

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topics 006 and 035**

Air quality

July 2016

Report to Auckland Council - Hearing topics 006 and 035

Air quality

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1. Hearing topic overview

1.1. Topic description

This narrative provides an explanation of the Panel's recommendations on the proposed Auckland Unitary Plan provisions relating to air quality which were heard as Topics 006 regional policy statement natural resources and 035 Air Quality. This explanation is grouped by the main issues in submissions and the hearings. Both the regional policy statement level and regional plan level issues are addressed in one narrative because of the commonality of the issues at both levels. The proposed Auckland Unitary Plan provisions contained in these topics are:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
B6 Sustainably managing our natural resources	B6.1 Air	B7 Natural Resources B7.5 Air
C5 Natural Resources	C5.1 Air quality	E14 Air Quality
H4 Natural Resources	H4.1 Air quality	E14 Air Quality
E7 Natural Resources	E7.10 Air Quality – Transport Corridor Separation	Not retained.
J7 Natural Resources	J7.1 Air Quality – Transport Corridor Separation	Not retained
E7 Natural Resources	E7.11 Air Quality – Industry Transition	Not retained
E7 Natural Resources	E7.12 Air Quality – Sensitive Activity Restriction	Not retained

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. All references to Auckland Ambient Air Quality Standards (AAAQS) deleted.
- ii. Standard for PM_{2.5} removed.
- iii. Additional standard for NO₂ removed.
- iv. Additional standard for SO₂ removed.
- v. No specific policy for domestic fires.
- vi. No specific policy on vehicle emissions and the Transport Corridor Separation Overlay deleted.
- vii. No additional emission offsetting for particulates.
- viii. Changes to normative description of air quality in Auckland, both generally and in specific zones:
 - a. simplification of terminology;
 - b. 'ambient' not used;
 - c. 'amenity' not used, although concept retained with reference to 'dust and odour';
 - d. 'reduced' and 'moderate' not used; and
 - e. 'high', 'medium' and 'low' used in relation to specific zones but without a range in each zone.
- ix. Changes to air quality in industrial zones, reverse sensitivity and the two related overlays:
 - a. both overlays deleted;
 - b. policy approach and zone-based discharge regulation retained in modified form; and
 - c. land to be rezoned to an appropriate industrial zone where there are significant industrial discharges.
- x. Specific controls on specific discharges – mediated agreements generally adopted by the Panel but with some changes.

1.3. Overview

The Panel issued interim guidance on Topic 035 Air Quality on 6 October 2015. This guidance provides direction on the rezoning of sites to Business – Heavy Industry Zone or Business – Light Industry Zone which was addressed in hearing Topics 080 and 081.

The Panel supports agreements reached by the Council and submitters, except as otherwise indicated below.

The Panel's conclusion is that it is not necessary for the Unitary Plan to contain a policy framework to support or advocate for regulation outside the Unitary Plan. Accordingly, the Panel's recommendation is to streamline much of the policy framework, and refocus it around those contaminants that the Plan does directly regulate.

The Panel has generally recommended simplification of all the air quality provisions, and focused on those air quality issues which can be addressed by this Plan. These are the control of discharges of contaminants to air from industry, commerce, rural activities and other activities not otherwise regulated elsewhere. The evidence demonstrates that these activities comprise a relatively small part of the total air contaminant load and that overall air quality is improving over time.

As notified, the proposed Auckland Unitary Plan sought to control a range of contaminant discharges that are more appropriately managed by means other than this Plan. These other means include the national regulations that set standards for the five listed contaminants, control of new woodstove emissions, rules that control vehicle emissions and rules to control existing domestic solid fuel heating, which is not currently regulated at a national level (Auckland Council's proposed bylaw).

1.4. Scope

The Panel considers that the recommendations in section 1.2 above and the changes made to the provisions relating to this topic (see section 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 13 Reference documents.

The following national regulations are particularly relevant to the management of air quality in Auckland and the issues brought before the Panel in hearings.

- i. The Resource Management (National Environmental Standards for Air Quality) Regulations 2004

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 are regulations made under the Resource Management Act 1991. The regulations were amended in 2011. They include 14 separate but interlinked standards:

- a. seven standards banning activities that discharge significant quantities of dioxins and other toxics into the air;
- b. five standards for ambient (outdoor) air quality;
- c. a design standard for new wood burners installed in urban areas; and

- d. a requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.
- ii. The ambient air quality standards are:

Contaminant	Threshold concentration	Number of exceedances allowed
Carbon monoxide	10 milligrams per cubic metre expressed as a running 8-hour mean	1 in a 12-month period
Nitrogen dioxide	200 micrograms per cubic metre expressed as a 1-hour mean	9 in a 12-month period
Ozone	150 micrograms per cubic metre expressed as a 1-hour mean	None
PM ₁₀	50 micrograms per cubic metre expressed as a 24-hour mean	1 in a 12-month period
Sulphur dioxide	350 micrograms per cubic metre expressed as a 1-hour mean	9 in a 12-month period
Sulphur dioxide	570 micrograms per cubic metre expressed as a 1-hour mean	None

The ambient standards are a subset of the New Zealand Ambient Air Quality Guidelines 2002. The guidelines are not a regulation unless incorporated into a regional plan. Key differences between the national ambient air quality guidelines and the national environmental standards for air quality are that the guidelines:

- a. include a wide variety of pollutants, including toxics, whereas the national environmental standards include only five priority pollutants;
 - b. promote the protection of both ecosystems and human health, whereas the national environmental standards are based on human health only; and
 - c. recognise and promote the maintenance and enhancement of air quality through the use of environmental indicators (for example, the establishment of action and alert levels below the guideline values).
- iii. Land Transport Rule: Vehicle Exhaust Emissions 2007

The Land Transport Rule: Vehicle Exhaust Emissions 2007 sets emission standards for vehicles operating in New Zealand. The rule was last updated in 2013. It requires compliance with alternative overseas American, European, Japanese or Australian vehicle emission standards. The effect of the rule is that harmful emissions from vehicles will reduce over time as the overseas standards are tightened.

iv. Engine Fuel Specifications Regulations 2011

These regulations set standards for the composition of fuels. Some of these standards such as sulphur content are relevant to the control of emissions from vehicles.

v. The state of air quality in New Zealand Commentary by the Parliamentary Commissioner for the Environment on the 2014 Air Domain Report March 2015

The report evaluates management of particulate material air contaminants in New Zealand and contains the following recommendation:

I recommend that: The Minister for the Environment initiate a review of how particulate matter is managed that determines: a. Whether PM_{2.5} should be measured across the country in airsheds where there is likely to be a problem; b. The value of setting rules for PM_{2.5} and for long-term exposure; c. Whether the PM₁₀ short-term rule still has value; d. The impact of air quality rules on other public health issues, such as cold damp homes; and e. How air quality policies might be designed so as to achieve progressive improvement.

The Panel notes that this is a recommendation to the Minister and does not necessarily imply a regulatory response from individual regional councils.

2. Auckland ambient air quality standards

2.1. Statement of issue

The Panel received extensive evidence from Auckland Council, the Auckland Regional Public Health Service and the opposing Industry Group on whether the Unitary Plan should contain air quality standards additional to those in the national regulations.

The proposed Auckland Unitary Plan contains Auckland Ambient Air Quality Standards (AAAQS) with provisions at both the regional policy statement and regional plan level. The regional policy statement objectives and policies prioritise meeting the AAAQS, as do the regional plan level objectives and policies. The AAAQS contain standards for contaminants that are additional to those set in the Resource Management (National Environmental Standards for Air Quality) Regulations 2004. The rules in section 4.1 of Chapter H of the proposed Auckland Unitary Plan do not expressly state that failure to achieve the standards set in the AAAQS alters the consent status of the activity. However, the general permitted activity controls proscribe “contaminants that cause, or are likely to cause, adverse effects on human health, property or the environment beyond the boundary of the premises...noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke or ash... no dangerous, offensive or objectionable visible emissions” although this does not apply to mobile sources such as cars. Also the assessment criteria for restricted discretionary activities refer to the AAAQS.

Auckland Council and the Auckland Regional Public Health Service presented evidence supporting retention of the AAAQS provisions in the Unitary Plan. A group of submitters (referred to as the Industry Group) opposed their inclusion.

The Industry Group was comprised of AML Limited, Allied Concrete Limited, Carter Holt Harvey, Contact Energy Limited, DB Breweries Limited, Downer New Zealand Limited, Fonterra Co-operative Group Limited, Fulton Hogan Limited, James Fletcher Drive Industry Group, Mighty River Power Limited, New Zealand Steel Limited, O-I New Zealand, PACT Group (New Zealand) Limited, Ports of Auckland Limited, Tegel Foods Limited, Waste Management New Zealand, Wilson Hellaby Group, Z Energy Limited, BP Oil Limited, Mobil NZ Limited and Wiri Oil Services Limited.

Both the above groups gave evidence in hearing Topic 006 RPS Natural resources and Topic 035 Air Quality. Where relevant, specific evidence is referred to below.

There was particular opposition to the proposed AAAQS for PM_{2.5}, NO₂ and SO₂ which are addressed specifically below. Much of the evidence focussed on standards in the AAAQS for these three contaminants as they represent the principal difference from the national standards, though the Panel notes that the AAAQS contains standards for other contaminants as well.

Broadly, the position of the Industry Group was that the inclusion of the AAAQS in the Plan was not necessary as reliance on the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 and the New Zealand Ambient Air Quality Guidelines alone was sufficient to achieve the purpose of the Resource Management Act

1991. The Industry Group also argued that the AAAQS could not be justified under the relevant parts of section 32 of the Resource Management Act 1991. The Council argued for the opposite position on these two matters. Some members of the Industry Group also identified a fallback position where the AAAQS could be retained in the Plan as a guideline rather than a pass or fail standard. The Council did not agree with this either.

2.2. Panel recommendation and reasons

The Panel was persuaded that there was insufficient justification for including the Auckland Ambient Air Quality Standards (AAAQS) in the Unitary Plan and that reliance on the national standards provided sufficient regulation for management of air quality in Auckland.

The Panel is of the view that the AAAQS may serve as useful guidelines, but they do not need to be within the Unitary Plan to be applied in that way. A consent authority could consider the AAAQS or the New Zealand Ambient Air Quality Guidelines via section 104(1)(c) of the Act (subject to sufficient scope in matters of discretion) when processing applications.

For the reasons above, the Panel has recommended deletion of references to the Auckland Ambient Air Quality Standards. Specific Panel recommendations on Auckland Ambient Air Quality Standards for PM_{2.5}, NO₂ and SO₂ are discussed in more detail below.

3. New standard for PM_{2.5}

3.1. Statement of issue

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 contain a standard for PM₁₀ but do not contain a standard for PM_{2.5}. The Auckland Ambient Air Quality Standards in the proposed Auckland Unitary Plan include a standard for PM_{2.5}. Both standards are for fine particulate matter but the PM_{2.5} standard is for a smaller grade of fine particulate material.

The principal matter not agreed and remaining in contention is whether there should be a PM_{2.5} standard in the plan. This was supported by Auckland Council and the Auckland Regional Public Health Service and opposed by the Industry Group.

3.2. Panel recommendation and reasons

The evidence clearly indicates that the majority of particulate emissions arise from domestic heating (woodstoves and open fireplaces) and transport (cars and trucks). Relatively little (10-15%) comes from other sources such as industry. Much of the evidence focussed on the costs and benefits of the proposed PM_{2.5} standard and the way the costs of meeting the standard might be distributed between sectors as a consequence of the different regulatory regimes applying to emissions from different sectors.

The opposition to the standard centred around the point that the main regulatory mechanism the Council has available for keeping down atmospheric concentrations of PM_{2.5} to levels complying with the standard is through its decision-making on resource consent applications, and that the cost would fall mainly on consented discharges, i.e. industry. Emissions from the main sources, being vehicles and domestic fires which do not require consent, would not

be subject to the requirements and costs of compliance with the standard. It was also argued that because the particulate emissions from industry are a small proportion of the total, little if any societal benefit would arise from even substantial reductions in industry's contribution to the total particulate loading on the environment.

Auckland Council and the Auckland Regional Public Health Service opposed the above position and supported inclusion of the PM_{2.5} standard on the grounds that:

- i. PM_{2.5} has significant health effects (agreed by the Industry Group);
- ii. the PM₁₀ standard is a less effective indicator for the health effects;
- iii. there is an international trend to use of PM_{2.5} as a standard;
- iv. the contribution from industry is still significant;
- v. the benefits to society will outweigh the costs, the costs are overstated and the offsetting provisions will enable cost-effective reductions; and
- vi. the concerns about methods of implementation should not override the public health need for the standard.

The Panel's recommendation is that PM_{2.5} standards are not to be included in the Plan. The reasons are:

- i. the inclusion of a PM_{2.5} standard in the Plan would not be effective as most fine particulates are generated from the transport sector and from existing non-compliant domestic fires, and these discharges are not to be regulated in the Plan, as set out in section 2 above;
- ii. the national regulations do not have a PM_{2.5} standard.

4. Additional standard for NO₂

4.1. Statement of issue

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 contain a 1-hour mean standard for NO₂. The Auckland Ambient Air Quality Standards in the proposed Auckland Unitary Plan include additional 24-hour and annual average standards for NO₂.

The numerical values of additional standards were not disputed but the justification of need for the standard in Auckland was not agreed. The standard was supported by Auckland Council and the Auckland Regional Public Health Service and opposed by the Industry Group.

4.2. Panel recommendation and reasons

On the basis of evidence presented, the Panel has concluded that there is insufficient justification for the additional standard for NO₂ for the following reasons:

- i. NO₂ ambient levels are declining;

- ii. levels rarely exceed the existing standard; and
- iii. exceedances are localised and are likely to be due to vehicle emissions which the Unitary Plan will not regulate, but which are regulated by national rules.

Therefore the Panel recommends that the additional standard not be included in the Unitary Plan.

5. Additional standard for SO₂

5.1. Statement of issue

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 contain 1-hour mean standards for SO₂. The Auckland ambient air quality standards in the proposed Auckland Unitary Plan include an additional 24-hour average standard for SO₂.

There was no agreement on the health benefits of the proposed 24-hour standard and no agreement that it was justified in Auckland. The standard was supported by Auckland Council and the Auckland Regional Public Health Service and opposed by the Industry Group.

5.2. Panel recommendation and reasons

On the basis of evidence presented the Panel has concluded that:

- i. the health benefits of a 24-hour SO₂ standard are not clear; and
- ii. there is no precautionary justification for it given the evidence that SO₂ levels are not high in Auckland, except near the Port where elevated SO₂ emissions are likely to be from vessels and those emissions from vessels cannot be regulated by the Unitary Plan because they are exempt under the Resource Management Marine Pollution Regulations 1998.

Therefore the Panel recommends that the additional standard not be included in the Unitary Plan.

6. Domestic fires

6.1. Statement of issue

The proposed Auckland Unitary Plan contains extensive policy on emissions from domestic fires but no rules regulating emissions from those fires. Evidence from Ms Cole requested a more stringent policy approach to domestic fire emissions. Evidence from Auckland Council indicated that existing domestic fires, many of which do not comply with current national standards which only apply to new fires, will be regulated by a new bylaw. That bylaw had not come into effect at the time of the hearing.

Ms Metcalfe gave evidence for the Auckland Regional Public Health Service, expressing concern at the delays in implementing the bylaw and requesting inclusion of specific policies, methods or timeframes for regional policy statement Policy 3.

The evidence from both the Council and the Industry Group documented the substantial contribution to particulate emissions from existing domestic fireplaces. The Industry Group contrasted this with the relatively smaller contribution to particulate emissions by industry.

However, no submission specifically requested that emissions from existing domestic fireplaces be regulated by rules in the Plan. Therefore the issue the Panel considered was to what extent the Unitary Plan should contain policy to reduce emissions from existing domestic fires in the absence of plan rules.

6.2. Panel recommendation and reasons

Given the Panel recommendation set out earlier, that the Plan will not address matters covered by other methods (such as the National Environmental Standard or bylaws), the Panel finds that the Unitary Plan policy on domestic fires is not necessary.

7. Vehicle emissions

7.1. Statement of issue

The proposed Auckland Unitary Plan contains a substantial air quality policy framework on management of the effects of vehicle emissions.

7.2. Panel recommendation and reasons

The Panel is of the view that the Unitary Plan should not advocate for better emission standards for vehicles or fuels as this is a central government function. Accordingly the Panel recommends deleting this policy.

The Panel has also reached the conclusion that control of major trip-generating activities, major new transport projects and local built form is unlikely to be an effective means of improving air quality. Therefore the Panel recommends deleting provisions of this nature from the air quality chapter. However, it is recommended that controls on major trip-generating activities be retained in the transport provisions for other reasons. The Panel is also of the opinion that the regional policy statement policy it has recommended on quality compact urban form adequately provides for integration of land use and transportation networks and there is no need for additional policy on this in the air quality provisions.

The Air Quality – Transport Corridor Separation Overlay control would only affect childcare centres. However on the evidence there are other sensitive activities, such as hospitals, schools, retirement villages, houses and apartment dwellings that are also sensitive to air discharges that would not be subject to the control. The Panel finds there is no good resource management reason to control only one activity and not all sensitive activities. Also this method does not appear to be particularly effective in mitigating the effects of transport emissions along corridors, compared to the alternative of improving vehicle emission standards. The Panel agreed with the legal submissions of Ms Toan for Kindercare, the evidence of G Teal and D Shaw for Kindercare Learning Centres Limited and the evidence of V Cole. Accordingly, the Panel recommends that all of the Air Quality – Transport Corridor Separation Overlay provisions be deleted.

8. Additional emissions offsetting

8.1. Statement of issue

The proposed Auckland Unitary Plan contains an emissions offsetting policy for particulate emissions. In part this addresses regulation 17 of the national standards which provides for offsetting of particulate emissions. This regulation applies to new discharges of particulates into contaminated airsheds. Broadly, the regulation allows the consent to be granted if the consent applicant can demonstrate they can reduce the particulates discharged from other sources, for example by agreeing to remove existing fireplaces.

The proposed Auckland Unitary Plan provisions are in part more stringent than the national regulations as the Plan includes an additional offsetting requirement of new PM₁₀ of 4 tonnes per year that would not be triggered under the regulations. The Industry Group opposed these additional offsetting requirements, while the Auckland Council and the Auckland Regional Public Health Service supported them. Mighty River Power also opposed the additional offsetting requirements for particulates but requested a more general enabling offsetting policy for a range of contaminants.

8.2. Panel recommendation and reasons

Auckland Council's reasons for the additional particulate offsetting requirements are set out in the evidence of Ms Wickham as being:

The additional requirement to offset new industrial emissions of PM₁₀ that exceed four tonnes per year (but do not trigger the NESAQ threshold) in polluted airsheds was introduced to address Council concerns that large emitters may 'get around' the NESAQ requirements for offsets by increasing stack heights. In such cases whilst the ambient threshold is not breached, offsets are not required despite the emission actually being significant. In this way significant new emissions of PM₁₀ may still be introduced to the airshed, thus subverting the original intent of the offsets (i.e. that new emissions are offset to ensure that overall emissions do not increase)."

Ms Wickham emphasised the enabling aspect of offsetting. Also the economic evidence of Mr Nunns for Auckland Council indicates that the offsetting may have a positive cost-benefit ratio.

The Industry Group opposed these provisions for a number of reasons set out in the evidence of: Mr Akehurst for Ports of Auckland Limited; Mr Arbuthnot for Ports of Auckland Limited; Mr Pene for Sanitarium Health and Wellbeing Company; Ms Rickard for New Zealand Steel Limited; Ms Simpson for New Zealand Steel Limited; and Mr Van de Munckhof for O-I NZ and Downer NZ.

Having considered the evidence, the Panel has concluded that there is insufficient justification for the Unitary Plan to have a specific particulate offsetting requirement that is more stringent than the national regulations. The Panel does however agree that the Unitary Plan should have policy that generally enables offsetting to be used for contaminant discharges where appropriate. The Panel recommends amending the policy to that end.

9. Normative description of air quality in Auckland

9.1. Statement of issue

Various submissions and evidence addressed the way the expected state of air quality is described either generally or in relation to specific areas or zones. This includes words and phrases such as 'ambient', 'amenity', 'high', 'medium', 'moderate', 'reduced', 'low' and ranges between high and low.

9.2. Panel recommendation and reasons

Submissions requested the use of the word 'ambient' in conjunction with air quality, i.e. 'ambient air quality'. The word ambient is used in The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 in a particular context of 'ambient air quality standards' as set out in regulation 14. The Panel recommends it not be used in the Unitary Plan to avoid confusion.

The Panel issued interim guidance on air quality in Auckland and over zones as follows.

- i. The policy framework for managing air quality is in general terms:
 - a. in areas with high air quality, the level will be maintained;
 - b. in areas with medium air quality, the level will be maintained and/or improved; and
 - c. in areas with low air quality, the level will be maintained or improved.
- ii. The zoning of sites affects the expected level of air quality, as follows:
 - a. sites zoned for residential, business (except the Business - Heavy Industry and Business - Light Industry Zones) and the coastal environment will generally have a high level of air quality;
 - b. sites zoned for light industry, port and airport, and rural activities will generally have a medium level of air quality; and
 - c. sites zoned for heavy industry and Special Purpose – Quarry Zone will have a low level of air quality.

The Panel applied this guidance in subsequent deliberations.

The word 'amenity' is used extensively in the air quality proposed Auckland Unitary Plan provisions. The Panel considers that the use of this word in this context is confusing in the context of its normal use. The evidence is clear that the primary air 'amenity' issues are that of dust and odour (evidence of Mr Van de Munckhof for O-I NZ). Therefore the Panel recommends that 'amenity' be replaced with 'dust and odour' in the Unitary Plan air quality provisions for the purpose of plain speech.

10. Air quality in industrial areas, reverse sensitivity and the two related overlays

10.1. Statement of issue

The proposed Auckland Unitary Plan provisions allow for a reduced level of expectation for dust and odour levels in the Business - Heavy Industry Zones. The extent and content of these provisions remained in dispute during the hearing.

There are two overlays that relate to these areas of which only the Air Quality – Sensitive Activity Restriction Overlay remained in dispute. Evidence was received from Auckland Council, the Industry Group and other submitters.

10.2. Panel recommendation and reasons

At a broad level, the Panel agrees with the proposed Auckland Unitary Plan approach of providing for a lower level of expectation of dust and odour levels in industrial and some other areas. However, the Panel considers that the proposed Auckland Unitary Plan air quality provisions address the problem in an overly complex and potentially ineffective way.

The Panel agrees with and recommends the deletion of the Air Quality – Transition Overlay for the reasons given in Mr Wyatt's evidence for Auckland Council.

Auckland Council and the Industry Group continued to support the concept of the Air Quality – Sensitive Activity Overlay but with differences over its application. The Industry Group supported this overlay and also proposed an alternative overlay identifying areas with low air quality. This alternative was not supported by the Council. While having some appeal, the Panel considers that an alternative overlay would increase the complexity of the Unitary Plan, so does not support its introduction and also recommends the deletion of the Air Quality – Sensitive Activity Overlay.

The Panel considers that the issue of reverse sensitivity for industrial discharges needs to be addressed in the provisions of the Unitary Plan and has recommended policy to that effect. However, the Panel also considers that the overlay is an ineffective method for various reasons, one of which is that there is not a strong relationship between the mapping of the overlay and the actual locations of industrial discharges to air. This is in turn partly a consequence of problems in the location of the industrial zones.

The Panel agreed with proposals by both the Council and submissions from the Industry Group members to rezone some areas currently identified as Business - Light Industry Zone, but expected to have low air quality, to Business - Heavy Industry Zone. This is addressed further in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016.

The Panel also recommends provision for a medium level of expectation of dust and odour in the Business - Light Industry Zone, Coastal – Minor Port Zone, Port Precinct, Gababor Place Precinct, Boat Building Precinct, Auckland Airport Precinct, Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Future Urban Zone, and Commercial 5, Rural 1-3 and Landform 1-7 of the Hauraki Gulf Islands section of the Auckland Council District Plan (see E14.4 Activity table).

11. Specific controls on specific discharges

11.1. Statement of issue

Evidence was received on a variety of specific discharge to air issues including road marking, diisocyanates, fertilisers, styrene, fibreglass, chemical and metallurgical processes, combustion sources, incineration, abrasive blasting, cement storage, asphalt, quarrying, concrete crushing, emergency services, alcoholic beverage production, coffee roasting, tunnels, outdoor burning, fireworks, poultry, sewage and petroleum storage.

11.2. Panel recommendation and reasons

The Panel generally agrees with the changes proposed by Auckland Council, including those resulting from mediation directly with submitters. However the Panel recommends some further changes as listed below.

- i. Specific provision for on-farm blending of fertilisers as a permitted activity.
- ii. A specific reference to excluding high temperature incineration covered by National Environmental Standards for Air Quality 2004;
- iii. Outdoor burning for emergency services is a permitted activity in all areas.
- iv. Changing outdoor burning of untreated wood, paper and greenwaste (not generated on the premises where it is to be burned or on a property in the same ownership or operation from prohibited to non-complying);
- v. Animal feedlots for cattle are changed from prohibited to discretionary in the high air quality – dust and odour area and from non-complying to permitted in all other areas.
- vi. Disposal of livestock and offal using offal holes or shallow trenches not complying with the permitted activity controls is changed from non-complying to discretionary in the high air quality – dust and odour area and restricted discretionary in the medium air quality – dust and odour area.
- vii. Intensive farming of up to 10,000 poultry is changed from discretionary to permitted in the medium air quality – dust and odour area and low air quality – dust and odour area.
- viii. Intensive farming for up to 10,000 poultry not complying with permitted activity controls is changed from non-complying to discretionary in the high air quality - dust and odour area, restricted discretionary in the medium air quality, dust and odour area and permitted in the low air quality – dust and odour area.
- ix. Intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens changed from non-complying to discretionary in the high air quality - dust and odour area and discretionary in the medium air quality - dust and odour area.
- x. Intensive farming of more than 25 pig equivalents or any number of poultry not meeting permitted, controlled or restricted discretionary controls is changed from non-complying to discretionary in the medium air quality - dust and odour area.

- xi. Intensive farming not covered by any other rule is changed from non-complying to discretionary.
- xii. Disposal to ground of septage (septic tank cleanings) up to 10t/day is changed from non-complying to discretionary in the high air quality – dust and odour area and permitted in the Rural - Countryside Living Zone.

The Panel's reason for recommending these changes is that the consent activity status for these activities proposed by the Council was unnecessarily restrictive to achieve the purpose of the Resource Management Act 1991.

12. Consequential changes

12.1.Changes to other parts of the plan

Some areas have been rezoned to Business – Heavy Industry Zone to provide for industrial activities with significant discharges to air.

12.2.Changes to provisions in this topic

No significant changes were made in response to matters considered in other hearing topics.

13. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.nz) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

13.1.General topic documents

Panel documents

Topic 006

[006-Submission Point Pathway Report - Air - 14 Oct 2014](#) (17 October 2014)

[006-Parties and Issues Report-Air-6 November 2014](#) (13 March 2015)

[006-Expert Conference Joint Witness Statement \(Air\) 2014-10-31](#) (31 October 2014)

[006-Mediation Record \(Air\) 2014-10-31](#) (31 October 2014)

Topic 035

[035-Parties and Issues Report - 30 January 2015](#) (3 February 2015)

[035-Submission Point Pathway Report - 6 March 2015](#) (9 March 2015)

[035- Air Quality- Mediation Joint Statement](#) (22 December 2014)

[035-Expert Conference Joint Statement \(1 December 2014\)](#) (1 December 2014)

[035-Expert Conference Joint Statement \(17 December 2014\)](#) (18 December 2014)

[035- Mediation Track Changes Record - Auckland Wide Controls 2014-12-18](#) (5 January 2015)

[035 Mediation Track Changes Record - C5.1 2014-12-18](#) (12 January 2015)

[035- Mediation Track Changes Record - Industry Transition Overlay 2014-12-18](#) (5 January 2015)

[035- Mediation Track Changes Record - Region Wide Rules 2014-12-18](#) (5 January 2015)

[035- Mediation Track Changes Record - Sensitive Activity Restriction Overlay 2014-12-18](#) (5 January 2015)

[035- Mediation Track Changes Record - transport corridor separation overlay 2014-12-18](#) (5 January 2015)

Auckland Council marked up version

[006 - Auckland Council Proposed Track Change Natural Resources \(Air\)](#) (29 October 2014)

[Auckland Council marked-up version - Auckland Wide Controls](#) (12 Dec 2014) (12 December 2014)

[Auckland Council marked-up version - C5.1](#) (12 Dec 2014) (12 December 2014)

[Auckland Council marked-up version - Industry Transition Overlay](#) (12 Dec 2014) (12 December 2014)

[Auckland Council marked-up version - Region Wide Rules](#) (12 Dec 2014) (12 December 2014)

[Auckland Council marked-up version - Sensitive Activity Restriction Overlay](#) (12 Dec 2014) (12 December 2014)

[Auckland Council marked-up version - Transport Corridor Separation](#) (25 Nov 2014) (25 November 2014)

Auckland Council closing statement

[006/007 - Closing Statement](#) (2 December 2014)

Topic 035

[Auckland Council Closing Statement and Points of Clarification](#) (13 March 2015)

Panel Interim Guidance

[Interim Guidance Topic 035 Air Quality](#) 6 October 2015

National regulation and guidance

[The Resource Management \(National Environmental Standards for Air Quality\) Regulations 2004](#)

[Land Transport Rule: Vehicle Exhaust Emissions 2007](#)

[Engine Fuel Specifications Regulations 2011](#)

[The state of air quality in New Zealand Commentary by the Parliamentary Commissioner for the Environment on the 2014 Air Domain Report](#) March 2015

13.2. Specific evidence

Auckland Council

[Hearing Evidence - Jeremy Wyatt](#) (10 February 2015)

[Hearing Evidence - Louise Wickham](#) (9 February 2015)

[Hearing Evidence - Louise Wickham \(REBUTTAL\)](#) (25 February 2015)

[Hearing Evidence - Peter Nunns](#) (9 February 2015)

[Hearing Evidence - Peter Nunns \(REBUTTAL\)](#) (26 February 2015)

Auckland Regional Public Health Service

[Hearing evidence - Jayne Metcalfe](#) (19 February 2015)

[Hearing evidence - Jayne Metcalfe \(REBUTTAL\)](#) (25 February 2015)

Glenn Teal

[Hearing evidence - Glenn Teal](#) (20 February 2015)

Kindercare Learning Centres Ltd

[Hearing evidence - Daniel Shaw](#) (20 February 2015)

[Hearing evidence - Daniel Shaw - Summary of evidence](#) (4 March 2015)

[Hearing evidence - Daniel Shaw \(REBUTTAL\)](#) (25 February 2015)

[Hearing Evidence - Legal submissions](#) (4 March 2015)

New Zealand Steel Ltd

[Hearing Evidence - Andrea Rickard](#) (20 February 2015)

[Hearing Evidence - Jenny Simpson \(Air Quality\)](#) (20 February 2015)

O-I NZ and Downer

[O-I NZ and Downer NZ Ltd - Rob Van de Munckhof \(Air\)](#) (19 February 2015)

Ports of Auckland Limited

[Hearing Evidence - Greg Akehurst \(Economic\)](#) (20 February 2015)

[Hearing Evidence - Mark Arbuthnot \(Planning\)](#) (20 February 2015)

[Hearing Evidence - Mark Arbuthnot \(Planning\) - Annexure B](#) (20 February 2015)

New Zealand Health Association Ltd/Sanitarium Health and Wellbeing Company

[Hearing Evidence - Jason Pene - Sanitarium](#) (19 February 2015)

[Hearing Evidence - Jason Pene - Sanitarium - Appendix C and D](#) (19 February 2015)

Valerie Cole

[Hearing evidence - Valerie Cole](#) (20 February 2015)