

Notes for track changes. Recommendations made by the Air Officer's Report are shown in **Purple**. Recommendations made by the Supplementary Air Officer's Report are shown in **Blue**. Recommendations made by the End of Hearing Air Officer's Report are shown in **Red**. Words recommended to be added are shown in underline, words recommended to be removed are shown in ~~strike through~~.

Terms defined within the Proposed One Plan glossary are *Italicised* and marked with a ' * ' symbol. Terms defined in the Resource Management Act 1991 are *Italicised* and marked with a '^' symbol.

14 Discharges^ to Air

14.1a Objective³⁷

Objective 14-1: Air quality

The management of air quality in a manner that ensures:

- (a) *Aambient air** quality is maintained or enhanced in a manner that guards the health of ~~our~~ the Region's community;
- (b) *Aambient air** quality meets the national *ambient air** standards and National Environmental Standards;
- (c) *Aair* quality is not detrimental to *amenity values*^; and
- (d) *Ffine Particle (PM₁₀)** levels are managed to ensure that they are reduced in unacceptable airsheds and managed in other areas to ensure compliance with the national *ambient air** quality standard for *PM₁₀**.

14.1 Policies

Policy 14-1: Consent decision making for *agricultural**^{*}

When making decisions on *resource consent*^ applications and setting consent *conditions*^ for *discharges*^ of *agricultural**^{*} that fail to meet either Rule 14-1 or Rule 14-2 (and which are therefore *discretionary activities*^), the Regional Council ~~will~~ shall¹ have particular regard to:

- (a) the degree of compliance with the NZS 8409:2004 Management of *Agricultural**^{*}
- (b) avoiding effects on human health
- (c) avoiding or mitigating any unreasonable prevention or reduction in access to adjoining *properties*^ or *public land** because of *agricultural** spraying
- (d) avoiding damage to non-target plants or animals
- (e) preventing any *discharge*^ that is likely to adversely affect sensitive areas including, but not limited to:
 - (i) ~~dwelling houses, residential buildings~~⁵

- (ii) places of public assembly and public amenity areas
- (iia) education facilities¹
- (iii) water bodies¹
- (iv) waahi wāhi tapu*, marae and other places of significance to *tangata whenua*¹
- (v) domestic, municipal and commercial water¹ supplies
- (vi) rare habitat * and² threatened habitats* and at-risk habitats*
- (vii) certified organically farmed properties.
- (viii) Horticultural crops⁵

This Policy implements Objective 14-1¹

Policy 14-2: Consent decision-making for other *discharges*¹ into air

When making decisions on *resource consent*¹ applications and setting consent *conditions*¹ for *discharges*¹ of *contaminants*¹ into air, the Regional Council ~~will~~ shall in addition to considering these objective and policies⁴ have particular regard to:

- (a) the objectives and policies of Chapter 8 including:
 - (i) the degree of consistency with the approach set out in Policy 8-1 for implementing the National Environmental Standards for *ambient air*¹ quality
 - (ii) the degree of compliance with the regional standards for *ambient air*¹ quality set out in Policy 8-2
 - (iii) for *discharges*¹ of fine particles, the approaches for managing fine particles (*PM₁₀**) in Policies 8-5 and 8-6, and the likely contribution of the proposed *discharge*¹ to cumulative adverse *effects*¹ in an airshed that breaches the National Environmental Standards unacceptable airshed³ or degraded area as identified under these policies.
- (b) the guidelines in Section 14.2 for managing noxious, dangerous, offensive and objectionable effects
- (c) any *national policy statements*¹, *national regulations*¹, or nationally accepted guidelines or codes of practice relevant to the activity
- (d) the location of the *discharge*¹ in relation to, and any associated *effects*¹ on, sensitive areas including, but not limited to:
 - (i) dwelling houses, residential buildings⁵
 - (ii) places of public assembly and public amenity areas;
 - (iia) education facilities⁴

¹ Officer's report – Air – Recommendation AIR 24

² Consequential change as a result of the provisional determination for Chapter 12

³ Officer's End of Hearing report – Air – Table 1, Question 8

⁴ Officer's report – Air – Recommendation AIR 25

- (iii) *water bodies*;
 - (iv) *waahi wāhi tapu**, marae and other places of significance to *tangata whenua*;
 - (v) domestic, municipal and commercial water supplies;
 - (vi) *rare habitat* * *and* ² *threatened habitats** and *at-risk habitats**
 - (vii) certified organically farmed properties
 - (viii) Horticultural crops.⁵
- (e) effects on scenic, landscape, heritage and recreational values
- (f) the appropriateness of adopting the *best practicable option* to prevent or minimise adverse *effects* in circumstances where:
- (i) numerical guidelines or standards establishing a level of protection for a receiving environment are not available or cannot easily be established
 - (ii) insufficient monitoring data is available to establish the existing air quality with sufficient certainty
 - (iii) the likely adverse *effects* are minor, and the costs associated with adopting the *best practicable option* are small in comparison to the costs of investigating the likely *effects* on air quality
- (g) the need for contingency measures to avoid accidental *discharges*, including *discharges* arising from mechanical failure.
- (h) adverse effects on aircraft safety from high velocity vertical discharges of air.⁶

This Policy implements Objective 14-1⁴

Policy 14-3: Regional Rules for Air

The Regional Council shall regulate activities relating to air through regional rules in accordance with Policies 11-1, 11-2 and 11-3.

This Policy implements Objective 14-1³⁷

14.2 Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable Effects

Several *rules* in this section use the terms “noxious”, “dangerous”, “offensive” and “objectionable”. While these terms are included in s14 RMA, they are not defined. These terms are also not defined in the glossary of this plan because the assessment of whether an activity is noxious, dangerous, offensive or objectionable is subjective and must take account of case law precedent as it develops.

⁵ Officer’s End of Hearing report – Air – Table 2, Question 10

⁶ Officer’s Supplementary report – Air – Recommendation AIR 25A

Definitions of these terms can be found in the dictionary - for example (from the Concise Oxford Dictionary, New Edition, 1978):

- **noxious** means “harmful, unwholesome”
- **dangerous** means “causing danger, unsafe”
- **offensive** means “giving or meant to give offence, disgusting, ill-smelling, nauseous, repulsive, unpleasant or disgusting to the senses, causing annoyance or anger, insulting”
- **objectionable** means “undesirable, unpleasant, offensive, disapproved of”.

Offensive and objectionable

Case law has established that an odour is deemed offensive or objectionable only if a reasonable ordinary person, who is neither sensitive nor insensitive, would be offended or find it objectionable. It is not enough for a neighbour or some other person within the relevant *environment* to consider the activity or matter to be offensive or objectionable. In determining whether an odour is offensive or objectionable, a council *enforcement officer* may consider the following:

- frequency – how often an individual is exposed to odour
- intensity – the strength of the odour
- duration – the length of a particular odour event
- offensiveness/character – the character relates to the hedonic tone of the odour, which may be pleasant, neutral or unpleasant
- location – the type of *land* use and nature of human activities in the vicinity of an odour source
- the sensitivity of the receiving *environment*, including reverse sensitivity
- the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003).

In determining whether a *discharge* is resulting in any objectionable or offensive smoke, water vapour, dust, gases or airborne *contaminant*, a council *enforcement officer* may consider the following:

- frequency, intensity, duration, offensiveness/character and location of exposure
- the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions (Ministry for the Environment, September 2001)
- the sensitivity of the receiving *environment*, including reverse sensitivity
- adverse *effects*, including *effects* on *road* visibility and *aircraft* flight paths.

Noxious and dangerous

In determining whether a *discharge* causes any noxious or dangerous levels of *contaminants* a council *enforcement officer* may consider:

- the Workplace Exposure Standards (Occupational Safety and Health Service, 1994 [and as updated in January 2002](#)⁷): as a guide the concentration of any *contaminant* specified in the Workplace Exposure Standards should not exceed one thirtieth of the time-weighted average for the short-term exposure standard on adjacent *properties* or on *public land**
- the Ambient Air Quality Guidelines (Ministry for the Environment, 2002) as they relate to *hazardous substances**
- any relevant national environmental standards
- the frequency, intensity, duration, and location of exposure
- the sensitivity of the receiving *environment**
- relevant provisions under the Hazardous Substances and New Organisms Act 1996
- advice provided by [Territorial Authority](#) environmental health officers and health boards.

14.3 Rules – Agrichemicals* (discharges into air, land and water)

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links ⁸
14-1 Small-scale application of agrichemicals*	The <i>discharge</i> of <i>agrichemicals</i> into air or onto <i>land</i> from the use of a <i>hand-held appliance</i> *	Permitted	(a) The <i>discharge</i> shall not <i>contravene</i> any requirement specified in the <i>agrichemical</i> manufacturer's instructions. (b) There shall be no <i>discharge</i> beyond the boundary of the subject <i>property</i> .* (c) There shall be no <i>discharge</i> into any <i>water body</i> .		This Rule implements Policy 14-3 ⁸

⁷ Officer's report – Air – Recommendation AIR 22

⁸ Officer's report – Air – Recommendation AIR 28

⁹ Officer's Supplementary report – Air – Recommendation Air 28A

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links ⁸
			<p>(d) There shall be no <i>discharge[^]</i> within any <i>rare habitat[*]</i> and² <i>threatened habitat[*]</i> or <i>at-risk habitat[*]</i>, except for the purposes of pest control except for the purposes of pest control as defined in a Regional Pest Management Strategy prepared under the Biosecurity Act 1993.⁹ The target species shall be identified as a <i>plant pest</i> or <i>pest animal</i> in the <i>Horizons Regional Council's Regional Pest Plant Management Strategy (May 2007)</i> or the <i>Horizons Council's Regional Pest Animal Management Strategy (January 2002)</i>.¹⁰</p> <p>(e) Where the <i>agricultural[*]</i> is used on <i>public land[*]</i>, the <i>discharge[^]</i> shall comply with mandatory requirements set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agricultural.</p>		
14-2 Widespread application of <i>agricultural[*]</i>	The <i>discharge[^]</i> of <i>agricultural[*]</i> into air, onto <i>land[^]</i> , or into <i>water[^]</i> , except as permitted under Rule 14-1	Permitted	<p>(a) The <i>discharge[^]</i> shall not <i>contravene[^]</i> any requirement specified in the <i>agricultural[*]</i> manufacturer's instructions.</p> <p>(b) There shall be no <i>discharge[^]</i> within any <i>rare habitat[*]</i> or² <i>threatened habitat[*]</i> or <i>at-risk habitat[*]</i>, except for the purposes of pest control except for the purposes of pest control as defined in a Regional Pest Management Strategy prepared under the Biosecurity Act 1993.¹¹ The target species shall be identified as a <i>plant pest</i> or <i>pest animal</i> in the <i>Horizons Regional Council's Regional Pest Plant Management Strategy (May 2007)</i> or the <i>Horizons Council's Regional Pest Animal Management Strategy (January 2002)</i>.¹⁰</p> <p>(c) The <i>discharge[^]</i> shall not be located within 50 metres of a school.</p>		This Rule[^] implements Policy 14-3¹⁴

¹⁰ Officer's End of Hearing report – Air – Table 1, Question 7

¹¹ Officer's Supplementary report – Air – Recommendation Air 29A

¹² Officer's End of Hearing report – Air – Table 2, Question 9

¹³ Officer's End of Hearing report – Air – Table 1, Question 5

¹⁴ Officer's report – Air – Recommendation AIR 29

¹⁵ Officer's Supplementary report – Air – Recommendation Air 29A

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links ⁸
			<p>(d) The <i>discharge^</i> shall be undertaken in accordance with all mandatory requirements, including notification requirements, set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</p> <p>(e) Every person undertaking the application of agrichemicals* shall hold a current GROWSAFE® Certificate. Any ground based applicator applying agrichemicals (other than contractors i.e. Ground Chemical Applicators) shall hold, as a minimum, a current GROWSAFE Introductory Certificate or be under the direct supervision of a person holding a current GROWSAFE Applied Certificate.¹³ except this condition shall not apply when Vertebrate toxic agents are applied.¹²</p> <p>(f) Every pilot undertaking the aerial application of agrichemicals* shall hold the National Certificate in Agrichemical Application (Aerial), and hold or be under training for a Pilot's Chemical Rating issued by the Civil Aviation Authority or an equivalent qualification. Any contractor applying agrichemicals from the ground shall hold a GROWSAFE Registered Chemical Applicators Certificate, or hold a GROWSAFE Introductory Certificate and be under the direct supervision of a person holding a GROWSAFE Registered Chemical Applicators Certificate.¹³ except this condition shall not apply when Vertebrate toxic agents are applied.¹²</p> <p>(fa) Any pilot undertaking aerial application of agrichemicals shall hold a Pilots Agrichemical Rating Certificate issued by the Civil Aviation Authority.¹³</p> <p>(g) The <i>discharge^</i> shall not result in any <i>agrchemical*</i> being deposited on any roof or other <i>structure^</i> used as a catchment for <i>water^</i> supply other than in accordance with condition (g h)¹⁴.</p> <p>(h) Where the <i>discharge^</i> is into <i>water^</i> for the purpose of eradicating, modifying or controlling unwanted aquatic</p>		

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links ⁸
			<p>plants:</p> <ul style="list-style-type: none"> (i) only <i>agricultural*</i> approved for aquatic use may be used (ii) the application shall not exceed the quantity or concentration required for that purpose (iii) the <i>discharge^</i> shall not include disposal to <i>water^</i> of any <i>agricultural*</i> (iv) the discharger shall notify every person taking <i>water^</i> for domestic supply within 1 km downstream of the proposed <i>discharge^</i>, and every holder of a <i>resource consent^</i> for the taking of <i>water^</i> for <i>public water supply*</i> purposes downstream of the proposed <i>discharge^</i> at least one week before commencing the <i>discharge^</i>. <ul style="list-style-type: none"> (i) For aerial <i>discharges^</i>, all reasonable measures shall be taken to prevent any <i>discharge^ of agricultural*</i>: <ul style="list-style-type: none"> (i) within 20 ¹⁰15m of any continually flowing <i>river^</i> which has a <i>bed^</i> width of 3 m or more, or any <i>lake^</i> or <i>wetland^</i> which has an area of 1 ha or more (ii) within 50 ¹⁵15 m of any rare <i>habitat * or,</i> ² <i>threatened habitat*</i> or <i>at-risk habitat*</i>. <p><u>Under this clause, "reasonable measures" include the use of GPS technology, positive airflow indicators on boundaries and direct boundary supervision by qualified personnel where required.</u> ¹⁵</p> 		
<p>14-3 <i>Discharges^ of agricultural* not complying with permitted activity^ rules</i></p>	<p>The <i>discharge^ of agricultural*</i> into air, onto <i>land^</i>, or into <i>water^</i> in a manner that does not comply with Rules 14-1 or 14-2, except for <i>discharges^</i> in rare <i>habitat * and,</i> ² <i>threatened habitats*</i> and <i>at-risk habitats *</i> which are regulated by Rules 12-8 and 12-7.</p>	<p>Discretionary</p>			<p><u>Policies guiding consent decisions include: Policy 14-1</u></p>

14.4 Rules – Burning

Advisory Note: In 2004 *regulations*[^] were introduced controlling various *discharges*[^] into air. The title of these *regulations*[^] is the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004. Relevant *regulations*[^] have been incorporated into the *rules*[^] in this section, where they are referred to as the RM Regulations 2004.

<i>Rule</i> [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
14-4 Small-scale fuel burning	<p>The <i>discharge</i>[^] of <i>contaminants</i>[^] into air from burning coal, <i>untreated wood</i>[^], diesel, kerosene, <i>light fuel oil</i>[*], <i>oil</i>[*] (excluding <i>waste oil</i>[*]), methane, biofuels¹⁶, or natural or liquefied petroleum gas for the purpose of generating useful heat, steam, power or electricity and disposal of green vegetative matter undertaken by New Zealand Police¹⁶ or the Department of Corrections.¹⁷</p> <p>This <i>rule</i>[^] does not cover fuel burning in moveable sources or dwelling houses, which is permitted under the RMA except to the extent that <i>woodburners</i>[*] are regulated under Rule 14-6.</p>	Permitted	<p>(a) The burning shall comply with the following combustion rates:</p> <ul style="list-style-type: none"> (i) a rate not exceeding 500 kW for coal⁷ and <i>untreated wood</i>[^] (ii) a rate not exceeding 2.5 MW for diesel, kerosene, <i>light fuel oil</i>[*] and <i>oil</i>[*], and liquid biofuels (i) a rate not exceeding 5 MW for methane, gaseous biofuels¹⁸ and natural or liquefied petroleum gas. <p>(b) The <i>discharge</i>[^] shall be from a <i>chimney</i>[*] designed so that the emission is effectively dispersed upwards and is unimpeded by any <i>structure</i>[^] on top of the <i>chimney</i>[*], and the <i>chimney</i>[*] height shall be at least 3m above the highest point of the roof and any other roof within 20 m of the <i>chimney</i>[*].</p> <p>(c) The <i>discharge</i>[^] shall not result from the burning of <i>waste</i>[*], <i>waste oil</i>[*] or solvents.</p> <p>(d) The <i>discharge</i>[^] shall not cause a breach of any of the National Environmental Standards for ambient air quality set out in Table 8.1 (in Chapter 8).</p> <p>(e) The <i>discharge</i>[^] shall not result in any offensive or objectionable odour, dust, smoke or <i>water</i>[^] vapour to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property</i>[*] or on <i>public land</i>[*].</p>		This Rule[^] implements Policy 14-3 ¹⁴

¹⁶ Officer's report – Air – Recommendation AIR 31

¹⁷ Officer's Supplementary report – Air – Recommendation AIR 31A

¹⁸ Officer's End of Hearing report – Air – Table 2, Question 1

¹⁹ Officer's report – Air – Recommendation AIR 14

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
			<p>(f) The <i>discharge^</i> shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property^</i> or on <i>public land^</i>.</p> <p>(g) The sulphur content of coal to be burned shall not exceed 1% by weight.</p> <p>(h) The discharge of particulates shall be no greater than 250 mg/m³ of non-toxic particulates corrected to 0°C, 12% CO₂, 1 atmosphere, and a dry gas basis, and shall not exceed R1 on Ringlemann Chart New Zealand Standard 5201C:1975 except that these limits²⁰ may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold and for soot blowing, providing the opacity of the discharge is minimised²⁰ as far as practicable.¹⁴</p> <p>(i) The discharge^ shall not cause a any²¹ reduction in visibility on any designated commercial or military flight path.¹⁶</p>		
14-5 <i>Open burning^</i>	<p>The <i>discharge^</i> of <i>contaminants^</i> into air and any subsequent <i>discharge^</i> of <i>contaminants^</i> onto <i>land^</i> from:</p> <p>(a) the <i>open burning^</i> of the following materials on production land^²²:</p> <ul style="list-style-type: none"> (i) <i>untreated wood^</i> or vegetative matter (ii) <i>waste^</i> paper or cardboard (iii) <i>food waste^</i> (iv) <i>non-halogenated^</i> plastics (v) animal carcasses or animal <i>waste^</i> 	Permitted	<p>(a) The material to be burned shall be sourced only from the <i>property^</i> on which the burning occurs, except for:</p> <ul style="list-style-type: none"> (i) Vegetative matter that is burned on production land^²² (ii) Materials (including vegetative matter) that are burned for <i>fire training^</i> purposes or for creating special smoke and fire effects for the purpose of producing films. <p>(b) The <i>discharge^</i> shall not result in any offensive or objectionable odour, dust, smoke or <i>water^</i> vapour to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property^</i> or on <i>public land^</i>.</p>		<p>This Rule^ implements Policy 14-3²²</p>

²⁰ Officer's End of Hearing report – Air – Table 1, Question 13

²¹ Officer's Supplementary report – Air – Recommendation AIR 31A

²² Officer's report – Air – Recommendation AIR 32

²³ Officer's Supplementary report – Air – Recommendation Air 32A

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>(b) the <i>open burning</i>[*] of the following materials in circumstances where the burning is for fire-training²² purposes, or for creating special smoke and fire effects for the purpose of producing films:</p> <ul style="list-style-type: none"> (i) <i>untreated wood</i>[*] or vegetative matter (ii) <i>waste</i>[*] paper or cardboard (iii) food <i>waste</i>[*] (iv) non-<i>halogenated</i>[*] plastics (v) <i>oil</i>[*] (vi) <u>Buildings including those containing <i>halogenated</i>[*] materials²²</u> <p>(c) the <i>open burning</i>[*] of vegetative matter on <i>land</i> that is not <i>production land</i>, only in areas where there is no <i>green waste</i> disposal facility within 20km (including urban areas where there is no such facility within 20km).²²</p>		<p>(c) The <i>discharge</i>[^] shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property</i>[*] or on <i>public land</i>[*].</p> <p>(d) <u>The <i>discharge</i>[^] shall not cause a any²³ reduction in visibility on any designated commercial or military flight path.</u>²²</p> <p><u>In determining whether odour, dust, smoke or <i>water</i>[^] vapour is offensive, objectionable, noxious or dangerous the guidelines in Section 14.2 shall be considered.</u>²²</p>		
<p>14-6 Burning activities regulated by RM Regulations 2004, including <i>woodburners</i>[*]</p>	<p>(a) The lighting of fires and the burning of <i>waste</i>[*] at a <i>landfill</i>[*] is prohibited except where:</p> <ul style="list-style-type: none"> (i) the lighting of a fire is to control gas formed at the <i>landfill</i>[*], and (ii) the <i>landfill</i>[*] complies with RM Regulations 2004, Regulations 25 to 27 <p>in which case it is a <i>discretionary activity</i>[^] as per RM Regulations 2004, Regulation 6.</p>	<p>As described under "Activity"</p>			<p><u>Policies guiding consent decisions include: Ppolicy 14-2²⁴</u></p>

²⁴ Officer's report – Air – Recommendation AIR 33

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>(b) The burning of tyres or wire coated with any material is prohibited, except where the tyres or coated wire are burnt at industrial and trade premises that have:</p> <ul style="list-style-type: none"> (i) a <i>resource consent^</i> for the <i>discharge^</i> produced, and (ii) emission control equipment that is designed and operated to minimise emissions of dioxins and other toxics from the process <p>in which case the activity is a <i>discretionary activity^</i> as per RM Regulations 2004, Regulations 5, 7 and 9.</p> <p>(c) The burning of bitumen on a <i>road^</i> is prohibited as per RM Regulations 2004, Regulation 8.</p> <p>(d) The burning of <i>oil^</i> in the open air is prohibited, except where the burning is:</p> <ul style="list-style-type: none"> (i) for creating special smoke and fire effects for the purposes of producing films, or for fire-training purposes, in which case the <i>discharge^</i> is permitted under Rule 14-5, or (ii) done by means of a flare and for the purpose of undertaking health and safety procedures in the petroleum <i>exploration^</i> and production industry of the petrochemical industry, in which case the <i>discharge^</i> is a <i>discretionary activity^</i> as per RM Regulations 2004, 				

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>Regulation 10.</p> <p>(e) The operation of an incinerator at a school or a health care institution* is prohibited unless a <i>resource consent^</i> has been granted for the <i>discharge^</i> produced, in which case the <i>discharge^</i> is a <i>discretionary activity^</i>, as per RM Regulations 2004, Regulation 11.</p> <p>(f) The operation of a <i>high temperature hazardous waste incinerator*</i> is prohibited, except if the incinerator is a crematorium in which case it is a <i>discretionary activity^</i> as per RM Regulations 2004, Regulation 12.</p> <p>(g) The <i>discharge^</i> of particles to air from a <i>woodburner*</i> installed after 1 September 2005 on a <i>property*</i> with an <i>allotment^</i> size of less than 2 ha is prohibited, as per RM Regulations 2004, Regulation 22, except if the <i>discharge^</i> complies with:</p> <p>(i) the design standard in Regulation 23, and</p> <p>(ii) the thermal efficiency standard in Regulation 24</p> <p>in which case the <i>discharge^</i> is permitted.</p>				
<p>14-7 Prohibited burning</p>	<p>The <i>open burning*</i> of:</p> <p>(a) pathological <i>waste*</i>, animal carcasses or other animal <i>waste*</i>,</p>	<p>Prohibited</p>			<p>This Rule^ implements Policy 14-2²⁵</p>

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
activities	<p>except animal carcasses and animal waste* on production land²⁵ which are permitted under Rule 14-5₇</p> <p>(b) pitch, paint and paint residues on wood or chip board, and surface coatings₇</p> <p>(c) <i>halogenated</i>* plastic and polyvinylchloride (PVC) plastic,</p> <p>(d) <i>halogenated</i>* organic chemicals₇</p> <p>(e) any vegetative matter and other waste products in an urban area except on industrial and trade premises, and except to the extent permitted by Rule 14-5,²⁵</p> <p>(f) materials containing heavy metals₇</p> <p>(g) asbestos₇</p> <p>(h) <i>agricultural</i>* and <i>agricultural</i>* containers containing residues₇</p> <p>(i) <i>treated timber</i>*₇</p> <p>(j) rubber₇</p> <p>(k) sludge from industrial processes,²⁵</p> <p>(l) hazardous materials from contaminated sites and buildings ₇ and²⁶</p> <p>(m) components of motor vehicles, <u>and</u></p> <p>(n) burning of bitumen.^{26 27}</p>				
14-8 Other burning activities	<p>The <i>discharge</i>[^] of <i>contaminants</i>[^] into air and any subsequent <i>discharge</i>[^] of <i>contaminants</i>[^] onto <i>land</i>[^] from burning activities which either:</p> <p>(a) are located on <i>industrial or trade premises</i>[^] and are not addressed by</p>	Discretionary			<p>Policies guiding consent decisions include: Policy 14-2²⁶</p>

²⁵ Officer's report – Air – Recommendation AIR 34

²⁶ Officer's report – Air – Recommendation AIR 35

²⁷ Officer's End of Hearing report – Air – Table 1, Question 3

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	any other <i>rule^</i> in this plan, or (b) do not comply with one or more conditions, standards or terms of a <i>permitted activity^ rule^</i> , but which are not expressly classified as a discretionary or <i>prohibited activity^</i> .				

14.5 Rules – Other Discharges[^] to Air

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
14-9 <i>Abrasive blasting* within an enclosure</i>	The <i>discharge[^] of contaminants[^]</i> into air and any subsequent <i>discharge[^] onto land[^]</i> from <i>abrasive blasting*</i> within a purpose-built enclosure that is not moveable.	Permitted	<p>(a) The blasting enclosure shall be fully enclosed and air shall be mechanically ventilated to air pollution control equipment that is designed and maintained to achieve a particulate matter concentration of no more than 100 mg/m³ (at 0°C, 1 atmosphere pressure, dry gas basis) at the point of <i>discharge[^]</i>.</p> <p>(b) There shall be no visible <i>discharge[^]</i> of dust from the <i>abrasive blasting*</i> enclosure.</p> <p>(c) The <i>discharge[^]</i> shall not result in noxious or dangerous levels of airborne <i>contaminants[^]</i> beyond the <i>property*</i> boundary or on <i>public land*</i>.</p> <p>(d) Any abrasive media not in use shall be covered and reasonably protected from <i>water[^]</i> and wind.</p>		This Rule[^] implements Policy 14-3³⁵
14-10 <i>Wet abrasive blasting* and water blasting</i>	The <i>discharge[^] of contaminants[^]</i> into air and any subsequent <i>discharge[^] onto land[^]</i> or into <i>water[^]</i> from <i>wet abrasive blasting*</i> or water blasting.	Permitted	<p>(a) Any sand or other material used for <i>abrasive blasting*</i> shall contain less than 5% free silica on a dry weight basis.</p> <p>(b) Any <i>discharge[^]</i> of particulate matter shall not be offensive or objectionable to the extent that causes an adverse effect¹⁹ beyond the <i>property*</i> boundary or on <i>public land*</i>.</p> <p>(c) Any abrasive media not in use shall be kept covered and protected from erosion.</p> <p>(d) All material that is <i>discharged[^] to land[^]</i> from the blasting shall be collected and removed from the site to the extent practicable after blasting has been completed. The material shall be disposed of to a facility that has authorisation to accept the</p>		This Rule[^] implements Policy 14-3²⁸

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
			<p><i>contaminants[^]</i> in the material.</p> <p>(e) ²⁸Measures shall be taken to prevent to the extent practicable the <i>discharge[^]</i> of any hazardous particulate matter, or floatable or suspended material to any <i>water body[^]</i>.</p>		
14-11 Dry <i>abrasive blasting[*]</i> using a moveable source	The <i>discharge[^]</i> of <i>contaminants[^]</i> into air and any subsequent <i>discharge[^]</i> of <i>contaminants[^]</i> onto <i>land[^]</i> or into <i>water[^]</i> from dry <i>abrasive blasting[*]</i> using a moveable source.	Discretionary			Policies guiding consent decisions include: Policy 14-2²⁹
14-12 Miscellaneous <i>discharges[^]</i> into air from industrial and or trade premises	<p>The discharge of <i>contaminants[^]</i> into air and any subsequent discharge of <i>contaminants[^]</i> onto <i>land[^]</i> or into <i>water[^]</i> from the following activities on industrial or ³⁰trade premises:</p> <p>(a) fume cupboards</p> <p>(b) premises discharging steam, water vapour, energy and heat (except as a result of fuel combustion)</p> <p>(c) the retail and wholesale distribution of automotive fuels, <i>oils[^]</i>, liquefied gases, gases, and fuels used for industrial processing and home heating</p> <p>(d) funeral parlours, chapels, and stonemasons</p> <p>(e) the manufacture of household, industrial, electrical and garden</p>	Permitted	<p>(a) The <i>discharge[^]</i> shall not cause a breach of any of the National Environmental Standards for ambient air quality set out in Table 8.1 (in Chapter 8).</p> <p>(b) The <i>discharge[^]</i> shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property[*]</i> or on <i>public land[*]</i>.</p> <p>(c) The <i>discharge[^]</i> shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect¹⁹ beyond the boundary of the subject <i>property[*]</i> or on <i>public land[*]</i>.</p> <p>(d) The <i>discharge[^]</i> shall not cause any reduction in visibility on any designated commercial or military flight path.³¹</p> <p>(e) The vertical velocity of the <i>discharge[^]</i> does not exceed 4.3 metres per second, at 60 metres above ground level and/or does not penetrate the obstacle limitation surface of an aerodrome.³²</p>		This Rule[^] implements Policy 14-3

²⁸ Officer's report – Air – Recommendation AIR 36

²⁹ Officer's report – Air – Recommendation AIR 37

³⁰ Officer's End of Hearing report – Air – Table 1, Question 9

³¹ Officer's report – Air – Recommendation AIR 38

³² Officer's Supplementary report – Air – Recommendation AIR 38A

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>equipment and appliances, including the manufacture of concrete products, but excluding the manufacture of cement, rubber goods and processes involving the galvanising of steel</p> <p>(f) the application of surface coatings, including printing or manufacture of packaging materials, and printing of paper</p> <p>(g) the manufacture of furnishings, clothing and carpets, but excluding rubber underlay</p> <p>(h) the sale, servicing, or repairs of motor vehicles, trains, trailers, boats or like equipment, including body and engine repairs, panel beating, fibre-glassing, and painting when carried out in a booth or enclosure that has been designed to contain any emission of paint overspray</p> <p>(i) joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making</p> <p>(j) the operation of dry-cleaning, dyeing, laundering and cleaning facilities</p> <p>(k) the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits, and alcoholic beverages</p> <p>(l) food processing by deep fat frying or</p>		<p>(f) The discharge of dust from the source at any site where minerals or aggregates are dried or heated or prepared for the manufacture of hot mix asphalt does not exceed 5kg/hr.³³</p> <p>(g) Fixed asphalt plants are equipped with temperature sensors and aggregate proximity sensors that limit and control operating temperatures within the drum.³³</p> <p>(h) Air pollution control equipment for fixed asphalt plants is designed to achieve a particulate matter concentration of not more than 250 milligrams per cubic metre (NTP).³³ Air pollution control equipment for fixed asphalt plants is designed so that the discharge[^] of particulates shall be no greater than 250 mg/m³ of non-toxic particulates corrected to 0°C, 12% CO₂, 1 atmosphere, and a dry gas basis, except that this limit may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold and for soot blowing, providing the opacity of the discharge[^] is minimised.³⁴</p> <p>In determining whether odour, dust, smoke or water vapour is offensive, objectionable, noxious or dangerous the guidelines in Section 14.2 shall be considered.³¹</p>		

³³ Officer's Supplementary report – Air – Recommendation AIR 21A

³⁴ Officer's End of Hearing report – Air – Table 1, Question 14 and Table 2, Question 8

Rule^	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>oil frying of any animal or vegetable matter where the processes have either singly or together a raw material capacity of less than 5 tonnes/h</p> <p>(m) the processing and storage of food including baking, cooking, refrigeration, freezing and canning, but excluding premises used for the production of milk powders using dryers with a water evaporation capacity greater than 300 kg/h₇</p> <p>(n) the storage, blending and distribution of bulk products including <i>fertiliser*</i>, animal feeds, roading materials, gardening materials, and concrete processing materials</p> <p>(o) yards used to hold cattle or stock and buildings used solely for animal slaughtering</p> <p>(p) the drying of grain and vegetable matter</p> <p>(q) powder coating and spray painting</p> <p>(r) sawmilling</p> <p>(s) kiln drying</p> <p>(t) the extraction, processing in fixed plant (crushing and screening), storage, and distribution of aggregates</p> <p>(u) the development, <i>maintenance*</i>, use, <i>repair*</i>, or demolition of <i>industrial or trade premises^</i> and which are not otherwise provided for</p>				

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
	<p>by <i>rules[^]</i> in this Plan, including site development, subdivision and landscaping, and the installation, construction, <i>maintenance[*]</i>, use or demolition on the premises of <i>roads[^]</i>, paved areas, buildings, <i>structures[^]</i> or equipment.</p> <p>(v) <u>fixed asphalt plants.</u>³⁵</p>				
<p>14-13a</p> <p><u>Flaring of Hydrocarbons</u>³⁵</p>	<p>The <i>discharge[^]</i> to air of hydrocarbons from flaring on <i>land[^]</i> associated with <i>petroleum exploration[^]</i> for well-testing operations</p>	<p><u>Controlled</u></p>	<p>(a) <u>The well testing shall be limited to a duration of 45 working days.</u></p> <p>(b) <u>The flare point shall comply with the following separation distances:</u></p> <p>(i) <u>300 metres from residences, maraes, schools, public buildings and public recreation areas;</u></p> <p>(ii) <u>300 metres from any rare <i>habitat[*]</i> and,² <i>threatened habitats[*]</i> and <i>at risk habitats[*]</i></u></p> <p>(iii) <u>100 metres from bores, surface <i>waterbodies[^]</i>, public <i>roads[^]</i> and the <i>coastal marine area[^]</i>;</u></p> <p>(iv) <u>100 metres from any <i>historic heritage[^]</i> as identified in any Ddistrict <i>plan[^]</i> or Rregional <i>Council plan[^]</i>.</u></p> <p>(c) <u>No non-petroleum well stream product is to be combusted.</u></p> <p>(d) <u>There shall be no objectionable odour, dust or <i>waste[^]</i> drift beyond the <i>property[*]</i> boundary.</u></p> <p>(e) <u>The vertical velocity of the <i>discharge[^]</i> does not exceed 4.3 metres per second, at 60 metres above ground level and/or does not penetrate the obstacle limitation surface of an aerodrome.</u>³⁶</p>	<p>Control is reserved over:</p> <p>(a) <u>The nature of the <i>contaminants[^]</i> to be emitted during flaring and measures to manage <i>effects[^]</i> including <i>effects[^]</i> on sensitive activities.</u></p> <p>(b) <u>Effects[^] on rare <i>habitat[*]</i> and,² <i>threatened habitats[*]</i> and <i>at-risk habitats[*]</i>.</u></p> <p>(c) <u>Duration of consent.</u></p> <p>(d) <u>Compliance monitoring.</u></p> <p><i>Resource consent[*]</i> applications under this <i>rule[^]</i> shall not be notified and written approval of affected persons shall not be required (notice of applications need not be served on affected</p>	<p><u>Policies guiding consent decisions include: Policy 14-2</u></p>

³⁵ Officer's report – Air – Recommendation AIR 1

³⁶ Officer's End of Hearing report – Air – Table 1, Question 12

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
<p>14-13b <u>Discharges[^] from specified mobile sources³⁷</u></p>	<p>The <u>discharge[^] of contaminants[^] to air from:</u> (a) <u>equipment to treat road[^] surfaces by heat to remove impaired surfaces except where the burning of bitumen is involved;</u> or (b) <u>mobile aggregate crushing and screening plants;</u> or (c) <u>mobile asphalt plants;</u> or (d) <u>earthmoving or harvesting equipment</u></p>	<p>Permitted</p>	<p>(a) The <u>discharge[^]</u> shall not result in and offensive or objectionable odour, dust, smoke or water vapour beyond the boundary of the subject <u>property[^]</u>. (b) The <u>discharge[^]</u> shall not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the subject <u>property[^]</u>. (c) The <u>discharge[^]</u> of dust from the source at any site where <u>minerals[^]</u> or aggregates are dried or heated or prepared for the manufacture of hot mix asphalt does not exceed 5kg/hr. (d) Mobile asphalt plants are equipped with temperature sensors and aggregate proximity sensors that limit and control operating temperatures within the drum. (e) Air pollution control equipment for mobile asphalt plants is designed to achieve a particulate matter concentration of not more than 250 milligrams per cubic metres (NTP). Air pollution control equipment for existing mobile asphalt plants (existing as at [insert date Plan becomes operative]) is designed so that the <u>discharge[^]</u> of particulates shall be no greater than 2150 mg/m³ of non-toxic particulates corrected to 0°C, 12% CO₂, 1 atmosphere, and a dry gas basis, except that this limit may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold and for soot blowing, providing the opacity of the <u>discharge[^]</u> is minimised.³⁸ (ea) Air pollution control equipment for new mobile asphalt plants (new as at [insert date Plan becomes operative]) is designed so that the <u>discharge[^]</u> of particulates shall be no greater than 50 mg/m³ of non-toxic particulates corrected to 0°C, 12% CO₂, 1 atmosphere, and a dry gas basis, except that this limit may be exceeded for a maximum of 30 minutes when</p>	<p>persons).</p>	<p><u>This rule[^] implements Policy 14-3</u></p>

³⁷ Officer's report – Air – Recommendation AIR 21

³⁸ Officer's End of Hearing report – Air – Table 2, Question 8

Rule [^]	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification	Links
			<p><u>starting the fuel-burning equipment from cold and for soot blowing, providing the opacity of the discharge[^] is minimised.</u>³⁸</p> <p><u>(eb) A mobile asphalt plant shall not remain at any one site for more than 24 consecutive months</u>³⁸</p> <p><u>(f) The vertical velocity of the discharge[^] does not exceed 4.3 metres per second, at 60 metres above ground level and/or does not penetrate the obstacle limitation surface of an aerodrome.</u>³⁶</p>		
14-13 Other discharges [^] into air from industrial and or trade premises	<p>The discharge[^] of contaminants[^] into air and any subsequent [^] of contaminants[^] onto land[^] from activities which either:</p> <p>(a) are located on industrial or trade premises[^] and are not addressed by any other rule[^] in this Plan, or</p> <p>(b) do not comply with one or more conditions[^], standards or terms of a permitted activity[^] rule[^], but which are not expressly classified as a discretionary or prohibited activity[^].</p> <p>Discharges[^] that are covered by this rule[^] under subsection (a) include, but are not limited to, those activities listed in the rule guide following this rule[^] table.</p>	Discretionary			<p>Policies guiding consent decisions include: Ppolicy 14-2³⁹</p>

Rule Guide:

- (a) Activities covered by Rule 14-13 – Discharges[^] into air that are a discretionary activity[^] under Rule 14-13(a) include but are not limited to discharges[^] from the following industrial or trade premises[^] or processes:
- (i) solid waste* disposal, excluding farm dumps and ofal holes
 - ~~(ii) asphalt plants~~³³
 - (iii) crematoria
 - (iv) manufacture of:
 - (a) cement,

³⁹ Officer's report – Air – Recommendation AIR 39

- (b) ~~fertiliser~~, ~~and~~
- (c) milk powder that is produced with dryers with a water evaporation capacity greater than 300kg/h. ⁴⁰
- (d) ~~or~~ other milk derived products, or
- (e) rubber goods⁴¹
- (v) manufacture of fibre board, pulp or paper
- (vi) mechanical drying of *treated timber**
- (vii) rendering, tanning, fellmongering, skin or hide processing, or pet food processing
- (viii) manufacture of organic or inorganic chemicals, including pharmaceuticals
- (ix) hot dip galvanising
- (x) manufacture or disposal of radioactive substances
- (xi) use of di-isocyanates or organic plasticisers
- (xii) manufacture of aluminium, steel, fibreglass, glass or frit
- (xiii) sintering, calcining or roasting of metal ores
- (xiv) smelting of any metal or metal alloy, including scrap metal
- (xv) carbonisation, gasification, refining, purification, or reforming of natural gas, petroleum *oil**, shale, coal, wood, or other carbonaceous materials
- (xvi) smelting or burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides.

⁴⁰ Officer's report – Air – Recommendation AIR 48

⁴¹ Officer's End of Hearing report – Air – Table 1, Question 10