

Proposed Natural Resources Plan:

Submitter:

Robert Jackson

Submitter Number:

S89

FORM 5: SUBMISSION FORM – PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

This is a submission on the Proposed Natural Resources Plan for the Wellington Region pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

#1526153
S.89

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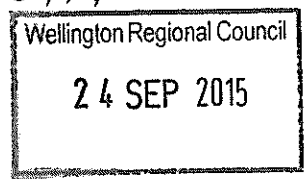
The Wellington Regional Council has a preference for providing information about the Proposed Natural Resources Plan via email. We will send you updates on the process, information and provide you with details of any meetings and the hearing. Please tick here if you do not agree to receive communication via email

The specific provision(s) of the Proposed Natural Resources Plan that my submission relates to is:

Please specify the provision/section number: AIR QUALITY, OBJECTIVES 039-041, etc

My submission on this provision is:

- I support the provision
- I oppose the provision
- I wish to have the specific provision amended



Reasons for my submission: SEE ATTACHED PAGES

I seek the following decision from WRC (give precise details):

SEE ATTACHED PAGES

Please continue on separate sheet(s) in similar format or download a submission form from www.gw.govt.nz/regional-plan-review

Attendance and wish to be heard at hearing(s)

- I/we do wish to be heard in support of my/our submission at hearings
Note: This means that you wish to speak in support of your submission at the hearing(s)
- I/we do not wish to be heard in support of my/our submission. *Note: This means that you cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Wellington Regional Council to the Environment Court*
- If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Trade competition

[Cross out this shaded section if you could not gain an advantage in trade competition through this submission]

~~I/we could not gain an advantage in trade competition through this submission~~
~~I/we could gain an advantage in trade competition through this submission~~

I/we am/am not directly affected by an effect of the subject matter of my submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Publication of details

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address. Your name and address will be there to enable other submitters who may wish to make a further submission to be able to serve you with a copy of it.

Signature:

Date: 20-9-15

Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission

Post your submission to:

Freepost 3156
Wellington Regional Council
PO Box 11646
Wellington 6142



Proposed Natural Resources Plan for the Wellington Region

Pursuant to Clause 5 of the First Schedule of the Resource Management Act 1991, Wellington Regional Council gives public notice that it has prepared a Proposed Natural Resources Plan for the Wellington Region.

The purpose of the Proposed Natural Resources Plan for the Wellington Region is to identify outcomes for the management of natural and physical resources and to put in place processes and methods (including rules) to achieve the purpose of the Resource Management Act 1991. The Proposed Natural Resources Plan for the Wellington Region is a combined Regional and Coastal Plan and once operative will replace the existing Regional Plans (Regional Coastal Plan, Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and Regional Soil Plan).

All rules within the Proposed Natural Resources Plan for the Wellington Region have immediate legal effect.

A copy of the Proposed Natural Resources Plan for the Wellington Region and the Section 32 Reports are available for public inspection during normal working hours at:

- The offices of the Wellington Regional Council at:
 - Shed 39, 2 Fryatt Quay, Pipitea, Wellington 6011
 - 34 Chapel Street, Masterton 5810
- The head offices of the District/City Councils in the Wellington Region
- All public libraries in the Wellington Region
- The Wellington Regional Council website <http://www.gw.govt.nz/Regional-plan-review/>

A copy of the Proposed Natural Resources Plan for the Wellington Region and the Section 32 Reports can be downloaded from the Wellington Regional Council website or a USB can be obtained free of charge by contacting the Hearings Officer on 04 384 5708 / 0800 496 734 or by emailing Regionalplan@gw.govt.nz. Paper copies of the Proposed Natural Resources Plan for the Wellington Region and the Section 32 Reports are available for purchase from the offices of the Wellington Regional Council at the above addresses.

Please contact the Hearings Officer on 04 384 5708 / 0800 496 734 or Regionalplan@gw.govt.nz if you have any questions about the Proposed Natural Resources Plan for the Wellington Region.

SUBMISSIONS

The following persons can make a submission on the Proposed Natural Resources Plan for the Wellington Region:

- The local authority in its own area may make a submission; and
- Any other person may make a submission, but if the person could gain an advantage in trade competition through the submission, then the person may do so only if the person is directly affected by an effect of the proposal that -
 - adversely affects the environment; and
 - does not relate to trade competition or the effects of trade competition.

You may make a submission by sending a written or electronic

submission to the Wellington Regional Council at:
Email submissions to: Regionalplan@gw.govt.nz or post to:
Freepost 3156
The Proposed Natural Resources Plan
The Wellington Regional Council
PO Box 11646, Manners St
Wellington 6142

The submission must be on the official form 5 and must state whether or not you wish to be heard on your submission. Copies of this form are available from:

- Offices of the Wellington Regional Council
- The Wellington Regional Council website <http://www.gw.govt.nz/Regional-plan-review/>
- Calling 0800 496 734 or by emailing Regionalplan@gw.govt.nz.

THE CLOSING DATE FOR SUBMISSIONS IS 5PM FRIDAY 25 SEPTEMBER

The process for public participation in consideration of the Proposed Natural Resources Plan for the Wellington Region is as follows:

- After the closing of submissions, the Wellington Regional Council must prepare a summary of decisions requested by submitters and give public notice of the availability of this summary and where the summary of submissions can be inspected; and
- There must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
 - Any person representing a relevant aspect of the public interest;
 - Any person who has an interest in the proposal greater than the general public has;
 - The local authority itself; and
- If a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- The Wellington Regional Council must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of that decision within 2 years of notifying the Proposed Natural Resources Plan for the Wellington Region and serve it on every person who made a submission at the same time; and
- Any person who has made a submission has the right to appeal against the decision on the Proposed Natural Resources Plan for the Wellington Region to the Environment Court if:
 - In relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal, and
 - The appeal does not seek the withdrawal of the proposal as a whole.

Greg Campbell
CHIEF EXECUTIVE

31 July 2015

The address for service of the Wellington Regional Council is the same as the address for submissions as set out above.

PNRP submission by R Jackson

The provisions of the PNRP that my submission relates to is Air Quality.

I support the proposed provisions, but wish to see some amendments.

Reasons for my submission

Much as I would have liked to assess more of the Proposed Natural Resources Plan, all I have been able to do is consider the various Air Quality provisions, with particular reference to domestic fires and their effects. I was unsure how extensive these were so have studied the hierarchy of the Plan's elements to determine what was in it and what was not in it. I apologise if it reads like a critique but I had to examine it in detail for elements which I would like to see. As they were not in fact present, I later make requests as to how the Plan might be improved.

Please note that my comments and suggestions are made in the context of my considerable admiration for the scale and intentions of the Plan and the work that has been done to this point.

Objectives O39, O40 and O41

Although the primary objective (O39) is linked to the standards in Schedule L1 (ambient air) there is no time frame or indication of resources necessary to achieve it, so technically it is not an objective within the accepted definition but is more of an organisational goal. The supplementary objectives (O40 and O41) are in fact simple goals, or even "desiderata".

Policies

[The policies are the course of action intended to achieve the objectives, as required under section 67(1)(b) of the RMA. Policies are implemented through other methods (rules or methods).] Your words.

Policy P52 Managing ambient air quality

This is basically a rewording of the three objectives and adds nothing to our understanding of how the objectives are to be achieved. There is no "course of action" stated unless you regard the verbs (maintaining, improving, managing) as constituting a course of action.

Policy P53 Domestic fires

This introduces the no doubt worthy but vague notion of "good management practices" that, it is hoped, will "minimise" a range of "cumulative health effects

and nuisance effects to neighbours of offensive or objectionable odour, smoke and particulate matter, fumes, ash and visible emissions.” At this stage we seem to have drifted into the very smoke that we are hoping to minimise. Perhaps this is a “course of action”.

Policy P55 Managing air quality

This seems entirely redundant as it contains nothing that is not already in P52.

Policy P57 Burning of specified materials

Another that seems to repeat earlier policy material, though it does contain the phrase “shall be avoided” [which I have not seen defined in any part of the PNRP].

Policies P58 and P59 Industrial discharges/point source discharges

The distinctions between these two policies are too finely delineated for me to understand. Perhaps air above a property and air over an adjoining property are deemed to warrant two separate policy statements, one of which rates the “minimisation” approach and the other of which rates the “avoidance” remedy.

You will perhaps appreciate that I was genuinely searching for a positive within the policies that would give an indicator of some tangible plan of action that was not,

(a) restricted to “management” by means of council permit or consent based on applicant-supplied information; or

(b) an education initiative; or, (tacitly)

(c) reliant on our old friend the wind to sooner or later solve all of our air quality problems.

Rules

R6 Fuels prohibited in domestic fires – prohibited activity

This says that discharge of contaminants into air from the combustion of specified materials in a domestic fire is a prohibited activity. I understand from 2.1.3 that this has the force and effect of regulations in statute, so this edict is a powerful aid to implementing the policies.

In section 5.1.1 there is a statement that the WRC will work to improve air quality in a polluted airshed through Method M5.

Methods

M5 Polluted airsheds

Although this only addresses the matter of polluted airsheds, it does contain

the only date I have noted so far – 2020. This is the date by which future action plans will produce the air quality goods.

My difficulty as a ratepayer is that while the Plan's structure and ideology appear to make it a very good standards document, it is hard to see any significant direction. There is hardly a mention of implementation and nothing about enforcement – the “how” of any decent plan, strategic or otherwise. There is another method, M28, which mentions good management practice guidelines. I'm afraid that the more I look at this the more I feel it is similar to the technique whereby one lifts oneself by one's own bootstraps.

* * *

Since you kindly supplied the Section 32 reports, I wish to comment on the Air Quality Management aspects of that also.

Section 32 Report: Air Quality Management

This document indicated that it might address many issues that the Plan ignores or appears to achieve by means of finesse. The relevance, usefulness, achievability and reasonableness criteria resonate with implicit intention and I looked forward to learning of the “how” that was notably absent in the Plan. Furthermore, the separation of the report into sections to deal with issues, regulatory context, policy evaluation, and assessment of policies & objectives, invites a better appreciation in the reader than does the Plan's intricate cross-referencing. However, I duly found that that high Fog Index ratings re-appeared in section 5.

I consider the “issues” to be well dealt with in section 2, with data inserted to back up general statements.

The regulatory context in section 3.1 appears to be a full and comprehensive summary. Section 3.2.1 deals with the 2013 Regional Policy Statement and from what is shown here it seems to be the basis for the Plan's present air quality provisions. The 2000 Air Plan is covered by section 3.2.2 and again this seems a full and useful summary of a comprehensive document only made redundant by inherent flaws and NESAQ.

In section 4 the air quality objectives are considered against the relevance, usefulness, achievability and reasonableness criteria. There are useful notes and O39's relevance, usefulness and reasonableness are argued convincingly, but achievability is not shown – the words are merely comments

about the LI schedule and NESAQ standards. Even if “achievability” is read as “hypothetical achievability” the paragraph adds little to the sum of human knowledge.

Objective O40 also is defined well as relevant and useful but while its achievability in respect of some industries is definable, controllable and measurable, its achievability in respect of domestic situations is limited to being “located and controlled by regional and district plans”, whatever that means. O40's reasonableness is expressed in rather limp fashion for one which deeply concerns people's health and well-being.

Objective O41 is dealt with pretty much as a smell-control measure and I noted with interest the comment that “odour is a chronic issue in the region”. O41's achievability is usefully linked to a pollution complaints register, but the objective's reasonableness is affirmed by a very tired circular argument. The summary in section 4.2 is an effective one which should probably be read instead of the three preceding sub-sections.

Section 5.1.1 concerns outdoor burning but before I move on I wish to make an objection that the continued use of domestic fireworks is by inference given local government approval through the Plan, “to enable community well-being”. I can accept that commercial or officially-approved fireworks displays may have a place in community activities, but the continuation of domestic firework activities has no value and no business being sanctioned in a document such as this. To be sure the WRC may not be able to ban them, but it does not need to be a promoter.

In sub-section (b) of section 5.1.1 there are two references to O40 that should perhaps be changed to “O41”.

Section 5.1.2 Domestic fires

It disturbed me to read in the first paragraph, “Regional councils around New Zealand have decided that regulation and education are the best ways to reduce the effects of domestic fires on ambient air quality”. It seems a small set of tools to deal with an activity that makes a significant contribution to a global problem.

In Option 2 below, The following statement occurs, “Provide a method for developing an airshed action plan with territorial authorities and the community along with key stakeholders in working out a plan to reduce the emissions from domestic fires”. This is a very weak statement that debases the value of neighbouring material. Having a plan include intentions to create

further plans is an old bureaucratic trick to try and look good but pass the buck to a wider group of interested parties.

The next heavy-type sub-heading refers to outdoor burning, which presumably is a cut-and-paste error. It should read "Relevant proposed Plan provisions for domestic fires".

Next, Table 3 omits mention of objective O40 which I fail to understand because although O40 is concerned with point source discharges, your own definition of "point source discharge" (S2.2) is "The discharge of contaminants at a specific identifiable location (such as a factory or property) or fixed facility such as a pipe, ditch or smokestack", which does not specifically exclude domestic fires. I feel this is a good definition which allows for a wide range of exceedance situations and locations to be identified.

Curiously, in sub-section (b) Effectiveness, below table 3, the references are only to O39 and O40. Logically these should be O39 and O41 from the table above, and the sense appears to confirm that. However, as O40 is the only one that specifically mentions human health, why is it not included also?

In the next paragraph there is reference to Policy AQ.P54 which appears to be a typo as other policies are simply P52 and P53. Subsequently, some of the effects expressed as flowing from P53, P54 and P57 must be read as simple optimism (refer to my previous views on the structure and content of these policies).

I have no comment about the Masterton situation, except that it is good to read about a positive on-the-ground plan. From the final bulleted paragraph I am unable to say whether WRC approves of free firewood users or disapproves of them. A dollar each way, presumably.

At the end of the (b) Effectiveness section, Method M5 is discussed and some of the itemised ways and means are presumably simply elements of the education process because no mention is made of how effective the methods are, how their effectiveness is measured, how non-compliance is identified and dealt with and how enforcement might be achieved.

Next, paragraph (c) Efficiency and Table 4 deal with the various effects of the Plan as well as they can and I have no comment apart from there being a small structural flaw in the final sentence in table 4, Social, Benefits (yes, I am an irritating perfectionist, but that's the risk you run).

In paragraph (d) Risks of not acting, the statement, "This risk will be met with the provisions in the proposed Plan", exudes a confidence that I personally could not express.

The final paragraph once again refers to objectives O39 and O41, but O40, the up-front human health statement, is not mentioned.

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I seek the following decisions from WRC

I appreciate from elsewhere in the documentation that the WRC is not just a giant word factory and that it does indeed have operational staff who perform essential work on the ground, so why do we not see more about this part of its activities in the Plan and s32 Reports? The Plan talks in some detail about the Masterton initiatives but says nothing more about enforcing air quality standards except via some devices that are, apparently, attached to certain point source discharge outlets.

I realise that enforcement may be a complex and difficult process, perhaps expensive and involving litigation and lawyers, but it has to start with evidence, and what is the means of obtaining evidence? The documents frequently talk about polluted airsheds but there is no mention of how the air above Masterton or Wainuiomata was determined in the first place to be polluted.

Request 1

I ask that the WRC insert, perhaps as an element in the domestic fires policies or some of them, the statement that it will establish an ambient air-monitoring division, to be equipped with portable and other air quality sensors, that can respond to complaints about widespread or localised exceedances, verify the complaints or disprove them, and initiate enforcement procedures as necessary.

I know there are many such pieces of equipment on the market, even in New Zealand – any search engine will provide a good range of choices.

My purpose in seeking this change is this: I want any ratepayer, who may have a hypothetical neighbour he/she suspects of burning trade waste in a domestic fire, to be able to obtain official verification as to whether that neighbour's home chimney is dispersing toxic substances such as formaldehyde particles. I am envisaging a situation where official clarification, education and warnings have failed or been ignored, and any future progress depends on evidence being acquired.

Request 2

I ask that the WRC strengthen its position generally with regard to air quality, so that by 2020, or perhaps 2050, a future student of global air pollution might look back at Wellington's efforts and say, "At least they tried to do something. At least they didn't sit on their hands and say the business of using domestic fires is too complicated and let's not rock this boat too much."

Perhaps the domestic and other air quality policies could be amended to include the statement that the WRC "will do everything in its power to relegate the archaic practice of burning fuel on open domestic fires to the history books"? Make us proud, please. Help drag NZ into the 21st century.

Request 3

I ask that the WRC reword any phrasing in any statements related to outdoor burning, policies or otherwise, so that there is no suggestion that WRC considers the burning of pyrotechnics by private users to contribute to "public amenity" in any way.

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Thank you for allowing me to contribute.

R Jackson

20 Sept 2015

