

5 Rules

5 Rules contents	Rule number	Page
5.1 Air quality	R1-R41	103
5.2 Discharges to water	R42-R68	125
5.3 Discharges to land	R69-R93	139
5.4 Land use	R94-R103	162
5.5 Wetlands and beds of lakes and rivers	R104-R135	171
5.6 Water allocation	R136-R148	195
5.7 Coastal management	R149-R219	203

<u>Rules – Air quality</u> ¹	<u>Page</u>	<u>P</u>	<u>C</u>	<u>RD</u>	<u>D</u>	<u>NC</u>	<u>Pr</u>
Outdoor burning	96						
Rule R1: Outdoor burning	96	●					
Rule R2: Frost prevention devices	96	●					
Rule R3: Outdoor burning for firefighting training	96	●					
Rule R4: Pyrotechnics	97	●					
Rule R5: Outdoor burning of specified materials	97						●
Domestic fires	97						
Rule R6: Fuels prohibited in domestic fires	97						●
Large scale combustion activities	97						
Rule R7: Natural gas and liquefied petroleum gas	97	●					
Rule R8: Diesel or kerosene	98	●					
Rule R9: Biogas	99	●					
Rule R10: Untreated wood	99	●					
Rule R11: Coal, light fuel oil, and petroleum distillates	100	●					
Rule R12: Emergency power generators	101	●					
Rule R13: Fuels not permitted in large scale generators	101					●	
Chemical and metallurgical processes	101						
Rule R14: Spray coating within an enclosed space	101	●					
Rule R15: Spray coating not within an enclosed space	102	●					
Rule R16: Printing processes	102	●					
Rule R17: Dry cleaning	103	●					

¹ S42A: Overall policy framework of the proposed Plan – Part B, Clause 16(2)

Rules – Air quality ¹	Page	P	C	RD	D	NC	Pr
Rule R18: Fume cupboards	103	●					
Rule R19: Workplace ventilation	104	●					
Rule R20: Mechanical processing of metals	104	●					
Rule R21: Thermal metal spraying	104	●					
Rule R22: Metallurgical or chemical processing of metal	105				●		
Cremation and incineration	105						
Rule R23: Crematoria	105				●		
Rule R24: Flaring of gas	105				●		
Dust generating activities	106						
Rule R25: Abrasive blasting within an enclosed booth	106	●					
Rule R26: Abrasive blasting outside an enclosed area	106	●					
Rule R27: Handling of aggregate	107	●					
Rule R28: Cement storage	107	●					
Food, animal or plant matter manufacturing and processing	107						
Rule R29: Alcoholic beverage production	107	●					
Rule R30: Coffee roasting	107	●					
Rule R31: Food, animal or plant matter manufacturing and processing	107				●		
Fuel storage	108						
Rule R32: Petroleum storage or transfer facilities	108	●					
Mobile sources	108						
Rule R33: Mobile source emissions	108	●					
Gas, water and wastewater processes	108						
Rule R34: Gas, water and wastewater	108	●					
Drying and kiln processes	109						
Rule R35: Drying and heating of minerals	109	●					
Ground-based and aerial applications	109						
Rule R36: Agrichemicals	109	●					
Rule R37: Agrichemicals into water	111	●					
Rule R38: Agrichemicals not permitted	112				●		
Fumigation	112						
Rule R39: Fumigation	112	●					
Rule R40: Discharge of other fumigants	112		●				
All other discharges	113						
Rule R41: All other discharges	113				●		

Rules – Discharges to water	Page	P	C	RD	D	NC	Pr
Water discharges	115						
Rule R42: Minor discharges	115	●					
Rule R43: Water to water	117	●					
Rule R44: Pool and spa pool water	117	●					
Rule R45: Potable water	117	●					
Rule R46: Dye or salt tracer	118	●					
Rule R47: Other dye or salt tracer	119		●				
Stormwater	119						
Rule R48: Stormwater from an individual property	119	●					
Rule R49: Stormwater to land	120	●					
Rule R50: Stormwater from a local authority network at plan notification	120		●				
Rule R51: Stormwater from a local authority network two years after public notification	121			●			
Rule R52: Stormwater from large sites	121			●			
Rule R53: All other stormwater	122				●		
Contaminated land and hazardous substances	122						
Rule R54: Site investigation	122	●					
Rule R55: Discharges from contaminated land	122	●					
Rule R56: Discharges from contaminated land	123				●		
Rule R57: Discharge of hazardous substances	123					●	
Water races and pumped drainage schemes	123						
Rule R58: Water races	123				●		
Rule R59: Existing pumped drainage schemes	123	●					
Rule R60: All other pumped drainage schemes	123				●		
Wastewater	124						
Rule R61: Existing wastewater	124				●		
Rule R62: New wastewater to fresh water	124					●	
Rule R63: Wastewater from ships and offshore installations	124	●					
Rule R64: Wastewater from ships and offshore installations	124					●	
Biofoul cleaning	124						
Rule R65: In-water biofoul cleaning	124	●					
Rule R66: In-water biofoul cleaning	125				●		
All other discharges	125						
Rule R67: Discharges inside sites of significance	125					●	
Rule R68: All other discharges	125				●		

Rules – Discharges to land	Page	<u>P</u>	<u>C</u>	<u>RD</u>	<u>D</u>	<u>NC</u>	<u>Pr</u>
Discharge of contaminants	<u>128</u>						
<u>Rule R69: Minor contaminants</u>	<u>128</u>	<u>●</u>					
<u>Rule R70: Cleanfill material</u>	<u>129</u>	<u>●</u>					
<u>Rule R71: Pit latrine</u>	<u>129</u>	<u>●</u>					
<u>Rule R72: Composting toilets</u>	<u>130</u>	<u>●</u>					
<u>Rule R73: Greywater</u>	<u>130</u>	<u>●</u>					
<u>Rule R74: Existing on-site wastewater systems</u>	<u>131</u>	<u>●</u>					
<u>Rule R75: New or upgraded on-site wastewater systems</u>	<u>132</u>	<u>●</u>					
<u>Rule R76: New or upgraded on-site wastewater systems within community drinking water supply protection areas</u>	<u>133</u>		<u>●</u>				
Biosolids	<u>135</u>						
<u>Rule R77: Application of Aa biosolids to land</u>	<u>135</u>	<u>●</u>					
<u>Rule R78: Application of biosolids (Ab, Ba, or Bb) to land</u>	<u>135</u>			<u>●</u>			
<u>Rule R79: Discharge of treated wastewater</u>	<u>136</u>		<u>●</u>				
<u>Rule R80: Discharge of treated wastewater</u>	<u>140</u>			<u>●</u>			
Drinking water treatment plant waste	<u>142</u>						
<u>Rule R81: Drinking water treatment plant supernatant waste</u>	<u>142</u>		<u>●</u>				
Fertiliser and animal effluent	<u>142</u>						
<u>Rule R82: Application of fertiliser from ground-based or aerial application</u>	<u>142</u>	<u>●</u>					
<u>Rule R83: Discharge of collected animal effluent onto or into land</u>	<u>143</u>		<u>●</u>				
<u>Rule R84: Discharge of collected animal effluent to water</u>	<u>144</u>					<u>●</u>	
<u>Rule R85: Application of compost to land</u>	<u>144</u>	<u>●</u>					
<u>Rule R86: Application of compost to land</u>	<u>145</u>			<u>●</u>			
Vertebrate toxic agents	<u>145</u>						
<u>Rule R87: Land-based discharge of vertebrate toxic agents</u>	<u>145</u>	<u>●</u>					
<u>Rule R88: Aerial application of vertebrate toxic agents</u>	<u>145</u>		<u>●</u>				
Refuse, silage and compost	<u>146</u>						
<u>Rule R89: Farm refuse dumps</u>	<u>146</u>	<u>●</u>					
<u>Rule R90: Manufacture and storage of silage and compost</u>	<u>147</u>	<u>●</u>					
<u>Rule R91: Offal pit</u>	<u>148</u>	<u>●</u>					
<u>Rule R92: All discharges to land within community drinking water supply protection areas</u>	<u>148</u>			<u>●</u>			
All other discharges	<u>148</u>						
<u>Rule R93: All other discharges to land</u>	<u>149</u>				<u>●</u>		

Rules – Land use	Page	P	C	RD	D	NC	Pr
Cultivation and break-feeding	151						
Rule R94: Cultivation or tilling of land	151	●					
Rule R95: Break-feeding	151	●					
Rule R96: Cultivation and break-feeding	151				●		
Livestock exclusion	151						
Rule R97: Access to the beds of surface water bodies by livestock	151	●					
Rule R98 Livestock access to the beds of surface water bodies	153				●		
Earthworks and vegetation clearance	153						
Rule R99: Earthworks	153	●					
Rule R100: Vegetation clearance on erosion prone land	153	●					
Rule R101: Earthworks and vegetation clearance	154				●		
Plantation forestry	154						
Rule R102: Plantation forestry harvesting on erosion prone land	154	●					
Rule R103: Plantation forestry harvesting	155		●				

Rules – Wetlands and beds of lakes and rivers	Page	P	C	RD	D	NC	Pr
Wetlands general conditions	158						
Activities in wetlands	159						
Rule R104: Structures in natural wetlands and significant natural wetlands	159	●					
Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands	159	●					
Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands	160		●				
Rule R107: Activities in natural wetlands and significant natural wetlands	161				●		
Rule R108: Activities in natural wetlands and significant natural wetlands	161					●	
Rule R109: Activities in outstanding natural wetlands	162				●		
Rule R110: Activities in outstanding natural wetlands	162					●	
Rule R111: Reclamation of outstanding natural wetlands	163						●
Activities in beds of lakes and rivers	165						
Beds of lakes and rivers general conditions	163						
Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)	165	●					
Rule R113: Diversion of flood water by existing structures	165	●					

Rules – Wetlands and beds of lakes and rivers	Page	P	C	RD	D	NC	Pr
Rule R114: River crossing structures	166	●					
Rule R115: Culverts	166	●					
Rule R116: Establishing a small dam and existing dams	168	●					
Rule R117: New structures	169	●					
Rule R118: Removing or demolishing structures	170	●					
Rule R119: Clearing flood debris and beach recontouring	170	●					
Rule R120: Minor sand and gravel extraction	171	●					
Rule R121: Maintenance of drains	172	●					
Rule R122: Removing vegetation	174	●					
Rule R123: Planting	175	●					
Rule R124: Entry or passage over bed (excluding livestock access)	176	●					
Rule R125: Structures within a site identified in Schedule C (mana whenua)	176			●			
Reclamation and placement of a dam	177						
Rule R126: Placement of a dam in an outstanding water body	177					●	
Rule R127: Reclamation of the beds of rivers or lakes	178					●	
Rule R128: Reclamation of the bed of an outstanding lake and associated diversion	178						●
Rule R129: All other activities in river and lake beds	178				●		
Damming and diverting water	178						
Rule R130: Diversion of groundwater	178	●					
Rule R131: Damming or diverting water within or from rivers	178				●		
Rule R132: Damming or diverting water within or from rivers	179					●	
Rule R133: Damming or diverting water within or from natural lakes	179				●		
Rule R134: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri	179					●	
Rule R135: General rule for taking, use, damming and diverting water	179				●		

Rules – Water allocation	Page	P	C	RD	D	NC	Pr
Take and use of water	181						
Rule R136: Take and use of water	181	●					
Rule R137: Farm dairy washdown and milk-cooling water	182	●					
Rule R138: Water races	182	●					
Rule R139: Pumping test	183	●					
Rule R140: Dewatering	183	●					

<u>Rules – Water allocation</u>	<u>Page</u>	<u>P</u>	<u>C</u>	<u>RD</u>	<u>D</u>	<u>NC</u>	<u>Pr</u>
Rule R141: Take and use of water	183		<u>●</u>				
Rule R142: All other take and use	184				<u>●</u>		
<u>Transferring water permits</u>	184						
Rule R143: Temporary water permit transfers	184		<u>●</u>				
Rule R144: Transferring water permits	185			<u>●</u>			
Rule R145: Transferring water permits	186				<u>●</u>		
<u>Bore construction or alteration</u>	186						
Rule R146: Geotechnical investigation bores	186	<u>●</u>					
Rule R147: Drilling, construction or alteration of any bore	186		<u>●</u>				
Rule R148: Drilling, construction or alteration of any bore	187				<u>●</u>		

<u>Rules – Coastal management (CM)</u>	<u>Page</u>	<u>P</u>	<u>C</u>	<u>RD</u>	<u>D</u>	<u>NC</u>	<u>Pr</u>
Coastal management general conditions	192						
<u>Maintenance, repair, additions and alterations to existing structures</u>	198						
Rule R149: Maintenance or repair of structures	198	<u>●</u>					
Rule R150: Minor additions or alterations to structures	198	<u>●</u>					
Rule R151: Additions or alterations to structures	199		<u>●</u>				
<u>Removal or demolition of structures</u>	201						
Rule R152: Removal or demolition of a structure or part of a structure	201	<u>●</u>					
Rule R153: Removal or demolition of a structure or part of a structure	201			<u>●</u>			
<u>New and replacement structures (including temporary structures)</u>	202						
Rule R154: New temporary structures outside sites of significance	202	<u>●</u>					
Rule R155: New temporary structures	203			<u>●</u>			
Rule R156: New or replacement navigation aids	204	<u>●</u>					
Rule R157: New or replacement structures for special purposes	205		<u>●</u>				
Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes	206				<u>●</u>		
Rule R159: Structures in airport height restriction areas or navigation protection areas	206						<u>●</u>
Rule R160: Structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone	207				<u>●</u>		
Rule R161: New structures, additions or alterations to structures outside sites of significance	207				<u>●</u>		

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Rule R162: New structures, additions or alterations to structures inside sites of significance	207					●	
Rule R163: Replacement of structures or parts of structures	208	●					
Rule R164: Replacement of structures	209			●			
Seawalls	209						
Rule R165: Additions or alterations to existing seawalls	209		●				
Rule R166: Seawalls outside sites of significance	210				●		
Rule R167: Seawalls inside sites of significance	211					●	
Heritage structures	211						
Rule R168: Alteration to structures identified in Schedule E2 or Schedule E3	211	●					
Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2	212			●			
Rule R170: Additions to structures identified in Schedule E3	213	●					
Rule R171: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3	213				●		
Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3	214				●		
Structures in the Commercial Port Area	214						
Rule R173: Additions or alterations to structures inside the Commercial Port Area	214	●					
Rule R174: Additions or alterations to structures inside the Commercial Port Area	215		●				
Rule R175: New structures associated with passenger and cargo handling inside the Commercial Port Area	215	●					
Boatsheds and swing moorings	216						
Rule R176: Use of boatsheds	216	●					
Rule R177: Change of use of boatsheds	216					●	
Rule R178: New boatsheds inside Boatshed Management Areas	216				●		
Rule R179: New boatsheds outside Boatshed Management Areas	217					●	
Rule R180: New swing moorings inside Mooring Areas	217	●					
Rule R181: New swing moorings outside Mooring Areas	217					●	
Occupation	218						
Rule R182: Occupation of space by a structure owned by a network utility operator	218	●					
Rule R183: Renewal of existing resource consents for occupation of space by structures	218		●				

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Rule R184: Occupation of space	218				<u>●</u>		
Surface water and foreshore activities	218						
Rule R185: General surface water and foreshore activities	218	<u>●</u>					
Rule R186: General surface water and foreshore activities	220			<u>●</u>			
Rule R187: General surface water and foreshore activities	220				<u>●</u>		
General disturbance activities	221						
Rule R188: Minor disturbances	221	<u>●</u>					
Rule R189: Clearance of stormwater pipes	221	<u>●</u>					
Rule R190: Launching, retrieving or temporary mooring of vessels	222	<u>●</u>					
Rule R191: Disturbance associated with beach grooming	223	<u>●</u>					
Rule R192: Beach recontouring for coastal restoration purposes	223		<u>●</u>				
Rule R193: River and stream mouth cutting	224	<u>●</u>					
Rule R194: Disturbance or damage	225				<u>●</u>		
Rule R195: Disturbance or damage inside sites of significance	226					<u>●</u>	
Motor vehicles on the foreshore	226						
Rule R196: Motor vehicles	226	<u>●</u>					
Rule R197: Motor vehicles for certain purposes	227	<u>●</u>					
Rule R198: Motor vehicles inside sites of significance	227					<u>●</u>	
Rule R199: Motor vehicles in the fossil forest at Titahi Bay	227						<u>●</u>
Dredging	228						
Rule R200: Dredging for flood protection purposes or erosion mitigation	228		<u>●</u>				
Rule R201: Dredging for flood protection purposes or erosion mitigation inside sites of significance	229				<u>●</u>		
Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas	229		<u>●</u>				
Rule R203: Dredging inside a Commercial Port Area or navigation protection areas	230				<u>●</u>		
All other destruction, damage or disturbance	231						
Rule R204: Destruction, damage or disturbance outside sites of significance	231				<u>●</u>		
Rule R205: Destruction, damage or disturbance inside sites of significance	231					<u>●</u>	
Deposition	231						
Rule R206: Re-deposition of wind-blown sand	231	<u>●</u>					
Rule R207: Deposition for beach renourishment	232		<u>●</u>				


<u>Rules – Coastal management (CM)</u>	<u>Page</u>	<u>P</u>	<u>C</u>	<u>RD</u>	<u>D</u>	<u>NC</u>	<u>Pr</u>
<u>Rule R208: Deposition outside sites of significance</u>	<u>233</u>				<u>●</u>		
<u>Rule R209: Deposition inside sites of significance</u>	<u>233</u>					<u>●</u>	
<u>Dumping of waste or other matter</u>	<u>233</u>						
<u>Rule R210: Dumping of waste or other matter outside sites of significance</u>	<u>233</u>				<u>●</u>		
<u>Rule R211: Dumping or storage of waste or other matter</u>	<u>234</u>				<u>●</u>		
<u>Rule R212: Dumping of waste or other matter inside sites of significance</u>	<u>234</u>					<u>●</u>	
<u>Rule R213: Incineration of waste</u>	<u>235</u>						<u>●</u>
<u>Reclamation and drainage</u>	<u>235</u>						
<u>Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance</u>	<u>235</u>				<u>●</u>		
<u>Rule R215: Reclamation and drainage</u>	<u>235</u>					<u>●</u>	
<u>Destruction</u>	<u>236</u>						
<u>Rule R216: Destruction</u>	<u>236</u>					<u>●</u>	
<u>Introduction of plants</u>	<u>236</u>						
<u>Rule R217: Planting</u>	<u>236</u>	<u>●</u>					
<u>Rule R218: Planting</u>	<u>236</u>				<u>●</u>		
<u>Rule R219: Planting of pest species</u>	<u>237</u>						<u>●</u>

5.1 Air quality

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whitua Chapters 7 – 11.²

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.³

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Air quality	Page	P	C	RD	D	NC	Pr
Outdoor burning	105						
Rule R1: Outdoor burning	105	•					
Rule R2: Frost prevention devices	105	•					
Rule R3: Outdoor burning for firefighting training	106	•					
Rule R4: Pyrotechnics	106	•					
Rule R5: Outdoor burning of specified materials	106						•

² s42A report: Overall policy framework of the proposed Plan, Issue 1.3

³ s42A report: Overall policy framework of the proposed Plan, Issue 1.2

Rules – Air quality	Page	P	C	RD	D	NC	Pr
Domestic fires	106						
Rule R6: Fuels prohibited in domestic fires	106						•
Large scale combustion activities	107						
Rule R7: Natural gas and liquefied petroleum gas	107	•					
Rule R8: Diesel or kerosene	107	•					
Rule R9: Biogas	108	•					
Rule R10: Untreated wood	109	•					
Rule R11: Coal, light fuel oil, and petroleum distillates	109	•					
Rule R12: Emergency power generators	110	•					
Rule R13: Fuels not permitted in large scale generators	110					•	
Chemical and metallurgical processes	111						
Rule R14: Spray coating within an enclosed space	111	•					
Rule R15: Spray coating not within an enclosed space	111	•					
Rule R16: Printing processes	112	•					
Rule R17: Dry cleaning	112	•					
Rule R18: Fume cupboards	113	•					
Rule R19: Workplace ventilation	113	•					
Rule R20: Mechanical processing of metals	113	•					
Rule R21: Thermal metal spraying	114	•					
Rule R22: Metallurgical or chemical processing of metal	114				•		
Cremation and incineration	115						
Rule R23: Crematoria	115				•		
Rule R24: Flaring of gas	115				•		
Dust generating activities	115						
Rule R25: Abrasive blasting within an enclosed booth	115	•					
Rule R26: Abrasive blasting outside an enclosed area	116	•					
Rule R27: Handling of aggregate	116	•					
Rule R28: Cement storage	117	•					
Food, animal or plant matter manufacturing and processing	117						
Rule R29: Alcoholic beverage production	117	•					
Rule R30: Coffee roasting	117	•					
Rule R31: Food, animal or plant matter manufacturing and processing	117				•		
Fuel storage	118						
Rule R32: Petroleum storage or transfer facilities	118	•					

Rules – Air quality	Page	P	C	RD	D	NC	Pr
Mobile sources	119						
Rule R33: Mobile source emissions	119	•					
Gas, water and wastewater processes	119						
Rule R34: Gas, water and wastewater	119	•					
Drying and kiln processes	119						
Rule R35: Drying and heating of minerals	119	•					
Ground-based and aerial applications	119						
Rule R36: Agrichemicals	119	•					
Rule R37: Agrichemicals into water	124	•					
Rule R38: Agrichemicals not permitted	125				•		
Fumigation	126						
Rule R39: Fumigation	126	•					
Rule R40: Discharge of other fumigants	126		•				
All other discharges	126						
Rule R41: All other discharges	126				•		

5.1.1 Air quality other methods

The Wellington Regional Council will work to improve air quality in a **polluted airshed** through Method M5.

5.1.2 Outdoor burning

Rule R1: Outdoor burning – permitted activity



The discharge of contaminants into air from **outdoor burning** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no burning of **specified materials**.

Note

Outdoor burning is also controlled by provisions in district plans and bylaws.

Rule R2: Frost prevention devices – permitted activity

The discharge of contaminants into air from the use of a **frost prevention device** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and

- (b) the discharge is from a chimney, and
- (c) there is no burning of **specified materials**.

Rule R3: Outdoor burning for firefighter training – permitted activity

The discharge of contaminants into air from the burning of a building, **specified materials**, vegetation and fuels for the purpose of firefighter training or research is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the fire shall be under the control of ~~the Rural Fire Authority, New Zealand Fire Service, Fire and Emergency New Zealand~~⁴, Department of Conservation, New Zealand Defence Force, any airport fire service or other industry brigade, or any other nationally recognised body authorised to undertake firefighting research or fire training activities, and
- (c) the relevant territorial authority and the Wellington Regional Council is notified in writing at least seven days before the fire begins and the notification is to include; the location of the fire, the duration of the fire, and the contact details of the person(s) overseeing the fire.

Rule R4: Pyrotechnics – permitted activity

The discharge of contaminants into air from ~~commercial~~⁵ pyrotechnics displays⁶ is a permitted activity.

Rule R5: Outdoor burning of specified materials – prohibited activity

The discharge of contaminants into air from the **outdoor burning of specified materials**, except firefighter training or research as permitted by Rule R3 and pyrotechnics as permitted by Rule R4, is a prohibited activity.

5.1.3 Domestic fires

Rule R6: Fuels prohibited in domestic fires – prohibited activity

The discharge of contaminants into air from the combustion of **specified materials** in a **domestic fire** is a prohibited activity.

Note

The installation of a new **open fire** is a prohibited activity in a **polluted airshed** under Clause 24A of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004.

⁴ RoR report: Air quality management

⁵ Section 42A officer's report: Air quality management, Issue 5.4

⁶ Section 42A officer's report: Air quality management, Issue 5.4

5.1.4 Large scale combustion activities

Rule R7: Natural gas and liquefied petroleum gas – permitted activity



The discharge of contaminants into air from a **large scale generator** not exceeding a maximum generating capacity of 5MW, from the combustion of natural gas or liquefied petroleum gas is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (c) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (d) rain excluders shall not impede the vertical discharge of combustion gases, and
- (e) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

Rule R8: Diesel or kerosene **blends**⁷ – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 2MW, from the combustion of diesel or kerosene **blends**⁸ outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the sulphur content of the kerosene shall not exceed 0.5% by weight, and
- (c) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and

⁷ Section 42A officer's report: Air quality management, Issue 2.3

⁸ Section 42A officer's report: Air quality management, Issue 2.3

- (d) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and
- (f) the discharge shall not at any time increase the concentration of PM₁₀ (calculated as a 24-hour mean) by more than 2.5µg/m³ in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

Rule R9: Biogas – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 2MW, from the combustion of **biogas** outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the sulphur content of the **biogas** shall not exceed 0.5% by weight, and
- (c) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (d) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and
- (f) the discharge shall not at any time increase the concentration of PM₁₀ (calculated as a 24-hour mean) by more than 2.5µg/m³ in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

Rule R10: Untreated wood – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 1MW, from the combustion of untreated wood outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the moisture content of the wood to be burned shall not exceed 25%, and
- (c) the discharge shall occur via a chimney stack or chimney of at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building, land or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (d) the discharge shall be directed vertically into air and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and
- (f) the discharge shall not at any time increase the concentration of PM₁₀ (calculated as a 24-hour mean) by more than 2.5µg/m³ in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

Rule R11: Coal, light fuel oil, and petroleum distillates of higher viscosity⁹ – permitted activity



The discharge of contaminants from any **large scale generator** not exceeding a maximum generating capacity of 500kW, from the combustion of coal, light fuel oil, and petroleum distillates of higher viscosity¹⁰ outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the discharge shall occur via a chimney stack or chimney of at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building, land or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and

⁹ Section 42A officer's report: Air quality management, Issue 2.3

¹⁰ Section 42A officer's report: Air quality management, Issue 2.3

- (c) the discharge shall be directed vertically into air and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (d) rain excluders shall not impede the vertical discharge of combustion gases, and
- (e) the discharge shall not at any time increase the concentration of PM₁₀ (calculated as a 24-hour mean) by more than 2.5µg/m³ in any part of a **polluted airshed**, and
- (f) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

Rule R12: Emergency power generators – permitted activity



The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:

- (a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or
- (b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or
- (c) the electricity connection is not available due to planned outages, or load shedding/peak load generation is required¹¹

is a permitted activity, provided the following conditions are met:

- (d) the discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (e) the discharge shall not at any time increase the concentration of PM₁₀ (calculated as a 24-hour mean) by more than 2.5µg/m³ in any part of a **polluted airshed**.

Rule R13: Fuels not permitted in large scale generators – non-complying activity



The discharge of contaminants into air from a **large scale generator** from the combustion of **specified materials** is a non-complying activity.

¹¹ Section 42A officer's report: Air quality management, Issue 2.3

5.1.5 Chemical and metallurgical processes

Rule R14: Spray coating within an enclosed space – permitted activity



The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, or water-based paints¹² within a spray booth and/or room is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) ~~there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary of the property, and~~¹³
- (c) the spray booth and/or room is fitted with an extraction system that vertically discharges all contaminants and exhaust air to a vent, and
- (d) all vents shall be 3m above the building roof and shall discharge vertically, and
- (e) the discharge is not impeded by any obstruction above the vent that decreases the vertical efflux velocity, and
- (f) the discharge shall be filtered by an extraction system that removes more than 95% of particulate matter from the discharge. The filtration system shall be maintained to 95% efficiency at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

Note

The spray booth and/or room is in accordance with the *AS/NZS 4114.1:2003 Spray painting booths, designated spray painting areas and paint mixing rooms, Part 1: Design, construction and testing*.

Rule R15: Spray coating not within an enclosed space – permitted activity



The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, ~~or water-based paints~~¹⁴¹⁵ not within a spray booth and/or room is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and

¹² Section 42A officer's report: Air quality management, Issue 2.4

¹³ RoR report: Air quality management

¹⁴ Section 42A officer's report: Air quality management, Issue 2.4

¹⁵ RoR report: Air quality management

- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge shall be located at least 10m away from a **sensitive activity** or **sensitive areas**.

Rule R16: Printing processes – permitted activity



The discharge of contaminants into air from printing processes is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the undiluted water based inks, dyes and additives shall contain less than 5% volatile organic compounds by weight, and
- (d) the vent shall be 3m above the roof of the building and shall discharge vertically, and
- (e) the discharge is not impeded by any obstruction above the vent that decreases the vertical efflux velocity, and
- (f) the total discharge of hydrocarbon solvents shall not exceed 5kg per day, and a record of the amount of solvents used is held by the operator and available to the Wellington Regional Council on request.

Rule R17: Dry cleaning – permitted activity



The discharge of contaminants into air from dry cleaning processes is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge shall contain no chlorofluorocarbons, and
- (d) maximum daily organic solvent used in the dry cleaning process shall not exceed 100kg per day, and
- (e) the recovery of organic solvents from the refrigerated condenser unit is more than 95% efficiency at all times. The control equipment is maintained by a suitably qualified person at least once per annum,

with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

Rule R18: Fume cupboards – permitted activity



The discharge of contaminants into air from a fume cupboard is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) ~~there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and~~¹⁶
- (c) the discharge shall occur from a vent 3m above the height of the ridge line of the roof of the building, and
- (d) the vent shall be 15m or more from a public access area.

Note

Laboratory fume cupboard shall comply with *AS/NZS 2243.8 Safety in Laboratories Part 8 – Fume cupboards (2006)*.

Rule R19: Workplace ventilation – permitted activity



The discharge of contaminants into air from windows, doors and vents as a result of the ventilation of buildings is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**.

Note

The ventilation system shall be in accordance with the *Workplace Exposure Standards and Biological Indices (1994)*, Department of Labour, and comply with *AS/NZS 3666.3 Air handling and water systems of buildings – Microbial control – Part 3: Performance based maintenance of cooling water system*.

Rule R20: Mechanical processing of metals – permitted activity



The discharge of contaminants into air from the mechanical processing of metals, including but not limited to, mechanical grinding, cutting and shaping by heat, machining, welding, soldering and arc air gouging is a permitted activity, provided the following conditions are met:

¹⁶ RoR report: Air quality management

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge into air from mechanical shredding of scrap metal indoors is through emission control equipment that achieves a particulate emission rate of no more than 10mg/m³ (STP, dry gas basis and 12% CO₂ by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

Rule R21: Thermal metal spraying – permitted activity



The discharge of contaminants into air from thermal spraying of metal including the melting of metal or metal alloy is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge is through control equipment that achieves a particulate emission rate of no more than 30mg/m³ (Standard Temperature and Pressure, dry gas basis and 12% CO₂ by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

Rule R22: Metallurgical or chemical processing of metal – discretionary activity



The discharge of contaminants into air from metallurgical and chemical processing of metal including:

- (a) melting of any metal or metal alloy (excluding activities permitted by Rule R20), and
- (b) electroplating, and
- (c) galvanising, and
- (d) cleaning of metals by pyrolysis, and

- (e) production of metals by wet process or by electrical or mechanical energy, and
- (f) extraction, including electrochemical methods of reduction of any metal or metal alloy from its ore, oxide or compounds, and
- (g) the heating in a furnace or other heating appliance of any metal or metal alloy for the purpose of removing grease, oil or any other non-metallic contaminant

is a discretionary activity.

5.1.6 Cremation and incineration

Rule R23: Crematoria – discretionary activity



The discharge of contaminants into air from human or animal **crematoria** is a discretionary activity.

Rule R24: Flaring of gas – discretionary activity



The discharge of contaminants into air from the flaring of gas and petrochemical products (including **biogas**) excluding landfill gas is a discretionary activity.

5.1.7 Dust generating activities

Rule R25: Abrasive blasting within an enclosed booth – permitted activity



The discharge of contaminants into air from dry or wet abrasive blasting undertaken in an enclosed booth is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the enclosed booth is fitted with an air extraction system that discharges vertically all contaminants and exhaust air into a vent, and
- (c) the discharge is from a vent and the vent shall be 5m from a **sensitive activity** established prior to the commencement of the abrasive blasting operation, and
- (d) the free silica content of a sample of the blasting material is less than 5% by weight, and
- (e) the discharge is filtered by an extraction system that removes more than 95% of particulate matter and shall be maintained to 95% efficiency at all times. The filtration system shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

Rule R26: Abrasive blasting outside an enclosed area – permitted activity



The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the operation of a mobile abrasive blasting unit used at one **property** is no more than 10 days in any 12 month period, and
- (c) abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and
- (d) if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and
- (e) if the blasting is wet abrasive blasting, the blasting shall only use water, and
- (f) the free silica content of a sample of the blasting material shall not exceed 5% by weight, and
- (g) all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris.

Rule R27: Handling of bulk solid materials¹⁷ ~~aggregate~~ – permitted activity



The discharge of contaminants into air from the handling of bulk solid materials ~~aggregate (rock, sand and shingle)~~¹⁸ including from the activities of¹⁹ quarrying, mining²⁰, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, conveyance sorting²¹, and storage is a permitted activity, provided the following condition are is met:

- (a) for the Commercial Port Area shown on Map 32 and Map 33²² any discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the Commercial Port Area on Map 32 and Map 33, and²³

¹⁷ Section 42A officer's report: Air quality management, Issue 2.5

¹⁸ Section 42A officer's report: Air quality management, Issue 2.5

¹⁹ RoR report: Air quality management

²⁰ Section 42A officer's report: Air quality management, Issue 2.5

²¹ Section 42A officer's report: Air quality management, Issue 2.5

²² RoR report: Air quality management

²³ Section 42A officer's report: Air quality management, Issue 2.5

- (b) for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

Note:

In relation to (b) above, all other areas include the Operational Port Area as defined in the Wellington City District Plan²⁴.

Rule R28: Cement storage – permitted activity



The discharge of contaminants into air from the storage, handling, redistribution or packing of cement in fully enclosed silos and conveyance systems is a permitted activity, provided the following condition is met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

5.1.8 Food, animal or plant matter manufacturing and processing

Rule R29: Alcoholic beverage production – permitted activity



The discharge of contaminants into air from alcoholic beverage production is a permitted activity, provided the discharge shall not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

Rule R30: Coffee roasting – permitted activity



The discharge of contaminants into air from roasting of coffee is a permitted activity, provided the discharge shall not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

Rule R30A: Food, animal or plant matter manufacturing and processing – permitted activity



The discharge of contaminants into air from food, animal or plant matter manufacturing and processing including any process incidental to the cooking of food such as deep fat frying, oil frying, roasting, drying curing by smoking and the slaughter or skinning of animals:

- (a) not exceeding 250kg/hour of product,

or

- (b) not exceeding 2 tonnes per hour of drying milk products to produce milk powders²⁶

is a permitted activity, provided the following condition is met:

²⁴ RoR report: Air quality management

²⁵ Section 42A officer's report: Air quality management, Issue 2.7

²⁶ RoR report: Air quality management

- (a) the discharge does not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.²⁷

Rule R31: Food, animal or plant matter manufacturing and processing – discretionary activity

The discharge of contaminants into air from food, animal or plant matter manufacturing and processing that is not permitted by Rule 30A or²⁸ including:

- (a) drying of milk products to produce milk powders of more than 2 tonnes per hour, or
- (b) extraction, distillation or purification of vegetable oils or fats, or
- (c) manufacture of animal casings, or
- (d) manufacture of yeast or starch, or
- (e) preservation of animal hides or skins or the removal of hair, wool or feathers (including tanneries and fellmongeries) by chemical or heat treatment, or
- (f) refinement of sugars, roasting or drying of berries, grains or plant matter (except roasting of green coffee beans in Rule R30), curing by smoking, flour or grain milling, baking, roasting, deep fat or oil frying exceeding 250kg/hour of product, or
- (g) rendering, reduction or drying of animal matter through the application of heat, or
- (h) wool scouring operations or dag washing

is a discretionary activity.

5.1.9 Fuel storage

Rule R32: Petroleum storage or transfer facilities – permitted activity

The discharge of contaminants into air from the storage or transfer of petroleum products including but not limited to, volatile organic compounds, solvent vapours, ventilation of solvents and displacement of solvents is a permitted activity, provided the following conditions are met:

- (a) the discharge does not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property** that

²⁷ Section 42A officer's report: Air quality management, Issue 2.7

²⁸ Section 42A officer's report: Air quality management, Issue 2.7

does, or is likely to, cause adverse effects on human health, ecosystems or property²⁹.

5.1.10 Mobile sources

Rule R33: Mobile source emissions – permitted activity



The discharge of contaminants into air from a **mobile source** is a permitted activity.

5.1.11 Gas, water and wastewater processes

Rule R34: Gas, water and wastewater processes³⁰ – permitted activity



The discharge of contaminants into air from the enclosed³¹ storage, conveyance and pumping of gas, water and **wastewater** processes³² is a permitted activity, provided the following condition is met:

- (a) the discharge shall not cause offensive or objectionable odour at the boundary of a **sensitive activity**.

5.1.12 Drying and kiln processes

Rule R35: Drying and heating of minerals – permitted activity



The discharge of contaminants into air from drying and heating of clay or cement based products or firing in kilns heated by electricity or combustion of natural gas or liquid petroleum gas is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the total **property** production capacity from the drying and heating of clay or cement based products shall not exceed 5 tonnes of finished product per day, and
- (d) the kiln heating capacity shall not exceed 500kW per day.

5.1.13 Ground-based and aerial applications

General conditions for the application of agrichemicals



General conditions for the discharge of **agrichemicals** into air, or onto or into land where it may enter water, or over or into water are that:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and

²⁹ Section 42A officer's report: Air quality management, Issue 2.7

³⁰ Section 42A officer's report: Air quality management, Issue 2.7

³¹ Section 42A officer's report: Air quality management, Issue 2.7

³² Section 42A officer's report: Air quality management, Issue 2.7

- (b) there is no discharge directly into the coastal marine area or a **surface water body**, unless the **agricultural** is approved by the Environmental Protection Agency for use over or into water.
- (c) the **agricultural** is approved by the Environmental Protection Agency, and
- (d) the discharge shall be undertaken in accordance with the directions on the **agricultural** product label, the manufacturer's instructions and safety data sheets, or as specifically approved by the Environmental Protection Authority, and
- (e) in public places, including alongside roadways,
 - (i) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash on any **property** adjacent to where the discharge originates, and
 - (ii) the applicator must display prominent signage advising that **agricultural** spraying is taking place³³.

Rule R36A: Handheld application of agriculturals – permitted activity



The discharge of **agricultural** into air, or onto or into land where it may enter water, or over or into water, using a handheld and hand-pumped sprayer with a capacity of 20 litres or less is a permitted activity, provided the following condition is met:

- (a) the application of **agricultural** shall comply with the general conditions of Section 5.1.13³⁴.

Rule R36B: Motorised and aerial application of agriculturals – permitted activity



The discharge of **agricultural** into air, or onto or into land where it may enter water, or over or into water, using a motorised sprayer or aerial application is a permitted activity, provided the following conditions are met:

- (a) the application of **agricultural** shall comply with the general conditions of Section 5.1.13, and
- (b) there is no discharge into water or within a **community drinking water supply protection area**, including roofs used for rain water collection³⁵, and

³³ RoR: Air quality management

³⁴ RoR: Air quality management

³⁵ Community drinking water supply areas will be dealt with in Hearing 5

- (c) aerial applicators must keep GPS records of aerial applications of agrichemicals for at least three years and provide these to the Wellington Regional Council on request. The records must include the spray swath and secondary flight paths, and
- (d) where the discharge is in or adjacent to a **sensitive area**, the landowner of a **property** shall prepare a spray plan, and notify all persons likely to be affected by the application of **agrichemicals**; the landowner may contract out the responsibility to the applicator, and
- (e) where the discharge of **agrichemicals** is in a public place the notification of all persons likely to be affected by the application of **agrichemicals** must be undertaken as follows:
 - (i) placing a public notice in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the application date, or
 - (ii) placing signs in the immediate vicinity of the spraying during the spray period and any required stand-down period afterwards, or where spraying is occurring on or alongside roads, any vehicle associated with the spraying must display a sign on the front and the rear of the vehicle advising that spraying is in occurring.

Note

A spray plan is prepared in accordance with NZS 8409: 2004 Management of Agrichemicals (section 5.3, and Appendix M4)³⁶.

~~³⁷Rule R36: Agrichemicals – permitted activity~~



~~The discharge of **agrichemicals** into air or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:~~

~~For all applications excluding residential areas and hand held/knapsack applications:³⁸~~

- (f) ~~the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and~~
- (g) ~~the discharge shall be in accordance with the rate specified on the **agrichemical** product label or the manufacturer's instructions, and~~
- (h) ~~the **agrichemical** is in accordance with the Hazardous Substances and New Organisms Act 1996, and~~
- (i) ~~there is no aerial spraying in areas zoned³⁹ residential or urban in district plans areas⁴⁰, and~~

³⁶ RoR: Air Quality Management

³⁷ RoR: Air Quality Management

³⁸ Section 42A officer's report: Air quality management, Issue 3.2

- (j) ~~there is no discharge into water or within a **community drinking water supply protection area**, and~~
- (k) ~~the discharge shall be in accordance with *NZS 8409:2004 Management of Agrichemicals*, including where relevant to the particular substance and application method being used⁴¹:~~
- ~~(i) *Storage—Appendix L4*, and~~
 - ~~(ii) *Use—Part 5.3*, and~~
 - ~~(iii) *Disposal—Appendix S*, and~~
 - ~~(iv) *Records—Appendix C9*, and~~
- (l) ~~the applicator, manager or owner of the **property** shall prepare a spray plan at least once per annum, and:~~
- ~~(i) identify **sensitive areas** adjacent to where discharges of **agrichemical** shall occur in accordance with *NZS 8409:2004 Management of Agrichemicals: Section 5.3 and Appendix M4*, and~~
 - ~~(ii) notify adjacent⁴² neighbours likely to be affected⁴³ that a spray plan is available on request at start of a spray season, or~~
 - ~~(iii) gain written agreement from adjoining neighbours that notification is not required, and or⁴⁴~~
 - ~~(iv) supply a copy of the spray plan at least 24 hours prior to the discharge of **agrichemicals** to the owner/occupier of a **property** identified as a **sensitive area** or likely to be directly affected by the discharge, or requests a copy, and~~
- (m) ~~for ground-based applications by a commercial applicator the principle applicator shall: any person applying agrichemicals in a public place or on private property for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered Chemical Applicator accreditation, and⁴⁵~~
- ~~(i) hold a current GROWSAFE[®] Registered Chemical Applicators Certificate, or⁴⁶~~

³⁹ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁰ Section 42A officer's report: Air quality management, Issue 3.2

⁴¹ Section 42A officer's report: Air quality management, Issue 3.2

⁴² Section 42A officer's report: Air quality management, Issue 3.2

⁴³ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁴ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁵ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁶ Section 42A officer's report: Air quality management, Issue 3.2

- (ii) ~~hold a current GROWSAFE[®] Introductory Certificate and be supervised by a person holding a current GROWSAFE[®] Registered Chemical Applicators Certificate, and⁴⁷~~
- (n) ~~for ground based applications where the applicator is not a commercial applicator the applicator shall:⁴⁸~~
 - (i) ~~hold a GROWSAFE[®] Introductory Certificate, or~~
 - (ii) ~~be supervised by a person holding a current GROWSAFE[®] Advanced Certificate, and⁴⁹~~
- (o) ~~for aerial applications the applicator shall:~~
 - (i) ~~hold a Pilots' **Agrichemical** Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, and~~
 - (ii) ~~the company or operator holds an suitable⁵⁰ accreditation for **agrchemical** application, and~~
- (p) ~~all **agrchemicals** shall be securely contained and stored in accordance with NZS 8409:2004: Management of Agrichemicals: Appendix L4, and⁵¹~~
- (q) ~~all mixing and application of **agrchemicals** shall be conducted in accordance with NZS 8409:2004 Management of Agrichemicals: Appendix F, and⁵²~~
- (r) ~~records are kept in accordance with NZS 8409:2004: Management of Agrichemicals: Appendix C9 and shall be available to the Wellington Regional Council upon request, and⁵³~~
- (s) ~~in public amenity⁵⁴ areas the applicator shall:~~
 - (i) ~~place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period, as specified on the product label, has expired, and⁵⁵~~
 - (ii) ~~alongside roadways, vehicles associated with spraying **agrchemicals** shall display prominent signs (front and back) advising that spraying is in progress, and~~
- (t) ~~for discharges adjacent to a **sensitive area** a risk assessment prior to the discharge shall be undertaken in accordance with NZS 8409:2004: Management of Agrichemicals.~~

⁴⁷ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁸ Section 42A officer's report: Air quality management, Issue 3.2

⁴⁹ Section 42A officer's report: Air quality management, Issue 3.2

⁵⁰ Section 42A officer's report: Air quality management, Issue 3.2

⁵¹ Section 42A officer's report: Air quality management, Issue 3.2

⁵² Section 42A officer's report: Air quality management, Issue 3.2

⁵³ Section 42A officer's report: Air quality management, Issue 3.2

⁵⁴ Section 42A officer's report: Air quality management, Issue 3.2

⁵⁵ Section 42A officer's report: Air quality management, Issue 3.2

~~⁵⁶Rule R37: Agrichemicals into surface water bodies water⁵⁷—permitted activity~~



~~The discharge of **agr**ichemicals into⁵⁸ **surface water bodies** water is a permitted activity, provided the following conditions are met:~~

- ~~(a) the **agr**ichemical is approved by the Environmental Protection Authority for discharge into⁵⁹ **surface water bodies** water, and~~
- ~~(b) the discharge shall be in accordance with *NZS 8409:2004 Management of Agrichemicals* and *NZS 8409:2004 Management of Agrichemicals, Records—Appendix C9* unless inconsistent with the relevant Environmental Protection Agency approval in which case the conditions of the relevant Environment Protection Agency approval is followed⁶⁰, and~~
- ~~(c) any person (including from a boat) applying **agr**ichemicals in a public place or on private **property** for hire or reward, must be a Registered Chemical Applicator; or a holder of an Approved Handler certificate and be under the immediate and direct supervision of a holder of Registered Chemical Applicator accreditation, or⁶¹~~
- ~~(c) for ground-based applications the applicator shall hold either:
 - ~~(i) a current GROWSAFE[®] Registered Applicators Certificate with the Aquatic strand, or⁶²~~
 - ~~(ii) New Zealand Qualification Authority National Certificate in Agrichemical Application with the Aquatic strand, and~~~~
- ~~(d) for aerial applications the applicator shall hold either:
 - ~~(i) a Pilots' Agrichemical Rating Certificate issued by the Civil Aviation Authority under Civil Aviation Rule 61, or~~
 - ~~(ii) the company or operator holds an suitable⁶³ accreditation for **agr**ichemical application, and~~~~
- ~~(e) the applicator shall notify:
 - ~~(i) every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and~~
 - ~~(ii) each resource consent holder for taking water from a **community drinking water supply protection area**~~~~

⁵⁶ RoR: Air Quality Management

⁵⁷ Section 42A officer's report: Air quality management, Issue 3.3

⁵⁸ Section 42A officer's report: Air quality management, Issue 3.3

⁵⁹ Section 42A officer's report: Air quality management, Issue 3.3

⁶⁰ Section 42A officer's report: Air quality management, Issue 3.3

⁶¹ Section 42A officer's report: Air quality management, Issue 3.3

⁶² Section 42A officer's report: Air quality management, Issue 3.3

⁶³ Section 42A officer's report: Air quality management, Issue 3.3

~~downstream of the discharge one week before the discharge begins, and~~

- (f) ~~in a public amenity⁶⁴ area the applicator shall:~~
- (i) ~~place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period as specified on the product label has expired, and⁶⁵~~
 - (ii) ~~alongside roadways, vehicles associated with spraying **agriche**icals shall display prominent signs (front and back) advising that spraying is in progress.~~

Note

~~Aerial application of **agriche**icals to **natural wetlands** is controlled by Rule R105⁶⁶.~~

Rule R38: Agrichemicals not permitted – discretionary activity



The discharge of **agriche**icals into air or onto or into land where it may enter water or into ⁶⁷**surface water bodies**⁶⁸ ⁶⁹that is not permitted by Rule R36A or Rule R36B7, is a **restricted** discretionary activity.

*Matters for discretion*⁷⁰

1. The substance to be discharged including its toxicity and volatility and the carrying agent (formulation); and
2. The proposed method of application, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground; and
3. The nature of any training undertaken by the operator; and
4. Measures to avoid agrichemical spray drift beyond the target site, and
5. The extent to which the use or application complies with *NZS8409:2004 Management of Agrichemicals*; and
6. The proximity of the application to **sensitive areas**, and
7. The timing of the application in relation to weather conditions, and
8. Communication requirements for the application.

⁶⁴ Section 42A officer's report: Air quality management, Issue 3.3

⁶⁵ Section 42A officer's report: Air quality management, Issue 3.3

⁶⁶ Section 42A officer's report: Air quality management, Issue 3.3

⁶⁷ Section 42A officer's report: Air quality management, Issue 3.4

⁶⁸ Section 42A officer's report: Air quality management, Issue 3.4

⁶⁹ RoR: Air quality management

⁷⁰ Section 42A officer's report: Air quality management, Issue 3.4

5.1.14 Fumigation

Rule R39: Fumigation – permitted activity



The discharge of **fumigants** into air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**.

Rule R40: Discharge of other fumigants – controlled activity



The discharge of **fumigants** that is not permitted by Rule R39, or the discharge of fumigants⁷¹ including, ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin into air is a controlled activity.

Matters of control

1. Monitoring and reporting requirements
2. Distance of the buffer zone from the area of discharge⁷².

5.1.15 All other discharges

Rule R41: All other discharges – discretionary activity



The discharge of contaminants into air that are not permitted, controlled, discretionary, non-complying or prohibited is a discretionary activity.

⁷¹ Section 42A officer's report: Air quality management, Issue 4

⁷² Section 42A officer's report: Air quality management, Issue 4