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Submission to Plan Change 13 – s293 - Proposed AREA2-P2 (AQ P12) – Iterative management of air quality within the Mount Maunganui Airshed, and Proposed Unsealed yards provisions AREA2-P3 [AQ P13]

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 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 building 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 Mount Maunganui Airshed and the Bay of Plenty region.

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 Bay of Plenty Regional Council in protecting sensitive receiving environments¹ and human health².

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.

¹ Bay of Plenty Regional Natural Resources Plan, Purpose

² Bay of Plenty Regional Air Plan Objective

Submission

In 2018 Toi Te Ora submitted to Bay of Plenty Regional Council Plan Change 13 – Air Quality (PC13) supporting the proposed policy to enable the effective regulation of emissions and improve air quality regionally. Toi Te Ora continues to be involved as a section 274 party in the industry appeal to Plan Change 13 to support Bay of Plenty Regional Council and ensure healthy public policy prevails.

Healthy air quality policy provides the opportunity to live in an environment where everyone can thrive, be connected to their communities and their environments, including the Māori world view that air pollution degrades and lessens the mauri or life-force of this taonga or treasure to Māori.³

Healthy public policy supports a state of complete physical, mental, and social well-being and is more than preventing illness. Healthy public policy recognises that clean air is a basic requirement for health and wellbeing, and that air pollution affects everyone. However, some people are more likely to be exposed to air pollution than others, and some people will be affected more when they are exposed than others.⁴ This is true globally and it is true here in New Zealand (ESR, 2023).⁵

Toi Te Ora is therefore supportive of the Environment Court interim decisions to Plan Change 13 appeals and is also supportive of the Environment Court approach to direct policy changes under section 293. Concerns from the community about air quality were raised many years ago and now there is suitable monitoring in place confirming the air people breathe is harming health, every opportunity to limit the time the air is unsafe needs to be taken.

Since the notification of Plan Change 13 there is a greater understanding amongst regulators, industry and the community that contaminated air is a serious issue and which activities are the main contributors in the Mount Maunganui area.

I have mentioned in many different fora since Plan Change 13 was notified that every effort to avoid the production and release of contaminants, especially when those contaminants are known to cause adverse health effects, cannot come soon enough for public health. I am therefore pleased to see the Environment Court use the regulatory tools available to seek to improve air quality and protect public health.

On the basis that air quality should not harm our health, I make the following points that are specific to the policy proposed.

1. Effective management of air discharges from the main contributors of PM₁₀ in the Mount Maunganui airshed is clearly necessary and long overdue. Iterative management plans are a very important means for improving air quality and I am in full support of the outcomes sought through their implementation outlined in points (a) to (e).
 - Discharges should not cause an exceedance of the 2004 National Environmental Standards for Air Quality, the 2002 National Ambient Air Quality Guidelines and the 2021 global ambient air quality guidelines published by the World Health Organisation. The World Health Organisation global air quality guidelines are not standards or legally binding criteria in New Zealand, but they do offer evidence-informed recommendations on air quality levels that pose important risks to public health.

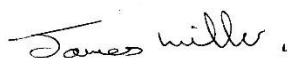
³ [Māori and the air | Waikato Regional Council](#)

⁴ United Nations, 2021. [A/RES/76/300. UN. General Assembly \(76th session: 2021-2022\)](#). [Online: <https://digitallibrary.un.org/record/3983329>]

⁵ ESR, 2023. *Air Quality and Social Inequity in Aotearoa: A Preliminary Assessment*. November. [Online: <https://www.esr.cri.nz/assets/1Reports/Environmental-reports/Air-Quality-and-Social-Inequity-in-Aotearoa-A-Preliminary-Assessment.pdf>]

All three set concentration limits for the protection of health, so when these are not met, health is being harmed, the life supporting capacity of the air is not safeguarded and the adverse effects on cultural values, amenity values, and the environment are not in my opinion being avoided, remedied, or mitigated.

- The iterative management process proposes assessing changes in Mount Maunganui Airshed-based on monitoring results to 31 December 2025 to determine the extent the air complies with national air quality standards to that time. I recognise the need and support regular assessment of how effective mitigation measures are. Assessing changes in ambient air quality should be an ongoing monitoring process and not limited to once or for a two-year period only. An iterative management process should continue annually with no set period because once the Mount Maunganui Airshed is no longer polluted, monitoring will be necessary to confirm that national standards and guidelines continue to be complied with.
 - From my experience I am aware that regulatory authorities may work largely reactively, responding to public information and complaints. However, this approach is not protective of health or the environment. Monitoring air quality for potential situations that may pose a risk to public health is protective of public health. I would like to see air management take a more risk-based approach, with proactive monitoring of air quality against relevant health standards and guidelines, in Mount Maunganui.
2. To ensure the outcomes sought are achieved, the iterative management plans will need to be robust and effective. I therefore respectfully suggest that the word 'may' be replaced with 'should' to emphasise that all points listed from (f) to (i) are to be included in the implementation process.
 3. It is unclear to me why 'any Sulphur Point location within the Mount Maunganui Airshed, Blake Park Additional Carpark, and properties associated with the operation of the Tauranga Airport' are excluded from the unsealed yard definition. I mentioned earlier in this submission, that everyone has a role to play to improve air quality. Excluding areas that are managed by local government, may reduce the ability of the regulatory authority to effectively manage air quality, particularly should land use or land surfaces change in the future.
 4. The approach to encourage porous and/or semi-permeable sealing options that will not increase the rate and volume of stormwater run-off is supported provided these options also achieve effective dust management.
 5. Supporting improvement to air quality in Mount Maunganui is a priority for public health. While Toi Te Ora recognises the urgent need for robust policy which will support Bay of Plenty Regional Council to effectively manage PM₁₀ and other pollutants in the Mount airshed, I would like to be assured that an equally robust approach would be considered, should air quality concerns begin to emerge in other areas of the Bay of Plenty covered by the Regional Natural Resources Plan.



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