

Information Sheet for Plan Change 13 - Air Quality: Court direction to manage activities which discharge dust in the Mount Maunganui Airshed

Summary

The Mount Maunganui and Whareroa Marae community are concerned about air pollution from the nearby industrial area. Sulphur dioxide and odour are key contaminants and there are ongoing dust issues in the Mount Maunganui area.

There are existing rules and policies in the Regional Natural Resources Plan to manage activities which discharge these contaminants: large boilers, and operations which manufacture fertiliser, asphalt or cement already require resource consent.

However, not all contaminants are being managed as well as they could be, and we are looking at ways to improve this. (Longer term, from mid-2024 we will be consulting with the community on a Mount Maunganui Airshed Strategy).

A long history of complaints about dust lead to the establishment of an air quality monitoring network within the Mount Maunganui industrial area, and the creation of an air quality management area known as the Mount Maunganui Airshed (MMA).



Map of Mount Maunganui Airshed

The monitoring led to multiple recorded breaches of the National Environmental Standards for Air Quality for PM₁₀ (particulate matter less than 10 microns in diameter) and the. There is no 'safe' level for PM₁₀: it is small enough to be inhaled and exposure can aggravate asthma and cause health problems such as heart attacks, lung cancer and premature death.

The Regional Council identified that the management of bulk solid materials (which include grain, palm kernel, fertiliser and coal) and log handling produce a lot of PM₁₀.

The Regional Council introduced a rule as part of Plan Change 13 - Air Quality (PC13) to the Regional Natural Resources Plan to manage bulk solid material and log handling using resource consents and this rule was appealed to the Environment Court. The Court has since determined that these activities will need to apply for resource consent in the next few years.

The Court also directed that a new policy (Policy 12) to manage activities which discharge PM₁₀ within the MMA must be included in PC13.

The Court has directed that unsealed yards are a substantial source of PM₁₀ and that rules are needed to control discharges of PM₁₀ from these sites. The Court has identified owners and operators of unsealed yards as affected persons who can submit on the proposed provisions, and this is part of a separate submission process.

Proposed new policy to manage activities which discharge PM₁₀ within the MMA

- Policy 12 was drafted for the PC13 Appeal for Bulk Solid Material and log handling, and it has been amended slightly to also refer to the IPAR for unsealed yards.

Consultation for proposed new provisions

The process to introduce provisions to control PM₁₀ discharges in the MMA is Court-directed and is subject to a tight timeframe which the Regional Council cannot change. It is a much shorter process than a usual Regional Council plan change, and it is the Court, and not the Regional Council that will decide the outcome.

Timeline

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| November – December 2023 | Informal consultation for draft plan change provisions |
| January 2024 | Notification of plan change for formal submission |
| April 2024 | Submissions close |
| June 2024 | Court Hearing |

The submissions received will be summarised and provided to the Court, along with updates to the policy based on formal submissions. There will be an opportunity for submitters to be heard by the Court, prior to it making a final decision on Policy 12.

As such, BOPRC would like to know your opinion as an affected person on the proposals described above as your feedback will be used to update the proposed plan change provisions before they are notified for formal consultation.

How to be involved in the plan change process

You can learn more about the Environment Court directive, what is being proposed, where to give feedback, and the relevant timeframes at www.boprc.govt.nz/unsealed-yards