CHAPTER 36: RULES FOR CONTAMINANT DISCHARGES

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36.1 DISCHARGES TO LAND

Refer to Policy sets 33.1.3, 33.2.3, 33.4.3, 33.5.3.
Refer to Rule sections 36.4 – 36.6.

36.1.1 Scope of Section

This section deals with discharges of contaminants to land.

The Special Domestic Wastewater Disposal Areas and the Waimea Plains Aquifer Protection Area are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 37.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

36.1.2 Permitted Activities (Discharges to Land)

36.1.2.1 Discharge of Fruit Dump Water

NOTE: Rules within 36.1.2 are subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The discharge of fruit dump water that may contain sediment or pesticide, by irrigation onto land, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge, percolation, or run-off into any water body.

(b) There is no discharge within 20 metres of any water body, bore for domestic or irrigation water supply, or the coastal marine area.

(c) The application of fruit dump water must be at a rate not resulting in ponding in or on the ground for longer than one hour.

(d) The discharger must provide such information as may be requested by the Council to show how the conditions of this rule are being met.

36.1.2.2 Discharge of Fruit or Vegetable Processing Wastewater

The discharge of up to 5 cubic metres per day of fruit or vegetable processing wastewater onto or into land, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge or run-off of wastewater into any water body.

(b) The application of wastewater is at a rate not resulting in ponding on the land surface for longer than one hour.

(c) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

36.1.2.3 Discharge of Bird or Animal Effluent

The discharge of:

1. Dairy shed effluent; or
2. Up to 5 cubic metres per day of effluent from housed animals or birds; or
3. Up to 5 cubic metres per day of effluent from animal or bird processing activities;

onto land is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge in the Waimea Plains Aquifer Protection Area.

(b) There is no discharge or run-off of effluent into any water or riverbed.

(c) There is no discharge or runoff of effluent into any open sinkhole.

(d) Contingency measures are in place to avoid discharges to water in the event of system failure.

(e) There must be no discharge of effluent within:

- (i) 20 metres of any surface water body, or the coastal marine area;
- (ii) 20 metres of any bore for domestic water supply;
- (iii) 10 metres of any adjoining property;
- (iv) 50 metres of any dwelling on an adjoining property.

(f) Any effluent storage facilities are sealed so as to prevent any contamination of water by seepage.

(g) The application of effluent is:

- (i) at a rate of not more than 200 kilograms of nitrogen per hectare per year by itself or in combination with any other applied fertiliser; or
- (ii) at a rate not resulting in an elevation of groundwater nitrogen concentration.

(h) Discharge of effluent is only onto land with a vegetative cover over 90 percent of the ground surface or immediately prior to sowing a crop.

(i) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

(j) The application of effluent is not at a rate which results in ponding on the land surface for longer than one hour.

(k) The discharger must provide such information as may be requested by the Council to show how the conditions of this rule are being met and, where a discharge has not occurred at the same location previous to 1 March 2006, this information must be supplied by the discharger before first commencing the activity.

36.1.2.4 Discharge of Domestic Wastewater

The discharge of domestic wastewater into land from an on-site wastewater treatment disposal field is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) Any discharge first commencing after 19 September 1998 is not in any Special Domestic Wastewater Disposal Area.

(b) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.

(c) The volume of effluent discharged is not more than a weekly averaged flow of 2,000 litres per day.

(d) There is no discharge or run-off of effluent into surface water.

(e) The disposal field is located not less than:

(i) 20 metres away from any surface water body, or the coastal marine area;

(ii) 20 metres from any bore for domestic water supply;

(iii) 1.5 metres from any adjoining property.

(f) The design and operation of the system must result in the depth of unsaturated soil between the effluent disposal field and the average winter level of groundwater or of the basement rock being no less than 500 millimetres or sufficient to ensure that the discharge does not result in any bacterial contamination of groundwater beyond the property boundary.

(g) There is no discharge of effluent from the disposal field to the ground surface.

(h) The septic tank must be regularly desludged so that the liquid volume (excluding sludge and scum) is maintained at not less than one-third of the tank volume.

(i) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

(j) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.

(k) The quality of the effluent being discharged into the disposal field does not exceed the following standards:

BOD_{-5}:	150 milligrams per litre
Total suspended solids:	150 milligrams per litre

Notes:

1. Compliance with the New Zealand Standards for on-site domestic wastewater management will help ensure compliance with the above standards.
2. The use of garbage grinders is not recommended for use with septic tank treatment units. AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards also note that these appliances are unsuited to use with septic tank systems, and the standards do not account for their use in the design of on-site wastewater disposal systems. Therefore, for any new building where it is proposed to have this appliance installed, Council may require evidence that the design of the effluent treatment disposal system takes into account its effects.

36.1.2.5 Discharge of Domestic Wastewater (Special Areas)

The discharge of domestic wastewater into land from an on-site wastewater treatment disposal field in a Special Domestic Wastewater Disposal Area commencing after 19 September 1998 is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The volume of effluent discharged is not more than a weekly averaged flow of 2,000 litres per day.

(b) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.

(c) There is no discharge or run-off of effluent into surface water.

(d) The disposal field is located not less than:

(i) 20 metres away from any surface water body, or the coastal marine area;

(ii) 20 metres of any bore for domestic water supply;

(iii) 1.5 metres of any adjoining property.

(e) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

(f) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.

(g) The quality of the effluent being discharged into the disposal field does not exceed the following standards:

BOD_5:	20 milligrams per litre
Suspended Solids:	30 milligrams per litre
Faecal Coliforms:	100 faecal coliforms per 100 millilitres

(h) The effluent is discharged via a dose-loading system.

(i) The plant and any associated machinery is maintained by an appropriately competent person experienced in the operation and maintenance of such plant or machinery and must be according to any service contract supplied by the manufacturer, and such information to show how this condition is being met must be provided as requested by the Council.

36.1.2.6 Discharge of Greywater

The discharge of greywater onto or into the ground is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The volume of greywater discharged onto or into the ground is not more than 2 cubic metres per day.

(b) Any discharge first commencing after 3 December 2005 is not in the Wastewater Management Area.

(c) Any discharge first commencing after 19 December 2009, does not contain kitchen wastes, except for discharge from backcountry huts on public conservation lands. **C25 12/09 Op 8/12**

(d) There is no discharge or run-off of greywater into surface water.

(e) The disposal field is located not less than:

(i) 20 metres from any water body and the coastal marine area;

(ii) 20 metres from any bore for domestic or irrigation water supply;

(iii) 1.5 metres from any adjoining property.

(f) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

(g) There is no ponding or run-off of the effluent.

(h) The discharge is covered by 50 to 100 millimetres of bark, sand, leaf litter, soil or similar material. **C25 12/09 Op 8/12**

(i) The greywater disposal system is installed, operated and maintained to avoid blockages and breakdowns. C25 12/09 Op 8/12

(j) The greywater is stored for no longer than six hours before being discharged.

(k) The pipework and fittings are specifically constructed for the disposal of domestic wastewater.

(l) Contingency measures are in place to avoid discharges to water in the event of a system failure.

Note: Any changes to the sanitary plumbing system of a dwelling require building consent to be obtained from the Council. C25 12/09 Op 8/12

36.1.2.7 Discharge of Human Effluent from a Long Drop Toilet

The discharge of human effluent into land from a long drop toilet is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is not from a dwelling.

(b) Any discharge first commencing after 3 December 2005 is not in the Wastewater Management Area.

(c) The lowest point of the long drop is not less than 0.5 metres above the average winter level of groundwater.

(d) The long drop toilet is located not less than:

(i) 50 metres from any water body or the coastal marine area;

(ii) 50 metres from any bore for domestic water supply;

(iii) 10 metres from an adjoining property;

(iv) 60 metres from a reticulated sewer or on-site domestic wastewater disposal system on the same property.

(e) The long drop is constructed in such a way that run-off water does not enter the hole.

(f) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

36.1.2.8 Discharge of Drilling Water

The discharge of up to 200 cubic metres of water per day likely to contain clay or non-toxic polymer drilling contaminants onto land or into soakage pits or drill holes during drilling for resource investigation purposes is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge or run-off of contaminated water or intercepted groundwater directly into any water body or coastal marine area.

(b) The discharge does not cause any erosion or inundation of land for longer than 24 hours.

36.1.2.9 Discharge of Leachate from Compost

The discharge of any contaminant onto or into land in connection with composting operations (excluding the ensilage of vegetation) is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The volume of material being or to be composted does not exceed 50 cubic metres in total on any property.

(b) No hazardous substances or septage, or sludge is composted.

(c) There is no discharge or run-off of leachate into water.

(d) The discharge is no less than:

(i) 50 metres from any surface water body, or the coastal marine area;

(ii) 20 metres from any bore for domestic water supply;

(iii) 10 metres from any adjoining property.

(e) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

36.1.2.10 Discharge of Leachate from Offal Pits

The discharge into land of any contaminant associated with the placing of dead stock or offal from any one property and any soil or lime covering into a pit specially excavated for the purpose of disposing of dead stock or offal, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge in the Waimea Plains Aquifer Protection Area.

(b) The pit is no less than:

(i) 50 metres from any surface water body, or the coastal marine area;

(ii) 50 metres from any bore for domestic water supply;

(iii) 10 metres from any adjoining property;

(iv) 50 metres from any dwelling on an adjoining property.

(c) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

(d) The bottom of the pit is not less than 0.5 metres above the average winter level of groundwater.

(e) There is no discharge or percolation of leachate into surface water or ground water.

36.1.2.11 Discharge of Mining Wash Water

The discharge of wash water that may contain sediment for or in connection with alluvial mining exploration or prospecting operations into the ground for disposal by seepage, or into groundwater for reuse, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no discharge or run-off into any surface water.

(b) The discharge is not within 50 metres of a point of take for any other authorised use.

(c) The discharge does not cause any increase in sediment levels in any water supply bore.

(d) Any subsequent discharge into surface water by seepage through the ground as a result of this activity does not cause the visual clarity of the receiving water to change by more than 20 percent as measured by a black disc at any point more than 50 metres downstream of the discharge point.

(e) Any pond specially constructed for disposal by seepage (that is not part of the prospecting or mining excavation) must be sited not less than 20 metres from any river or stream bank and must not exceed 2 metres in depth.

36.1.3 Controlled Activities (Discharges to Land)

36.1.3.1 Discharge of 1080 Poison from Air

The discharge of sodium fluoro-acetate (1080 poison) from air onto land for possum and other vertebrate control is a controlled activity, if it complies with the following conditions:

(a) A navigational guidance system is used to ensure the discharge is within defined areas and reduces risks of application to surface water.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Approval from landowners on whose land the activity is to take place.

(2) Environmental monitoring before and after the application of the compound 1080.

(3) Notification requirements for the public, interest groups and for neighbouring landowners.

(4) Contingency planning.

(5) Amounts and concentration of 1080 to be used.

(6) Type of baits to be used and need for screening to avoid chaff.

(7) Areas over which 1080 is to be applied.

(8) Methods and times of application.

(9) Review of conditions.

(10) Expiry date of the consent.

Note: This activity is also subject to relevant approvals obtained under the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work (Hazardous Substances) Regulations 2017, and provisions of the Civil Aviation Act 1990 and its associated regulations.

36.1.3.2 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)

The discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 is a controlled activity, if it complies with the following conditions:

(a) The discharge is from a dwelling on an allotment that:

(i) was existing as at 3 December 2005; or

(ii) is more than 2 hectares in size.

(b) The rate of discharge of domestic wastewater (including greywater) does not exceed 2 cubic metres per day.

(c) The treatment and disposal system is designed to cater for the peak daily load (quantity and BOD_{-5}).

Note: Refer to Appendix H of the AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards for appropriate design flows and loading.

(d) There is no surface ponding as a result of the discharge, nor any direct discharge or runoff of wastewater into any water body.

(e) There is no increase in the concentration of pathogenic organisms in any groundwater bore used for potable water supply as a result of the discharge.

(f) There is a minimum depth of 0.6 metres of unsaturated soil (depth to the normal winter water table) below the land disposal area.

(g) There is at least 100 percent of the area of the design land disposal field available as a reserve land treatment area.

(h) The disposal field is located more than:

(i) 20 metres from any surface water body, including the margin of a wetland or the coastal marine area, but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;

(ii) 20 metres from any bore used for potable water supply;

(iii) 5 metres from any adjoining property or road boundary;

(iv) 20 metres from the edge of any other domestic wastewater disposal field unless the field was existing as at 3 December 2005.

(i) The wastewater treatment system does not create an offensive or objectionable odour discernible beyond the property boundary.

(j) Overland stormwater flows are diverted away from the disposal field.

(k) There is no discharge onto land where the predominant slope is over 20 degrees from horizontal.

(l) The quality of the effluent being discharged into or onto land meets the following standards:

BOD_{-5}:	<30 grams per cubic metre
Suspended Solids:	<45 grams per cubic metre

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Location and size of the disposal field not otherwise specified above.

(2) Quality of the wastewater discharged to the disposal field not otherwise specified above.

(3) Actual or potential adverse effects of the discharge either by itself or in combination with other discharges or land use activities on aquatic ecosystems and water quality, including the potential for microbial or nitrate contamination of coastal, ground or surface water.

(4) The design, construction, operation and maintenance of the treatment and disposal system not otherwise specified above, especially in relation to:

(a) site and soil assessment practices required to determine site limitations and system suitability;

(b) the presence of south-facing slopes greater than 15 degrees from horizontal;

(c) likelihood of slippage, subsidence, or erosion as a result of the discharge;

(d) control of stormwater;

(e) management of nutrients, including measures to reduce nitrogen;

(f) management of pathogens;

(g) drainage characteristics and nature of any material imported to construct a disposal field;

(h) effects of the discharge on soil structure;

(i) management of variations in wastewater quantity;

(j) any other aspect of the site that may influence its suitability for sustainable on-site disposal of wastewater.

(5) Consistency with the New Zealand Standard AS/NZ 1547:2000 for on-site domestic wastewater management and consistency with the Coastal Tasman Area Subdivision and Development Design Guide.

(6) Monitoring compliance with conditions and effects of the discharge on the environment.

(7) The management and programmed maintenance for the wastewater treatment system, including specification of a programmed maintenance contract with a person who is qualified and experienced in the field of on-site wastewater treatment and disposal, for the treatment system's ongoing maintenance and operation.

(8) Record-keeping by the consent holder of each maintenance or monitoring action, and provision of this information to Council.

(9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(10) Bonds and covenants in respect of the performance of conditions, including for the ongoing maintenance and depreciation of the system, and administrative charges (Section 108).

36.1.4 Restricted Discretionary Activities (Discharges to Land)

36.1.4.1 Discharge of Oil onto Land for Dust Suppression

The discharge of oil onto land as a dust suppressant is a restricted discretionary activity, if it complies with the following conditions:

(a) Oil must:

(i) be of a uniform viscosity; and

(ii) be applied uniformly from no more than 500 millimetres above the road surface.

(b) The application of oil must be:

(i) at a maximum rate not exceeding 1 litre per square metre during any 24-hour period; and

(ii) at a rate not exceeding 2 litres per square metre per year; and

(iii) at a rate not resulting in ponding or run-off of oil.

(c) Oil must not be applied in the period 48 hours before rain has been forecast to fall, nor during rain.

(d) Oil may only be applied where:

(i) road dust may adversely affect horticultural crops; or

(ii) road dust adversely affects the amenity and wellbeing of people; and

(iii) application does not extend more than 50 metres beyond the road boundary of the property affected.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) The availability, cost and effectiveness of alternative dust suppressants.

(2) The control of discharges to water, including setback requirements.

(3) The quality of the oil.

(4) Road gradient and condition.

(5) The nature, sensitivity and significance of the receiving environment.

(6) Consideration of contingency planning measures appropriate to the scale and nature of the discharge and level of risk to the environment.

(7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(8) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

(9) Monitoring programmes to monitor the effects of the discharge on the environment.

36.1.4.2 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)

Except as specified in rule 36.1.3.2, the discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 is a restricted discretionary activity, if it complies with the following conditions:

(a) The rate of discharge of domestic wastewater (including greywater) does not exceed 2 cubic metres per day per household.

(b) The treatment and disposal system is designed to cater for the peak daily load (quantity and BOD_{-5}).

Note: Refer to Appendix H of the AS/NZS 1547:2012 On-Site Domestic Wastewater standards for appropriate design flows and loading.

(c) There is no surface ponding as a result of the discharge, nor any direct discharge or run-off of wastewater into any water body.

(d) There is no increase in the concentration of pathogenic organisms in any groundwater bore used for potable water supply as a result of the discharge.

(e) There is a minimum depth of 0.6 metres of unsaturated soil (depth to the normal winter water table) below the land disposal area.

(f) The disposal field is located more than:

(i) 20 metres from any surface water body, including the margin of a wetland or the coastal marine area, but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;

(ii) 20 metres from any bore used for potable water supply;

(iii) 5 metres from any adjoining property or road boundary;

(iv) 20 metres from the edge of any other domestic wastewater disposal field.

(g) The wastewater treatment system does not create an offensive or objectionable odour discernible beyond the property boundary.

(h) Overland stormwater flows are diverted away from the disposal field.

(i) There is no discharge onto land where the predominant slope is over 20 degrees from horizontal.

(j) The quality of the effluent being discharged into or onto land meets the following standards:

BOD_5:	<30 grams per cubic metre
Suspended Solids:	<45 grams per cubic metre

(k) Where the disposal system serves a single household, there must be at least 100 percent of the design land disposal field area available as a reserve land treatment area.

(l) The wastewater is distributed evenly into the disposal field at a rate not exceeding 2 millimetres per day except where the soil category is assessed as being Category 6.

Note: Assessment of the soil category must be done according to the method given in the AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) Location and size of the disposal field not otherwise specified above.

(2) Quality of the wastewater discharged to the disposal field not otherwise specified above.

(3) Actual or potential adverse effects of the discharge either by itself or in combination with other discharges or land use activities on aquatic ecosystems and water quality, including the potential for microbial or nitrate contamination of coastal, ground or surface water.

(4) Potential adverse effects on neighbouring properties, including smell and effects on landscape amenity where the discharge is from a cluster development.

(5) The design, construction, operation and maintenance of the treatment and disposal system not otherwise specified above, especially in relation to:

(a) site and soil assessment practices required to determine site limitations and system suitability;

(b) the presence of south-facing slopes greater than 15 degrees from horizontal;

(c) likelihood of slippage, subsidence, or erosion as a result of the discharge;

(d) control of stormwater;

(e) management of nutrients, including measures to reduce nitrogen;

(f) management of pathogens;

(g) drainage characteristics and nature of any material imported to construct a disposal field;

(h) effects of the discharge on soil structure;

(i) management of variations in wastewater quantity;

(j) any other aspect of the site that may influence its suitability for sustainable on-site disposal of wastewater.

(6) Consistency with the New Zealand Standard AS/NZS 1547:2012 On-Site Domestic Wastewater Management and consistency with the Coastal Tasman Area Subdivision and Development Design Guide.

(7) Monitoring compliance with conditions and effects of the discharge on the environment.

(8) Legal, practical and financial responsibility for day-to-day management of the system and long-term replacement and depreciation.

(9) The management and programmed maintenance for the wastewater treatment system, including specification of a programmed maintenance contract with a person who is qualified and experienced in the field of on-site sewage treatment and disposal, for the treatment system's ongoing maintenance and operation.

(10) Record-keeping by the consent holder of each maintenance or monitoring action, and provision of this information to Council.

(11) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(12) Bonds and covenants in respect of the performance of conditions, including for the ongoing maintenance and depreciation of the system, and administrative charges (Section 108).

36.1.5 Discretionary Activities (Discharges to Land)

36.1.5.1 Discharges into Open Sinkholes

The discharge of soil, vegetation, effluent, refuse, offal or debris into any open sinkhole is a discretionary activity.

Advice Note: Rule 36.1.5.1 prevails over NES-PF Regulation 97(1) because it is more stringent under Regulation 6(3)(b).

A resource consent is required. Consent may be refused, or conditions imposed.

36.1.5.2 Discharges to Land (Other)

Except as specified by rule 36.1.6.1, any discharge to land that does not comply with the conditions of rules 36.1.2.1 to 36.1.2.11 or rule 36.1.3.1 is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed.

36.1.6 Non-Complying Activities (Discharges to Land)

36.1.6.1 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)

The discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 that does not meet the conditions of rule 36.1.3.2 or rule 36.1.4.2 is a non-complying activity.

36.1.20 Principal Reasons for Rules

Fruit Wash Water

Water used to convey fruit such as apples or pears in packing sheds accumulates significant quantities of pesticides used on the crop. The disposal of the contaminated water needs to be carried out in such a way that it avoids adverse effects on water resources.

Discharge of Organic Wastes

The disposal of organic wastes such as dairy and piggery effluent, leachate and winery wastes onto land is encouraged and promoted as a more sustainable option than discharge to water. The permitted activity status, which is subject to performance standards to avoid creating adverse effects, reflects this preference for land disposal. The activity is restricted in the Waimea Plains Aquifer Protection Area because of the risks to groundwater quality.

On-site Disposal of Domestic Wastewater

The on-site disposal of wastewater from laundries, bathrooms and kitchens is usual in unsewered rural areas of the District. Reticulation is not always the preferred option so it is essential that the limitations of sites and systems are accounted for when using this as a method of waste disposal. In most areas of the District, the Council will continue to allow appropriately designed, installed and managed systems as a permitted activity subject to specific performance standards. These standards are more stringent in areas where there are existing problems caused by on-site disposal systems or where increasing density of such systems is likely to result in cumulative adverse effects. Separation of wastewater so that the less contaminating greywater can be disposed of by irrigation allows for greater flexibility in the design and operation of such systems. Long drop toilets are a common disposal method in remote areas such as backcountry huts where the discharge is intermittent and low in volume. The need for conventional systems in these situations is not warranted.

A higher level of performance and regulatory regime for new discharges in the Wastewater Management Area for land in the coastal Tasman area is adopted to manage the combined effects of increasing residential development in terrain that is not suited to conventional on-site disposal options and where there are sensitive receiving environments. Resource consents will be required for all new discharges and the Council will consider potential effects of on-site wastewater management alongside any new proposals to develop land for residential purposes in an integrated manner.

Drilling and Mining Wash Water

Water used during geological drilling and mining can contain sediment. Disposal onto the ground subject to some performance standards is a sustainable disposal option.

1080 Poison

This poison is commonly used for control of vertebrate pests, particularly possums, but including rabbits and other pests. It can also cause deaths in non-target animal, insect or bird populations. There is also a risk of contamination of water resources. The controlled status for 1080 use reflects the importance of pest control,

particularly possum control to protect indigenous flora and fauna and to help control the spread of TB as well as the environmental risks involved in its use.

Dust Suppression by Oil

The use of oil to suppress dust on roads and yards is being discouraged because of the risk of long term contamination from the very toxic heavy metals and other chemicals in the oil. However, there are a great many unsealed roads in the District and dust can cause significant problems by depositing on crops and causing health and nuisance effects for people living along these roads. Discretionary status for this activity reflects the balance between effective dust suppression and the need to avoid creating adverse environmental effects.

Karst Terrain

There is a need to protect the underground water resources and the habitat values of karst terrain from the adverse effects of discharges into them.

36.2 DISCHARGES TO FRESH WATER OR COASTAL WATER

Refer to Policy sets 5.1.3, 27.4.3., 33.1.3, 33.2.3, 33.3.3, 33.4.3, 33.5.3.
Refer to Rule sections 16.3, 17.5 – 17.8, 28.1, 28.3, 28.5, 36.4, 36.5, 36.6.

36.2.1 Scope of Section

This section deals with discharges of contaminants to water, including fresh or coastal water. Note that any discharge to coastal water that is not a permitted activity requires a discharge permit if it is to fresh water, or a coastal permit if it is to coastal water. Any discharge to waters subject to the National Water Conservation (Buller River) Order 2001 *[see Annex 1, Part V]* must also comply with the relevant standards in the Water Conservation Order. Information required with resource consent applications is detailed in Chapter 37.

Note: Section 36.2 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

36.2.2 Permitted Activities (Discharges to Fresh Water or Coastal Water)

36.2.2.1 Discharge of Fruit Dump Water

The discharge of fruit dump water that may contain sediment or pesticide, into water impounded by a dam is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) There is no low flow by-pass discharge into any watercourse from the dam.

(b) The sole purpose and use of the dam water is for irrigation water.

36.2.2.2 Discharge of Mining Wash Water

The discharge of water that may contain sediment into water, from instream exploration, prospecting and mining operations, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge does not cause the natural visual clarity of the receiving water to change by more than 20 percent as measured by a black disc at any point more than 50 metres downstream of the discharge point.

(b) The discharge does not increase the natural turbidity of receiving water with a turbidity of less than 10 NTU by more than 1 NTU and by no more than 10 NTU in receiving waters with a turbidity of more than 10 NTU at any point more than 50 metres downstream of the point of discharge.

(c) The discharge must not be closer than 50 metres to the intake of any other authorised use.

36.2.2.3 Discharge of Sediment or Debris from Land Disturbance Activities

NOTE: Rule 36.2.2.3 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The discharge into water of sediment or debris, or water that may contain sediment or debris, from any land disturbance activity, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is in such a manner that it does not cause any:

(i) diverting or damming of any river or stream; or

(ii) erosion of the bed of any river or stream; or

(iii) discernable change to any habitat by deposition of sediment onto the bed of any water body or coastal water body.

Advice Note: Clause (a)(iii) where it relates to the effects of a discharge containing sediment onto the bed of a *'coastal water body'* prevails over the NES-PF because it is more stringent under Regulation 6(1)(b) NES-PF.

(b) No soil or debris is placed directly into a water body or the coastal marine area.

(c) The discharge must not cause the visual clarity of the receiving water to change by more than 40 percent as measured by a black disc at any point more than:

(i) 50 metres downstream where the wetted width of the river is less than 5 metres; or

(ii) 100 metres downstream where the wetted width of the river is between 5 metres and 20 metres; or

(iii) 200 metres downstream where the wetted width of the river is more than 20 metres; or

(iv) 100 metres from the point of discharge in the coastal marine area;

measured from the furthest downstream point of the discharge.

36.2.2.4 Discharges Arising from Activities in the Beds of Rivers and Lakes

C27 2/10 Op 4/13

NOTE: Rule 36.2.2.4 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The discharge of any contaminant into water arising from any activity carried out in the beds of rivers or lakes is a permitted activity, if it complies with the following conditions:

(a) There is no discharge arising from stock entering or passing over the bed. *(Refer to rule 36.2.2.5)*

(b) The visual clarity or colour of the receiving water is not changed by more than 20 percent at any point:

(i) more than 50 metres where the wetted width of the river is less than 5 metres; or

(ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;

downstream of the discharge, compared with upstream of the discharge.

[Condition (c) deleted]

(d) In rivers subject to the provisions of the Motueka and Buller water conservation orders, the natural turbidity of receiving water with a turbidity of less than 10 NTU is not changed by more than 1 NTU and is not changed by more than 10 NTU in receiving water with a turbidity of more than 10 NTU at any point more than 10 times the wetted width of the river downstream of the discharge, compared with upstream of the discharge.

(e) In the beds of rivers and streams with gravel or cobble-sized substrate, the depth of fine sediment deposited on the bed is not increased by more than 30 percent at any point:

(i) more than 50 metres where the wetted width of the river is less than 5 metres; or

(ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;

downstream of the discharge, compared with upstream of the discharge.

(f) Conditions (b) and (e) of this rule do not apply where the discharge arises from activities permitted by rules 28.5.2.1 and 28.1.6.1(d)(viii) and 28.1.6.1(d)(xii). **C27 2/10 Op 4/13 ECD 23/08/12**

Notes: **C27 2/10 Op 4/13**

1. A change in colour or clarity of more than 10 percent is generally discernible by observation. A change of 20 percent can be considered a conspicuous change and is easily visible.
2. The wetted width of the river is measured at the downstream edge of the activity generating the discharge.

36.2.2.5 Discharges arising from Entering or Passing over Beds – Stock **C27 2/10 Op 4/13**

The discharge of any contaminant into water arising from the entering or passing across any bed of a river or lake or the disturbance of the bed by livestock is a permitted activity, if it complies with the following conditions:

(a) Either

(i) the discharge at any crossing or ford occurs no more than twice in any one week averaged over one month;

or

(ii) the discharge complies with all of the following conditions.

(b) The visual clarity or colour of the receiving water is not changed by more than 20 percent at any point:

(i) more than 50 metres where the wetted width of the river is less than 5 metres; or

(ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;

downstream of the discharge, compared with upstream of the discharge.

(c) In the beds of rivers and streams with gravel or cobble-sized substrate, the depth of fine sediment deposited on the bed is not increased by more than 30 percent at any point:

(i) more than 50 metres where the wetted width of the river is less than 5 metres; or

(ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;

downstream of the discharge, compared with upstream of the discharge."

(d) In rivers subject to the provisions of the Motueka and Buller Water Conservation Orders, the natural turbidity of receiving water with a turbidity of less than 10 NTU is not changed by more than 1 NTU and is not changed by more than 10 NTU in receiving waters with a turbidity of more than 10 NTU at any point more than 10 times the wetted width of the river downstream of the discharge, compared with upstream of the discharge.

(e) The concentration of *E. coli* bacteria is not increased by more than 260cfu *E. coli* per l00 millilitres at any point:

(i) more than 50 metres where the wetted width of the river is less than 5 metres; or

(ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;

downstream of the discharge, compared with upstream of the discharge.

Notes

1. 260cfu per 100 millilitres is the alert level of bacterial concentration for contact recreation (Ministry of Health Microbiological Water Quality Guidelines). A sample for bacterial analysis requires laboratory processing.
2. The wetted width of the river is measured at the downstream edge of the activity generating the discharge.

Means of Compliance

Some stock management methods are known to cause adverse effects on water quality that are likely to result in non-compliance with the conditions of this rule. This includes in circumstances where:

1. Stocking rates alongside water bodies are high (for example, under strip grazing or rotational grazing with mob stocking).
2. There is regular crossings of rivers and streams by dairy herds.
3. There is unrestricted access by cattle alongside flowing rivers and streams. The extent of adverse effect is dependent on stock class and stocking density and effects on microbial water quality can be predicted by the NIWA Cow Crossing Calculator.
4. Deer, pig or cattle wallows in or near flowing water.
5. Significant areas of bare ground or pugging alongside the river margin caused by stock treading.

Adverse effects can be avoided or mitigated and enable compliance with discharge conditions by:

(a) Use of permanent or temporary fences along the banks to deter stock from entering the stream bed, grazing bankside vegetation, trampling aquatic habitat, or defecating directly into the water or onto the adjacent bank.

(b) Provision of bridges and culverts.

(c) Provision of alternative water supplies so that stock do not need to access the stream bed.

(d) Provision of shade so stock do not need to cool themselves by standing in water.

(e) Establishment of vegetated stream margins that filter contaminants from run-off.

36.2.2.6 Discharge of Vegetation from Land Disturbance Activities

NOTE: Rule 36.2.2.6 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The discharge of vegetation from any land disturbance operation into water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is in such a manner that it does not cause any:

(i) diverting or damming of any river or stream; or

(ii) erosion of the bed of any river or stream; or

(iii) discernable change to any habitat by deposition of vegetation onto the bed of any water body or coastal water body.

(b) The dissolved oxygen content of the water is not decreased below 80 percent of saturation concentration as a result of the discharge, measured at any point no more than:

(i) 50 metres downstream where the wetted width of the river is less than 5 metres; or

(ii) 100 metres downstream where the wetted width of the river is between 5 metres and 20 metres; or

(iii) 200 metres downstream where the wetted width of the river is more than 20 metres; or

measured from the furthest downstream point of the discharge.

36.2.2.7 Discharge of Dye

The discharge of chemically inert, non-toxic, non-radioactive dye into water for resource investigations is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) Any person who intends to discharge more than 100 grams of dye pursuant to this rule must:

(i) give prior written notice to the Environment and Planning Manager of the Tasman District Council; and

(ii) place seven days prior to the activity taking place, a public notice in a daily newspaper circulating in the area in which the activity will be done, giving information on the following:

(a) the location of the water body to be dyed; and
(b) the type and quantity of dye used; and
(c) the reason for the discharge of the dye; and
(d) the date and time of commencement of the discharge of the dye; and
(e) the planned duration of the proposed discharge of the dye.

(b) Dye must not be discharged for any continuous period exceeding four hours.

36.2.2.8 Discharge of Water

The discharge of water into water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge does not cause erosion of the bed of any river or stream.

(b) The discharge does not contain more than 0.5 grams per cubic metre of free or residual chlorine.

(c) Except as provided for in condition (b), the discharge does not contain contaminants other than heat.

(d) When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature.

(e) Except as provided for by conditions (g) and (h), the rate of discharge does not exceed 5 litres per second.

(f) Conditions (c), (d) and (e) do not apply if the discharge is from a culvert.

(g) Where the discharge is from a dam that is authorised under rules 31.1.4.1, 31.1.4.2 and 31.1.4.3:

(i) the discharge during floods does not exceed the natural inflow;

(ii) the discharge does not exceed the amount required on any resource consent to dam water.

(h) Where the discharge is of water that has been taken for hydro-electric power generation in accordance with rule 31.1.2.1, the discharge is into the same watercourse from which it was taken, and is within the boundary of the same property.

36.2.2.9 Discharge arising from the Removal of Coastal Structures

C72 6/20 (D 10/21) Op 7/22

The discharge of any contaminant into coastal water arising from the removal of a coastal structure is a permitted activity, if it complies with the following conditions:

(a) None of the following effects are likely to arise in the receiving waters, after reasonable mixing:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

(ii) any conspicuous change in the colour or visual clarity of the receiving water 12 hours following the removal of the structure;

Note: A change in colour or clarity of more than 10 percent is generally discernible by observation. A change of 20 percent can be considered a conspicuous change and is easily visible.

(iii) any emission of objectionable odour;

(iv) any discernible change to any habitat by deposition of sediment onto the coastal marine area; or

(v) any significant adverse effects on aquatic or bird life.

36.2.3 Discretionary Activities (Discharges to Fresh Water or Coastal Water)

36.2.3.1 Discharge of Any Contaminant or Water

The discharge of any contaminant or water into water that does not comply with the conditions of rules 36.2.2.1 to 36.2.2.8 is a discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed.

36.2.3.2 Discharges from Aquaculture

RCP Op 10/11

The discharge to coastal water of:

(i) feed;

(ii) therapeutants;

(iii) waste materials;

(iv) contaminants arising from anti-fouling protection measures; or

(v) any other contaminant arising from the activity

is a discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed.

Note: Effects of shell and live organism drop-off, faeces and pseudofaeces are addressed under the rules for occupation of the coastal marine area for the purposes of aquaculture. For the purposes of this rule, this material is not considered to be a contaminant.

36.2.4 Prohibited Activities (Discharges to Fresh Water or Coastal Water)

36.2.4.1 Discharge of Untreated Effluent

The discharge into water of untreated dairy shed effluent, piggery effluent from buildings housing pigs, or untreated human sewage other than from vessels is a prohibited activity and no consent may be sought for this activity.

36.2.20 Principal Reasons for Rules

C27 2/10
Op 4/13

Discharges arising from Stock and Vehicle Access and Activities in the Beds of Rivers and Lakes

These rules complement stock and vehicle access rules in Part IV. Stock manure deposited directly in waterways as stock cross, as well as sediment dislodged by stock or machinery crossing or otherwise disturbing the bed of the river, can have significant adverse effects on water quality.

The performance standards ensure that changes to sediment levels and visual quality of the water are not conspicuous and that microbial water quality is maintained at a level that still enables contact recreation or drinking by stock. The rules allow occasional and infrequent stock crossings where adverse water quality effects are of short duration and of minor overall effect.

The Council understands that compliance with these rules will be more likely where there is support and advice, as well as ongoing consultation with the farm owner about options for managing any water quality issues. This support and advice will be aligned with the Regional Action Plan for the Clean Streams Accord which has already been adopted and is being implemented in this region.

Farming systems other than dairy farms may also impact on water quality. Council will adapt the same Regional Action Plan approach to ensure all landowners have access to similar support and resources.

Sediment controls relating to some river bed disturbance activities do not apply in some circumstances as the nature of the activities means sediment cannot be avoided. The circumstances and other restrictions that regulate these activities are provided in chapters 27 and 28.

36.3 DISCHARGES TO AIR

Refer to Policy sets 34.1.3.
Refer to Rule sections 36.5, 36.6.

36.3.1 Scope of Section

This section deals with discharges of contaminants to air. Information required with resource consent applications is detailed in Chapter 37.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

Advice Note: The Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG) may apply to some activities, including discharges from enclosed combustion processes, and discharges to air from industrial and trade premises and trade processes. The NES-IGHG may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-IGHG 12/23**

36.3.2 Permitted Activities (Discharges to Air)

36.3.2.1 Discharge of Any Contaminant to Air

NOTE: Rule 36.3.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The discharge of any contaminant to air is a permitted activity and may be carried out without a resource consent, if it complies with the following conditions:

(a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.

(b) The discharge does not result in any noxious or dangerous level of any contaminant beyond the property boundary.

(c) The opacity of any smoke measured at the point of discharge does not exceed 20 percent except for a period not exceeding two minutes in any hour of operation.

(d) Except as provided for in (b) and except for water vapour, the discharge is not visible beyond the property boundary.

(e) The discharge does not create any offensive or objectionable odour beyond the property boundary.

(f) The discharge does not result in any objectionable deposition of particulate matter on any structure or land beyond the property boundary.

36.3.2.2 Discharge from Small-Scale Solid Fuel-Burning Appliances in Urban Areas

The discharge of any contaminant to air from a small-scale solid fuel-burning appliance that is located on any site in any of the following zones:

Central Business
Residential
Commercial
Mixed Business

Tourist Accommodation
Industrial
Papakainga
Open Space
Recreation, and
Rural Residential zones [where the minimum net area is less than 2ha],

is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.

(b) Any discharge in the Richmond Airshed is from an appliance:

(i) that is lawfully existing at 13 January 2007, including any appliance for which a building consent has been issued; or

(ii) that:

(a) emits no more than 1.5 grams of total suspended particulate per kilogram of fuel burned, when tested in accordance with the Domestic Solid Fuel Burning Appliance standards AS/NZS 4012:2014 (Power Output and Efficiency) and AS/NZ 4013:2014 (Flue Gas Emission) or AS/NZS 4014.2:2016 (Test Fuels) as appropriate; and

(b) has a thermal efficiency for space heating as described in AS/NZS4013:1999 of at least 65 percent; and

(c) that replaces an appliance that was lawfully existing at 13 January 2007; or

(iii) that is a pellet fire that emits no more than 0.8 grams of total suspended particulate per kilogram of fuel burned and has a thermal efficiency for space heating of at least 70 percent.

(c) Except as specified in clause (b) the discharge is from either:

(i) an appliance lawfully existing at 13 January 2007 including any appliance for which a building consent has been issued;

or

(ii) an appliance that emits no more than 1.5 grams of total suspended particulate per kilogram of fuel burned, when tested in accordance with the Domestic Solid Fuel Burning Appliance standards AS/NZS 4012:2014 (Power Output and Efficiency) and AS/NZ 4013:2014 (Flue Gas Emission) or AS/NZS 4014.2:2016 (Test Fuels) as appropriate; and having a thermal efficiency for space heating as described in AS/NZS4013:1999 of at least 65 percent.

(d) Condition (c) of this rule does not apply to any solid fuel-burning appliance that is used primarily for cooking purposes or is any kiln or forge.

(e) The discharge does not result in any objectionable or offensive smoke, odour or deposition of particles beyond the property boundary.

(f) The discharge is not from a woodburner that replaces a pellet burner installed under rule 36.3.7.4.

Notes:

1. The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council, or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website of the Ministry for the Environment.

2. The National Environment Standards for Air Quality requires that any new burners installed on any site up to 2 hectares since September 2005 must also comply with the emission and efficiency standard given in clause (c)(ii).

36.3.2.3 Discharge of Contaminants from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is not from:

(i) any property or place in the Fire Ban Area shown on the planning maps; or

(ii) the foreshore of the coastal marine area;

except where the discharge is from:

- fireworks;
- small fires used for food cooking purposes such as barbecues, hangis, and small camp fires that are no bigger than 1 square metre at the base;
- candles, lamps or similar small-scale burners or tools;
- outdoor fireplaces, including braziers or fires for ahi ka purposes;
- celebratory fires in Open Space Zone or Recreation Zone;
- any forge or kiln.

(b) The discharge does not result in any objectionable deposition of particulate matter on any land, structure or crop beyond the boundary of the subject property.

(c) The discharge does not result in any noxious, offensive or objectionable odour beyond the boundary of the subject property.

(d) The discharge does not result in any smoke that is noxious, offensive or objectionable beyond the boundary of the subject property, does not reduce traffic visibility and does not reduce the visibility on any public amenity area.

(e) Where the discharge is from the burning of vegetation, paper and cardboard, the material is sourced from no more than three adjoining properties where that material has been derived or used, and burning is undertaken on one of those properties.

(f) There is no burning of any municipal, domestic, industrial or trade waste.

(g) There is no discharge during the months of June to August (inclusive) in the Fire Sensitive Area, except where:

(i) the presence of disease on a horticultural crop requires that plant waste be burnt to manage the risk of the disease spreading; or

(ii) the discharge is from any of the exceptions listed in condition 36.3.2.3(a). **C73 12/20 Op 6/23**

(h) Where the discharge is from the burning of vegetation, the vegetation must have been dried for at least seven days so as to reduce likelihood of smoke nuisance when the material is burnt.

(i) No material listed in rule 36.3.7.1 is burnt.

(j) No plastic is burnt except for:

(i) agricultural wrap such as used for wrapping silage and hay; and

(ii) pesticide or agrichemical containers that are triple rinsed and labelled with a recycling triangle with a '2' or '4' inside the triangle.

These exceptions do not apply where a national or regional product stewardship programme has been established.

(k) The discharge is not from the burning of tree stumps except where burning is carried out as part of:

(i) an orchard tree replacement programme; or

(ii) managing a windthrow event in plantation forest.

Notes

1. The Fire Sensitive Area and Fire Ban Area, including areas with deferred status, are shown on the planning maps. **C73 12/20 Op 6/23**
2. A Fire Permit under the Fire and Emergency New Zealand Act 2017 is required from Fire and Emergency New Zealand for all outside fires. This permit addresses fire safety requirements for any outside fires for the purpose of fire safety.
3. Some vegetation types will require longer than one week to dry enough to mitigate smoke nuisances. Refer to the Council's Good Practice Guide to Outdoor Burning for further advice.
4. 'Agrecovery' is an example of a national product stewardship recycling programme for agricultural and horticultural agrichemical containers and agricultural bale wrap.

Means of Compliance

The "Good Practice Guide to Outdoor Burning" that describes best practice for managing fires are available from the Council or Fire and Emergency New Zealand and lists the measures that may be adopted, as appropriate, for complying with the performance standards of rule 36.3.2.3.

36.3.2.4 Discharge Arising from Fire Training Activities

The discharge of any contaminant to air as a result of fire training activities is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge takes place under the control of a fire authority or fire brigade in terms of the Fire and Emergency New Zealand Act 2017.

(b) There is no combustion of materials listed in conditions 36.3.7.1(a) and (b).

(c) The Council is notified at least two working days prior to the activity commencing.

36.3.2.5 Discharge from Enclosed Combustion Processes

NOTE: Rule 36.3.2.5 is subject to the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG). The NES-IGHG regulations prevail over Rule 36.3.2.5 for heat devices burning fossil fuels (as defined within the NES-IGHG). **NES-IGHG 12/23**

The discharge of any contaminant to air from enclosed combustion processes, not including motor vehicles or aircraft, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.

(b) The fuel being burnt is only coal, untreated wood, including bark or sawdust, heavy fuel oil, LPG, CNG, light fuel oil, diesel, kerosene, or any combination of these fuels.

(c) Where the fuel is coal; untreated wood, including bark or sawdust; heavy fuel oil; or any of these in combination with any fuel listed in condition (c), the discharge is not in the Richmond Airshed; and:

(i) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts; or

(ii) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts where —

(a) the discharge is in any zone other than the Residential Zone, and

(b) the fuel is only untreated wood; or

(iii) the combined heat output rate of the discharge from any property is no greater than 1 megawatt where the discharge is in the Residential Zone or Mixed Business Zone; or

(iv) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.

(d) Where the fuel is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these and:

(i) where the discharge is inside the Richmond Airshed —

(a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts; or

(b) the combined heat output rate of the discharge from any property is no greater than 1 megawatt; or

(ii) where the discharge is outside the Richmond Airshed —

(a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts in the Residential Zone; or

(b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts in any zone other than the Residential Zone; or

(c) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or

(d) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.

(e) The sulphur content of the fuel is no greater than 1 percent by weight in the Richmond Airshed or in any Residential Zone or Rural Residential Zone.

(f) Annual maintenance is carried out by a person suitably qualified and experienced in boiler maintenance to include the following:

(i) removal of ash;

(ii) adjustment of fuel ratios, including the fuel to air ratio and testing the ratio of combustion gases, including carbon dioxide (CO_2), oxygen (O_2) and carbon monoxide (CO) to ensure efficient running of the boiler;

(iv) testing of sulphur dioxide (SO_2) where coal or heavy fuel oil is used.

(g) A maintenance record must be kept and made available to the Council on request.

(h) Except for a period not exceeding 15 minutes at start up or a period not exceeding two minutes in any hour of operation, the smoke opacity at the discharge point of the stack does not exceed 40 percent (or no darker than Ringelmann Shade No.1 as described in NZS5201:1973).

(i) A record of the type of fuel used and quantities used per month must be kept and must be supplied to the Council on request.

(j) The emissions stack is whichever is the greater of either:

(i) at least 12.5 metres above the ground; or

(ii) 2 metres higher than the apex of any building, tree or other structure within a horizontal radius of 2.5 times the stack height.

(k) The discharge is directed vertically into the air and not impeded by any obstruction that would lower the velocity of the exhaust gases.

36.3.2.6 Discharge from Any Stationary Internal Combustion Engine

The discharge of any contaminant to air from any stationary internal combustion engine is a permitted activity, if it complies with the following conditions:

(a) The fuel is gas, liquefied gas, petrol, diesel or bio diesel, vegetable oils, or alcohol.

(b) The combined power output of any engines on the site is no greater than:

(i) 30 kilowatts; or

(ii) 400 kilowatts, if the engine is only operated in an emergency when normal power supply is interrupted.

(c) The discharge is directed vertically into air and is not impeded by any obstruction that would lower the natural velocity of the exhaust gases.

36.3.2.7 Discharge from Abrasive Blasting

The discharge of any contaminant to air from abrasive blasting is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The abrasive contains no more than two percent free silica on a dry weight basis.

(b) Where the discharge is from a fixed source, all items must be within an abrasive blasting enclosure; and

(i) for dry blasting, the filter from the discharge is designed to achieve a particulate concentration of not more than 125 milligrams per cubic metre (NTP) and the discharge must not exceed 250 milligrams per cubic metre; or

(ii) for wet blasting, all discharge to air is contained within the enclosure.

(c) Where the discharge is from a mobile source:

(i) there is no discharge to a water body, or the bed of any river or lake, or the coastal marine area;

(ii) the discharge does not result in any objectionable deposit of particulate material on any adjoining property;

(iii) unused abrasive material is kept covered.

(d) The discharge is not in any Residential, Commercial or Mixed Business zone or in the Richmond Airshed.

36.3.3 Controlled Activities (Discharges to Air)

36.3.3.1 Discharge from Enclosed Combustion Processes

NOTE: Rule 36.3.3.1 is subject to the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG). The NES-IGHG regulations prevail over Rule 36.3.3.1 for heat devices burning fossil fuels (as defined within the NES-IGHG). NES-IGHG 12/23

The discharge of any contaminant to air from enclosed combustion processes, not including motor vehicles or aircraft, that does not comply with the conditions of rule 36.3.2.5 is a controlled activity, if it complies with the following conditions:

(a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.

(b) The fuel being burnt is only coal, untreated wood (including bark or sawdust), heavy fuel oil, LPG, CNG, light fuel oil, diesel, kerosene, or any combination of these fuels.

(c) Where the fuel is coal; untreated wood, including bark or sawdust; heavy fuel oil; or any of these in combination with any fuel listed in condition (d); and:

(i) where the discharge is inside the Richmond Airshed, the discharge was authorised as at 13 January 2007; or

(ii) where the discharge is outside the Richmond Airshed —

a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts; or

b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 20 megawatts where –

- the discharge is in any zone other than the Residential Zone, and
- the fuel is only untreated wood; or

c) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or

d) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.

(d) Where the fuel is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these; and:

(i) where the discharge is inside the Richmond Airshed, the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts; or

(ii) where the discharge is outside the Richmond Airshed —

a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts in the Residential Zone; or

b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 20 megawatts in any zone other than the Residential Zone; or

c) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or

d) the combined heat output rate of the discharge from any property is no greater than 20 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.

(e) The sulphur content of the fuel is no greater than 1 percent by weight in the Richmond Airshed or in any Residential Zone or Rural Residential Zone.

(f) Except for a period not exceeding 15 minutes at start up or a period not exceeding two minutes in any hour of operation, the smoke opacity at the discharge point of the stack does not exceed 40 percent (or no darker than Ringelmann Shade No.1 as described in NZS5201:1973).

(g) Within the obstacle limitation surface for the Nelson Airport as shown on the planning map, the efflux velocity is no greater than 4.3 metres per second at a height greater than 60 metres.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Effects of the discharge on localised and ambient levels of contaminants, including particulate matter up to 10 microns (PM_{10}), sulphur and nitrogen oxides and other contaminants, where relevant, including any effects on ambient air quality in adjacent airsheds.

(2) The amount of PM_{10} discharged into the Richmond Airshed (if applicable) on its own or in combination with other authorised discharges from enclosed combustion processes and the extent to which it exceeds the quantities specified in Schedule 36.3A.

(3) The type of fuel used, including options for alternative fuels to reduce adverse effects on the environment.

(4) Stack height and configuration of the boiler.

(5) Any best practice option to reduce any actual or potential adverse effect on ambient air quality.

(6) Maintenance and regular servicing including the following:

(a) efficient operation of the fuel-burning equipment, including maintenance of optimal fuel to air ratio;

(b) removal of ash;

(c) adjustment of fuel ratios, and testing the ratio of combustion gases;

(d) testing of sulphur dioxide.

(7) The keeping of records.

(8) Effects of the discharge on air traffic safety.

(9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(10) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

36.3.3.2 Discharge from Mobile Abrasive Blasting

The discharge of any contaminant to air from mobile abrasive blasting that does not comply with the conditions of rule 36.3.2.7 is a controlled activity, if it complies with the following conditions:

(a) The abrasive contains no more than 2 percent free silica on a dry weight basis.

(b) There is no discharge to a water body, the bed of any river or lake, or the coastal marine area.

(c) Unused abrasive material is kept covered.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Duration and timing.

(2) Methods, including best practicable option, of preventing or mitigating discharges beyond the boundary of the site.

(3) Methods to contain or remove materials containing heavy metals or their compounds.

(4) Blasting media.

(5) Notification of potentially affected people.

(6) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions, and purpose of reviews (Section 128).

(7) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

36.3.3.3 Discharge of Contaminants to Air from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, that does not comply with the conditions of rule 36.3.2.3 is a controlled activity, if it complies with the following conditions:

(a) Where the discharge is from outdoor burning within the Fire Ban Area:

  (i) the property is at least 5,000 square metres in area; and

  (ii) the discharge is from vegetation waste that has been cut and dried for more than one month; and

  (iii) the discharge does not occur more than twice per year; and

  (iv) there is no discharge during the months of May to September (inclusive).

(b) Where the discharge is from outdoor burning in the Fire Sensitive Area, the discharge is from the burning of horticultural waste during the months of June to August (inclusive).

(c) Material listed in rule 36.3.7.1 is not burnt.

A resource consent is required and may include conditions on the following matters over which Council has reserved control:

(1) Notification of potentially affected people before burning.

(2) Type, quantity and nature of material to be burnt, including preparation of the material so as to minimise risk of smoke, odour and ash nuisance.

(3) Location of the fire, including setbacks from property boundaries.

(4) Management of the fire, including measures to mitigate adverse effects of smoke, odour and ash nuisances, and measures to ensure safety.

(5) Availability and costs of alternatives.

(6) Timing and duration of the fire not otherwise specified above.

(7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews.

(8) Financial contributions, bonds and covenants in respect of performance of conditions and administrative charges (Section 108 of the Act).

Non-Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

36.3.4 Restricted Discretionary Activities (Discharges to Air)

36.3.4.1 Discharge from Enclosed Combustion Processes

NOTE: Rule 36.3.4.1 is subject to the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG). The NES-IGHG regulations prevail over Rule 36.3.4.1 for heat devices burning fossil fuels (as defined within the NES-IGHG). NES-IGHG 12/23

The discharge of any contaminant to air from any enclosed combustion process, other than from any motor vehicle or aircraft, that does not comply with the conditions of rule 36.3.2.5 or 36.3.3.1, is a restricted discretionary activity, if it complies with the following conditions:

(a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.

(b) The fuel being burnt is coal; untreated wood, including bark or sawdust; heavy fuel oil; light fuel oil, including diesel; gas, including LPG or CNG; kerosene; or wood pellets.

(c) Where the fuel being burnt is any fuel or any combination of fuels listed in standard (a), the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone.

(d) Where the fuel being burnt is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these, the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in the Residential Zone or Mixed Business Zone.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) Effects of the discharge on localised and ambient levels of contaminants, including PM_{10}, sulphur and nitrogen oxides and other contaminants where relevant, including any effects on ambient air quality in adjacent airsheds.

(2) The amount of PM_{10} discharged into the Richmond Airshed (if applicable) on its own or in combination with other authorised discharges from enclosed combustion processes and the extent to which it exceeds the quantities specified in Schedule 36.3A.

(3) The type of fuel used, including options for alternative fuels to reduce adverse effects on the environment.

(4) Proximity and nature of nearby actual and potential activities, including any sensitive receptors.

(5) Stack height and configuration of the boiler and hours of operation.

(6) Any best practice option to reduce any actual or potential adverse effect on ambient air quality.

(7) Maintenance and regular servicing, including the following:

  (i) efficient operation of the fuel-burning equipment, including maintenance of optimal fuel to air ratio;

  (ii) removal of ash;

  (iii) adjustment of fuel to air ratios, and testing the ratio of combustion gases;

  (iv) testing of exhaust contaminants.

(8) The keeping of records.

(9) Effects of the discharge on air traffic safety.

(10) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(11) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

36.3.5 Discretionary Activities (Discharges to Air)

36.3.5.1 Discharge from Specified Premises and Processes

NOTE: Rule 36.3.5.1 is subject to the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG). The NES-IGHG regulations prevail over Rule 36.3.5.1 for heat devices burning fossil fuels (as defined within the NES-IGHG). NES-IGHG 12/23

The discharge of contaminants to air from industrial or trade premises is a discretionary activity, if it complies with the following conditions:

(a) The site of the discharge is not in the Residential Zone or the Mixed Business Zone, except where the discharge is allowed or regulated by rules 36.3.2.2, 36.3.2.5, 36.3.3.1 or 36.3.4.1.

(b) The discharge is from an industrial or trade premises, including:

(i) Premises used for the treatment or disposal of waste (excluding intensive farming operations) and landfills.

(ii) Premises used for composting operations which exceed 50 cubic metres of compost or raw material at any time.

(iii) Premises used for the manufacture of cement, fertiliser, milk powder, other milk-derived products, and rubber goods.

(iv) Premises used for the manufacture of timber-derived products such as fibreboard, reconstituted wood panel boards such as plywood, orientated strand board (OSB) and laminated veneer lumber (LVL), pulp or paper.

(v) Premises used for the mechanical drying of timber.

(vi) Fish and fishmeal processing plants, food and vegetable processing plants, rendering plants, tanneries, fellmongeries and skin or hide processing plants.

(vii) Woolscourers and dag crushing plants.

(viii) Premises used for the manufacture of organic or inorganic chemicals, including pharmaceuticals.

(ix) Premises used for spraying of paint and similar coating materials.

(x) Crematoria.

(xi) Asphalt plants.

(xii) Commercial potteries.

(xiii) Premises used for hot dip galvanising.

(xiv) Premises used for the cleaning, washing or drying of garments where the total daily rate of discharge of dry cleaning fluids exceeds 500 millilitres.

(xv) Premises used for the disposal of radioactive substances.

(xvi) Premises used for the manufacture of soaps or detergents.

(xvii) Premises engaged in processes using disocyanates or organic plasticisers.

(xviii) Premises used for the manufacture of aluminium, steel, fibreglass, glass or frit.

(xix) Premises used for the sintering, calcining or roasting of metal ores.

(xx) Premises used for the smelting of any metal or metal alloy, including scrap metal.

(xxi) Premises used for the carbonisation, gasification, refining, purification or reforming of natural gas, petroleum oil, shale, coal, wood or other carbonaceous materials.

(xxii) Premises engaged in the smelting or burning of calcium or calcium magnesium carbonates to produce calcium or magnesium oxides or hydroxides.

A resource consent is required. Consent may be refused or conditions imposed.

36.3.5.2 Discharge from Treatment or Remediation of Contaminated Sites

The discharge of any contaminant to air from treatment or remediation of contaminated sites is a discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed.

36.3.5.3 Discharge of Any Contaminant to Air

The discharge of any contaminant to air that does not comply with the conditions of rule 36.3.2.1, 36.3.2.2, 36.3.2.4, 36.3.2.6, 36.3.3.1, 36.3.3.2 or 36.3.3.3 is a discretionary activity, if it complies with the following condition:

(a) Where the discharge of contaminants to air is from outdoor burning, it is from the burning of vegetative material or untreated wood on the foreshore of the coastal marine area.

A resource consent is required. Consent may be refused or conditions imposed.

36.3.6 Non-Complying Activities (Discharges to Air)

36.3.6.1 Discharge from Specified Premises and Processes in Residential Zones and Mixed Business

Except where the discharge is allowed or regulated by rule 36.3.2.2, 36.3.2.5, 36.3.3.1, 36.3.4.1 or 36.3.5.1, the discharge of any contaminant to air from industrial or trade premises or trade processes in a Residential Zone or Mixed Business zone is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed.

36.3.7 Prohibited Activities (Discharges to Air)

36.3.7.1 Discharge from Open Combustion

The discharge of any contaminant to air from the open combustion of the following material is a prohibited activity and no consent will be granted:

(a) Materials associated with the recovery of metals from insulated electrical cables.

(b) Any radioactive materials, or materials with radioactive components.

(c) Materials and metals that are components of motor vehicles or mechanical or electrical equipment, any plastic or plastic products, rubber products including tyres, bitumen-containing materials, batteries, waste oils, asbestos products, treated timber, or any particle or fibre board, with the exception of:

(i) material being burnt as part of fire training activity in terms of rule 36.3.2.4.

(ii) burning of plastic as provided for in rule 36.3.2.3(j).

Note: Treated timber does not include wood pellets.

36.3.7.2 Discharge from Combustion in a Small-Scale Solid Fuel-Burning Appliance

The discharge of any contaminant to air from the combustion of the following material in a small-scale solid fuel-burning appliance is a prohibited activity and no consent will be granted:

(a) Plastics, insulating materials from electrical cables, treated timber and fibreboard, rubber products, waste oils, asbestos products, radioactive materials, coal having a sulphur content of more than 0.5 percent in the Richmond Airshed, or wood having a moisture content of more than 25 percent by weight.

36.3.7.3 Discharge from Outdoor Burning in the Fire Ban Area

Except as provided for in rules 36.3.2.3(a) and 36.3.3.3, the discharge of any contaminant to air from outdoor burning, including burning of material in an incinerator, on any property or place in the Fire Ban Area shown on the planning maps or on the foreshore of the coastal marine area is a prohibited activity and no consent may be sought for this activity.

36.3.7.4 New Discharges from Solid Fuel Appliances in the Richmond Airshed

The discharge of any contaminant to air in the Richmond Airshed from any small-scale solid fuel-burning appliance that is used primarily for space heating, first occurring after 13 January 2007 is a prohibited activity for which no resource consent shall be granted, except that this rule does not apply to the following:

(a) Any solid fuel appliance that is used primarily for cooking rather than space heating.

(b) Any pellet fire that emits no more than 0.8 grams of total suspended particulate per kilogram of fuel burned, and has a thermal efficiency for space heating of at least 70 percent.

Notes:

1. The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council, or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website of the Ministry for the Environment.
2. This rule does not apply to any appliance for which a building consent for an approved model has been issued.

36.3.7.5 Discharge from Non-Compliant Small-Scale Solid Fuel-Burning Appliances in the Richmond Airshed

The discharge of contaminants into air in the Richmond Airshed from any small-scale solid fuel-burning appliance that does not comply with conditions (c)(ii) or (d) of rule 36.3.2.2, at any time after the date upon which there is registered a transfer of ownership of the site on which the appliance is located, is a prohibited activity for which no resource consent shall be granted, except that:

(a) "Transfer of ownership" does not include:

(i) a transaction in which a person who was a registered proprietor of the land at the date of notification of this Plan, remains or becomes a registered proprietor (whether or not the only registered proprietor) of that land after the transfer; or

(ii) a transaction in which the transferee is a trustee of a trust, and one or more of the transferors is a beneficiary of that same trust; or

(iii) a transaction which takes place before 13 January 2007; and

(b) This rule does not apply to any discharge from an appliance that is an integral part of any original heritage home listed in Schedule 16.13A.

Note: The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website for the Ministry for the Environment.

36.3.7.6 Industrial Heat Devices that Burn Coal at Low-to-Medium Temperatures (below 300 degrees Celsius)

NES-IGHG 12/23

NOTE: Rule 36.3.7.6 is subject to the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-IGHG). The NES-IGHG regulations prevail over Rule 36.3.7.6, including for activities discharging greenhouse gases from heat devices that burn coal at low-to-medium temperatures (as defined within the NES-IGHG).

NES-IGHG 12/23

36.3.20 Principal Reasons for Rules

Outdoor Burning

Adverse effects of outdoor burning, including health and amenity effects, discharge of toxic chemicals and the difficulty of managing cross boundary drift of smoke, ash and other particulates have resulted in most outdoor burning of any material in most parts of the larger towns of Richmond and Motueka being prohibited. In these areas there are other easily accessible options for disposal of household and garden wastes.

In rural areas, rural settlements and on large lots, fires are recognised as an appropriate land management tool, but strict performance standards are required to minimise potential adverse effects. A guideline that identifies best practice for managing adverse effects from fires has been produced. It will guide decision-making when considering enforcement action for fires that do not comply with the conditions, or that cause complaints.

The rules recognise that adverse effects may be created by some fires, including burning of stumps and burning vegetation on large lots in proximity to residential development. Fires may still occur, but will be subject to consideration of the effects on a case-by-case basis as controlled or discretionary activities.

In these cases, fires may occur subject to conditions that mitigate, but not avoid, adverse effects. The considerations that Council will take into account will be the availability and cost of alternatives, and also the potential measures that can be taken to reduce adverse effects.

The rules also limit the nature and scale of fires permitted on the foreshore of the coastal marine area. Large scale fires as part of community celebrations or events may also be considered because of the benefit to the community of such fires.

In areas where outdoor fires may contribute to particulate levels during winter, where current air quality is lower than national guidelines, where there is some residential development, or on the fringes of the larger townships, fires will not be permitted during winter. This will contribute to better winter air quality and ensure that the community begins to consider other methods of waste management. A winter fire ban may also contribute to less smoke nuisances as wet vegetation is less likely to be burnt.

Domestic Sources of PM_{10}

The Richmond Airshed is the same as that gazetted by the Ministry for the Environment under the National Environment Standards for air quality and is the same for consistency. This airshed exceeds the ambient air quality standard for PM_{10} (small particulate matter). The primary source of this contaminant is domestic solid fuel appliances which contribute over 80 percent of the PM_{10}. Industry and vehicles contribute less than 10 percent each.

The rules ensure that no new sources of PM_{10} are permitted in the Richmond Airshed except where it is a replacement of an existing solid fuel appliance with a compliant (cleaner burning model) or where it is a pellet fire. Pellet fires are low emission, efficient solid fuel burners that provide an alternative form of heating.

The rules permit the continued use of existing small-scale solid fuel-burning appliances in all residential zones, including Richmond, although the operation of the burners is required to be such that PM_{10} discharge is minimised. This will help address ambient air quality as well as nuisance issues arising because of excessive smoke emissions.

Replacement of existing solid fuel appliances in all Residential Zones is also permitted, provided the new burner complies with higher emissions standards.

The rules establish a higher standard for small-scale solid fuel-burning appliances, but establish that the new standards are only enforced at the time a house changes ownership or when a burner is replaced.

This allows the price of the house to reflect the state of insulation and heating standards and the degree to which they need to be upgraded to meet the performance standards. Level of insulation is important because this may influence the amount of energy needed to heat a house. It avoids imposing unnecessary costs on all ratepayers or on people with low incomes.

When an existing solid fuel appliance is replaced in any urban zone, the rules ensure that new appliances are cleaner models to reduce the cumulative impact of domestic heating sources on ambient air quality.

Industrial Sources of PM_{10}

Industrial wood and coal burning boilers can discharge significant amounts of PM_{10} and other contaminants that affect local and ambient air quality. The amount of particulate material discharged varies according to design and operation of each appliance with wood and coal boilers emitting up to 30 to 50 times more PM_{10} than diesel or kerosene boilers.

Sulphur dioxide levels in emissions from coal boilers can also be significantly higher than from diesel boilers. The rules distinguish between boilers on the basis of fuels burnt, size of the boiler and location of the boiler because of the adverse effects of these contaminants, especially in areas where people's health may be affected.

Most discharges from small-scale boilers are still permitted except for those in the Richmond Airshed because of the high ambient levels of PM_{10} there. Council is increasing the maintenance and record-keeping requirements in the Richmond Airshed to ensure emissions from such boilers is minimised, and best practice to reduce emissions is followed. Some particulate matter and odour will inevitably be generated as a result of starting and refuelling any fuel-burning device. However, these emissions can reasonably be limited to within a short time of start-up and refuelling, assuming that devices are operated correctly and with fuels approved for use in the fuel-burning device.

Emissions testing and dispersion modelling in the Richmond Airshed for existing discharges will not normally be required for emissions that are not likely to be a significant source of PM_{10}, that is, those that contribute less than 2 percent of the total PM_{10} because of the relatively small contribution to total emissions.

Small generators are often used by businesses and institutions to provide electricity in the event of a power supply failure. These generators typically have an energy output of less than 400 kW and are usually operated infrequently during power supply emergency or testing and maintenance purposes. Other small internal combustion engines (up to 30KW) such as pumps, are also maintained for emergency or occasional use.

Emissions of particulate matter and nitrogen oxides (per kilogram of fuel burned) are significantly higher from internal combustion than from external combustion sources. However, because of the small scale and infrequency of discharge, any adverse effects are normally minor.

According to the United States Environmental Protection Agency emission factors, the emission rate of PM_{10} from internal combustion engines can be up to 33 times higher than the emission rate from a boiler burning the same amount of diesel oil. Because of the potentially significant contribution from such internal combustion sources to ambient and localised PM_{10}, SO_2 and NO_2 concentrations, the use of these generators

as a permitted activity is restricted to maintenance and emergency purposes only. Consequently, operating time is restricted.

Any discharge from internal combustion engines larger than those permitted is likely to have a more significant impact on localised or ambient air quality and effects need to be assessed on a case-by-case basis.

Industrial activities of a scale, nature and intensity that result in low emissions (e.g. noise, odour) and contribute to maintaining and enhancing high amenity values within the zone, and at the boundary of the zone, are provided for in the Mixed Business Zone in the Richmond West Development Area. These activities tend to be carried out indoors, are generally small scale and include printing works, furniture manufacture, car repairs, light engineering and trade depots.

SCHEDULES

Schedule 36.3A: Discharges of PM10 into the Richmond Airshed

Refer to rules 36.3.3.1, 36.3.5.1, 36.3.5.3 and 36.3.6.1.

The Council will take into account the following schedule when making decisions on any application involving the discharge of PM_{10} into the Richmond Airshed.

The Council will aim to ensure that the amount of PM_{10} being discharged on its own or in combination with other authorised discharges into the Richmond Airshed is not greater than the relevant allocation limit specified for 2013.

ALLOCATION LIMITS FOR THE DISCHARGE OF PM_{10} INTO THE RICHMOND AIRSHED 2013	
Source of PM10	**PM10 Allocation (kg/day)**
Home heating	174
Enclosed combustion sources (industry)	53
Vehicle emissions	27
TOTAL	264

36.4 DISCHARGES OR DIVERSIONS TO LAND OR WATER

Refer to Policy sets 5.1.3, 6.3.3, 30.1.3, 33.1.3, 33.3.3.
Refer to Rule sections 16.3, 16.7, 31.1.

36.4.1 Scope of Section

This section deals with discharges of contaminants or water to land or water as provided by section 15 of the Act and of diversions of land drainage water as provided by section 14. Information required with resource consent applications is detailed in Chapter 37.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

36.4.2 Discharges or Diversions to Land or Water

36.4.2.1 Permitted Activities (Discharge or Diversion of Stormwater or Drainage Water)

NOTE: Rule 36.4.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Except in the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water into water, or onto or into land, where the stormwater or drainage water may enter water in any of the following circumstances: **C66 10/17 Op 12/18**

1. The discharge or diversion is within any Rural Residential, Rural 1, Rural 2, Open Space, Conservation or Recreation zone; or **C60 1/16 Op 6/19**

2. The discharge or diversion is within any Residential, Rural 3, Commercial, Central Business, Mixed Business, Light Industrial, Heavy Industrial, Rural Industrial, Tourist Services or Papakainga zone, and it: **C60 1/16 Op 6/19**

   (a) commenced before 19 September 1998; or

   (b) the discharge or diversion has previously been authorised by a discharge permit; or

3. The discharge or diversion is from a building in the Residential or Rural 3 zone, and the site was created before 28 July 2007; or **C60 1/16 Op 6/19**

4. The discharge or diversion is to any part of a Council-maintained stormwater drainage network that has the capacity to receive additional stormwater; **C60 1/16 Op 6/19**

is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge or diversion does not cause or contribute to erosion of land, including the bed of any stream or drain.

(b) Any discharge or diversion from a site or any part of a site that is for the use, storage or disposal of hazardous substances does not contain any hazardous substance that is used, stored or disposed of on the site, except where it is less than 15 milligrams per litre of total petroleum hydrocarbons.

(c) If the site uses or stores any hazardous substance, the applicant can show that all permitted activity conditions for the use or storage of hazardous substances can be met.

(d) The discharge or diversion does not cause or contribute to any damage caused by flooding.

(e) The discharge or diversion does not cause or contribute to the destruction of any habitat, plant or animal in any water body or coastal water.

Advice Note: Condition (e) where it relates to the effects of a discharge or diversion of Stormwater or Drainage Water on *'coastal water'* prevails over Regulation 97(1) of the NES-PF because it is more stringent under Regulation 6(1)(b) NES-PF.

(f) The discharge or diversion does not or is unlikely to cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in any receiving water.

(g) Any discharge or diversion commencing after 19 September 1998 is not into coastal waters or into any sinkhole.

Advice Note: Condition (g) prevails over NES-PF Regulation 97(1) because it is more stringent under Regulations 6(1)(b) and 6(3)(b) NES-PF.

(h) The point of discharge or diversion is in the same catchment as that in which the discharge or diversion arises, except that this condition does not apply to Circumstance 3 of this rule.

(i) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.

(j) All stormwater and sediment control structures associated with the discharge or diversion are to be maintained in effective operational order at all times.

(k) For any discharge or diversion first commencing after 19 September 1998, the person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must advise the Council of an intention to discharge or divert, including the location and maximum capacity of the discharge structure, except that this condition does not apply to Circumstance 3 of this rule.

(l) The person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must provide such information as may be requested by the Council to show how the conditions, particularly conditions (a) [Erosion], (b) [Hazardous Substances], (d) [Flooding], (e) [Destruction of any habitat], and (f) [Oil, Grease] will be met.

(m) Where disposal to ground or a ground soakage method of disposal is to be used in the management of stormwater, all or any part of that stormwater management system is not located on land:

(i) that is located within the Slope Instability Risk Area;

(ii) where the ground infiltration rate is less than the disposal rate at the point of discharge;

(iii) where the groundwater level is generally less than 2 metres below natural ground level throughout the year;

(iv) where the predominant slope of the site is greater than 15 degrees from horizontal;

(v) that is closer than 20 metres to the edge of the plane created by the instability risk area at the top of a cliff face, embankment, or terrace;

(vi) that is closer than 20 metres to a water supply bore for the purpose of domestic water supply.

(n) The discharge or diversion of drainage water does not cause the concentration of *E. coli* in the receiving water to be increased by more than 260 cfu *E. coli* per 100 millilitres. **C27 2/10 Op 4/13**

(o) The diversion of water complies with rule 31.1.6.1 [drainage or infilling of wetlands].

36.4.2.1A Permitted Activities (Discharge or Diversion of Stormwater or Drainage Water — Specific Location: Richmond Intensive Development Area)

C66 10/17 Op 12/18

In the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water from a site into water, or onto or into land, where the stormwater or drainage water may enter water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

EITHER

(a) The discharge or diversion:

(i) commenced before 19 September 1998; or

(ii) has previously been authorised by a discharge permit; or

(iii) is from a building and the site was created before 28 November 2015; or

(iv) is to any part of a Council-maintained stormwater drainage network that has the capacity to receive additional stormwater:

OR

(b) Stormwater detention is provided on the site associated with the development at the rate of 50 litres per square metre of additional impervious surface; and

(c) Where after 14 October 2017 any site development results in an increase in the area of impervious surface of 10 square metres or more on the site, a device having a total void volume of at least 1 cubic metre is installed to provide for the discharge of stormwater into the ground by infiltration when the ground can accept infiltration, and the device has provision for an overflow to the stormwater disposal system from the site; and

(d) Subject to (c), where after 14 October 2017 any site development results in a cumulative increase in the area of impervious surface of more than 500 square metres, an additional void volume of 1 cubic metre to that provided under condition (c) is installed, and a further void volume of 1 cubic metre is likewise installed for each additional 500 square metres area of impervious surface formed on the site;

AND

(e) The discharge or diversion does not cause or contribute to additional off-site flooding; and

(f) All stormwater and sediment control structures associated with the discharge or diversion including detention and specified flood flowpaths are to be maintained in effective operational order at all times.

36.4.2.2 Controlled Activities (Discharge or Diversion of Stormwater or Drainage Water)

The discharge or diversion of stormwater or drainage water that does not comply with the conditions of rule 36.4.2.1 is a controlled activity, if it complies with the following conditions:

Hazardous Substances

(a) If the site uses or stores any hazardous substance, the applicant can show that all permitted activity conditions for the use and storage of hazardous substances can be met.

General

(b) Conditions (a), (c), (f) – (j) and (m) of rule 36.4.2.1.

(c) The stormwater is not generated by a subdivision in a Residential Zone, Rural Residential Zone or Rural 3 Zone or in the Richmond Intensive Development Area. **C66 10/17 Op 12/18**

(d) The discharge or diversion commenced before 19 September 1998 or is authorised by a permit that is due for renewal.

(e) The discharge is not into any open sinkhole.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The operation and maintenance of any stormwater network that collects, conveys, detains, discharges or diverts stormwater.

(2) Alternative stormwater disposal systems or methods to avoid, remedy or mitigate adverse effects of the discharge or diversion including, but not limited to, adverse erosion, flooding or contamination effects.

(3) The type and concentration of contaminants in the discharge and degree of compliance with any accepted codes of practice.

(4) Actual or potential effects of the discharge or diversion on aquatic ecosystems, and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.

(5) Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.

(6) The potential for any contaminants to enter the stormwater.

(7) Monitoring the effects of the discharge or diversion.

(8) The use of low impact design solutions, where practicable.

(9) The degree of land cover change or change in land use that is anticipated and the potential effect of that on the flow and quality of stormwater run-off.

(10) Any methods or management solutions that might be necessary to ensure effective integration of the proposed stormwater system with existing systems.

(11) Any methods or management solutions to reduce any risk of slope instability issues arising from stormwater disposal to the ground.

(12) Any methods or solutions to enhance ground soakage where the method of disposal is disposal to the ground.

(13) Any matter necessary to meet the requirements of the Tasman District Council Engineering Standards current at the time of consent application.

(14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and the purpose of reviews (Section 128).

(15) Bonds, and covenants in respect of the performance of conditions and administrative charges (Section 108).

36.4.2.3 Restricted Discretionary Activities (Discharge or Diversion of Stormwater or Drainage Water)

The discharge or diversion of stormwater or drainage water into water or onto or into land that does not comply with the conditions of rule 36.4.2.1, 36.4.2.1A or 36.4.2.2 is a restricted discretionary activity. **C66 10/17 Op 12/18**

A resource consent is required. Consent may be refused, or conditions imposed only in respect of the following matters to which Council has restricted its discretion:

(1) The area to be drained by the discharge or diversion.

(2) The design, construction, operation and maintenance of any stormwater network that collects, conveys, detains, discharges or diverts the stormwater.

(3) Measures to avoid or mitigate sediment generation or movement during earthworks in connection with development of land in the area to be drained by the discharge or diversion.

(4) The nature, design and location of outfall structures.

(5) Effects of the discharge or diversion on downstream flooding or erosion.

(6) Alternative stormwater disposal systems or methods.

(7) Provision for secondary flowpaths for the discharge or diversion.

(8) Actual or potential adverse effects of the discharge or diversion on aquatic ecosystems and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.

(9) Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.

(10) The potential for any contaminant or waste materials to enter the stormwater.

(11) Monitoring the effects of the discharge or diversion.

(12) The degree to which any measures attenuate flood flow, rates and peaks for a range of rainfall durations and intensities, and the effectiveness of these measures to mimic pre-development flows within and downstream of the activity.

(13) The use of low impact design solutions, where practicable.

(14) The degree of land cover change or change in land use that can be reasonably anticipated and the potential effect of that on the rate, flow and quality of stormwater run-off.

(15) Any methods or management solutions that might be necessary to ensure effective integration of the proposed stormwater system with existing systems.

(16) Any methods or management solutions to reduce any risk of slope instability issues arising from stormwater disposal to the ground.

(17) Any methods or solutions to enhance ground soakage where the method of disposal is disposal to the ground.

(18) Where the stormwater discharge is the result of a subdivision, any relevant matter in criterion (28) of Schedule 16.3A.

(19) Any matter necessary to meet the requirements of the Tasman District Council Engineering Standards current at the time of consent application.

(20) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(21) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

36.4.20 Principal Reasons for Rules

The Council has introduced an integrated approach to the management of stormwater that recognises the need to address actual and potential adverse effects of stormwater discharges as part of a land use activity. These rules complement land use rules for the use, storage and disposal of hazardous substances and the policies guiding decisions about new developments. In applying these rules, the Council recognises the need to allow for existing discharges while ensuring that adverse effects from them are minimised. It also recognises the role of the stormwater infrastructure service provider in controlling new discharges to the network, while addressing the need to ensure stormwater quality is maintained at a suitable level. The rules also ensure that adverse effects from new discharges from urban areas, or from sites that use, store or dispose of hazardous substances, or sensitive environments such as sinkholes or the coast are avoided, remedied or mitigated.

36.5 DISCHARGES TO LAND OR AIR

Refer to Policy sets 33.1.3, 34.1.3.

36.5.1 Scope of Section

This section deals with discharges of fertiliser to land or air. Information required with resource consent applications is detailed in Chapter 37.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. **NES-FW (ca) 12/20**

36.5.2 Discharge of Fertiliser

36.5.2.1 Permitted Activities (Discharge of Fertiliser)

The discharge of fertiliser into the air or onto land is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) The discharge must be undertaken in such a way that fertiliser drift does not move over any adjoining property that is any:

(i) property registered or certified by the New Zealand Biological Producers & Consumers Society Incorporated or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced; or

(ii) dwelling or any area within 30 metres of a dwelling; or

(iii) fruit on any horticultural planting;

provided that this does not apply where there is a mutual agreement to this effect between the person who discharges or causes the discharge of any fertiliser, and any occupier of the adjoining property.

36.5.2.2 Controlled Activities (Discharge of Fertiliser)

The discharge of fertiliser to land or into the air that does not comply with the conditions of rule 36.5.2.1 is a controlled activity.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) Provision of fertiliser application programmes for or notification of potentially affected people.

(2) Method of application.

(3) Type of fertiliser applied.

(4) Record-keeping.

(5) Methods to avoid or mitigate movement of fertiliser onto adjoining properties.

(6) Establishment of buffer zones.

(7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(8) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

36.5.20 Principal Reasons for Rules

The rules address the discharge of fertiliser to land and air, and seek to limit adverse cross-boundary effects arising from the use of fertiliser. Adherence to the Code of Practice for Fertiliser Use is also encouraged by the Council to avoid, remedy or mitigate adverse effects of fertiliser use and promote sustainable land management practices.

36.6 DISCHARGES TO LAND, WATER, OR AIR

Refer to Policy sets 5.1.3, 33.1.3, 34.2.3.
Refer to Rule section 17.5, 17.6, 17.7, 17.8.

36.6.1 Scope of Section

This section deals with the discharge of pesticides to land, water or the air. Information required with resource consent applications is detailed in Chapter 37.

36.6.2 Discharge of Pesticides

36.6.2.1 Permitted Activities (Discharge of Pesticides)

NOTE: Rule 36.6.2.1 prevails over the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF) as they regulate an effect that is outside the scope of the NES-PF.

The discharge of pesticides to land, water or air is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

Label Directions

(a) The pesticide is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare), or contravene any other requirement specified on the product label.

Location of the Discharge

(b) The pesticide is not discharged onto any land open for lawful public access, including any road, public park or reserve, except:

(i) where an owner or occupier of any property adjoining the land discharges or causes the discharge to be undertaken by hand-held method onto any of the land at any point adjacent to the boundary with the property; or

(ii) for the hand placement or spraying of pesticides using a hand-held, non-motorised knapsack sprayer or weed wiper.

(c) The pesticide is not:

(i) discharged onto the bed of any river or lake, or into the coastal marine area; or

(ii) discharged onto or into a water body or coastal water; or

(iii) applied in such a way as to form run-off or drift into a water body or coastal water;

unless the product label specifically states that the application can be made directly into or onto fresh water or coastal water.

(d) The pesticide is not discharged onto an urban or community water supply catchment area, or any roof, or other water collection structure.

User Training

(e) Any contractor who discharges or who causes the discharge of any pesticide from 1 January 2000, either:

(i) is a registered chemical applicator; or

(ii) holds a current Growsafe Agrichemical Rating; or

(iii) holds a similar qualification; or

(iv) is under the direct supervision of a person holding any of those qualifications.

Written Records

(f) Where the discharge of pesticide is by other than hand-held or wick boom equipment, the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying:

(i) the target pest;

(ii) type of pesticide used;

(iii) volume and concentration discharged;

(iv) location of the discharge and area of land over which the pesticide is sprayed;

(v) method of discharge;

(vi) date and time of discharge;

(vii) weather conditions during spray operation;

(viii) any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary;

and such records must be kept for a minimum of 12 months and supplied to the Council on request.

Note: Records kept as compliance with Growsafe standards will be accepted as means of compliance with this condition.

Drift Limitations

(g) The discharge must be undertaken in such a way that pesticide drift does not move over any adjoining property that is any:

(i) school, or early childhood education facility, or their grounds; or

(ii) place of public assembly, including any public reserve, sports field or children's playground; or

(iii) property registered or certified by the New Zealand Biological Producers & Consumers Society Incorporated or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced; or

(iv) dwelling or any area within 30 metres of a dwelling, provided that this does not apply where there is a mutual agreement to this effect between the person who discharges or causes the discharge of any pesticide, and any occupier of the dwelling.

Notification Requirements

(h) When the wind conditions are such that pesticide may drift onto any adjoining property that is not listed in condition (g), the person who discharges or who causes the discharge to be undertaken must give notice of an intention to discharge a pesticide and this notice must include:

(i) details of the type of pesticide to be used; and

(ii) an indication of any discharge likely to be carried out subject to item (ii) of condition (i); and

(iii) the likely timing of the discharge programme; and

(iv) a description of the method of discharge;

to occupiers of all adjoining properties that are within 30 metres of any point of discharge.

(i) The minimum requirement for notice of the details specified in condition (h) must be written notice given no more than three days and no less than eight hours before the discharge is to take place, **except**:

(i) where other notification arrangements have been mutually agreed between the person who discharges or who causes the discharge of any pesticide, and any occupier of the adjoining property; or

(ii) when the weather conditions are such that subsequent risk of fungal disease places any crop at risk of damage, the minimum requirement must be verbal or written notice givwen no less than two hours before the discharge is to take place.

Drift Control

(j) When the wind conditions are such that pesticide may drift onto any adjoining property that is not listed in condition (g):

(i) the person who discharges or who causes the discharge to be undertaken must:

(a) hold the Growsafe Standard Certificate; and

(b) ensure that there is no discharge when wind speeds are more than 15 kilometres per hour; and

(c) during any period of discharge, place a sign or signs on any road adjacent to the site of the discharge to indicate to road users that pesticide may be discharged adjacent to the road; and

(ii) the person who discharges or who causes the discharge to be undertaken must ensure that there is no discharge of pesticide from any point less than 30 metres from that property boundary; or

(iii) the owner or occupier of the property where the discharge is to take place must ensure that there is a spray belt along the boundary of every adjoining property onto which pesticide drift may move;

except where other pesticide drift management arrangements have been mutually agreed between the owner or occupier of the property where the discharge is to take place, or the person who discharges or who causes the discharge, and the owner or occupier of any adjoining property.

36.6.2.2 Controlled Activities (Discharge of Pesticides)

The discharge of pesticides to land, water or air that does not comply with the conditions of rule 36.6.2.1 is a controlled activity, if it complies with the following conditions:

Label Directions

(a) The pesticide is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare) or contravene any other requirement specified on the product label.

Location of the Discharge

(b) The pesticide is not discharged onto any land open for lawful public access, including any road, public park or reserve, except:

(i) where an owner or occupier of any property adjoining the land discharges or causes the discharge to be undertaken by hand-held method onto any of the land at any point adjacent to the boundary with the property; or

(ii) for the hand placement or spraying of pesticides using a hand-held, non-motorised knapsack sprayer or weed wiper.

(c) The pesticide is not:

(i) discharged onto the bed of any river or lake or into the coastal marine area; or

(ii) discharged onto or into a water body or coastal water; or

(iii) applied in such a way as to form run-off or drift into a water body or coastal water;

unless the product label specifically states that the application can be made directly into or onto fresh water or coastal water.

(d) The pesticide is not discharged onto an urban or community water supply catchment area, or any roof, or other water collection structure.

User Training

(e) Any contractor who discharges or who causes the discharge of any pesticide, from 1 January 2000, either:

(i) is a registered chemical applicator; or

(ii) holds a current Growsafe Agrichemical Rating; or

(iii) holds a similar qualification; or

(iv) is under the direct supervision of a person holding any of those qualifications.

Written Records

(f) Where the discharge of pesticide is by other than hand-held or wick boom equipment, the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying:

(i) the target pest;

(ii) type of pesticide used;

(iii) volume and concentration discharged;

(iv) location of the discharge and area of land over which the pesticide is sprayed;

(v) method of discharge;

(vi) date and time of discharge;

(vii) weather conditions during spray operation;

(viii) any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary;

(ix) water bodies and other sensitive areas.

and such records must be kept for a minimum of 12 months and supplied to the Council on request.

A resource consent is required and may include conditions on the following matters over which the Council has reserved its control:

(1) Provision of spray plans for, or notification of, potentially affected people.

(2) Establishment of spray belts or buffer zones.

(3) Method of application.

(4) Type of pesticide applied.

(5) Record keeping.

(6) Methods to avoid pesticide drift onto adjoining properties.

(7) Methods to remedy or mitigate effects of pesticide drift onto adjoining properties.

(8) Duration of the consent and the timing of reviews of conditions and purpose of reviews.

(9) Bonds and covenants in respect of the performance of conditions, and administrative charges.

36.6.2.3 Discretionary Activities (Discharge of Pesticides)

The discharge of any pesticide to land, water or air that does not comply with the conditions of rule 36.6.2.1 or 36.6.2.2 is a discretionary activity.

A resource consent is required. Consent may be refused or conditions may be imposed.

36.7 DISCHARGES TO WATER IN WATER MANAGEMENT AREAS OR COASTAL WATERS

Refer to Policy sets 33.1.3 - 33.5.3, 35.1.3.
Refer to Rule sections 36.2, 36.4 – 36.6.

36.7.1 Scope of Section

NOTE: Rule 36.7.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

This section states the requirements for any discharge of a contaminant into waters in water management areas or coastal water that are subject to a water quality classification, to observe the minimum standards of water quality, either on their own or in combination with other existing discharges.

Note: Section 36.7 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

36.7.2 Terms of any Discharge of Contaminants into Water

The discharge of any contaminant into water within any water management area or coastal water that requires a resource consent is subject to the following terms:

(a) After allowing for reasonable mixing of the discharge within the receiving water, the quality of the receiving water does not, as a result of the discharge in combination with all existing lawful discharges into the receiving water, contravene the standards specified in the relevant classification of that receiving water given in Schedule 36A, Schedule 36B, or Schedule 36C.

(b) Term (a) applies to any existing authorised discharge that contravenes term (a) to the extent that the resource consent for any such discharge may be subject to a review by Council under Sections 128 to 133A of the Act of any condition relating to the effect of the discharge on water quality (including the case where there is no such condition) at any date after the operative date of this section of the Plan.

36.8 Financial Contributions for Discharge of Contaminants to Land, Water or Air

Refer to Policy sets 33.1.3 - 33.5.3, 34.1.3, 34.2.3, 35.1.3.
Refer to Rule sections 36.1 – 36.7.

36.8.1 Scope of Section

This section states the circumstances and purposes for requiring financial contributions for any discharge to land, water or air that requires a resource consent, and it states the manner for determining the level of such contributions.

36.8.2 Financial Contribution Terms for Discharge of Contaminants

The discharge of any contaminant into water, land or air that requires a resource consent is subject to the following terms:

(a) Council may require a financial contribution:

(i) in the circumstances; and

(ii) for the purposes; and

(iii) to the level determined in the manner as follows:

36.8.2.1 Circumstances

1. Where any ecosystem, habitat, or plant or animal life is or is likely to be adversely affected by any discharge to land, water, or air, except where that is the intended purpose for which the consent is being sought.

2. Where any discharge to land, water or air is or is likely to have any adverse effect on the quality of soil, water or air for any use or value.

36.8.2.2 Purpose

1. To offset or otherwise avoid, remedy or mitigate any adverse effect of a discharge by providing for:

(a) the cost of works, or other actions, including any contaminant treatment or remediation systems; or

(b) the cost of measures to protect or restore any habitat or animal or plant community or the condition of any soil, water or air; or

(c) land in connection with (a) or (b).

36.8.2.3 Manner for Determining Level of Contribution

1. Council will assess firstly the effects management measures to be undertaken by the consent-holder, as incorporated in the particular application or imposed by other conditions of consent. Council will then assess whether it needs to undertake any residual measures to achieve the environmental outcomes required by the consent, and whether the consent-holder should contribute to the cost of those measures.

2. In determining the level of any financial contribution, Council may take into account the assessment criteria listed in Schedule 36D, Section 5.

SCHEDULES

Schedule 36A: Water Classification for the Motueka/Riwaka Plains Water Management Area

Refer to rule 36.7.2.

Water Bodies	**Surface waters of the Motueka and Riuwaka rivers and their tributaries, and the Freshwater Springs, including Thorpe Drain**
Class	**MP1 – Management for aquatic ecosystems, fisheries, contact recreation and irrigation**
Standards	1. When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature. 2. The temperature of the water must not adversely affect the spawning of brown trout or native fish, including whitebait, during the spawning season. 3. The following must not be allowed if they have an adverse effect on aquatic life: (a) any pH change; (b) any increase in the deposition of matter on the bed of the river; (c) any discharge of a contaminant to a river. 4. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre. 5. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 6. The visual clarity of the water must not be so low as to be unsuitable for bathing. 7. The water must not be rendered unsuitable for bathing by the presence of contaminants. 8. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 9. Fish must not be rendered unsuitable for human consumption by the presence of contaminants. 10. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals. 11. The pH of the water must be within the range of 6.0-9.0 pH units. 12. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.
Water Bodies	**Surface waters of the Little Sydney and Brooklyn Valley Streams**
Class	**I – Management for irrigation**
Standards	1. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.
Water Bodies	**The groundwater of the Motueka/Riwaka Plains Water Management Area**
Class	**G – Management for stock water, irrigation and water supply**
Standards	1. The natural temperature of the water must not be changed by more than 3 degrees Celsius. 2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals. 4. The pH of the water must be within the range of 6.0 - 9.0 pH units. 5. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation. 6. The water must not be rendered unsuitable for treatment (equivalent to coagulation, filtration and disinfection) for human consumption by the presence of contaminants.

Notes:

(1) The classes and standards are based on the Third Schedule of the Act.

(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including:

(a) NZECC Water Quality Guidelines for Marine and Freshwater

(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity

(c) Ministry for the Environment Water Quality Guidelines: Biological Growths

(d) Drinking Water Standards: Department of Health.

Schedule 36B: Water Classification for the Waimea Water Management Area

Refer to rule 36.7.2.

Water Bodies	**Surface waters of the Waimea, Lee, Roding and Wairoa Rivers and their tributaries**
Class	**MP1 – Management for aquatic ecosystems, fisheries, contact recreation and irrigation**
Standards	1. When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature. 2. The temperature of the water must not adversely affect the spawning of brown trout or native fish, including whitebait, during the spawning season. 3. The following must not be allowed if they have an adverse effect on aquatic life: (a) any pH change; (b) any increase in the deposition of matter on the bed of the river; (c) any discharge of a contaminant into water. 4. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre. 5. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 6. The visual clarity of the water must not be so low as to be unsuitable for bathing. 7. The water must not be rendered unsuitable for bathing by the presence of contaminants. 8. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 9. Fish must not be rendered unsuitable for human consumption by the presence of contaminants. 10. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals. 11. The pH of the water must be within the range of 6.0 - 9.0 pH units. 12. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.
Water Bodies	**Surface waters of the Wai-iti River and its tributaries, and the Eves Valley Stream**
Class	**MP2 – Management for aquatic ecosystems, fisheries, fish spawning, contact recreation and irrigation**
Standards	1. The natural temperature of the water shall not be changed by more than 3 degrees Celsius. 2. The following must not be allowed if they have an adverse effect on aquatic life: (a) any pH change; (b) any increase in the deposition of matter on the bed of the river. (c) any discharge of a contaminant into water. 3. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre. 4. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 5. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 6. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals. 7. The pH of the water must be within the range of 6.0 - 9.0 pH units.
Water Bodies	**The groundwater of the Waimea Water Management Area**
Class	**G – Management for stock water, irrigation and water supply**
Standards	1. The natural temperature of the water must not be changed by more than 3 degrees Celsius. 2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated. 3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals. 4. The pH of the water must be within the range of 6.0-9.0 pH units. 5. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation. 6. The water must not be rendered unsuitable for treatment (equivalent to coagulation, filtration and disinfection) for human consumption by the presence of contaminants.

Notes:

(1) The classes and standards are based on the Third Schedule of the Act.

(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including:

(a) NZECC Water Quality Guidelines for Marine and Freshwater
(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity
(c) Ministry for the Environment Water Quality Guidelines: Biological Growths
(d) Drinking Water Standards: Department of Health.

Schedule 36C: Water Classification for the Coastal Marine Area

Coastal Waters	**Coastal waters shown on the Coastal Marine Area planning maps as Class FAE**
Class	**FAE – Management for aquatic ecosystems, fisheries, and fish spawning**
Standards	1. The natural temperature of the water must not be changed by more than 2 degrees Celsius. 2. The following must not be allowed if they have an adverse effect on aquatic life: (a) any pH change; (b) any increase in the deposition of matter on the bed of any coastal marine area; (c) any discharge of a contaminant into the water. 3. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation. 4. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water. 5. Fish must not be rendered unsuitable for human consumption by the presence of contaminants.
Coastal Waters	**Coastal waters shown on the Coastal Marine Area planning maps as Class SG**
Class	**SG – Management for shellfish gathering**
Standards	1. The natural temperature of the water must not be changed by more than 2 degrees Celsius. 2. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation. 3. There must be no significant adverse effect on shellfish as a result of any discharge of a contaminant. 4. Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants. 5. The median faecal coliform content of samples taken over a shellfish gathering season must not exceed 14 MPN per 100 millilitres, and not more than 10 percent of samples should exceed 43 MPN per 100 millilitres.
Coastal Waters	**Coastal waters shown on the Coastal Marine Area planning maps as Class CR**
Class	**CR – Management for contact recreation**
Standards	1. The visual clarity of the water must not be so low as to be unsuitable for bathing. 2. The water must not be rendered unsuitable for bathing by the presence of contaminants. 3. There must be no undesirable biological growths as a result of any discharge of a contaminant. 4. The running median of samples taken over the bathing season must not exceed 35 enterococci per 100 millilitres. 5. No sample must exceed 136 enterococci per 100 millilitres.
Coastal Waters	**Coastal waters shown on the Coastal Marine Area planning maps as Class A**
Class	**A – Management for aesthetics**
Standards	1. The quality of the water must not be altered in those characteristics which have a direct bearing upon the aesthetic quality of the seascape for passive recreation, including visual colour and clarity, films, scums and floatables, undesirable biological growths, and odours.

Notes:

(1) The classes and standards are based on the Third Schedule of the Act.

(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including:

(a) NZECC Water Quality Guidelines for Marine and Freshwater
(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity
(c) Ministry for the Environment Water Quality Guidelines: Biological Growths
(d) Drinking Water Standards: Department of Health.

Schedule 36D: Assessment Criteria for Discharges

This schedule provides guidance for applicants and the Council when considering any application for resource consent to discharge contaminants. The Council will also have regard to the provisions of Section 104 of the Act.

The Council may take into account any of the following items when assessing an application for a resource consent or imposing conditions:

1. General Assessment Criteria

(a) The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge.

(b) Quantitative specifications contained in any relevant national or international standards or guidelines.

(c) The scale, location and potential adverse effects of the activity.

(d) The likely duration of the activity.

(e) Methods to contain, remedy or treat the discharge.

(f) Supervision or management of the operation.

(g) The level of treatment provided by, and the adequacy of, the proposed discharge collection, treatment and disposal system.

(h) The concentrations and loadings of contaminants in the discharge.

(i) The nature and sensitivity of the receiving environment and the likely effects of the proposed discharge either by itself or in combination with existing discharges.

(j) The mitigation measures and safeguards incorporated into the design of the various components of the proposed effluent or stormwater collection, treatment and disposal system.

(k) The adequacy of the Assessment of Environmental Effects.

(l) Any assessment of alternatives, whether or not the proposed treatment and disposal system is the best practicable option and the degree of compliance with relevant industry codes of practice.

(m) Any management plan (where required) for the operation and management of the proposed discharge, including any waste treatment and disposal systems or pesticide discharge spray plans.

(n) Any proposed monitoring programme to monitor the effects of the discharge.

(o) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(p) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

2. General Assessment Criteria for Determining the Level of any Financial Contribution

(a) The extent to which any financial contribution may be used to manage or compensate for any adverse effect of the discharge that is not otherwise avoided, remedied or mitigated by or under any condition of the resource consent to discharge.

(b) The need for a direct relationship between the size and significance of any adverse effect of the discharge, and the level of any financial contribution.

3. Additional Assessment Criteria for Discharges to Water

(a) The effect of the discharge, either by itself or in combination with any other discharge on any water quality standards specified in any relevant water classification.

(b) Presence of oil, grease, scums, foams or floatable or suspended materials in the proposed discharge.

(c) Potential of discharge to cause colour changes in receiving waters or to give rise to objectionable odours.

(d) Potential effects on water quality within the mixing zone.

(e) Potential adverse effects on water quality, aquatic life, habitats, ecosystems and sediments in fresh water bodies and in the coastal marine area.

3A. Assessment Criteria for Discharges from Aquaculture

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(a) The type, volume, rate and frequency of discharge of any feed, therapeutants, and contaminants arising from anti-fouling protection measures.

(b) Persistence and potential bioaccumulation of discharged contaminants in the environment.

(c) Amount of nutrient inputs compared to nature and amount of waste material discharged as uneaten feed or faecal waste.

(d) Physical conditions, including hydrodynamics, at the proposed site and resultant effects on the dispersion of the discharge.

(e) Potential effects of the discharge, either by itself or in combination with any other discharge, on aquatic life, and on he benthic and wider ecological environment.

(f) The setting of limits on nitrogen and other contaminants.

(g) The effect of the discharge, after reasonable mixing, either by itself or in combination with any other discharge (including effects outlined in section 107 of the Act), on water quality and any water quality standards specified in any relevant water classification.

(h) The effect of the discharge on any other aquaculture activities in the same or adjoining subzones.

(i) Mortality rates and proposed procedures for recovering and disposing of dead stock.

(j) Adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge.

(k) Potential effects on amenity values, including production of scums and odour, reduction in water clarity and changes in colour.

4. Additional Assessment Criteria for Discharges to Land

(a) The area of land to be used for the discharge, including setbacks and buffer zones.

(b) The potential effects of the discharge on any ecosystem, habitat, or plant or animal life.

(c) The potential effects of the discharge on water quality, including effects of any water quality standards specified in any relevant water classification or water conservation order.

(d) The nature of the land to be used for the discharge, including rock type, soil type, permeability and drainage characteristics, and depth to groundwater.

5. Additional Assessment Criteria for Discharges to Air

(a) The location of the property on or from which the discharge is to take place and the qualities and characteristics of the air resource in the vicinity.

(b) Methods, including design and intended operation to avoid or mitigate adverse effects of any discharge incorporated in the design of any appliance.

(c) The types and volumes and quality of contaminants to be discharged in relation to ambient air quality in the receiving environment, relevant national and international standards and guidelines, and nearby land uses.

(d) Existing and potential cumulative effects in the receiving environment, including any contribution to climate change.

(e) The potential for offensive or objectionable odours, and methods to avoid or mitigate them.

(f) Any thermal effects and any effects on air transport safety.

(g) Details of design and configuration, including stack height, height of adjacent buildings, stack exit velocity and temperature, presence of cones or other impediments on stack top, fuel type, boiler power rating, presence of mitigation devices, topography, surrounding land uses, and other relevant matters.

(h) The reason for, and any likely effects of, the departure from permitted activity conditions.