

5 Rules


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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 **whaitua** Chapters 7 – 11.

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

As noted in Section 2.1 Provisions relevant to the coastal marine area are identified by this icon .

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

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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~~, 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~~ pyrotechnics displays 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.

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** – 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** 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

- (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 viscosity – 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 viscosity 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

- (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 required

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.

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 paints

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~~
- (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 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
- (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~~
- (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:

- (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 (except for abrasive blasting of the National grid), 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 materials aggregate – permitted activity



The discharge of contaminants into air from the handling of bulk solid materials aggregate (~~rock, sand and shingle~~) including from the activities of quarrying, mining, cleanfilling, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, conveyance sorting, 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 33 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, and
- (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 Plan outside the Commercial Port Area as defined on Map 33.

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 powders

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

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

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 or includes:

- ~~(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 does, or is likely to, cause adverse effects on human health, ecosystems or property.

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 processes – permitted activity



The discharge of contaminants into air from the enclosed storage, conveyance and pumping of gas (including natural gas), water and **wastewater** processes 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~~ Discharge of agrichemicals

General conditions for the discharge 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
- (b) there is no discharge directly into the coastal marine area or a **surface water body**, unless the **agrichemical** is approved by the Environmental Protection Agency for use over or into water-, and
- (c) there is no discharge over or into water in a surface water **community drinking water supply protection area** as shown on Map 26, or upstream of a surface water intake for a **group drinking water supply**, and
- (e)(d) the **agrichemical** is approved by the Environmental Protection Agency, and
- (d)(e) the discharge shall be undertaken in accordance with the directions on the **agrichemical** product label, the manufacturer's instructions and safety data sheets, or as specifically approved by the Environmental Protection Authority, and
- (e)(f) 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

- (g) the applicator must display prominent signage advising that **agricultural** spraying is taking place.

Rule R36A: Handheld discharge 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 discharge of **agricultural** shall comply with the general conditions of Section 5.1.13.

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

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

- (a) the discharge of **agricultural** shall comply with the general conditions of Section 5.1.13, and
- (b) there is no discharge into water or, onto a roof used for rain water collection, and
- (c) aerial applicators must keep GPS records of aerial discharge of **agricultural** 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 discharge of **agricultural**; the landowner may contract out the responsibility to the applicator, and
- (e) where the discharge of **agricultural** is in a public place the notification of all persons likely to be affected by the discharge of **agricultural** 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 discharge 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).

~~Rule R36: Agrichemicals—permitted activity~~ 

~~The discharge of **agr**ichemicals 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:~~

- ~~(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 be in accordance with the rate specified on the **agr**ichemical product label or the manufacturer's instructions, and~~
- ~~(c) the **agr**ichemical is in accordance with the Hazardous Substances and New Organisms Act 1996, and~~
- ~~(d) there is no aerial spraying in areas zoned residential or urban in district plans areas, and~~
- ~~(e) there is no discharge into water or within a **community drinking water supply protection area**, and~~
- ~~(f) the discharge shall be in accordance with NZS 8409:2004 Management of Agrichemicals, including where relevant to the particular substance and application method being used:
 - ~~(i) Storage Appendix L4, and~~
 - ~~(ii) Use Part 5.3, and~~
 - ~~(iii) Disposal Appendix S, and~~
 - ~~(iv) Records Appendix C9, and~~~~
- ~~(g) 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 **agr**ichemical shall occur in accordance with NZS 8409:2004 Management of Agrichemicals: Section 5.3 and Appendix M4, and~~
 - ~~(ii) notify adjacent neighbours likely to be affected 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 or~~~~

- (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~~
- (h) ~~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, and~~
 - (i) ~~hold a current GROWSAFE[®] Registered Chemical Applicators Certificate, or~~
 - (iv) ~~hold a current GROWSAFE[®] Introductory Certificate and be supervised by a person holding a current GROWSAFE[®] Registered Chemical Applicators Certificate, and~~
- (i) ~~for ground based applications where the applicator is not a commercial applicator the applicator shall:~~
 - (i) ~~hold a GROWSAFE[®] Introductory Certificate, or~~
 - (iv) ~~be supervised by a person holding a current GROWSAFE[®] Advanced Certificate, and~~
- (j) ~~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 suitable accreditation for **agrichemical** application, and~~
- (k) ~~all **agrichemicals** shall be securely contained and stored in accordance with *NZS 8409:2004: Management of Agrichemicals: Appendix L4*, and~~
- (l) ~~all mixing and application of **agrichemicals** shall be conducted in accordance with *NZS 8409:2004 Management of Agrichemicals: Appendix F*, and~~
- (m) ~~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, and~~
- (n) ~~in public amenity 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, and~~

- (ii) ~~alongside roadways, vehicles associated with spraying **agriche**icals shall display prominent signs (front and back) advising that spraying is in progress, and~~
- (o) ~~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*.~~

Rule R37: Agrichemicals into surface water bodies water – permitted activity



The discharge of **agriche**icals into surface water bodies water is a permitted activity, provided the following conditions are met:

- (a) ~~the **agriche**ical is approved by the Environmental Protection Authority for discharge into 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 followed, and~~
- (c) ~~any person (including from a boat) applying **agriche**icals 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, or~~
- (d) ~~for ground-based applications the applicator shall hold either:

 - (i) ~~a current GROWSAFE[®] Registered Applicators Certificate with the Aquatic strand, or~~
 - (ii) ~~New Zealand Qualification Authority National Certificate in Agrichemical Application with the Aquatic strand, and~~~~
- (e) ~~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 suitable accreditation for **agriche**ical application, and~~~~
- (f) ~~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** downstream of the discharge one week before the discharge begins, and~~
- ~~(g) in a public amenity 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, and~~
 - ~~(ii) alongside roadways, vehicles associated with spraying **agricultural** shall display prominent signs (front and back) advising that spraying is in progress.~~

Note

Aerial application of **agricultural** to **natural wetlands** is controlled by Rule R105.

Rule R38: Agricultural not permitted –restricted discretionary activity 

The discharge of **agricultural** into air or onto or into land where it may enter water or into water that is not permitted by Rule R36A or Rule R36B7, is a restricted discretionary activity.

Matters for discretion

1. The substance to be discharged including its toxicity and volatility and the carrying agent (formulation)
2. The proposed method of discharge, 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
3. The nature of any training undertaken by the operator
4. Measures to avoid **agricultural** spray drift beyond the target site
5. The extent to which the use or discharge complies with *NZS8409:2004 Management of Agricultural*
6. The proximity of the discharge to **sensitive areas**
7. The timing of the discharge in relation to weather conditions
8. Communication requirements for the discharge
9. Measures to avoid adverse effects on human drinking water quality

5.1.14 Fumigation

Rule R39: Fumigation – permitted activity



The discharge of **fumigants** into air excluding ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin 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 fumigants 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 discharge.

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.