

Note: The proposed provisions have been renumbered to ensure consistency with the formatting requirements of the Ministry for the Environment's National Planning Standards. The updated proposed provision numbering is shown first, followed by the original proposed provision numbering in brackets e.g., **AREA2-P2 [AQ P12]**.

Proposed AREA2-P2 (AQ P12) – Iterative management of air quality within the Mount Maunganui Airshed

AREA2-P2 [AQ P12]

Iterative management of air quality within the Mount Maunganui Airshed – [Te reo Māori heading TBC]

Activities which discharge **PM₁₀** and other **particulates** to air within the **Mount Maunganui Airshed**, other than those in compliance with Interim Permitted Activity Rules AREA2-R1 [AQ R22A], and AREA2-R4 [AQ R23A], must be managed by implementing an iterative management approach to:

- (a) recognise that the **Mount Maunganui Airshed** is a polluted airshed as defined in Regulation 17(4)(a) of the National Environmental Standards for Air Quality (Polluted Airshed); and
- (b) improve air quality and ensure the **Mount Maunganui Airshed** stops being a Polluted Airshed as soon as reasonably practicable, including by managing cumulative *effects*; and
- (c) ensure that once the **Mount Maunganui Airshed** stops being a Polluted Airshed, the discharge of contaminants at a rate or volume that may cause an exceedance or breach of the ambient air quality standards of the National Environmental Standards for Air Quality is avoided; and
- (d) safeguard the life supporting capacity of the air and protect human health within the **Mount Maunganui Airshed**, and
- (e) avoid, remedy or mitigate adverse *effects* on cultural values, amenity values, and the *environment*.

The iterative management process may include, but not necessarily be limited to:

- (f) requiring each **subject site** within the **Mount Maunganui Airshed** to minimise discharges of **PM₁₀** to air to the greatest extent reasonably practicable and at the time of resource consent applications to take account of the effectiveness of mitigation measures and operating procedures implemented in accordance with the Interim Permitted Activity Rules AREA2-R1 [AQ R22A] and AREA2-R4 [AQ R23A]; and
- (g) assessing changes in **Mount Maunganui Airshed**-wide air quality based on monitoring results to 31 December 2025, to determine the extent to which compliance with the National Environmental Standards for Air Quality and the annual guideline value in the Health-based Guideline Values of the Ambient Air Quality Guidelines 2002 (or its amendment or replacement) is likely to be achieved based on the **Mount Maunganui Airshed**-wide mitigation measures implemented to that time; and
- (h) setting resource consent conditions based on (f) and (g) that can be expected to ensure compliance; and
- (i) making provision for the reviewing of consent conditions as necessary to ensure compliance with the National Environmental Standards for Air Quality is achieved as soon as reasonably practicable.

Proposed Unsealed yards provisions

AREA2-P3 [AQ P13]

Discharges to Air from Unsealed yards as existing activities in the Mount Maunganui Airshed for an interim period – [Te reo Māori heading TBC]

Provide for discharges of **PM₁₀** to air from the surface of **unsealed yards** within the **Mount Maunganui Airshed**, by requiring that the discharge of **PM₁₀** must be minimised to reduce adverse *effects* on air quality in the **Mount Maunganui Airshed**.

Discharges from the surface of **unsealed yards** must be minimised to the greatest extent reasonably practicable to reduce **PM₁₀** and other **particulate** discharges in a way that contributes to achieving Objectives AIR-O1, AIR-O2 and AIR-O3 and Policies AIR-P3(2) and AIR-P4(2) through, for an interim period, the application of an Interim Permitted Activity Rule, AREA2-R4 [AQ R23A].

At the end of the interim period the following applies:

- 1) for **unsealed yards** greater than 400m² in area, a Restricted Discretionary Activity Rule, AREA2-R5; or
- 2) for **unsealed yards** no greater than 400m² in area that meet specified standards, the continuation of permitted activity status, Rule AREA2-R4.

AREA2-R4 [AQ R23A]

Permitted - Discharges to Air from Unsealed Yards over 400m² within the Mount Maunganui Airshed until [date 3 years from Environment Court decision for the s 293 process]; and discharges to Air from Unsealed Yards under 400m² – [Te reo Māori heading TBC]

Within the **Mount Maunganui Airshed**, unless otherwise permitted by AIR-R2(4) and (5), the discharge of *contaminants* to air from:

- (1) the surface of an **unsealed yard** is a permitted activity where the **unsealed yard** is less than 400m²; or
- (2) The surface of an **unsealed yard** is a permitted activity where the **unsealed yard** is more than 400m² until
 - (a) [date 3 years from Environment Court decision for the s 293 process]; or
 - (b) Where a resource consent application for the discharge proposed under AREA2-R5 [AQ RY] has been accepted by the Regional Council under s 88 of the Resource Management Act 1991 (or its replacement) then the relevant date shall be:
 - (i) the date the resource consent commences under s 116 of the Resource Management Act (or its replacement); or
 - (ii) the date all appeals are determined if the resource consent is declined.

Provided that the following standards are complied with:

- (3) General standards applying to all discharges of **PM₁₀**
 - (a) The discharge does not cause any offensive or objectionable *effect* beyond the boundary of the **subject property**; and

- (b) The activity must be managed using the best practicable option to achieve an improvement in air quality in the **Mount Maunganui Airshed**; and
- (c) The mitigation measures in place on the **subject property** must be no less effective than the most effective mitigation measures in place and operating efficiently at any date prior to or on [the date of issue of the s 293 Environment Court decision];

(4) Dust management plan

- (a) For discharges from the surface of an **unsealed yard**, the owner or occupier of the **subject property** where the activity is carried out must prepare a dust management plan, in proportion to the scale and effects of the activity, in accordance with the requirements of AIRSCHED 3.
- (b) For sites over 400m², the dust management plan must be reviewed by a suitably qualified and experienced person (SQEP) and provided to the Regional Council within six months of this rule becoming operative. For sites under 400m² the dust management plan must be provided to Regional Council within six months of this rule becoming operative.
- (c) Capital works required to minimise **PM₁₀** discharges must be documented in a timeline and completed as soon as practicable. Once finalised, the dust management plan must always remain on site and must be complied with at all times by all persons undertaking the activity onsite.
- (d) the dust management plan must describe any additional measures that will be implemented during the term of the IPAR to reduce **PM₁₀** discharges from the subject site to the greatest extent reasonably practicable until the objective of AIR-O2 of PC13 is met.
- (e) The dust management plan must require that records are kept of:
 - a. The number and significance of complaints received; and
 - b. Any exceedances of the **PM₁₀** Standard attributable to the **subject property**, abatement notices and enforcement action taken from [the date of the Environment Court decision for the s 293 process].

The costs for certification and monitoring of the dust management plan shall be recoverable by the Regional Council.

AREA2-R5
[AQ RY]

Restricted Discretionary - Discharges to Air from Unsealed Yards within the Mount Maunganui Airshed on expiry of Rule AREA2-R4 [AQ R23A] – [Te reo Māori heading TBC]

Within the **Mount Maunganui Airshed**, unless otherwise permitted by AIR-R2(4) and (5), the discharge of contaminants to air from the surface of an **unsealed yard** greater than 400m² in area, is a restricted discretionary activity subject to the following standards:

- (1) Dust management plans must be developed and implemented for all discharges of **PM₁₀** to air to:

- (a) reduce **PM₁₀** discharges to minimise adverse effects on human health and the mauri of air to the greatest extent reasonably practicable until the objectives of PC13 are met; and
- (b) subsequently, if necessary to ensure compliance with the **PM₁₀** Standard in the National Environmental Standards for Air Quality and any applicable ambient annual average air quality guidelines to reduce the discharge of **PM₁₀** to air in accordance with the iterative management approach outlined in Policy AREA2-P2 [AQ P12].

All dust management plans must be approved by the Regional Council so that they meet the objectives and policies of the Regional Natural Resources Plan and are in accordance with best practice and the Ministry for the Environment Good Practice Guide for Assessing and Managing Dust.

(2) The Regional Council restricts its discretion to the following matters:

- (a) consideration of effects on human health, including by considering the proximity of the **subject property** to **sensitive areas**, including any areas where people are likely to be present 24-hours a day;
- (b) consideration of reverse sensitivity associated with discharges of particulates to air from **unsealed yards**;
- (c) consideration of cultural effects;
- (d) consideration of cumulative and amenity effects;
- (e) the extent to which best practice and operating procedures are incorporated in the dust management plan;
- (f) other methods available to further reduce **PM₁₀** discharges and the reasons why they are not included in the dust management plan;
- (h) The extent of any exceedances of trigger levels included in AIRSCHED 3 of AREA2-R4 [AQ R23A];
- (i) The history of complaints, abatement notices and enforcement orders at **the subject property** and methods of dealing with them;
- (j) The lapse period, term of consent, and review of consent conditions;
- (k) The collection, recording, monitoring and provision of information related to the exercise of the resource consent.

(3) Where standard (1) is not met the discharge is a discretionary activity.

AIRSCHED 3

Dust Management Plans for Unsealed Yards within the Mount Maunganui Airshed – [Te reo Māori heading TBC]

These requirements apply to dust management plans prepared under AREA2-R4 [AQ R23A]; and can be used as a guide for dust management plans prepared under AREA2-R5 [AQ RY].

A Dust Management Plan must be prepared for each **subject property** and contain (but not be limited to):

- 1 Title
- 2 An objective to adopt best practicable option as it relates to the discharge of **PM₁₀** from **unsealed yards** into the **Mount Maunganui**

Airshed to contribute to meeting AIR-O2 and be consistent with AIR-P3 and AREA2-P2 and AREA2-P3.

- 3 A map that includes a scale, the location of the **subject property**, areas on the **subject property** which are unsealed, and distance to all **sensitive areas** and predominant wind directions at the **subject property**.
- 4 A detailed description of the **subject property**, activities, and discharges to air.
- 5 Methods of mitigation and standard operating procedures for the **subject property** which must include detail on **PM₁₀** discharge reduction processes and practices including:
 - (a) Use of dust suppression; and
 - (b) Vehicle speed limits (including speed limit signage) or other operational measures to be employed; and
 - (c) Dust containment; and
 - (d) Inventory of mitigation equipment and materials; and
 - (e) Contingency procedures; and
 - (f) Minimising vehicle traffic over any unsealed yard.The measures must ensure that the discharge does not cause any noxious or dangerous, offensive or objectionable effect beyond the boundary of the **subject property**.
- 6 A induction and training process which ensures that all staff are aware of the requirements of this Dust Management Plan.
- 7 A complaints procedure which must include:
 - (a) Contact person and contact details for complaints from the community,
 - (b) Complaint procedure for staff,
 - (c) Maintain a complaints/incidents register that includes any actions undertaken to respond to the complaint, including further dust control measures,
 - (d) Complaint response protocol, including methods for recording of any on-site activity, dust mitigation measures in place at the time, and wind conditions at the time of complaint; and procedures for investigating and remedying cause of complaint and providing response to the complainant, and
 - (e) A timeframe for the implementation of remedial corrective actions.

Definition: For the purpose of the AQ chapter of this regional plan only (and no other chapter)

Unsealed yard means:

One or more areas on a **subject property** in the **Mount Maunganui Airshed** without a permanent all-weather surface including, but not limited to cobblestones, tarmac, concrete, and asphalt, or permeable paving. It excludes land used for agricultural purposes, stormwater detention areas, planted gardens and grassed areas (including roadside berms). The gardens and grassed areas must be well-maintained, incidental to the site's usage, and unable to be used for any vehicle access or parking (whether temporary or permanent).

It does not include the Whareroa Marae or the outdoor living area of a Dwelling House within the **Mount Maunganui Airshed**, or the following:

- 1) Sulphur Point - any location within the **Mount Maunganui Airshed** on the western side of the Stella Passage.
- 2) Blake Park Additional Carpark (legal description: Section 44 Block VII Tauranga SD)
- 3) The following **subject properties** that are associated with the operation of the Tauranga Airport:
 - (a) Lot 1 DP 426872
 - (b) Whareroa 2D Block
 - (c) Whareroa 2C Block
 - (d) Section 13 Block XI Tauranga SD
 - (e) Whareroa 2A2A Block
 - (f) The portion of Whareroa 2A2B1 Block south of De Havilland Way.
 - (g) The unsealed portion of Lot 1 DP 433785 (directly associated with the operation of the Tauranga Airport)



Subject properties that are associated with the operation of the Tauranga Airport (lettered (a) – (g) and shown by orange polygons).