

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2019-AKL-

IN THE MATTER

of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER

of an appeal under clause 14(1) of the First
Schedule 1 of the RMA

BETWEEN

**PUBLIC AND POPULATION HEALTH UNIT,
NORTHLAND DISTRICT HEALTH BOARD**

Appellant

AND

NORTHLAND REGIONAL COUNCIL

Respondent

**NOTICE OF APPEAL ON BEHALF OF
NORTHLAND DISTRICT HEALTH BOARD
AGAINST DECISION ON PROPOSED REGIONAL PLAN FOR NORTHLAND**

17 JUNE 2019

**TO: THE REGISTRAR
ENVIRONMENT COURT
AUCKLAND**

1. INTRODUCTION

- 1.1. Public and Population Health Unit, Northland District Health Board (“Northland Public Health”) appeals against the decision of the Northland Regional Council on the Proposed Regional Plan for Northland (“**the Decision**”).
- 1.2. Northland Public Health made submissions and was heard at the hearing.
- 1.3. Northland Public Health could not gain an advantage in trade competition through this Appeal for the purposes of section 308D of the RMA.
- 1.4. Northland Public Health received the notice of the Decision on 3 May 2019.
- 1.5. The Decision adopted by the Respondent were made by Hearing Commissioners (“**the Hearings Panel**”) on 16 April 2019.

2. BACKGROUND

- 2.1. Northland Public Health has an interest in proceedings that is greater than the interest than the general public has. Northland Public Health provided public health services for the Northland District Health Board in the Northland Region. It has a statutory obligation under the New Zealand Public Health and Disability Act 2000 to improve, promote, and protect the health of people and communities in the Northland Region. The proposed regional plan includes matters with the potential to impact on the health of Northland people and communities.
- 2.2. Accordingly, and as required by the Ministry of Health, public health (Northland Public Health) services are tasked with reducing potential health risks, by means including submissions/appeals on proposed regional plans, and to ensure matters of public health significance are considered by the Appellant.

The parts of the Decision being appealed

2.3. The specific parts of the Decision that Northland Public Health is appealing are:

Air quality

Rule C.7.1.8	Existing authorised burning for energy generation
Rule C.7.2.5	Discharges to air from industrial or trade premises
Rule C.7.2.6	Discharges to air from the use of public roads by motor vehicles
Policy D.3.3	Dust and odour generating activities
Objective F.1.12	Air quality

Improving and protecting sources of water for human consumption

Rule C.4.1.9	Land drainage and flood control general conditions
Rule.5.1.1	Minor takes
Rule C.5.1.8	Replacement water permits for registered drinking water supplies
Rule C.6.3.1	Farm wastewater discharges to land
Rule C.6.3.2	Horticulture wastewater discharges to land
Rule C.6.4.1	Stormwater discharges from a public stormwater network
Rule C.6.4.2	Other stormwater discharge
Rule C.6.5.1	Application of agrichemicals
Rule C.6.6.1	Discharges of cooling water
Rule C.6.6.2	Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water
Rule C.8.3.1	Earthworks
Rule C.8.4.1	Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area
Rule C.8.4.2	Vegetation clearance in riparian areas

2.4. **Inclusion of a new policy and objective**

Objective F.0.1	New objective to improve environment to protect public health
Policy D.3.6	Monitoring of PM₁₀ from unsealed roads

3. REASONS FOR APPEAL

General reasons for appeal

- 3.1. Northland Public Health appeals the rules, policies and objectives mentioned under paragraphs 2.3 and 2.4 for the following general reasons:
- the Decision does not observe the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (**NES-AQ**) or the Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 (**NES-SHWD**);
 - the Decision will not promote the sustainable management of resources, will not achieve the purpose of the RMA, and is contrary to Part 2 and other provisions of the RMA;
 - The Decision does not represent the most appropriate means of exercising the Respondent's functions in achieving social and economic well-being; and
 - The Decision does not appropriately avoid, remedy or mitigate the adverse effects on the environment.

Specific reasons for appeal

- 3.2. Without limiting the above general reasons specific reasons for appeal are outlined below.
- 3.3. Our appeal points have been broadly categorised into "air quality" and "improving and protecting sources of water for human consumption".

4. AIR QUALITY

Rule C.7.1.8 Existing authorised burning for energy generation – restricted discretionary activity

- 4.1. Northland Public Health appeals the Decision to make existing fuel burning for energy generation a restricted discretionary activity, with no public notification of the application.

- 4.2. This proposal would significantly relax consent processing of all, or most, large industrial sources of significant discharges to air in Northland (e.g. Juken Nishu, Portland Cement, Marsden Oil Refinery) on the basis that the emissions are well known and previously authorised.
- 4.3. This is important because the larger the facility, the larger the discharges to air and the higher the potential impact on the environment and public health. Northland Public Health is concerned that the exclusion of public notification will preclude our ability to inform the consent processes with a resulting inability to support public health protection.
- 4.4. Northland Public Health seeks to delete the notification clause precluding public notification of applications processed under this rule.

Rule C.7.2.5 Discharges to air from industrial or trade premises

- 4.5. Northland Public Health appeals Rule C.7.2.5 (Decision version) which provides that the following industrial trade activities are permitted activities:
 - Sawmilling;
 - Premises used for fumigation for quarantine purposes; and
 - Quarrying operations.
- 4.6. Sawmilling, fumigation and quarrying can have discharges to air that are toxic (e.g. methyl bromide used in fumigation is a neurotoxin) and/or carcinogenic (e.g. PM₁₀ from quarrying and wood dust from saw milling).
- 4.7. As such, discharges to air from these activities are either sufficiently hazardous (e.g. fumigation) and/or large enough (e.g. sawmilling and quarrying) to have the potential to cause adverse public health effects offsite. Northland Public Health are concerned that these activities require a higher level of regulatory control and should not be permitted activities.
- 4.8. For example, Northland Public Health was recently notified by a member of the public who was concerned that discharges to air from a proposed increase to Otaika Quarry may have on their health. The proposal is for more than two million cubic metres of overburden to be placed less than 100 metres from a number of residential properties. Being a permitted activity, no consideration was given by Northland Regional Council to

a potential breach of the national ambient standard for PM₁₀ in the NES-AQ when it was granted consent (for earthworks in a Riparian Management Zone and over the bed of a waterbody, stream diversion and discharge of stormwater). Northland Public Health remains concerned at the potential public health impacts of this and other future proposals under this permissive regime.

- 4.9. Similarly, case law has confirmed that the HSNO regulations are insufficient to protect against off-site effects for large-scale use of methyl bromide and supports comprehensive regulatory control of such toxic agents (Envirofume v BOPRC [2017] NZEnvC 12). Northland Public Health is also aware that methyl bromide is being phased out and is concerned that the substance that will replace it is likely to be similarly toxic in nature (it being a necessity to kill insects) and present similar potential off-site effects.
- 4.10. Accordingly, Northland Public Health seeks that these activities be discretionary.

Rule C.7.2.6 Discharges to air from the use of public roads by motor vehicles

- 4.11. Rule C.7.2.6 (Decision version) provides:

The discharge of dust into air from the use of a public road by a motor vehicle is a permitted activity, provided the relevant road controlling authority:

- 1) provides on its website, the current edition of the New Zealand Transport Agency capital funding criteria applicable to the mitigation of dust generation, and*
- 2) provides on its website, an up to date list of roads in the district that have been assessed by the road controlling authority against the current New Zealand Transport Agency criteria and indicate the sites where funding has been sought from the New Zealand Transport Agency.*

- 4.12. Northland Public Health considers this rule does not implement the Northland Regional Dust from Unsealed Roads Mitigation Framework¹ or observe the NES-AQ.

¹ Northland Regional Council, (2014). *Regional Dust from Unsealed Roads Mitigation Framework*. Prepared by Northland Regional Council, Whangarei District Council, Far North District Council, Kaipara District Council, New Zealand Transport Agency and Northland District Health Board. June.

- 4.13. Discharges of particulate matter from unsealed roads are known to cause significant adverse effects. These include safety and health effects for road users and those living or working nearby, as well as economic costs from reduced productivity of land, crops and livestock, and increased road and vehicle maintenance costs (NZTA, 2016).² Importantly, particulate discharges from unsealed roads can cause adverse health effects for people living near these roads.
- 4.14. Such issues are all the more serious in the Northland context because it has a relatively high Māori population (29.6%)³ and Māori are disproportionately impacted by air pollution (Hales et al., 2012).⁴
- 4.15. Measurements of particulate matter less than 10 micrometres in diameter (**PM₁₀**) in Northland where people live close to (< 50 metres) unsealed roads, have recorded daily levels breaching New Zealand's ambient standard in multiple locations on multiple occasions (Golder Associates, 2015 NRC 2013, WDC 2016).⁵ Northland Public Health is concerned that the national environmental standard for PM₁₀ is being regularly breached in Northland in locations where people live. The standard was set to guarantee a minimum level of health protection for all New Zealanders (MfE, 2014)⁶ but this is not being achieved in rural Northland.
- 4.16. Northland Public Health considers the regional plan should accord a higher priority to achieving compliance with the national air quality standards.

² New Zealand Transport Agency, (2016). *Impacts of Exposure to Dust from Unsealed Roads. Research Report 590 prepared by J Bluett et al. First published August 2016, revised April 2017.*

³ NZ Census, 2013. <http://www.stats.govt.nz/>

⁴ Hales S, Blakely T, Woodward A, (2012). Air pollution and mortality in New Zealand: cohort study. *J Epidemiol Community Health* 2012;66:468-473.

⁵ [Golder Associates](#), 2015. *Impacts of dust from unsealed roads*. Presentation to New Zealand Transport Agency. December. Accessed 2 Nov 2017.

[Northland Regional Council](#), 2013. *Ambient PM₁₀ monitoring adjacent to four unsealed roads in Northland* (Wright, Opouteke, Ngapipito and Pipiwai Roads – March/April 2013), May.

Whangarei District Council, 2016. *Wright Road Continuous Ambient Air Quality Monitoring Summary Report 25 February to 21 March 2016*. Prepared for WDC by Watercare Laboratory Services. April.

⁶ Ministry for the Environment, 2014. *2011 users' guide to the revised National Environmental Standards for Air Quality: Updated 2014*. Wellington.

- 4.17. Northland Public Health further seeks a new policy supporting monitoring of PM₁₀ in areas where discharges to air from unsealed roads are likely to cause a breach of the NES-AQ.

Policy D.3.3 Dust and odour generating activities

- 4.18. Northland Public Health appeals policy D.3.3 (Decision version) which provides:

When considering resource consent applications for discharges to air from dust or odour generating activities:

- 1) require a dust or odour management plan to be produced where there is a likelihood that there will be objectionable or offensive discharges of dust or odour at the boundary of the site where the activity is to take place. The dust or odour management plan must include:*
 - a. a description of dust odour generating activities, and*
 - b. potentially affected dust sensitive areas or odour sensitive areas, and*
 - c. details of good management practices that will be used to control dust or odour to the extent that adverse effects from dust or odour at the boundary of the site are avoided, remedied or mitigated, and*
- 2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting.*

- 4.19. Northland Public Health is concerned that the provisions of this policy are not sufficient to achieve progress to compliance with the NES-AQ.

Objective F.1.12 Air quality

- 4.20. Northland Public Health appeals Objective F.1.12 (Decision version) which provides:

Adverse effects from discharges to air are managed by:

- 1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spray drift, and odour, and*
- 2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and*
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and*
- 4) Maintaining, or enhancing where it is degraded by human activities, ambient air quality by avoiding significant cumulative adverse effects of air*

discharges on human health, cultural values, amenity values and the environment.

- 4.21. Northland Public Health is concerned that this objective is insufficient to maintain and, where needed, to improve air quality to protect public health. It further does not support observance of the NES-AQ.

5. IMPROVING AND PROTECTING SOURCES OF WATER FOR HUMAN CONSUMPTION

- 5.1. The Proposed Plan's Rule C.4.1.9, Rule C.6.3.1, Rule C.6.3.2, Rule C.6.4.1, Rule C.6.4.2, Rule C.6.6.1, Rule C.8.3.1, Rule C.8.4.1, Rule C.8.4.2, and C.8.5.2 govern a range of conditions for activities (mostly permitted activities) related to discharges to either land or water.
- 5.2. Northland Public Health submitted in support of the above rules (paragraph 5.1) however, sought some amendments to protect the sources of human drinking water.
- 5.3. The Decision did not consider Northland Public Health's reliefs sought.
- 5.4. Northland Public Health is concerned that the Rules mentioned under the above paragraph 5.1 would allow activities (mostly permitted) that can have negative impacts on the sources of human drinking water across Northland.
- 5.5. Northland region has one of the highest number of small scale community drinking-water supplies in the country. Many of the smaller community supplies (marae, schools, camp grounds) do not have adequate resources to maintain and manage their drinking-water treatment systems. Sometimes they are not aware of the activities that occur in the catchment area of their water sources and also the risks that such activities could impose on their existing treatment systems.
- 5.6. The Havelock North Drinking Water Inquiry Stage 2 report clearly recognised that protection of source water is very important and *is easier, cheaper and safer to keep water clean at its source than to try to clean it up later*. The expert panel for the Inquiry also agreed that the protection of source water under RMA 1991 is implicit and that the protection of drinking water sources be expressly recognised in the resource management regime.

- 5.7. The Havelock North Drinking Water Inquiry Stage 2 report stressed the importance of the six Australian drinking water principles, in particular, Principle 2 *“Protection of source water is of paramount importance - Protection of the source of drinking water provides the first, and most significant, barrier against drinking water contamination and illness.”*
- 5.8. As required by the National Policy Statement for Freshwater (**NPS:FW**), the Proposed Regional Plan includes the text from NPS:FW Policy A4. This policy refers in D.4.5 (2), in considering a discharge application that the consent authority must have regard to:
- a. the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water, and*
- b. the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge would be avoided.*
- 5.9. The structure of the Proposed Plan is that in discretionary (or more stringent) activity applications this policy would be necessarily considered. However, for permitted activities the matters in *a* and *b* under the policy D.4.5 (2) appear to be assumed to be of no consequence.
- 5.10. For example, in Rule C.6.4.1 (6) (d), a stormwater discharge may not render fresh water unsuitable for consumption by farm animals (beyond the zone of reasonable mixing), but potential effects on contact by people with fresh water is not considered.
- 5.11. Northland Public Health notes the Hearing Panel’s Decision included the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (**NES-SHDW**) (under the National Environmental Standards section page 33) and definition of “registered drinking-water supply”. However, Northland Public Health believes that the NES-SHDW and sources of human drinking water should also be explicitly stated in the Rules that govern the activities that could adversely impact the sources of human drinking water.
- 5.12. The NES-SHDW requires regional councils to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment
 - be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following **existing treatment**
 - place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.
- 5.13. Rule C.6.3.1 governs the conditions around farm wastewater discharge activities and under the Rule C.6.3.1 (2) sets distance criteria (buffer) to manage such discharges onto or into land or overland flow. The Proposed Plan inserted a new rule C.6.3.1(2)(b) “50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and”.
- 5.14. It is unclear to us how the Decision recommended a distance of *“2000 metres upstream of a public water supply intake servicing more than 25 people...”*. Ideally, buffer distances should be set in relation to expected volume of discharge, pathogen load, land contour (degree of slope, etc.) and soil type.
- 5.15. The Decision has introduced new rules for a permitted activity - *“Rule C.6.3.2 Horticulture wastewater discharges to land”*.
- 5.16. Horticulture wastewater discharge could adversely impact (similar to *“Farm wastewater discharges to land”*) on the sources of human drinking water. Hence the governing rules for this type of activity should be set similar to the Rules under C.6.3.1.
- 5.17. Rule C.5.1.1 govern the conditions around minor takes a permitted activity.
- 5.18. Northland Public Health submitted in support of the Rule C.5.1.1 however, sought some amendments to ensure sustainable management of freshwater.
- 5.19. Water is an important commodity and sustainable management of this resource is vital. In recent years extreme weather events (low rainfall and drought) have been occurring quite regularly in Northland. During the last few summers several communities in the Far North faced water shortages. Far North District Council had to place water restriction orders for several of their water supplies. During 2017 drought adversely

affected Mangawhai community. Drinking-water had to be supplied, via water carriers, to Mangawhai households from Whangarei

- 5.20. Although Rule C.5.1.1 is related to only minor takes, the very fact that this is a permitted activity, if not monitored, can adversely affect other water users of a particular water source during low flow seasons (extended drought and low rainfall).
- 5.21. “Rule C.5.1.8 Replacement water permits for registered drinking water supplies” govern the activities around management of water takes for registered drinking water supplies. The Northland Regional Policy Statement Policy 4.3.4 refers to recognising and promoting the benefits of water harvesting, storage and conservation. One of the methods for achieving this objective is requiring, as a condition of water permits for municipal supply, contingency plans for the supply of water during drought periods when the required volume of water cannot be taken from the consented source. Northland Public Health believes that this method should be pursued during the replacement of water permits for registered drinking water supplies which can encourage the water supplies to promote water conservation methods among its users.
- 5.22. Rule C.6.6.1 sets out a range of general conditions for permitted activity and controlled activities related to discharge of cooling water into water. Northland Public Health is concerned that these conditions are too lax to prevent discharges of cooling water into water having adverse effects on the sources of drinking water.
- 5.23. Specifically, “Rule C.6.6.3 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water” does not address our concern in regard to protecting sources of drinking water. Ideally, buffer distances should be set in relation to expected volume of discharge, contaminants load, land contour (degree of slope, etc), and soil type. In the absence of such information for a permitted activity situation Northland Public Health considers that the buffer distance should be increased to 50 metres.

6. INCLUSION OF A NEW OBJECTIVE

- 6.1. The Hearings Panel appears not to have considered our request for a new overarching objective to maintain and, where needed, to improve the quality of the environment to protect public health. This is important as some environmental bottom lines in national standards do not represent ‘safe’ levels, but rather reflect a balanced approach to risk.

- 6.2. Northland Public Health appeals this decision and requests a new overarching objective.

7. RELIEF SOUGHT

Northland Public Health seeks:

- 7.1. “Rule C.7.1.8 Existing authorised burning for energy generation – restricted discretionary activity” be amended to remove the clause precluding public notification of applications.

~~Notification:~~

~~Applications processed under this rule are precluded from public notification.~~

- 7.2. “Rule C.7.2.5 Discharges to air from industrial or trade premises” be amended to remove sawmilling, fumigation and quarrying from the list of permitted activities.

~~13) premises used for saw-milling, joinery, cabinet making, furniture restoration and finishing, wood craft manufacture...~~

~~15) premises used for fumigation for export or quarantine purposes, and~~

~~22) quarrying operations, earthworks and clean fill operations, and~~

- 7.3. Deletion of existing text of Rule C.7.2.6 “Discharges to air from the use of public roads by motor vehicles” and replacement with:

The discharge of dust into air from the use of a public road by a motor vehicle is a permitted activity, provided any activities that are likely to cause a breach of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 are avoided, remedied or mitigated.

- 7.4. Amend Policy D.3.3 “Dust and odour generating activities” as follows:

When considering resource consent applications for discharges to air from dust or odour generating activities:

- 1) require a dust or odour management plan to be produced where there is a likelihood that there will be objectionable or offensive discharges of dust or*

odour, or a breach of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004, at or beyond the boundary of the site where the activity is to take place. The dust or odour management plan must include:

- a. a description of dust odour generating activities, and
 - b. potentially affected dust sensitive areas or odour sensitive areas, and
 - c. details of good management practices that will be used to control dust or odour to the extent that adverse effects from dust or odour at the boundary of the site are avoided, remedied or mitigated, and
 - d. how compliance with the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 offsite will be demonstrated;
and
- 2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting.

7.5. Insertion of a new policy D.3.6 “Monitoring dust from unsealed roads” as follows:

Northland Regional Council will monitor PM₁₀ from unsealed roads to inform and support the Northland Regional Dust from Unsealed Roads Mitigation Framework and progress to compliance with the Resource Management (National Environmental Standards for Air Quality) Regulations 2004.

7.6. Amendments to Objective F.1.12 “Air Quality” as follows:

Human health is protected from the adverse effects of discharges to air.

Northland’s air quality meets the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 and the National Ambient Air Quality Guidelines (2002).

Northland’s air quality is maintained or, where degraded by human activities, enhanced.

Adverse effects from discharges to air are managed by:

- 1) Avoiding, remedying or mitigating cross-boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spray drift, and odour, and
- 2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to

continue providing they are employing best practice and the adverse effects are limited to amenity effects only, and

- 4) *Maintaining, or enhancing where it is degraded by human activities, ambient air quality by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.*

- 7.7. “Rule C.4.1.9 Land drainage and flood control general conditions” be amended to include an addition clause C.4.1.9(12) to read:

C.4.1.9(12) “any discharge does not contain concentrations of contaminants which have or are likely to have any more than minor adverse effect on source water for human consumption as per National Environmental Standards for Sources of Human Drinking Water”.

- 7.8. “Rule C.5.1.1 Minor takes” be amended to:

Reword C.5.1.1 (9) and renumber as (10) - ~~“at the written request of the regional council,~~ the water user provides the regional council with a written report on an annual basis including the following information:

- a) the location of the water take, and
- b) the daily volume of water taken and the daily maximum rate of take, and
- c) the purpose for which the water is used or is proposed to be used, and

And

Reword C.5.1.1 (10) and renumber to (9) ~~“at the written request of the Regional Council,~~ a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the Regional Council in a specified format ~~and at the frequency specified in the request~~ on an annual basis.”

- 7.9. Rule C.5.1.8 Replacement water permits for registered drinking water supplies be amended. Add the following standard for the controlled activity:

“3) the application includes contingency plans for the supply of water during drought periods when the required volume of water cannot be taken from the consented source.”

7.10. Rule C.6.3.1 Farmwaste discharges to land

In principle Northland Public Health supports the insertion of the Rule C.6.3.1 (2) (b) however, as mentioned above, ideally, buffer distances should be set in relation to expected volume of discharge, pathogen load, land contour (degree of slope, etc.) and soil type.

Insert a new rule under the Rule C.6.3.1 (2) (A) to read “the discharge does not cause any more than minor adverse effect on source water for human consumption as per Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007”.

7.11. Rule C.6.3.2 Horticulture wastewater discharges to land

Insert a new rule “C.6.3.2 (1) (ba) 50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and”.

7.12. “Rule C.6.4.1 Stormwater discharges from a public stormwater network” be amended to include:

Reword C.6.4.1 (6) (d) to “the rendering of fresh water unsuitable for consumption by farm animals and sources of human drinking water as per the NES-SHDW 2007”

And

Add an additional clause to C.6.4.1 (7) to read: “any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge”.

7.13. “Rule C.6.4.2 Other stormwater discharges” be amended as follows:

Reword C.6.4.2 (8) (d) to “the rendering of fresh water unsuitable for consumption by farm animals and source water for human consumption as per the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007, or”

And

Add an additional clause to C.6.4.2 (9) to read: “any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge”.

7.14. Rule C.6.6.1 - Add an additional clause as C.6.6.1 (5) to read: “the discharge does not cause any more than minor adverse effect on source water for human consumption as per Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007”.

7.15. Rule C.6.6.3 – Amend Rule C.6.6.3 (8) as:

- a) ~~20 metres~~ 50 metres of any river, lake, natural wetland, or the coastal marine area, or
- b) ~~20 metres~~ 50 metres of any artificial watercourse when containing water, or
- c) ~~20 metres~~ 50 metres of a neighbouring property owned or occupied by another person, or,
- d) 50 metres of the head of a bore for any water supply, or
- e) 50 metres of any dwelling owned or occupied by another person, and”

7.16. Rule C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area

Reword C.8.4.1 (8) (b) to include - “the rendering of fresh water unsuitable for consumption by farm animals and source water for human consumption as per Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007, or”

Insert a new Rule “C.8.4.1 (9) the operator of any registered drinking water supply are given at least five working days’ notice (in writing or by email) of any earthworks activity being undertaken within a drinking water catchment.”

7.17. Rule C.8.4.2 Vegetation clearance in riparian areas

Reword C.8.4.2 (4) (b) to include - “the rendering of fresh water unsuitable for consumption by farm animals and source water for human consumption as per Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007.”

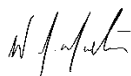
Insert a new clause C.8.4.2 (5) – “the operator of any registered drinking water supply are given at least five working days’ notice (in writing or by email) of any earthworks activity being undertaken within a drinking water catchment.”

8. ATTACHMENTS

The following documents are attached to this notice:

- 8.1. a copy of Northland Public Health’s submissions;
- 8.2. a copy of the Decision version;
- 8.3. a list of names and addresses of persons to be served with a copy of this notice.

Dated this 17 June 2019



Warren Moetara

Service Manager
Public and Population Health Unit
Northland District Health Board

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Advice to recipients of copy of notice of appeal

How to become a party to proceedings: If you wish to become a party to the appeal you must: -

Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

Within 20 working days after the period for lodging an appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.