



New proposed rules to improve air quality in Mount Maunganui

Court direction to control dust from unsealed yards in the Mount Maunganui industrial area.

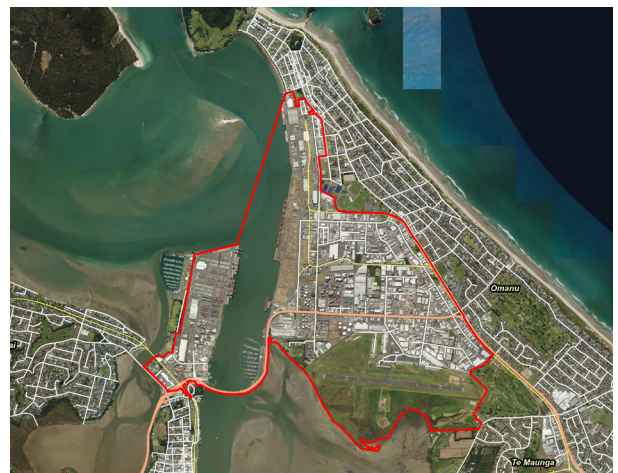
Summary

The Mount Maunganui and Whareroa Marae community are concerned about air pollution from the nearby industrial area. We know from our ongoing monitoring that air quality in the Mount Maunganui area is reasonable, but more can be done to address issues around dust, odour and contaminants like sulphur dioxide.

Regional Council can put controls in place to manage activities which discharge contaminants to air, such as large boilers or fertiliser, asphalt or cement manufacturers. These controls are introduced through the policies and rules in our Regional Air Plan and the resource consent process. However, not all contaminants are being managed as well as they could be and we are looking at ways to improve this.

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

Mount Maunganui Airshed



This monitoring led to multiple recorded breaches of the National Environmental Standards for Air Quality for PM₁₀ (dust known as particulate matter less than 10 microns in diameter). It also led to the MMA being declared as “polluted” for PM₁₀.

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Mount Maunganui Airshed continued

The Regional Council identified that the management of bulk solid materials (which include grain, palm kernel, fertiliser and coal) and log handling produce a lot of PM₁₀. The Regional Council updated the Regional Air Plan through Plan Change 13 to better manage these activities through the resource consent process. This rule was later appealed to the Environment Court. The Court has since determined that these activities will need to apply for resource consent in the next few years.



PLEASE NOTE

There is no 'safe' level for PM₁₀. It is small enough to be inhaled and exposure can aggravate asthma and cause health problems such as heart attacks, lung cancer and premature death.

Unsealed yards

Through this decision, the court identified the contribution unsealed yards make to air quality issues in the MMA and that rules are needed to better control discharges of PM₁₀ from these yards. In response, we have drafted new policies and rules that aim to improve air quality, health, and amenity outcomes.

Consultation for new proposed rules

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

Timeline

November – December 2023	Informal feedback on proposed policies and rules.
January 2024	New policy and rules notified. Submissions open.
April 2024	Submissions close.
June 2024	Court hearing.

The submissions received will be summarised and provided to the Court, along with the Regional Council's updated provisions. There will be an opportunity for submitters to be heard by the Court, prior to it making a final decision on how Regional Council will control PM₁₀ emissions from unsealed yards in the MMA.

Regional Council would like to know your opinion as an affected person on the proposals described below. Your feedback will be used to update the proposed plan change provisions before they are notified for formal consultation.

Proposed new provisions to control PM₁₀ within the MMA

- A new policy (Policy 13) to set the direction for the control of PM₁₀ emissions from unsealed yards for an interim period.
- An Interim Permitted Activity Rule (IPAR) that would require a Dust Management Plan for all unsealed yards and last for three years. At the expiry of the three-year IPAR period, Permitted Activity status would still apply for unsealed yards smaller than 400m².
- A Restricted Discretionary rule that would apply after three years for all unsealed yards 400m² or larger.
- A new schedule ("Airshed 3"), noting Dust Management Plan requirements for unsealed yards.
- A definition for "Unsealed Yard" which refers to approved surfaces for sealed yards, and types of properties and specific locations within the MMA to be excluded from the s293 process.
- As part of this court direction, Regional Council was also instructed to include a new policy (Policy 12) in PC13 which manages activities which discharge PM₁₀ within the MMA by using an iterative management approach.

How you can be involved in the plan change process

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

Phone: **0800 884 880**
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