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Submission to Resource Consent Applications Bay of Plenty Regional Council (RM22-0649) and Tauranga City Council (RC29596)– Allied Asphalt Limited

Introduction

Te Whatu Ora leads the day-to-day running of the health system across Aotearoa New Zealand, and either provides or commissions services at local, district, regional and national levels. Under the Pae Ora (Healthy Futures) Act 2022, one of the key objectives of Te Whatu Ora is “to promote health and prevent, reduce, and delay ill-health, including by collaborating with other agencies, organisations, and individuals to address the determinants of health”. The National Public Health Service is a Division of Te Whatu Ora and leads the delivery of Health Protection, Health Promotion and Prevention services, as well as working with the Public Health Agency and Te Aka Whai Ora on intelligence, population health and policy.

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 Bay of Plenty and Lakes 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. 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 and is a fundamental human right³
- 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.⁴
- Air pollution affects everyone. However, there are inequities in who is likely to be exposed to air pollution than not, and who will be affected more when they are exposed. We refer to this population as the most vulnerable groups to air pollution. These populations are:
 - people 65 years and over
 - pregnant people
 - children
 - communities with poorer air quality, e.g., 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. Māori are likely disproportionately represented in most of the vulnerable groups above.

- The National Environmental *Standards* for Air Quality (the Standards) set a guaranteed level of health protection for all New Zealand. 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 Organisation, 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.
- The standard and guideline limits are not targets. This is because there is no safe level for human health for some of these contaminants. To be protective of health, air quality must continually be improved and surpass standard and guideline limits.
- 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.

³ United Nations, 2021. [A/RES/76/300. UN. General Assembly \(76th session: 2021-2022\)](https://digitallibrary.un.org/record/3983329). [Online: <https://digitallibrary.un.org/record/3983329>]

⁴ [Māori and the air | Waikato Regional Council](#)

- 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.
- 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. Our investigations into these reports led to our involvement in Plan Change 13 to the Regional Natural Resources Plan to improve ambient air quality in the Bay of Plenty and, in particular, Mount Maunganui airshed. Toi Te Ora is currently 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:

General

- Although the Allied Asphalt site is in an industrial zone there are number of vulnerable groups and sensitive activities in proximity to the proposal. For example, there are residences in De Havilland Way less than 500 metres away and five early childhood centres inside the Mount Maunganui airshed⁵.



⁵ [Airshed Mount Maunganui \(arcgis.com\)](https://arcgis.com)

- There are also vulnerable populations 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.
- I have some concerns about the adequacy of the cultural assessment and query whether meaningful consultation has transpired with mana whenua by the applicant⁶.
- The application was lodged two years ago and while plans to improve operations have been made, I am mindful that a renewal of consent can take many years, as no doubt building a new plant will also. All the while the applicant's current consent enables this emitter to contribute significant discharges to a polluted airshed. I therefore request that significant improvement milestones and timeframes be included in conditions of consent for the proposed plant upgrades and site management improvements. I would expect to see for instance completion of the plant within two to three years, and improvements that may be made now progressed without unnecessary delay such as stormwater, contaminated soil and hazardous substances improvements.

In an area which presents a number of public health concerns, I would like to see emitters pre-empt regulatory requirements and 'do the right thing' by proactively implementing best practice controls to improve public health.

Should this application be approved, I would like to see a technical review undertaken after two years of the new plant being operative and following this, every five years thereafter to ensure the applicant continues to operate to best practice. I would expect the applicant to demonstrate that it has taken steps to continually reduce air emissions and discharges to land. A copy of each compliance assessment and improvement report should be provided by the regulatory authorities to the Medical Officer of Health to give reassurance that best practice is implemented and public health is protected.

Air Emissions

- The Allied Asphalt site is within the Mount Maunganui airshed which has a polluted status. This is due to breaches of the national environmental standard for particulate matter less than 10 micron (PM₁₀). The airshed has historically exceeded the World Health Organisation annual ambient guideline for PM_{2.5} and has no room for any increase in PM_{2.5} emissions.
- No less important to public health is that Mount Maunganui airshed also has at times in some locations ambient air quality levels of particulate matter less than 2.5 microns (PM_{2.5}), sulphur dioxide (SO₂) and nitrogen dioxide (NO₂) that are also elevated relative to New Zealand and World Health Organisation health-based guidelines. As mentioned above, these guidelines provide concentration limits for the protection of human health.

The Mount Maunganui airshed officially became a polluted airshed in 2019 after data showed exceedances and will remain polluted until the PM₁₀ standard is not breached for five consecutive years.

Clearly, all industry with discharges to air need to play a part to improving air quality. This application is moving in the right direction by planning to upgrade the plant and have best practice particulate emissions control.

⁶ [Engaging Māori \(boprc.govt.nz\)](https://www.boprc.govt.nz)

- While the upgrade will significantly reduce the current consented annual emissions of both PM₁₀ and PM_{2.5}, it does not address discharges of some other contaminants.

The plant will increase daily emissions of NO₂ into an airshed where background levels are nearly double the World Health Organisation guideline for NO₂. The proposed new plant will also increase daily emissions of SO₂ and maximum predicted daily levels are very close to the World Health Organisation daily guideline at a sensitive receptor.

The application explains that a taller stack will improve plume dispersion and dilution. However, I am concerned that the dispersion modelling may under-estimate and/or under-represent some potential health impacts. The application only presents modelling predictions for sensitive receptors and the predicted concentrations at other locations maybe significantly higher and could exceed standards and guidelines. I am advised that modelling is reasonable at predicting maximum downwind concentrations (within a factor of two), but less accurate at predicting exactly where these maximum downwind concentrations will occur. This is a reason why treating all emissions at source is the most effective option for improving air quality and provides the best health protection.

- The assessment does not appear comprehensive or robust for some important contaminants such as benzene and polycyclic aromatic (PAHs) known to be emitted from the process.
- The odour assessment and modelling contained in the application does not provide me with certainty that odour will be managed adequately to prevent impacts on health and wellbeing.

Noise

- I note that noise assessment concludes that the level of noise will be suitably low as to not cause any adverse effects for the closest residential receivers. The assessment also mentions that minor non-compliances to the Tauranga City Plan (City Plan) are calculated for industrial zoned receivers and concludes that no adverse effects will occur. Although the location and character of the noise may be in keeping of the zone, everyone, no matter where they are located should be assured of protection. This is because what may be acceptable to someone, may not be to someone else. Therefore, when noise limits are exceeded in a city plan, I would expect to see a more detailed assessment to identify any site sensitivities such as site offices of all sites where noise is anticipated to be exceeded.

The noise assessment concludes that noise mitigation is not warranted however, to review site operations to identify opportunities for noise reduction would be considered best practice and reducing noise emissions whenever possible would be in the interests of everyone.

Contaminated Soil

- The land is classified a verified HAIL site, and analysis has been carried out on four soil samples from two boreholes on the subject site. Low levels of heavy metals and contaminants were detected but reported as not exceeding human health nor environmental criteria. Due to the limited sampling, it cannot be ruled out that contaminants will be present at higher levels elsewhere on the site. For this reason, I am supportive of the application that a contaminated soil management plan be prepared, and I would like to see conditions of consent that require this plan to be approved by Tauranga City Council and the Bay of Plenty Regional Council before soil is disturbed. The plan needs to include how the applicant will prevent potentially contaminated soil, including dust, leaving the site and that the plan includes measures to safely manage the transport and disposal to an approved location for any soil being disposed of off-site.

Stormwater Management

- The applicant intends to manage stormwater onsite as part of the redevelopment and apply different treatment methods to meet the requirements of the Regional Natural Resources Plan and Tauranga City public stormwater requirements. I would like to see conditions of consent that require regular stormwater discharge monitoring which demonstrates that the discharge is meeting the above said requirements. It is noted that the intention is to implement a stormwater management and treatment system when redeveloping the site. As I mentioned earlier in this submission, I would not like to see improvements delayed while the plant is built and commissioned. Improvements that reduce the potential for environmental contaminants to leave the site should not be unnecessarily delayed.

Hazardous Substances

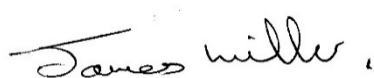
- The application indicates that the Hazardous Substances and New Organism Act will be complied with before the new plant is commissioned. Bearing in mind that the hazardous substance assessment is limited on the fact that the new/proposed site is not built or operational, I agree that the current site and corporate procedures must be confirmed before the new plant is commissioned to ensure the release of contaminants can be avoided by the range of management tools the applicant describes.

This activity has the potential to impact public health and wellbeing. While upgrades are proposed which are likely to improve public health, I am not satisfied from the information provided to me, that this activity will prevent harm to the degree that public health is protected. I am also uncertain that the plant upgrade and site improvements will occur within an acceptable timeframe.

For these reasons, **I neither support nor oppose** the applications in their current form provided there are adequate and effective conditions of consent that will protect the wellbeing of the public going forward.

I am willing to participate in formal prehearings with the consent authorities 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.



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