decision requested, however submitter notes: The One Plan is at odds with legislation covering the application of agricultural chemicals.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	178	Delete (d) reference to GROWSAFE certificate	Reject
	X 531	106	HORTICULTURE NEW ZEALAND – Oppose	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	179	Amend (d) to refer to industry accepted criteria setting out the minimum standards for which a training programme or qualification must comply	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	180	Delete at-risk habitats" from clause b).	Reject
	X 492	253	MINISTER OF CONSERVATION – Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
FEDERATED FARMERS OF NEW ZEALAND INC	426	181	Amend clause i) to 10 metres and i) ii) to 20 metres.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	182	Add to 14-2(i) "For aerial discharges (except for control of pests such as Old Man's Beard in any rare or threatened habitat adjoining waterbodies) all reasonable" (or words to that effect)	Accept in part
	X 492	254	MINISTER OF CONSERVATION – Oppose	Accept in part
MANAWATU BRANCH OF N Z GREEN PARTY	433	62	Under Activity: Add a definition of "Small Scale application" (14-1) and Widespread application" (14-2) Under Conditions / Standards etc 14-1 etc: Insert a notification requirement to the list if area to be sprayed is other than spot application. Define "Spot Application," eg. less than 2 square metres.	Reject
PESCINI BROTHERS	438	10	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject
B S YOUNG LTD	449	10	Retain Rule 14-2 but amend definition of at-risk habitats as sought above to ensure that the setbacks will not apply to agrichemical applications.	Reject

4.29.1 Summary of submissions

Airways Corporation of NZ, Ravensdown Fertiliser Cooperative and the Ministry of Education support Rule 14-2.

The NZ Agricultural Aviation Association seeks that every pilot undertaking the aerial application of agrichemicals shall hold a current pilot chemical rating issued by the Civil Aviation Authority. Further, this submitter seeks to have Rule 14.2 (g) re-written to outline that the discharge onto any roof or other structure for water supply has to be done knowingly.

Mountain Carrots NZ Ltd, David John Greenwood, Horowhenua Fruitgrowers Association, Horowhenua District Growers Association, Kim Young and Sons Ltd, Kapiti Green Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd seek to amend the definition of at-risk habitats so that the setbacks will not apply to agrichemical applications. Hancock Forest Management wants the buffer distances within Rule 14-2(i)(ii) for rare and threatened habitats deleted and the application of agrichemicals in plantation forests to be Permitted Activities.

Ngati Kahungunu seeks to have the Plan identify that the Discretionary Activity consent triggered by Rule 14-2 will be notified.

Horizons Regional Council seeks to correct an error in the clause reference contained in Rule 14-2 from (g) to (h).

Bruce and Marilyn Bulloch seek to have a definition included in the Plan of widespread application.

P F Olsen Limited seeks to reduce the setback limits for agrichemical application from rivers (ie. changed from 20 metres to 10 metres) and rare and threatened habitats (ie. from 50 metres to 15 metres). The New Zealand Institute of Forestry seeks the same subject to positive airflow indicators and GPS and boundary supervision.

Griffen Ag-Air Ltd seeks to have the distance buffers specified in Rule 14-2(i) removed and replaced by a statement that spraying operations will only occur in wind conditions that ensure there will be no discharge into a waterbody or rare or threatened habitat.

The New Zealand Defence Force seeks to have the following added (the wording is underlined) into Rules 14.1(d) and 14.2(b):

There shall be no discharge within any rare or threatened habitat or at-risk habitat, except for the purposes of pest control, or for the purpose of protecting, maintaining or enhancing any rare or threatened habitat or at-risk habitat.

Horticulture NZ seeks various changes to the Rule to require no adverse effects from spray drift, the deletion of at-risk habitats, clause e) referring to a current GROWSAFE introductory certificate, spray plans changing the buffer distances to 10 and 20 metres respectively within Rule 14-2(i) (i) and (ii).

Federated Farmers of New Zealand Inc seek to have the reference to the GROWSAFE certificate in (d) deleted and refer instead to industry accepted criteria for which a training programme or qualification must comply. They also seek to have the reference to at-risk habitats in (b) deleted. Federated Farmers also wants words included within Rule 14-2(i) to allow for the control of pests within rare and threatened habitats.

L M Terry considers the Proposed One Plan to be at odds with the legislation covering the application of agricultural chemicals.

The Manawatu Branch of the NZ Green Party seeks a definition for small scale application, notification for areas other than spot spraying and a definition for spot application.

4.29.3 Evaluation

The support of the Rule 14-2 by Airways Corporation, Ravensdown Fertiliser Cooperative and the Ministry of Education is noted.

NZ Agricultural Aviation Association seeks that every pilot undertaking the aerial application of agrichemicals shall hold a current pilot chemical rating issued by the Civil Aviation Authority, ie. it seeks the deletion of the requirement to also hold a National Certificate in Agrichemical Application (Aerial). The way Rule 14-2(f) is currently drafted, the appropriate certificate for application of agrichemicals is required as well as a CAA pilot chemical rating. I understand that the CAA requirements are concerned with the safe flight requirements for flying and applying chemicals. The other limb of the condition requires training in the application of chemicals to the environment. I consider both training requirements are necessary. This submitter also seeks to have Rule 14-2 (g) re-written to outline that the discharge onto any roof or other structure for water supply has to be done knowingly. The inclusion of the wording “knowingly” within the condition introduces uncertainty and difficulty in enforcing the condition. I understand that a lack of knowledge is not a defence in the Courts. The words add little to the condition.

There are a number of submitters who seek to amend the definition of at-risk habitats so that the setbacks will not apply to agrichemical applications or alternatively, other submitters who seek to reduce the buffer distances included in the standards. I acknowledge that the setting of any distance in a standard is largely about selecting a number that can best mitigate risk, therefore it is not scientific. Reducing the buffer distances as proposed by the submitters is in my opinion increasing the potential risk for spray drift adversely affect habitat. Specifying a buffer distance is a certain and easily understood standard.

Griffin Ag-Air Ltd seeks to have the distance buffers specified in Rule 14-2(i) removed and replaced by a statement that spraying operations will only occur in wind conditions that ensure there will be no discharge into a waterbody or rare or threatened habitat. As I state above, specifying a buffer distance can be seen to be setting a potentially arbitrary line, but it is a clear and certain way of outlining in a Permitted Activity standard what is required. The relief sought by the submitters puts the entire decision within the hands of the applicator to judge what are appropriate wind conditions. It would be difficult for Regional Council to confirm what those conditions might have been after

the event, should enforcement action be required. In other words such a standard would be uncertain.

Hancock Forest Management seeks to allow for the application of agrichemicals in plantation forests as a Permitted Activity. If the application of agrichemicals in plantation forest meets the Permitted Activity standards in Rule 14-2 then the activity will be Permitted. Therefore, I do not consider any change to the rule is required.

Ngati Kahungunu seeks to have the Plan identify that the Discretionary Activity consent triggered by Rule 14-2 will be notified. As Rule 14-2 is a Permitted Activity I assume the submitter seeks to include the notification provision within Rule 14-3, which is a Discretionary Activity. The decision regarding notification needs to be considered in the context of the particular situation and should not be specified within the Rule. For example, the effects might be localised and all potentially adversely affected approvals have been obtained, in which case no public notification is required. If the submitter means that they seek neighbours to be notified when spraying other than spot spraying occurs, then I consider the other standards within the Rule are adequate and appropriate to avoid potential adverse effects beyond the property boundary.

The change sought by Horizons Regional Council is to correct an error in the clause reference contained in Rule 14-2 from (g) to (h). The correction allows for the correct reference to be made in the condition and is wholly appropriate to change.

Bruce and Marilyn Bulloch seek to have a definition included in the Plan of widespread application. For the reasons outlined above in Section 4.28, Rule 14-1 restricts small-scale application of agrichemicals to hand held appliances, which I consider appropriately defines small scale. Rule 14-2 which follows then allows for the widespread application, which is anything other than small scale application, ie. not undertaken by hand. Therefore, I do not consider a definition is necessary as the Rules are clear.

Horticulture NZ seeks to amend clause (e) referring to a current GROWSAFE introductory certificate rather than a GROWSAFE certificate. I understand that the introductory certificate is just that – an introductory course – and the full certification covers more detailed matters. I would encourage the submitter to provide details of the differences between the two courses. My opinion, however, is that the POP should provide for as much certainty as possible in terms of the training of the operator and the more detailed course achieves this.

The NZ Defence Force wants to add into Rules 14-1(d) and 14-2(b) provisions that would allow discharges within rare or threatened habitats or at-risk habitats where it is for the purpose of protecting, maintaining or enhancing that habitat. The rules as written allow for a discharge where it is for the purposes of pest control. I am unclear as to what other purpose would give rise to a need to discharge agrichemicals into rare or threatened habitat or at-risk habitat. The words proposed by Defence to be included are for the purpose of protecting, maintaining or enhancing any rare or threatened habitat or at-risk habitat. As a Permitted Activity standard this wording is too vague and uncertain as it would be difficult to gauge for what other purpose other than pest control there would be a need to discharge the agrichemical. For the

reason of uncertainty of the proposed standard and the uncertainty as to what other purpose there would be to discharge, I recommend this submission be rejected.

In terms of the matters raised by the Manawatu Branch of the NZ Green Party I make the following comments:

- (a) The Rule refers to the small-scale application of agrichemicals, which is supported by the activity description which says the application has to be from a hand held appliance. I consider that the qualification of hand held appliance adequately defines small-scale application.
- (b) If the submitters mean by notification the public notification of a Permitted Activity then this is contrary to the Resource Management Act 1991 as no resource consent application is required. If the submitters mean that they seek neighbours to be notified when spraying other than spot spraying occurs, then I consider the other standards within the Rule are adequate and appropriate to avoid potential adverse effects beyond the property boundary.
- (c) I cannot find any reference to the words “spot application” in the Rule and therefore the term does not require definition.

L M Terry has outlined that the POP is at odds with the legislation covering the application of agricultural chemicals. No decision is sought by the submitter and I am unclear as to what they mean. I consider the approach taken in the POP to not be inconsistent with the legislation.

Minor changes to the rule wording to clarify the appropriate policy framework linkages have been made to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.29.4 Recommendation AIR 29

- (a) Accept the submissions of Airways Corporation, Ravensdown Fertiliser Cooperative and the Ministry of Education in support.
- (b) Accept the submission of Horizons Regional Council.
- (c) Reject the submissions from Mountain Carrots, David John Greenwood, Horowhenua Fruitgrowers Association, Horowhenua District Growers Association, Kim Young and Sons Ltd, Kapiti Green Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd seeking to amend the definition of at-risk habitats.
- (d) Reject the submission from Ngati Kahungunu.
- (e) Reject the submission from Bruce and Marilyn Bulloch.
- (f) Reject the submission from P F Olsen Limited.
- (g) Reject the submission from the New Zealand Institute of Forestry.
- (h) Reject the submission from Griffin Ag-Air Ltd.
- (i) Reject the submission from the New Zealand Defence Force.
- (j) Reject the submission from Horticulture NZ.
- (k) Reject the submission from Federated Farmers of New Zealand Inc.
- (l) Reject the submission L M Terry.
- (m) Reject the submission from the Manawatu Branch of New Zealand Green Party.

4.29.4.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

(a) Amend Rule 14-2 (g) to as follows:

<p>14-2 Widespread application of agrichemicals</p>	<p>The discharge of agrichemicals into air, onto land, or into water, except as permitted under Rule 14-1</p>	<p>Permitted</p>	<p>(a) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.</p> <p>(b) There shall be no discharge within any rare or threatened habitat* or at-risk habitat*, except for the purposes of pest control.</p> <p>(c) The discharge shall not be located within 50 metres of a school.</p> <p>(d) The discharge shall be undertaken in accordance with all mandatory requirements, including notification requirements, set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</p> <p>(e) Every person undertaking the application of agrichemicals shall hold a current GROWSAFE® Certificate.</p> <p>(f) Every pilot undertaking the aerial application of agrichemicals shall hold the National Certificate in Agrichemical Application (Aerial), and hold or be under training for a Pilot's Chemical Rating issued by the Civil Aviation Authority or an equivalent qualification.</p> <p>(g) The discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water supply other than in accordance with condition (g) <u>(h)</u>.</p> <p>(h) Where the discharge is into water for the purpose of eradicating, modifying</p>	<p><u>This Rule implements Policy 14-3</u></p>
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			<p>or controlling unwanted aquatic plants:</p> <ul style="list-style-type: none"> (i) only agrichemicals approved for aquatic use may be used (ii) the application shall not exceed the quantity or concentration required for that purpose (iii) the discharge shall not include disposal to water of any agrichemical (iv) the discharger shall notify every person taking water for domestic supply within 1 km downstream of the proposed discharge, and every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least one week before commencing the discharge. <p>(i) For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals:</p> <ul style="list-style-type: none"> (i) within 20 m of any continually flowing river which has a bed width of 3 m or more, or any lake or wetland which has an area of 1 ha or more (ii) within 50 m of any rare or threatened habitat* or at-risk habitat*. 		
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4.30 Chapter 14 – Rule 14-3 Discharges of agrichemicals not complying with permitted activity rules - Recommendation Air 30

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MOUNTAIN CARROTS N Z LTD	179	18	Delete the words and at" risk habitats which are regulated by Rules 12-8 and 12-7."	Reject
DAVID JOHN GREENWOOD	225	18	Delete the words "and at-risk habitats which are regulated by Rules 12-8 and 12-7."	Reject
HOROWHENUA FRUITGROWERS ASSOCIATION	232	10	Delete the words "and at-risk habitats which are regulated by Rules 12-8 and 12-7."	Reject
KIM YOUNG & SONS LTD	315	18	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject
WOODHAVEN GARDENS LTD	347	18	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject
DAVID YOUNG	348	18	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject
ALMADALE PRODUCE LTD	350	18	Delete the words "and at-risk habitats which are regulated by Rules 12-8 and 12-7."	Reject
HORTICULTURE NEW ZEALAND	357	130	Decision Sought: Delete the words 'and at-risk habitats which are regulated by Rules 12-8 and 12-7.'	Reject
HOROWHENUA DISTRICT GROWERS ASSOCIATION	392	10	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject
L M TERRY	425	8	Not stated.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	183	Amend 14-3 to read The discharge of agrichemicals into air, onto land, or into water in a manner that does not comply with Rules 14-1 or	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			14-2, except discharges, which are regulated by Rule 12-8 and 12-7	
PESCINI BROTHERS	438	11	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject
B S YOUNG LTD	449	11	Delete the words and at-risk habitats which are regulated by Rules 12-8 and 12-7.	Reject

4.30.1 Summary of submissions

Most of the above submissions, ie. Mountain Carrots NZ Ltd, David John Greenwood, Horowhenua Fruitgrowers Association, Horowhenua District Growers Association, Kim Young and Sons Ltd, Kapiti Green Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd seek to delete the cross references to Rules 12-7 and 12-8 dealing with at-risk habitats.

4.30.2 Evaluation

The retention of Rules 12-7 and 12-8 has been dealt with in the reports on the Biodiversity Section of the Plan. Rule 14-3 appropriately cross references to the applicable rules for at-risk habitats within Chapter 12. The deletion of this cross reference would be unhelpful for Plan Users in terms of understanding there are applicable rules within another Chapter of the Plan.

Federated Farmers of New Zealand Ltd seeks to retain the words “Rule 12-7 and 12-8” within the Rule but take out the reference to at-risk and rare and threatened habitats. The Rules relate to habitats and the deletion of the wording clarifying what Rules 12-7 and 12-8 relate to seems nonsensical.

L M Terry has outlined in his submission that the POP is at odds with the legislation covering the application of agricultural chemicals. No decision is sought by the submitter and I am unclear as to what they mean. I consider the approach taken in the POP to not be inconsistent with the legislation.

Minor changes to the rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.30.3 Recommendation AIR 30

- (a) Reject the submissions from Mountain Carrots, David John Greenwood, Horowhenua Fruitgrowers Association, Horowhenua District Growers Association, Kim Young and Sons Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd which seek to delete the words “and at-risk habitats which are regulated by Rules 12-7 and 12-8”.
- (b) Reject the submission from L M Terry – no specific decision is sought.
- (c) Reject the submission from Federated Farmers of New Zealand Ltd which seek to delete the reference to at-risk habitats.

4.30.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-3 as follows:

<p>14-3 Discharges of agrichemicals not complying with permitted activity rules</p>	<p>The discharge of agrichemicals into air, onto land, or into water in a manner that does not comply with Rules 14-1 or 14-2, except for discharges in rare and threatened habitats* and at-risk habitats* which are regulated by Rules 12-8 and 12-7.</p>	<p>Discretionary</p>			<p><u>Policies guiding consent decisions include:</u> <u>Policy 14-1</u></p>
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4.31 Chapter 14 – Rule 14-4 Small-scale fuel burning - Recommendation Air 31

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
DEPARTMENT OF CORRECTIONS	20	3	Corrections request that Rule 14-4 be retained in the Plan and seek clarification as to the activity status of small-scale burning of waste material, where this burning is not for the purpose of generating heat or electricity.	Accept
DEPARTMENT OF CORRECTIONS	20	4	Corrections request the inclusion of a rule permitting small scale burning of waste material.	Accept
NEW ZEALAND POLICE	25	4	The New Zealand Police request an amendment to Rule 14-4, which will allow burning of green matter in equipment that controls the combustion process as a permitted activity. Possible wording is: "the discharge of contaminants into air from burning coal, untreated wood, diesel, kerosene, light fuel oil, oil (excluding waste oil), methane, or natural or liquefied petroleum gas for the purpose of generating useful heat, steam, power or electricity, and disposal of vegetative matter."	Accept
	X 479	17	DEPARTMENT OF CORRECTIONS - Support	Accept

Submitter	Number	Point	Decision Sought	Recommendation
AIRWAYS CORPORATION OF NEW ZEALAND	36	12	<p>The Airways Corporation of New Zealand seeks the condition relating to flight paths be reinstated in Rules 14-4, 14-5 and 14-12 as follows:</p> <p>Under Rule 14-4 (Small scale fuel burning) conditions:</p> <p>(f) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the property boundary of the subject property or on public land.</p> <p>"(g) The discharge shall not cause any reduction in visibility on any designated commercial or military flight path."</p> <p>(h) The sulphur content of coal burned shall not exceed 1% by weight.</p>	Accept in part
	X 476	5	PALMERSTON NORTH AIRPORT LTD - Support	Accept in part
N Z SAWN PRODUCTS	301	1	<p>Amend condition (a) (i) of Rule 14-4 to read:</p> <p>"a rate not exceeding 10 MW for coal, and untreated wood"</p>	Reject

4.31.1 Summary of submissions

The New Zealand Police and Department of Corrections seek to allow the burning of green matter in equipment that controls the combustion process.

Airways Corporation of NZ seeks to ensure there are no adverse effects, primarily from smoke on flight paths.

NZ Sawn Products seeks to increase the combustion rate for the burning of coal.

4.31.2 Evaluation

I accept there is a need for New Zealand Police and the Department of Corrections to burn green waste within an incinerator, ie. it is not open burning and it is not for the purposes of generating heat. I therefore agree it would be helpful to add a further provision within the Rule that specifically allows for the burning of green waste and I have tagged it to burning undertaken by NZ Police or the Department of Corrections.

Airways Corporation has brought up a valid concern relating to the potential safety effects on runway operations from smoke. In order to address this concern I propose the addition of a standard within the Permitted Activity Rules for ensuring that any discharge does not reduce visibility on any designated flight path. Airways Corporation has also sought the inclusion of a standard regarding noxious or dangerous levels of gases or particulates. This standard is already included in the Rule. Further, Airways Corporation seeks a standard stating that the sulphur content of coal not exceed 1% by weight. This standard is already included in Rule 14-4 for small-scale fuel burning equipment and the open burning Rule (Rule 14-5) does not provide for the open burning of coal.

NZ Sawn Products seeks to amend Rule 14-4(a)(i) to allow burning to comply with a combustion rate of 10MW for coal and untreated wood (rather than 500kW as it is currently worded.) The increase is significant and in particular in the case of coal would lead to increased levels of particulate. Increasing the combustion rate from 500kW to 10MW for untreated wood and coal would not be acceptable as a Permitted Activity. This is a significant increase from the current POP level. Regardless, even if it were to be included it is highly likely that a 10MW activity (particularly coal) would not be able to comply with condition (h) of Rule 14-4 and would not meet the Permitted Activity rules.

Minor changes to the rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.31.3 Recommendation AIR 31

- (a) Accept the submissions from New Zealand Police and the Department of Corrections.
- (b) Accept in part the submission from Airways Corporation.
- (c) Reject the submission from NZ Sawn Products.

4.31.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

(a) Amend Rule 14-4 to read as follows:

<p>14-4 Small-scale fuel burning</p>	<p>The discharge of contaminants into air from burning coal, untreated wood, diesel, kerosene, light fuel oil*, oil* (excluding waste oil), methane, <u>biofuels</u>, or natural or liquefied petroleum gas for the purpose of generating useful heat, steam, power or electricity <u>and disposal of green vegetative matter undertaken by New Zealand Police or the Department of Corrections.</u></p> <p>This rule does not cover fuel burning in moveable sources or dwelling houses, which is permitted under the RMA except to the extent that woodburners* are regulated under Rule 14-6.</p>	<p>Permitted</p>	<p>(a) The burning shall comply with the following combustion rates:</p> <ul style="list-style-type: none"> (i) a rate not exceeding 500 kW for coal, and untreated wood (ii) a rate not exceeding 2.5 MW for diesel, kerosene, light fuel oil* and oil*, (i) a rate not exceeding 5 MW for methane and natural or liquefied petroleum gas. <p>(b) The discharge shall be from a chimney* designed so that the emission is effectively dispersed upwards and is unimpeded by any structure on top of the chimney, and the chimney height shall be at least 3 m above the highest point of the roof and any other roof within 20 m of the chimney.</p> <p>(c) The discharge shall not result form the burning of waste, waste oil or solvents.</p> <p>(d) The discharge shall not cause a breach of any of the National Environmental Standards for ambient air quality set out in Table 8.1 (in Chapter 8).</p> <p>(e) The discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(f) The discharge shall not result in any noxious or dangerous levels of</p>		<p><u>This Rule implements Policy 14-3</u></p>
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			<p>gases or particulates to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(g) The sulphur content of coal to be burned shall not exceed 1% by weight.</p> <p>(h) The discharge of particulates shall be no greater than 250 mg/m³ of non-toxic particulates corrected to 0°C, 12% CO₂, 1 atmosphere, and a dry gas basis, except that this limit may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold and for soot blowing, providing the opacity of the discharge is minimised as far as practicable.</p> <p>(i) <u>The discharge shall not cause any reduction in visibility on any designated commercial or military flight path.</u></p>		
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4.32 Chapter 14 – Rule 14-5 Open burning - Recommendation Air 32

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
GRAEME CHARLES PALMER	14	1	I would ask that you reconsider this proposal and allow the careful burning of rubbish, under rules set by Council	Accept
FOXTON BIBLE CAMP	18	1	Addition of a clause (d) on rule 14-5 giving allowance for bonfires in approved sites where these are established traditions and are considered of minimal environmental impact.	Accept
NEW ZEALAND POLICE	25	2	The New Zealand Police request that Rule 14-5 be retained as written in the Proposed Plan.	Accept in part
	X 495	315	RUAPEHU DISTRICT COUNCIL – Oppose	Accept in part
	X 502	241	NEW ZEALAND DEFENCE FORCE - Support	Accept in part
AIRWAYS CORPORATION OF NEW ZEALAND	36	13	The Airways Corporation of New Zealand seeks the condition relating to flight paths be reinstated in Rules 14-4, 14-5 and 14-12 as follows: Under Rule 14-5(Open Burning) conditions: (c) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the property boundary of the subject property or on public land. "(d) The discharge shall not cause any reduction in visibility on any designated commercial or military flight path."	Accept in part
	X 476	6	PALMERSTON NORTH AIRPORT LTD - Support	Accept in part
MINISTRY OF EDUCATION	43	11	The Ministry of Education requests that Rule 14-5 be retained as it is written in the Proposed One Plan.	Accept in part
	X 495	316	RUAPEHU DISTRICT COUNCIL – Oppose	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
	X 502	242	NEW ZEALAND DEFENCE FORCE - Support	Accept in part
LIVESTOCK IMPROVEMENT CORP LTD	55	8	<p>Amend Rule 14-5, Activities (a) and (c) as follows:</p> <p>(a) the open burning of the following materials on production land or land used for an agricultural research farm:</p> <p>(i) untreated wood or vegetative matter</p> <p>(ii) waste paper or cardboard</p> <p>(iii) food waste</p> <p>(iv) non-halogenated plastics</p> <p>(v) animal carcasses or animal waste</p> <p>(c) the open burning of vegetative matter on land that is not production land or land used for an agricultural research farm, only in areas where there is no green waste disposal facility within 20 km (including urban areas where there is no such facility within 20 km).</p> <p>OR</p> <p>Make any alternative changes appropriate to achieve the same outcome being sought by LIC.</p>	Accept
TUI KAY FAZAKERLEY	63	1	Hope common sense prevails	Accept
EILEEN MARY BROWN	105	1	I wish to retain my right to continue burning diseased and borer branches plus end of season vegetation as advised by experts to avoid passing it on. The waste stations just shared these items which does nothing to stop spreading the problem to others.	Accept
JOHN PERCIVAL WOODING	108	1	I request relaxation of Rule 14-5 to allow open burning of	Accept

Submitter	Number	Point	Decision Sought	Recommendation
EMERGENCY MANAGEMENT ACADAMY OF N Z	118	1	vegetative matter without the 20 km distance restriction, and allow burning of waste paper (in particular, documents such as bank statements) which causes no smoke or odour. Increase list of fuel types specified for fire training [Recommends in Submission that the list be extended to include: Diesel, Aviation Fuel, Petrol, Coal, Methane, Kerosene, Rubber, LPG and Natural Gas]	Reject
EMERGENCY MANAGEMENT ACADAMY OF N Z	118	2	Restrict fire related training to boni fide providers who have environmental protection policies and systems. [Recommends in Submission that fire related training is restricted to: 1. The New Zealand Fire Service (or under authority of) or 2. Any Rural Fire Authority (or under authority of) or 3. A New Zealand Qualifications Authority registered provider accredited for fire training or 4. Any other organisations that can satisfy the Regional Council that they have adequate environmental protection and safety systems in place that is regularly reviewed (or leave this requirement out if Horizons wished to leave such compliance measures to FRSITO/NZQA).]	Accept
NEW ZEALAND FIRE SERVICE COMMISSION	149	5	Rule 14-5 (b) Retain the rule where open burning is permitted for fire training purposes and include an amendment to allow fire training to include the burning of an existing house where it has been constructed using halogenated materials.	Accept
NEW ZEALAND FIRE SERVICE COMMISSION	149	6	Rule 14-5 (c) The Commission seeks amendments to the plan to include	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND FIRE SERVICE COMMISSION	149	7	maps of urban areas where this rule applies. Rule 14-5 (c) The Commission would also seek that the public are educated on the requirements of this rule to improve community knowledge on the provision of waste disposal facilities in urban areas to ensure that material can be disposed of without becoming a fire hazard.	Accept in part
NEW ZEALAND FIRE SERVICE COMMISSION	149	8	Rule 14-5 (c) The Commission wishes to be aware of the enforcement process to be adopted for this rule in urban areas.	Accept in part
RUAPEHU DISTRICT COUNCIL	151	173	Council submit that opening burning of untreated wood be allowed for specific purposes such as hangis, brasier and barbeque.	Accept
	X 481	238	PALMERSTON NORTH CITY COUNCIL - Support	Accept

Submitter	Number	Point	Decision Sought	Recommendation
AG RESEARCH LIMITED	166	8	<p>Amend Rule 14-5, Activities (a) and (c) as follows:</p> <p>"...(a) the open burning of the following materials on production land or land used for an agricultural research farm:</p> <p>(i) untreated wood or vegetative matter</p> <p>(ii) waste paper or cardboard</p> <p>(iii) food waste</p> <p>(iv) non-halogenated plastics</p> <p>(v) animal carcasses or animal waste...</p> <p>....(c) the open burning of vegetative matter on land that is not production land or land used for an agricultural research farm, only in areas where there is no green waste disposal facility within 20 km (including urban areas where there is no such facility within 20 km)."</p> <p>OR</p> <p>Make any alternative changes appropriate to achieve the same outcome being sought by AgResearch.</p>	Accept
MOUNTAIN CARROTS N Z LTD	179	19	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read "except for burning on production land."	Accept
HORIZONS REGIONAL COUNCIL	182	66	Amend Rule 14-5 Activity description by adding a new sub-clause (d) which permits the open burning of untreated wood or vegetative matter or coal for the purposes of outdoor cooking or heating.	Accept

Submitter	Number	Point	Decision Sought	Recommendation
DAVID JOHN GREENWOOD	225	19	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read "except for burning on production land."	Accept
P F OLSEN LIMITED	305	22	Smoke by its very nature is likely to cross boundaries and is by definition an adverse effect. The degree to which it is offensive or objectionable is very subjective. In some peoples eyes any amount at any time could be objectionable. The interpretation needs to be clarified in terms of aspects such as duration, visual density at or near ground /habitation level to better clarify to what situations it applies. This may include addition of more "conditions" to underpin a "permitted status"	Accept in part
	X 501	93	ERNSLAW ONE LTD – Support	Accept in part
KIM YOUNG & SONS LTD	315	19	Retain Rule 14-5 (14-7 sated in submission) but amend condition a) i) to read except for burning on production land."	Accept
KAPITI GREEN LIMITED	317	17	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept
NEW ZEALAND DEFENCE FORCE	330	52	Retain Rule 14-5 (b) as presented in the Proposed One Plan	Accept in part
	X 495	318	RUAPEHU DISTRICT COUNCIL – Oppose	Accept in part
HANCOCK FOREST MANAGEMENT (N Z) LTD	331	32	Retain rule 14.4 [it is thought that they may have intended to write that they support rule 14.5]	Accept in part
	X 495	317	RUAPEHU DISTRICT COUNCIL – Oppose	Accept in part
	X 501	174	ERNSLAW ONE LTD – Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	119	Replacement of Rule 14-5 to resolve the problems [described in Submission] and to provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply these Rules.	Accept in part
	X 481	675	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
RANGITIKEI DISTRICT COUNCIL	346	122	Delete Rule 14-5(c) or amend it to allow Territorial Authorities to specify locations where it is to apply or carry out detailed investigations to determine precise locations where Rule 14-5(c) should apply.	Accept
	X 481	827	PALMERSTON NORTH CITY COUNCIL - Support	Accept
WOODHAVEN GARDENS LTD	347	19	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept
DAVID YOUNG	348	19	Retain Rule 14-5 (14-7 in submission) but amend condition a) i) to read except for burning on production land."	Accept
ALMADALE PRODUCE LTD	350	19	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept
GORDON MCKELLAR	354	3	The Conditions/Standards/Terms of section (b) to be deleted and replaced with: (b) Reasonable steps taken during open burning to minimise adverse effects beyond the property boundary.	Reject
HORTICULTURE NEW ZEALAND	357	131	Decision Sought: Retain Rule 14-7 but rename as Outdoor burning and amend condition a) i) to read except for burning on production land."	Accept in part
	X 531	107	HORTICULTURE NEW ZEALAND – Support	Accept in part
HOROWHENUA DISTRICT GROWERS ASSOCIATION	392	11	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept
NEW ZEALAND INSTITUTE OF FORESTRY	419	21	The interpretation needs to be clarified in terms of aspects such as duration, visual density at or near ground /habitation level to better clarify to what situations it applies. This may include addition of more "conditions" to underpin a "permitted status" or a tiering to controlled status for "bigger" situations. Note that the new Forestry Environmental Code also contains	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			best management practices for burning.	
	X 501	236	ERNSLAW ONE LTD – Support	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	184	Retain as written.	Accept in part
	X 495	319	RUAPEHU DISTRICT COUNCIL – Oppose	Accept in part
	X 502	243	NEW ZEALAND DEFENCE FORCE – Support	Accept in part
LOCAL FORESTRY INDUSTRY GROUP	435	10	No specific decision requested but submits that submit that burning of agricultural residue, be it for forestry development or re-establishment purposes, is a normal forestry activity and believes that such situations are well covered under Rural Fire permits.	Accept in part
	X 501	254	ERNSLAW ONE LTD – Support	Accept in part
PESCINI BROTHERS	438	12	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept
MIDDLE DISTRICTS FARM FORESTRY ASSOCIATION	444	15	No specific decision requested but submits that (b) & (c) are a nonsense. Burning is not standard procedure in most forest management plans, but is needed in some situations and smoke cannot be restrained within boundaries.	Reject
	X 501	271	ERNSLAW ONE LTD – Support	Reject
B S YOUNG LTD	449	12	Retain Rule 14-5 (14-7 stated in submission) but amend condition a) i) to read except for burning on production land."	Accept

4.32.1 Summary of submissions

The submissions from Graeme Palmer, Foxton Bible Camp, Tui Fazakerley, Eileen Brown, John Wooding, Mountain Carrots NZ Ltd, David John Greenwood, Kim Young and Sons Ltd, Kapiti Green Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd seek:

- (a) Currently the Rule 14-4 restricts burning to that undertaken on production land and submitters seek to allow open burning in other areas;
- (b) That not restrict burning on non-production land only to areas greater than 20kms from a green waste disposal facility.

The support for the Rule by NZ Police, New Zealand Defence Force, Hancock Forest Management (NZ) Ltd, Federated Farmers of NZ and the Ministry of Education is noted.

The submission from Airways Corporation of NZ seeks the inclusion of conditions regarding reduction in visibility on flight paths from burning activities.

The submissions from Livestock Improvement Corp Ltd, Ag Research Ltd, Horticulture NZ and Horowhenua District Growers Association seek to provide for the unrestricted burning of certain activities on production land.

Emergency Management Academy of NZ Ltd seeks to extend the list of fuel types that can be burned for fire training purposes to include diesel, aviation fuel and the like. It also seeks a definition for fire training. The NZ Fire Service Commission seeks to allow for the burning of buildings which might contain halogenated materials for fire training purposes.

Ruapehu District Council seeks to exclude burning within hangis, barbeques and the like from the open burning rule.

Rangitikei District Council seeks to have Rule 14-5(c) regarding no burning within 20 kms of a green waste facility deleted.

P F Olsen Ltd seeks clarification around how the terms offensive, objectionable, noxious or dangerous are to be defined.

Manawatu District Council seeks the deletion of Rule 14-5.

Gordon McKellar seeks to have Standard (b) deleted and replaced with "reasonable steps to minimise adverse effects beyond the boundary".

New Zealand Institute of Forestry and the Local Forestry Industry Group and Middle Districts Farm Forestry Association seek clarification on the matter of interpretation of the Rule 14-4 and the terms included in it, and that burning for forestry purposes be Permitted.

4.32.2 Evaluation

A number of meetings were held (one on 17 April 2008, and two on 29 October 2008) with submitters concerned about the open burning Rules and the restrictions they impose on the ability to burn garden refuse and the like where it is not on production land, ie. urban areas and small land holdings and the need to dispose of this refuse to a green waste facility where one is located within 20 kms of the land. I consider the Rules are unnecessarily restrictive. There are issues about how urban areas would be defined. There is a general duty under section 17 of the Resource Management Act 1991 to avoid, remedy or mitigate adverse effects and this has worked adequately to date. I therefore propose that the references to production land be taken out of the Rule and that the activity description (c) which refers to a requirement for no open burning within 20kms of a green waste disposal facility be deleted. These changes will also address the concerns of Livestock Improvement Corp Ltd, Ag Research Ltd, Horticulture NZ and Horowhenua District Growers Association, and in large part the concerns of the Manawatu District Council.

Airways Corporation of NZ has raised a valid concern relating to the potential safety effects on runway operations from smoke. In order to address this concern I propose the addition of a standard within the Permitted Activity Rules for ensuring that any discharge does not reduce visibility on any designated flight path. Airways Corporation has also sought the inclusion of a standard regarding noxious or dangerous levels of gases or particulates. This standard is already included in the Rule.

Emergency Management Academy of NZ Ltd seeks to extend the list of fuel types that can be burned for fire training purposes to include diesel, aviation fuel and the like. The potential effects of these fuels can be significant and therefore it is inappropriate to list them within the Permitted Activity rules. The other part of the submission seeks a definition of fire training to relate it to the Fire Service or an accredited fire training provider. It would be helpful to clarify what fire training includes to ensure that there is a clear understanding of what would qualify as a Permitted Activity, and I therefore propose including a definition for fire training.

The NZ Fire Service Commission seeks to include a building that might contain halogenated materials within the list of activities that could be burnt. I understand that both the Fire Service and film crews will on occasion require to burn a building. I consider it appropriate to include buildings within the list.

I agree with Ruapehu District Council that burning within hangis, barbeques and the like should be allowed so long as they meet conditions regarding nuisance. I likewise agree with Rangitikei District Council that Rule 14-5(c) regarding no burning within 20kms of a green waste facility is onerous and should be deleted.

Some submitters seek to understand how the terms offensive, objectionable, noxious or dangerous are defined and I propose a note that refers to the guidelines in Section 14.2, which provides guidelines on how these terms will be interpreted.

To the extent that I recommend changes to Rule 14-5, the request by Manawatu District Council to delete Rule 14-5, whilst not supported by me is likely to overcome many of that Council's concerns.

Gordon McKellar seeks to have Standard (b) deleted and replaced with “reasonable steps to minimise adverse effects beyond the boundary”. I have proposed amendments to the Standard to remove the terms “to the extent that causes an adverse effect” and I consider the amendments are likely to overcome the submitter’s concerns.

New Zealand Institute of Forestry, the Local Forestry Industry Group and Middle Districts Farm Forestry Association seek clarification on the matter of interpretation of Rule 14-5 and the terms included in it, and that burning for forestry purposes be Permitted. With the changes proposed, which allow for open burning including vegetative matter, I consider Rule 14-5 clearly allows for burning associated with forestry operations. An advice note alerting Plan Users to the guidelines in Section 14.2 will assist in interpretation of the terms within the Rule.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.32.3 Recommendation AIR 32

- (a) Accept the submissions from Graeme Palmer, Foxton Bible Camp, Tui Fazakerley, Eileen Brown, John Wooding, Mountain Carrots, David John Greenwood, Kim Young and Sons Ltd, Kapiti Green Ltd, Woodhaven Gardens, David Young, Almadale Produce, Pescini Brothers and B S Young Ltd which seek amendments to burning on production land and disposal to a green waste facility.
- (b) Accept in part the submissions from NZ Police, New Zealand Defence Force, Hancock Forest Management (NZ) Ltd, Federated Farmers of NZ and the Ministry of Education supporting the Rule to the extent the rule is to be modified.
- (c) Accept the submission from Airways Corporation of NZ.
- (d) Accept the submissions from Livestock Improvement Corp Ltd, Ag Research Ltd, Horticulture NZ and Horowhenua District Growers Association concerning production land.
- (e) Reject part of the submission from Emergency Management Academy of NZ and accept the remainder of the submission.
- (f) Accept the submission from the New Zealand Fire Service Commission.
- (g) Accept the submissions of Ruapehu District Council and Rangitikei District Council.
- (h) Accept in part the submission of P F Olsen Ltd.
- (i) Accept in part the submission of the Manawatu District Council.
- (j) Reject the submission of Gordon McKellar.
- (k) Accept in part the submission from New Zealand Institute of Forestry and the Local Forestry Industry Group and Middle Districts Farm Forestry Association.

4.32.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-5 to read as follows:

14-5 Open burning	<p>The discharge of contaminants into air and any subsequent discharge of contaminants onto land from:</p> <p>(a) the open burning* of the following materials on production land:</p> <ul style="list-style-type: none"> (i) untreated wood or vegetative matter (ii) waste paper or cardboard (iii) food waste, (iv) non-halogenated* plastics (v) animal carcasses or animal waste <p>(b) the open burning* of the following materials in circumstances where the burning is for fire-training* purposes, or for creating special smoke and fire effects for the purpose of producing films:</p> <ul style="list-style-type: none"> (i) untreated wood or vegetative matter (ii) waste paper or cardboard (iii) food waste (iv) non-halogenated* plastics (v) oil* (vi) <u>buildings including those containing halogenated materials</u> <p>(c) the open burning* of vegetative matter on land that is not production land, only in areas where there is no green waste disposal facility within 20km (including urban areas where there is no such facility within 20km).</p>	Permitted	<p>(a) The material to be burned shall be sourced only from the property* on which the burning occurs, except for:</p> <ul style="list-style-type: none"> (i) Vegetative matter that is burned on production land (ii) Materials (including vegetative matter) that are burned for fire training purposes or for creating special smoke and fire effects for the purpose of producing films. <p>(b) The discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(c) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(d) <u>The discharge shall not cause any reduction in visibility on any designated commercial or military flight path.</u></p> <p><u>In determining whether odour, dust, smoke or water vapour is offensive, objectionable, noxious or dangerous the guidelines in Section 14.2 shall be considered.</u></p>		<p><u>This Rule implements Policy 14-3</u></p>
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- (b) Add a definition asterix to the words fire training in Activity (b) and include the following definition within the Glossary Section:

Fire Training. For the purpose of defining the term fire training as it appears in rule 14-5 fire training shall be undertaken by:

- (a) the New Zealand Fire Service (or under authority of); or
- (b) any Rural Fire Authority (or under authority of); or
- (c) a New Zealand Qualifications Authority (NZQA) registered provider accredited for fire training.

4.33 Chapter 14 – Rule 14-6 Burning activities regulated by RMA Regulations 2004, including woodburners - Recommendation Air 33

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND FIRE SERVICE COMMISSION	149	9	Rule 14-6 (d)(i) Retain the rule where burning of oil is permitted for fire training purposes.	Accept
TRANSIT NEW ZEALAND	336	31	That this rule be retained in the plan.	Accept
MANAWATU DISTRICT COUNCIL	340	120	Replacement of Rule 14-6 to resolve the problems [described in Submission] and to provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply these Rules.	Reject
	X 481	676	PALMERSTON NORTH CITY COUNCIL - Support	Reject

4.33.1 Summary of submissions

The New Zealand Fire Service Commission and Transit New Zealand support the rule.

Manawatu District Council seeks clarification within the rule to enable Plan Users to have guidance as to how to interpret the rule.

4.33.2 Evaluation

The New Zealand Fire Service Commission and Transit New Zealand support the rule.

I have recommended the submission from Manawatu District Council be rejected as I consider the rule is clear and able to be interpreted.

Minor changes to the rule wording to clarify the appropriate policy framework linkages have been made to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.33.3 Recommendation AIR 33

- (a) Accept the submissions from the New Zealand Fire Service Commission and Transit New Zealand which support the rule.
- (b) Reject the submission from Manawatu District Council.

4.33.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-6 to read as follows:

<p>14-6 Burning activities regulated by RM Regulations 2004, including woodburners</p>	<p>(a) The lighting of fires and the burning of waste* at a landfill* is prohibited except where:</p> <ul style="list-style-type: none"> (i) the lighting of a fire is to control gas formed at the landfill, and (ii) the landfill complies with RM Regulations 2004, Regulations 25 to 27 <p>in which case it is a discretionary activity as per RM</p>	<p>As described under "Activity"</p>		<p><u>Policies guiding consent decisions include: Policy 14-2</u></p>
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	<p>Regulations 2004, Regulation 6.</p> <p>(b) The burning of tyres or wire coated with any material is prohibited, except where the tyres or coated wire are burnt at industrial and trade premises that have:</p> <p>(i) a resource consent for the discharge produced, and</p> <p>(ii) emission control equipment that is designed and operated to minimise emissions of dioxins and other toxics from the process</p> <p>in which case the activity is a discretionary activity as per RM Regulations 2004, Regulations 5, 7 and 9.</p> <p>(c) The burning of bitumen on a road is prohibited as per RM Regulations 2004, Regulation 8.</p> <p>(d) The burning of oil* in the open air is prohibited, except where the burning is:</p> <p>(i) for creating special smoke and fire effects for the purposes of producing films, or for fire-training purposes, in which case the discharge is permitted</p>				
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	<p>under Rule 14-5, or</p> <p>(ii) done by means of a flare and for the purpose of undertaking health and safety procedures in the petroleum exploration and production industry of the petrochemical industry, in which case the discharge is a discretionary activity as per RM Regulations 2004, Regulation 10.</p> <p>(e) The operation of an incinerator at a school or a healthcare institution* is prohibited unless a resource consent has been granted for the discharge produced, in which case the discharge is a discretionary activity, as per RM Regulations 2004, Regulation 11.</p> <p>(f) The operation of a high temperature hazardous waste incinerator* is prohibited, except if the incinerator is a crematorium in which case it is a discretionary activity as per RM Regulations 2004, Regulation 12.</p> <p>(g) The discharge of particles to air from a woodburner* installed after 1 September 2005 on a property* with an allotment size</p>				
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	<p>of less than 2 ha is prohibited, as per RM Regulations 2004, Regulation 22, except if the discharge complies with:</p> <ul style="list-style-type: none"> (i) the design standard in Regulation 23, and (ii) the thermal efficiency standard in Regulation 24 <p>in which case the discharge is permitted.</p>				
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4.34 Chapter 14 – Rule 14-7 Prohibited burning activities - Recommendation Air 34

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
DESMOND O'BRIEN	21	1	No Decision requested but is opposed to the banning of backyard burning and suggests that if you want to improve air quality, provide better transport to reduce vehicles on the roads eg. Feilding to Palmerston North.	Accept
NEW ZEALAND POLICE	25	3	Retain Condition (a), Rule 14-5 as it is stated in the Proposed One Plan. Clarification is sought as to what rule would apply to the use of incinerators for burning green waste and other materials at Police Stations and other sites managed by the New Zealand Police.	Accept
JOHN ABBOTT, DEAN BUTLER, NIGEL PINN & KERRY NIXON	32	1	I request that the Regional Council reconsider the 'One Plan' proposal to ban garden incinerators and instead allow the respective local councils to make their own rule concerning garden burning.	Accept
DAVID BRICE	38	1	Backyard burning should be allowable so long as	Accept
			a. Burning takes place in an enclosed receptacle - eg. an incinerator.	
DAVID BRICE	38	2	Backyard burning should be allowable so long as:	Accept
			b. Dry vegetative matter only to be burnt.	
DAVID BRICE	38	3	Backyard burning should be allowable so long as:	Accept
			C. Note should be taken of wind direction so smoke does not cause a nuisance to neighbours.	

Submitter	Number	Point	Decision Sought	Recommendation
LIVESTOCK IMPROVEMENT CORP LTD	55	9	Amend Rule 14-7, Activity (a) as follows: The open burning of: (a) pathological waste, animal carcasses or other animal waste, except animal carcasses and animal waste on production land or land used for an agricultural research farm which is permitted under Rule 14-5 OR Make any alternative changes appropriate to achieve the same outcome being sought by LIC.	Accept
S G MC ALEESE	140	1	It is therefore requested that the Horizons Regional Council do not bring [in] a by-law banning open fires especially for rural towns like Marton.	Accept
AG RESEARCH LIMITED	166	9	Amend Rule 14-7, Activity (a) as follows: The open burning of: (a) pathological waste, animal carcasses or other animal waste, except animal waste on production land or land used for an agricultural research farm which is permitted under Rule 14-5..." OR Make any alternative changes appropriate to achieve the same outcome being sought by AgResearch.	Accept
HORIZONS REGIONAL COUNCIL	182	67	Amend Rule 14-7 Activity description (e) to read (in part) "...and other waste products on land that is not production land or an industrial and trade premises..."	Accept in part
	X 531	108	HORTICULTURE NEW ZEALAND - Support	Accept

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	68	Amend Rule 14-7 to remove subclause (k) sludge form industrial processes.	Accept
PHIL & WILMA STAPLES	207	1	No, we cannot do without our garden incinerators. Doesn't want backyard burning to be banned	Accept
JOHANNES ALTENBURG	273	2	" To allow the burning of dry vegetative material only in urban areas regardless of vicinity of green waste disposal facility and still ensuring smoke and odour do not annoy neighbours".	Accept
WANGANUI DISTRICT COUNCIL	291	45	[Matters referred to in Submission as follows: 1. Provision or clarification on the open burning rules covering hangis, barbeques and braziers. 2. Documentation and dialogue relating to who within Horizons will respond to the local complaints surrounding this rule, including what enforcement procedures will be employed.] Clarification of the above matters, and amendment of the rule to provide certainty.	Accept
	X 481	505	PALMERSTON NORTH CITY COUNCIL - Support	Accept
ROEBYNA ANN BRADFIELD	326	1	No decision specified but submits that the proposal to ban outdoor fires is short-sighted and unnecessary. No one living in extremely built up areas would need to light an outdoor fire or incinerator. But I do not see why people living in larger sections should be discriminated against	Accept
JOHN & JUDITH SMITH	334	1	No specific decision sought but would like to be able to continue to burn waste in urban areas.	Accept
MANAWATU DISTRICT COUNCIL	340	121	Replacement of Rule 14-7 to resolve the problems [described in Submission] and to provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply these Rules.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 481	677	PALMERSTON NORTH CITY COUNCIL - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	185	Retain as written	Accept in part
W MC NIVEN	463	1	Unknown.	Neither accept or reject

4.34.1 Summary of submissions

A number of submitters have raised concerns with regard to restrictions on open burning. The issues raised are the same as those covered in Rule 14-5.

The New Zealand Police seeks to allow the burning of green matter in equipment that controls the combustion process.

Livestock Improvement Corp Ltd and Ag Research Ltd seek to have the open burning of pathological waste on agricultural research farms Permitted.

Horizons Regional Council seeks amendments to Rule 14-7(e) and the deletion of subclause (k).

Manawatu District Council seeks the deletion of Rule 14-7.

Federated Farmers of New Zealand Inc. support the Rule.

W Niven does not seek a clear decision. They note in their submission that they regularly burn their waste in an incinerator and this does not affect the neighbours. The submitter also notes that log burners are a larger issue than incinerators and if we are to ban incinerators something will also have to be done with log burners.

4.34.2 Evaluation

As outlined in Section 4.32, the submitters have raised concerns about the open burning rules and the restrictions they impose on the ability to burn garden refuse and the like where it is not on production land, ie. urban areas and small land holdings, and the need to dispose of this refuse to a green waste facility where one is located within 20 kms of the land. These rules have been amended and therefore in order to achieve consistency, the reference to production land within Rule 14-7 needs to be deleted.

The concerns raised by New Zealand Police regarding the burning of green waste within an incinerator have been dealt with in Rule 14-4.

I have recommended the submission from Manawatu District Council be rejected as I consider the Rule is clear and able to be interpreted.

Livestock Improvement Corp Ltd and Ag Research Ltd seek to have the open burning of pathological waste on agricultural research farms Permitted. I recommend the removal of the term on production land from the Rule as the burning of animal carcasses and animal waste would then be permitted under Rule 14-5.

Horizons Regional Council seeks amendments to Rule 14-7(e). I suggest the deletion of sub clause (e) as burning of vegetative matter in an urban area will be permitted if the recommended changes to Rule 14-5 are accepted. The Regional Council also now seeks the deletion of sub clause (k) which deals with sludge from industrial processes. If sludge from industrial processes is deleted from this Prohibited rule the activity would fall for consideration as a

Discretionary Activity under Rule 14-8. It is appropriate that the effects of this activity be considered through the resource consent process.

The support of Federated Farmers of New Zealand Inc. for the Rule is noted.

As outlined in my comments on Rule 14-5, I consider that burning within hangis, barbeques and the like should be allowed so long as they meet conditions regarding nuisance. The changes to Rule 14-5 allow these activities to be permitted with conditions.

I am unclear what W Niven seeks and have therefore recommended to accept in part the submission to the extent that the open burning Rule (14-5) has changed.

Minor changes to the Rule 14-7 wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.34.3 Recommendation AIR 34

- (a) Accept the submissions from Desmond O'Brien, John Abbot, Dean Butler, Nigel Pinn, Kerry Nixon, David Brice, S McAleese, Phil and Wilma Staples, Johannes Altenburg, Roebyna Bradfield, John and Judith Smith which seek to provide for open burning.
- (b) Accept the submission from the New Zealand Police to the extent the changes to Rule 14-5 meets the issues raised.
- (c) Accept the submission from Livestock Improvement Corp Ltd to the extent the changes to Rule 14-5 meet the issues raised.
- (d) Accept the submission from Ag Research to the extent the changes to Rule 14-5 meet the issues raised.
- (e) Accept in part the submission from Horizons Regional Council to the extent that Rule 14-7(e) is recommended to be deleted, not altered as sought, and accept the submission from the Regional Council by deleting subclause (k).
- (f) Accept the submission from Wanganui District Council by clarifying that open burning within hangis, braziers and the like is not covered by the rules.
- (g) Accept in part the submission from W Niven.

4.34.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Delete the reference within Rule 14-7(a) to "~~on production land~~".
- (b) Delete Rule 14-7 (e) which reads:

“(e) ~~any vegetative matter and other waste products in an urban area except on industrial and trade premises, and except to the extent permitted by Rule 14-5.~~”
- (c) Delete Rule 14-7 (k) which states: "~~Sludge from industrial processes.~~”

- (d) Delete the 'and' at the end of Rule 14-7 (l)
- (e) Add an 'and' at the end of Rule 14-7 (m).
- (f) Add after Rule 14-7 (n) 'burning of bitumen.'
- (g) Add a 'link' in a new column on the far right hand side of rule 14-7 which states "This rule implements Policy 14-2"

4.35 Chapter 14 – Rule 14-8 Other burning activities - Recommendation Air 35

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND FIRE SERVICE COMMISSION	149	10	Include a rule allowing for fire training activities undertaken in accordance with an approved policy manual and management plan.	Accept
MANAWATU DISTRICT COUNCIL	340	122	Replacement of Rule 14-8 to resolve the above problems and to provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply these Rules.	Reject
	X 481	678	PALMERSTON NORTH CITY COUNCIL - Support	Reject

4.35.1 Summary of submissions

The New Zealand Fire Service Commission seek a rule to allow for fire training activities.

Manawatu District Council seeks the deletion of Rule 14-8 to provide certainty of interpretation.

4.35.2 Evaluation

The changes I recommend to Rule 14-5 will address the issues raised by the Fire Service Commission by providing for fire training activities.

I do not consider the Rule to be uncertain as purported by the Manawatu District Council. I consider the Rule should remain. There are changes recommended in general to the section to further clarify the intent of the Rules including those relating to open burning. As a consequence of clarifying that Rule 14-13b does not apply to the burning of bitumen, which is specifically prohibited by Regulation 8 of NESAQ, it is considered appropriate to include the burning of bitumen as a Prohibited Activity in Rule 14-7.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.35.3 Recommendation AIR 35

- (a) Accept the submission of the New Zealand Fire Service Commission.
- (b) Reject the submission of the Manawatu District Council.

4.35.3.1 Recommended changes to provisions

- (a) Add a further sub clause to Rule 14-7 as follows:

- “(l) remove the “and” at the end of condition (l)
- (m) add an “and” at the end of condition (m)
- (n) *burning of bitumen.*”

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (b) Amend Rule 14-8 to read as follows:

14-8 Other burning activities	The discharge of contaminants into air and any subsequent discharge of contaminants onto land from burning activities which either: (a) are located on industrial or	Discretionary			<u>Policies guiding consent decisions include: Policy 14-2</u>
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	<p>trade premises and are not addressed by any other rule in this plan, or</p> <p>(b) do not comply with one or more conditions, standards or terms of a permitted activity rule, but which are not expressly classified as a discretionary or prohibited activity.</p>				
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4.36 Chapter 14 – Rule 14-10 Wet abrasive blasting and water blasting - Recommendation Air 36

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
TRANSPower NEW ZEALAND LTD	265	40	A. Retain, without further modification, Rules 14-10.	Accept
RANGITIKEI DISTRICT COUNCIL	346	123	Add dry abrasive blasting under Rule 14-10	Reject
	X 481	828	PALMERSTON NORTH CITY COUNCIL - Support	Reject

4.36.1 Summary of submissions

Transpower New Zealand Ltd supports Rule 14-10.

Rangitikei District Council seeks to have dry abrasive blasting included as a Permitted Activity under Rule 14-10, rather than included as a Discretionary Activity under Rule 14-11.

4.36.2 Evaluation

The support of Transpower NZ Ltd for Rule 14-10 is noted.

The inclusion of dry abrasive blasting as a Permitted Activity, rather than as currently drafted as a Discretionary Activity, is inappropriate for the following reasons:

- (a) The dust emissions from dry blasting are likely to be more significant than those of wet blasting
- (b) Emissions from dry blasting could be offensive or objectionable beyond the site boundary without adequate controls, particularly as it can lead to emissions of dust containing metals such as zinc.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.36.3 Recommendation AIR 36

- (a) Accept the submission from Transpower New Zealand Ltd.
- (b) Reject the submission from Rangitikei District Council.

4.36.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-10 to read as follows:

14-10 Wet abrasive blasting and water blasting	The discharge of contaminants into air and any subsequent discharge onto land or into water from wet abrasive blasting or water blasting.	Permitted	<ul style="list-style-type: none"> (a) Any sand or other material used for abrasive blasting shall contain less than 5% free silica on a dry weight basis. (b) Any discharge of particulate matter shall not be offensive or objectionable to the extent that causes an adverse effect beyond the property* boundary or on public land*. (c) Any abrasive media not 		This Rule implements Policy 14-3
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			<p>in use shall be kept covered and protected from erosion.</p> <p>(d) All material that is discharged to land from the blasting shall be collected and removed from the site to the extent practicable after blasting has been completed. The material shall be disposed of to a facility that has authorisation to accept the contaminants in the material.</p> <p>(e) Measures shall be taken to prevent to the extent practicable the discharge of any hazardous particulate matter, or floatable or suspended material to any water body.</p>		
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4.37 Chapter 14 – Rule 14-11 Dry abrasive blasting using a movable source - Recommendation Air 37

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	172	Council seeks that dry abrasive blasting be included under rule 14.10 and rule 14.11 be deleted in its entirety.	Reject
	X 481	237	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TRANSPower NEW ZEALAND LTD	265	41	A. Retain, without further modification, Rules 14-11.	Accept
	X 495	320	RUAPEHU DISTRICT COUNCIL - Oppose	Accept
	X 522	383	MERIDIAN ENERGY LIMITED - Oppose	Accept
RANGITIKEI DISTRICT COUNCIL	346	124	Delete Rule 14-11 in its entirety.	Reject
	X 481	39	PALMERSTON NORTH CITY COUNCIL - Support	Reject

4.37.1 Summary of submissions

The Ruapehu and Rangitikei District Council submissions seek the deletion of the Rule which currently requires that dry abrasive blasting falls for consideration as a Discretionary Activity.

Transpower New Zealand Ltd supports Rule 14-11.

4.37.2 Evaluation

The inclusion of dry abrasive blasting as a Permitted Activity, rather than as currently drafted as a Discretionary Activity, is inappropriate for the following reasons:

- (a) The dust emissions from dry blasting are likely to be more significant than those of wet blasting
- (b) Emissions from dry blasting could be offensive or objectionable beyond the site boundary without adequate controls, particularly as the dust emissions can contain metals.

The support of Transpower NZ Ltd for Rule 14-11 is noted.

Minor changes to the rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.37.3 Recommendation AIR 37

- (a) Accept the submission from Transpower New Zealand Ltd.
- (b) Reject the submissions from Rangitikei District Council and Ruapehu District Council.

4.37.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-11 to read as follows:

14-11 Dry abrasive blasting using a moveable source	The discharge of contaminants into air and any subsequent discharge of contaminants onto land or into water from dry abrasive blasting using a moveable source.	Discretionary			<u>Policies guiding consent decisions include: Policy 14-2</u>
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4.38 Chapter 14 – Rule 14-12 Miscellaneous discharges into air from industrial and trade premises - Recommendation Air 38

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
AIRWAYS CORPORATION OF NEW ZEALAND	36	14	<p>The Airways Corporation of New Zealand seeks the condition relating to flight paths be reinstated in Rules 14-4, 14-5 and 14-12 as follows:</p> <p>Under Rule 14-12 (Miscellaneous discharges into air from industrial and trade premises) conditions:</p> <p>(c) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the property boundary of the subject property or on public land.</p> <p>"(d) The discharge shall not cause any reduction in visibility on any designated commercial or military flight path."</p>	Accept
	X 476	7	PALMERSTON NORTH AIRPORT LTD - Support	Accept
TRANSPower NEW ZEALAND LTD	265	42	B. Retain, without further modification, Rule 14-12, in particular sections (a) and (u).	Accept in part
	X 485	29	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
SHELL N Z LTD, B P OIL N Z LTD, MOBIL N Z LTD & CHEVRON N Z	267	14	Retain, without further modification, Rule 14-12, and in particular sections (c) and (u).	Accept in part
	X 485	27	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part
RANGITIKEI AGGREGATES LTD	279	9	Therefore the rule should be amended to read "the extraction, processing in fixed or mobile plant (crushing and screening, storage and distribution of aggregates".	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MERIDIAN ENERGY LIMITED	363	165	<p>Meridian opposes Rule 14-12 and seeks it is amended as follows or similar:</p> <p>Include a new condition (v) as follows:</p> <p>(v)renewable energy developments and the maintenance of these sites</p> <p>Or; include a new permitted activity air discharge rule, with appropriate standards applicable to normal construction activities throughout the Region.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	Reject
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	30	Ravensdown generally supports this intent of Rule 14.12(n) and seeks Council to retain it in its current form.	Accept in part
	X 485	28	AIRWAYS CORPORATION OF NEW ZEALAND – Oppose	Accept in part

4.38.1 Summary of submissions

Airways Corporation of NZ seeks to ensure there are no adverse effects, primarily from smoke, on flight paths.

Transpower, Ravensdown Fertiliser Co-operative Ltd and the Oil Companies' submissions seek the retention of the Rule 14-2 as drafted.

Meridian Energy Ltd seeks the inclusion of a specific sub clause within the Rule listing renewable energy developments and the maintenance of the site, or to include a specific Permitted Activity rule for this matter.

Rangitikei Aggregates Ltd seeks that the Rule be amended to allow for the extraction, processing in fixed or mobile plant (crushing, and screening), storage and distribution of aggregates.

4.38.2 Evaluation

Airways Corp has raised a valid concern relating to the potential safety effects on runway operations from smoke. In order to address this concern I propose the addition of a Standard within the Permitted Activity rules for ensuring that any discharge does not reduce visibility on any designated flight path. Airways Corp has also sought the inclusion of a standard regarding noxious or dangerous levels of gases or particulates. This standard is already included in the Rule.

The support of Transpower, Ravensdown and the Oil Companies is noted.

Meridian Energy Ltd seeks the inclusion of a specific sub clause within the Rule listing renewable energy developments and the maintenance of the site or to include a specific Permitted Activity rule for this matter. I consider that sub clause (u) already provides for energy developments.

Rangitikei Aggregates Ltd seeks that the rule be amended to allow for the extraction, processing in fixed or mobile plant (crushing, and screening), storage and distribution of aggregates. This section covers discharges to air. The gravel extraction provisions sit within other Chapters of the POP.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land are recommended.

4.38.3 Recommendation AIR 38

- (a) Accept the submission from Airways Corporation of New Zealand.
- (b) Accept in part the submissions from Transpower NZ Ltd, Shell NZ Ltd, BP Oil NZ Ltd, Mobil NZ Ltd, Chevron NZ and Ravensdown Fertiliser Co-operative to the extent the Rule is recommended to remain largely as currently drafted.
- (c) Reject the submission from Meridian.
- (d) Reject the submission from Rangitikei Aggregates.

4.38.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Add a further standard to Rule 14-12 as follows or wording of similar affect:

(i) The discharge shall not cause any reduction in visibility on any designated commercial or military flight path.

- (b) Add a cross reference guide within the Rule under the conditions/standards/terms column as follows or wording to similar affect:

In determining whether odour, dust, smoke or water vapour is offensive, objectionable, noxious or dangerous the guidelines in Section 14.2 shall be considered.

- (c) Add a 'link' in a new column on the far right hand side of rule 14-12 which states "This Rule implements Policy 14-2"

4.39 Chapter 14 – Rule 14-13 Other discharges into air from industrial and trade premises - Recommendation Air 39

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	31	Ravensdown seeks that Council clarify the definition of manufacture of fertiliser" either under rule 14-13 or in the Glossary.	Accept in part
FONTERRA CO-OPERATIVE GROUP LIMITED	398	42	Fonterra considers that these Policies and Rules should be revised to be consistent with the NESAQ, and without limiting the generality of the above, be revised to incorporate the "significance" test.	Accept in part

4.39.1 Summary of submissions

Fonterra Co-operative Group Ltd seeks to amend Rule 14-13 to be consistent with the National Environmental Standards for Air Quality (NESAQ), specifically incorporating the Significance Test.

Ravensdown Fertiliser Co-operative Ltd seeks to clarify the definition of the manufacture of fertiliser under Rule 14-13 or in the Glossary.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.39.2 Evaluation

The wording of Rule 14-13 is consistent with the NESAQ. For the reasons given in Section 4.8.1, the concerns raised by Fonterra have been addressed.

The inclusion of the Significance Tests within the POP is not considered warranted. The Significance Test is a mechanism for determining how much detail is required in preparing a resource consent application. The rules themselves establish a hierarchy as to what might require a more detailed assessment, eg. for Discretionary Activity consent applications.

Ravensdown seeks to clarify the definition of the manufacture of fertiliser under Rule 14-13 or in the Glossary. I consider that Rule 14-12, which lists in sub clause (n) the storage, blending and distribution of bulk products, including fertiliser, covers the manufacture of fertiliser and therefore the matter is identified as a Permitted Activity.

Minor changes to the Rule wording to clarify the appropriate policy framework linkages to gain consistency with recommendations in Andrea Bell’s Section 42A Report on Chapter 5: Land are recommended.

4.39.3 Recommendation AIR 39

- (a) Accept in part the submission of Ravensdown to the extent that Rule 14-12 covers the matters raised.
- (b) Accept in part the submission of Fonterra.

4.39.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Rule 14-13 to read as follows:

14-13 Other discharges into air from	The discharge of contaminants into air and any subsequent discharge of	Discretionary			<u>Policies guiding consent decisions include:</u>
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<p>industrial and trade premises</p>	<p>contaminants onto land from activities which either:</p> <ul style="list-style-type: none"> (a) are located on industrial or trade premises and are not addressed by any other rule in this Plan, or (b) do not comply with one or more conditions, standards or terms of a permitted activity rule, but which are not expressly classified as a discretionary or prohibited activity. <p>Discharges that are covered by this rule under subsection (a) include, but are not limited to, those activities listed in the rule guide following this rule table.</p>			<p><u>Policy 14-2</u></p>
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4.40 Chapter 14 – Glossary - General - Recommendation Air 40

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	103	Insert a new glossary term: Greenwaste disposal facility means a legally established facility which receives green waste for disposal. The facility may have one or many disposal methods available for use including composting.	Accept in part
HORIZONS REGIONAL COUNCIL	182	109	Insert a new glossary term for 'urban area' which aligns with urban fire district boundaries or some other clear definition of urban area, and exclude large properties (over 2ha) within the urban boundary.	Accept in part
	X 531	128	HORTICULTURE NEW ZEALAND - Oppose	Accept in part
MANAWATU DISTRICT COUNCIL	340	145	Provide a definition for "Production Land"	Accept in part
	X 481	701	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 531	129	HORTICULTURE NEW ZEALAND - Support in Part	Accept in part

4.40.1 Summary of submissions

Horizons Regional Council seeks to include a definition for greenwaste disposal facility and urban area in the Glossary.

Manawatu District Council seeks a Glossary definition for production land.

4.40.2 Evaluation

I recommend in relation to Rule 14-5 a number of changes, including the removal of the term “production land” and “green waste facility”. A number of meetings have been held with submitters concerned with the open burning rules and the restrictions they impose on the ability to burn garden refuse and the like where it is not on production land, ie. urban areas and small land holdings, and the need to dispose of this refuse to a green waste facility where one is located within 20 kms of the land. I consider the rules are unnecessarily restrictive and there are issues about how urban areas would be defined. I therefore propose that the references to production land be taken out from the Rule and that the activity description (c) which refers to a requirement for no open burning within 20kms of a green waste disposal facility be deleted. As a result of these recommended changes the terms no longer need to be defined in the Glossary as they no longer appear in the POP.

4.40.3 Recommendation AIR 40

- (a) Accept in part the submissions of Horizons Regional Council and Manawatu District Council to the extent that definitions for these terms are no longer required, as these terms are recommended to be deleted by the recommendations in relation to Rule 14-5.

4.40.4.1 Recommended changes to provisions

- (a) No changes are recommended.

4.41 Chapter 14 – Glossary Term - Agrichemical - Recommendation Air 41

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	5	<p>Decisions Sought:</p> <p>a)That the definition for agrichemical be amended to that in NZS 8409 as follows:</p> <p>Any substance, whether inorganic or organic, manmade or naturally occurring, modified or in its original state that is used in any agriculture horticulture or related activity to eradicate, modify or control flora and fauna. For the purposes of NZS8409 it includes agricultural compounds. For the purposes of this plan fertilisers and vertebrate toxic agents (VTerritorial Authorities) are not included as agrichemicals.</p> <p>c)The definition for agrichemical should not include an exemption for animal remedies, sanitisers or fumigants.</p>	Accept in part
	X 520	95	N Z FOREST MANAGERS LTD - Oppose	Accept in part

4.41.1 Summary of submissions

Horticulture New Zealand seeks a change to the Glossary definition for agrichemical and the deletion of the exemption for animal remedies, sanitisers and fumigants.

4.41.2 Background

POP definition: “Agrichemical means any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. For the purposes of this plan, agrichemicals do not include animal remedies, fertilisers, fumigants, or sanitisers.”

NZS 8409:2004: “Any substance, whether inorganic or organic, manmade or naturally occurring, modified or in its original state that is used in any agriculture horticulture or related activity to eradicate, modify or control flora and fauna. For the purposes of NZS8409 it includes agricultural compounds. For the purposes of this plan fertilisers and vertebrate toxic agents (VTerritorial Authorities) are not included as agrichemicals.”

4.41.3 Evaluation

Deletion of animal remedies, sanitisers and fumigants from the Glossary definition will mean they are not exempt from the Rule and will then be required to meet the applicable standards. The intention is that these be exempt and I do not recommend that the exemption provision be deleted. It is appropriate to exclude fertilisers and vertebrate toxic agents as they are controlled by other means. Fertilisers are controlled under the ‘Code of Practice for Fertiliser Use’ and vertebrate toxic agents require a ‘Controlled Substances Licence’. I agree that a reference to the appropriate standard be included in the Glossary and therefore I recommend that a sentence be added to the definition to achieve this. Including a statement related to the NZS 8409:2004 in the definition is useful as Policy 14-1 specifically refers to the standard. Therefore, defining agrichemicals to the standard would assist in having regard to Policy 14-1 (a).

4.41.4 Recommendation AIR 41

- (a) Accept in part the submission of Horticulture NZ to the extent of referring to NZS8409 in the definition.

4.41.4.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Include the following within the definition for agrichemical or wording of similar affect:

“...modify or control flora and fauna. For the purposes of NZS8409 it includes agricultural compounds. For the purpose of this Plan...”

4.42 Chapter 14 – Glossary Term - Ambient air - Recommendation Air 42

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	6	Decision Sought: Amend the definition of ambient air quality as follows: means the air quality in a general area, outside buildings and structures, It includes air over a wider areas and air subject to localised discharges, eg. street level discharges. It does not included indoor air, air in the workplace, or contaminated air as it is discharged from a source.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	218	Amend the definition of ambient air quality as follows: means the air quality in a general area, outside buildings and structures, It includes air over a wider areas and air subject to localised discharges, eg. street level discharges. It does not included indoor air, air in the workplace, or contaminated air as it is discharged from a source	Reject

4.42.1 Summary of submissions

Horticulture New Zealand and Federated Farmers of New Zealand Inc. seek to alter the Glossary definition of ambient air quality.

4.42.2 Evaluation

The current definition for ambient air is:

“Ambient air means air outside buildings or structures and does not in any way refer to indoor air or air in a workplace.”

The definition being proposed by the submitters does not in my opinion add any greater clarity to the definition. Inclusion of wider areas and air subject to localised discharges, as proposed by the submitters, could potentially constrain the definition. The definition as currently worded is certain and further clarification of the definition is not required.

4.42.3 Recommendation AIR 42

- (a) Reject the submissions from Horticulture NZ and Federated Farmers.

4.42.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.43 Chapter 14 – Glossary Term – Buffer Zone - Recommendation Air 43

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	10	Decision Sought: Delete the definition of buffer zone.	Reject
	X 492	356	MINISTER OF CONSERVATION - Oppose	Support

4.43.1 Summary of submissions

Horticulture NZ seeks the deletion of the Glossary definition for buffer zone.

4.43.2 Evaluation

As outlined above in Section 4.29.1, some submitters seek to amend the Glossary definition of at-risk habitats so that the setbacks will not apply to agrichemical applications, and the buffer distances within Rule 14-2(i)(ii) for rare and threatened habitats be deleted. The submission from Horticulture NZ seeks to delete the definition of buffer zone. I can only assume this is to avoid any controls being imposed on the spraying of agrichemicals close to at-risk and threatened habitats. I consider it inappropriate to delete the definition for buffer zone as the definition is important to the Rules.

4.43.3 Recommendation AIR 43

(a) Reject the submission of Horticulture NZ.

4.43.3.1 Recommended changes to provisions

(a) No changes are recommended.

4.44 Chapter 14 – Glossary Term – Green Waste - Recommendation Air 44

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	169	Values of limb diameter shall be enlarged to 200mm.	Accept in part
	X 481	234	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
HORTICULTURE NEW ZEALAND	357	17	Decision Sought: Amend the definition of green waste to mean: Vegetative garden waste material such as grass clippings, branches, weeds and leaves.	Accept in part

4.44.1 Summary of submissions

Ruapehu District Council seeks to amend the Glossary definition of green waste to enlarge the diameter for limbs being cut to 200 mm.

Horticulture NZ seek to amend the definition of green waste.

4.44.2 Evaluation

Given the recommended changes to Rule 14-5 which would, if accepted, delete sub clause (c), which refers to green waste, there is no longer a requirement to define the term.

4.44.3 Recommendation AIR 44

- (a) Accept in part the submissions from Ruapehu District Council and Horticulture NZ to the extent that a definition for green waste is no longer required and can be deleted.

4.44.3.1 Recommended changes to provisions

- (a) Delete the definition for green waste within the Glossary.

4.45 Chapter 14 – Glossary Term – Hand Held Appliance - Recommendation Air 45

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	18	Decision Sought: Amend definition of hand held appliance as follows: For the purposes of the rules regulating the discharge of agrichemicals hand held appliance means either a knapsack sprayer, or a non motorized handgun sprayer with a maximum pressure of 200kpa or 30psi, and carried on foot.	Reject

4.45.1 Summary of submissions

Horticulture NZ seeks to amend the Glossary definition for hand held appliance.

4.45.2 Evaluation

The current definition for hand held appliance states:

For the purposes of the rules regulating the discharge of agrichemicals hand held appliance means either a knapsack sprayer, or a non motorized handgun sprayer or a sprayer with a rate and volume of application no greater than these devices.

I consider the inclusion of a pressure rating for the sprayer as proposed by the submitter just adds a complication to interpretation that is not required. Further, the inclusion of the words “carried on foot” to the definition is not necessary. The constraint is that it be a hand held appliance.

4.45.3 Recommendation AIR 45

- (a) Reject the submission of Horticulture NZ.

4.45.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.46 Chapter 14 – Glossary Term – Open Burning - Recommendation Air 46

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	24	Decision Sought: Amend the definition of open burning to outdoor burning and define as: Burning in the open without a container to control the burning process but excludes barbeques, hangi and umu.	Accept in part

4.46.1 Summary of submissions

Horticulture NZ seek to add to the Glossary definition for open burning to exclude burning from a barbeque, hangi and the like.

4.46.2 Evaluation

I accept that burning within hangis, barbeques and the like should be allowed so long as it meets conditions regarding nuisance. The changes to Rule 14-5 allow these activities to be Permitted with conditions.

4.46.3 Recommendation AIR 46

- (a) Accept in part the submission of Horticulture NZ to the extent that a guidance note is proposed to be added to Rule 14-5 to qualify that the rule does not control barbeques, hangi and the like.

4.46.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.47 Chapter 14 – Glossary Term - Spray drift - Recommendation Air 47

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	29	Decision Sought: Amend the definition of spraydrift to mean: The airborne movement of any agrichemical as vapour, aerosol or droplets onto non target areas.	Reject

4.47.1 Summary of submissions

Horticulture NZ seeks an amendment to the Glossary definition of spray drift through the removal of some words.

4.47.2 Evaluation

The current definition of spray drift in the POP (NB: The words that are struck through are those words the submitter seeks to delete. I consider the deletion of these words would not help the overall intent of the definition or assist in having a clear and certain definition) is:

The airborne movement of any ~~sprayed~~ agrichemical ~~away from the target area~~ as vapour, aerosol or droplets onto non target areas.

4.47.3 Recommendation AIR 47

- (a) Reject the submission of Horticulture NZ.

4.47.3.1 Recommended changes to provisions

- (a) No changes are recommended.

4.48 Chapter 14 –Schedule G Air Sheds – General - Recommendation Air 48

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
PALMERSTON NORTH CITY COUNCIL	241	115	PNCC requests that Horizons makes all consequential amendments required to the Regional Plan to give effect to the submission points made by PNCC on the RPS section of the One Plan.	Accept in part
	X 500	305	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	305	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	307	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	293	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	305	WANGANUI DISTRICT COUNCIL - Support	Accept in part

4.48.1 Summary of submissions

Palmerston North City Council seeks to have all consequential amendments made to the POP to give effect to its submission.

4.48.2 Evaluation

To the extent that changes are recommended for Chapter 14, the submission of Palmerston North City Council is accepted. As a result of discussions with the Territorial Authorities and as reported by Ms Bell, Objectives are to be added into each section within the Part II of the Plan section. The addition of an Objective within the Air Section will assist in guiding the consideration of resource consent applications.

As a result of meeting with Fonterra it was noted that the definition for PM₁₀ refers to the measurement in accordance with the United States Code but not in accordance with the Australian and New Zealand Standard. It is considered appropriate that the definition include reference to the New Zealand joint standard for measurement, which will be directly relevant to New Zealand situations.

One omission has been identified within the Rule Guide for Rule 14-13. Permitted Activity Rule 14-12 *Miscellaneous Discharges Into Air from Industrial and Trade Premises* includes the following:

(m) The processing and storage of food including baking, cooking, refrigeration, freezing and canning, but excluding premises used for the production of milk powders using dryers with a water evaporation capacity greater than 300kg/h.

The Permitted Activity rule clearly outlines that where milk powder is produced using dryers with a water evaporation capacity greater than 300 kg/h, then they are not covered by the Permitted Activity Rules.

4.48.3 Recommendation AIR 48

(a) Accept in part the submission from the Palmerston North City Council.

4.48.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

(a) Add the following within the Rule Guide for Rule 14-13 on pages 14-17 and 14-18 as follows:

(a) *(iv) manufacture of cement, fertiliser, milk powder that are produced with dryers with a water evaporation capacity greater than 300kg/h, or other milk derived products, or rubber goods.*

(b) Add the following to the definition for PM10 contained within the Glossary:

- (b) measured in accordance with the Australian/NZ Standard AS/NZS 3580.9.6:2003, Methods for Sampling and Analysis of Ambient Air – Determination of Suspended Particulate Matter – PM₁₀ high volume sampler with size selective inlet – Gravimetric Method.

APPENDIX