In the Environment Court of New Zealand
at Auckland

ENV-2016-AKL-

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in the matter of: the Local Government (Auckland Transitional Provisions) Act 2010 (*LGATPA*) and the Resource Management Act 1991

and:

in the matter of: an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel on the Proposed Auckland Unitary Plan

and:

in the matter of: Proposed Plan Hearing Topics 006 RPS Natural Resources and 035 Air Quality

between: Waste Management NZ Limited
Appellant

and: Auckland Council
Respondent

Notice of appeal by Waste Management NZ Limited against decisions on the Proposed Auckland Unitary Plan

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Dated: 16 September 2016

REFERENCE: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
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To The Registrar
Environment Court
Auckland

Introduction

1 Waste Management NZ Limited (*Waste Management*) appeals against a part of a decision of the Auckland Council (*Council*) on the Proposed Auckland Unitary Plan (*Proposed Plan*).

2 Waste Management has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Auckland Unitary Plan Independent Hearings Panel (*Panel*) in relation to a provision or matter Waste Management addressed in its submission on the Proposed Plan (submission number 877). The Council decided on an alternative solution, which resulted in provisions being included in the Proposed Plan that were not included in the Panel's recommendations.

3 Waste Management provides further details of the reasons for its appeal below.

4 Waste Management is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).

5 Waste Management received notice of the decision on 19 August 2016.

6 The part of the decision that Waste Management is appealing is the Council's decision to reject the Panel's recommendations in relation to Hearing Topics 006 and 035 (Air Quality) to delete the Auckland Ambient Air Quality Standards (*AAAQS*) from the Proposed Plan. In particular, the Council's decision to amend the following provisions of the Proposed Plan to refer to the AAAQS:

6.1 B7 Natural Resources:

(a) B7.5.1(4);

(b) B7.5.2(7);

6.2 E14 Air Quality:

(a) E14.2(2);

(b) E14.3(1);

(c) Table E14.3.1; and

(d) E14.8.2(1).

Reasons for the appeal

7 The reasons for the appeal are as follows:

7.1 Waste Management considers that the decision appealed does not accord with the relevant requirements of the RMA and are contrary to Part 2 of the RMA. In particular, the decision appealed:

(a) Does not promote the sustainable management of natural and physical resources;

(b) Does not promote the efficient use and development of natural and physical resources;

(c) Does not result in the most appropriate plan provisions in terms of section 32 of the RMA; and

(d) Is contrary to good resource management practice.

7.2 Without limiting the generality of the above, the specific reasons for this appeal are:

(a) The AAAQS differ from the standards contained in the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (*NES*). There are no special circumstances in the Auckland region that would justify introducing regional air quality standards that differ from the New Zealand standards and guidelines. The NES is the most appropriate tool to manage air quality in Auckland.

(b) The Panel determined that there was "insufficient justification" for including the AAAQS in the Proposed Plan, and that "reliance on national standards [provides] sufficient regulation for management of air quality in Auckland".[1]

(c) The AAAQS provisions in the Proposed Plan are unclear as to where, and in what circumstances, the AAAQS should be applied. For example, they do not specify that the AAAQS only apply where people can be exposed for the relevant averaging period (i.e. continuously for 24 hours).

(d) The Council has failed to undertake an adequate assessment of the provisions, including the benefits and costs of the environmental, economic, social and

[1] Auckland Unitary Plan Independent Hearings Panel "Report to Auckland Council Hearing Topics 006 and 035 – Air Quality" (July 2016), paragraph 2.2.

cultural effects that are anticipated from the implementation of the provisions, as required by sections 32 and 32AA of the RMA.

(e) The AAAQS provisions in the Proposed Plan are not clear as to where, and in what circumstances, the AAAQS should be applied. While intended to be objectives and policies, they read more akin to rules. For example:

(i) the provisions do not specify that the AAAQS only apply where people can be exposed for the relevant averaging period, contrary to the approach taken in the NES; and

(ii) the objectives and policies are so directive, that they have the potential to be inappropriately applied to resource consents as "pass / fail" criteria.

(f) In particular, in relation to the AAAQS for sulphur dioxide (SO_2):

(i) The Panel determined that the health benefits of a 24-hour SO_2 standard are not clear and there is no precautionary justification for such a standard given the evidence that SO_2 levels are not high in Auckland, except near the Port. [2]

(ii) The AAAQS for SO_2 is based on the World Health Organisation guideline. The World Health Organisation acknowledges the conservative basis on which the guideline value was set and indicates that it will be reviewed as more information becomes available. It is therefore not appropriate to include this standard in the Unitary Plan, which has a life of at least 10 years.

Relief sought

8 Waste Management seeks the following relief:

(a) Reinstate the Panel's recommendations on Topics 006 and 035 to delete the AAAQS from the Proposed Plan;

[2] Auckland Unitary Plan Independent Hearings Panel "Report to Auckland Council Hearing Topics 006 and 035 – Air Quality" (July 2016), paragraph 5.2.

(b) In particular, the following amendments to the Council's decision (additional text shown as underline, deleted text shown as ~~strikethrough~~):

(i) **B7. Toitū te whenua, toitū te taiao – Natural resources**

B7.5.1. Objectives

(1) The discharge ...

~~(4) The Auckland Ambient Air Quality Standards are met and priority is given to meeting the annual average standards for fine particles (PM10 and PM2.5) and nitrogen dioxide.~~

(ii) **B7.5.2. Policies**

Manage discharge of contaminants to air from use and development to:

(1) avoid significant …

(6) enable the operation and development of infrastructure, industrial activities and rural production activities that discharge contaminants into air, by providing for low air quality amenity in appropriate locations;

~~(7) meet Auckland Ambient Air Quality Standards by giving priority to reducing PM10 and PM2.5 discharges from combustion sources, such as domestic fires and motor vehicle emissions and industrial discharges to air.~~

(iii) **E14. Air quality**

E14.2. Objectives [rcp/rp]

(1) Air quality ...

(2) Air discharges from use and development meet national air quality standards ~~Auckland Ambient Air Quality Standards~~.

(3) Human health, …

(iv) **E14.3 Policies [rcp/rp]**

~~(1) Protect human health by requiring that air discharges do not cause ambient air (1)quality to exceed the~~

~~Auckland Ambient Air Quality Standards in Table E14.3.1 for the specified contaminants.~~

~~(2)~~ (1) Manage the …

(v) **Table E14.3.1 Auckland Ambient Air Quality Standards (AAAQS)**

~~**Contaminant**~~	~~**Standard**~~	~~**Averaging Time**~~	~~**Number of permissible exceedances per year**~~
~~Particles less than 10 microns (PM_{10})~~	~~50 µg/m^{3*}~~	~~24 hour~~	~~1~~
~~–~~	~~20 µg/m^3~~	~~Annual~~	~~0~~
~~Particles less than 2.5 microns ($PM_{2.5}$)~~	~~25 µg/m^3~~	~~24 hour~~	~~0~~
~~–~~	~~10 µg/m^3~~	~~Annual~~	~~0~~
~~Nitrogen dioxide (NO_2)~~	~~200 µg/m^{3*}~~	~~1 hour~~	~~9~~
~~–~~	~~100 µg/m^3~~	~~24 hour~~	~~0~~
~~–~~	~~40 µ/m^3~~	~~Annual~~	~~0~~
~~Carbon monoxide (CO)~~	~~10 mg/m^{3*}~~	~~8 hours (running mean)~~	~~one 8-hour period~~
~~–~~	~~30 mg/m^3~~	~~1 hour~~	~~0~~
~~Sulphur dioxide SO_2)~~	~~350 µg/m^{3*}~~	~~1 hour~~	~~9~~
~~–~~	~~570 µg/m^{3*}~~	~~1 hour~~	~~0~~
~~–~~	~~20 µg/m^3~~	~~24 hour~~	~~0~~
~~Ozone (O_3)~~	~~150 µg/m^{3*}~~	~~1 hour~~	~~0~~
~~–~~	~~100 µg/m^3~~	~~8 hour~~	~~0~~
~~Lead~~	~~0.2 µg/m^3~~	~~3 month moving average calculated monthly~~	~~0~~
~~Benzene~~	~~3.6 µg/m^3~~	~~Annual~~	~~0~~
~~Benzo[a]pyrene~~	~~0.0003 µg/m^3~~	~~Annual~~	~~0~~
~~1,3 Butadiene~~	~~2.4 µg/m^3~~	~~Annual~~	~~0~~

~~Formaldehyde~~	~~100 µg/m^3~~	~~30 minutes~~	~~0~~
~~Acetaldehyde~~	~~30 µg/m^3~~	~~Annual~~	~~0~~
~~Mercury (inorganic)~~	~~0.33 µg/m^3~~	~~Annual~~	~~0~~
~~Mercury (organic)~~	~~0.13 µg/m^3~~	~~Annual~~	~~0~~
~~Chromium VI~~	~~0.0011 µg/m^3~~	~~Annual~~	~~0~~
~~Chromium metal and Chromium III~~	~~0.11 µg/m^3~~	~~Annual~~	~~0~~
~~Arsenic (inorganic)~~	~~0.0055 µg/m^3~~	~~Annual~~	~~0~~
~~Arsine~~	~~0.055 µg/m^3~~	~~Annual~~	~~0~~

~~Asterisk * = AAAQS taken from the NES~~

(vi) **E14.8 Assessment – restricted discretionary activities**

E14.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities

~~(1) The degree to which Auckland Ambient Air Quality Standards are likely to be met~~.

~~(2)~~ (1) Whether the …

(c) Such further or consequential relief as may be necessary to address the matters raised in Waste Management's submissions and this appeal; and

(d) Costs.

Service and attachments

9 An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

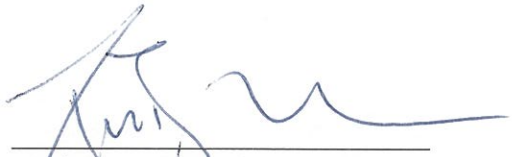
10 The following documents are attached to this notice:

(a) a copy of the relevant part of the decision (**Appendix 1**);

(b) a list of names and addresses of persons served / to be served with a copy of this notice (**Appendix 2**); and

(c) a copy of Waste Management's submission (**Appendix 3**).

Signed for and on behalf of Waste Management by its solicitors and authorised agents Chapman Tripp



Paula Brosnahan / Jill Gregory
16 September 2016

Address for service of person:

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve

copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

APPENDIX 1 – COPY OF THE RELEVANT PART OF THE DECISION

Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel on submissions and further submissions to the Proposed Auckland Unitary Plan

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Decisions Report

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19 August 2016

Panel recommendations rejected: none.

4. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 004 (General Rules), July 2016"

Panel recommendations accepted:

4.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 004 (General Rules), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

5. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 005 (Issues of Regional Significance), July 2016"

Panel recommendations accepted:

5.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 005 (Issues of regional significance), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

6. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 006 and 035 (Air quality), July 2016"

Panel recommendations accepted:

6.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 006 and 035 (Air quality), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph *6.2*.

Panel recommendations rejected:

6.2 The Council has rejected the Panel recommendations in relation to Hearing Topics 006 and 035 (Air quality) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Auckland Ambient Air Quality Standards**

Reasons	
(i) The limits and criteria for a number of pollutants which may adversely affect air quality will not exist.	
(ii) Outcomes outlined in the Regional Policy Statement Objectives B7.5.1(1) and B7.5.1(3) and the Auckland wide objectives E14.2(1) and E14.2(3) will not be achieved.	
(iii) There will be uncertainty and inefficiency in the processing of resource consent applications	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

7. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topics 006 (Natural resources) and 010 (Biodiversity), July 2016"

Panel recommendations accepted:

7.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 006 (Natural resources) and Hearing Topic 010 (Biodiversity), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

8. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 007 (RPS climate change), July 2016"

Panel recommendations accepted:

8.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 007 (RPS climate change), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

Panel recommendations rejected: none.

Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel on submissions and further submissions to the Proposed Auckland Unitary Plan

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Attachment A

The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).

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19 August 2016

Topics 006 & 035
B7 Natural resources

B7. Toitū te whenua, toitū te taiao – Natural resources

Ngā ariki o te rangi, ngā ariki o te whenua, ngā ariki o te moana, ngā ariki o te taiao

The chiefly deities of the sky, of the earth, of the sea, the spiritual caretakers of the environment

B7.1. Issues

The combination …

B7.5. Air

B7.5.1. Objectives

(1) The discharge ...

(4) The Auckland Ambient Air Quality Standards are met and priority is given to meeting the annual average standards for fine particles (PM_{10} and $PM_{2.5}$) and nitrogen dioxide.

B7.5.2. Policies

Manage discharge of contaminants to air from use and development to:

(1) avoid significant …

(6) enable the operation and development of infrastructure, industrial activities and rural production activities that discharge contaminants into air, by providing for low air quality amenity in appropriate locations;

(7) meet Auckland Ambient Air Quality Standards by giving priority to reducing PM_{10} and $PM_{2.5}$ discharges from combustion sources, such as domestic fires and motor vehicle emissions and industrial discharges to air.

B7.6. Minerals

B7.6.1. Objectives

(1) Auckland's mineral …

Topics 006 & 035
E14 Air quality

E14. Air quality

E14.1. Description

These provisions …

E14.2. Objectives [rcp/rp]

(1) Air quality ...

(2) Air discharges from use and development meet ~~national air quality standards~~ Auckland Ambient Air Quality Standards.

(3) Human health, ...

E14.3. Policies [rcp/rp]

(1) Protect human health by requiring that air discharges do not cause ambient air quality to exceed the Auckland Ambient Air Quality Standards in Table 1 for the specified contaminants.

~~(1)~~ (2) Manage the ...

~~(11)~~ (12) Enable the use of air quality offsets in achieving compliance with relevant standards and other provisions in the plan.

Table E14.3.1 Auckland Ambient Air Quality Standards (AAAQS)

Contaminant	Standard	Averaging Time	Number of permissible exceedances per year
Particles less than 10 microns (PM_{10})	50 µg/m^3*	24 hour	1
-	20 µg/m^3	Annual	0
Particles less than 2.5 microns ($PM_{2.5}$)	25 µg/m^3	24 hour	0
-	10 µg/m^3	Annual	0
Nitrogen dioxide (NO_2)	200 µg/m^3*	1 hour	9
-	100 µg/m^3	24 hour	0
-	40 µ/m^3	Annual	0
Carbon monoxide (CO)	10 mg/m^3*	8 hours (running mean)	one 8-hour period
-	30 mg/m^3	1 hour	0
Sulphur dioxide (SO_2)	350 µg/m^3*	1 hour	9

	570 µg/m^3*	1 hour	0
	20 µg/m^3	24 hour	0
Ozone (O_3)	150 µg/m^3*	1 hour	0
	100 µg/m^3	8 hour	0
Lead	0.2 µg/m^3	3 month moving average calculated monthly	0
Benzene	3.6 µg/m^3	Annual	0
Benzo[a]pyrene	0.0003 µg/m^3	Annual	0
1,3-Butadiene	2.4 µg/m^3	Annual	0
Formaldehyde	100 µg/m^3	30 minutes	0
Acetaldehyde	30 µg/m^3	Annual	0
Mercury (inorganic)	0.33 µg/m^3	Annual	0
Mercury (organic)	0.13 µg/m^3	Annual	0
Chromium VI	0.0011 µg/m^3	Annual	0
Chromium metal and Chromium III	0.11 µg/m^3	Annual	0
Arsenic (inorganic)	0.0055 µg/m^3	Annual	0
Arsine	0.055 µg/m^3	Annual	0

Asterisk * = AAAQS taken from the NES

E14.4. Activity table

Table E14.4.1 …

E14.8. Assessment – restricted discretionary activities

E14.8.1. Matters of discretion

The Council …

E14.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities

(1) The degree to which Auckland Ambient Air Quality Standards are likely to be met.

~~(1)~~ (2) Whether the …

Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel on submissions and further submissions to the Proposed Auckland Unitary Plan.

Attachment B

The section 32AA assessment reports prepared, where necessary, as part of any rejection

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19 August 2016

S32AA TOPIC 006 AND 035 – B7 AND E14 AIR QUALITY

1. Background

IHP Recommendation

The Independent Hearings Panel has recommended in the *Report to Auckland Council Hearing Topics 006 and 035 Air quality* that:

i. All references to Auckland Ambient Air Quality Standards (**AAAQS**) be deleted
ii. Standard for $PM_{2.5}$ be removed
iii. Additional standard for NO_2 be removed
iv. Additional standard for SO_2 removed

The reason given is that "*reliance on the national standards provides sufficient regulation for management of air quality in Auckland*."

Justification for Council's Originally Proposed Provisions

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 ("**NES**") specify:

- six limits[1] (covering five pollutants); and
- the number of permissible exceedances over specified time periods for each of them.

The operative Auckland Council Regional Plan: Air, Land and Water ("ALW Plan") specifies 24 limits[2], acknowledging the six which are covered by the NES but also included an additional 18 limits (covering an additional 13 pollutants) as Auckland Regional Air Quality targets ("**ARAQT**"). The ARAQT were taken from the Ambient Air Quality Guidelines ("**AAQG**") published by the Ministry for the Environment.

The PAUP proposed retaining the ARAQT (and NES) but:

- renamed them as Auckland Ambient Air Quality Standards ("AAAQS"); and
- tightened the ARAQT limit for 24-hour $SO_{2;}$ and
- added a further two limits resulting in a total of 26 limits.

The basis for proposing specific AAAQS was that the NES have not been updated since 2004 and the AAQG have not been updated since 2002. The additional limits are necessary to maintain or enhance air quality in the region to reflect the latest international evidence from the World Health Organisation.

[1] Primarily focussed on short-term (acute) exposure to these pollutants
[2] Including short-term (acute) and long-term (chronic) exposure for critical pollutants. In the case of exposure to particulate matter (PM_{10} and $PM_{2.5}$) the health costs associated chronic exposure can be ten times those associated with acute exposure.

2. Reasons for rejecting the removal of the Auckland Ambient Air Quality Standards (AAAQS)

In summary, **this report proposes Council rejects the Panel's recommendation to delete all references to the Auckland Ambient Air Quality Standards, and the additional standards,** because this will:

1. Remove provisions which have been in the operative Air Land & Water Plan since 2001 and have resulted in an improvement in air quality in the region since that time.
2. Remove limits and criteria for a number of pollutants which may adversely affect air quality.
3. Reduce air quality in the region.
4. Not achieve Objectives B7.5.1(1), B7.5.1(3), E14.2(1) and E14.2(3) as it will not maintain and enhance air quality in the region nor protect human health from significant adverse effects from the discharge of contaminants.
5. Create uncertainty and inefficiency in the processing of resource consent applications.

These implications are discussed in more detail in the following subsections.

Overall Implications for Air Quality Management in Auckland

The NES only regulates management of five pollutants and only for short-term (acute) exposure.

This means:

(a) There will be no limits or controls for the additional 13 pollutants controlled in the operative plan nor will there be the additional limits proposed in the PAUP to cover both short-term and long-term exposure; and

(b) The removal of the AAAQS will reduce air quality in the region.

(c) In particular, the inclusion of the additional 13 pollutants and 18 limits in the operative ALW Plan since 2001 has resulted in improved air quality in the region, as discussed in the following examples:

   i. annual average PM_{10} levels have improved and now meet the PAUP target at most locations (this limit is <u>not</u> covered by the NES); and

   ii. annual average $PM_{2.5}$ levels[3] have improved and now meet the PAUP target at most locations (this limit is <u>not</u> covered by the NES).

(d) However, other limits are still of concern, e.g. annual average NO_2 levels[4], annual average benzene levels[5] and annual average arsenic levels[6]. These limits are also <u>not</u> covered by the NES.

[3] See Peter Nunns' 035 evidence at para 8.6

[4] See Peter Nunns' 035 evidence at para 8.10

(e) Removing the AAAQS will reduce the ability of Council to meet:

i. RPS Objective B7.5.1(1) as it will not improve region-wide air; and

ii. Auckland-wide Objectives E14.2(1) and E14.2(3) as air quality will not be maintained and human health will not be adequately protected from significant adverse effects.

Specific Implications for Assessing Discretionary Activities

(f) The Panel also bases its removal of the AAAQS on the conclusion that, as a consent authority, Council can consider the AAAQS under s104(1)(c)[7] of the Resource Management Act "*subject to sufficient scope in matters of discretion, when processing resource consent applications*."

(g) Without the AAAQS in the Unitary Plan, there are no standards additional to the NES and every application will have to involve a one-off assessment of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled.

(h) That is an inefficient process that will create uncertainty and impose an unnecessary burden on both applicants and consent processing staff.

(i) Removing the requirement to meet the AAAQS and to use the AAAQS as assessment criteria for discretionary activities will also reduce the ability of Council to meet:

i. RPS Objective B7.5.1(3) as adverse effects from air discharges will not be adequately avoided, remedied or mitigated; and

ii. Auckland-wide Objectives E14.2(1) and E14.2(3) as air quality will not be maintained and human health will not be adequately protected from significant adverse effects.

Specific Implications for Assessing Restricted Discretionary Activities

(j) The Panel recommendation to remove reference to the AAAQS from the assessment criteria for restricted discretionary activities (sE14.8.2), and therefore the requirement to meet <u>any</u> health-based limit (whether it be the AAAQS, the NES or any other air quality limit) means that there is no 'scope' to assess the extent to which a discharge meets a health-based air quality limit for restricted discretionary activity applications for air discharges.

(k) Whilst Council can still consider "*the extent to which adverse effects are avoided, remedied or mitigated …*" as retained in E14.8.2 (2), this statement is about achieving

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[5] See Janet Petersen's 006 evidence at para 5.6

[6] See Janet Petersen's 006 evidence at para 5.6

[7] **104 Consideration of applications**
(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to- …..
(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

a relative improvement rather than meeting an absolute requirement (which is intended to guarantee a minimum level of health protection for everyone).

(l) For example, the following restricted discretionary activities may have control equipment or practices in place that reduce emissions appreciably but the resultant discharges may still be above recommended health-based limits. For these cases, the emissions of concern are hazardous air pollutants which can result in serious health effects in people exposed, including cancer.

i. the cremation of human or animal remains, where the discharges are through an afterburner (A54), can result in the release of mercury emissions from amalgam fillings.

ii. very large petrol storage facilities, greater than one million litres (A122), can discharge volatile organic compounds including benzene.

iii. large-scale demolition of buildings (A81) can discharge a range of pollutants, especially particulate matter (PM_{10} and $PM_{2.5}$).

(m) Removing the specific criterion for restricted discretionary activities to assess "*the degree to which Auckland Ambient Air Quality Standards are likely to be met*" will reduce the ability of Council to meet:

i. RPS Objective B7.5.1(3) as adverse effects from air discharges will not be adequately avoided, remedied or mitigated; and

ii. Auckland-wide Objectives E14.2(3) as human health will not be adequately protected from significant adverse effects.

Conclusions

1. The removal of all references to the AAAQS will result in Council no longer being able to set a minimum level of health protection for all Aucklanders. Air quality in the region will not be maintained and improved. Auckland-wide Objectives E14.2(1)[8] and E14.2(3)[9] will not be achieved.

2. For many of the pollutants which are included in the AAAQS there is a level above which adverse effects will occur. Without the AAAQS there is nothing in the Unitary Plan which says what that level is or requires applications to be assessed against that level.

3. In addition, the removal of the AAAQS will have significant impacts on the efficiency and efficacy of consent processing. Every application will have to involve a one-off assessment of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled.

[8] E14.2(1) states "*Air quality is maintained in those parts of Auckland that have high air quality, and air quality is improved in those parts of Auckland that have low to medium air quality*".

[9] E14.2(3)states "*Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.*"

4. That is an inefficient process that will create uncertainty and inconsistency and impose an unnecessary burden on both applicants and consent processing staff.

3. Council's Alternative Provision

In light of the reasons outlined in the previous section, **this report proposes the re-instatement and re-inclusion of all references to the AAAQS in the Unitary Plan and the additional standards,** which the Panel has recommended be deleted as follows:

(a) Adding back in the following wording:

B7.5.1 Objective (Air)

(4) The Auckland Ambient Air Quality Standards are met and priority is given to meeting the standards for fine particles (PM_{10} and $PM_{2.5}$) and for nitrogen dioxide.

(b) Adding back in the following:

B7.5.2 Policies (Air)

(7) meet Auckland Ambient Air Quality Standards by giving priority to reducing PM_{10} and $PM_{2.5}$ discharges from combustion sources, such as domestic fires and motor vehicle emissions and industrial discharges to air

(c) Re-wording the following:

E14.2 Objectives (Air quality)

(2) Air discharges from use and development meet ~~national air quality standards~~ Auckland Ambient Air Quality Standards

(d) Adding back in the following:

E14.3 Policies (Air quality)

1. Protect human health by requiring that air discharges do not cause ambient air quality to exceed the Auckland Ambient Air Quality Standards in Table 1 for the specified contaminants.

(e) Adding back in the following wording:

E14.8.2 Assessment criteria (restricted discretionary activities)

(1) The degree to which Auckland Ambient Air Quality Standards are likely to be met.

(f) Adding back in the following table:

Table 1: Auckland Ambient Air Quality Standards (AAAQS)

Contaminant	***Standard***	***Averaging Time***	***Number of permissible exceedances per year***
Particles less than 10 microns (PM_{10})	*50 µg/m^3**	*24 hour*	*1*
-	*20 µg/m^3*	*Annual*	*0*
Particles less than 2.5 microns ($PM_{2.5}$)	*25 µg/m^3*	*24 hour*	*0*
-	*10 µg/m^3*	*Annual*	*0*
Nitrogen dioxide (NO_2)	*200 µg/m^3**	*1 hour*	*9*
-	*100 µg/m^3*	*24 hour*	*0*
-	*40 µ/m^3*	*Annual*	*0*
Carbon monoxide (CO)	*10 mg/m^3**	*8 hours (running mean)*	*one 8-hour period*
-	*30 mg/m^3*	*1 hour*	*0*
Sulphur dioxide (SO_2)	*350 µg/m^3**	*1 hour*	*9*
-	*570 µg/m^3**	*1 hour*	*0*
-	*20 µg/m^3*	*24 hour*	*0*
Ozone (O_3)	*150 µg/m^3**	*1 hour*	*0*
-	*100 µg/m^3*	*8 hour*	*0*
Lead	*0.2 µg/m^3*	*3 month moving average calculated monthly*	*0*
Benzene	*3.6 µg/m^3*	*Annual*	*0*
Benzo[a]pyrene	*0.0003 µg/m^3*	*Annual*	*0*
1,3-Butadiene	*2.4 µg/m^3*	*Annual*	*0*
Formaldehyde	*100 µg/m^3*	*30 minutes*	*0*
Acetaldehyde	*30 µg/m^3*	*Annual*	*0*
Mercury (inorganic)	*0.33 µg/m^3*	*Annual*	*0*
Mercury (organic)	*0.13 µg/m^3*	*Annual*	*0*
Chromium VI	*0.0011 µg/m^3*	*Annual*	*0*
Chromium metal and Chromium III	*0.11 µg/m^3*	*Annual*	*0*
Arsenic (inorganic)	*0.0055 µg/m^3*	*Annual*	*0*
Arsine	*0.055 µg/m^3*	*Annual*	*0*

*Asterisk * = AAAQS taken from the NES*

Refer to the attached tracked changes versions of the relevant sections for details:

1. *PAUP_B7 Natural resources_track changes_03Aug16.docx*
2. *PAUP_E14 Air quality_track changes_03Aug16.docx*

4. Cost Benefit Analysis

The following compares the costs and benefits of implementing the IHP recommendation with those for retaining the AAAQS as per the Council's original PAUP provisions. **The ratings are relative to existing practices.**

Category	IHP Recommendation to Reject AAAQS	Council Original PAUP Provision to Retain AAAQS
What is the **Effectiveness** of this method in achieving the purpose of the RMA and / or the plan objectives and policies?	**Low** Reduces ability to meet key RPS B7.5 and Region-wide E14.2 Objectives and Policies.	**High** Maintains and strengthens existing ability to meet all air quality objectives and policies.
What are the **Environmental Costs** of implementing this method?	**Moderate** Reduces air quality in the region.	**None** Maintains and enhances current air quality in the region.
What are the **Environmental Benefits** of this method?	**Low** Reduces ability to protect human health from adverse effects as fewer contaminant and exposure periods will be specifically covered.	**High** Maintains and strengthens existing ability to protect human health – especially given significant population growth and the fact that many of the contaminants covered by the AAAQS do not have a safe threshold below which adverse effects do not occur.
What are the **Economic Costs** of implementing this method?	**Moderate** Requires potentially more work to be undertaken by applicants in their response to s92 requests for additional information to address s104(1)(c) matters, such as consideration of other air quality limits, as appropriate. Council process on average 40 applications each year for restricted discretionary and discretionary activities requiring air discharge consents.	**None** Continues with the existing process that has been in place since 2001.
What are the **Economic Benefits** of implementing this method?	**Low to Moderate** Simplifies the process (especially assessment) for applying for a consent to discharge to air for restricted discretionary and discretionary activities.	**None** Continues with the existing process that has been in place since 2001.
What are the **Social Costs** of implementing this method?	**Moderate** Allows for potential degradation in air quality for contaminants that have significant health effects, such as particulate matter ($PM_{2.5}$ and PM_{10}) and hazardous air pollutants (e.g. benzene and arsenic). The revised (2013) assessment of the effects of air pollution in Auckland presented to the IHP[10] estimated associated	**None** Continues with the current level of health protections and existing process that has been in place since 2001.

[10] See Peter Nunns' 035 evidence at Attachment C

	costs of $1.1 billion per annum from PM_{10} alone.	
What are the **Social Benefits** of implementing this method?	**None to Low** Offers potentially more opportunities for employment from increase in industry.	**High** Provides greater certainty for consent applicants and clear direction to the community of air quality values.

Conclusions

The key benefits of retaining the references to the AAAQS are:

- **Effectiveness**: Meeting the RPS and Regional-wide objectives and policies for air quality thereby ensuring that:
    - air quality will be maintained or improved
    - adverse effects on human health will be avoided, remedied or mitigated
- **Efficiency**: Providing certainty and consistency for processing of discharge consents thereby avoiding:
    - one-off assessments of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled
    - unnecessary burden on both applicants and consent processing staff
- **Costs**: Reducing the financial burden on the applicant and health burden for the community by minimising:
    - additional requests for information during consent processing
    - exposure of the public to levels of air pollution
- **Benefits**: Maintaining and strengthening existing ability to protect human health, especially given:
    - significant population growth in Auckland
    - many of the contaminants covered by the AAAQS do not have a safe threshold below which adverse effects do not occur

APPENDIX 2 - A LIST OF NAMES AND ADDRESSES OF PERSONS SERVED / TO BE SERVED WITH A COPY OF THIS NOTICE

Name	Address
Auckland Council	unitaryplan@aucklandcouncil.govt.nz
Minister of Conservation c/- Department of Conservation	tcrossen@doc.govt.nz cstaite@doc.govt.nz

APPENDIX 3 - WASTE MANAGEMENT'S SUBMISSION

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of First Schedule, Resource Management Act 1991
FORM 2 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013

Correspondence to:
Auckland Council
Freepost Authority 237170
Private Bag 92300
Auckland 1142
Attn: Unitary Plan Submission Team

Submitter details

Full Name of Submitter or Agent (if applicable)
Transpacific Industries Group (NZ) Ltd ("TPI")

Address for service of the submitter:
C/o Tonkin & Taylor Ltd
PO Box 5271, Wellesley Street
Auckland 1141
Attention: Andrea Brabant
Email: abrabant@tonkin.co.nz

Transpacific Industries Group (NZ) Ltd
C/- Ian Kennedy, General Manager – Operational & Technical Services
Telephone: 09 427 0636
Email: IKennedy@wastemanagement.co.nz

1. This is a submission on the Proposed Auckland Unitary Plan ("PAUP").
2. TPI is submitting on a number of aspects of the PAUP. For ease of processing, submissions on different sections of the PAUP are being provided in separate submissions.
3. We could not gain an advantage in trade competition through this submission.

Scope of submission

The specific provisions of the proposed plan that this submission relates to are:

- The provisions of the PAUP that this submission relates to are those contained in Chapter B, Regional Policy Statement;
- In particular, but not limited to, those provisions that affect the ongoing operation and future development of sites owned or operated by TPI for the provision of services relating to the waste industry.
- Any other matters relating to the operation of TPI's business contained within the proposed plan.

Submission

Our submission is set out below:

Background

Transpacific Industries (TPI) is one of the leading providers of comprehensive waste and environmental services in New Zealand, and is a major player in the waste industry across the Auckland region. TPI has a comprehensive service offering, including resource recovery, responsible waste management and transport solutions. TPI operates the Redvale Landfill and is a joint venture partner in Whitford Landfill with Auckland Council. TPI also owns and operates a number of other strategic waste assets throughout Auckland. TPI is strongly committed to the safe and responsible management of waste, regulatory compliance and the protection and enhancement of the environment.

We support the following:

1. Section 1.2 of Chapter B to the extent that it supports land-intensive industries such as solid waste disposal and recognises the shortage of business-zoned land and the importance of transport linkages.
2. Support for and investment in significant infrastructure, and the protection of these assets from reverse sensitivity effects as Auckland grows.
3. Section 2.3 of Chapter B to the extent that it seeks to avoid urban development close to existing or planned infrastructure. This is particularly important for operation of existing and future landfills and refuse transfer stations in Auckland. The intent of these provisions is not followed through in mapping as a Future Urban zone is proposed to be located approximately 700 m from Redvale Landfill.
4. Objectives and policies that focus on continued development of new energy generation, particularly where it is able to be generated from by-products or renewable resources (e.g. Redvale Landfill's Green Energy Plant).
5. Objectives and Policies in Section 3.3 of Chapter B that encourage an effective, efficient and safe transport system that prioritises public transport and freight movements. This is crucial to the viability of TPI's business and solid waste management in Auckland generally.
6. Provisions in Section 6.3 of Chapter B that require the management and treatment of discharges of contaminants and loss of sediment. TPI have made significant investments at their sites to manage discharges to water and to ensure that they operate landfills and managed fills in accordance with good practice.
7. Policy 10, Section 8.1 in Chapter B as it supports the operation of significant infrastructure, such as landfills, in rural areas where effects on people are minimised.
8. Policy 1, Section B.9 of Chapter B to the extent that it supports waste minimisation initiatives and the development of renewable electricity generation activities. This aligns with TPI's ethos and operations.
9. The direction contained in the RPS provisions which aim to ensure ease of doing business for industrial activities, and provisions which recognise the benefits these industries have to employment and Auckland's economic well-being.
10. Provisions which prioritise close linkages between transport and land use, and recognise the need for efficient transport systems to ensure effective supply chains to and from businesses.
11. Provisions to avoid or minimise reverse sensitivity effects by maintaining adequate separation distance between incompatible land uses and activities, particularly where these provisions prevent encroachment of sensitive activities close to existing industrial sites.

12. The acknowledgement that industrial emissions have been managed to the extent that their contribution to overall urban air pollution has reduced significantly and is less than domestic fires and vehicle emissions.

We oppose the following:

13. Policy 11, Section 3.1 of Chapter B to the extent that it allows non-industrial activities to establish in the Light Industry zone. Given the shortage of industrial land in Auckland, non-industrial activities should be prevented from establishing within industrial zones.
14. The air quality provisions in Chapter B, Section 6.6 which refer to the air quality targets set in the AAAQS. Air quality standards are more appropriately dealt with at a national level. Setting more stringent standards for Auckland will impose additional costs on industry in the Auckland region compared to the rest of New Zealand.
15. Objective 1, Section 6.1 of Chapter B to the extent that it does not acknowledge that some areas will have reduced amenity due to existing or heavy industry activities. It is also considered unreasonable to require improvement of air quality in urban areas, including business zones, when air quality in rural areas is only required to be maintained.
16. The requirement to progressively reduce existing adverse effects from stormwater runoff and wastewater discharges (Objective 5, Section 6.3 of Chapter B). The provision does not take into account existing consents which allow a certain level of discharge, and does not indicate to what level effects should be reduced.

Decision sought from Council

We seek the following decision from Auckland Council:

- Amend the PAUP in accordance with the 'relief sought' in the attached table (Attachment A), or words to like effect (additions underlined, deletions ~~struckthrough~~).
- Any other further or consequential amendments required to address TPI's concerns with the PAUP, including edits, deletions or additions to any issues, objectives, policies, rules, maps, assessment or discretion criteria, or any explanatory text.

Hearing

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Date: 28 February 2014

Signature: 

Andrea Brabant (authorised to sign on behalf of Transpacific Industries Group (NZ) Ltd)

Attachment A: Decisions sought from Council by TPI in relation to Regional Policy Statement provisions

Reference	Provision wording	Support/Oppose	Comment	Relief sought (or words to like effect), additions underlined, deletions ~~struckthrough~~
Chapter B, Section 1 – Issues of regional significance - Ngā take matua ā-rohe				
B.1.1 Enabling quality urban growth				
Supply of land in appropriate locations	Auckland's significant infrastructure such as: • the transport network • electricity • water and wastewater • the telecommunication network • the Port of Auckland • Auckland Airport needs substantial investment to meet increasing demand caused by growth and higher environmental standards, particularly in relation to water quality. The timing, location and funding of new upgrades to services and amenities, such as water, wastewater disposal, transport and schools, will influence where and when new communities are established and whether or when existing communities can grow.	Support in part	Solid waste disposal is included in the definition of infrastructure, but is not specifically recognised in the definition of 'significant infrastructure'. Additionally, the description of significant infrastructure is inconsistent with the definition of significant infrastructure. The definition of significant infrastructure should be amended to clarify what is included, and should include solid waste disposal. Provided that the definition of significant infrastructure includes solid waste disposal, TPI supports this provision.	Amend the provision as follows: Auckland's significant infrastructure such as: • the transport network • electricity • water and wastewater • the telecommunication network • the Port of Auckland • Auckland Airport • <u>Waste management and disposal facilities</u> needs substantial investment to meet increasing demand caused by growth and higher environmental standards, particularly in relation to water quality. The timing, location and funding of new upgrades to services and amenities, such as water, wastewater disposal, transport and schools, will influence where and when new communities are established and whether or when existing communities can grow. Amend the definitions section of the Unitary Plan as sought in TPI's other submissions.

B.1.2 Enabling economic wellbeing				
Urban form	Compact cities can play an important role in economic growth. Areas which are densely populated are often more productive and innovative, and attract more people, capital and activity. A sprawling urban form may supply additional land but will have cost implications: • Infrastructure costs rise • Land use is inefficient • Traffic congestion rises • People in outlying areas spend more of their household income on travel • Capacity constraints on servicing new communities • Loss of rural productivity At current growth rates, we face a shortage of business-zoned land, which is a problem for land-extensive industries, such as manufacturing, transport and storage, construction, and wholesale trade. These activities face pressure from higher value activities including retail, service sectors and, in some places, residential growth. If Auckland is to continue to benefit from employment and GDP associated with land-extensive industry, then we need to provide for the future growth of these activities and support them with a	Support	This high level direction for compact cities with good connections is supported. It appropriately recognises the shortage of business-zoned land and the importance of transport linkages. This also encourages supporting land-intensive industries such as solid waste disposal and identifies the benefit these industries have to employment and GDP.	Retain as currently worded.

	transport infrastructure delivering efficient movement of freight.			
Transport and land use	…Transport and land use are closely interrelated and should be mutually supportive. The road network is the main interface of Auckland's transport system with land use. The impacts of land use on the operation and management of the road should be considered as part of delivering an efficient transport system. Well-designed transport systems service growth and development, and reinforce urban development patterns.	Support	Transport links to and between TPI's landfill sites and transfer station sites are important to the viable function of the Auckland region's waste operations.	Retain as currently worded.
Physical infrastructure	Decisions we make on physical infrastructure will have significant impacts, not just on Auckland but also on the well-being of neighbouring regions and on the country as a whole. Auckland's future economic performance and general quality of life will rely on delivering high quality and cost effective physical infrastructure in a timely manner. We now face several development thresholds where we need to make crucial decisions around infrastructure investment, location and form. Our major utility services, such as wastewater and electricity transmission lines, and part of our transport network, are nearing capacity. At the same time, public attitudes to environmental quality are becoming more demanding; for example, the effects	Support in part	TPI supports the consideration of reverse sensitivity effects and seeks the inclusion of provision for high quality privately owned (or private-public owned) infrastructure e.g. landfills within this provision.	Amend the third and fourth paragraphs of the provision to read: Auckland has invested heavily in areas such as Auckland Airport and the ports, together with supporting infrastructure such as public transport, energy supply and broadband. To provide for ongoing economic growth we need to ensure that freight can move across and through Auckland. We must continue to invest in <u>and support</u> our significant infrastructure assets, including adequate and reliable bulk water supply, wastewater reticulation and associated works, stormwater management, <u>solid waste disposal network</u> and transport networks to keep pace with our growth. We need to make significant investment <u>and recognise and make provision for high quality privately (or private–public partnership) owned significant infrastructure</u> to upgrade these

	of contaminated overflows from our ageing combined stormwater and wastewater network. Auckland has invested heavily in areas such as Auckland Airport and the ports, together with supporting infrastructure such as public transport, energy supply and broadband. To provide for ongoing economic growth we need to ensure that freight can move across and through Auckland. We must continue to invest in our significant infrastructure assets, including adequate and reliable bulk water supply, wastewater reticulation and associated works, stormwater management, and transport networks to keep pace with our growth. We need to make significant investment to upgrade these networks to meet expectations of service reliability and quality, to adequately manage any adverse environmental effects, or meet new standards. We also need to manage the effects of more sensitive land uses (reverse sensitivity effects) on the operation and capacity of infrastructure as Auckland grows.			networks to meet expectations of service reliability and quality, to adequately manage any adverse environmental effects, or meet new standards. We also need to manage the effects of more sensitive land uses (reverse sensitivity effects) on the operation and capacity of infrastructure as Auckland grows.
Energy	…To sustainably manage our energy resources we will focus primarily on land use and development challenges, including:	Support	TPI supports the continued development of new energy generation, particularly where electricity is able to be generated from by-products or renewable resources.	Retain this provision.

	• managing the land use and reverse sensitivity effects of development • enabling the upgrading, maintenance and operation of new and existing energy supply infrastructure to improve physical security and resilience of supply, in particular the location of sensitive activities near electricity generation and transmission facilities • enabling new facilities for generating electricity from renewable resources at a range of scales • enabling small-scale energy generation such as solar panels.		Landfills are arguably Auckland's largest provider of renewable energy, of which Redvale is the largest. Landfill renewable energy generation provides a 24/7 base load supply and are viable and proven alternative beneficial reuse opportunities for organics (including kitchen waste). Redvale Landfill contains a Renewable Energy Plant that is currently able to generate electricity to supply up to 12,000 houses. The plant is consented to install up to twice as many generators as currently exist. Electricity generated at the plant is fed directly to some neighbouring properties, with the remainder being fed back into the national grid. TPI supports objectives and policies being included in the PAUP which support alternative energy supply sources.	
B.1.5 Sustainably managing our natural resources				
Air quality	Clean air is fundamental to our health, well-being and environment. Auckland, compared to many cities in the world, has good air quality. However, air quality sometimes fails to meet the government's national environmental standards for air quality or Auckland Ambient Air Quality standards (AAAQS). Emissions to air can result in elevated levels of particulate matter, nitrogen dioxide and other pollutants which are linked to negative health effects.	Support	TPI particularly supports the acknowledgement that incompatible land uses can cause reverse sensitivity issues however, for this to work in practice, appropriate and robust zoning must be implemented. Proposed zoning in the Unitary Plan should consider existing activities, particularly where significant capital has been invested in developing sites for specific industrial uses.	Amend the first paragraph of this provision to read: Clean air is fundamental to our health, well-being and environment. Auckland, compared to many cities in the world, has good air quality. However, air quality sometimes fails to meet the government's national environmental standards for air quality ~~or Auckland Ambient Air Quality standards (AAAQS)~~. Emissions to air can result in elevated levels of particulate matter, nitrogen

	The social and economic cost from particulate emissions in Auckland is significant. The main contributors to air pollution are domestic fires, transport (predominantly motor vehicle emissions), and to a lesser extent, industry. Reduction in emissions from transport has occurred because of better fuel, new vehicle technology and tighter emissions standards. However, these improvements are offset by increases in vehicle numbers, distance travelled, and an ageing vehicle fleet. Over the years emissions from industry have reduced due to more efficient production methods, better control technology and change to cleaner burning fuels. However, while industry contributions to regional air pollution have reduced, industry emissions can still impact on local air quality.		TPI supports the acknowledgement that inappropriate location of activities sensitive to air discharges can aggravate adverse effects. Auckland should also not be subject to additional, more stringent air quality requirements beyond what is required in the national environmental standards. Reference to the AAAQS should be removed. TPI supports the acknowledgement that emissions from industry (including the waste sector) have reduced and that industry is a lesser contributor to air quality impacts.	dioxide and other pollutants which are linked to negative health effects.
Chapter B, Section 2 – Enabling quality urban growth – Tāhuhu whakaruruhau ā-tāone				
B.2.3 Development capacity and supply of land for urban development				
B.2.3 Policy 3	Avoid urban development within: a) areas with significant environmental, heritage, natural character or landscape values, including areas identified in Appendix 3.1-3.2, Appendix 5.1, Appendix 6.2, Appendix 9.1 and land governed by the Waitākere Ranges Heritage Area Act	Support with amendments	A future urban zone (Silverdale) is located in close proximity to the existing Redvale Landfill site, which is contrary to (e). TPI is concerned that reverse sensitivity effects may arise from any future urban development, particularly at the southern end of the future urban zone.	Show LUC 1 land on planning maps. Amend as follows: Avoid <u>or minimise</u> urban development within: a) areas with significant environmental, heritage, natural character or landscape values, including areas identified in Appendix 3.1-3.2, Appendix 5.1, Appendix 6.2, Appendix 9.1 and

	b) scheduled sites and places of significance to Mana Whenua c) areas of significant mineral resources d) elite land e) close proximity to existing or planned significant infrastructure, particularly where residential activities would cause reverse sensitive effects f) greenfield land or future urban land affected by coastal inundation and projected sea level rise g) areas prone to natural hazards. Where avoidance cannot be achieved in areas prone to natural hazards, urban development must be done in such a way that, individually or cumulatively, protects people, property and the environment from significant risks of natural hazards.		TPI requests that the Future Urban zone is scaled back in this area to maintain a buffer of one kilometre from the landfill. Elite land is defined in the plan as LUC 1. However this does not appear to be shown on the planning maps. Alter wording to say "avoid or minimise urban development".	land governed by the Waitākere Ranges Heritage Area Act b) scheduled sites and places of significance to Mana Whenua c) areas of significant mineral resources d) elite land e) close proximity to existing or planned significant infrastructure, particularly where residential activities would cause reverse sensitive effects f) greenfield land or future urban land affected by coastal inundation and projected sea level rise g) areas prone to natural hazards. Where avoidance cannot be achieved in areas prone to natural hazards, urban development must be done in such a way that, individually or cumulatively, protects people, property and the environment from significant risks of natural hazards.
Chapter B, Section 3 – Enabling economic well-being – Te whakatupu oranga whānau				
B.3.1 Commercial and industrial growth				
B.3.1 Commercial and industrial growth Objective 3	Industrial growth occurs in appropriate locations that: a. promote sustainable and ongoing economic development b. provide for the efficient use of buildings, land and infrastructure in business areas	Support with amendments	This is relevant to TPI for any proposed future growth on-site, particularly at existing transfer station and bin park locations, but also growth on adjoining properties and areas. This needs to be supported. This objective focusses on growth, rather than growth and existing operations and it	Amend as follows: Industrial growth occurs in appropriate locations that: a. promote sustainable and ongoing economic development b. ~~provide~~ allows for the efficient use of buildings, land and infrastructure in business areas and the continued operation and

	c. avoid conflicts between incompatible activities.		would be beneficial if the objective included reference to existing operations. Objective 3(c) recognises reverse sensitivity issues; however, the zoning of some sites and surrounding areas will allow more sensitive activities to operate near some of TPI's transfer stations and other waste management sites, potentially creating conflict. TPI is well-established at each of its transfer station locations which were carefully located within appropriately zoned areas at the time of development. Each of these sites contain a significant investment in buildings and infrastructure. It is an efficient use of existing buildings and infrastructure to allow TPI to continue to operate as existing.	expansion of existing activities where appropriate c. avoid conflicts between incompatible activities while recognising existing established activities.
B.3.1 Commercial and industrial growth Policy 9	Enable sufficient supply of land for industrial activities, particularly land-extensive industrial activities, where the scale and intensity of effects anticipated in those zones can be accommodated and managed.	Support in part	Support the intent of this policy however, it appears that this has not been followed through into the industry zoning provisions. There is little analysis in the s32 report for the PAUP of the difference in land available for heavy industry uses. However, Table 2, Section 2.45 of the s32 report ("Air quality buffers – heavy industry") shows that there is 1,129 hectares of land available for proposed Heavy Industry zones compared with 2,278 hectares under the legacy regional plan provisions. This means that	Retain as currently worded and ensure that the strategic direction of this policy is carried through to the regional and district objectives, policies and rules.

			land zoned for industrial uses have decreased by half. It is important to note that, even if additional land is made available further out of the isthmus area, many industrial businesses cannot reasonably or easily relocate to other areas within Auckland, due to requirements including the large site area, access to transport routes for suppliers and customers, and the significant investment in the site required for operation of industrial businesses.	
B.3.1 Commercial and industrial growth Policy 11	Provide for the efficient use of scarce industrial land and avoid incompatible activities by: a. limiting the scale and type of non-industrial activities on land zoned for light industry b. preventing non-industrial activities establishing on land zoned for heavy industry.	Oppose	TPI should oppose Policy 11, as the wording is weak in relation to the establishment of non-industrial activities on land zoned for light industry, where eight of TPI's transfer stations are currently zoned in the PAUP. Policy 11(a) only 'limits' non-industrial activities on land zoned for light industry. In comparison with Policy 11(b) (which prevents non-industrial activities from entering heavy industry zones), it does not provide sufficient protection for existing heavy industrial uses located in the light industry zone.	Amend the provision to read: Provide for the efficient use of scarce industrial land and avoid incompatible activities by: a. ~~limiting the scale and type of~~ avoiding sensitive non-industrial activities on land zoned for light industry b. preventing non-industrial activities establishing on land zoned for heavy industry
B.3.2 Significant infrastructure and energy				
Introduction	Auckland's network of significant infrastructure plays key roles locally, regionally and nationally. Infrastructure services and facilities are critical to enable	Support with amendments	Waste facilities are an essential part of Auckland's infrastructure and landfills are considered to be significant infrastructure. Although most are privately owned,	Amend the provision to read: Auckland's network of significant infrastructure plays key roles locally, regionally and nationally. Infrastructure services and facilities are critical to

	people and communities and future generations to provide for their economic and social well-being and contribute to economic growth. Significant infrastructure includes transport networks (land, sea and air), water, wastewater and stormwater reticulation, energy transmission (electricity and liquid fuels), electricity generation, telecommunication and radio communication, defence facilities and public institutions. Managing the effects of more sensitive land uses (reverse sensitivity) on the operation and capacity of infrastructure is required as Auckland grows. Conflicts or incompatibilities between adjoining land uses need to be avoided, or mitigated where possible, in order to ensure that the operation of significant infrastructure is not compromised.		landfills and transfer stations have strong links to publicly-funded waste collection services and provide an essential service. Additionally, Redvale and Whitford Landfills contain Renewable Energy Plants which is also considered to be significant infrastructure. Description of significant infrastructure in the first paragraph is inconsistent with the definition of 'significant infrastructure' and should be amended to include solid waste disposal facilities. A large area of Future Urban zoned land has been located in close proximity to Redvale Landfill. There is the potential for conflict to occur between this sensitive activity and the existing Landfill which is considered to be significant infrastructure. It is not clear what measures are proposed to avoid or mitigate potential effects on the operation of the Landfill from this proposed use.	enable people and communities and future generations to provide for their economic and social well-being and contribute to economic growth. Significant infrastructure includes transport networks (land, sea and air), water, wastewater and stormwater reticulation, energy transmission (electricity and liquid fuels), electricity generation, telecommunication and radio communication, <u>waste disposal networks,</u> defence facilities and public institutions. Managing the effects of more sensitive land uses (reverse sensitivity) on the operation and capacity of infrastructure is required as Auckland grows. Conflicts or incompatibilities between adjoining land uses need to be avoided, or mitigated where possible, in order to ensure that the operation of significant infrastructure is not compromised.
B.3.2 Objective 1	Resilient infrastructure and a high quality service.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Objective 2	The benefits of significant infrastructure which service the wider community, Auckland or New Zealand are recognised, including: a. the essential services provided by infrastructure networks, which	Support	TPI supports this provision.	Retain this provision.

	provide for the functioning of communities, businesses and industry b. enabling economic growth c. providing for public health, safety and the well-being of people and communities d. contributing to a well functioning and liveable Auckland e. protecting the quality of the natural environment f. enabling interaction and communication.			
B.3.2 Objective 3	Development, operation, maintenance, and upgrading of significant infrastructure is provided for and enabled, while managing any adverse effects it may have on: a. areas with significant landscape, cultural and historic heritage, and natural ecological and biodiversity values b. the health, safety and amenity of communities.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Objective 4	Renewable electricity generation is enabled, and energy efficiency and conservation promoted.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Objective 6	Auckland's significant infrastructure is protected from reverse sensitivity effects and incompatible subdivision, use and development.	Support	TPI supports this provision.	Retain this provision.

B.3.2 Objective 7	The locational or function-based requirements of significant infrastructure are recognised.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Policy 1	Provide for the efficient development, use, operation, maintenance and upgrading of secure and reliable infrastructure.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Policy 5	Provide for the locational requirements of significant infrastructure by recognising that it often has a functional need to be located in certain places.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Policy 7	Avoid reverse sensitivity effects by requiring subdivision, use and development to not occur in a location or form that constrains the use, operation, maintenance and upgrading of existing and planned significant infrastructure.	Support	TPI supports this provision.	Retain this provision.
B.3.2 Policy 8	Where new or major upgrades to significant infrastructure are proposed within those overlays identified to protect landscapes, natural and historic heritage, ecological, biodiversity values, and scheduled sites and places of significance to Mana Whenua, the following matters must be considered when balancing the development against the protection of these places: a. the economic and social benefits derived from significant infrastructure	Support	TPI supports this provision.	Retain this provision.

	b. whether the significant infrastructure has a functional need to be located in the proposed location c. the need for utility connections across or through such areas to enable an effective and sustainable network d. whether there are any reasonably practicable alternative locations, routes or designs, which would reduce any adverse effects e. the extent of existing adverse effects f. the type, scale and extent of adverse effects on the values of the area, taking into account: i. scheduled sites and places of significance to Mana Whenua ii. significant public open space areas, including harbours iii. hilltops and high points that are publicly accessible scenic lookouts, particularly where the infrastructure involves tall structures, such as towers and poles iv. high-use recreation areas v. natural ecosystems and habitats vi. the extent to which the adverse effects can be avoided, remedied or mitigated.			

B.3.2 Policy 11	Provide for renewable electricity generation activities to occur at different scales and from different sources, including small and community-scale renewable generation activities.	Support	TPI supports this provision.	Retain this provision.
B.3.3 Transport				
B.3.3 Objective 1	An effective, efficient and safe transport system that supports the integrated movement of people, goods and services throughout Auckland and to other regions and nations.	Support	Access to an effective, efficient and safe transport system is important to the viability of TPI's business and of solid waste management in Auckland generally. The current location of TPI's operations have strategic links to each other and to main freight routes.	Retain this provision.
B.3.3 Objective 3	A well developed, operated and maintained transport system that manages potential adverse effects on the natural environment and the health, safety and amenity of people and communities.	Support		Retain this provision.
B.3.3 Policy 4	Identify and protect areas and routes critical for developing Auckland's future transport infrastructure including: a. high quality transport corridors that improve connections between: i. Auckland and Northland ii. Auckland and the Waikato iii. east Auckland to west Auckland iv. The city centre, the Auckland International Airport and Manukau Metropolitan centre (including State Highway 1)	Support	TPI supports the intent of this policy.	Retain this provision.

	v. The North Shore and the city centre, and the city centre to the Auckland Isthmus b. improvements to the rapid and frequent service network c. regional and inter-regional walking and cycling connections.			
B.3.3 Policy 5	Recognise the arterial road network needs to be managed to provide priority to public transport and freight movements.	Support	Priority of freight movements should be supported.	Retain this provision.
B.6 6 Sustainably managing our natural resources - Toitū te whenua, toitū te				
B.6.1 Air				
B.6.1 Introduction	… There are other air pollutants such as $PM_{2.5}$ that are not addressed in national environment standards, but which have significant impacts on human health in Auckland. Therefore Auckland Ambient Air Quality Standards (AAAQS) have been developed to provide guidance in this Unitary Plan on the management of a range of contaminant discharges to air.	Oppose	Air quality standards are more appropriately dealt with at a national level (for example through NES). It is not appropriate for Council to set caps or targets on air discharges, because of the fluctuation and composition of emissions over time. TPI considers that a consent-by-consent assessment, and that a national approach (rather than a piecemeal regional approach) would be fairer and of more value. The regional air quality standards should be set at the same value as national standards to avoid imposing additional costs on industry in the Auckland region compared to elsewhere in New Zealand.	The AAAQS should be amended as requested in TPI's submission on air quality provisions.

B.6.1 Objective 1	Air discharges and the use and development of land are managed to improve air quality, enhance amenity values and reduce reverse sensitivity in Auckland's urban areas and to maintain air quality at existing levels in rural and coastal marine areas.	Oppose	While TPI support managing and improving overall air quality in Auckland, this objective needs to acknowledge that some areas will have reduced amenity due to existing or heavy industrial activities. It is also considered to be unreasonable to require improvement in air quality in urban areas (including business zones) but only maintenance in rural areas.	Amend as follows: Air discharges and the use and development of land are managed to improve <u>overall</u> air quality, enhance amenity values and reduce reverse sensitivity in Auckland's urban areas and to maintain air quality at existing levels in rural and coastal marine areas.
B.6.1 Objective 2	The Auckland Ambient Air Quality Standards and National Environmental Standards are met, and in particular priority is given to meeting the annual average standards for fine particles (PM_{10} and $PM_{2.5}$) and hourly and 24-hourly standards for nitrogen dioxide.	Oppose	Oppose the provision of lower targets in the AAAQS – it should be aligned with the NES, for the reasons outlined in comments on B.6.1 Introduction.	The AAAQS should be amended as requested in TPI's submission on air quality provisions.
B.6.1 Policy 1	Manage discharges to air and the use and development of land to: a. avoid significant adverse human health effects and reduce exposure to adverse air discharges b. regulate activities that use or discharge noxious or dangerous substances c. minimise reverse sensitivity conflicts by avoiding or mitigating land use conflict between air discharges and activities that are sensitive to air discharges d. enable the operation and development of light and heavy industrial activities	Support	The intent of this policy is supported however, successful implementation of this policy is important. In particular, the ongoing operation of existing industrial activities and potential future development of those sites should be recognised through appropriate zoning, so that reverse sensitivity conflicts are minimised.	Retain as currently worded.

	and rural production activities, that have air discharges e. protect activities that are sensitive to the adverse effects of air discharges f. reduce the adverse effects of emissions from domestic fires and motor vehicles g. minimise actual and potential risk to people and property h. protect flora and fauna from the adverse effects of air contaminants.			
B.6.1 Policy 2	Meet AAAQS by giving priority to: a. reducing PM_{10} and $PM_{2.5}$ particulate discharges from combustion sources such as domestic fires, motor vehicle emissions and industrial discharges to air b. establishing caps for the total discharge of fine particles (PM_{10} and $PM_{2.5}$) and nitrogen dioxide from sources that require air discharge consents c. providing for new major discharges, or increases in existing discharges of fine particles (PM_{10} and $PM_{2.5}$) where: i. the activity will not exceed the cap established under (b) above ii. the emissions are offset.	Oppose	Air quality standards are more appropriately dealt with at a national level (for example through NES). It is not appropriate for Council to set caps or targets on air discharges, because of the fluctuation and composition of emissions over time. The implementation of a cap on discharges from sources that require air discharge consents is inappropriate. The earlier provisions have identified that Industrial activities are small contributors to overall air quality impacts, and that effects are localised around the site. Capping discharges does not provide for new activities that will improve the Auckland economy and will also not achieve any improvements in overall air quality in Auckland. New discharges are required to avoid, remedy or mitigate adverse effects which	Delete policy 2.

	d. advocating for the reduction of discharges of nitrogen oxides in motor vehicles emissions e. advocating for reductions in sulphur dioxide emissions from marine sources.		will ensure new activities do not cause significant adverse effects on overall and localised air quality.	
B.6.1 Policy 5	Manage the discharge of contaminants to air from the use and development of land and the coastal marine area in a manner that provides for different levels of amenity according to the purpose of the zone and the predominant types of activities within any given area, and in particular: a. allow for reduced air quality amenity in industrial areas b. maintain a high level of air quality amenity, including good visibility in other urban areas and in the coastal marine area c. provide for minor and localised degradation of amenity, including visibility in rural areas, only where the air discharge is from a rural activity.	Oppose in part	Support the allowance for reduction in air quality amenity in industrial areas, but consider this should be applied in both light and heavy industrial areas. However, the provision is inconsistent with B.6.1 Objective 1 as written. Objective 1 should be amended as suggested above. Minor and localised degradation in rural areas should not be restricted to rural activities only, particularly if landfill sites such as Redvale are not provided with Special Purpose or Industrial zoning.	Amend Policy 5 as follows: a. allow for reduced air quality amenity in <u>all</u> industrial areas b. maintain a high level of air quality amenity, including good visibility in other urban areas and in the coastal marine area c. provide for minor and localised degradation of amenity, including visibility in rural areas, only where the air discharge is from a rural activity <u>or significant infrastructure</u>.
B.6.3 Freshwater and Geothermal Water				
B.6.3 Objective 5	The adverse effects of stormwater runoff and wastewater discharges on communities, freshwater systems and coastal waters are minimised and existing adverse effects are progressively reduced.	Oppose	TPI support avoiding adverse effects from stormwater runoff and wastewater discharges. However, the objective indicates that existing adverse effects are	Amend the provision to read: The adverse effects of stormwater runoff and wastewater discharges on communities, freshwater systems and coastal waters are

			progressively reduced, but does not indicate to what level. TPI have made a significant investment on stormwater treatment, and systems to ensure discharges do not result in more than minor adverse effects. Existing consents which allow a certain level of discharge cannot be required to be progressively reduced if the consent holder is meeting their obligations under the consent. The provision should be amended to state that effects should be reduced to ensure there are no significant adverse effects from discharges.	minimised and ~~existing~~ significant adverse effects from existing discharges are progressively reduced.
B.6.3 Policy 3	Manage use and development, discharges and other activities to avoid where practicable, and otherwise minimise and reduce: a. adverse effects on the water quality and biodiversity values in identified natural lake, natural stream and wetland management areas and in SEAs b. adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai c. adverse effects on the quality of receiving water, including its ecology and mauri, where such water is subject	Support	TPI support the requirement to manage and treat discharges of contaminants, and activities that have potential to generate contaminants. TPI have made significant investments at their various sites to manage discharges to water.	Retain this provision.

	to any new inter-catchment transfer or mixing of water d. significant bacterial contamination of freshwater and coastal waters e. the adverse effects of discharges on the quality of freshwater and coastal waters by: i. reducing the potential for contaminants generated on or discharged to land at both point source and non-point sources to enter surface water and groundwater ii. requiring management and treatment of discharges and contaminants iii. managing land use activities that generate and discharge contaminants iv. adopting the best practicable option for managing stormwater and wastewater network diversions and discharges.			
B.6.3 Policy 9	Minimise the loss of sediment from land use, development and manage sediment discharges into surface water bodies and coastal water by requiring land disturbing activities to be designed and undertaken to: a. retain soil and sediment on land and not discharge it to surface water	Support	TPI support these measures as they operate their landfill and managed fill operations according to good practice.	Retain this provision.

	bodies and coastal water, as far as practicable b. use industry best practices and standards appropriate to the nature and scale of the land disturbing activity and the sensitivity of the receiving environment to minimise sediment discharges c. limit the amount of land being disturbed at any one time to minimise the risk to receiving environments particularly where the: i. nature of the soil type or topography is likely to result in increased sediment loss; or ii. resulting sediment laden discharge is likely to adversely affect sensitive areas.			
B.6.3 Policy 10	Manage the adverse effects of use, development, and the discharge of contaminants from stormwater networks in urban areas on freshwater systems and coastal waters by: a. using land use change and development opportunities to reduce the adverse effects of existing land use b. controlling the extent of impervious surfaces to minimise adverse effects on rivers and streams, the capacity of the stormwater network, flood risk and overflows from the sewer network;	Support	TPI generally supports the intent of this policy.	Retain this provision.

	c. controlling stormwater volumes and runoff from use and development in areas that discharge to rivers and streams that are identified as being susceptible to the adverse effects of increased stormwater flows d. minimising the generation and discharge of stormwater and contaminants to the stormwater network e. adopting the best practicable option to manage discharges from public stormwater networks and enabling prioritised improvements to those networks and reduction in adverse effects on a catchment, network or receiving environment basis.			
B.6.4 Land - hazardous substances				
B.6.4 Policy 3	Manage the effects associated with use and development of land for hazardous facilities by: a. not allowing sensitive activities to be established near hazardous facilities or areas identified for hazardous facilities if they are likely to be adversely affected by any hazardous facility or if they have the potential to constrain operation of the hazardous facility b. not allowing new hazardous facilities to be located near sensitive activities unless adverse effects are avoided	Support	Support the use of hazardous facilities in industrial zones that are located away from sensitive areas such as residential zones. The implications for TPI's activities, some of which require use and storage of hazardous substances, rely on the appropriate zoning of each site, and surrounding land.	Retain this provision.

	c. providing areas for hazardous facilities within Auckland away from sensitive activities so that they may carry out their operations without unreasonable constraints.			
B.8 Sustainably managing our rural environment - Toitū te tuawhenua				
B.8.1 Rural activities				
B.8.1 Policy 10	Enable the location and operation of significant infrastructure, including renewable electricity generation, in rural areas.	Support	TPI supports the inclusion of this policy. Some significant infrastructure, including landfills, is best located in rural areas to minimise the potential for adverse effects on people.	Retain this provision.
B.9 Responding to climate change - He tīkapa ki te āhuarangi				
B.9 Policy 1	Increase energy efficiency, the use of renewable energy and carbon sinks to contribute to the mitigation of the adverse effects of climate change in Auckland by: a. integrating land use and transport to enable an increase in the use of public transport networks and active modes such as walking and cycling. b. requiring 5 or more new dwellings and office and industrial buildings over 5000m² to achieve best practice sustainable design c. encouraging all development to incorporate energy efficient design through solar orientation of the building, location of windows and	Support with amendments	TPI supports waste minimisation initiatives to reduce the amount of waste going to landfills and associated fuel consumption associated with waste transportation. TPI supports policy (h) enabling the development of renewable electricity generation activities. Redvale Landfill contains a Renewable Energy Plant that currently provides enough electricity to power the equivalent of 12,000 homes. Whitford Landfill's Renewable Energy Plant can power the equivalent of 3,000 homes. Electricity generation plants may be proposed as part of any future landfill developments that TPI is involved in. Provisions (b)-(d) should be amended to ensure that development on existing	Amend b)-d) as follows: b. requiring 5 or more new dwellings and <u>new</u> office and industrial buildings over 5000m² to achieve best practice sustainable design c. encouraging all <u>new</u> development to incorporate energy efficient design through solar orientation of the building, location of windows and inclusion of appropriate insulation and thermal mass d. <u>where appropriate,</u> enable the retrofit of existing buildings to improve their energy efficiency and ~~where appropriate~~ incorporate renewable energy generation

	inclusion of appropriate insulation and thermal mass d. enable the retrofit of existing buildings to improve their energy efficiency and where appropriate incorporate renewable energy generation e. protecting existing carbon sinks and promoting new carbon sequestration opportunities f. encouraging new neighbourhoods to be planned to incorporate community scale energy generation, waste management and water sensitive design along with public and active transport networks g. waste minimisation initiatives to reduce the amount of waste going to landfills and energy consumption associated with transport of waste h. enabling the development of renewable electricity generation activities including wind farms and solar photovoltaic generation i. encouraging other activities which improve energy efficiency and reduce greenhouse gas emissions such as waste minimisation and local food production.		buildings does not require retrofitting of the existing buildings where this is inappropriate attracts disproportionate costs or is required at the expense of ensuring that an industrial building can meet its industrial purpose.	

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of First Schedule, Resource Management Act 1991
FORM 2 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013

Correspondence to:
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Private Bag 92300
Auckland 1142
Attn: Unitary Plan Submission Team

Submitter details

Full Name of Submitter or Agent (if applicable)
Transpacific Industries Group (NZ) Ltd ("TPI")

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1. This is a submission on the Proposed Auckland Unitary Plan ("PAUP").
2. TPI is submitting on a number of aspects of the PAUP. For ease of processing, submissions on different sections of the PAUP are being provided in separate submissions.
3. We could not gain an advantage in trade competition through this submission.

Scope of submission

The specific provisions of the proposed plan that this submission relates to are:

- Those provisions of the PAUP contained in Chapter C, 5.1 Air quality, Chapter E: 7.11 Air Quality – Industry Transition, 7.12 Air Quality – Sensitive Activity Restriction and Chapter H, 4.1 Air quality;
- In particular, but not limited to, those provisions that affect the ongoing operation and future development of sites owned or operated by TPI for the provision of services relating to the waste industry.
- Any other matters relating to the operation of TPI's business contained within the PAUP.

Submission

Our submission is set out below:

Background

Transpacific Industries (TPI) is one of the leading providers of comprehensive waste and environmental services in New Zealand, and is a major player in the waste industry across the Auckland region. TPI has a comprehensive service offering, including resource recovery, responsible waste management and transport solutions. TPI operates the Redvale Landfill and is a joint venture partner in Whitford Landfill with Auckland Council. TPI also owns and operates a number of other strategic waste assets throughout Auckland. TPI is strongly committed to the safe and responsible management of waste, regulatory compliance and the protection and enhancement of the environment.

We support the following:

1. The acknowledgement that the operational needs of industrial processes need to be recognised and supported, and the recognition of motor vehicles as the largest contributor to air pollution in Auckland, rather than industrial processes.
2. Provisions that seek to manage air quality within the Auckland Region so that human health, amenity values and the environment are protected from significant adverse effects of air discharges while providing for the continuing operation of industrial activities that have discharges to air.
3. Provisions to avoid or minimise reverse sensitivity effects by maintaining adequate separation distance between incompatible land uses and activities.
4. Policy 8 of Chapter C, Section 5.1, which requires the avoidance of industrial air discharges in rural areas except where the activity is significant infrastructure requiring large separation distances. This is particularly pertinent to landfills.
5. Policy 13 of Chapter C, Section 5.1, which requires the avoidance of significant adverse effects from air discharges beyond the boundary of the premises.
6. The controls in 3.2.1 and 3.4.1 of Chapter H, Section 4.1. With some minor amendments (as suggested in Attachment A), these have the same effect as the Auckland Regional Plan: Air, Land and Water.

We oppose the following:

1. The AAAQS in its current form. The regional air quality standards should be set at the same value as national standards to avoid imposing additional costs on industry in the Auckland region compared to elsewhere in New Zealand.
2. The inclusion of provisions requiring offsetting of new discharges from industrial sources that require air discharge consent.
3. The use of a Heavy Industry Transition Overlay. The Heavy Industry Transition Overlay is inconsistent with the purpose of the Heavy Industry zone, represents an inefficient use of land and does not adequately recognise the need to protect heavy industrial land as a key contributor to the regional and national economy.
4. Policy 5 of Section 5.1, which does not recognise that some activities, such as landfills, are most appropriately located in the rural zone. TPI requests that this provision be amended to allow for degradation of amenity from rural activities and significant infrastructure (provided that solid waste disposal is recognised as significant infrastructure).

5. Policy 9 of Section 5.1, which requires permitted air discharges from vehicles to be assessed, modelled and monitored as part of any application that requires consent and that this policy would be unlikely to have any real effect as the applicant would have little or no control over the air quality effects of the vehicles travelling to or from their site.

6. While TPI supports the intent of Policy 16, Section 5.1 (the establishment of a notional odour boundary), the use of the phrase "under the control of the same owner or occupier as the activity" does not reflect the range of legal instruments available to establish a notional odour boundary, such as easements and covenants. TPI proposes an amendment to this policy to specifically mention notional odour boundaries (see Attachment A).

7. The use of the term 'best practice' throughout these provisions. This should instead refer to 'best practicable management measures' or 'best practicable option' as appropriate, so that it is consistent with the requirements of the Resource Management Act.

8. The section 32 analysis is flawed because it does not adequately account for the severity of the shortage of industrial land, the potential economic and social implications of this shortage, or the significant investment that has already been made by the community in infrastructure that would have to be duplicated elsewhere if industry were forced to relocate.

Decision sought from Council

We seek the following decision from Auckland Council:

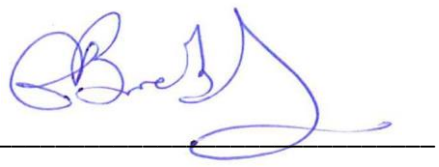
- Amend the PAUP in accordance with the 'relief sought' in the attached table (Attachment A), or words to like effect (additions underlined, deletions ~~struckthrough~~).
- Any other further or consequential amendments required to address TPI's concerns with the PAUP, including edits, deletions or additions to any issues, objectives, policies, rules, maps, assessment or discretion criteria, or any explanatory text.

Hearing

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Date: 28 February 2014

Signature: 

Andrea Brabant (authorised to sign on behalf of Transpacific Industries Group (NZ) Ltd)

Attachment A: Decisions sought from Council by TPI in relation to air quality provisions

Reference	Provision wording	Support/Oppose	Comment	Relief sought (or words to like effect), additions underlined, deletions ~~struckthrough~~
Chapter C, 5.1 Air quality				
5.1 Introduction	Auckland's urban areas are the main focus of the Unitary Plan's objectives and policies relating to the management of air quality. This reflects the higher numbers of people that are impacted by sources of air pollution in the urban area. Higher population densities, together with mixed residential, commercial and industrial land uses and the high numbers of vehicles means there needs to be a greater focus on both the management of individual discharges from various sources and the separation of incompatible land uses and activities. There are also industrial processes that cannot avoid discharging contaminants into the air and their operation needs to be recognised and supported. Therefore, their effects need to be managed using suitable control technology, on-site management techniques and by locating such industries in appropriate areas. Motor vehicles are the largest contributor to air pollution in Auckland. Motor vehicle emissions are very difficult to control or contain, and degraded air quality, as a result, has adverse impacts on human health, ecosystems and amenity values. Location of sensitive activities with respect to transport	Support	TPI supports the acknowledgement that the operational requirements of industrial processes need to be recognised and supported, and agrees with the methods outlined to manage effects. It is important that the Unitary Plan's zoning for industrial sites takes into account the existing activities on that site, given the capital-intensive nature of many industrial activities. TPI also supports the recognition of motor vehicles as the largest contributor to air pollution in Auckland, rather than industrial processes.	Retain provision.

	sources will become increasingly important with a growing population. Domestic home heating is a large source of emissions in winter and emissions are targeted for improvement, for example by the use of new and more efficient solid fuel burning appliances…			
5.1 Objective 2	Air discharges, including PM_{10} and $PM_{2.5}$ (particle pollution, or particulate matter), are reduced to protect public health and amenity, and to meet national and Auckland Ambient Air Quality Standards (AAAQS) in Table 1.	Oppose	TPI does not support the proposed lower AAAQS for sulphur dioxide as a 24-hour average. The regional air quality standards should be set at the same value as national standards, particularly in order to avoid imposing additional costs on industry in the Auckland region compared to elsewhere in New Zealand.	Adopt the current New Zealand ambient air quality guideline for sulphur dioxide (24-hour average) as the AAAQS.
5.1 Objective 4	Industrial and rural activities are located within appropriate zones, to recognise the benefits of these activities and provide for them, and to avoid adverse effects from air discharges on human health, property and the environment.	Support in part	TPI supports the location of industrial and rural activities in appropriate zones. However, in line with this provision, the Unitary Plan's zoning should take into consideration the existing activities on each site, given the capital-intensive nature of many industrial activities.	Retain provision. Amend zoning of specified industrial sites as noted elsewhere in TPI's submissions.
5.1 Objective 5	Incompatible land uses and activities are adequately separated to avoid or minimise adverse effects of air discharges, and reverse sensitivity conflicts are avoided or minimised.	Support	Providing for appropriate management of reverse sensitivity effects is an important resource management objective for Auckland.	Retain provision.
5.1 Policy 1	Protect human health by requiring that air discharges do not cause air quality to exceed the AAAQS in Table 1 for the specified contaminants, and manage the discharge of other contaminants so that the adverse effects	Oppose	TPI does not support the proposed lower AAAQS for sulphur dioxide as a 24-hour average. The regional air quality standards should be set at the same value as national standards to avoid	The AAAQS should be amended so that it is aligned with national standards.

	on human health, including cumulative adverse effects, are minimised.		imposing additional costs on industry in the Auckland region compared to elsewhere in New Zealand.	
5.1 Policy 4	Manage the air quality amenity in the CMA and urban areas by: a. avoiding offensive or objectionable odour, dust, particulate, ash, smoke, fumes, overspray and visible emissions b. avoiding any significant adverse effects from industrial or rural activities air discharges c. having adequate separation distances and best management practices for industrial or rural activities d. minimising adverse air quality effects from urban and marine activities.	Oppose	Clause c should require "best practicable management measures" as this is consistent with the requirements of the RMA. There should be an additional clause (e) that provides for those industrial activities that are already and likely in the future to be located in the CMA and urban areas, or impacting on such areas – because all industrial zones are in urban areas.	Amend the provision as follows: c) having adequate separation distances and best ~~management practices~~ practicable management measures for industrial or rural activities and avoiding reverse sensitivity issues relating to existing facilities New clause (or words to like effect): e) Providing for industrial activities with discharges to air in identified locations
5.1 Policy 5	Manage the amenity in rural areas by: a. avoiding offensive or objectionable odour, dust, particulate, ash, smoke, fumes, overspray and visible emissions that are not of a rural nature or character b. allowing for minor and localised degradation of amenity only where the discharge is from a rural activity c. minimising adverse effects of air discharges from rural activities.	Oppose	Policy 5(b) only allows for degradation of amenity from rural activities. The policy does not recognise that some activities, such as landfills, are most appropriately located in the rural zone. The policy should be amended to allow for degradation of amenity from rural activities and significant infrastructure (provided that solid waste disposal is recognised as significant infrastructure).	Amend the provision as follows: Manage the amenity in rural areas by: a. avoiding offensive or objectionable odour, dust, particulate, ash, smoke, fumes, overspray and visible emissions that are not of a rural nature or character b. allowing for minor and localised degradation of amenity only where the discharge is from a rural activity or the operation of significant infrastructure that cannot be provided for within urban areas e.g. landfills and quarries c. avoiding reverse sensitivity issues relating to existing facilities

				d. minimising adverse effects of air discharges from rural activities.
5.1 Policy 6	Manage reduced amenity in the Heavy Industry and Quarry zones in the Unitary Plan and in the Commercial 6 zone, in the Hauraki Gulf Islands section of the Auckland Council District Plan, to support the use and development of that zone by: a. accepting some reduction in air quality amenity in the above zones, provided any discharge to air is minimised and any discharge of hazardous air pollutant does not cause adverse health effects b. requiring adequate separation distances to ensure any air discharges that move beyond reduced amenity areas meet the air quality provisions of the adjacent area c. avoiding activities sensitive to air discharges locating in or adjacent to reduced amenity areas.	Neutral	This provision should be amended to allow for reduced amenity in the Special Purpose (Landfill and Energy Park) zone that is proposed for Redvale Landfill in a separate TPI submission.	Amend the provision as follows: Manage reduced amenity in the Heavy Industry, <u>Special Purpose (Landfill and Energy Park)</u> and Quarry zones in the Unitary Plan and in the Commercial 6 zone, in the Hauraki Gulf Islands section of the Auckland Council District Plan, to support the use and development of that zone by: a. accepting some reduction in air quality amenity in the above zones, provided any discharge to air is minimised and any discharge of hazardous air pollutant does not cause adverse health effects b. requiring adequate separation distances to ensure any air discharges that move beyond reduced amenity areas meet the air quality provisions of the adjacent area c. avoiding activities sensitive to air discharges locating in or adjacent to reduced amenity areas.
5.1 Policy 7	Maintain adequate separation distances between activities with air discharges and those sensitive to air discharges by: a. encouraging heavy industry that requires an air discharge consent to locate in Heavy Industry zones and be separated by an appropriate distance of at least 500m from zones providing for activities sensitive to air discharges	Oppose	TPI supports the intent of this policy, particularly as it relates to maintaining adequate separation distances. However TPI does not support the use of the Heavy Industry Transition Overlay as a tool for achieving this. The Heavy Industry Transition Overlay is inconsistent with the purpose of the Heavy Industry zone, represents an inefficient use of land and	Delete the Heavy Industry Transition Overlay.

	b. not allowing new activities with discharges to air that are likely to have adverse effects to locate in zones where activities sensitive to air discharges are permitted activities, unless it can be shown that adverse effects can be avoided, remedied or mitigated and amenity provisions of the zone are met c. not allowing activities including heavy industry that require air discharge consents to locate in Air Quality Industry Transition overlay, or Light Industry zones, unless it can be shown that adverse effects on activities sensitive to air discharges can be avoided, remedied or mitigated.		does not adequately recognise the need to protect heavy industrial land as a key contributor to the regional and national economy. Adequate separation distance is maintained through the use of the Sensitive Activity Restriction Overlay.	
5.1 Policy 8	Avoid industrial air discharges in rural areas and the CMA except where: a. the activity is location-specific, such as quarries or localised wastewater treatment facilities b. the activity is significant infrastructure requiring large separation distances that cannot be provided for within urban areas c. the activity is a rural industry.	Support	TPI supports this policy, particularly the exception of significant infrastructure requiring large separation distance (such as landfills).	Amend the provision to read (or words to like effect): Avoid industrial air discharges in rural areas and the CMA except where: a. the activity is location-specific, such as quarries <u>and landfills</u> or localised wastewater treatment facilities b. the activity is significant infrastructure requiring large separation distances that cannot be provided for within urban areas c. the activity is a rural industry.
5.1 Policy 9	Require applications for land use consent or designation for a high traffic-generating activity to demonstrate that: a. Any potential discharges of pollutants to air from vehicles have been assessed using	Oppose	TPI considers that it is unduly onerous to require permitted air discharges from vehicles to be assessed, modelled and monitored as part of any application that requires consent and that this policy	Delete policy or amend so that it only applies to activities where public transport is a viable alternative to private cars.

	best practice methods such as modelling and monitoring, appropriate to the scale of the discharge and any potential adverse effects b. the combined concentrations of air discharges arising from the activity and background levels will not cause adverse effects on human health or on regional or local air quality, and will meet the AAAQS in Table 1 c. easy access to public transport is available so that people have an alternative to private vehicles d. access to and the layout and design of the land use or activity facilitates walking or cycling as a practicable alternative to the use of private motor vehicles for trips to/from the activity.		would be unlikely to have any real effect as the applicant would have little or no control over the air quality effects of the vehicles travelling to or from their site. Clause b) creates the impossible situation that no proposed activity could comply with the requirement as the Auckland urban airshed is already defined as polluted. Clause c) should include "where relevant" to differentiate between activities where public transport is an alternative vs activities where it is not, e.g. large-scale retail vs landfill Clause d) should include "where relevant" to differentiate between activities where walking and cycling is an alternative vs activities where it is not, e.g. large-scale retail vs landfill Oppose aspects of AAAQS as previously noted.	
5.1 Policy 12	Avoid or minimise air discharges by: a. using best management practices b. adopting a precautionary approach where there is uncertainty and a risk of serious effects or irreversible harm to the environment from air discharges c. using best practicable option emissions control at the source of the discharge	Oppose in part	Clause a) should require "best practicable management measures" as this is consistent with the requirements of the RMA.	Amend the provision to read (or words to like effect): Avoid or minimise air discharges by: a. using best ~~management practices~~ <u>practicable management measures</u> b. adopting a precautionary approach where there is uncertainty and a risk of serious effects or irreversible harm to the environment from air discharges

				c. using best practicable option emissions control at the source of the discharge
5.1 Policy 13	Avoid significant adverse effects from air discharges beyond the boundary of the premises where the discharge is occurring, including: a. noxious or dangerous effects on human health, property or the environment from hazardous air pollutants b. offensive or objectionable effects on amenity values from odour, dust, particulate matter, smoke, ash, fumes and visible emissions c. overspray effects on human health, property or the environment.	Support	TPI supports the intent of this policy.	Retain the provision.
5.1 Policy 14	Require individual sources of any discharge to air to demonstrate where relevant to the discharge type and reasonably practicable: a. low-emission fuels are used b. energy is efficiently used c. best practicable option is used d. fugitive emissions are minimised e. risk and adverse effects on people, property and the environment from hazardous air pollutants are avoided f. the amenity provisions of any zone where the discharge is having an effect are met g. recognised best-practice management and emission control standards are met	Oppose	Clause a) is meaningless without any explanation of what "low emission fuel" might mean. It also does not take into account whether there are any practicable alternatives to the proposed fuel, taking into account cost and the nature and scale of effects. Clause b) - while TPI agrees in principle that energy should be efficiently used, demonstrating this as part of a resource consent application is overly onerous and not directly relevant to discharges to air. Clause e) as worded is inappropriate as risk usually cannot be avoided, only minimised	Amend the provision to read (or words to like effect): Require individual sources of any discharge to air to demonstrate, where relevant to the discharge type and reasonably practicable, that: ~~a. low-emission fuels are used~~ ~~b. energy is efficiently used~~ a. <u>the</u> best practicable option is used b. fugitive emissions are minimised c. risk and adverse effects on people, property and the environment from hazardous air pollutants are ~~avoided~~ <u>minimised</u> d. the amenity provisions of any zone where the discharge is having an effect are met

	h. there are adequate separation distances to activities sensitive to air discharges i. significant adverse effects on flora and fauna, particularly where they are food sources or in areas identified as SEAs both on land and in the CMA are avoided.		Clause g) should require "best practicable management measures" as this is consistent with the requirements of the RMA. Clause h) is unclear as the term "adequate separation distances" is ambiguous without qualification	e. recognised ~~best-practice~~ best-practicable management measures and emission control standards are met f. there are adequate separation distances to activities sensitive to air discharges to avoid significant adverse effects g. significant adverse effects on flora and fauna, particularly where they are food sources or in areas identified as SEAs both on land and in the CMA are avoided.
5.1 Policy 16	Require waste processes and intensive farming with air discharges to: a. internalise adverse odour effects within the premises, or on other land under the control of the same owner or occupier as the activity, unless it can be demonstrated that the amenity provisions of the zone into which the activity discharges can be met b. encourage the reduction, reuse or recycling of waste materials in the process.	Oppose in part	In effect, this policy encourages the establishment of a notional odour boundary as a method to avoid significant adverse effects of odours. However, the use of the phrase "under the control of the same owner or occupier as the activity" does not reflect the range of legal instruments available to establish a notional odour boundary, such as easements and covenants. The wording should be consistent with Chapter H, 4.1.3.4.1 For clarity, the reference to "air discharges" should be changed to odour.	Amend the provision to read (or words to like effect): Require waste processes and intensive farming with odour discharges to minimise adverse odour effects off-site or beyond the notional odour boundary unless it can be demonstrated that the amenity provisions of the zone into which the activity discharges can be met. The notional odour boundary will comprise land under the control of the same owner or occupier as the activity or be established through designation or an instrument registered against the land title of residential property.
5.1 Policy 18	Require applications for activities requiring resource consent for air discharges to: a. have combined concentrations arising from the air discharge activity and background levels below the AAAQS in Table 1	Oppose	Clause a) does not adequately differentiate between localised effects (e.g. at the boundary of a site) and effects on ambient air quality where people may be exposed. This should refer to not causing ambient air quality to exceed the	Amend the provision to read (or words to like effect): Require applications for activities requiring resource consent for air discharges to: a. ~~have combined concentrations arising from the air discharge activity and background levels below the AAAQS in Table 1~~

	b. show how the amenity provisions of the zone, and any adjacent zone where there are effects from the activity, are met c. assess air discharges using best-practice methods, such as modelling and monitoring, appropriate to the scale of the discharge and any potential adverse effects d. demonstrate best practice management including minimising discharges e. demonstrate that the chosen method and amount of discharge does not have a practicable alternative that causes less adverse effects f. demonstrate that the location of the activity and any discharge is suitable to avoid adverse effects on the environment, health and amenity especially on sensitive activities g. provide details of how the offsets policy will be met, where relevant h. avoid, remedy or mitigate any cumulative adverse effects i. demonstrate that any risk to people and property has been adequately avoided or mitigated j. demonstrate that adequate separation distances are available for the duration of the consent to ensure that adverse effects on health and amenity of activities sensitive to air discharges are avoided		AAAQS, subject to opposing the proposed 24-hour SO2 guideline. Clause c) the reference to best practice should be deleted as this is inconsistent with the second part of the policy that recognises that the assessment method should be appropriate for the scale of the discharge and any potential adverse effects. Clause d) should require "best practicable management measures" as this is consistent with the requirements of the RMA. Clause e) appears to be inconsistent with requirement under the RMA and confuse the requirement to consider alternative methods of discharge and the term best practicable option. The term best practicable option is defined under the RMA, however the term practicable in the context of this policy could be interpreted as meaning something different. Clause e) should simply state "consider any possible alternative methods of discharge, including discharge into any other receiving environment".	demonstrate that the discharges will not cause ambient air quality to exceed the AAAQS in Table 1 b. show how the amenity provisions of the zone, and any adjacent zone where there are effects from the activity, are met c. assess air discharges using ~~best-practice~~ methods, such as modelling and monitoring, that are appropriate to the scale of the discharge and any potential adverse effects d. demonstrate best ~~practice~~ practicable management measures including minimising discharges e. ~~demonstrate that the chosen method and amount of discharge does not have a practicable alternative that causes less adverse effects~~ consider any possible alternative methods of discharge, including discharge into any other receiving environment f. demonstrate that the location of the activity and any discharge is suitable to avoid significant adverse effects on the environment, health and amenity especially on sensitive activities g. provide details of how the offsets policy will be met, where relevant h. avoid, remedy or mitigate any cumulative adverse effects

	k. assess the potential for reverse sensitivity effects to occur.		Clause f) should refer to "significant" adverse effects being avoided. Clause i) as worded is inappropriate as risk cannot be avoided, only minimised. Clause j) should refer to "significant" adverse effects being avoided. This policy should also not refer to the duration of the consent as the future development of land around a site is not within the control of the consent holder Clause k) is inappropriate as it is not reasonable or necessary for an applicant to be required to consider potential adverse effects on themselves.	i. demonstrate that any risk to people and property has been adequately ~~avoided or mitigated~~ minimised j. demonstrate that adequate separation distances are available ~~for the duration of the consent~~ to ensure that significant adverse effects on health and amenity of activities sensitive to air discharges are avoided ~~k. assess the potential for reverse sensitivity effects to occur.~~
5.1 Policy 21	Give effect to the requirements of the National Environmental Standard for Air Quality and to comply with the AAAQS by offsetting new discharges of PM_{10} or $PM_{2.5}$ particulate matter that require consent and will discharge into the Auckland airshed. Offsets must: a. be required until the Auckland airshed achieves five years without any breach of the AAAQS for PM_{10} or $PM_{2.5}$ b. be for new activities or when emissions from existing consented activities increase	Oppose in part	TPI supports this policy to the extent that It simply reflects the requirements of the NES for Air Quality. Arguably this policy is unnecessary as the NES for Air Quality applies in any case, and it allows the possibility of the NES being changed in the future so that the Plan is then inconsistent with the NES. The policy should clearly state which airshed is referred to – for example the Auckland Urban Airshed. It should also refer to the National Ambient Air Quality Standards not the regional standards.	Delete this provision, or in the alternative amend to read (or words to like effect): Give effect to the requirements of the National Environmental Standard for Air Quality ~~and to comply with the AAAQS~~ by offsetting new discharges of PM_{10} ~~or $PM_{2.5}$~~ particulate matter that require consent and will discharge into the Auckland Urban airshed. Offsets must: a. be required until the Auckland airshed achieves five years without any breach of the New Zealand AAQS for PM_{10} ~~or $PM_{2.5}$~~ b. be for new activities or when emissions from existing consented activities increase

	c. be calculated on an annual mass emission basis and be offset on a one-to-one annual mass emission basis d. be done as close as practicable to where the effects of the discharge occur e. be for the duration of the consent f. be treated as having the same health effects irrespective of the source of the PM10 or PM2.5. There will be no consideration of the particulate composition of the source or offset g. be undertaken if ground level concentrations exceed 2.5µg/m^3 of PM_{10} or if mass emissions from the premises exceed 4t per year of PM_{10} h. not consider fugitive emissions or precursors for secondary forms of particulate matter i. assume that all total suspended particulate (TSP) is PM_{10} unless demonstrated otherwise.		The inclusion of $PM_{2.5}$ in this Policy makes it substantially more onerous than the National Environmental Standards, which only consider PM_{10}. Given the very small contribution of industry to $PM_{2.5}$ discharges in the region, it is not appropriate to include $PM_{2.5}$ in this policy as it would not be effective in achieving the AAAQS. Clause g) is overly onerous as the inclusion of a threshold of 4 tonnes per annum PM_{10} is more stringent than the requirements of the NES.	c. be calculated on an annual mass emission basis and be offset on a one-to-one annual mass emission basis d. be done as close as practicable to where the effects of the discharge occur e. be for the duration of the consent f. be treated as having the same health effects irrespective of the source of the PM10 ~~or PM2.5~~. There will be no consideration of the particulate composition of the source or offset g. be undertaken if ground level concentrations exceed 2.5µg/m^3 of PM_{10} ~~or if mass emissions from the premises exceed 4t per year of PM_{10}~~ h. not consider fugitive emissions or precursors for secondary forms of particulate matter i. assume that all total suspended particulate (TSP) is PM_{10} unless demonstrated otherwise.
Table 1: Auckland Ambient Air Quality Standards (AAAQS)	Table	Oppose	TPI does not support the proposed lower AAAQS for sulphur dioxide as a 24-hour average. The regional air quality standards should be set at the same value as national standards to avoid imposing additional costs on industry in the Auckland region compared to elsewhere in New Zealand.	The AAAQS should be amended so that it is aligned with national standards.

Chapter H, 4.1 Air quality				
3.2.3 Waste processes – Controls for Controlled activities	1. Refuse transfer station with more than 30m³ of refuse or 500m³ of green waste. a. the refuse station must be located more than 300m from any dwelling or residential zone b. the premises must be in an industrial or rural area and have either: i. a minimum separation distance of 300m from any dwelling on another property or any residentially zoned area, or ii. a minimum notional odour boundary of 300m through designation or an instrument registered against the land title of the owners of any residential property within 300m of the activity. Such designation or registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive or objectionable odour generated by the activity in respect of that property.	Support with amendments	It appears that these controls are intended to be the same as the AP:ALW, however there has been an error in including clause a) which effectively negates the purpose of clause b). This provision should only apply to new refuse transfer stations. In some areas, land has been re-zoned for residential use within 300m of a refuse station that existed prior to the re-zoning.	1. New ~~R~~refuse transfer stations with more than 30m³ of refuse or 500m³ of green waste. ~~a. the refuse station must be located more than 300m from any dwelling or residential zone~~ b. the premises must be in an industrial or rural area and have either: i. a minimum separation distance of 300m from any dwelling on another property or any residentially zoned area, or ii. a minimum notional odour boundary of 300m through designation or an instrument registered against the land title of the owners of any residential property within 300m of the activity. Such designation or registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive or objectionable odour generated by the activity in respect of that property.
3.4.1 Waste processes – Controls for Discretionary activities	1. Discharges to air from landfills receiving waste materials, including domestic and industrial wastes: a. the landfill must have been issued with a resource consent or an application has been	Support with amendments	It appears that these controls are intended to be the same as the AP:ALW, however there is one clause that has been excluded from clause b), as follows:	Amend clause b) to read (or words to like effect): b. the landfill operation must be able to maintain a minimum separation distance of one kilometre between the landfill footprint and nearest dwelling located in the urban area and zoned for

	lodged to discharge contaminants into air prior to 1 January 2002 and the landfill is still receiving waste provided the footprint and contours of the landfill remain unchanged; or b. the landfill operation must be able to maintain a minimum separation distance of one kilometre between the landfill footprint and nearest dwelling located in the urban area and zoned for residential activities; or c. the landfill operation must be able to maintain a minimum notional odour boundary of one kilometre through designation or an instrument registered against the land title of any residential property within one kilometre of the landfill footprint for the active life of the landfill. Such designation or instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive or objectionable odour generated by the landfill in respect of that property.		the landfill operation must be able to maintain a minimum separation distance of one kilometre between the landfill footprint and nearest dwelling located in the urban area and zoned for residential activities as defined <u>at the time this Plan is made operative</u>.	residential activities as defined <u>at the time this Plan is made operative</u>.
5.1 Matters of discretion – Restricted discretionary activities – Waste processes	1 Waste processes a. quantity, quality and type of discharge and any effects arising from that discharge b. sensitivity of receiving environment and separation distances between the activity and any sensitive land uses c. station design to ensure required indoor capacity d. previous complaint history	Oppose in part	Clause c) is unclear and may be interpreted as not providing for waste to be "covered" (rather than indoors) or for greenwaste to be kept outdoors. This should be changed to be consistent with 3.2.3. Clause d) should be deleted as, while previous complaint history will be addressed in the assessment of odour or dust effects, there is no need, and nor is	Amend the provision to read (or words to like effect): 1 Waste processes a. quantity, quality and type of discharge and any effects arising from that discharge b. sensitivity of receiving environment and separation distances between the activity and any sensitive land uses

	e. protocols for waste acceptance f. odour, dust, visible emissions and hazardous air pollutant mitigation measures g. management plans.		it appropriate, to identify this aspect as a matter for discretion.	c. station design to ensure required ~~indoor~~ capacity to hold all waste materials received on-site indoors or under cover, except greenwastes ~~d. previous complaint history~~ e. protocols for waste acceptance f. odour, dust, visible emissions and hazardous air pollutant mitigation measures g. management plans.
5.2 Assessment Criteria	3. The degree to which conditions of consent can avoid, remedy or mitigate adverse effects including appropriate emissions control technology and best practice management	Oppose in part	This should refer to "best practicable management measures" as this is consistent with the requirements of the RMA.	Amend the provision to read (or words to like effect): 3. The degree to which conditions of consent can avoid, remedy or mitigate adverse effects including appropriate emissions control technology and best ~~practice~~ practicable management measures
5.2 Assessment Criteria	8. Whether discharges to air are minimised as far as practicable, where appropriate through: a. use of low emission fuels b. efficient use of energy c. use of best practicable option d. minimisation of fugitive emissions e. reduction, reuse or recycling of waste materials relating to waste processes	Oppose in part	Clause a) is meaningless without any explanation of what "low emission fuel" might mean. It also does not take into account whether there are any practicable alternatives to the proposed fuel, taking into account cost and the nature and scale of effects. Clause b) - while TPI agrees in principle that energy should be efficiently used, demonstrating this as part of a resource consent application is overly onerous and not directly relevant to discharges to air	8. Whether discharges to air are minimised as far as practicable, where appropriate through: ~~use of low emission fuels~~ ~~efficient use of energy~~ a. use of best practicable option b. minimisation of fugitive emissions c. reduction, reuse or recycling of waste materials relating to waste processes