

14 Discharges to Air

14.1 Policies

Policy 14-1: Consent decision making for agrichemicals

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

- (a) the degree of compliance with the NZS 8409:2004 Management of Agrichemicals
- (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 agrichemical 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
 - (ii) places of public assembly and public amenity areas
 - (iii) water bodies
 - (iv) waahi tapu, marae and other places of significance to tangata whenua
 - (v) domestic, municipal and commercial water supplies
 - (vi) rare and threatened habitats* and at-risk habitats*
 - (vii) certified organically farmed properties.

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

When making decisions on resource consent applications and setting consent conditions for discharges of contaminants into air, the Regional Council will 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 quality
 - (ii) the degree of compliance with the regional standards for ambient air quality set out in Policy 8-2

- (iii) for discharges 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 to cumulative adverse effects in an unacceptable airshed 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, national regulations, or nationally accepted guidelines or codes of practice relevant to the activity
- (d) the location of the discharge in relation to, and any associated effects on, sensitive areas including, but not limited to:
 - (i) dwelling houses,
 - (ii) places of public assembly and public amenity areas,
 - (iii) water bodies,
 - (iv) waahi tapu, marae and other places of significance to tangata whenua,
 - (v) domestic, municipal and commercial water supplies,
 - (vi) rare and threatened habitats* and at-risk habitats*
 - (vii) certified organically farmed properties.
- (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.

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 s 14 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.

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): 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
14-1 Small-scale application of agrichemicals	The discharge of agrichemicals into air or onto land from the use of a hand-held appliance*	Permitted	<p>(a) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.</p> <p>(b) There shall be no discharge beyond the boundary of the subject property*.</p> <p>(c) There shall be no discharge into any water body.</p> <p>(d) There shall be no discharge within any rare and threatened habitat* or at-risk habitat*, except for the purposes of pest control.</p> <p>(e) Where the agrichemical is used on public land, the discharge shall comply with mandatory requirements set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</p>	
14-2 Widespread application of agrichemicals	The discharge of agrichemicals into air, onto land, or into water, except as permitted under Rule 14-1	Permitted	<p>(a) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.</p> <p>(b) There shall be no discharge within any rare or threatened habitat* or at-risk habitat*, except for the purposes of pest control.</p> <p>(c) The discharge shall not be located within 50 metres of a school.</p> <p>(d) The discharge 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.</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.</p> <p>(g) The discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
			<p>supply other than in accordance with condition (g).</p> <p>(h) Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted aquatic plants:</p> <ul style="list-style-type: none"> (i) only agrichemicals approved for aquatic use may be used (ii) the application shall not exceed the quantity or concentration required for that purpose (iii) the discharge shall not include disposal to water of any agrichemical (iv) the discharger shall notify every person taking water for domestic supply within 1 km downstream of the proposed discharge, and every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least one week before commencing the discharge. <p>(i) For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals:</p> <ul style="list-style-type: none"> (i) within 20 m of any continually flowing river which has a bed width of 3 m or more, or any lake or wetland which has an area of 1 ha or more (ii) within 50 m of any rare or threatened habitat* or at-risk habitat*. 	
<p>14-3 Discharges of agrichemicals not complying with permitted activity rules</p>	<p>The discharge of agrichemicals into air, onto land, or into water in a manner that does not comply with Rules 14-1 or 14-2, except for discharges in rare and threatened habitats* and at-risk habitats* which are regulated by Rules 12-8 and 12-7.</p>	<p>Discretionary</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 Toxic) Regulations 2004. Relevant regulations have been incorporated into the rules in this section, where they are referred to as the RM Regulations 2004.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
14-4 Small-scale fuel burning	<p>The discharge of contaminants into air from burning coal, untreated wood, diesel, kerosene, light fuel oil*, oil* (excluding waste oil), methane, or natural or liquefied petroleum gas for the purpose of generating useful heat, steam, power or electricity.</p> <p>This rule does not cover fuel burning in moveable sources or dwelling houses, which is permitted under the RMA except to the extent that woodburners* 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 coal, and untreated wood (ii) a rate not exceeding 2.5 MW for diesel, kerosene, light fuel oil* and oil*, (i) a rate not exceeding 5 MW for methane and natural or liquefied petroleum gas. <p>(b) The discharge shall be from a chimney* designed so that the emission is effectively dispersed upwards and is unimpeded by any structure on top of the chimney, and the chimney height shall be at least 3 m above the highest point of the roof and any other roof within 20 m of the chimney.</p> <p>(c) The discharge shall not result from the burning of waste, waste oil or solvents.</p> <p>(d) The discharge 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 discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(f) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</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</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
			of non-toxic particulates corrected to 0°C, 12% CO ₂ , 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 as far as practicable.	
14-5 Open burning	<p>The discharge of contaminants into air and any subsequent discharge of contaminants onto land from:</p> <p>(a) the open burning* of the following materials on production land:</p> <ul style="list-style-type: none"> (i) untreated wood or vegetative matter (ii) waste paper or cardboard (iii) food waste, (iv) non-halogenated* plastics (v) animal carcasses or animal waste <p>(b) the open burning* of the following materials in circumstances where the burning is for fire-training purposes, or for creating special smoke and fire effects for the purpose of producing films:</p> <ul style="list-style-type: none"> (i) untreated wood or vegetative matter (ii) waste paper or cardboard (iii) food waste (iv) non-halogenated* plastics (v) oil* <p>(c) the open burning* of vegetative matter on land that is not production land, only in areas where there is no green waste disposal facility within 20 km (including urban areas where there is no such facility within 20 km).</p>	Permitted	<p>(a) The material to be burned shall be sourced only from the property* on which the burning occurs, except for:</p> <ul style="list-style-type: none"> (i) vegetative matter that is burned on production land (ii) materials (including vegetative matter) that are burned for fire-training purposes or for creating special smoke and fire effects for the purpose of producing films. <p>(b) The discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p> <p>(c) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*.</p>	
14-6 Burning activities regulated by RM	<p>(a) The lighting of fires and the burning of waste* at a landfill* is prohibited except where:</p> <ul style="list-style-type: none"> (i) the lighting of a fire is to control gas formed at the landfill, and 	As described under "Activity"		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
<p>Regulations 2004, including woodburners</p>	<ul style="list-style-type: none"> (ii) the landfill complies with RM Regulations 2004, Regulations 25 to 27 in which case it is a discretionary activity as per RM Regulations 2004, Regulation 6. (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: <ul style="list-style-type: none"> (i) a resource consent for the discharge produced, and (ii) emission control equipment that is designed and operated to minimise emissions of dioxins and other toxics from the process in which case the activity is a discretionary activity as per RM Regulations 2004, Regulations 5, 7 and 9. (c) The burning of bitumen on a road is prohibited as per RM Regulations 2004, Regulation 8. (d) The burning of oil* in the open air is prohibited, except where the burning is: <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 discharge 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 exploration and production industry of the petrochemical industry, in which case the discharge is a discretionary activity as per RM Regulations 2004, Regulation 10. (e) The operation of an incinerator at a school or 			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	<p>a healthcare institution* is prohibited unless a resource consent has been granted for the discharge produced, in which case the discharge is a discretionary activity, as per RM Regulations 2004, Regulation 11.</p> <p>(f) The operation of a high temperature hazardous waste incinerator* is prohibited, except if the incinerator is a crematorium in which case it is a discretionary activity as per RM Regulations 2004, Regulation 12.</p> <p>(g) The discharge of particles to air from a woodburner* installed after 1 September 2005 on a property* with an allotment size of less than 2 ha is prohibited, as per RM Regulations 2004, Regulation 22, except if the discharge 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 discharge is permitted.</p>			
<p>14-7 Prohibited burning activities</p>	<p>The open burning* of:</p> <p>(a) pathological waste, animal carcasses or other animal waste, except animal carcasses and animal waste on production land which is permitted under Rule 14-5,</p> <p>(b) pitch, paint and paint residues on wood or chip board, and surface coatings</p> <p>(c) halogenated* plastic and polyvinylchloride (PVC) plastic</p> <p>(d) halogenated* organic chemicals</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</p> <p>(f) materials containing heavy metals</p>	<p>Prohibited</p>		

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	<ul style="list-style-type: none"> (g) asbestos (h) agrichemicals and agrichemical containers containing residues (i) treated timber* (j) rubber (k) sludge from industrial processes (l) hazardous materials from contaminated sites and buildings (m) components of motor vehicles. 			
<p>14-8 Other burning activities</p>	<p>The discharge of contaminants into air and any subsequent discharge of contaminants onto land from burning activities which either:</p> <ul style="list-style-type: none"> (a) are located on industrial or trade premises and are not addressed by any other rule in this plan, or (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>Discretionary</p>		

14.5 Rules – Other Discharges to Air

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
14-9 Abrasive blasting within an enclosure	The discharge of contaminants into air and any subsequent discharge onto land from abrasive blasting 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 discharge.</p> <p>(b) There shall be no visible discharge of dust from the abrasive blasting enclosure.</p> <p>(c) The discharge shall not result in noxious or dangerous levels of airborne contaminants beyond the property* boundary or on public land*.</p> <p>(d) Any abrasive media not in use shall be covered and reasonably protected from water and wind.</p>	
14-10 Wet abrasive blasting and water blasting	The discharge of contaminants into air and any subsequent discharge onto land or into water from wet abrasive blasting or water blasting.	Permitted	<p>(a) Any sand or other material used for abrasive blasting shall contain less than 5% free silica on a dry weight basis.</p> <p>(b) Any discharge of particulate matter shall not be offensive or objectionable to the extent that causes an adverse effect beyond the property* boundary or on public land*.</p> <p>(c) Any abrasive media not in use shall be kept covered and protected from erosion.</p> <p>(d) All material that is discharged to land 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 contaminants in the material.</p> <p>Measures shall be taken to prevent to the extent practicable the discharge of any hazardous particulate matter, or floatable or suspended material to any water body.</p>	
14-11 Dry abrasive	The discharge of contaminants into air and any subsequent discharge of contaminants onto land	Discretionary		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
blasting using a moveable source	or into water from dry abrasive blasting using a moveable source.			
14-12 Miscellaneous discharges into air from industrial and trade premises	<p>The discharge of contaminants into air and any subsequent discharge of contaminants onto land or into water from the following activities on industrial and trade premises:</p> <ul style="list-style-type: none"> (a) fume cupboards (b) premises discharging steam, water vapour, energy and heat (except as a result of fuel combustion) (c) the retail and wholesale distribution of automotive fuels, oils, liquefied gases, gases, and fuels used for industrial processing and home heating (d) funeral parlours, chapels, and stonemasons (e) the manufacture of household, industrial, electrical and garden equipment and appliances, including the manufacture of concrete products, but excluding the manufacture of cement, rubber goods and processes involving the galvanising of steel (f) the application of surface coatings, including printing or manufacture of packaging materials, and printing of paper (g) the manufacture of furnishings, clothing and carpets, but excluding rubber underlay (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 	Permitted	<ul style="list-style-type: none"> (a) The discharge 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). (b) The discharge shall not result in any offensive or objectionable odour, dust, smoke or water vapour to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*. (c) The discharge shall not result in any noxious or dangerous levels of gases or particulates to the extent that causes an adverse effect beyond the boundary of the subject property* or on public land*. 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	<ul style="list-style-type: none"> (i) joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making (j) the operation of dry-cleaning, dyeing, laundering and cleaning facilities (k) the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits, and alcoholic beverages (l) food processing by deep fat frying or 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 (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/h, (n) the storage, blending and distribution of bulk products including fertiliser, animal feeds, roading materials, gardening materials, and concrete processing materials (o) yards used to hold cattle or stock and buildings used solely for animal slaughtering (p) the drying of grain and vegetable matter (q) powder coating and spray painting (r) sawmilling (s) kiln drying (t) the extraction, processing in fixed plant (crushing and screening), storage, and distribution of aggregates 			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	(u) the development, maintenance, use, repair, or demolition of industrial or trade premises and which are not otherwise provided for by rules in this Plan, including site development, subdivision and landscaping, and the installation, construction, maintenance, use or demolition on the premises of roads, paved areas, buildings, structures or equipment.			
14-13 Other discharges into air from industrial and trade premises	<p>The discharge of contaminants into air and any subsequent discharge 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		

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 offal holes
 - (ii) asphalt plants
 - (iii) crematoria
 - (iv) manufacture of cement, fertiliser, milk powder or other milk derived products, or rubber goods
 - (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.

