

Part IV

Rules



16.1 Introduction

This part of the Plan contains the following:

- A users' guide, which provides an overview of the rules and some explanatory notes for interpreting the rules;
- The Plan rules, which determine whether a particular activity is allowed without the need for consent, is regulated, or is prohibited in the Otago region;
- The principal reasons for adopting the rules; and
- A description of the type of information that will be required with any resource consent application.

16.2 Users' guide

16.2.1 Introduction

This users' guide provides:

- A discussion of the relationship between this Plan and the Regional Plan: Waste for Otago, and between this Plan and the Resource Management (Marine Pollution) Regulations;
- A brief explanation of how to determine a particular activity's status, that is, whether it is allowed, regulated, or prohibited under this Plan;
- A summary index of the rules;
- Explanations of the circumstances in which the Council may consider processing applications for block discharge permits and regional discharge permits for activities involving discharges of contaminants into air; and
- A guide to interpreting the terms "*noxious*", "*dangerous*", "*offensive*" and "*objectionable*", which are used in many of the rules.

16.2.2 Relationship to Regional Plan: Waste

The rules contained within this Plan **do not apply** to the discharge of contaminants into air associated with the following, which are controlled by the Regional Plan: Waste for Otago:

- Contaminated sites;
- Facilities for the treatment or disposal of hazardous wastes;
- New or operating landfills;
- Closed landfills;
- Offal pits on production land, intensive farms and industrial and trade premises;
- Farm landfills;
- Composting and silage production; and
- Greenwaste landfills.

16.2.3 Relationship to Resource Management (Marine Pollution) Regulations 1998

Except in the case of rules for the three activities listed in the next paragraph, the rules contained within this Plan **do not apply** to the discharge of contaminants into air associated with the normal operation of ships within Otago's coastal marine area.

Normal operation activities are specified in Schedule 4 of the Resource Management (Marine Pollution) Regulations 1998. This Plan contains rules applying to discharges from the following three activities:

- Abrasive blasting;
- Spray painting; and
- Conveying of bulk materials.

16.2.4 Relationship to NESAQ

The NESAQ was gazetted in September 2004, and its requirements override any less stringent requirements in regional plans. Plan Change 2 to this Plan resulted in changes to matters relating to the discharge of PM₁₀, making it consistent with the NESAQ requirements for PM₁₀. The NESAQ also sets standards for levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and ozone, to protect ambient air quality. These matters must be taken into consideration for any application for resource consent to discharge contaminants to air.

The NESAQ prohibits the discharge of dioxins and other toxics to air, and contains requirements with regard to landfill gas. Landfill discharges are currently addressed by the Regional Plan: Waste for Otago, therefore the NESAQ requirements for landfill discharges do not affect the implementation of this Plan.

16.2.5 Key steps to determine status

The key steps to determine whether a discharge of contaminants into air is allowed without the need for consent or requires a resource consent are as follows:

- Decide whether or not the activity is to be undertaken on an industrial or trade premises. The definition of “Industrial or trade premises” is contained in the Glossary;
- Determine how the activity is affected by the rules. It is important to consider all activities that may be undertaken on a site. For example, discharges associated with both agrichemical application and intensive farming may occur on one site;
- If an activity is controlled by a particular rule but cannot meet **the conditions of that rule** it will be a **discretionary activity** under Rule 16.3.14.1 unless otherwise stated;
- If the activity is at an industrial or trade premises and is not considered by the rules in sections 16.3.3 to 16.3.13, it will be a discretionary activity under Rule 16.3.14.1; and
- If the activity is not at an industrial or trade premises, and is **not covered** by rules in sections 16.3.1 to 16.3.13, it can be undertaken without a resource consent.

16.2.6 Summary index to rules

Each of the rules in the Plan specifies whether a particular activity is **permitted**, **discretionary** or **prohibited**.

If an activity is:

- Permitted, no resource consent is required, provided all the conditions stated in the rule are met.
- Discretionary, a resource consent is required, and the Otago Regional Council has retained its discretion as to whether it will grant a consent or not. In considering any application for a discretionary activity, the Council will be guided by the policies contained in this Plan, the Regional Policy Statement for Otago, and the requirements of the Resource Management Act. Conditions may be included on any resource consent granted.
- Prohibited, the activity is expressly prohibited by this Plan. These are activities which may not occur within Otago and for which no resource consent will be granted.

The Resource Management Act definitions of these terms are contained in the Glossary.

The resource consents required by the rules in this Plan are called “discharge permits”.

The activities covered by the rules in this Plan are set out in Table 5.

Please note that Table 5 is intended to provide only a summary of the rules. To determine the exact status of an activity, it is necessary to refer to the rules directly.

In some circumstances, consents or approvals may also need to be obtained from a city or district council. The relevant authority should be consulted.

The NESAQ sets standards for levels of carbon monoxide, nitrogen dioxide, PM₁₀, sulphur dioxide and ozone discharged to air, to protect ambient air quality. The NESAQ must be taken into consideration for any application for resource consent to discharge these contaminants to air.

Table 5: Index to rules

Note: Section 16.3.15 (Discharges of PM₁₀) may also apply to any discretionary activity under Rules 16.3.1 to 16.3.14.

Rule number	Page	Activity status	Description of rule
Discharges from domestic heating appliances (section 16.3.1)			
16.3.1.1	54	Prohibited	Discharges from domestic heating appliances that do not meet permitted activity Rules 16.3.1.2 to 16.3.1.6 or discretionary activity Rule 16.3.1.7.
16.3.1.2	54	Permitted	Discharges from domestic heating appliances in Air Zone 1

Rule number	Page	Activity status	Description of rule
16.3.1.3	55	Permitted	Discharges from domestic heating appliances in Air Zone 2
16.3.1.4	55	Permitted	Discharges from cookers in Air Zone 3
16.3.1.5	55	Permitted	Discharges from domestic heating appliances other than cookers in Air Zone 3
16.3.1.6	56	Permitted	Discharges from any domestic heating appliances installed in a recognised heritage building
16.3.1.7	56	Discretionary	Discharges from any domestic heating appliances installed in a recognised heritage building or a building on commercial premises
Outdoor burning (section 16.3.2)			
16.3.2.1	57	Permitted	Discharges from outdoor burning on residential properties in Air Zone 1 or 2
16.3.2.2	57	Permitted	Discharges from outdoor burning on non-residential properties, including production land, in Air Zone 1 or 2
16.3.2.3	58	Permitted	Discharges from outdoor burning on properties which are not production land, in Air Zone 3
16.3.2.4	58	Permitted	Discharges from outdoor burning on production land in Air Zone 3
16.3.2.5	58	Permitted	Discharges from outdoor burning of any campfire or celebratory fire, or for the cooking of food
16.3.2.6	58	Discretionary	Other discharges from outdoor burning
Burning or incineration of specified materials (section 16.3.3)			
16.3.3.1	60	Prohibited	Burning or incineration of specified materials
16.3.3.2	60	Discretionary	Discharges from the burning or incineration of materials specified in Rule 16.3.3.1
Products of combustion from fuel burning equipment (section 16.3.4)			
16.3.4.1	61	Permitted	Discharges from fuel burning equipment in Air Zone 1 or 2
16.3.4.2	61	Permitted	Discharges from fuel burning equipment in Air Zone 3
16.3.4.3	62	Discretionary	Other discharges of the products of combustion from fuel burning equipment
Discharges from industrial or trade processes (section 16.3.5)			
16.3.5.1	63	Permitted	Discharges from the processing of plant or animal matter
16.3.5.2	63	Permitted	Discharges from sorting, crushing, screening, conveying and storage of powdered or bulk products
16.3.5.3	64	Permitted	Discharges from mineral extraction and processing
16.3.5.4	64	Permitted	Discharges from chemical processing, manufacturing and industrial or trade processes which discharge hazardous air contaminants
16.3.5.5	65	Permitted	Discharges from metal processing and foundries

Rule number	Page	Activity status	Description of rule
16.3.5.6	65	Permitted	Discharges from surface coating (including spray painting) and di-isocyanate use
16.3.5.7	66	Permitted	Discharges from petroleum and hydrocarbon processes
16.3.5.8	66	Permitted	Discharges from the processing of wood and wood products
16.3.5.9	67	Discretionary	Other discharges from industrial or trade processes
Abrasive blasting (section 16.3.6)			
16.3.6.1	67	Permitted	Discharges from wet or vacuum abrasive blasting
16.3.6.2	68	Permitted	Discharges from dry abrasive blasting
16.3.6.3	68	Discretionary	Other discharges from abrasive blasting
Waste management (section 16.3.7)			
16.3.7.1	69	Permitted	Discharges from the storage, transfer, treatment and disposal of liquid-borne municipal, industrial or trade waste
16.3.7.2	69	Permitted	Discharges from farm waste management
16.3.7.3	70	Discretionary	Other discharges from waste management
Intensive farming (section 16.3.8)			
16.3.8.1	71	Permitted	Discharges from intensive farming
16.3.8.2	71	Discretionary	Other discharges from intensive farming
Agrichemical application (section 16.3.9)			
16.3.9.1	72	Permitted	Discharges from agrichemical application on residential properties
16.3.9.2	72	Permitted	Discharges from agrichemical application on production land and industrial or trade premises
16.3.9.3	72	Permitted	Discharges from agrichemical application in public amenity areas and places of public assembly
16.3.9.4	73	Discretionary	Other discharges from agrichemical application
Water vapour, heat and energy (section 16.3.10)			
16.3.10.1	74	Permitted	Discharges of steam or water vapour
16.3.10.2	75	Permitted	Discharges of energy, including heat
16.3.10.3	75	Discretionary	Other discharges of water vapour, heat or energy
Ventilation or vapour displacement (section 16.3.11)			
16.3.11.1	76	Permitted	Discharges for the purpose of ventilation or vapour displacement
16.3.11.2	76	Discretionary	Other discharges from ventilation or vapour displacement

Rule number	Page	Activity status	Description of rule
Nuclear power generation or nuclear weapon manufacturing (section 16.3.12)			
16.3.12.1	76	Prohibited	Discharges from nuclear power generation or nuclear weapon manufacturing
General permitted activities (section 16.3.13)			
16.3.13.1	77	Permitted	Discharges from miscellaneous activities
16.3.13.2	77	Permitted	Discharges from burning by NZ Fire Service
Other discretionary activities (section 16.3.14)			
16.3.14.1	78	Discretionary	Discretionary activities (general rule); applies when a discharge from an industrial or trade premises is not provided for in the rules in sections 16.3.1 to 16.3.13
Discharges of PM₁₀ (section 16.3.15)			
16.3.15.1	78	Prohibited	Discharges of PM ₁₀ , which are not permitted activities or authorised by a resource consent
16.3.15.2	79	Discretionary	Discharges of PM ₁₀ , before 1 September 2013, where the ambient air quality standard for PM ₁₀ is already breached
16.3.15.3	79	Discretionary	Discharges of PM ₁₀ , before 1 September 2013, if a consent cannot be granted under Rule 16.3.15.2, and the applicant proposes offsets
16.3.15.4	80	Discretionary	Discharges of PM ₁₀ before 1 September 2013, where the ambient air quality standard for PM ₁₀ is not breached
16.3.15.5	80	Discretionary	Discharges of PM ₁₀ after 31 August 2013, which are not permitted activities

16.2.7 Block discharge permits

In some cases, such as large factories, there may be a multitude of discharge points from different types of activities and sources. In these instances the Otago Regional Council will consider processing one consent for the entire site, provided that all the actual or potential discharge points are clearly identified in the resource consent application. In such circumstances different consent conditions may be applied to different activities on the site.

16.2.8 Regional discharge permits

Some activities which result in discharges into air are mobile in nature (e.g., abrasive blasting and asphalt manufacture). For these types of activities, the Council will consider granting regional discharge permits which will allow an operator to work throughout the region, subject to appropriate conditions.

This approach is intended to give those resource users undertaking processes which are mobile and which discharge contaminants into air, the freedom to conduct their activities relatively unhindered, but within the bounds of their discharge permit.

16.2.9 Noxious, dangerous, offensive and objectionable effects

Several rules in this Plan use the terms “*noxious*”, “*dangerous*”, “*offensive*”, and “*objectionable*”. These terms are also included in Section 17 of the Resource Management Act 1991. They are not, however, defined in the Act and this means that they bear their natural and ordinary meaning as applied by common English usage.

The terms are not defined in the Glossary to this Plan because of the need to take account of case law precedent as it develops, i.e., the Plan cannot override interpretations decided by the judiciary.

The following notes are intended to provide some guidance for interpreting these terms. It should be noted however, that they are not objective measures and that what may be considered noxious, dangerous, offensive or objectionable will depend on the circumstances relevant to each case.

Noxious, dangerous - The Concise Oxford Dictionary defines “*noxious*” as “*harmful, unwholesome*”. At the time of writing this Plan, the term “*noxious*” did not appear to have been defined or considered in case law relating to the Resource Management Act 1991. Noxious effects may include significant adverse effects on the environment (e.g., on plant and animal life) although the effects may not be dangerous to humans.

“*Dangerous*” is defined as “*involving or causing danger*”. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic levels of chemicals.

Offensive, objectionable - “*Offensive*” is defined as “... *giving or meant or likely to give offensive... disgusting, foul smelling, nauseous, repulsive...*”. “*Objectionable*” is defined as “*open to objection, unpleasant, offensive*”. Case law has established that what may be offensive or objectionable under the Resource Management Act 1991 cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

- (i) **The location of an activity and sensitivity of the receiving environment** - What may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area. The converse may also be true;
- (ii) **Reasonableness** - Whether or not an activity is likely to be considered offensive or objectionable by an ordinary person who is representative of the community and neither hypersensitive nor insensitive, deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable. Representative community surveys can also be used in some instances; and
- (iii) **Existing uses** - It is important to consider what lawfully established activities exist in an area, that is, if a new activity requires a permit, the cumulative effects of both the existing and proposed discharges of contaminants into air should be considered.

Within Otago the effects of offensive or objectionable odours are often commented on by individuals. While each investigation of a complaint concerning offensive or objectionable odour will depend on the specific circumstances of the

discharge, the general investigative approach adopted by Council officers will be to take into account the FIDOL factors.

The FIDOL factors were identified by the Ministry for the Environment in a report entitled “*Odour Management Under the Resource Management Act*” (1995) as the main factors which influence the significance of adverse odour effects. The FIDOL factors are:

- **Frequency** of the odour occurrence;
- **Intensity** of the odour;
- **Duration** of exposure to the odour;
- **Offensiveness** of the odour; and
- **Location** of the discharge.

Such assessments are likely to be based initially on observations made by Council officers. Information may also be gained from the discharger, independent consultants, other observers and people living or working in the area. Techniques such as odour diaries and community surveys, olfactometry measurements, or electronic measuring devices, may also be used.

16.3 Rules

Note: The rules in this Plan apply to any discharge from any industrial or trade premises which would not have required any licence or authorisation under the Clean Air Act 1972 and which has, under Section 418 of the Resource Management Act 1991, been exempt from Section 15(1)(c) of the Act.

16.3.1 Discharges from domestic heating appliances

Note:

1. Discharges from all domestic heating appliances (which include open fires) in buildings (domestic and non-domestic), are permitted providing they meet the relevant requirements of Rules 16.3.1.2 to 16.3.1.6. If the discharge is from a recognised heritage building or from a building on commercial premises, and that discharge does not meet permitted activity conditions, consent may be applied for under Rule 16.3.1.7. If these rules are unable to be met, the discharge is prohibited by Rule 16.3.1.1.
2. Unless a rule sets more stringent requirements, all woodburners in buildings on properties less than 2 hectares in size must also meet the requirements set by the NESAQ, which is incorporated in Rules 16.3.1.2 to 16.3.1.6.
3. Domestic heating appliances (excluding open fires) installed in the former Schedule 1.2 areas between 28 February 1998 and 14 April 2007 were required to meet a particulate emission rate of 4 g/kg or less, or have a resource consent.
4. Discharges from domestic heating appliances that are outside of buildings are addressed by the Rules under section 16.3.2 of this Plan (Outdoor Burning).
5. Particulate emission rates and thermal efficiency are to be determined using the testing procedures described in Method 17.5.4.1. The rates are achievable by many domestic heating appliances currently on the market.

16.3.1.1 Discharges from domestic heating appliances – prohibited activity

Except as provided for by Rules 16.3.1.2 to 16.3.1.7, the discharge of contaminants into air from any domestic heating appliance in any building is a *prohibited activity*, for which no consent will be granted.

16.3.1.2 Discharges from domestic heating appliances in Air Zone 1 – permitted activity

The discharge of contaminants into air from any domestic heating appliance in any building in Air Zone 1:

- (1) If the domestic heating appliance was lawfully installed and meets a particulate emission rate of 0.7 g/kg or less of fuel burnt and has a thermal efficiency of not less than 65%;

is a *permitted activity*, providing:

- (a) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property; or
- (2) If the domestic heating appliance was lawfully installed before 14 April 2007 in Air Zone 1 (Alexandra, Arrowtown or Cromwell), or was lawfully installed before 1 April 2009 in Air Zone 1 (Clyde), and meets a particulate emission rate of less than 1.5 g/kg of fuel burnt;

is a *permitted activity*, providing:

- (a) Any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares also has a thermal efficiency of not less than 65%; or
- (b) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property; or
- (3) If the domestic heating appliance was lawfully installed before 14 April 2007 in Air Zone 1, and has a particulate emission rate of greater than or equal to 1.5 g/kg of fuel burnt;

is a *permitted activity*, until 1 January 2012, providing:

- (a) Any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares meets a discharge of less than 1.5 g/kg of dry wood burnt and has a thermal efficiency of not less than 65%; and
- (b) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.1.3 Discharges from domestic heating appliances in Air Zone 2 – permitted activity

The discharge of contaminants into air from any domestic heating appliance in any building in Air Zone 2:

- (1) If the domestic heating appliance was lawfully installed after 14 April 2007 and meets a particulate emission rate of less than 1.5 g/kg of fuel burnt and has a thermal efficiency of not less than 65%;

is a *permitted activity*, providing:

- (a) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property; or
- (2) If the domestic heating appliance was lawfully installed before 14 April 2007;

is a *permitted activity*, providing:

- (a) Any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares meets a discharge of less than 1.5 g/kg of dry wood burnt and has a thermal efficiency of not less than 65%; and
- (b) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.1.4 Discharges from cookers in Air Zone 3 – permitted activity

The discharge of contaminants into air from any cooker, lawfully installed in any building in Air Zone 3;

is a *permitted activity*, providing:

- (a) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.1.5 Discharges from domestic heating appliances other than cookers in Air Zone 3 – permitted activity

Except as provided for by Rule 16.3.1.4, the discharge of contaminants into air from any domestic heating appliance in any building in Air Zone 3;

is a *permitted activity*, providing:

- (a) Any woodburner installed after 1 September 2005, or any other domestic heating appliance installed after 14 April 2007, in a building on a property with an allotment size of less than 2 hectares, meets a discharge of less than 1.5 g/kg of fuel burnt and has a thermal efficiency of not less than 65%; and

- (b) Any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.1.6 Discharges from any domestic heating appliance installed in a recognised heritage building – permitted activity

The discharge of contaminants into air from any domestic heating appliance lawfully installed in any recognised heritage building:

is a *permitted activity*, providing:

- (a) The domestic heating appliance contributes to the significance of the recognised heritage building; and
- (b) Any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares meets a particulate emission rate of less than 1.5 g/kg of dry wood burnt and has a thermal efficiency of not less than 65%; and
- (c) Any discharge of smoke, odour or particulate matter is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.1.7 Discharges from any domestic heating appliance installed in a recognised heritage building or a building on commercial premises – discretionary activity

Except as provided for by Rules 16.3.1.2 to 16.3.1.6, the discharge of contaminants into air from any domestic heating appliance lawfully installed in:

- (1) Any recognised heritage building; or
- (2) Any building on commercial premises;

is a *discretionary activity*, providing:

- (a) Any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares meets a particulate emission rate of less than 1.5 g/kg of dry wood burnt and has a thermal efficiency of not less than 65%.

Principal reasons for adopting:

Rules 16.3.1.1 to 16.3.1.7 are adopted to allow solid fuel heating of buildings, while managing the adverse effects that discharges from domestic heating appliances can have on ambient air quality, and subsequently on human health, in particular areas. The most stringent rules apply in Air Zone 1, where the most breaches of the ambient air quality standard occur. The least stringent rules apply to properties over 2 hectares in size in Air Zone 3, where ambient air quality is generally very good. Some flexibility is provided in this domestic heating rule framework to provide for cookers in Air Zone 3, recognised heritage buildings and commercial premises.

The boundary effects condition in all of the above permitted activity rules is adopted to ensure that discharges do not have significant adverse effects on the surrounding local environment and, in particular, on neighbours.

16.3.2 Outdoor burning

Note:

1. City and district councils in implementing the Forests and Rural Fires Act 1977 may also have bylaws controlling outdoor burning of materials for fire safety purposes.
2. The Health Act 1956 also has some control on nuisance effects from the discharge of contaminants into air.
3. These rules do not permit the use of fire accelerants such as waste petroleum products or tyres. The burning of such materials is prohibited by Rule 16.3.3.1 and incineration of such materials may be allowed only if a consent is obtained.
4. Where the separation distances specified in the rules cannot be achieved or other conditions of the rules are not met, consents are required to be obtained from the Otago Regional Council.

16.3.2.1 Discharges from outdoor burning on residential properties in Air Zone 1 or 2 - permitted activity

Except as provided for by Rule 16.3.2.5, the discharge of contaminants into air from outdoor burning on any residential property in Air Zone 1 or 2;

is a *permitted activity*, providing:

- (1) Only paper, cardboard, vegetative matter or untreated wood is burnt; and
- (2) The material is from the property where the burning occurs; and
- (3) The material is dry at the time of burning; and
- (4) The burning does not occur within 50 metres of the closest part of the boundary of the property; and
- (5) Any discharge of smoke, odour or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.2.2 Discharges from outdoor burning on non-residential properties, including production land, in Air Zone 1 or 2 - permitted activity

Except as provided for by Rule 16.3.2.5, the discharge of contaminants into air from outdoor burning on any non-residential property, including production land in Air Zone 1 or 2;

is a *permitted activity*, providing:

- (a) Only paper, cardboard, vegetative matter or untreated wood is burnt; and
- (b) The material is from the property where the burning occurs; and
- (c) The material is dry at the time of burning; and
- (d) The burning does not occur within 100 metres of any dwelling on any other property; and
- (e) Any discharge of smoke, odour or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.2.3 Discharges from outdoor burning on properties which are not production land, in Air Zone 3 - permitted activity

Except as provided for by Rule 16.3.2.5, the discharge of contaminants into air from outdoor burning on any property which is not production land, in Air Zone 3;

is a *permitted activity*, providing:

- (a) Only paper, cardboard, vegetative matter or untreated wood is burnt; and
- (b) The material is from the property where the burning occurs; and
- (c) The material is dry at the time of burning; and
- (d) Any discharge of smoke, odour or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.2.4 Discharges from outdoor burning on production land in Air Zone 3 - permitted activity

Except as provided for by Rule 16.3.2.5, the discharge of contaminants into air from outdoor burning on any property which is production land, in Air Zone 3;

is a *permitted activity*, providing:

- (a) No material specified in Rule 16.3.3.1 is burnt; and
- (b) Any discharge of smoke, odour or particulate matter from burning waste is not offensive or objectionable at or beyond the boundary of the property.

16.3.2.5 Discharges from outdoor burning of any campfire or celebratory fire, or for the cooking of food - permitted activity

The discharge of contaminants into air from outdoor burning of any campfire or celebratory fire, or outdoor burning for the cooking of food by any barbecue, hangi, umu or similar means;

is a *permitted activity*, providing:

- (a) No material specified in Rule 16.3.3.1 is burnt; and
- (b) The material is dry at the time of burning; and
- (c) Any discharge of smoke, odour or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.2.6 Other discharges from outdoor burning – discretionary activity

Except as provided for by Rules 16.3.2.1 to 16.3.2.5, or prohibited by Rule 16.3.3.1, the discharge of contaminants into air from outdoor burning is a *discretionary activity*.

Principal reasons for adopting

Rules 16.3.2.1 to 16.3.2.6 set up a regime that allows outdoor burning, provided that the burning is undertaken in an appropriate location, with only clean-burning material generated on the property, and does not result in adverse localised effects at or beyond the boundary of the property. The first two rules target areas with a high density of development, because proximity to a fire is a significant determinant as to whether the discharge will have adverse effects on neighbours and the environment.

Rule 16.3.2.1 applies to outdoor burning on residential properties in Air Zone 1 or 2. In order to assist in managing the effects of such burning in these areas with relatively high population densities, the rule requires burning to be undertaken more than 50 metres from the boundary of the property.

Rule 16.3.2.2 applies to outdoor burning on non-residential properties such as, but not limited to, educational facilities, industrial or trade premises, parks, reserves and production land located in Air Zone 1 or 2. The rule recognises that outdoor burning on non-residential properties in areas with relatively high population densities is likely to have more significant adverse localised effects than such burning on residential properties, as greater volumes of material are likely to be involved. In order to assist in mitigating these effects, the rule requires burning to be undertaken more than 100 metres from the boundary of the property.

Rule 16.3.2.3 applies to outdoor burning on all properties, other than production land, such as, but not limited to, residential properties, educational facilities, industrial or trade premises, parks and reserves, Air Zone 3. It adopts a similar level of control to that applying in Air Zones 1 and 2, except that a separation distance is not required in recognition of the often lower density of development in these areas, and the lower incidence of complaints received from them. Furthermore, if the Plan did not permit this activity on industrial or trade premises, it would require a resource consent under Section 15(1) of the Resource Management Act.

Rule 16.3.2.4 applies to outdoor burning on all production land properties, in Air Zone 3. The level of control reflects the fact that such properties are normally of larger size, and few if any complaints are received from burning waste on production land. Note that Rule 16.3.3.1 does not prohibit the burning of animal carcasses on this production land.

Rule 16.3.2.5 applies to minor or infrequent outdoor burning on any Otago property, for the purposes of backyard cooking of food, such as in any barbecue, hangi or umu, or for a campfire or a celebratory fire, such as for Guy Fawkes or New Year's Eve. Conditions relating to separation distances or that the material burnt be generated on the property are not required, in recognition of the small scale or infrequent occurrence of these activities.

Where a discharge into air from outdoor burning does not comply with any of Rules 16.3.2.1 to 16.3.2.5 (whichever is applicable), and is not prohibited by Rule 16.3.3.1, it becomes a discretionary activity in terms of **Rule 16.3.2.6** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.3 Burning or incineration of specified materials

Note:

1. City and district councils in implementing the Forests and Rural Fires Act 1977 may also have bylaws controlling outdoor burning of materials for fire safety purposes.
2. The Health Act 1956 also has some control on nuisance effects from the discharge of contaminants into air.

16.3.3.1 Burning or incineration of specified materials - prohibited activity

Except as provided for by Rules 16.3.3.2 and 16.3.13.2, the discharge of contaminants into air from the burning or incineration of any of the following materials:

- (a) Chlorinated organic chemicals including, but not limited to, dioxins, furans, polychlorinated biphenyls (PCB);
- (b) Contaminated material from contaminated sites and buildings;
- (c) Food waste;
- (d) Materials containing heavy metals;
- (e) Material associated with the recovery of metal from coated or covered cables;
- (f) Motor vehicles and vehicle parts;
- (g) Materials containing mineral fibres including but not limited to asbestos;
- (h) Paint and other surface coatings;
- (i) Pathological materials excluding animal carcasses on production land;
- (j) Agrichemicals and agrichemical waste;
- (k) All plastic, including, but not limited to, polyvinylchloride (PVC), polystyrene, nylon, styrofoam, but not including polyethylene;
- (l) Tyres and other rubber;
- (m) Timber treated with copper, chrome and arsenic (CCA) or organochlorine preservatives;
- (n) Waste oil or other waste petroleum products; or
- (o) Sewage sludge and associated solids, or solids derived from liquid-borne municipal, industrial or trade waste; or
- (p) Asphalt surfaces (seal burning);

is a *prohibited activity*, for which no consent will be granted.

16.3.3.2 Discharges from the burning or incineration of materials specified in Rule 16.3.3.1 - discretionary activity

The discharge of contaminants into air from the burning or incineration of:

- (1) Any material specified in Rule 16.3.3.1, in an incinerator or crematorium; or
- (2) Waste oil, in a frost pot, or fuel burning equipment;

is a *discretionary activity*.

Principal reasons for adopting

Rules 16.3.3.1 and 16.3.3.2 recognise that the burning of the materials specified in Rule 16.3.3.1 can result in the discharge of hazardous air contaminants (identified in Schedule 3), in addition to effects such as smoke and odour which are common to the burning of all waste. Contaminants of this nature have been identified by the Ministry for the

Environment as being known, or suspected, to cause significant adverse effects on human health and the environment.

Rule 16.3.3.1 recognises that when the materials specified are burnt on the open ground or by uncontrolled means it is not possible to take any measures to manage the discharge of hazardous air contaminants. Because of this, adverse effects can be avoided only through prohibiting this type of burning.

Rule 16.3.3.2 recognises that, in some circumstances, the materials specified in Rule 16.3.3.1 are best disposed of by incineration. There is, however, considerable variation in the technical specifications of incinerators and some are more suited to burning the specified materials than others. Because of this and the fact that the burning of these materials may have significant adverse effects, the management of these effects needs to be considered on a case-by-case basis through a resource consent process. For example, it may be appropriate to incinerate waste oil in fuel burning equipment such as boilers and kilns, but the effects need to be assessed through a consent process.

16.3.4 Products of combustion from fuel burning equipment

16.3.4.1 Discharges from fuel burning equipment in Air Zone 1 or 2 - permitted activity

The discharge into air of products of combustion arising from fuel burning equipment from single activities or a combination of activities located on one site (excluding domestic heating appliances subject to Rules 16.3.1.1 to 16.3.1.6) in Air Zone 1 or 2 which:

- (1) Does not exceed a heat generation capacity of 1MW; or
- (2) Does not exceed a heat generation capacity of 5MW and burns only gas, oil or bio-oils (excluding waste oil) with a sulphur content of less than 1%;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) No material specified in Rule 16.3.3.1 is burnt; and
- (c) Any discharge of smoke, odour, particulate matter or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.4.2 Discharges from fuel burning equipment in Air Zone 3 - permitted activity

The discharge into air of products of combustion arising from fuel burning equipment (excluding domestic heating appliances subject to Rules 16.3.1.1 to 16.3.1.6) located on a site in Air Zone 3 which does not exceed a heat generation capacity of 5MW (from single activities or a combination of activities located on one site);

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) No material specified in Rule 16.3.3.1 is burnt; and
- (c) Any discharge of smoke, odour, particulate matter or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.4.3 Other discharges of the products of combustion from fuel burning equipment – discretionary activity

Except as provided for by Rule 16.3.4.1 or 16.3.4.2, the discharge into air of products of combustion from fuel burning equipment is a *discretionary activity*.

Principal reasons for adopting

Rule 16.3.4.1 permits minor discharges into air from fuel burning equipment in Air Zone 1 or 2. It recognises that allowing larger scale discharges without consent in these areas is inappropriate given that ambient air quality in Air Zone 1 or 2 is more degraded than elsewhere in Otago (Air Zone 3).

The rule also makes a distinction between fuel types due to the difference in potential effects. Gas fuels, light oils and bio-oils are easy to burn cleanly. Combustion of other fuels such as coal, wood or high sulphur oils can result in a greater discharge of some contaminants. For example, coal boilers typically discharge between 4 and 8 kg of particulate per tonne of fuel, and some can discharge up to 30 kg per tonne depending on the type of equipment and the ash content of the coal. As a comparison, a light fuel oil-fired boiler produces less than 0.3 kg per tonne, while particulate emissions from gas combustion are negligible.

Oils with a sulphur content of greater than 1%, and some coals, have the potential to discharge significant quantities of sulphur dioxide to the atmosphere. Fuel oils with a high sulphur content also tend to have a correspondingly high potential to produce particulate discharges. This is because the sulphur content is related to ash content and factors such as viscosity which affects atomisation of the fuel in a burner, thereby making it more difficult to burn cleanly.

Given these factors, it is not appropriate to treat all fuels in the same way. Fuels other than gas, light oil or bio-oils must be treated in a precautionary manner.

Rule 16.3.4.2 recognises that in Air Zone 3, discharges from fuel burning equipment will have less effect. This is because there is a lower density of combustion discharges.

Where a discharge into air from fuel burning equipment does not comply with either Rules 16.3.4.1 or 16.3.4.2 (whichever is applicable), and is not prohibited by Rule 16.3.3.1, it becomes a discretionary activity in terms of Rule 16.3.4.3 and a consent is required to be obtained. Note that Rule 16.3.3.2 allows waste oil to be incinerated in fuel burning equipment as a discretionary activity. This allows any adverse effect to be assessed.

16.3.5 Discharges from industrial or trade processes

Note:

1. Industrial or trade processes may also be subject to city or district council bylaws or district plan rules.
2. Rules 16.3.5.2 and 16.3.5.6 apply to discharges from activities on ships.
3. Discharges from fuel burning equipment used in the following processes are dealt with by Rules in 16.3.4, and are not covered by the following rules.

16.3.5.1 Discharges from the processing of plant or animal matter - permitted activity

The discharge of contaminants into air from:

- (1) Deep fat frying, oil frying, roasting, drying, boiling, baking or smoking of plant or animal matter where the total raw material capacity is less than 250 kg/hr; or
- (2) Food preparation or cooking activities associated with restaurants, and other similar premises including takeaway bars, and the making of bread and cheese; or
- (3) The drying of milk or milk products where the total raw material capacity is less than 250 kg/hr; or
- (4) Wine making, brewing and other fermentation processes for production of food or beverages; or
- (5) The slaughter or skinning of animals; or
- (6) The drying of grain where the total raw material capacity on site is less than 1000 kg/hr for activities located in Air Zone 1 or 2 and less than 5000 kg/hr for activities located in Air Zone 3;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any discharge of odour, or particulate matter, including fat and oils, is not offensive or objectionable at or beyond the boundary of the property.

16.3.5.2 Discharges from the sorting, crushing, screening, conveying and storage of powdered or bulk products - permitted activity

The discharge of contaminants into air from the sorting, crushing, screening, storage and conveying (including loading and unloading) of fertilisers, grains, berries, coal, coke, wood chips, sawdust, wood shavings, bark, sand, aggregates, and other powdered and bulk products whether in dry or liquid form, where:

- (1) The total capacity of outside storage of bulk materials is less than 1,000 m³ if located on a site in Air Zone 1 or 2; and
- (2) The crushing and screening of bulk materials is at a rate less than 100 tonnes an hour;

is a *permitted activity*, providing any discharge of odour, or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.5.3 Discharges from mineral extraction and processing - permitted activity

The discharge of contaminants into air from:

- (1) The extraction of minerals from the surface or from an open pit at a rate less than 20,000 cubic metres per month and 100,000 cubic metres per year; or
- (2) The crushing and screening of minerals at a rate less than 200 tonnes an hour; or
- (3) The drying or heating of minerals from single activities or a combination of activities on one site with equipment that has a heat generation capacity of less than 500 kW; or
- (4) The making of refractory, bricks or ceramic products at a rate less than 200 kg/hr of products;

is a *permitted activity*, providing:

- (a) The mineral extraction, crushing and screening activities are located in Air Zone 3; and
- (b) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (c) Any discharge of smoke, odour or particulate matter is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.5.4 Discharges from chemical processing, manufacturing and industrial or trade processes which discharge hazardous air contaminants - permitted activity

The discharge of contaminants into air from single activities or a combination of activities located on one site involving:

- (1) Processes used for water treatment by chlorine or ozone, where less than 10 kg/hr of chlorine or chlorinated chemicals are used; or
- (2) Chemical manufacturing or processing where the discharge of sulphur dioxide or nitrogen dioxide is less than 5 kg/hr; or
- (3) Processes that discharge less than 0.01 kg/hr of Category A, B1 and B2 carcinogens as identified in Schedule 3; or
- (4) Processes that discharge less than 0.01 kg/hr of heavy metals; or
- (5) Processes that discharge less than 1 kg/hr of hazardous air contaminants identified in Schedule 3, excluding heavy metals and Category A, B1 and B2 carcinogens as identified in Schedule 3;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any discharge of odour, particulate matter or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.5.5 Discharges from metal processing and foundries - permitted activity

The discharge of contaminants into air in connection with the melting of lead, aluminium, iron, copper, brass or bronze on a site where the aggregated melting capacity is less than 250 kg/hr;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any discharge of odour, particulate matter, gases or fumes is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.5.6 Discharges from surface coating (including spray painting) and di-isocyanate use - permitted activity

The discharge of contaminants into air from:

- (1) Permanent surface coating facilities including single activities or a combination of activities located on one site involving:
 - (i) The application of coating materials not containing di-isocyanates (including paint, paint solvents, varnish, lacquer, dyes, metal oxide coatings, adhesive coatings, elastomer coatings, stains and polishes) where less than 2 tonnes per month and 20 tonnes per year of coating is used, and less than 20 litres per week of organic solvents are used; or
 - (ii) The application of di-isocyanate coating materials or the manufacture of polyurethane foams, where less than 1 kg/hr of di-isocyanate is used; or
 - (iii) The stoving, curing, baking or drying of coating materials (including paint, paint solvents, varnish, lacquer, dyes, metal oxide coatings, adhesive coatings, elastomer coatings, stains and polishes) by heat, with equipment that has a heat generation capacity of less than 500 kW; or
- (2) The surface coating (including spray painting) of roads, buildings, bridges and other structures, by mobile equipment;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any overspray or discharge of odour or particulate matter is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property; and
- (c) Any overspray or discharge of odour or particulate matter in a public amenity area is not noxious, dangerous, offensive or objectionable at or beyond 20 metres from the discharge.

16.3.5.7 Discharges from petroleum and hydrocarbon processes - permitted activity

The discharge of contaminants into air from:

- (1) The handling and purification by distillation of dry cleaning substances at retail outlets; or
- (2) The handling and storage of hydrocarbons at service stations, bulk terminals and other facilities concerned with marketing and delivery of fuels and lubricants; or
- (3) Processes not listed above that involve the handling and processing of hydrocarbons where the discharge from single activities or a combination of activities located on one site is less than 1 kg/hr of hazardous air contaminants, excluding Category A, B1 and B2 carcinogens as identified in Schedule 3; or
- (4) Processes not listed above that involve the handling and processing of hydrocarbons where the discharge from single activities or a combination of activities located on one site is less than 0.01 kg/hr of Category A, B1 and B2 carcinogens as identified in Schedule 3;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any discharge of odour or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.5.8 Discharges from the processing of wood and wood products - permitted activity

The discharge of contaminants into air from:

- (1) The drying of timber in a kiln at a rate less than 2000 cubic metres per month and 20,000 cubic metres of timber per year from single activities or a combination of activities located on one site; or
- (2) Timber sawing, milling, joining and moulding, where the timber is processed at a rate less than 2000 cubic metres per month and 20,000 cubic metres per year, from single activities or a combination of activities located on one site;

is a *permitted activity*, providing:

- (a) In the case of equipment installed after 28 February 1998, any chimney complies with Schedule 6 (“Determination of Chimney Heights”); and
- (b) Any discharge of smoke, odour or particulate matter is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.5.9 Other discharges from industrial or trade processes – discretionary activity

Except as provided for by Rules 16.3.5.1 to 16.3.5.8 and 16.3.6.1, 16.3.6.2, 16.3.7.1, 16.3.9.2, 16.3.10.1, 16.3.10.2, 16.3.11.1, 16.3.13.1 and 16.3.13.2, or prohibited by Rule 16.3.3.1, the discharge of contaminants into air from industrial or trade processes is a *discretionary activity*.

Principal reasons for adopting

Discharges of contaminants into air from industrial or trade premises can only occur if expressly allowed by a rule in a regional plan and proposed regional plan, a resource consent or by regulations (Section 15(1) of the Resource Management Act).

The activities permitted by **Rules 16.3.5.1, to 16.3.5.8** involve small scale discharges and, provided the conditions of the rules are met, these activities will have no more than minor adverse effects on the environment.

Where a discharge into air from industrial or trade processes does not comply with any of Rules 16.3.5.1 to 16.3.5.8 (whichever is applicable), and is not prohibited by Rule 16.3.3.1, it becomes a discretionary activity in terms of **Rule 16.3.5.9** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.6 Abrasive blasting

Note:

1. City and district councils may have controls in relation to abrasive blasting activities, particularly in terms of noise.
2. Rules in this section apply to discharges from abrasive blasting on ships.

16.3.6.1 Discharges from wet or vacuum abrasive blasting - permitted activity

The discharge of dust or contaminants into air from wet or vacuum abrasive blasting, whether mobile or in permanent facilities;

is a *permitted activity*, providing:

- (a) Any unused abrasive media or waste material is kept covered or stored so that it cannot be blown around by wind; and
- (b) Waste material is removed from temporary sites at the completion of the project; and
- (c) Any overspray or discharge of odour or particulate matter is not noxious, dangerous, offensive or objectionable beyond the boundary of the property; and
- (d) Any overspray, or discharge of odour or particulate matter in a public amenity area, is not noxious, dangerous, offensive or objectionable beyond 20 metres from the discharge.

16.3.6.2 Discharges from dry abrasive blasting - permitted activity

The discharge of dust or contaminants into air from dry abrasive blasting, whether mobile or in permanent facilities;

is a *permitted activity*, providing:

- (a) Any unused abrasive media or waste material is kept covered or stored so that it cannot be blown around by wind; and
- (b) Waste material is removed from temporary sites at the completion of the project; and
- (c) In the case of permanent facilities all items are blasted within a building or enclosure (shroud, screen or cover) from which the only discharge into air is from an exhaust system fitted with emission controls designed to achieve an emission less than 125 mg/Nm³ of dust at 0°C and 101.3 kPa on a dry gas basis; and
- (d) In the case of mobile operations all items are blasted within a building or enclosure (shroud, screen or cover); and
- (e) Any overspray or discharge of odour or particulate matter is not noxious, dangerous, offensive or objectionable beyond the boundary of the property; and
- (f) Any overspray or discharge of odour or particulate matter in a public amenity area, is not noxious, dangerous, offensive or objectionable beyond 20 metres from the discharge.

16.3.6.3 Other discharges from abrasive blasting – discretionary activity

Except as provided for by Rule 16.3.6.1 or 16.3.6.2, the discharge of contaminants into air from abrasive blasting is a *discretionary activity*.

Principal reasons for adopting

Rules 16.3.6.1 and 16.3.6.2 have been adopted to avoid abrasive blasting giving rise to off-site nuisance effects.

The rules do not contain conditions limiting the blasting media which may be used or the material which may be blasted. While certain contaminants may give rise to adverse health effects such effects are usually limited to within the site and therefore addressed under the Health and Safety in Employment Act 1992. Furthermore, any off-site health effects that may occur are likely to become evident well after the activity has given rise to nuisance effects, and thus at a time when the operation would already be undergoing review (in order to meet the permitted activity standards) or consents were being applied for. Off-site health effects are one matter which the Council will consider when processing such an application.

The rules do not address the effects of discharges from abrasive blasting into water or onto land where material may enter water. These effects are addressed in the Regional Plan: Water for Otago.

Rule 16.3.6.1 is adopted to permit wet or vacuum abrasive blasting as these processes are unlikely to have any significant adverse environmental effects on the environment. Use of wet abrasive blasting confines the contaminants to the water stream and minimises aerial dispersion. Vacuum blasting also minimises aerial dispersion as the vacuum

method enables greater control of waste material. Notwithstanding this, the Council has adopted a level of control through the stated conditions which enables control to be exercised in circumstances where this is warranted.

Rule 16.3.6.2 is adopted to permit the discharge of contaminants into air from dry abrasive blasting. The conditions required for compliance with this rule are more restrictive than those required for wet or vacuum blasting under Rule 16.3.6.1. This is because dry abrasive blasting results in much greater concentrations of dust which tend to drift further. It also recognises the Council's preference for wet or vacuum blasting to be used as an alternative to dry abrasive blasting.

Where a discharge into air from abrasive blasting does not comply with either Rules 16.3.6.1 or 16.3.6.2 (whichever is applicable) it becomes a discretionary activity in terms of Rule 16.3.6.3 and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.7 Waste management

16.3.7.1 Discharges from the storage, transfer, treatment and disposal of liquid-borne municipal, industrial or trade waste - permitted activity

The discharge of contaminants into air from the storage, transfer, treatment or disposal (including land application of treated effluent and sludge, but excluding the burning of sludge and associated solids) of liquid-borne municipal, industrial or trade waste, where the influent liquid waste does not exceed a BOD₅ of 850 kg per day;

is a *permitted activity*, providing:

- (a) Ponds constructed after 1 January 2002 are located at least 150 metres from the closest part of the boundary of the property; and
- (b) Land application does not occur within:
 - (i) 150 metres from any residential dwelling on a neighbouring property or from a building used for employment purposes on a neighbouring property; and
 - (ii) 20 metres from a formed public road; and
 - (iii) 150 metres from any public amenity area or place of public assembly, excluding formed public roads, and
- (c) **Any discharge** of odour, particulate matter, droplets or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.7.2 Discharges from farm waste management - permitted activity

The discharge of contaminants into air from farm waste management involving:

- (1) The storage, transfer and disposal of animal bedding, manure and other biological material from intensive farming; or
- (2) The treatment, storage and disposal via land application of liquid animal effluent and sludge;

is a *permitted activity*, providing:

- (a) Ponds constructed after 30 June 2001 and outdoor stockpiles of waste animal bedding, manure and other biological material are located at least 150 metres from the closest part of the boundary of the property; and
- (b) Land application does not occur within:
 - (i) 150 metres from any residential dwelling on a neighbouring property or from a building used for employment purposes on a neighbouring property; and
 - (ii) 20 metres from a formed public road; and
 - (iii) 150 metres from any public amenity area or any place of public assembly, excluding formed public roads; and
- (c) The volume of liquid waste involved does not exceed a BOD₅ of 700 kg per day; and
- (d) Any discharge of odour, particulate matter, droplets or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.7.3 Other discharges from waste management – discretionary activity

Except as provided for by Rule 16.3.7.1 or 16.3.7.2, the discharge of contaminants into air from waste management is a *discretionary activity*.

Principal reasons for adopting

Rules 16.3.7.1 and 16.3.7.2 recognise that the Regional Plan: Water for Otago is the main mechanism by which the Council controls the operation of liquid effluent management processes, and that if the processes are operating efficiently there should be no significant adverse effects on air quality. Should odours occur, they would represent a failure of the treatment processes which would be primarily addressed via enforcement of the Regional Plan: Water rules or conditions of a discharge permit.

Rule 16.3.7.1 recognises Section 418 of the Resource Management Act which requires any industrial or trade premises used for the storage, transfer, treatment, or disposal of waste materials or other waste management purposes which commenced after the 1st day of October 1991, to have a resource consent to discharge contaminants into air unless that discharge is provided for by a rule in a regional plan. This rule is included to enable activities which have no more than minor adverse effects to be undertaken without the need for consents.

Rule 16.3.7.2 recognises that on-farm waste management processes can result in the emission of odours. This rule introduces separation distances between new ponds or land application areas and residential dwellings, public roads or places of assembly, with a view to avoiding adverse effects of odour beyond the boundary of the property where the waste management is undertaken.

Where a discharge into air from waste management does not comply with either Rules 16.3.7.1 or 16.3.7.2 (whichever is applicable) it becomes a discretionary activity in terms of Rule 16.3.7.3 and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.8 Intensive farming

Note:

1. Property owners/managers should consult with their local city or district council and assess whether the applicable district plan contains any controls on location, noise levels or any other activities which may affect the operation. Land use consents may be required from city and district councils.

16.3.8.1 Discharges from intensive farming - permitted activity

The discharge of contaminants into air from ventilation associated with intensive farming;

is a *permitted activity*, providing:

- (a) No more than 2000 pigs or 100,000 poultry are kept at any one time; and
- (b) Any discharge of odour or particulate matter is not offensive or objectionable at or beyond the boundary of the property.

16.3.8.2 Other discharges from intensive farming – discretionary activity

Except as provided for by Rule 16.3.8.1, the discharge of contaminants into air from intensive farming is a *discretionary activity*.

Principal reason for adopting

Rule 16.3.8.1 has been adopted to allow small scale discharges without consent, provided there is no noxious, dangerous, offensive or objectionable odour or dust at or beyond the boundary of the property. The Council has however retained control over large scale pig and poultry farming operations because they can have more than minor adverse effects on the environment, particularly in terms of particulate matter and odour.

Where a discharge into air from intensive farming does not comply with Rule 16.3.8.1, it becomes a discretionary activity in terms of **Rule 16.3.8.2** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.9 Agrichemical application

Note:

1. District plans may have land use rules relating to agrichemical application and should be referred to in connection with these permitted activity rules.
2. In carrying out any agrichemical application in terms of the following rules, the practices recommended in Section 5 of the *Code of Practice for the Management of Agrichemicals* (NZS 8409:1999; New Zealand Agrichemical Education Trust, August 1999), or in Schedule 4 of this Plan which is based on that code, should be used, noting that to do so does not negate the requirement to meet rule conditions.
3. Signage on public roads (Rule 16.3.9.3) needs to meet the requirements of the appropriate road controlling authority (city or district councils in the case of local roads and Transit New Zealand in the case of state highways).

16.3.9.1 Discharges from agrichemical application on residential properties - permitted activity

The discharge of any agrichemical into air arising from the application of any agrichemical using hand held appliances:

- (1) For domestic purposes within a residential property; or
- (2) On the residential portion of any other property; or
- (3) On road frontages of residential properties where the spray is applied by the residents of the adjoining residential property;

is a *permitted activity*, providing:

- (a) The agrichemical and any associated additive are authorised for use in New Zealand and are used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with the manufacturer's directions; and
- (c) The discharge does not exceed the quantity, concentration or rate required for the intended purpose; and
- (d) The application does not result in any ambient concentrations of contaminants at or beyond the boundary of the property that have noxious or dangerous effects.

16.3.9.2 Discharges from agrichemical application on production land and industrial or trade premises - permitted activity

The discharge of any agrichemical into air using aerial or ground based application methods:

- (1) On production land; or
- (2) On roadsides adjoining production land when applied by the adjacent landowner or his/her employee; or
- (3) On industrial or trade premises;

is a *permitted activity*, providing:

- (a) The agrichemical and any associated additive are authorised for use in New Zealand and are used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with the manufacturer's directions; and
- (c) The discharge does not exceed the quantity, concentration or rate required for the intended purpose; and
- (d) The application does not result in any ambient concentrations of contaminants at or beyond the boundary of the property that have noxious or dangerous effects.

16.3.9.3 Discharges from agrichemical application in public amenity areas and places of public assembly - permitted activity

Except as provided for in Rules 16.3.9.1 and 16.3.9.2, the discharge of agrichemicals in public amenity areas or in places of public assembly using aerial or ground based application methods;

is a *permitted activity*, providing:

- (a) The agrichemical and any associated additive are authorised for use in New Zealand and are used in accordance with the authorisation; and
- (b) The discharge is carried out in accordance with the manufacturer's directions; and
- (c) The discharge does not exceed the quantity, concentration or rate required for the intended purpose; and
- (d) The application does not result in any ambient concentrations of contaminants at or beyond the boundary of the property that have noxious or dangerous effects; and
- (e) Every person applying agrichemicals after 1 March 1999 using:
 - (i) Hand-held appliances with a maximum capacity of up to 15 litres shall hold a current Standard Growsafe Certificate; and
 - (ii) Ground-based application methods including hand-held appliances with a maximum capacity in excess of 15 litres shall hold a current Growsafe Registered Chemical Applicators Certificate; and
- (f) The application is undertaken in accordance with Section 5 of the Code of Practice for the Management of Agrichemicals (NZS 8409:1999; New Zealand Agrichemical Education Trust, August 1999); and
- (g) Signs advising that spraying is in progress are placed at all points where the public commonly have entry when application occurs in parks, reserves, gardens and sports grounds, but not alongside public roads or railways; and
- (h) Where signs are required under Condition (g), adequate signage is maintained in place to ensure the public do not enter the affected land until the re-entry period for that particular chemical has expired; and
- (i) Where application occurs alongside public roads and railways, vehicles associated with the spraying shall display prominent signs advising that spraying is in progress.

16.3.9.4 Other discharges from agrichemical application – discretionary activity

Except as provided for by Rules 16.3.9.1 to 16.3.9.3, the discharge of contaminants into air from agrichemical application is a *discretionary activity*.

Principal reasons for adopting

Rules 16.3.9.1, 16.3.9.2 and 16.3.9.3 have been adopted to enable discharges from agrichemical spraying to occur without the need for consent, provided that any off-site and non-target effects are no more than minor. This will avoid or mitigate the adverse effects of agrichemicals on human health and safety, sensitive areas or places, and non-target areas or species. The three rules distinguish between the application of agrichemicals on the basis of land use.

The rules do not address the effects of agrichemical application into water or onto land where the agrichemicals may enter water. These effects are addressed in the Regional Plan: Water for Otago. Agrichemical application in the coastal marine area is controlled by the Regional Plan: Coast for Otago.

Pilots are required by the Civil Aviation Act to hold an agrichemical rating certificate if they are applying agrichemicals from planes or helicopters. Pilots are also subject to enforcement action from Civil Aviation. Thus, while there is a greater potential for spray

drift to occur from aerial application if good management practices are not followed, no additional controls are contained in this Plan because aerial applicators are already required to undergo additional training. There is no need to duplicate the provisions available in other institutional arrangements by including the same requirement in rules in this Plan.

Rule 16.3.9.1 restricts the application of agrichemicals on residential properties unless it is undertaken in a manner specified by the manufacturer of the agrichemicals. This rule recognises that the application of agrichemicals on residential properties typically involves only small quantities of agrichemicals using hand held application methods which are generally operated at ground level and at low pressures. Given these circumstances the adverse effects of agrichemical application are generally insignificant, thus the Council has adopted a level of control which enables it to apply performance standards to avoid the misuse of agrichemicals and to avoid the occurrence of adverse effects such as damage to the vegetation on adjoining properties.

Rule 16.3.9.2 permits the application of agrichemicals on production land, on roadsides adjoining production land when applied by the adjacent landowner or his/her employee and on industrial or trade premises. This is because there are greater quantities of agrichemicals applied on production land and the application methods commonly used are more likely to result in spray drift. The rule also allows landowners to control plant pests on road frontages adjoining their properties.

Rule 16.3.9.3 permits the application of agrichemicals in public amenity areas and places of public assembly subject to compliance with the stated conditions. The conditions are more restrictive than those for Rules 16.3.9.1 and 16.3.9.2 recognising that public interest in these areas is higher than in those areas where access is either restricted or not provided.

Where a discharge into air from agrichemical application does not comply with any of Rules 16.3.9.1 to 16.3.9.3 (whichever is applicable), it becomes a discretionary activity in terms of **Rule 16.3.9.4** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.10 Water vapour, heat and energy

16.3.10.1 Discharges of steam or water vapour - permitted activity

Except as provided for by the Rules in section 16.3.1 to 16.3.9, the discharge of condensed water vapour, including steam, into air;

is a *permitted activity*, providing:

- (a) Any plume does not impair visibility on any road or in any aircraft flight path; and
- (b) There is no drift of a noxious, dangerous, offensive or objectionable plume beyond the boundary of the property; and
- (c) There is no venting of steam or water directly above footpaths or onto or over other properties.

16.3.10.2 Discharges of energy, including heat - permitted activity

Except as provided for by the Rules in section 16.3.1 to 16.3.9, the discharge into air of:

- (1) Air heated above ambient temperature, including but not limited to heated air from heat exchangers, and air used for the purpose of cooling plant and equipment; or
- (2) Energy from sources of electromagnetic radiation, including radio and television transmitters and other telecommunications facilities, cell phones, and generators;
- (3) Heat generated by transmission lines and ancillary equipment;

is a *permitted activity*.

Note:

1. The siting of radio and telephone transmitters and other telecommunication facilities is controlled by city and district councils.
2. The control of ionising radiation (including x-rays and gamma rays) is administered by the National Radiation Laboratory under the Radiation Protection Act. Non-ionising radiation is mainly associated with the broadcasting and communication industries and there is a New Zealand Standard available for the control of such radiation.

16.3.10.3 Other discharges of water vapour, heat or energy – discretionary activity

Except as provided for by Rule 16.3.10.1 or 16.3.10.2, the discharge of contaminants into air of water vapour, heat or energy is a *discretionary activity*.

Principal reasons for adopting

Rule 16.3.10.1 provides performance standards to ensure that the discharge of steam or water vapour does not cause a traffic hazard, does not adversely affect amenity values and does not deposit on surfaces where it may freeze, thereby creating a potential risk to public safety. Discharges of steam do not produce any other adverse effects on the environment and it is unnecessary to require any regulation of discharge quality.

Rule 16.3.10.2 provides certainty to users and contributes to administrative efficiency for managing activities that either have no adverse effects on air quality or where any adverse effects will be minor.

Part (1) provides for discharges of heat where no combustion has occurred. The effects of such discharges on a local scale are minimal since heat disperses rapidly in the air.

Part (2) provides for the release of energy from radio and television and the like. These sources generate relatively low radiation, which have only minor effects on air quality. Furthermore as such sources are found throughout the country, the discharge of energy from such appliances and equipment is considered to be more appropriately addressed at the national level. Permitting these activities avoids the duplication of other requirements and controls relating to electromagnetic radiation. Part (3) recognises that some electrical ‘process loss’ (in the form of heat) can occur, but its effects are no more than minor.

Where a discharge into air of water vapour, heat or energy does not comply with either Rules 16.3.10.1 or 16.3.10.2 (whichever is applicable), it becomes a discretionary activity in terms of **Rule 16.3.10.3** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.11 Ventilation or vapour displacement

16.3.11.1 Discharges for the purpose of ventilation or vapour displacement - permitted activity

The discharge of contaminants into air from:

- (1) Ventilation from indoor working spaces, unless otherwise covered in this Plan; or
- (2) Fume cupboards; or
- (3) Tanks used for the storage of liquids, excluding the storage of hydrocarbons as permitted by Rule 16.3.5.7 on any industrial or trade premises; or
- (4) The venting of gas pipelines, pumps, compressors, tanks or associated equipment when released for the purposes of refilling, servicing or repair, on any industrial or trade premises;

is a *permitted activity*, providing any discharge of odour or particulate matter is not noxious, dangerous, offensive or objectionable beyond the boundary of the property.

16.3.11.2 Other discharges from ventilation or vapour displacement – discretionary activity

Except as provided for by Rule 16.3.11.1, the discharge of contaminants into air from ventilation or vapour displacement is a *discretionary activity*.

Principal reason for adopting

Rule 16.3.11.1 provides for the discharge of contaminants into air associated with ventilation. Most ventilation generates only negligible or minor adverse effects on the environment provided certain conditions are met. The conditions of this rule are concerned with addressing the potential effects of the discharge beyond the boundary. On-site effects are generally managed under other legislation, such as the Health and Safety in Employment Act 1992.

Where a discharge into air from ventilation or vapour displacement does not comply with Rule 16.3.11.1, it becomes a discretionary activity in terms of **Rule 16.3.11.2** and a consent is required to be obtained. This allows any adverse effect to be assessed.

16.3.12 Nuclear power generation or nuclear weapon manufacturing

16.3.12.1 Discharges from nuclear power generation or nuclear weapon manufacturing - prohibited activity

The discharge of contaminants into air from nuclear power generation or nuclear weapon manufacturing is a *prohibited activity*, for which no consent will be granted.

Principal reason for adopting

Rule 16.3.12.1 is adopted to provide for Policy 12.5.1 of the Regional Policy Statement for Otago. The rule prohibits all discharges from nuclear power generation plants or nuclear weapon manufacturing, some of which may have otherwise been permitted by this Plan.

16.3.13 General permitted activities**16.3.13.1 Discharges from miscellaneous activities - permitted activity**

The discharge of contaminants into air from:

- (1) Vehicle engine maintenance and servicing; or
- (2) Building and construction activities, including road construction and maintenance, but excluding the remediation of asphalt surfaces (seal burning); or
- (3) Any outdoor general engineering activity; or
- (4) Using a smoke tracer to test underground drains or sewers; or
- (5) Fertiliser application; or
- (6) The engine exhaust of any motor vehicle, train or aircraft on an industrial or trade premises; or
- (7) Any smokeless heater frost-fighting device not using waste oil;

is a *permitted activity*, providing any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.13.2 Discharges from burning by New Zealand Fire Service - permitted activity

The discharge of contaminants into air from the burning of any material for training activities or fire safety research or educational purposes, carried out by the New Zealand Fire Service, even though material specified in Rule 16.3.3.1 may be present in structures or vehicles burnt;

is a *permitted activity*, providing:

- (a) The Fire Service carries out no more than a total of three fires burning a structure or vehicle, per calendar year, within each territorial authority district; and
- (b) The New Zealand Fire Service ensures every occupier of land within 500 metres of any structure or vehicle to be burnt, and the road-controlling authority for any road within 500 metres of that structure or vehicle, is notified at least two days prior to the burning; and
- (c) No material specified in Rule 16.3.3.1 is added to any structure or vehicle to be burnt; and
- (d) There is no asbestos present in any material to be burnt.

Principal reasons for adopting

Rule 16.3.13.1 and 16.3.13.2 recognise that some activities involve only small scale or infrequent discharges and, provided the conditions of the rules are met, those activities will have no more than minor adverse effects on the environment.

16.3.14 Other discretionary activities**16.3.14.1 Discretionary activities (general rule)**

The discharge of contaminants into air from any process or activity on an industrial or trade premises:

- (1) Excluding any discharge associated with the following activities regulated by the Regional Plan: Waste:
 - (i) A contaminated site;
 - (ii) A facility for the treatment or disposal of hazardous wastes;
 - (iii) A new or operating landfill;
 - (iv) A closed landfill;
 - (v) An offal pit on production land, intensive farm, or industrial or trade premises;
 - (vi) A farm landfill;
 - (vii) Composting or silage production; or
 - (viii) A greenwaste landfill; and
- (2) Which is not expressly provided for by the rules of this Plan; and
- (3) Which is not a prohibited activity under Rule 16.3.1.1, 16.3.3.1 or 16.3.12.1;

is a *discretionary activity*.

Principal reasons for adopting

Some discharges into air are provided for as permitted activities in this Plan, if the effects on the environment are no more than minor. The rules for permitted activities contain conditions to ensure there will be no significant adverse effects. If, however, the activity does not comply with the conditions in the rule for permitted activities, a resource consent will be required because of the potential for significant adverse effects on the environment.

16.3.15 Discharges of PM₁₀

This section may also apply to any discretionary activity under Rules 16.3.1 to 16.3.14, as follows:

(1) Before 1 September 2013

- Rules 16.3.15.1 to 16.3.15.3 may apply if the relevant airshed already breaches the ambient air quality standard for PM₁₀, and the discharge is likely to increase significantly the concentration of PM₁₀ in the airshed;
- Rules 16.3.15.1 and 16.3.15.4 may apply if the relevant airshed does not breach the ambient air quality standard for PM₁₀.

(2) After 31 August 2013

- Rules 16.3.15.1 and 16.3.15.5 may apply.

16.3.15.1 Discharges of PM₁₀ – prohibited activity

Except as provided for by the permitted activity rules in this Plan, the discretionary activity rules under sections 16.3.1 to 16.3.14 where applicable, and Rules 16.3.15.2 to 16.3.15.5 where applicable, the discharge of PM₁₀ to air is a *prohibited activity*, for which no consent will be granted.

16.3.15.2 Discharges of PM₁₀ in an airshed before 1 September 2013, where the ambient air quality standard for PM₁₀ is already breached – discretionary activity

Except as provided for by the permitted activity rules in this Plan or prohibited by Rules 16.3.1.1, 16.3.3.1, 16.3.12.1 and 16.3.15.1, the discharge of PM₁₀ to air in an airshed before 1 September 2013, where:

- (1) The concentration of PM₁₀ in the airshed already breaches its ambient air quality standard; and
- (2) The discharge to be permitted by the resource consent is likely to increase significantly the concentration of PM₁₀ in an airshed;

is a *discretionary activity*, providing the discharge to be permitted by the resource consent is not likely to cause, at any time, the concentration of PM₁₀ in an airshed to be above the straight line path or the curved line path for that airshed.

16.3.15.3 Discharges of PM₁₀ in an airshed before 1 September 2013, if a resource consent application cannot be granted under Rule 16.3.15.2, and the applicant proposes offsets – discretionary activity

Except as provided for by the permitted activity rules in this Plan or prohibited by Rules 16.3.1.1, 16.3.3.1, 16.3.12.1 and 16.3.15.1, the discharge of PM₁₀ to air in an airshed before 1 September 2013, if a resource consent application cannot be granted under Rule 16.3.15.2, and:

- (1) If the concentration of PM₁₀ in the airshed, at the time the application is decided, is on or below the straight line path or the curved line path;

is a *discretionary activity*, providing:

- (a) The applicant reduces the amount of PM₁₀ discharged from another source into the same airshed where the direct effects of the discharge may be experienced; and
- (b) The reduction in discharges will be equal to or greater than the concentration of PM₁₀ in the airshed above the straight line path or the curved line path caused by the discharge permitted by the resource consent; and
- (c) The reduction in discharges of PM₁₀ will:
 - (i) Take effect within 1 year after the grant of the resource consent; and
 - (ii) Be effective for the duration of the resource consent; or
- (2) If the application has been made in circumstances to which Section 124 of the Resource Management Act 1991 applies, and the concentration of PM₁₀ in the airshed, at the time the application is decided, is above the straight line path or the curved line path;

is a *discretionary activity*, providing:

- (a) The applicant reduces the amount of PM₁₀ discharged from another source into the same airshed where the direct effects of the discharge may be experienced; and

- (b) The reduction in discharges will be equal to or greater than the amount of the discharge permitted by the resource consent; and
- (c) The reduction in discharges of PM₁₀ will:
 - (i) Take effect within 1 year after the grant of the resource consent; and
 - (ii) Be effective for the duration of the resource consent.

16.3.15.4 Discharges of PM₁₀ in an airshed before 1 September 2013, where the ambient air quality standard for PM₁₀ is not breached – discretionary activity

Except as provided for by the permitted activity rules in this Plan or prohibited by Rules 16.3.1.1, 16.3.3.1, 16.3.12.1 and 16.3.15.1, the discharge of PM₁₀ to air in an airshed before 1 September 2013, where the concentration of PM₁₀ in the airshed does not breach its ambient air quality standard;

is a *discretionary activity*, providing the discharge to be permitted by the resource consent is not likely, at any time, to cause an airshed to exceed the ambient air quality standard for PM₁₀.

16.3.15.5 Discharges of PM₁₀ after 31 August 2013 – discretionary activity

Except as provided for by the permitted activity rules in this Plan or prohibited by Rules 16.3.1.1, 16.3.3.1, 16.3.12.1 and 16.3.15.1, the discharge of PM₁₀ to air in an airshed after 31 August 2013;

is a *discretionary activity*, providing:

- (a) The concentration of PM₁₀ in the airshed does not breach its ambient air quality standard; or
- (b) The granting of the resource consent is not likely, at any time, to cause the concentration of PM₁₀ in an airshed to breach its ambient air quality standard.

Principal reasons for adopting

Rules 16.3.15.1 to 16.3.15.5 are adopted to meet the requirements of regulations 17 to 19 of the NESAQ; to assist in ensuring public health impacts of PM₁₀ air pollution are minimised; and to assist in achieving the curved or straight line paths to compliances in Air Zone 1 and specified airsheds in Air Zone 2, or the ambient air quality standard for PM₁₀, and ultimately the Otago Goal Level for PM₁₀.

The rule framework meets the requirements of the NESAQ for curved line paths, enables the use of offsets to mitigate the effects of a PM₁₀ discharge in some circumstances, and prohibits the grant of resource consent in specific situations as required by the NESAQ. In exercising its discretion to enable the use of offsets at any time, the Council will give consideration to the interaction between the offset discharge and the proposed discharge.

16.4 Information requirements

16.4.1 Introduction

The Resource Management Act requires applications for resource consents to be made in accordance with Section 88. The Act further requires that, where an assessment of the effects of the proposed activity are required, this assessment be prepared in accordance with the Fourth Schedule of Act.

In general, applications for resource consent for activities affecting Otago's air resource will be required to demonstrate that:

- (a) The effects of the proposed activity comply with the relevant objectives, policies and rules of this Plan;
- (b) Information has been included, in accordance with the Fourth Schedule of the Resource Management Act, to enable the consent authority to make an assessment of the effects of the proposed activity; and
- (c) Where practicable, consultation has occurred with parties likely to be affected by the proposed activity.

Without limiting the requirements of Section 88 of the Resource Management Act, or of the Fourth Schedule to the Act, any application for any activity which this Plan specifies as being a discretionary activity will be required to supply information as specified in this part of the Plan:

Pursuant to Section 88(2) of the Act, no application shall be made for an activity that this Plan specifies as a prohibited activity once the time for making or lodging submissions or appeals against the proposed rule has expired and;

- (a) No such appeals or submissions have been lodged; or
- (b) All such submissions or appeals have been withdrawn or dismissed.

Applications for resource consents shall be made on the prescribed forms available from the Otago Regional Council.

16.4.2 General information requirements

The following information must be supplied with all resource consent applications:

1. The name of the applicant, and the name of the owner or occupier if different from that of the applicant.
2. The address of the applicant, owner or occupier.
3. A description of the proposed activity and its purpose.
4. The location of the proposed activity together with a site plan, legal description, construction plan (if applicable), and relevant map references.
5. A description of the consultation undertaken in relation to the application, and the outcomes of that consultation.
6. An assessment of the:

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- Mass;
 - Composition and concentrations of contaminants; and
 - Frequency, rate and manner of the discharge, including the maximum ground level concentrations of significant contaminants in the discharge.
7. An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. This assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule of the Act.

In particular, the assessment of environmental effects shall focus on:

- (a) Any adverse effects on:
- Human health and safety;
 - Amenity values;
 - Resources or values of significance to Kai Tahu;
 - Surface water or groundwater;
 - Soil, plants, animals and ecosystems; and
- (b) Any cumulative effects that may arise over time or in combination with other discharges; and
- (c) Any effects of low probability or high potential impact; and
- (d) When an application is made to continue a discharge of contaminants at a site, the assessment of effects will also include information on the standard of the past or present discharge, and its effects; and
- (e) Whether there is PM₁₀ within the proposed discharge; and
- (f) Whether any offset proposed will provide adequate mitigation for the effect of the PM₁₀ to be discharged; and
- (g) Any other adverse effects on ambient air quality in any airshed.
8. An assessment of:
- Local meteorology;
 - Geographical features; and
 - Surrounding environmental conditions that may affect the frequency, duration, intensity and degree of environmental effects.
9. Any alternative methods of treating the discharge, or alternative locations which have been considered.
10. A description of the measures to be undertaken to help prevent or reduce any actual or potential effects.
11. Information on how equipment controlling the discharge will be operated and maintained and what contingency plans are in place in the event of equipment failure.
12. An assessment of whether any other resource consent is required from any other consent authority to undertake the proposed activity and whether any such consent has been applied for, or obtained.

13. Any proposed monitoring provisions.
14. Any additional information that may be required in relation to the application as specified in 16.4.3.
15. How the discharge to air will meet the requirements of the NESAQ.

16.4.3 Provision of further information

Pursuant to Section 92 of the Resource Management Act, a consent authority may, at any reasonable time before the hearing of a resource consent application, by written notice to an applicant for a resource consent, require the applicant to provide further information relating to the application. Due to the variable nature and site specific aspects of activities that discharge into air within Otago, it may be difficult to define all of the required information until closer investigation of a specific application has been conducted. The applicant may be required to supply further information, pursuant to Section 92, in cases where additional information is necessary to enable the Otago Regional Council to better understand the nature of the activity in respect of the application for which a resource consent is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

16.4.4 Further information - modelling requirements

Applicants should consult the Otago Regional Council in the early stages of preparing an application to determine whether dispersion modelling is required. Modelling may be required for significant discharges.

Where modelling is required, the applicant will be required to model the ground level concentrations of any contaminant present, or likely to be present, in significant quantities in the discharge in accordance with any relevant standards or guidelines. Also, the following information will be submitted with a resource consent application:

- (a) A discussion of the model and how particular algorithms or settings were used;
- (b) The source emission data used in the modelling procedure;
- (c) A description of the contaminants in the discharge;
- (d) A description of the meteorological data input to the model;
- (e) A site description including building and local terrain;
- (f) Tables and graphical presentations of the predicted maximum ground level concentrations for each contaminant at regular and appropriate intervals from the discharge points;
- (g) A comparison of the predicted maximum ground level concentrations with the appropriate guideline or design levels;
- (h) A discussion of the results and conclusions with respect to both minor and significant adverse effects on the environment; and
- (i) A justification for any deviations from best practice modelling procedures.

