

Proposed Natural Resources Plan:

Submitter:

**Imperial Tobacco New Zealand**

Submitter Number:

**S134**





**Appendix 1: Data from GRWC's Complaints Register  
(1 August 2014 – 31 July 2015)**

<b>Total Odour Complaints by Source</b>		
<b>Source</b>	<b>Number</b>	<b>% of Total</b>
Aircraft	1	0.2%
Commercial	52	9.8%
Construction	3	0.6%
Domestic	13	2.4%
Earthworks	1	0.2%
Farm	31	5.8%
Fuel Storage	1	0.2%
Industrial	6	1.1%
Landfill	3	0.6%
Manufacturing	30	5.6%
School	1	0.2%
Unknown	18	3.4%
Utilities	23	4.3%
Vehicle	1	0.2%
Waste Processing	347	65.3%
<b>Total</b>	<b>531</b>	<b>100%</b>

<b>Total Odour Complaints by Manufacturing Source</b>		
<b>Subtype</b>	<b>Number</b>	<b>% of Total</b>
Brewery	2	6.7%
Coffee	4	13.3%
Meatworks	11	36.7%
Tobacco	5	16.7%
Unilever	8	26.7%
<b>Total</b>	<b>30</b>	<b>100%</b>

  

<b>Action</b>	<b>Number</b>	<b>% of Total</b>
ADVICE LETTER SENT	2	6.7%
FORMAL WARNING ISSUED	0	0.0%
INFRINGEMENT NOTICE ISSUED	0	0.0%
NO ENFORCEMENT ACTION NEC	25	83.3%
SITE VISIT	0	0.0%
TRANSACTION ACKNOWLEDGED	3	10.0%
<b>Total</b>	<b>30</b>	<b>100%</b>

Type of Action by Manufacturing Source							
Manufacturing Source	Advice letter sent	Formal warning issued	Infringement notice issued	No enforcement action necessary	Site visit	Transaction acknowledged	Total
Subtype	Number						
Brewery	0	0	0	2	0	0	2
Coffee	1	0	0	2	0	1	4
Meatworks	0	0	0	9	0	2	11
Tobacco	1	0	0	4	0	0	5
Unilever	0	0	0	8	0	0	8
<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>3</b>	<b>30</b>

To: Freepost 3156  
 Wellington Regional Council  
 PO Box 11646  
 Wellington 6142

Or email: regionalplan@gw.govt.nz

**Your details**

Full name: Clémence Dubois

Organisation name: (If applicable) Imperial Tobacco New Zealand

Address for Service: c/o Kirsty Austin  
 4Sight Consulting  
 PO Box 25356, Featherston Street, Wellington

Telephone no's: Work: 021 075 8818 Home: n/a Cell: 021 075 8818

Contact person: Kirsty Austin, Senior Policy and Planning Consultant, 4Sight Consulting

Address and telephone no (if different from above):

**Electronic communication**

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.

Email address: kirstya@4sight.co.nz

**Trade competition**

I/we **could not** gain an advantage in trade competition through this submission. [Go straight to **Your Submission**]

I/we **could** gain an advantage in trade competition through this submission.  
 If you **could** gain an advantage please complete one of the following:

- I/we **are** directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.
- I/we **are not** directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

**Your submission**

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input checked="" type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
Section 5.1.8 (food, animal or plant matter)  Rule R31 (food, animal or plant matter manufacturing and processing - discretionary activity)	Reasons for my submission: →	Imperial Tobacco New Zealand (ITNZ) operates a tobacco manufacturing facility at Richmond Street, Petone. The site has been used for this purpose since 1928.  ITNZ's activities are currently subject to resource consents under both the Lower Hutt District Plan and Greater Wellington Regional Freshwater Plan. The activities have not required resource consent for discharges to air. ITNZ's air discharge activities are currently permitted under Rule 5 (processing of animal and plant matter) of the Operative Regional Air Quality Management Plan. However, as a result of proposed Rule R31 of the

Proposed Natural Resources Plan (Proposed NRP), these same air discharges will now require resource consent for a discretionary activity.

ITNZ opposes the wording of proposed Rule R31 which results in tobacco manufacturing being classified as a discretionary activity (specifically clause (f) which refers to the drying of plant matter exceeding 250kg/hour of product). ITNZ considers a permitted activity status to be more appropriate to the potential effects occurring from its air discharges, and consistent with the other rules proposed in Section 5.1.8 (Rules R29 - alcoholic beverage production and Rule R30 coffee roasting). Pursuant to section 32A of the Resource Management Act, ITNZ also opposes the rules in Section 5.1.8 on the basis that the Section 32 report does not provide adequate assessment to justify the different activity status applied to different activities in Section 5.1.8 or the limits imposed by proposed Rule R31.

The approach in the Proposed NRP represents a significant change for tobacco manufacturing from the Regional Air Quality Management Plan, without providing sufficient detail to justify such a change. We have reviewed the 'Section 32 Report: Air quality management' and associated research: 'Permitted Activities Thresholds Report' (Beca, 2012) and 'Effectiveness Report' (GWRC, 2008) and are concerned that while the overall approach to provisions relating to industrial air discharges are evaluated (Option 2), the specific rules proposed in Section 5.1.8 (Rules R29, R30 and R31) are not. Furthermore, there is no analysis that indicates that air discharges from tobacco manufacturing create greater adverse effects than those activities permitted by Rules R29 and R30, or that the other activities captured by Rule R31 produce similar adverse effects to tobacco plant manufacturing.

In particular we note:

- Proposed Rule R31 has originated from Rule 4.5.1 the Auckland Council Regional Plan: Air, Land and Water (as noted in the research entitled 'Permitted Activity Thresholds'). However, there is no tobacco manufacturing undertaken in Auckland and there is no analysis provided as to whether this rule is appropriate to effects created by air discharges from tobacco processes. For example, the Section 32 report and associated research do not assess the relevance of the 250kg/hour product threshold in terms of managing effects from tobacco plant manufacturing.

- The Section 32 report and 'Effectiveness Report' do not refer to, or analyse, the effects of air discharges from tobacco manufacturing. The 'Effectiveness Report' identifies ten sources that create that more than 90% of odour complaints. None of these sources are tobacco manufacturing premises. The 'Effectiveness Report' also states that many of the odour complaints that GWRC receives are related to activities with air discharge consents as opposed to activities that are permitted under the Regional Air Quality Management Plan (such as ITNZ's activities).

- There is minimal reference to tobacco manufacturing in the 'Permitted Activities Thresholds Report'. The report notes that "odour related to industrial manufacturing is alleged to occur from industries such as tobacco manufacture (no consent required) and soap powder manufacture (consented). It is considered that coffee roasting could potentially also fall into this category." However, we note that the Section 32 report does not provide any justification as to why coffee roasting has subsequently been afforded permitted activity status under proposed Rule R30 of the Proposed NRP, while tobacco manufacturing becomes a discretionary activity. If a distinction is to be made between the activity status of the activities covered by Section 5.1.8 (food, animal or plant manufacturing) it would be reasonable to expect to see the analysis that supports that distinction.

- In the absence of analysis in the Section 32 report on the effects of activities covered by rules proposed in Section 5.1.8, we have reviewed GWRC's complaints register which was provided by GWRC for a 12 month period (1 August 2014 – 31 July 2015), and ITNZ's own complaints register (1999 – present). The GWRC data shows that the number of odour complaints received about tobacco (5) was similar to coffee (4) and breweries (2). We note that none of the complaints about the air discharges from these three activities resulted in enforcement action. This data suggests that the effects of the air discharges from these activities are not dissimilar and not offensive or objectionable. This latter point is reinforced by the information in ITNZ's complaints register, which indicates that GWRC has not taken enforcement action as a result of complaints and has found that the odour was not offensive or objectionable. A summary of GWRC's

		<p>odour complaints register is attached as Appendix 1 to this submission.</p> <ul style="list-style-type: none"> <li>The rules proposed in Section 5.1.8 and the Section 32 report do not recognise the importance of industry best practice processes for managing environmental effects. For example, ITNZ operates under an ISO14001 accredited Environmental Management System. As a result of this system, ITNZ has well established internal management processes to identify and manage environmental impacts, record and respond to complaints, and meet its legal requirements and objectives and targets through a continuous improvement process.</li> </ul>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>ITNZ requests the following amendments to the Proposed NRP:</p> <p>i) Include a new rule in Section 5.1.8 that specifically provides for tobacco product manufacturing as a permitted activity. The rule should be consistent with the wording of the rules for alcoholic beverage production (Rule R29) and coffee roasting (Rule R30) as follows: "The discharge of contaminants into air from tobacco product manufacturing is a permitted activity, provided the discharge shall not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property."</p> <p>ii) Amend proposed Rule R31(f) to exclude tobacco manufacturing as follows: "refinement of sugars, roasting or drying of berries, grains or plant matter (except roasting of green coffee beans in Rule R30 and tobacco product manufacturing in Rule R#), curing by smoking, flour or grain milling, baking , roasting, deep fat or oil frying exceeding 250kg/hour of product, or ..."</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p>	<p>My submission on this provision is: →</p>	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	<p>Reasons for my submission: →</p>	
	<p>I seek the following decision from WRC (give precise details): →</p>	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p>	<p>My submission on this provision is: →</p>	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	<p>Reasons for my submission: →</p>	
	<p>I seek the following decision from WRC (give precise details): →</p>	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p>	<p>My submission on this provision is: →</p>	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	<p>Reasons for my submission: →</p>	
	<p>I seek the following decision from WRC (give precise details): →</p>	

If you have more submissions you wish to make, please find more boxes at the bottom of this document

### Attendance and wish to be heard at hearing(s)

- I/We do wish to be heard in support of my/our submission  
[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.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

### Publication of details

Wellington Regional Council is legally required to notify a summary of submissions, including your name and address for service as provided on this submission form. Your name and address are included so that a person making a further submission is able to serve you with a copy of it.



The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

