

Your Ref:
Our Ref: 1370 62724

6 November 2006

Attention Tony Mathews

Tauranga City Council
c-o URS New Zealand Limited
P O Box 821
AUCKLAND

Dear Sir/Madam

Resource Consent Application Number 62724

You are formally advised that on 6 November 2006, the Hearings Committee acting under delegated authority from the Bay of Plenty Regional Council, made a decision in respect of the above application.

It was resolved that the Regional Council:

- Grants resource consent number 62724 to TAURANGA CITY COUNCIL subject to the attached conditions.
- Notifies the applicant that in line with Council policy, the additional costs of the Regional Council being \$5,075.79 including GST be met by the applicant.
- Advises the parties that the costs of the applicant and submitters be left to lie where they fall.

Reasons for the Decision:

RMA Part II Matters

We consider that the proposed activity associated with application 62724 is consistent with the purpose and principles of the Resource Management Act 1991, as described in Part II of that Act.

It is our opinion that the proposed activity falls within the sustainable management purpose of the Resource Management Act, as described in RMA s.5, and that the proposed activity remains sustainable through appropriate design and management. This appropriateness is assured by the imposition of extensive consent conditions. These consent conditions ensure that the activities associated with the discharges to air by Tauranga City Council will better sustain the potential of the natural and physical resources for future generations, safeguard the life-supporting capacity of air, water, soil, and ecosystems.

We consider that there were no matters of national importance pursuant to RMA s.6 that require recognition and provision in respect of this decision.

In respect of RMA s.7 – Other Matters, we had particular regard to RMA 7(c) and 7(f) in making the decision.

We also consider that there were no matters required to have been addressed under RMA s.8.

RMA Section 104 and 108 Matters

Pursuant to the requirements of RMA s.104(1)(a), we consider that the actual and potential effects of allowing the activities, subject to compliance with consent conditions, are considered to be minor.

Pursuant to the requirements of RMA s.104 (1)(b)(iii), we consider that the proposed activity of application 62724 is not contrary to the Bay of Plenty Regional Policy Statement.

Pursuant to the requirements of RMA s.104 (1)(b)(iv), we consider that the proposed activity of application 62724 is not contrary to the relevant provisions of the Bay of Plenty Regional Air Plan.

We are satisfied that, pursuant to RMA s.104B, the conditions imposed in respect of the discretionary activities are consistent with s.108.

We are satisfied that, pursuant to RMA s.105, appropriate regard has been given to the nature of the discharge, the sensitivity of the receiving environment, the Applicants reason for the proposed discharge and alternative methods of discharge.

Pursuant to the requirements of RMA s.108(2)(e) and RMA s.108(8), we are satisfied that the inclusion of conditions relating to emission limits and controls, monitoring, provision of Air Discharge Management Plan and review are the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.

In reaching the decisions made, full consideration was given to the evidence presented and the submissions made and where appropriate relevant conditions were included.

Enclosed for your information are:

- 1 A copy of the Hearings Decision Report and conditions.
- 2 An information sheet on appeal procedures.
- 3 An invoice and statement for costs incurred in processing the consent.

Under the provisions of section 120 of the Resource Management Act 1991, the applicant and every person who made a submission may within 15 working days of receipt of this letter, appeal to the Environment Court, Department of Justice, P O Box 7147, Wellesley Street, Auckland against the decision. Subject to no appeals being lodged within the period stated, the consent will be issued.

Under the provisions of section 357 of the Resource Management Act 1991, you may lodge an objection to the requirement to pay additional costs (pursuant to section 36(3) of the Resource Management Act 1991) to the Bay of Plenty Regional Council. Any such objection shall be in writing, setting out the reasons for the objection within 15 working days of the date of this letter.

You should read the attached conditions thoroughly and make sure that any contractor or other persons acting on your behalf is given a copy and is made aware of the conditions. Failure to comply with the attached consent conditions may result in enforcement action or prosecution.

Please call Janice Sutton, Principal Consents Administration Officer at the above telephone number if you have any questions.

Yours faithfully

B W O'Shaughnessy
Principal Environmental Consents Officer
for Group Manager Regulation & Resource Management

Copy to Attention Nick Roosenburg

Tauranga City Council
Private Bag 12022
TAURANGA

Environment Bay of Plenty

Report From: Robin Ford
Chairman
Hearings Committee

Councillor Athole Herbert
Councillor Andrew von Dadelszen

File Reference: 1370 62724

Hearings Committee

Meeting of 13 October 2006

Tauranga City Council Te Maunga Transfer Station Application Number 62724 Notified Discharge Permit (Air)

1 **Attendance**

1.1 **Applicant**

Gerald Lanning (Legal Counsel)
Andrew Curtis (Consultant)
Nick Roozenburg (TCC Solid Waste Engineer)
Councillor Murray Kliskey
Heidi Pattersen (TCC Zero Waste Coordinator)

1.2 **Regional Council Staff**

Brett O'Shaughnessy (Principal Consents Officer)
Karen Parcell (Environmental Consents Officer)
Sara Bell (Environmental Consents Officer)
Sue Cubbon (Committee Administrator)
Marion Henton (Committee Administrator)

1.3 **Submitters**

Alan Bright (Papamoa Progressive Association)
Annaka Davis (Toi Te Ora – Public Health)

Trevor Birch
Gerard Jensen
Glenn Johnston
Robert Paterson (Mount Maunganui Environmental Group Limited)
Jack Sanders

1.4 **Apologies**

John Cook (Submission No. 12)
Miriam Herman (Submission No 21)
Milton Kerr (Submission No. 30)
Edward and Pamela Kliskey (Submission No. 31)

2 **Site Visit**

Committee members undertook a site inspection of the Refuse Transfer Station situated at Truman Road, Te Maunga immediately prior to the 9.45 am commencement of the hearing.

3 **Background**

Tauranga City Council applied to the Bay of Plenty Regional Council for a discharge permit to discharge contaminants to air under RMA s.15(1)(c) from an existing waste Transfer Station on Truman Road, Te Maunga.

A total of 57 submissions were received by the Regional Council, 47 in support of the application and 10 in opposition. No pre-hearing meeting was held for the application as it was considered such would be of limited value in identifying issues and possible solutions due to the large amount of submitters for the application.

4 **The Hearing**

4.1 **The Applicant**

4.1.1 ***Gerald Lanning (Legal Counsel for Applicant) - Refer Tabled Document No. 1***

Mr Lanning opened submissions for Tauranga City Council pointing out the Transfer Station was fully authorised under the Resource Management Act 1991 in terms of land use, but required an air discharge permit to comply with the Regional Air Plan.

He advised that the Transfer Station was a critical part of the regional waste management strategy. It was not new, but had been established in 1998 in an area set aside for the purpose next to land previously used as a tip for decades beforehand. Mr Lanning described the Transfer Station as essentially a collection and redistribution activity operating in a manner consistent with best practice, and thus unlikely to emit odour or dust beyond the site boundary.

Matters raised by submitters and proposed conditions put forward in the Bay of Plenty Regional Council Officer's report were addressed by Mr Lanning.

In response to questions of clarification asked in regard to the site management plan, Mr Lanning maintained that whilst the regional council was entitled to approve the consent and monitor compliance, it need not be involved in day to day management of the Transfer

Station. Members of the Committee noted Mr Lanning's statement that there were no alternative locations, and queried the long term of consent sought despite rapid changes in technology. Mr Lanning replied that in 5 years time Tauranga may have zero waste, but for the foreseeable future the Transfer Station would need to be where it was.

4.1.2 ***Nicolaas Roozenburg, (Solid Waste Engineer) Tauranga City Council - Refer Tabled Document No. 2***

A brief history and overview of the current Transfer Station operation was provided by Mr Roozenburg and he provided maps and diagrams describing the site and surrounding environment. As part of a group of waste-related activities that included a wastewater treatment plant and composting facility, Mr Roozenburg noted that the Transfer Station occupied the front of the site and, being the only activity with public access, was the most visible. It was his view that the location of the Transfer Station in an industrial area set aside for the purpose and in the centre of a growing population where waste was generated was very appropriate, and management practices were in place to avoid or minimise risk of odours.

Mr Roozenburg clarified that the Transfer Station was built in 1995 and neighbouring oxidation ponds in the 1960s and 1970s.

4.1.3 ***Andrew Curtis, (Chemical Engineer specialising in air pollution) URS New Zealand Limited - Refer Tabled Document No. 3***

Mr Curtis provided his assessment of potential dust and odour emissions from the Transfer Station. He considered it unlikely that dust would result in any exceedence of the permitted activity dust standard, but described the situation as complex in regard to odour as there were a number of potential sources in the area that smelt similar. There had been few odour events and they were described as being of short duration.

With some minor changes, Mr Curtis stated the draft conditions proposed by the regional council would ensure the site was appropriately managed.

Questions of clarification were answered about Mr Curtis' proposed changes to conditions dealing with excessively odorous material and the waste designation boundary.

4.2 **Regional Council Staff Report**

4.2.1 ***Karen Parcell, Environmental Consents Officer – Refer pages 6/4/2-6/4/13 of the agenda***

Ms Parcell gave a PowerPoint presentation in support of the Staff Report describing the proposal and consultation with several parties carried out by Tauranga City Council. She provided an analysis of submissions, an assessment of environmental effects and statutory considerations that must be considered.

Subject to compliance with recommended conditions, Ms Parcell was of the opinion that the effects on the environment from the activities at the Transfer Station would be no more than minor. She did however recommend a term of 15 years, in line with similar discharge consents, rather than 35 as requested by the applicant.

4.3 **Submitters**

4.3.1 ***Jack Sanders, Submission No. 43 – Refer to page 6/4/66 of the agenda***

Mr Sanders spoke in opposition to the application and wished to see a moratorium declared on discharges to the atmosphere so existing problems were not added to. He noted however the site was very well run, and was the least likely facility in the area to cause odour. If the application was approved, Mr Sanders asked that strict conditions restricting discharges to the boundary of the Transfer Station be imposed.

4.3.2 ***Glenn Johnston, Submission No. 27 – Refer to page 6/4/46 of the agenda***

Mr Johnston was able to pinpoint his dwelling at 18 Bermuda Drive, Papamoa on the large map provided by the applicant, and was in support of Tauranga City Council's application. He stated he had never noticed any objectionable odours emanating from the site and found it a well run and efficient operation. Mr Johnston pointed out that current residents in the area had been well aware of the location of the Te Maunga site before they built or purchased homes there, and a great deal of inconvenience would result should it be closed.

4.3.3 ***Annaka Davis, Health Protection Officer Toi Te Ora Public Health, Submission No. 49 – Refer to page 6/4/72 and Tabled Document No. 4***

Ms Davis outlined the issues of concern to Toi Te Ora Public Health, odour and dust, and conditions of consent proposed to address these. The organisation requested regular review of the management plan to ensure the most appropriate odour control practices and methods were used at the site and an assurance that animal tissue, organs or carcasses, all of which were potentially infectious, would not be disposed of through the refuse system. Ms Davis emphasised the importance of odour remaining within the site boundary as although the area was zoned 'industrial' there were other businesses within the zone.

Questions of clarification were asked about the availability of other facilities to deal with carcasses. Mr Roozenburg for the applicant advised carcasses in an odorous state were not accepted at the Transfer Station and nor was infectious waste.

4.3.4 ***Alan Bright, Papamoa Progressive Association, Submission No. 37 – Refer to page 6/4/58 of the agenda***

Mr Bright stated he had read with interest the reports presented during the hearing and had been very impressed with what had been written and the fullness of the reports. He had found it difficult to sit and hear that smells had been described as coming from the tip as it had been there a very long time, and residents knew it was there when they built or purchased their homes. The facility was very convenient for the residents of Papamoa, and Mr Bright wished to thank whoever ran the tip so well and efficiently.

4.3.5 ***Robert Paterson, Mount Maunganui Environmental Group Ltd, Submission No. 35 – Refer to page 6/4/54 of the agenda and Tabled Documents 6 and 7***

Mr Paterson's stated the group's concerns were not with the Transfer Station itself, but that there may be an attempt being made to mask the activities on an adjoining site. He requested the application be declined unless it could be established that odour would be fully contained on site and, should consent be granted, that it was not used to screen the compost site.

Mr Paterson answered questions of clarification and advised the Mount Maunganui Environmental Group Ltd comprised membership of 10 or 20 people.

4.4 **Staff Summary**

Principal Consent Officer, Brett O'Shaughnessy called on Ms Parcell to present recommended conditions and advised that, in response to points raised by the applicant and submitters, there were a number of changes she wished to propose.

Ms Parcell presented amended conditions including suggested wording changes, and recommended a term of 15 years taking the consent to 22 August, 2021.

4.5 **Applicants Summary**

On behalf of the applicant, Mr Lanning presented a summary that supported the staff officer's presentation in terms of conditions and amendments. He pointed out that the issue of carcasses raised by Toi Te Ora Public Health was not related to this consent but was an issue of bylaws. Responding to Mr Paterson's comments, Mr Lanning noted a lot of matters could not be taken into account at this hearing. He stated Tauranga City Council had not applied for consent to mask other activities, but to comply with the Regional Air Plan.

Chairman's Announcement

The Chairman thanked the applicant and submitters for the way they had presented their submissions, and for taking the time to contribute to the hearing process.

The Hearing concluded at 2.10 pm.

5 **Deliberations**

The committee considered all the evidence in written submissions and evidence presented at the hearing and completed decisions on Friday, 13 October 2006.

6 **Statutory Framework**

6.1 **Statutory Criteria**

RMA s104 sets out the matters to be considered when assessing a resource consent. That section requires that, subject to Part 2 (Purpose and Principles), regard must be had to a number of matters of which the following are relevant in this case:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of-*
 - (i) ...:

- (ii) ...
- (iii) a regional policy statement or proposed regional policy statement;
- (iv) a plan or proposed plan;...
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Accordingly the matters we are to address under this section are:

- a) RMA, Part 2; and
- b) the effects on the environment; and
- c) the relevant planning instruments; and
- d) any other matter.

These are addressed as follows:

6.1.1 ***RMA Part 2***

We consider this in Section 8 of this Decision.

6.1.2 ***Effects on the Environment***

We consider effects in Section 7 of this Decision as we consider the main issues for determination.

6.1.3 ***Planning Instruments***

We consider this in Section 9 of this Decision.

6.1.4 ***Other Relevant Matters***

We consider other matters in the course of our discussion in sections 10, 11 and 12 of this Decision.

6.2 **Discretions**

6.2.1 ***Discretionary Activities***

RMA s104B provides for the determination of applications for discretionary activities:

After considering an application for a resource consent for a discretionary activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Accordingly, having had regard to the matters we have listed, we are then to exercise a broad overall discretion.

7 **Primary Issues for Decision**

7.1 **Matters of Fact**

We noted that the applicant and submitters agreed that the effects of the proposed activity were less than minor

We observed how the operation of the site precluded adverse effects and in fact a number of submitters commented on how well it was run.

We noted that there had been few complaints specifically in regard to the site since 1995

The site has been zoned for waste management since early 1970's and waste management activities had been carried out at or about the site since that time.

We recognised that the site provides an important community facility and this value was reflected in submitters comments.

We noted that none of the matters in dispute presented at the hearing were of sufficient weight to preclude the granting of the consent

7.2 **Matters of Dispute**

The applicant raised a number of minor matters of dispute in regard to the conditions proposed by Council staff. Amendments to conditions satisfied both parties.

The applicant considered that the "odour boundary" should be the boundary of the Waste Treatment designation. The Committee considered that while it is recognised that the "Waste Treatment" designation incorporates a larger area, it also incorporates two other possible sources of odour and for odour management purposes, such a large area would make identification of the specific odour source difficult.

A submitter contended that the underlying purpose of the Tauranga City Council obtaining an air discharge consent for the Transfer station was to mask the activities of the neighbouring composting operation. The Committee noted the requirement to obtain consent derived from the Bay of Plenty Regional Air Plan and therefore did not accept that the granting of this consent was for the purpose of masking another operation

8 **RMA Part 2**

8.1 **RMA s 5**

Section 5 provides:

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act sustainable management means the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while :-*
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding remedying and mitigating any adverse effects of activities on the environment”*

We have considered the issue of sustainability and have formed the opinion that the activities proposed by Tauranga City Council (as modified by conditions of consent) are a sustainable use of resources.

8.2 **RMA Section 6 – Matters of National Importance**

We did not consider that there were matters of national importance, pursuant to RMA s.6, that were required to be recognised and provided for in this decision.

8.3 **RMA Section 7 – Other Matters**

We considered the following matters, pursuant to RMA s.7, to be those for which we should have particular regard.

- 7(c) the maintenance and enhancement of amenity values;*
- 7(f) maintenance and enhancement of the quality of the environment;*

It is our opinion that the recommended conditions will reduce odour and particulate matter discharges at ground level to a level where it is not noticeable at the boundary, which should protect the amenity values of neighbours and maintain the quality of the environment.

We consider that the controls placed on the potential to generate odour has demonstrated that particular regard has been given to the above “Other Matters”,

8.4 **RMA Section 8 - Treaty of Waitangi**

We were of the opinion that there are no matters relating to RMA s.8 that are of relevance to the decision in respect of this application.

8.5 **Summary**

We consider that the proposal is not inconsistent with the requirements of Part II of the Act, and that the proposed mitigating measures and permit conditions recognise and provide for, or have regard to, these matters as appropriate.

9 **Planning Instruments**

9.1 **Bay of Plenty Regional Policy Statement (1999)**

We consider the most relevant policies of the Regional Policy Statement to this application are:

- 5.3.6(b)(ii) To manage the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.
- 6.3.1(b)(iii) To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use, and development of land.

- 7.3.1(b)(ii) To encourage land use practices that minimise the release and maximise the uptake of greenhouse gases.
- 7.3.1(b)(iii) To encourage waste management practices that minimise their greenhouse effect.
- 7.3.2(b)(i) To avoid, remedy or mitigate the adverse effects on air quality of discharges of contaminants into air.
- 7.3.2(b)(ii) To give priority to avoiding significant adverse effects from the discharge of particulate and chemical contaminants and odour into the air.
- 7.3.2(b)(iii) To provide for the discharge of contaminants to air with no significant adverse effects on air quality.
- 12.3.3(b)(i) To minimise the adverse environmental effects of waste disposal and the discharge of contaminants from landfills and other refuse disposal sites, whether operational or closed.

It is our opinion that the discharge will not have a detrimental effect on the air resource, nor have a more than minor adverse effect on the community.

We note that the discharge of greenhouse gases need only be regarded when the use and development of renewable energy will reduce the discharge, or when non-renewable energy is used (eg fossil fuels).

We observe that by locating the transfer station close to both the community it services and to the composting plant (that transports greenwaste from the site for conversion into compost), reduces required travel distance and overall fossil fuel use.

We do not expect particulate emissions from the refuse transfer station are to be significant due to the large distance from the site to property boundaries, and the site will be partially sealed. We note any dust discharges can be managed by wetting the load or unsealed roads as necessary.

We note that the conditions will require monitoring of the operation of the waste transfer facility and that process controls will be used to reduce effects to ensure the level of discharge is maintained at a sufficiently low level to not cause adverse effects beyond the boundary.

It is our opinion that provided the consent conditions are complied with, the proposed activities are not considered to be inconsistent with the policies of the Bay of Plenty Regional Policy Statement.

9.2 **Regional Plans**

The relevant Bay of Plenty plan is the Regional Air Plan (Air Plan).

9.2.1 ***Bay of Plenty Regional Air Plan (2003)***

We consider the most relevant policies of the Regional Policy Statement to this application are:

Policy 1(b) Adverse effects of discharges into air of contaminants that cannot be practicably avoided should be remedied or mitigated.

Policy 4 Promotion of the use of the best practicable option approach including the efficient use of resources, eg raw materials and energy, whenever it is the most efficient and effective means of preventing or minimising adverse effects on air quality.

We note that the discharges cannot be practically avoided as they come about from the natural decomposition process, and would still occur if the waste was not held at the facility. It is our opinion that most off-site discharges can be avoided by proper management of unloading, sorting and storage of waste. We note that there is no discharge of hazardous materials from this operation. We are of the firm opinion that the proposed consent conditions should meet the objectives and policies of the plan such that the adverse effects are mitigated

It is our opinion that the proposed activity (as modified by consent conditions) is considered to be consistent with the relevant provisions of the Regional Air Plan.

10 **RMA S.104(1)(c)- Other Matters**

We determined that there were no other matters, pursuant to RMA S.104(1)(c) to consider in relation to the decision.

11 **RMA S.104E – Applications Relating to Discharge of Greenhouse Gases**

When considering an application for a discharge permit to do something that would otherwise contravene section 15 or section 15B relating to the discharge into air of greenhouse gases, we must not have regard to the effects of such a discharge on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases, either –

- a) in absolute terms; or
- b) relative to the use and development of non-renewable energy.

We have, pursuant to RMA s. 104E, given no regard to the effects of the production of greenhouse gases on climate change.

12 **RMA Section 105(1)**

Section 105 requires that regard be given to the sensitivity of the receiving environment, alternative methods of discharge and the reasons for the applicant's choice.

We note that the receiving environment is an industrial business zoned site with a Waste Management designation, and therefore less sensitive to these discharges. We further note that controls have been placed on the discharges to lower any impacts on neighbouring properties.

Other mitigation methods for the air discharge of the contaminants would include installing air extraction and biofilters or scrubbers (which in turn creates a liquid effluent disposal problem). In our view, the cost of these options and the relatively low sensitivity of the receiving environment make them impractical for this operation.

13 General Observations

All members of the Committee considered consent should be granted.

The Committee accepted the evidence from all parties

The Committee was impressed by the overnight storage facilities for refuse in a totally enclosed container.

The Committee noted that the application had been well presented.

The Committee observed the professional manner in which the submitters conducted their business.

The Committee accepted the concerns of the applicant in respect of clarifying the wording of several of the consent conditions and amended those conditions relating to decomposed and decomposing offal, recyclables, residual waste and Air Discharge Management Plan.

14 Amended Conditions

At the Hearing, Council Staff submitted proposed conditions of consent, should the consent be granted. Having heard all of the evidence and considered the submissions, we considered that the conditions proposed by the Staff Report be amended as follows:

14.1 Condition 5.3

Condition 5.3 was amended by the insertion of the phrase "decomposed and/or decomposing", such that the condition now reads:

Material that may be excessively odorous such as decomposed and/or decomposing offal, carcasses, decomposed greenwaste, and materials that may emit offensive odour at a level where they are likely to cause a nuisance, shall be prohibited from being received at the Waste Transfer Station site.

14.2 Condition 5.5

Condition 6.3 was amended by the insertion of the phrase "other than recyclables", such that the condition now reads:

The permit holder shall contain any refuse, other than recyclables remaining onsite overnight in closed containers.

14.3 Condition 6.3

Condition 6.3 was amended by the deletion of the word "refuse" and its subsequent replacement with the word "residual waste", such that the condition now reads:

The permit holder shall monitor the Waste Transfer Station site for spilled residual waste at least twice daily. Any spilled refuse shall be immediately disposed of so that there is not a particulate matter or odour nuisance caused beyond the boundary of the site (see Advice Note 4).

14.4 Condition 8.1

Condition 8.1 was amended by the deletion of the word "Site" and its subsequent

replacement with the word "Air Discharge", such that the condition now reads:

The permit holder shall prepare an Air Discharge Management Plan which shall contain as a minimum (but not limited to) management and operational requirements necessary to comply with the conditions of this permit.

14.5 **Condition 8.2**

Condition 8.2 was amended by the deletion of the word "Site" and its subsequent replacement with the word "Air Discharge", such that the condition now reads:

The permit holder shall submit the Air Discharge Management Plan required by Condition 8.1 to the Chief Executive of the Regional Council or delegate for written approval, within six months of commencement of this permit.

14.6 **Condition 8.3**

Condition 8.3 was amended by the deletion of the word "Site" and its subsequent replacement with the word "Air Discharge", such that the condition now reads:

The permit holder shall operate the Waste Transfer Station in accordance with the approved Air Discharge Management Plan.

14.7 **Condition 8.4**

Condition 8.4 was amended by the deletion of the word "Site" and its subsequent replacement with the word "Air Discharge", such that the condition now reads:

The permit holder shall submit any successive Air Discharge Management Plan to the Chief Executive of the Regional Council or delegate for written approval before being implemented.

14.8 **Condition 8.5**

Condition 8.5 was amended by the deletion of the word "Site" and its subsequent replacement with the word "Air Discharge", such that the condition now reads:

The permit holder shall update and/or review the odour management section of the Air Discharge Management Plan within one month

15 **Costs**

The committee considered the matter of additional costs associated with processing and hearing the application. In line with Council's policy, it is recommended that hearing costs and staff time over and above that covered by the application fee, together with the committee's expenses be paid for by the applicant. Additional costs to be recovered from the applicant are \$ 5,075.79 including GST. With respect to costs of all other parties, the committee considered that these be left to lie where they fall.

Decision

Resolved:

That the Regional Council:

- 1 Grants resource consent number 62724 to TAURANGA CITY COUNCIL subject to the attached conditions.
- 2 Notifies the applicant that in line with Council policy, the additional costs of the Regional Council being \$5,075.79 including GST be met by the applicant.
- 3 Advises the parties that the costs of the applicant and submitters be left to lie where they fall.

Von Dadelszen/Herbert
CARRIED

17 Reasons for the Decision

17.1 RMA Part II Matters

We consider that the proposed activity associated with application 62724 is consistent with the purpose and principles of the Resource Management Act 1991, as described in Part II of that Act.

It is our opinion that the proposed activity falls within the sustainable management purpose of the Resource Management Act, as described in RMA s.5, and that the proposed activity remains sustainable through appropriate design and management. This appropriateness is assured by the imposition of extensive consent conditions. These consent conditions ensure that the activities associated with the discharges to air by Tauranga City Council will better sustain the potential of the natural and physical resources for future generations, safeguard the life-supporting capacity of air, water, soil, and ecosystems.

We consider that there were no matters of national importance pursuant to RMA s.6 that require recognition and provision in respect of this decision.

In respect of RMA s.7 – Other Matters, we had particular regard to RMA 7(c) and 7(f) in making the decision.

We also consider that there were no matters required to have been addressed under RMA s.8.

17.2 RMA Section 104 & 108 Matters

Pursuant to the requirements of RMA s.104(1)(a), we consider that the actual and potential effects of allowing the activities, subject to compliance with consent conditions, are considered to be minor.

Pursuant to the requirements of RMA s.104 (1)(b)(iii), we consider that the proposed activity of application 62724 is not contrary to the Bay of Plenty Regional Policy Statement.

Pursuant to the requirements of RMA s.104 (1)(b)(iv), we consider that the proposed activity of application 62724 is not contrary to the relevant provisions of the Bay of Plenty Regional Air

Plan.

We are satisfied that, pursuant to RMA s.104B, the conditions imposed in respect of the discretionary activities are consistent with s.108.

We are satisfied that, pursuant to RMA s.105, appropriate regard has been given to the nature of the discharge, the sensitivity of the receiving environment, the Applicants reason for the proposed discharge and alternative methods of discharge.

Pursuant to the requirements of RMA s.108(2)(e) and RMA s.108(8), we are satisfied that the inclusion of conditions relating to emission limits and controls, monitoring, provision of Air Discharge Management Plan and review are the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.

In reaching the decisions made, full consideration was given to the evidence presented and the submissions made and where appropriate relevant conditions were included.

Councillor Robin Ford
Hearings Committee Chairman

Date