

Toi Te Ora Public Health
PO Box 2120
TAURANGA 3140

25 May 2023

Bay of Plenty Regional Council
PO Box 364
WHAKATANE
RegulatoryAdmin@boprc.govt.nz

Submission to Resource Consent Application RM20-0190 – Higgins Group Holdings Limited

Introduction

Toi Te Ora Public Health (Toi Te Ora) is the public health service for the Bay of Plenty and Lakes districts, part of the National Public Health Service within Te Whatu Ora (Health New Zealand). Toi Te Ora has a purpose to improve, promote and protect health among the Lakes and Bay of Plenty population. As a Tiriti o Waitangi partner, Toi Te Ora advocates for equitable health outcomes, by striving to eliminate health differences, particularly for Māori, and build towards pae ora (healthy futures) for everyone.

Medical Officers of Health have a responsibility to reduce conditions within their local community which are likely to cause disease. Many of the crucial underlying factors that contribute to improving, promoting, and protecting the health of people and communities are directly influenced by the decisions and activities of Councils. In part, this is undertaken by assisting Councils with their responsibilities pursuant to the Resource Management Act to address the improvement, protection, and promotion of public health.

Toi Te Ora represents a relevant aspect of the public interest in this resource consent. Medical Officers of Health, in their designated position, also have an interest that is greater than the interest of the public. To clarify, the public means anyone and includes people who reside, work and visit the area.

Toi Te Ora and I could not gain an advantage in trade competition through this submission and by making this submission seeks to provide helpful, objective, and independent input to assist the consenting authority in protecting sensitive receiving environments¹ and human health².

¹ Bay of Plenty Regional Natural Resources Plan, Purpose

² Bay of Plenty Regional Air Plan Objective

Submission Points

Health is a state of complete physical, mental and social well-being and is more than the absence of illness; it is the opportunity to live in an environment where populations can thrive, be connected to their communities and their environments.

- Clean air is a basic requirement for human health and wellbeing
- Exposure to air pollutants is largely beyond the control of individuals
- Environments should improve not harm our health
- To Māori, air is a taonga or treasure. In the Māori world view, air pollution degrades and lessens the mauri or life-force of this taonga. It also affects the mauri of other taonga, for example plants and animals, as all living things need air and all things share the same air. It is important to Māori to exercise kaitiakitanga to protect and maintain the mauri of taonga.³
- Air pollution affects everyone. However, there are inequities in both who is likely to be exposed, and the impacts of exposure. Specifically, the most vulnerable population groups are:
 - people 65 years and over
 - pregnant people
 - children
 - communities with poorer air quality, eg those situated close to industry and ports
 - people with cardiovascular disease and/or respiratory disease.

The more vulnerabilities a population has, the greater the health impact, and Māori are likely disproportionately represented in most of the vulnerable groups above.

- The National Environmental *Standards* for Air Quality (the Standards) set a guaranteed minimum level of health protection for all New Zealand, and the National Ambient Air Quality *Guidelines* set concentration limits to promote sustainable management of the air resource in New Zealand. Coupled with global ambient air quality guidelines published by the World Health Organization, these guidelines provide concentration limits for the protection of human health. Because these limits are not being met in the Mount Maunganui airshed, health is being harmed.
- There is no practical way of treating or cleaning air like we can treat water for drinking and therefore discharges to air are most effectively controlled at source.
- Every effort must be taken to avoid the production and release of contaminants, especially when those contaminants are known to cause adverse health effects. It is not acceptable to knowingly harm the health of the public, in the same way that it is not acceptable to harm the health of people in a workplace.

³ [Māori and the air | Waikato Regional Council](#)

- Economic prosperity does help to improve health, but the industries associated with this prosperity should not be producing discharges which are detrimental to physical health.
- The effective management of discharges from industrial activities or trade premises is important in protecting the health of the public.
- Medical practitioners are legally required to notify Medical Officers of Health of ill health suspected to have arisen from contamination of the environment. The Medical Officer of Health has in the past received such reports associated with the Mount Maunganui area which contributed to our involvement to improve ambient air quality and plan change 13 to Regional Natural Resources Plan. Toi Te Ora is investigating another report which adds to my concern that air quality continues to harm health in the Mount Maunganui area.

Bearing in mind the points above I make the following comments:

- Although the Higgins site is in an industrial zone there are a number of vulnerable groups and sensitive activities adjacent to the industrial zone such as schools, marae, kaumatua housing, childhood centres and kōhanga reo. I have outlined the disproportionate health impacts of poor air quality to people in these groups above.

The Higgins site is within the Mount Maunganui airshed which has a polluted status. This means that the ambient air breaches the national environmental standard for particulate matter. The Mount Maunganui airshed officially became a polluted airshed in 2019 after data showed exceedances and will remain polluted until the standard is not breached for five consecutive years.

Clearly, all polluters need to play a part in addressing this issue. However, the application does not propose any changes to the discharge quality or quantity by reducing their emission to contribute to improving air quality in the region. Rather the application is proposing the status quo.

- The maximum predicted downwind concentrations appear to be inaccurate and underestimate the potential impacts.
- The application and supporting documents do not appear to include a quantified assessment of some important contaminants such as benzene and polycyclic aromatic (PAHs) known to be emitted from the process.
- The current consented discharge is above their current operating discharge and plant hours are not controlled. Therefore, I am concerned that the applicant's current consent enables this emitter to potentially contribute to make air quality worse in the area while this application is decided, and any appeals are determined.
- The applicant applied for a 10-year consent three years ago, intending to find an alternative site and construct a new plant. I see no evidence of progress in this, so I am concerned that the applicant intends to retain the current plant on this site.
- The application does not refer to the interim decision of the Environment Court on the Bay of Plenty Regional Natural Resources Plan at all. As mentioned above, the application does not demonstrate how it will assist to reduce emissions and bring the Mount Maunganui airshed back into compliance with the ambient national environmental standards for particulates.

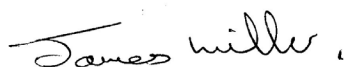
- The Regional Council has indicated that there has been past 'significant' non-compliance and I note very recently smoke and odour issues resulting in Regional Council abatement and infringement action. This reduces my confidence that the company's activity will not cause a nuisance in the future and have an adverse impact on public wellbeing.
- The odour assessment appears to conclude that objectionable and offensive odour discharges from this activity could in some way be acceptable. As said earlier in this submission, it is not acceptable to knowingly adversely impact the wellbeing of the public.

The discharge of contaminants to air from this operation have the potential to impact public health and wellbeing. I am not satisfied from the information provided to me, that this activity will contribute to improving air quality to the degree that public health is protected.

I therefore oppose the Higgins application in its current form. I would support Council granting consent to Higgins to discharge contaminants to air provided there are adequate and effective conditions of consent that will protect the health and wellbeing of the public going forward.

I am willing to participate in a formal prehearing with the consent authority and applicant to discuss this submission.

I wish to be heard in support of this submission and would not be prepared to consider presenting a joint case with others who make a similar submission.



Dr Jim Miller
Medical Officer of Health

Address for Service:

Annaka Davis
Health Protection Officer
Toi Te Ora Public Health
National Public Health Service
enquiries@toiteora.govt.nz
ph. 0800 221 555

Copy to Applicant:

Higgins Group Holdings Limited
C/o Pattle Delamore Partners Limited
PO Box 9528
Newmarket
AUCKLAND 1149
Email: Simon.Greening@pdp.co.nz