

A6

air quality rules

AQr 1 **Activities and Rules**

- AQr 1.1 Rules are used extensively in this Plan as a method to implement policies. Rules prohibit, regulate, or allow activities. Rules determine whether a resource consent is required for a particular activity. In this Plan, activities that are prohibited, regulated, or allowed by the rules fall into five classes that reflect the actual or potential effect of the activity on the environment. The five classes of activity are: permitted activities, controlled activities, discretionary activities (including restricted discretionary activities), non-complying activities, and prohibited activities.
- AQr 1.2 These classes of activity are described below, together with their component parts, which include standards, terms, or conditions, matters of control or matters over which discretion is restricted, and assessment criteria.

AQr 2 **Activity Classes**

AQr 2.1 **Permitted Activity**

- AQr 2.1.i A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table and the conditions in Rule AQr.22 (General Conditions). In the case of non-trade and industrial processes or premises under s15(2), permitted activities also include all discharges to air under that are not specifically mentioned in the rules.
- AQr 2.1.ii The fact that a resource consent is not required does not always mean the activity may be undertaken as of right. A permit or consent may be required under other laws, apart from this Plan and the Resource Management Act (see Section 23 of the Act).

AQr 2.2 **Controlled Activity**

- AQr 2.2.i A controlled activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a controlled activity, but as a discretionary activity, a restricted discretionary activity or a non-complying activity.
- AQr 2.2.ii The Council must grant a resource consent for a controlled activity on almost all applications. A consent cannot be granted in a few cases where the consent would transgress a requirement of the Resource

Management Act. In granting consent, the Council may impose standards, terms, or conditions relating to matters stated in the Plan over which control is reserved.

AQr 2.3 Discretionary Activity and Restricted Discretionary Activity

AQr 2.3.i A discretionary activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms which have been specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a discretionary activity, but as a non-complying activity. In many cases, no standards and terms are specified. In these cases, the activity is deemed to be a discretionary activity.

AQr 2.3.ii The Council may decide to refuse an application for a resource consent, or grant it with or without standards, terms, or conditions. Those standards, terms, or conditions may relate to any relevant matters in the circumstances. In some cases, the Plan restricts the Council's discretion to the consideration of particular matters (a restricted discretionary activity). In these cases, resource consents may be refused, or standards, terms, or conditions imposed, only in respect of the matters to which discretion has been restricted.

AQr 2.4 Non-complying Activity

AQr 2.4.i A non-complying activity is allowed only if a resource consent has been obtained. The Council may decide to refuse an application for a resource consent, or grant it with or without standards, terms, or conditions. A resource consent cannot be granted for a non-complying activity unless either: the adverse effects will be minor, or it will not be contrary to the objectives and policies of the Plan (see section 104D of the Act).

AQr 2.4.ii Many non-complying activities are not the subject of special rules but arise automatically when the standards and terms stated in a rule are not complied with. Non-complying activities may contravene a rule but are not prohibited.

AQr 2.5 Prohibited Activities

AQr 2.5.i No resource consent can be granted and no application can be accepted for an activity that the Plan describes as a prohibited activity. The only avenue open to a person wanting to carry out a prohibited activity is to request a plan change.

AQr 2.6 Matters of Control and Restricted discretion

AQr 2.6.i In the Rule Table every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity.

AQr 2.6.ii Matters over which control is reserved or discretion restricted:

- a) Bonds or covenants or both, to ensure performance or compliance with any standards, terms, or conditions imposed.

- b) Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council's functions under section 35 of the Act.
- c) The duration of a resource consent, under section 123 of the Act.
- d) Lapsing of a resource consent, under section 125 of the Act.
- e) Change and cancellation of a consent, under sections 126 and 127 of the Act.
- f) Notice that some or all standards, terms, or conditions may be reviewed at some time in the future, under section 128 of the Act.

AQr 2.7 Assessment Criteria

AQr 2.7.i Assessment criteria are to be used in the consideration of whether or not to grant resource consents and the imposition of standards, terms, or conditions. The list of assessment criteria is not exhaustive. The Council must take into account all of the matters mentioned in section 104 of the Act. Assessment criteria are "other provisions" within section 104(1)(d) and have no priority over the other matters mentioned in the section, which include the effects on the environment, objectives, and policies. Assessment criteria are provided as a guide to applicants and decision makers as to what practical matters will generally be considered. They do not restrict the Council's discretion.

AQr 3 Presentation of Rules

AQr 3.1 Rule Table

AQr 3.1.i The Rule Table that follows, including the appendices to the Rule Table, contains the rules that apply to discharges of contaminants to air. The plan rules must be read as a whole and for any particular activity all rules have to be considered, including these narrative rules that precede the Rule Table. Certain words and terms are defined in Chapter A2 'Meaning of Words'.

AQr 3.2 Cascade of Rules

AQr 3.2.i Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. For any given rule read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a "cascade".

AQr 3.2.ii If an activity satisfies the standards, terms, or conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards, terms or conditions stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary (or restricted discretionary as specified). An activity can be non-complying if it is identified specifically as such or it may be non-complying if it does

not meet the standards and terms required of a discretionary activity. In some cases the rule table may indicate that an activity or part of it is prohibited.

AQr 3.2.iii The discretionary column may state no standards, terms, or conditions in which case the cascade ends there: all activities that are not permitted or controlled are discretionary, and no non-complying activities arise in that row.

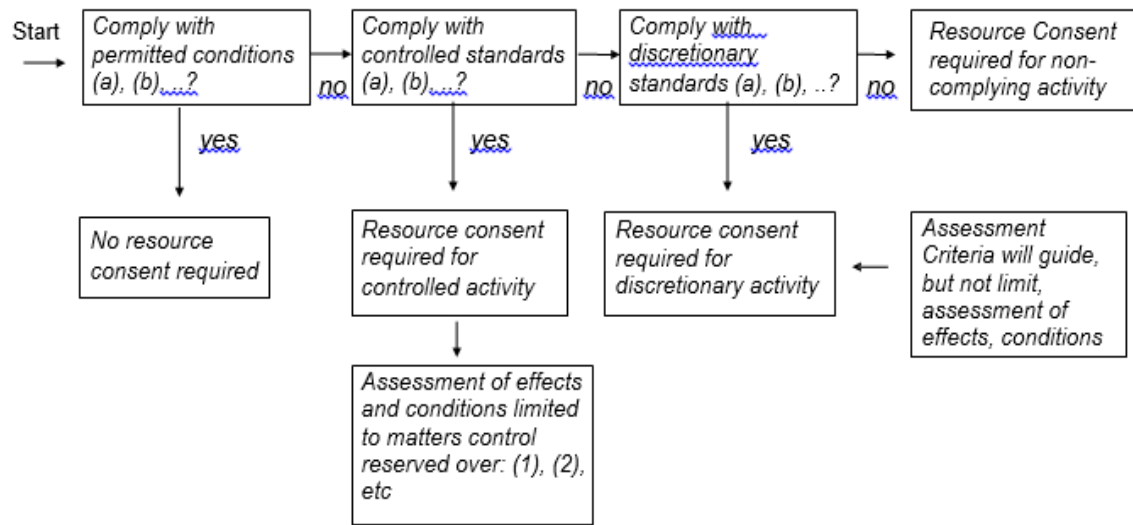
AQr 3.2.iv The fact that an activity meets the standards for a controlled or discretionary activity does not necessarily mean that a resource consent will be granted: it simply means that an application for a resource consent must be lodged and that the application will be considered as a controlled or discretionary activity as the case may be. Controlled activities have to be granted, except in limited circumstances set out in the Act.

AQr 3.2.v The assessment criteria column indicates some of the effects that are likely to be considered relevant to the decision to grant or refuse consent and, if granted, what standards, terms, or conditions to impose, if any. Assessment criteria do not limit the Council's discretion, and any additional matters that might arise in a particular case may be considered.

AQr 3.2.vi Rule Tables are arranged across two facing pages, reduced in the following illustration to fit a single page width:

| Rule table | | | | | |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item | Permitted | Controlled | Discretionary/Non-complying/prohibit | Assessment Criteria | Explanation |
| This column indicates the activity or effect dealt with in this row of the table. | This column states the standards, terms, or conditions that must be satisfied for the activity to be permitted. | This column states standards and terms that must be satisfied for the activity to be a controlled activity and the matters over which control is reserved. | This column states standards and terms that must be satisfied for the activity to be a discretionary activity, and whether discretion is restricted. It may also | To guide applicants, submitters and the Council as to the matters which will generally be considered. Not exhaustive. | Principal reasons for rules and explanation of the purposes of the rule to assist readers. This column also includes cross references to other plan |

AQr 3.2.vii The following flow chart illustrates the “cascade.”



AQr 3.2.viii This flow chart represents the situation where the rule provides for permitted, controlled, and discretionary activities. This is not always the case. Some rules in the Rule Tables have “not applicable” in one or more of the permitted, controlled or discretionary columns. This means that there is no activity of the class dealt with in that column. If the permitted column contains only the words, “not a permitted activity,” then there are no permitted activities under that rule and moving from left to right across the row, the first category to be considered is for controlled activities.

AQr 3.2.ix The following **fictitious rule** is presented to provide an example of how the Rule Table works.

| Rule table (fictitious example only) | | | | | |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item | Permitted | Controlled | Discretionary/non-complying/prohibit | Assessment Criteria | Explanation |
| AQr.7 Production of bricks from elephant dung | The discharge of any contaminant to air from the production of bricks made from elephant dung is permitted if: a) the total mass of dried material does not exceed 100 kg per hour, and b) at any one time the total amount of material stored on site does not exceed 1000kg, and c) the discharge stack is 20 metres above the highest point of the building containing the brick making operation. | Not applicable. | Any discharge that contravenes a permitted condition is a discretionary activity. | a) New options, processes or techniques available to minimise any discharges or its effects including odour and dust emissions. b) The extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) The total amount of the discharge and the time period over which the discharge occurs. d) The topography and the meteorology of the area including wind speed and wind direction. e) The proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) The proximity and nature of any sensitive receptors. | Elephant dung has the potential to create adverse odour effects if the scale of the material stored on-site is not strictly controlled. Any discharge needs to be well dispersed to ensure that the effects at ground level are minimised. |

- AQr 3.2.x To illustrate the way this **imaginary rule** would work in practice, assume a business person wants to set up a factory that produces bricks made from elephant dung with an estimated output of 100kg per hour, but storage on site will be 2 tonnes (2000kg). The discharge will be dispersed through a stack 20 metres high. To determine if status of the activity in terms of this Air Quality Plan is permitted, controlled, discretionary or non-complying, the table should be read from left to right.
- AQr 3.2.xi The left hand column indicates the general subject matter of the row. Moving along this row, we see that the “permitted” column has three standards (a), (b) and (c). The proposal, due to its size, breaches standard (b) but complies with standards (a) and (c). We therefore conclude that it is not a permitted activity and we move on to consider the controlled column. The controlled column is not applicable in this example so we move on to the discretionary column.
- AQr 3.2.xii In the discretionary column, we note that contravening one of the permitted standards triggers the need for a resource consent. In this case the on-site storage breached condition (b), even though the activity still complies with standards (a) and (c). The effects of the proposed brick production works, including odour control and proximity to sensitive areas, would be taken into account by the Council when it considers whether or not to grant a resource consent, and if so, what conditions to impose.
- AQr 3.2.xiii This **imaginary rule** only applies to discharges to air. In this example, the proposal may be subject to land use rules under the Nelson Resource Management Plan. Even if an air discharge resource consent is granted, other resource consents may still be required which may or may not be approved. All resource consents for a proposed activity must be approved before the activity can commence.

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| Item | Rule |
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| Prohibited Activities | |
| <p>AQr.20 Prohibited Activities</p> <p>Prohibited fuels & materials – outdoor burning and small-scale fuel burning appliances</p> | <p>The following discharges of contaminants to air are prohibited activities for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> a) The combustion in any small-scale fuel burning appliance of any of the materials in the following list i) to xii), and b) The combustion by deliberate outdoor burning (excluding fire training activities authorised under rule AQr.58) of any of the materials in the following list ii) to xii): <ul style="list-style-type: none"> i) wood having a moisture content of more than 25% dry weight, or ii) wood which is painted, stained, oiled or coated (except if allowed by resource consent under rule AQr.55), or iii) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA), or iv) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards, or v) metals and materials containing metals, including but not limited to cables, or vi) materials containing asbestos (except for the processing of vehicle brake shoes subject to a resource consent under Rule AQr.53 (All other industrial or trade premises)), or vii) material containing tar or bitumen, or viii) all rubber, including but not limited to, rubber tyres, or ix) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastic (except if allowed by a resource consent under Rule AQr.55 (Outdoor burning – Rural)), or x) waste oil (except if allowed by resource consent under rule AQr.23), or xi) peat, or xii) sludge from industrial processes. |

| Assessment Criteria | Explanation |
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| <p>AQr.20.4 Not applicable.</p> | <p>AQr.20.5</p> <p>These prohibited activities cover the fuels or materials which are considered unacceptable to burn in small-scale solid fuel appliances or by deliberate outdoor burning.</p> <p>Domestic solid fuel appliances are not designed to burn materials other than wood or coal, and the combustion of other materials may result in the discharge of unacceptable levels of smoke and hazardous air pollutants. Consequently all the materials listed except dry wood and coal are prohibited from use.</p> <p>Outdoor burning is an uncontrolled combustion process, and while it is a practical method of disposing of dry vegetation or timber in some circumstances, is not a suitable method of disposing of most other materials (refer to Rule AQr.55 regarding outdoor burning in the Rural Zone).</p> <p>Outdoor burning of tyres, bitumen, coated wire and oil is also prohibited by the National Standards for Air Quality, with some limited exemptions for burning of oil (refer to the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004).</p> <p>Refer to Rule AQr.31A for restrictions on burning such materials in large scale burning appliances.</p> <p>Note: refer to rule AQr.54 (Outdoor burning – urban area & higher density small holdings area) which restricts outdoor burning in the urban area (defined in Chapter A2) of any material in all but a few cases.</p> |

| Item | Rule |
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| <p>AQr.21 Prohibited Activities</p> <p>Installation of open fires and solid fuel appliances in new buildings or in buildings not currently using solid fuel</p> | <p>AQr.21</p> <p>a) Unless otherwise specified in the Rule Table, the discharge of contaminants to air from any small-scale solid fuel burning appliance within the Urban Area (excluding Glenduan ('The Glen')), or any open fire within the Urban Area, as follows are prohibited activities for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> i) in any new residential unit or other new building erected after the date of notification of this plan, including within any subsequent extension or alteration to that unit or building, or ii) from any small-scale solid fuel burning appliance installed in any residential unit or other building that at the date of notification of this Plan did not contain a lawfully approved, operable small-scale solid fuel burning appliance or open fire, including within any subsequent alteration or extension to the unit or building, or iii) from any open fire installed in any residential unit or other building after the date of notification of this Plan, plus the rebuilding of any open fire that previously has been modified to be inoperable, <p>unless before the date of notification of this Plan, a building consent application in accordance with the Building Act 1991 was lodged specifying the installation of a small-scale solid fuel burning appliance or open fire, and that consent was subsequently issued (whether the issue occurred before or after the date of notification of this Plan).</p> <p>b) This prohibition does not apply to the installation of:</p> <ul style="list-style-type: none"> i) any small-scale solid fuel burning appliance or any stove classified as an open fire in an industrial or trade premises where the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale, or ii) any small-scale pellet burning appliance authorised under rule AQr.26, or any small-scale ultra-low emission burning appliance authorised under rule AQr.26A. |
| General Conditions | |
| <p>AQr.22 General Conditions</p> <p>All discharges</p> | <p>AQr.22</p> <p>The following general conditions apply to all discharges of contaminants to air, including those allowed as permitted activities in the Rule Table, excluding those allowed by a resource consent unless the consent states otherwise¹:</p> <ul style="list-style-type: none"> a) The discharge must not result in any offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the site of the discharge, and b) The discharge must not result in dispersal or deposition of particles, including smoke particles or dust, to the extent that it causes an offensive or objectionable effect beyond the boundary of the site of the discharge, and c) The discharge must not significantly impair visibility beyond the boundary of the site of the discharge, and d) The discharge must not cause any corrosion to any structure beyond the boundary of the site of the discharge, and e) The discharge must not result in effects beyond the boundary of the site that are noxious or dangerous. |

¹ In terms of enforcement and compliance with Rule AQ22, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11 in this Plan

| Assessment Criteria | Explanation |
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| | <p>AQR.21.5</p> <p>Within the Urban Area (defined in Chapter A2) this rule prohibits the use of solid fuel fires (open fires, wood burners and multi-fuel burners) in houses and buildings built after the notification of the Air Quality Plan. An exclusion is made for enclosed solid fuel burners (but not open fires) at The Glen as the small population with a seaside location and better air circulation means holding down burner numbers is less critical. The prohibition also applies to enclosed burners in houses and buildings that at the date of notification of the Plan did not already have a solid fuel fire installed, or an application lodged for a Building Consent for such a fire, and to new open fires or the re-commissioning of inoperable open fires.</p> <p>An exemption is also granted for industrial and trade premises to allow them to install (by resource consent) wood stoves for cooking, for such things as wood-fired pizzas or barbecue grills.</p> <p>Computer modelling has shown that in order to meet the Government guidelines for PM₁₀, the numbers of fires burning solid fuel in Nelson must not increase above current levels. A 70% reduction in wintertime peak PM₁₀ levels is required to achieve the air quality target and this necessitates strong measures to control emissions from fires.</p> <p>However Policy A5-1.5 (Solid fuel fire numbers) notes the improving design of solid fuel burners, especially pellet fires, may mean that this rule may be reconsidered at an appropriate time in the future. This would be done by means of a plan change.</p> |
| | <p>AQR.22.5</p> <p>These are general conditions that apply in all instances, unless otherwise stated.</p> <p>Any breach of the conditions will not result in requirements for resource consents but rather will be enforced via the Council's monitoring and enforcement mechanisms. In doing so the matters in Appendices AQ9 to 11 will be had regard to.</p> <p>The matters that the General Conditions cover are all significant air quality issues, particularly in relation to odour, dust and particles, including smoke.</p> |

| Small-scale fuel burning appliances | | | |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item | Permitted | Controlled | Discretionary/Non-complying/Prohibited |
| <p>AQr.23</p> <p>Small-scale fuel burning appliances</p> <p>Gas, oil, and other liquid fuels</p> | <p>AQr.23.1</p> <p>The discharge of any contaminant into air from the burning of liquid petroleum gas (LPG), ethane, methane, diesel, blended heating oil, kerosene, and alcohols, in any small-scale fuel burning appliance is permitted if:</p> <ul style="list-style-type: none"> a) the discharge is via a stack that complies with Appendix AQ4, and b) no re-refined oil is burnt, and c) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. | <p>AQr.23.2</p> <p>Not applicable</p> | <p>AQr.23.3</p> <p>Any discharge which contravenes permitted clause a) or b) is a discretionary activity.</p> <p>Contravention of permitted clause c) is a prohibited activity, except the burning of waste oil in a small-scale fuel burning appliance in an industrial or trade premises, which is a non-complying activity.</p> |

| Assessment Criteria | Explanation |
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| <p>AQr.23.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack standards, such as proximity of buildings or land. b) the safety and effectiveness of alternative stack heights or discharge points. c) the impact of the discharge on local and ambient air quality. <p>Re-refined or waste oil burning</p> <ul style="list-style-type: none"> d) the quality and chemical composition of the re-refined or waste oil. e) the method of combustion, including, but not limited to, the age and condition of the burner. f) the ambient and acute levels of any hazardous air pollutants or air toxics that may be discharged. g) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. h) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. i) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. j) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. k) the proximity and nature of any sensitive receptors. l) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. m) new options, processes or techniques available to minimise any discharges or their effects. n) the total amount of the discharge and the time period over which the discharge occurs. o) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. p) the disposal of any residue from the burning process. | <p>AQr.23.5</p> <p>This rule covers smaller devices burning gas, oil or other liquid fuels. The use of such devices is permitted subject to compliance with the specified standards and conditions. Mobile domestic-sized gas and liquid-fuelled heaters are exempt from the rule, as are gas hobs and ranges (see the definition of 'Small-scale fuel burning appliances' in Chapter A2).</p> <p>The burning of waste oil is a non-complying activity in small-scale fuel burning appliances, but only in industrial or trade premises. Waste oil has been used as a fuel for space heating in a number of workplaces. Emissions from such burners can include metals and hazardous organic compounds, and will vary depending on the original use of the oil and the performance of the burner. It is anticipated that only burners designed for the specific purpose of burning waste oil that can achieve consistent and acceptable emission levels will be issued resource consent. It is not considered that the use of waste oil should be extended to domestic dwellings.</p> <p>Larger commercial or industrial sized devices are dealt with under Rules AQr.28 to AQr.31A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.24.4</p> <p>Heritage Buildings</p> <p>a) in the case of heritage buildings, how significant on-going use of the open fire or enclosed burner is in terms of the heritage character of the building, how significant that building is, and the degree of public benefit derived from allowing on-going use of the fire or burner.</p> <p>Enclosed Burners</p> <p>aa) the likely emissions from the burner, its thermal efficiency, the type of fuel used, the location and height of the stack, the duration and frequency of use, how integral the burner is to the functioning and use of the dwelling or building, the age of the burner, whether the building is insulated or has other energy efficiency measures installed, and the level of investment in the heating or cooking system.</p> <p>'Unlawful' Fires & Burners</p> <p>b) the reasons why a building consent or other permit for the fire or appliance does not exist, and the nature and reliability of evidence to demonstrate that the fire or appliance was installed and in use prior to notification of the Plan. In all cases the Council may inspect the fire or appliance to verify the likely date of installation.</p> <p>bb) the age, condition and geographic location of the fire or burner.</p> <p>Delay in installation</p> <p>c) the reason for any delay in actioning a permission to install a fire or appliance.</p> <p>d) the length of the extension being sought, and how appropriate it is considering the objectives and policies of the Plan.</p> <p>General (applied in all cases as appropriate)</p> <p>e) the likely effects on ambient air quality and the air quality target, having regard to the airshed in which the discharge occurs.</p> <p>f) the impact of the discharge on local and ambient air quality.</p> <p>g) the proximity and nature of nearby activities, including any sensitive receptors.</p> <p>h) any precedent effect of allowing the discharge, including any adverse impact on the public's confidence in the consistent administration and the integrity of this Plan and the Council's clean air target and strategies.</p> | <p>AQr.24.5</p> <p>Within the Urban Area (defined in Chapter A2), the use of open fires installed prior to this Plan being notified is allowed to continue up until 1 January 2008. Discharge to air from open fires is prohibited after that date (except as discussed further below).</p> <p>The use of existing enclosed burners (such as wood burners, potbelly stoves and other enclosed appliances) is also being phased out in certain areas. In Airshed A (Nelson South) and the Tahunanui and Tahunanui Hills part of Airshed B (as shown in Figure A2-2B, at the end of Chapter A2), the use of enclosed burners installed prior to 2000 must progressively have ceased between 2010 and 2012, starting with the oldest burners. This is necessary to meet the targets imposed by the National Environmental Standards for air quality. In the Stoke, Enner Glynn and Wakatu part of Airshed B, only pre-1996 enclosed burners are subject to the phase-out.</p> <p>In the rest of the Urban Area, the use of solid fuel burning enclosed appliances installed prior to this Plan being notified is allowed to continue, and there is no mandatory phase-out date. The Plan aims to achieve air quality improvements in these areas when such appliances are replaced voluntarily, by ensuring this is done with either non-solid fuel appliances or with solid fuel appliances with low particle emissions (see Rule AQr.25).</p> <p>It should be noted that where there is a mandatory phase-out date for an existing burner, that burner can be replaced with another burner which may continue in use indefinitely, providing the new burner meets the emissions standards and conditions in rule AQr.25.</p> <p>Provision is made for resource consent applications to be made for ongoing use of open fires and pre-1991 enclosed burners in certain heritage buildings. This only applies to significant heritage buildings, having both Historic Places Trust registration, and Group A listing within the Nelson Resource Management Plan, and then only in specific circumstances. These exemptions are intended to apply to significant buildings such as Melrose House, Fairfield House and the like, which have particular heritage value and which are open to the public or regularly used by the community. This exemption is NOT intended for private dwelling houses or for buildings used for visitor accommodation or hospitality. There are alternatives available, for example, open fires can be discretely retro-fitted to run on gas, giving the desired ambience without the high levels of particle pollution.</p> <p>In the case of enclosed burners, an exemption can also be applied for to allow the continued use of certain burners, for a period to be set by the resource consent, if it is granted. This provision is intended to apply to reasonably modern proprietary cooking stoves or central heating systems installed prior to the Plan being notified. It is expected that in order for ongoing use of these stoves to be granted, they would need to have low to moderate emissions of particles and other contaminants, as well as good thermal efficiency. Regard can also be had to other factors such as how reliant the household is on the unit, and whether house is insulated (or will be insulated). The general assessment criteria require that consideration is had to the airshed into which the discharge is occurring, and the likely impact on both ambient air quality and local effects, such as on neighbours.</p> <p>The exemption for ongoing use of enclosed burners is NOT intended to apply to older style coal ranges, chip heaters or similar high emitting appliances.</p> <p>A longer phase-out time has been provided for 'Jetmaster'-style insert fireplaces (including Warmingtons). While they meet the definition of an open fire they have lower particle emissions than an open fire and better heat output. Council records indicate the installation of very low numbers in the city, all since 1999. Given their low number, the newness of these appliances, their cost, and lower emissions, their use has been allowed until 2013, the date when full compliance with the National Environmental Standard for particle pollution needs to be achieved.</p> <p>See Chapter A2 for the definition of 'lawfully approved'. This definition also covers fires or burners that at the date of notification were partway through the process of obtaining building consent. Resource consent can be applied for to authorise the use of fires installed before the date of notification of the Plan, but which were not 'lawfully approved'. A resource consent can also be applied for to allow longer than the installation times specified in permitted clause b). Granting these consent applications is at the Council's discretion, subject to the policies in Chapter 5 and the matters to which the Council has restricted its discretion.</p> <p>Use of existing burners and open fires is subject to meeting certain performance standards, including the dryness of wood (see Rule AQr.20).</p> <p>For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, and permitted clause (e), Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.25 Small-scale solid fuel burning appliances</p> <p>(Urban Area)</p> <p>Installation after plan notification</p> <p>(For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A)</p> | <p>AQr.25.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of solid fuel in any small-scale solid fuel burning appliance installed after the date of notification of this plan is permitted if:</p> <p>aa) the small-scale solid fuel burning appliance is installed at Glenduan (The Glen), or</p> <p>a) the solid fuel burning appliance replaces a solid fuel burning appliance or 'Jetmaster'-type insert fireplace in the building and on the site that was lawfully approved before the date of notification of this Plan, or was otherwise authorised under Rule AQr.24, and, where a cessation date is specified in Rule AQr.24.1.cc), the building consent application for replacement is lodged with the Council prior to that date, or</p> <p>b) up to 1 January 2008, the small-scale solid fuel burning appliance replaces an operable open fire on the site that was lawfully approved before the date of notification of this Plan or was otherwise authorised under Rule AQr.24, and the replacement burner is in the same room as the open fire or in an extension of that room, or</p> <p>c) the small-scale solid fuel burning appliance replaces a small-scale solid fuel burning appliance installed in compliance with a) or b), but does not replace a pellet burner installed under Rule AQr.26, or an ultra-low emission burning appliance installed under Rule AQr.26A and</p> <p>d) the appliance (including any second-hand or repaired appliance) at all times:</p> <p>i) complies with the emission, operational and other requirements in Appendix AQ2, and</p> <p>ii) complies with the stack requirements in Appendix AQ3, and</p> <p>iii) burns only fuel approved for use in the device as in Appendix AQ2, and burns no fuels in Rule AQr.20 (Prohibited Activities), and</p> <p>iv) is operated so that all reasonable steps are taken to minimise the amount of smoke discharged, and there is no discharge of excessive smoke (excluding a 15 minute start-up period).</p> <p>(Note: The replacement of existing authorised appliances referred to in clauses aa), a), b) and d) with ultra-low emission burning appliances is permitted under Rule AQr.26A.1)</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.25.2</p> <p>Not applicable</p> | <p>AQr.25.3</p> <p>Stack</p> <p>A) Any discharge that contravenes permitted clause d) ii) is a restricted discretionary activity.</p> <p>Discretion restricted to the location, height and design of the emission stack, and the proximity of it to obstacles.</p> <p>Emission standards & other</p> <p>B) Any discharge that contravenes permitted clause d) i) is a non-complying activity.</p> <p>Other</p> <p>C) Any discharge that contravenes permitted clauses a), b), c) or d)iii) is a prohibited activity. Non-compliance with permitted clause (d)iv) is an enforcement matter.</p> |

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| <p>AQr.25.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack requirements. b) the safety and effectiveness of alternative stack heights, designs or discharge points. c) any likely impact of downdraft or wind swirl that may affect the safe venting from the stack. d) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. e) the proximity and nature of any sensitive receptors. <p>Non-compliance with emission standards</p> <ul style="list-style-type: none"> f) the results of any alternative appliance testing methodology, having regard to the reliability and source of the results, the emission rate, the thermal efficiency, the emissions relative to thermal efficiency, and the likely daily particulate output relative to that expected under Appendix AQ2 a) and b). g) whether any departure from the emission and other requirements in Appendix AQ2 is for a single installation of an appliance, or seeking generic approval for a particular make and model of appliance to be included on the 'List of Authorised Solid Fuel Burning Appliances' referred to in Appendix AQ2. <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> h) the likely effects on ambient air quality and the air quality target. i) the impact of the discharge on local and ambient air quality. j) the proximity and nature of nearby activities, including any sensitive receptors. k) any precedent effect of allowing the discharge, including any adverse impact on the public's confidence in the consistent administration and the integrity of this Plan and the Council's clean air target and strategies. | <p>AQr.25.5</p> <p>This rule applies only within the Urban Area which is defined in Chapter A2 (Meaning of Words).</p> <p>The restriction in clauses a) and b) (i.e. that there has to be an existing burner or open fire) does not apply at The Glen. However any burner installed in a new home or an existing home must comply with the emissions standards and other controls in AQr.25.</p> <p>Clause a) of the permitted rule allows a solid fuel burning appliance that existed in a building prior to the Plan being notified to be replaced with another solid fuel burning appliance, providing the replacement appliance complies with the defined emissions standards and other clauses, and the replacement occurs prior to any mandatory phase-out date for use of the existing burner if a date is specified in Rule AQr.24.1.cc).</p> <p>The appliance being replaced needs to have been 'lawfully approved' (See definition in Chapter A2, and Rule AQr.24). Rule AQr.24 sets out when existing fires and burners are deemed to be 'lawfully approved', including fires or burners that were 'mid-process' when this Plan was notified.</p> <p>Permitted clause b) provides a similar 'grandparenting' provision where lawfully established open fires are being replaced. Clause c) continues this 'grandparenting provision' for replacement of the replacement appliances – that is, second and subsequent replacements. It also makes it clear that this rule does not apply to subsequent replacements of pellet burners that were first installed under rule AQr.26.</p> <p>Clauses d) i and ii establish the emissions standards and operational requirements for replacement burners, and the smoke stack and fuel specifications. There is some limited ability to vary the specifications by resource consent, but the policy criteria for exemptions are tight. The aim is to provide some flexibility for specific stack locations and alternative emissions criteria, if the air quality objectives are still met.</p> <p>Clauses a) to c) of the permitted rule aim to restrict the total number of solid fuel fires in the Urban Area to no more than existed at the time the Plan was notified. In order to achieve the Government standard levels for PM₁₀, it is important that overall numbers of fires in the Urban Area do not increase. Even with very low emission solid fuel appliances, a continued increase in total numbers would see a gradual erosion of the gains from changing to cleaner burners. (See Rules AQr.21 and AQr.26 for new houses and for houses without solid fuel fires). Rule AQr.26 provides an exception to this for pellet burners, but only subject to more stringent emission criteria than required under this rule.</p> <p>The 'grandparenting' provision applies only to 'lawfully approved' fires or burners, as defined by Rule AQr.24, including consents granted under that rule. Rule AQr.24 in combination with Rule AQr.25 prevents people installing second-hand burners after the plan is notified in order to try to claim false 'grandparenting' rights. This otherwise would undermine one of the cornerstones of the clean air strategy, and could compromise achieving the Government PM₁₀ guideline level.</p> <p>Where no building consent or other authorisation exists for the original fire or burner that is to be replaced under this rule, some limited flexibility is provided in rule AQr.24 to authorise that fire or burner, provided the existence of the fire or burner prior to Plan notification can be reliably proven. Rule AQr.24 also allows (by consent application) for special circumstances to be considered where there is, or may be, a delay in installing the original fire or burner.</p> <p>For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, and permitted clause (d)(iv), Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.25A Small-scale solid fuel burning appliances</p> <p>Special transitional provisions applying to areas added to the Urban Area after 23 August 2003 (the notification date of this Plan)</p> <p>(For sites outside the Urban Area, Rule AQr.27 applies)</p> | <p>AQr.25A.1</p> <p>The discharge of any contaminant into air from the combustion of solid fuel in any open fire or small-scale solid fuel burning appliance located on a site:</p> <p>A) lying outside the Urban Area as shown in Appendix AQ12 (this being the extent of the Urban Area at the time this Plan was notified on 23 August 2003), and</p> <p>B) within the present extent of the Urban Area as defined in AQ2-86</p> <p>is permitted if:</p> <p>a) the open fire or small-scale solid fuel burning appliance on the site was lawfully approved before the notification of Plan Change A1 [25 September 2010] or a building consent to install such a fire or appliance on the site was lodged with the Council before that notification date, and</p> <p>b) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt, and</p> <p>c) any small-scale solid fuel burning appliance or operable open fire that complies with clause a) or was authorised under Rule AQr.25A.3B is replaced with a small-scale solid fuel burning appliance that complies with AQr.25.1d). The provisions of AQr.25 will apply in all respects (including AQr.25.3 A & B), and this will include subsequent replacements, but the notification date and cessation dates specified in AQr.25.1 a) and b) will not apply.</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required)</p> | <p>AQr.25A.2</p> <p>Not applicable</p> | <p>AQr.25A.3</p> <p>Within the area lying outside the Urban Area as shown in Appendix AQ12 (this being the extent of the Urban Area at the time this Plan was notified on 23 August 2003), and within the present extent of the Urban Area as defined in AQ2-86:</p> <p>A) Any discharge that contravenes permitted clause b) is a prohibited activity.</p> <p>B) Any discharge that contravenes permitted clause a) is a restricted discretionary activity, if:</p> <p>a) evidence is provided that the burner was installed prior to the notification date specified in AQr.25A.1 a).</p> <p>Discretion is restricted to approval of whether the fire or burner existed in the building and was in use prior to the notification date specified in AQr.25A.1 a).</p> <p>Resource consent applications for restricted activities under this rule will be considered without notification and without service of notice.</p> |

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| <p>AQr.25A.4</p> <p>a) the assessment criteria in rule AQr.25.4.</p> | <p>AQr.25A.5</p> <p>This rule provides transitional provisions for domestic fires or burners in areas that have changed from rural to being part of the 'Urban Area'. That is, areas that are defined as 'Urban Area' but which were not 'Urban Area' when the Air Quality Plan was notified on 23 August 2003.</p> <p>As the zoning of land under the Nelson Resource Management Plan changes over time, or rural land is subdivided for residential use, more land comes under the Air Quality Plan definition of 'Urban Area' as set out in A2-86. 'Urban Area' in A2-86 is both a physical map (Figure A2.1) and defined in words to deal with land use or zoning changes that occur in the period after the most recent updating of Figure A2.1.</p> <p>The expansion of the Urban Area can create potential inequities. For example, use of an open fire in a rural farmhouse is a permitted activity under rule AQr.27 of this Plan. Within the 'Urban Area', however, use of open fires has been prohibited since 1 January 2008 due to rule AQr.24.1c).</p> <p>If after 1 January 2008 that rural property became part of the 'Urban Area' by virtue of re-zoning or subdivision under A2-86 b) or c), then use of the fire would become illegal, were it not for this rule AQr.25A.</p> <p>The open fire could not be replaced with a woodburner, since AQr.25, the rule that allows an open fire to be replaced with a complying woodburner, does not allow this to occur after the 1 January 2008 ban date specified. Thus, without the transitional provisions of this rule, the homeowner would have an open fire that suddenly became illegal, and would not be able to replace it with a woodburner.</p> <p>Similar transitional issues apply to some woodburners, depending on their age and the airshed they are in.</p> <p>To address these problems, this rule allows such fires or burners to continue to be used for as long as the owner wishes or the burner continues functioning, and then it can be replaced with a clean air approved burner if the owner desires.</p> <p>Note:</p> <p>For sites outside the Urban Area, Rule AQr.27 applies.</p> <p>For sites added to the Urban Area since 23 August 2003, but where no open fire or small scale fuel burning appliance has been shown to be lawfully approved, then the provisions of AQr.24, AQr.25, AQr.26, AQr.26A and AQr.27A apply as is normally the case within the 'Urban Area'. Thus, for all new houses in this area, or for properties that did not have a fire before the area became part of the 'Urban Area' only a pellet fire in accordance with rule AQr.26 or an ultra-low emission burner in accordance with rule AQr.26A may be installed.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.26 Pellet burning appliances</p> <p>(Urban Area)</p> <p>New buildings, or Existing buildings not using solid fuel</p> | <p>AQr.26.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of wood pellets in any small-scale pellet burning appliance installed after the date of notification of this Plan into:</p> <ul style="list-style-type: none"> i) any new building, or ii) any building that did not have an operable open fire or a small-scale solid fuel burning appliance that was lawfully approved at the time of notification of this Plan, is permitted if: <ul style="list-style-type: none"> a) the appliance at all times: <ul style="list-style-type: none"> i) complies with the emission, operational and other requirements in Appendix AQ2A, and ii) complies with the stack requirements in Appendix AQ4, and iii) burns only wood pellets approved for use in the device as in Appendix AQ2A, and burns no fuels in Rule AQr.20 (Prohibited Activities), and iv) is operated so that all reasonable steps are taken to minimise the amount of smoke discharged, and there is no discharge of excessive smoke (excluding a 15 minute start-up period), and b) where any appliance installed in accordance with this rule is successively replaced, the replacement small-scale pellet burning appliance complies with clause a). <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.26.2</p> <p>Not applicable</p> | <p>AQr.26.3</p> <p>Within the Urban Area:</p> <ul style="list-style-type: none"> A) the discharge of any contaminant into air from the burning of wood pellets in any small-scale pellet burning appliance that contravenes a permitted clause is a discretionary activity, except that burning any fuel in AQr.20 is a prohibited activity. B) the discharge of any contaminant into air from the replacement of any small-scale pellet burning appliance installed under AQr.26.1 or AQr.26.3A), is a prohibited activity if: <ul style="list-style-type: none"> i) the replacement small-scale solid fuel burning appliance is not a pellet burner as defined in A2-74A. |

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| <p>AQr.26.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack requirements. b) the safety and effectiveness of alternative stack heights, designs or discharge points. c) any likely impact of downdraft or wind swirl that may affect the safe venting from the stack. d) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. e) the proximity and nature of any sensitive receptors. <p>Non-compliance with emission standards</p> <ul style="list-style-type: none"> f) the results of any alternative appliance testing methodology, having regard to the reliability and source of the results, the emission rate, the thermal efficiency, the emissions relative to thermal efficiency, and the likely daily particulate output relative to that expected under Appendix AQ2A a) and b). g) whether any departure from the emission and other requirements in Appendix AQ2A is for a single installation of an appliance, or seeking generic approval for a particular make and model of appliance to be included on the 'List of Authorised Solid Fuel Burning Appliances' referred to in Appendix AQ2A. <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> h) the likely effects on ambient air quality and the air quality target. i) the impact of the discharge on local and ambient air quality. j) the proximity and nature of nearby activities, including any sensitive receptors. k) the cumulative effect of the proposed discharge on PM₁₀ levels, in combination with other discharges. | <p>AQr.26.5</p> <p>This rule applies to pellet burners installed into new houses, or into existing houses that did not have a solid fuel fire at the time of notification of this Plan, and to subsequent replacement of such fires. Note that for houses with a fire that existed at the time this Plan was notified, rule AQr.25 applies, not this rule.</p> <p>Pellet burners are a special type of small-scale wood burning appliance that burn small compressed sawdust pellets (see A2-74A for definition). Pellet burners are generally lit automatically, and pellets fed to the fire at the stipulated rate by an electrically-driven auger. Air to the fire is fan-driven.</p> <p>Because the fuel is of a regular size and moisture content, and is continuously rather than batch fed, there is less potential for operator variability when a pellet fire is used in a home environment. There is therefore a good case for treating pellet burners as a different class of appliance to batch-fed woodburners.</p> <p>Modelling studies have indicated that pellet fires could be allowed into new houses and those existing houses currently without fires, without having a measurable impact on the rate of improvement in Nelson's air quality. However, only the lower emitting pellet fires should be allowed in under this provision. This rule, via Appendix AQ2A, sets up a special standard for pellet burners only where they are being installed in new houses or those without an existing fire. This standard is much more stringent than the one in Appendix AQ2 applying to woodburners and to pellet burners that are replacing fires and burners that existed prior to notification of this Plan.</p> <p>AQr.26.1b) requires that subsequent replacements of any pellet burner installed under clause AQr.26.1, occur only with burners that meet the emission requirements in Appendix AQ2A. Otherwise, if higher emitting burners complying with Appendix AQ2 but not AQ2A were installed, there would be a gradual worsening of air quality. Pellet fires were only allowed into new homes and those without existing fires on the basis that their collective emissions would be low – and it is important that emissions from this group of houses remain low. For this reason, it is a prohibited activity for a pellet burner installed under this rule to be replaced at a later date with a traditional-style woodburner (AQr.26.3B).</p> |

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| <p>AQr.26A Ultra-low emission burning appliances</p> <p>(Urban Area)</p> <p>New buildings, or Existing buildings not using solid fuel within a small-scale solid fuel burning appliance</p> | <p>AQr.26A.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of wood in any small-scale ultra-low emission burning appliance installed after the date of notification of this Plan into:</p> <ul style="list-style-type: none"> i) any new building, or ii) any existing building that does not have an operable open fire or any small-scale solid fuel burning appliance, iii) any building where that appliance replaces any existing small-scale solid fuel burning appliance authorised by any rule in the Plan. <p>is permitted if:</p> <ul style="list-style-type: none"> a) the appliance at all times: <ul style="list-style-type: none"> i) complies with the requirements of Appendix AQ2B, and ii) complies with the stack requirements in Appendix AQ3, and iii) burns no fuels in Rule AQr.20 (Prohibited Activities), and iv) is operated so that there is no discharge of excessive smoke (excluding a 15 minute start-up period), and b) where any appliance installed in accordance with this rule is successively replaced, the replacement small-scale ultra-low emitting burning appliance complies with clause a). <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.26A.2</p> <p>Not applicable</p> | <p>AQr.26A.3</p> <p>Within the Urban Area:</p> <ul style="list-style-type: none"> A) Any discharge that contravenes permitted clause a) ii) is a restricted discretionary activity. Discretion is restricted to the location, height, and design of the emission stack and the proximity of it to obstacles. B) The discharge of any contaminant into air from the burning of wood in any small-scale ultra-low emission burning appliance that contravenes a permitted clause is a non-complying activity, except that burning any fuel listed in AQr.20 is a prohibited activity. C) The discharge of any contaminant into air from the replacement of any small-scale ultra-low emission burning appliance installed under AQr.26A.1 or AQr.26A.3B), is a prohibited activity if: <ul style="list-style-type: none"> i) the replacement small-scale solid fuel burning appliance is not an ultra-low emission burner as defined in A2-76. |

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| <p>AQr.26A.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack requirements. b) the safety and effectiveness of alternative stack heights, designs or discharge points. c) any likely impact of downdraft or wind swirl that may affect the safe venting from the stack. d) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. e) the proximity and nature of any sensitive receptors. <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> f) the likely effects on ambient air quality and the air quality target. g) the impact of the discharge on local and ambient air quality. h) the proximity and nature of nearby activities, including any sensitive receptors. i) the cumulative effect of the proposed discharge on PM₁₀ levels, in combination with other discharges. <p>Non-compliance with certification requirements in Appendix AQ2B</p> <ul style="list-style-type: none"> j) whether additional burning appliances can be accommodated without compromising the Plan's policy aims for ambient air quality and management of particulate matter, having particular regard to: <ul style="list-style-type: none"> i. recent air quality monitoring data; ii. modelling or other methods adopted and the extent to which they are acceptable for demonstrating additional appliances can be accommodated; iii. cumulative effects | <p>AQr.26A.5</p> <p>This rule applies to ultra-low emission burning appliances and to subsequent replacement of such fires. A limited number of ultra-low emission burning appliances are permitted to be installed in Airsheds B2 and C in new houses and in existing houses that do not have any existing solid fuel fire. In addition, the installation of an ultra-low emission burning appliance is permitted in all Airsheds (A, B1, B2 and C) where that ultra-low emission burning appliance replaces an existing authorised wood burner. Non-compliance with stack requirements requires consent as a restricted discretionary activity under rule AQr.26A.3A. Note that this rule does not cover small scale fuel burning appliances as these are addressed by rule AQr.25.</p> <p>Modelling studies have indicated that, subject to the implementation of a behaviour change programme, a number of ultra-low emission fires could be allowed into new houses and those existing houses currently without fires, without having a measurable impact on the rate of improvement in Nelson's air quality. This rule, via Appendix AQ2B, sets up a special standard for ultra-low emission burners only where they are being installed in new houses or those without an existing fire or to replace existing authorised burners. This standard is much more stringent than the one in Appendix AQ2 applying to woodburners and to pellet burners that are replacing fires and burners that existed prior to notification of this Plan.</p> <p>The number of ultra-low emission burning appliances permitted in Airsheds B2 and C is limited by Appendix AQ2B. The Appendix specifies an allocation of additional permitted burners in Airsheds B2 and C only based on updated monitoring data and modelling completed in late 2015. In Airsheds B2 and C, additional appliances in excess of the 1,600 limit may be certified as a non-complying activity under Rule AQr.26.3 where it can be demonstrated that additional capacity is available to do so. Any proposal to install an ultra-low emission burning appliance in Airshed A or B1 requires consent as a non-complying activity and will be assessed in terms of airshed capacity available at the time of application.</p> <p>AQr.26A.1b) requires that subsequent replacements of any ultra-low emission burner installed under clause AQr.26A.1, occur only with burners that meet the emission requirements in Appendix AQ2B. Otherwise, if higher emitting burners complying with Appendix AQ2 but not AQ2B were installed, there would be a gradual worsening of air quality. Ultra-low emission fires have only been allowed into new homes and those without existing fires on the basis that their collective emissions will be low – and it is important that emissions from this group of houses remain low. For this reason, it is a prohibited activity for an ultra-low emission burner installed under this rule to be replaced at a later date with a traditional-style woodburner (AQr.26A.3).</p> |

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| <p>AQr.27 Small-scale solid fuel burning appliances and open fires</p> <p>(Outside Urban Area)</p> <p>New and existing</p> | <p>AQr.27.1</p> <p>The discharge of any contaminant into air from the burning of solid fuel in any existing or new small-scale solid fuel burning appliance or open fire is permitted from any building not within the Urban Area if:</p> <p>a) no fuels in Rule AQr.20 (Prohibited Activities) are burnt.</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.27.2</p> <p>Not applicable</p> | <p>AQr.27.3</p> <p>Any discharge that contravenes the permitted rule is a prohibited activity (see AQr.20)</p> |
| <p>AQr.27A Small-scale solid fuel burning appliances and open fires</p> <p>(Urban Area)</p> <p>Commercial cooking or smoking</p> | <p>AQr.27A.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of solid fuel in any small-scale solid fuel burning appliance or open fire installed before the date of notification of this Plan is permitted if:</p> <p>a) the activity occurs on an industrial or trade premises, and</p> <p>b) the discharge relates exclusively to the cooking or smoking of food for wholesale or retail sale, and</p> <p>c) rule AQr.25.1 is complied with.</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.27A.2</p> <p>Not applicable</p> | <p>AQr.27A.3</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of solid fuel in any small-scale solid fuel burning appliance or open fire installed after the date of notification of this Plan is a restricted discretionary activity, if:</p> <p>a) the activity occurs on an industrial or trade premises, and</p> <p>b) the discharge relates exclusively to cooking or smoking of food for wholesale or retail sale.</p> <p>Discretion restricted to:</p> <p>i) stack height and location, and</p> <p>ii) specification of the fuel, and</p> <p>iii) the size of the appliance, and</p> <p>iv) control of smoke emissions and odour, and</p> <p>v) other discharges to air.</p> <p>Applications need not be notified, the written approval of affected persons will not be necessary and notice of applications need not be served on any person.</p> |

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| <p>AQ27.4 Not applicable</p> | <p>AQr.27.5 The use of solid fuel appliances and open fires is allowed outside the Urban Area (see definition in Chapter A2). The only restriction is in relation to certain fuels which are prohibited. This rule provides for the use of fires and burners that existed prior to notification of this Plan, as well as the use of fires and burners installed after that date. Note: On any site less than 2 hectares in area, the National Environmental Standards for Air Quality¹, clauses 22 to 24, apply to new installations of woodburners and require appliance emissions of less than 1.5g/kg and at least 65% thermal efficiency. ¹ Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations – see A2-59A.</p> |
| <p>AQr.27A.4</p> <ul style="list-style-type: none"> a) the safety and effectiveness of the stack. b) any likely impact of downdraft or wind swirl that may affect safe venting from the stack. c) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. d) the expected emission levels from the discharge, particularly of PM₁₀ and how these compare with Appendix AQ2 a) and b). e) the likely effects on ambient air quality and the air quality target. f) the impact of the discharge on local and ambient air quality, the proximity and nature of nearby activities, including any sensitive receptors. g) the expected time of day and of year when the discharge will occur. h) any cumulative effects with any nearby discharges. | <p>AQr.27A.5 A small number of restaurants and firms use solid fuel-fired appliances for cooking or smoking food. Wood-fired pizza ovens for example, if they are less than 40kW and have a door on, are classed as a 'small-scale solid fuel burning appliance'. Without a door, technically they are an 'open fire' on the basis of the definitions in this Plan. The normal domestic rules prohibit the installation of new open fires, or small-scale burners in new premises. AQr.27A.3 makes provision for such new units in industrial or trade premises provided they are used exclusively for cooking or smoking food. This rule could not be used for example to install an open fire for space heating even if it were occasionally used for cooking. AQr.27A.1 simply recognises that if such cooking devices comply with the normal rules in AQr.25, they are permitted in any event. Relatively few of these discharges are likely to occur. The impact on ambient air quality is likely to be minor, and the rule is therefore focussed to ensure there are no localised adverse effects, for example, on neighbouring properties.</p> |

| Large-scale fuel burning appliances | | | |
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| <p>AQr.28 Large-scale fuel burning appliance</p> <p>LPG</p> | <p>AQr.28.1</p> <p>The discharge of any contaminant into air from the combustion of LPG in a large-scale fuel burning appliance is permitted if:</p> <ul style="list-style-type: none"> a) the combined heat output from all appliances on the site burning LPG does not exceed 4 MW, and b) the stack complies with the requirements in Appendix AQ5, and c) the fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. This maintenance must include adjustment, if necessary, of the fuel to air ratio and testing of the ratio of combustion gases (carbon monoxide, carbon dioxide and oxygen) discharged, and a copy of each maintenance report is held and made available on request to Nelson City Council. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.28.2</p> <p>Not applicable</p> | <p>AQr.28.3</p> <p>Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.28.4</p> <ul style="list-style-type: none"> a) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. b) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. c) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. f) new options, processes or techniques available to minimise any discharges or their effects. g) the total amount of the discharge and the time period over which the discharge occurs. h) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. i) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW. | <p>AQr.28.5</p> <p>Liquefied petroleum gas (LPG) is regarded as a relatively “clean” fuel because, when burned in efficient appliances, it emits only very small amounts of particulate matter and sulphur dioxide.</p> <p>The low potential for environmental effects is reflected in this rule that permits combustion from these sources on the site to a level that does not exceed 4MW in size. This rule is not intended to address greenhouse effects.</p> <p>The direction, height and proximity of adjacent buildings to stacks can affect the dispersion of exhaust gases and if not appropriately managed can lead to high ground level concentrations of contaminants. The maintenance and operation of appliances can also affect the levels of contaminants released.</p> <p>Information and dispersion modelling supporting the classification of activities in this rule is contained in NIWA report ALK2002-037-R1, August 2004, available from Nelson City Council.</p> <p>Discharges from sites that have a maximum heat output of more than 5MW have the potential to affect aircraft flight paths. Consideration of this issue is required, including the views of the Airways Corporation, when assessing such discharges on a case by case basis. The Civil Aviation Rules (Standards for Determining Hazards) state that use of a structure is a hazard in navigable airspace if it may discharge efflux gases at a velocity in excess of 4.3m per second, either through the obstacle limitation surface applicable to the aerodrome, or at a point 60m above ground level.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.29 Large-scale fuel burning appliance</p> <p>Kerosene or diesel</p> | <p>AQr.29.1</p> <p>The discharge of any contaminant into air from the combustion of kerosene or diesel in a large-scale fuel burning appliance is permitted if:</p> <ul style="list-style-type: none"> a) the combined heat output from all appliances on the site burning kerosene does not exceed 2 MW, and aa) the sulphur content of any kerosene burnt does not exceed 0.2% by weight, and ab) the net combined heat output from all appliances on the site burning diesel does not exceed 5MW, and b) the stack complies with the requirements in Appendix AQ5, and c) except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge at the chimney exit is not darker than Ringelmann Shade No. 1, as described in New Zealand Standard 5201:1973, and, d) the fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. This maintenance must include adjustment, if necessary, of the fuel to air ratio and testing of the ratio of combustion gases (carbon monoxide, carbon dioxide and oxygen) discharged, and a copy of each maintenance report is held and made available on request to Nelson City Council, and e) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.29.2</p> <p>Not applicable.</p> | <p>AQr.29.3</p> <p>Any discharge that contravenes a permitted clause is a discretionary activity, except in the case of clause (e) where the activity is a prohibited activity (see Rule AQr.20).</p> |

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| <p>AQr.29.4</p> <ul style="list-style-type: none"> a) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. b) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. c) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. f) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. g) new options, processes or techniques available to minimise any discharges or their effects. h) the total amount of the discharge and the time period over which the discharge occurs. i) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. j) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW. | <p>AQr.29.5</p> <p>The operation of kerosene and diesel burning heating equipment should not cause adverse effects on the environment when fuel quality, combustion and stack design are correctly controlled and when the heat output from the site does not exceed the level specified. This rule is not intended to address greenhouse effects. Information and dispersion modelling supporting the classification of activities in this rule is contained in NIWA report ALK2002-037-R1, August 2004, available from Nelson City Council.</p> <p>Efficient operation of fuel-burning equipment, including ensuring optimal fuel to air ratio, will minimise the discharge of products of incomplete combustion.</p> <p>Ringelmann charts are commonly used in New Zealand to measure the density of smoke emissions from small fuel-burning devices. These charts consist of increasingly dark shades of grey where 20, 40, 60, 80 and 100% obscuration represent Ringelmann shades 0, 1, 2, 3 and 4 respectively.</p> <p>Regular servicing by a competent person is necessary to ensure efficient combustion and to remove ash accumulation within the device.</p> <p>Discharges from sites that have a maximum heat output of more than 5MW have the potential to affect aircraft flight paths. Consideration of this issue is required, including the views of the Airways Corporation, when assessing such discharges on a case by case basis. The Civil Aviation Rules (Standards for Determining Hazards) state that use of a structure is a hazard in navigable airspace if it may discharge efflux gases at a velocity in excess of 4.3m per second, either through the obstacle limitation surface applicable to the aerodrome, or at a point 60m above ground level.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.30 Large-scale fuel burning appliance</p> <p>Light fuel oil or heavy fuel oil</p> | <p>AQr.30.1</p> <p>The discharge of any contaminant into air from the combustion of light fuel oil or heavy fuel oil in a large-scale fuel burning appliance is not a permitted activity.</p> | <p>AQr.30.2</p> <p>The discharge of any contaminant to air from the large-scale external combustion of light fuel oil or heavy fuel oil is a controlled activity if:</p> <ul style="list-style-type: none"> a) the combined heat output from all appliances on the site burning light fuel oil does not exceed 200 kW, and aa) the combined heat output from all appliances on the site burning heavy fuel oil does not exceed 100kW, and b) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) stack height and design, and ii) direction of exhaust gases, and iii) sulphur content of fuel, and iv) hours of operation and maintenance, and v) distance from sensitive receptors. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required)</p> <p>The written approval of affected persons will not be necessary and notice of applications need not be served on any person.</p> | <p>AQr.30.3</p> <p>Any discharge that contravenes a controlled clause is a discretionary activity, except in the case of clause (b) where the activity is prohibited (see Rule AQr.20).</p> |

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| <p>AQr.30.4</p> <ul style="list-style-type: none"> a) the ambient levels of PM₁₀ and the predicted effect that the activity will have on these levels. b) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. c) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. f) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. g) new options, processes or techniques available to minimise any discharges or their effects. h) the total amount of the discharge and the time period over which the discharge occurs. i) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. j) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW. k) how significant the discharge is in terms of the total industrial contribution to the airshed. l) the age of the existing plant (old plant will likely be beyond its design life). m) how practicable the reductions are, and the economic costs of making them (and not making them). | <p>AQr.30.5</p> <p>The potential adverse effects from the use of heavy and light fuel oil can be significant.</p> <p>Studies show that fuel oil boilers in terms of kilograms of fuel burned can emit over 5 times more particulate and 30 to 60 times more sulphur dioxide compared to diesel boilers.</p> <p>Coal fired boilers can emit up to 50 times (per kilogram of fuel burned) the particulate and up to 3 times sulphur relative to diesel boilers.</p> <p>Small light oil and coal burners are dealt with as controlled activities, but medium to large units must be assessed on their merits as discretionary activities.</p> <p>Information and dispersion modelling supporting the classification of activities in this rule is contained in NIWA report ALK2002-037-R1, August 2004, available from Nelson City Council.</p> <p>Discharges from sites that have a maximum heat output of more than 5MW have the potential to affect aircraft flight paths. Consideration of this issue is required, including the views of the Airways Corporation, when assessing such discharges on a case by case basis. The Civil Aviation Rules (Standards for Determining Hazards) state that use of a structure is a hazard in navigable airspace if it may discharge efflux gases at a velocity in excess of 4.3m per second, either through the obstacle limitation surface applicable to the aerodrome, or at a point 60m above ground level.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.30A Large-scale fuel burning appliance</p> <p>Wood pellets</p> | <p>AQr.30A.1</p> <p>The discharge of any contaminant into air from the combustion of wood pellets in a large-scale fuel burning appliance is permitted if:</p> <ul style="list-style-type: none"> a) the large scale fuel burning appliance is purpose designed and manufactured* to burn wood pellets, and b) the combined heat output from all such purpose designed and manufactured appliances on the site burning wood pellets does not exceed 220kW, and c) the discharge is not replacing an existing discharge on the site from a large-scale fuel burning appliance burning wood or coal, and d) the wood pellet fuel burnt in the appliance meets the quality assurance specifications defined in either AS/NZS 4014.6:2007, or Category A in the Bioenergy Association Wood Fuel Classification Guidelines Version 5, 28 July 2010, and e) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt, and f) the stack complies with the requirements in Appendix AQ5, and g) except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge at the chimney exit is not darker than Ringelmann Shade No. 1, as described in New Zealand Standard 5201:1973. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required)</p> | <p>AQr.30A.2</p> <p>The discharge of any contaminant into air from the combustion of wood pellets in a large-scale fuel burning appliance is a controlled activity if:</p> <ul style="list-style-type: none"> a) the discharge is from a wood pellet-burning appliance that replaces a large-scale fuel burning appliance on the site of at least equivalent heat output that at the time of replacement was burning wood or coal, and where the discharge to air was lawfully approved, and b) the large-scale fuel burning appliance being replaced under a) ceases to burn wood or coal, and c) the replacement large-scale fuel burning appliance is designed and manufactured to burn wood pellet fuel, or is an existing or replacement appliance converted to burn wood pellet fuel, and d) the wood pellet fuel burnt in the appliance meets the quality assurance specifications defined in either AS/NZS 4014.6:2007, or Category A in the Bioenergy Association Wood Fuel Classification Guidelines Version 5, 28 July 2010, and e) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) stack height and design, and ii) direction of exhaust gases, and iii) maintenance, and iv) stack testing and reporting, and v) distance from sensitive receptors, and vi) the daily maximum mass emissions during winter (May to August inclusive). | <p>AQr.30A.3</p> <p>Any discharge that contravenes permitted clause a), b), d), or f) or or a controlled clause is a discretionary activity, except in the case of clause AQr.30A.1 (e) or AQr.30A.2 (e) where the activity is prohibited (see Rule AQr.20).</p> <p>Non-compliance with permitted clause g) is an enforcement matter.</p> <p>(Non-compliance with permitted clause c) is a controlled or a discretionary activity, depending on whether other controlled standards are complied with.)</p> |

* Designed and manufactured means an appliance designed and factory-built to burn wood pellet fuel, rather than a burner that has been modified from burning another fuel to burning wood pellets.

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| <p>AQr.30A.4</p> <ul style="list-style-type: none"> a) the ambient levels of PM₁₀ and the predicted effect that the activity will have on these levels. b) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. c) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. f) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. g) new options, processes or techniques available to minimise any discharges or their effects. h) the total amount of the discharge and the time period over which the discharge occurs. i) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. j) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW. k) how significant the discharge is in terms of the total industrial contribution to the airshed. l) in the case of renewal of consent, the age of the existing plant (old plant will likely be beyond its design life). m) in the case of renewal of consent, how practicable reductions in emissions are, and the economic costs of making them (and not making them). n) if the burning of wood pellets is replacing an existing fuel, the expected change in peak and mass emissions, and the environmental effects of this. | <p>AQr.30A.5</p> <p>PM₁₀ emissions from purpose-built pellet-fired boilers can be approximately one third the emissions of wood or coal boilers of equivalent size, and boilers converted from wood or coal to burn pellets can have emissions about one half the levels typical for wood and coal. (NIWA report CHC2010-061 'Proposed classification of Wood Pellet Fuelled Boilers').</p> <p>Modelling by NIWA indicates that new purpose-built pellet boilers could be allowed as permitted activities, if they are small – less than 220kW (the equivalent of 20 domestic pellet burners. Ultra low emission domestic pellet burners are permitted in new houses or ones without a current fire).</p> <p>Since new or retrofitted pellet boilers will substantially improve the emissions from any industrial combustion involving wood or coal, the replacement or conversion of an existing large-scale wood-burning or coal burning appliance to instead run on wood pellets has been made a controlled activity (such consent applications cannot be declined, but conditions can be imposed). This is to help facilitate a transition to lower emitting appliances and improve ambient air quality.</p> <p>Where the discharge is new and from a purpose designed and manufactured pellet boiler of more than 220kW in capacity then a discretionary resource consent is needed. A discretionary resource consent is needed where a retrofit boiler is not replacing an existing wood or coal-fired discharge, and also where grades of wood pellet fuel, other than those specified in the rule, are proposed to be used. This is partly to address any potential local adverse effects, but also to assess the capacity of the airshed to accommodate the discharge of particulate matter in terms of the objectives and policies set out in this Plan.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.31 Large-scale fuel burning appliance</p> <p>Coal or wood</p> | <p>AQr.31.1</p> <p>The discharge of any contaminant into air from the combustion of coal or wood in a large-scale fuel burning appliance is not a permitted activity.</p> | <p>AQr.31.2</p> <p>Not applicable</p> | <p>AQr.31.3</p> <p>a) The discharge of any contaminants into air from the combustion of wood or coal in a large-scale fuel burning appliance is a restricted discretionary activity if:</p> <ol style="list-style-type: none"> 1) the combined heat output from all appliances on the site burning wood or coal does not exceed 200kW, and 2) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt, <p>Discretion restricted to:</p> <ol style="list-style-type: none"> i) stack height and design, and ii) direction of exhaust gases, and iii) specifications of the fuel to be used, and iv) installation of air pollution abatement equipment or design features, and v) hours of operation, and vi) maintenance schedules and programmes, and vii) distance from sensitive receptors, and viii) monitoring and reporting requirements, and ix) review of consent conditions and duration of consent, and x) whether the discharge singly or in combination with other discharges will cause a breach of the ambient air quality targets in this Plan, or the standards in the National Environmental Standards for Air Quality, and xi) whether the discharge singly or in combination with other discharges will slow or in absolute terms limit the achievement of the ambient air quality targets in this Plan, or the standards in the National Environmental Standards for Air Quality. <p>Applications need not be notified, the written approval of affected parties will not be necessary and notice of applications need not be served on any person.</p> <p>b) The discharge of any contaminants into air from the combustion of wood or coal in a large-scale fuel burning appliance that contravenes the Restricted Discretionary Activity clause 1) is a discretionary activity, if:</p> <ol style="list-style-type: none"> 1) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. |

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| <p>AQr.31.4</p> <ul style="list-style-type: none"> c) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. d) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. e) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. h) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. ff) in the case of burning waste materials, an assessment of alternatives to the discharge, and a comparative assessment of those alternatives in terms of the effects on the environment. i) new options, processes or techniques available to minimise any discharges or their effects. j) the total amount of the discharge and the time period over which the discharge occurs. k) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. l) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW. m) the predicted ground level concentrations of contaminants compared to the ground level concentrations likely to occur from activities permitted under rules AQr.28 and AQr.29. | <p>AQr.31.5</p> <p>Wood and coal burning boilers and heaters are the primary sources of particulate matter discharged from the industrial and commercial sector in the Urban Area.</p> <p>Solid fuel burning is estimated to contribute approximately 90% of the PM₁₀ emissions from this sector in Nelson.</p> <p>The amount of particulate matter discharged varies according to the design and operation of each appliance and the type of fuel used. Studies show that (per kilogram of fuel burned) wood and coal boilers can emit up to 30 to 50 times more PM₁₀ than diesel boilers while the sulphur dioxide emissions from the combustion of coal fuel (if the sulphur content is 1% by weight) can be 20 times more than diesel (if the fuel is 0.05% sulphur by weight).</p> <p>In order to control these potential effects, all external combustion devices have to apply for resource consent to be assessed on a case by case basis. In doing so, it is also relevant to consider the ground level concentrations of contaminants that may occur relative to those likely, as-of-right, from permitted activities under rules AQr.28 and AQr.29.</p> <p>Information and dispersion modelling supporting the classification of activities in this rule is contained in NIWA report ALK2002-037-R1, August 2004, available from Nelson City Council.</p> <p>Discharges from sites that have a maximum heat output of more than 5MW have the potential to affect aircraft flight paths. Consideration of this issue is required, including the views of the Airways Corporation, when assessing such discharges on a case by case basis. The Civil Aviation Rules (Standards for Determining Hazards) state that use of a structure is a hazard in navigable airspace if it may discharge efflux gases at a velocity in excess of 4.3m per second, either through the obstacle limitation surface applicable to the aerodrome, or at a point 60m above ground level.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.31A</p> <p>Large-scale fuel burning appliances</p> <p>Other solid and liquid fuels</p> | <p>AQr.31A.1</p> <p>The discharge of any contaminant into air from the combustion of any solid or liquid fuel in a large-scale fuel burning appliance not otherwise specified in a rule in this Plan is not a permitted activity.</p> | <p>AQr.31A.2</p> <p>Not applicable</p> | <p>AQr.31A.3</p> <p>A) Any discharge that contravenes the permitted rule is a discretionary activity, except where the activity is non-complying or prohibited.</p> <p>B) The discharge of any contaminant to air from the combustion of any of the materials in the following list i) to v) in a large-scale fuel burning appliance is a non-complying activity:</p> <ul style="list-style-type: none"> i) all rubber, including but not limited to rubber tyres, or i) waste oil. <p>C) The discharge of any contaminant from the combustion of any of the materials in a large-scale fuel burning appliance the following list i) to v) is a prohibited activity:</p> <ul style="list-style-type: none"> i) wood treated or impregnated with copper-chrome-arsenic, or ii) metals or materials containing metal (including but not limited to cables), or iii) material containing tar or bitumen, or iv) material containing asbestos (except for the processing of vehicle brake shoes subject to resource consent under AQr.53 (All other industrial or trade premises)), or v) synthetic material (excluding wood coatings), including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, or any type of plastic (excluding plastic-coated wood, or the burning of plastic allowed under Rule AQr.55A (Outdoor Burning Rural)). |

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| <p>AQr.31A.4</p> <p>a) the ambient and acute levels of any hazardous air pollutants or air toxics that may be discharged.</p> <p>aa) the proportion of any hazardous compounds within the fuel, the nature of these compounds, and whether they are likely to be destroyed by combustion at the temperatures expected in the appliance.</p> <p>b) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels.</p> <p>c) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling.</p> <p>d) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated.</p> <p>e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land.</p> <p>f) the proximity and nature of any sensitive receptors.</p> <p>g) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment.</p> <p>h) new options, processes or techniques available to minimise any discharges or their effects.</p> <p>i) the total amount of the discharge and the time period over which the discharge occurs.</p> <p>j) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction.</p> <p>k) the potential effect of the discharge on aircraft flight paths where the combined discharge from all fuel burning on the site is greater than 5MW.</p> | <p>AQr.31A.5</p> <p>This rule covers all other liquid or solid materials that could be burnt in large-scale appliances not otherwise specified in any other Rule in the Plan. The rule specifies some materials that may be able to be used as fuel in large-scale fuel burning appliances provided suitable combustion and emission control processes are utilised, and lists prohibited materials for which no resource consent can be sought.</p> <p>Fuels that are not specified as non-complying or prohibited are discretionary. This includes re-refined oil, wood which has been painted, stained or oiled, wood coated with plastics (such as melamine) (see A2-67B), composite wood boards, and industrial sludge.</p> <p>It is important to note that the operation of high-temperature hazardous waste incinerators in Nelson is prohibited by the National Environmental Standards Regulations 2004.</p> <p>Discharges from sites that have a maximum heat output of more than 5MW have the potential to affect aircraft flight paths. Consideration of this issue, including the views of Airways Corporation, is required when assessing such discharges on a case by case basis.</p> <p>The following is a brief explanation of why materials are specified in this rule:</p> <p><i>Wood treated with preservatives or impregnated with chemicals</i> Wood is commonly pressure-treated with chromated copper arsenate (CCA) to protect it from decay and extend its durability outdoors. These chemicals present a significant health and contamination risk when burned, as the chemicals are released into the air as combustion products. Hence burning such material is a prohibited activity.</p> <p><i>All rubber, including but not limited to, rubber tyres</i> The emissions from rubber and tyre burning are dependent on the efficiency and rate of burn. Rubber tyres have been burned in cement kilns at high temperatures. However, when burned outdoors or in uncontrolled circumstances, significant quantities of hazardous air pollutants are emitted. The rule provides for the burning of tyres in large scale burners as a non-complying activity, but open burning remains prohibited (see AQr.20).</p> <p><i>Waste Oil</i> Waste oil can contain a variety of contaminants depending on its primary use. This includes zinc, lead, aluminium, chromium, and chlorides, among other things. Like rubber, combustion conditions need to be accurately controlled to ensure complete combustion, and appropriate emission control technology is required to remove metals. Note the activity status of waste oil is different to re-refined oil, as burning re-refined oil is considered to present less risk of adverse effects than burning waste oil.</p> <p><i>Metals and materials containing metals</i> Burning metals or materials containing metals is a prohibited activity. Historically, burning coatings from copper wires was considered an appropriate and convenient method of removing coatings to allow recycling of the metal cable. Unfortunately this has been accompanied by emissions of significant quantities of hazardous air pollutants. Note that the National Environmental Standards for Air Quality ban the burning of coated wire in the open (see AQr.20).</p> <p><i>Material containing tar and bitumen</i> Burning of tar and bitumen emits hazardous air pollutants. This has most commonly occurred during road surfacing work, however the practice of bitumen burning has been declining as other options become available, and is now prohibited by the National Environmental Standards for Air Quality.</p> <p><i>Materials containing asbestos</i> Asbestos fibres, if inhaled, can result in significant long term health problems. A prohibition on burning asbestos will minimise the suspension of any fibres into the air. Provision has been made for the heating of brake pads to melt binding resins during automotive repairs.</p> <p><i>Synthetic material</i> Combustion of glues, plastics, paints and other synthetic materials commonly causes the discharge of toxic and odorous compounds. Some of the compounds discharged (such as dioxins, furans and heavy metals) cause health effects at low concentrations and are known to accumulate in the environment. Plastic-coated wood (defined in A2-67B, Chapter 2) is exempt from the prohibition and can be considered as a fuel, as a discretionary activity. Note that to avoid confusion, a material specified in any other clause in this rule that may be considered a 'synthetic material' is not regulated by clause AQr.31A.3C(v).</p> |

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| <p>AQr.32 Stationary internal combustion engine</p> | <p>AQr.32.1 The discharge of any contaminant into air from combustion within a stationary internal combustion engine is permitted if :</p> <ul style="list-style-type: none"> a) the fuel is gas, liquefied gas, petrol, diesel, vegetable oils or alcohol, and b) fuel containing sulphur at levels greater than 0.05% by weight is not burned, and c) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt, and d) <ul style="list-style-type: none"> i) the power output of the device does not exceed 30 kW, or ii) the power output of the device is between 30 and 400 kW, and <ul style="list-style-type: none"> a. the engine is not operated for a total of greater than 5 hours in any 24-hour period, and b. where the engine is in a fixed location, the stack complies with the requirements in Appendix AQ6, or iii) the engine is used in an unforeseen emergency to drive a pump, or an electrical generator. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.32.2 Not applicable</p> | <p>AQr.32.3 Any discharge that contravenes a permitted clause is a discretionary activity, except in the case of clause (c) where the activity is prohibited (see Rule AQr.20).</p> |

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| <p>AQr.32.4</p> <ul style="list-style-type: none"> a) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. b) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. c) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. f) new options, processes or techniques available to minimise any discharges or their effects. g) the total amount of the discharge and the time period over which the discharge occurs. h) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. | <p>AQr.32.5</p> <p>Generators are often used by businesses and institutions to provide electricity in the event of a power supply failure. These generators typically have an energy output of less than 400 kW and are usually operated only infrequently for short-term replacement of the regular electricity supply, or for testing and maintenance purposes. When used in such a way the use of the engine is subject to the control under permitted clause d) ii). However, when a genuine unforeseen emergency arises due to a major electricity supply failure, generators have been exempted from these controls under clause d) iii). To comply would be impractical, and the emergency considerations necessarily must prevail.</p> <p>Many other internal combustion engines, such as pumps, are also maintained for emergency or occasional use.</p> <p>Smaller units (less than 30kW) that are commonly used to power a small generator or pump, or supply electricity for a concert or event, have been given less onerous rules. Being small and portable, they are likely to have relatively low emissions and are unlikely to be used on a single site for extended periods. Larger units (30-400kW) have been exempted from the stack rules if they are portable (i.e. not installed in a permanent position/location). However, units that are not mobile but are located in one place are required to comply with the stack requirements.</p> <p>Internal combustion engines emit significantly more PM₁₀ and nitrous oxides than large-scale fuel burning appliances (per kilogram of fuel burnt) hence the restrictions for larger units on output and hours of use.</p> <p>However, because of the smaller scale and infrequency of discharge, any adverse effects can normally be kept to being no more than minor. The exhaust emission velocity is high, relative to external combustion appliances. Therefore unimpeded discharge above the roof of neighbouring buildings is sufficient to adequately disperse contaminants.</p> <p>Other than the emergency situation discussed above, resource consent is required for any stationary internal combustion device that exceeds 400kW, due to potentially higher adverse environmental effects. Consent is also needed if such a unit is to be used for more than 5 hours in any given day.</p> <p>Information and dispersion modelling supporting the classification of activities in this rule is contained in NIWA report ALK2002-037-R1, August 2004, available from Nelson City Council.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| AQr.33 Bulk material handling and storage | <p>AQr.33.1</p> <p>The discharge of any contaminant into air from bulk material handling and storage is permitted if:</p> <ul style="list-style-type: none"> a) the discharge of the contaminant originates from the Port Industrial Area, as identified by the Nelson Resource Management Plan, and <ul style="list-style-type: none"> i) open areas of land and stockpiles of materials are contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the site, or b) the discharge of the contaminant originates from a quarry or other mineral extraction process, and <ul style="list-style-type: none"> i) the quarry or other mineral extraction process is located in the Rural Zone, as identified in the Nelson Resource Management Plan, and ii) open areas of land and stockpiles of materials are contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the site, or c) the discharge of the contaminant originates from an activity not described in a) or b), and <ul style="list-style-type: none"> i) a total output of 200 cubic metres per hour on the site is not exceeded for <ul style="list-style-type: none"> - open cast extraction, or - size reduction, screening, or conveyance, or - material transported, and ii) either the total amount of material stored in the open on the site does not exceed 5000 cubic metres at any one time or the material is stored in a building or under cover, and iii) any open areas of land or stockpiles of materials are contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the site. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.33.2</p> <p>Not applicable</p> | <p>AQr.33.3</p> <p>Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.33.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) the total amount of the discharge and the time period over which the discharge occurs. c) the meteorology of the area including wind speed and wind direction and how these may affect the dispersal of the discharge. d) the options, processes and techniques available to minimise any discharge or its effects including watering of surfaces, use of wind breaks, sealing surfaces, planting vegetation and enclosing stockpiles. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. | <p>AQr.33.5</p> <p>The contaminants discharged as a result of bulk material storage and handling vary according to the nature of the source material. Particles are typically large (greater than 10 microns in diameter) and deposit close to source. The main adverse effect is short-term nuisance dust deposition on buildings and properties.</p> <p>This type of discharge does not normally pose a significant risk to human health as the particles are not readily inhaled.</p> <p>Significant volumes of bulk materials have historically and are currently stored and handled at Port Nelson and local quarries. The rule provides for these activities as 'permitted'.</p> <p>To ensure that adverse effects from other activities are minimised, a maximum output of 200 cubic metres per hour is permitted along with controls on the total amount of material stored.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.34 Bulk petroleum storage</p> | <p>AQr.34.1 The discharge of any contaminant into air from bulk petroleum storage is permitted if:</p> <ul style="list-style-type: none"> a) the product stored is: <ul style="list-style-type: none"> i) diesel, or ii) fuel oil, or iii) bitumen, or b) for any other volatile product stored, the following emission minimisation technology is installed in any new tank and by 2010 in any existing tank: <ul style="list-style-type: none"> i) internal floating covers (vertical tanks only), or ii) rim seals (vertical tanks only), or iii) vapour management. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.34.2 Not applicable</p> | <p>AQr.34.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.35 Ceramics</p> | <p>AQr.35.1 The discharge of any contaminant to air from the production of ceramics is permitted if:</p> <ul style="list-style-type: none"> a) the total mass of wet clay fired on the site does not exceed 500 kg per day. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.35.2 Not applicable</p> | <p>AQr.35.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.34.4</p> <ul style="list-style-type: none"> a) new options, processes or techniques available to minimise any discharges or their effects. b) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) the total amount of the discharge and the time period over which the discharge occurs. d) the topography and the meteorology of the area including wind speed and wind direction. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. | <p>AQr.34.5</p> <p>The nature of the wholesale storage emission sources is such that the facilities are designed and built to minimise evaporative losses and therefore it is unlikely that the guidelines for these contaminants will be exceeded. Due to the relatively valuable nature of the material being stored, facilities are generally designed, built and operated to minimise losses. Where emission minimisation technology is not installed, there is a requirement to do so by 2010.</p> <p>Vapour management refers to the collection and recovery/destruction of vapours from storage tanks, and is an alternative to installing internal floating covers and rim seals.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.35.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) the level of air pollutants released including hydrogen fluorides, hydrogen chloride, fine particulate matter and other contaminants. c) the total amount of the discharge and the time period over which the discharge occurs. d) the topography, and the meteorology of the area including wind speed and wind direction. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. | <p>AQr.35.5</p> <p>The nature and scale of emissions from an artist or small factory ceramic facility are such that adverse effects are unlikely outside the site boundary.</p> <p>This rule only applies to the discharge of air from ceramics making processes, not the combustion from the kilns used to fire ceramics. Kilns are typically heated using electricity, but also commonly use liquefied petroleum gas (LPG). Other fuels including diesel, light fuel oil and wood may be used in some cases. Depending on size, discharges from kilns fired by oil or solid fuels will be required to comply with rules for fuel burning equipment specified in Rules AQr.23 or AQr.28 to 31 of this Plan. A maximum of 500 kg per day of wet fired clay is permitted.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.36 Chemical fume cupboards</p> | <p>AQr.36.1 The discharge of any contaminant to air from chemical fume cupboards is permitted if:</p> <ul style="list-style-type: none"> a) air flow, fume exhaust and dispersal of any fume cupboard complies with section 3 of NZS2243.8-2001 'Safety in Laboratories Part 8: Fume Cupboards' (except if installed in a school owned by the Ministry of Education), and b) any fume cupboard installed in a school owned by the Ministry of Education complies with section 3 of NZS2243.8-2001 'Safety in Laboratories Part 8: Fume Cupboards' by 1 July 2010. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.36.2 Not applicable</p> | <p>AQr.36.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.37 Composting</p> | <p>AQr.37.1 The discharge of any contaminant to air from composting is permitted if:</p> <ul style="list-style-type: none"> a) the total volume of material being composted on the site does not exceed 10 cubic metres at any time or b) any material being composted is generated on site, and the site is located in the Rural Zone (as defined by the Nelson Resource Management Plan). <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.37.2 Not applicable</p> | <p>AQr.37.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.36.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects. c) the total amount of the discharge and the time period over which the discharge occurs. d) the topography, and the meteorology of the area including wind speed and direction. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. | <p>AQr.36.5</p> <p>Chemical fume cupboards are used in educational institutions and commercial laboratories.</p> <p>NZS2243.8-2001 'Safety in Laboratories Part 8: Fume Cupboards' outlines clauses relating to airflow, fume exhaust and disposal of fumes. Controls are designed to ensure the discharge is vertically upwards, as remote from air intakes as possible, as well as requirements for the height of discharge points.</p> <p>The purpose and nature of chemical compounds used in educational laboratories tends toward less dangerous chemicals. Frequency of discharge also tends to be low.</p> <p>Workplace safety standards determine that the nature of chemical compounds used in commercial laboratories tends toward the less dangerous chemicals.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.37.4</p> <ul style="list-style-type: none"> a) the nature of the material to be composted. b) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) new options, processes or techniques available to minimise any discharges or their effects including odour. d) the topography and the meteorology of the area including wind speed and direction. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. g) the potential to attract vermin and flies, and potential control methods. | <p>AQr.37.5</p> <p>Composting is defined in Chapter A2, and excludes the making of silage. The production of composting has the potential to create adverse odour, depending on the materials used and if the decomposition is not strictly controlled. A key factor is good operation to ensure aerobic breakdown of the plant material. Composting can also have adverse effects relating to dust, particulate matter, and vermin, if not properly managed.</p> <p>For this reason larger compost operations have to be considered on a case by case basis by resource consent. Siting and conditions of the operation are key factors.</p> <p>Clause b) of the permitted rule allows material generated on rural properties to be composted on-site. This is because on-site composting presents a lower risk of adverse effects in rural areas and promotes the disposal of green waste by composting rather than burning,</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.38 Dry cleaning</p> | <p>AQr.38.1 The discharge of any contaminant into air from dry cleaning is permitted if:</p> <ul style="list-style-type: none"> a) chlorofluorocarbon solvents are not used, and b) where more than 5 kg of solvent per day is used on the site: <ul style="list-style-type: none"> i) any discharge point is 2 metres above the highest point of the building containing the dry cleaning machine, and ii) the discharge is vertical and unimpeded by any immediately adjacent buildings, and iii) a record is kept of the type and quantity of solvent used in the dry cleaning machines each day, to be supplied to Nelson City Council on request, and c) any new dry cleaning plant installed uses dry-to-dry machines. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.38.2 Not applicable</p> | <p>AQr.38.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.39 Dust from surfaces</p> | <p>AQr.39.1 The discharge of dust into air from any surface that does not expressly contravene any other rule in this Plan or the Nelson Resource Management Plan is permitted, if:</p> <ul style="list-style-type: none"> a) the general conditions in Rule AQr.22 are met. | <p>AQr.39.2 Not applicable</p> | <p>AQr.39.3 Not applicable – enforcement matter under AQr.22.</p> |

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| <p>AQr.38.4</p> <ul style="list-style-type: none"> a) new options, processes or techniques available to minimise any discharges or its effects including the number of emission points at the dry cleaning plant that are ducted to the filter system. b) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) the total amount of contaminants discharged including perchloroethylene and the time period over which the discharge occurs. d) methods to recover solvents and the potential odour effects of not recovering the solvents used in the process. e) the topography and the meteorology of the area including wind speed and wind direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.38.5</p> <p>Dry cleaning processes are generally designed and operated to minimise emissions. The main contaminant of concern is perchloroethylene. Due to its high cost, this chemical is generally recovered during the dry cleaning process.</p> <p>Ensuring that there are effective means of dispersal of contaminants as well as ensuring that operators accurately record solvent use each day and this information is available to Nelson City Council are means to ensure that adverse effects are minimised.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.39.4</p> <ul style="list-style-type: none"> a) the matters in Appendices AQ9, 10 and 11 as appropriate. | <p>AQr.39.5</p> <p>The contaminants discharged from surfaces such as unsealed carparks, industrial sites, and construction sites are primarily soil particles. The particles are generally large (greater than 10 microns in diameter) and are unlikely to cause significant adverse health effects.</p> <p>Any adverse effects resulting from this discharge into air are likely to be limited to nuisance effects at relatively close proximity to the source.</p> <p>Note: Rule AQr.22 (General Conditions) relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.40</p> <p>Food cooking and smoking</p> <p>Processing of oils</p> | <p>AQr.40.1</p> <p>The discharge of any contaminant to air from industrial or trade premises, or industrial or trade processes, for cooking or smoking of food for human or animal consumption, or the extraction, distillation or purification of animal or vegetable oil is permitted if:</p> <ul style="list-style-type: none"> a) the capacity of any plant on the site cooking, smoking or processing of food for human or animal consumption, or the extraction, distillation or purification of animal or vegetable oil does not exceed 250 kg per hour of raw material, and b) no rancid fats or oils are processed, and c) no rendering of fats occurs. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.40.2</p> <p>Not applicable</p> | <p>AQr.40.3</p> <p>Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.40.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects including means to minimise odour. c) the topography, and the meteorology of the area including wind speed and direction. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. | <p>AQr.40.5</p> <p>The nature of the discharge is such that the potential adverse effects are limited to amenity type issues including odour. The larger the plant and the greater volume of material it processes, increases both the potential magnitude and frequency of adverse effects occurring. Therefore the maximum permitted level is 250kg per hour.</p> <p>The main protection against adverse effects occurring is the siting of the plant in an appropriate zoned location. Ensuring that any fats and oils being processed are fresh (not rancid) also minimises adverse effects. Rendering processes are well known for potentially bad odours unless appropriately sited and controlled. Such plants and processes therefore require consideration by the resource consent process.</p> <p>Discharges from domestic premises are not covered by this rule but remain subject to the nuisance provisions of section 29 of the Health Act 1956, and the general conditions in Rule AQr.22.</p> <p>Note: where a combustion process is involved the relevant rules must be complied with:</p> <ul style="list-style-type: none"> • AQr.27A for small-scale solid fuel; • AQr.23 for small-scale gas and liquid fuels; • AQr.28 – 31 for large-scale (various fuels). <p>Note: For industrial and trade activities, compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.41 Fumigation</p> | <p>AQr.41.1</p> <p>The discharge of any contaminant to air from fumigation is permitted if:</p> <p>a) It is undertaken outside the Port Security Area and involves methyl bromide, ethylene di-bromide, hydrogen or calcium cyanide, phosphine, or chloropicrin, and:</p> <ul style="list-style-type: none"> i) the volume fumigated at any one time does not exceed 34 cubic metres, and ii) the fumigation does not occur within 50 metres of any sensitive receptor, and iii) there are not more than 10 fumigations on the site over any 12 month period, or <p>b) It is undertaken inside the Port Security Area of the Port Nelson and involves methyl bromide, and:</p> <ul style="list-style-type: none"> i) the fumigation is within a shipping container and the amount of methyl bromide used does not exceed 3 kg, and ii) the fumigation does not occur within 100 metres of the landward perimeter of the Port Security Area and within 100 metres of any berthed passenger ship occupied by passengers, and iii) the container is opened to ventilate between the hours of 9am to 5pm daylight saving time when that is in force, and otherwise between the hours 10am to 3pm NZST, and iv) <ul style="list-style-type: none"> a. not more than 1 container is opened to the atmosphere during any one hour period if the fumigation takes place at least 100 metres from the landward perimeter of the Port Security Area and at least 100 metres from any berthed passenger ship occupied by passengers, or b. not more than 4 containers are opened to the atmosphere during any one hour period, if the fumigation takes place at least 200 metres from the landward perimeter of the Port Security Area and at least 200 metres from any berthed passenger ship occupied by passengers, and <p><i>RULE CONTINUES ON NEXT PAGE.....</i></p> | <p>AQr.41.2</p> <p>The discharge of methyl bromide to air from fumigation within the Port Security Area of Port Nelson is a controlled activity if:</p> <ul style="list-style-type: none"> a) the concentration of methyl bromide from all discharges of methyl bromide occurring within the Port Security Area, including the combined discharges from permitted and controlled activities, does not exceed 3.9 mg/m³ (calculated as a one hour average) at any point on or beyond the landward boundary of the Port Security Area, and b) the concentration of methyl bromide from all discharges of methyl bromide occurring within the Port Security Area resulting from controlled activities does not exceed 0.0025 mg/m³ (calculated as an annual average) at any point on or beyond the landward boundary of the Port Security Area, and c) the fumigation takes place within a shipping container (other than fumigation within a shipping container pursuant to Rule AQr.41.1), and <ul style="list-style-type: none"> i) any shipping container used is at least 50 metres inside the landward perimeter of the Port Security Area and further than 50 metres from any berthed passenger ship occupied by passengers, and ii) the methyl bromide in the air space of the fumigated volume is captured and either destroyed or recovered at the end of the fumigation period, and iii) methyl bromide capture from the container operates until the concentration of methyl bromide in the air in the container is reduced to 5 ppmv or less before the container is opened to the atmosphere, and iv) at least 12 hours prior to ventilating any container to the atmosphere written notification is given to the Port Security Office of the amount of methyl bromide to be used in the fumigation, the number of containers to be ventilated, the hours when the fumigation will commence and when opening for ventilation is expected to occur, or d) the fumigation takes place entirely within an enclosed building, and <ul style="list-style-type: none"> i) the enclosed building is at least 100 metres inside the landward perimeter of the Port Security Area and further than 100 metres from any berthed passenger ship occupied by passengers, and ii) the total amount of methyl bromide used in any fumigation within the building does not exceed 250 kg, and iii) the fumigation occurs under gas-proof sheets, and iv) the methyl bromide in the air space of the fumigated volume is captured and either destroyed or recovered at the end of the fumigation period, and v) the capture system is operated until the total rate at which methyl bromide is removed from all fumigated volumes within the building that are to be ventilated, as determined in accordance with definition A2-24C, has decreased to: <ul style="list-style-type: none"> a. less than 2.2 g/sec if the discharge from the fumigated volume(s) under covers is being ventilated to discharge stacks, or b. less than 1.0 g/sec if the fumigated volume(s) are being opened by the removal of the covers and ventilated directly to the atmosphere in the building, and <p><i>RULE CONTINUES ON NEXT PAGE.....</i></p> | <p>AQr.41.3</p> <p>Any discharge that contravenes a permitted or controlled clause is a restricted discretionary activity.</p> <p>Discretion restricted to</p> <ul style="list-style-type: none"> i) the type and quantity of fumigant, and ii) the quantity of fumigants, and iii) the frequency of discharge, and iv) the time and location of the fumigation, and v) the containment, dispersal, destruction or recovery of fumigants, and vi) notification of affected parties prior to fumigation, and vii) control of potential adverse effects on human health and ecosystems, and viii) control of odour, gas and dust. |

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| <p>AQr.41.4</p> <ul style="list-style-type: none"> a) the nature of the fumigant. b) the potential adverse effects of any discharge of fumigants on public health or on the environment. c) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. d) the proximity and nature of any sensitive receptors. e) the potential duration and quantity of fumigant in the adjacent environment. f) the persistence and bio-accumulation potential of the discharge. g) consideration of alternative means of fumigation, or means of containing, destroying or recovering fumigants. h) the potential or actual effects of odour and particulate matter on the receiving environment. i) the necessity of the activity to meet national or international trade requirements. j) the cumulative effects with other fumigations or potential fumigations. <p>For controlled activities, as well as a) to j) (as relevant), the following additional matter applies:</p> <ul style="list-style-type: none"> k) methods to minimise leakage of fumigant, particularly when the gas is introduced, and during fumigation. | <p>AQr.41.5</p> <p>Fumigation is defined in Chapter A2.</p> <p>The rule provides as a permitted activity for domestic and commercial scale fumigation, provided the fumigation does not involve the more toxic fumigants listed in clause (a) of the permitted column and provided that the use of the fumigant can meet the general conditions in Rule AQr.22.</p> <p>Limited use of more toxic fumigants such as cyanide, methyl bromide, ethylene dibromide, phosphine and chloropicrin is provided as a permitted activity provided again that it meets certain standards and terms, including complying with the conditions in Rule AQr.22. This is to allow fumigation for emergency or quarantine purposes of shipping containers of goods, on occasion and as needed. If a shipping container is opened and found to contain a pest, it needs to be closed up and fumigated as soon as practicable. Large volumes of fumigant are not involved, and restrictions have been placed on the number of fumigations that can occur over a 12 month period, and on the proximity to residences and other sensitive sites.</p> <p>Within the Port Security Area of Port Nelson, separate permitted rules apply to fumigation of containers involving up to 3kg of methyl bromide, subject to specific conditions. Containers within the Port Security Area using more than 3kg of methyl bromide must use capture and destruction/recovery of the fumigant. Such use is a controlled activity subject to the standards set out in the rule.</p> <p>Similarly within the Port Security Area, fumigation with methyl bromide under gas-proof covers using capture and destruction/recovery technology can be a controlled activity, but only if the fumigation occurs within a building, and the standards for the controlled activity rule are met. These standards relate to setback distances, the residual concentration of methyl bromide before the fumigation can be opened to the air, maximum boundary concentrations of methyl bromide, and other matters.</p> <p>Compliance with AQr.41.2 b) should be demonstrated using dispersion modelling presented as part of any application for resource consents under AQr.41.2. The dispersion modelling must take account of all fumigations that are or are proposed to be carried out in accordance with AQr.41.2 d) (fumigations within buildings), including those permitted by consents already granted. However, fumigations carried out in accordance with AQr.41.2 c) (fumigations in containers with methyl bromide capture) do not need to be included in the modelling, because they have been shown to make negligible contributions to methyl bromide concentrations at the boundary.</p> <p>Generally, the annual average modelling should spread the total methyl bromide emissions from each emission source over all hours during which emissions may occur from that emission source, taking account of any seasonal or daily operating patterns.</p> <p>All other fumigation requires a restricted discretionary resource consent: that is, fumigation not meeting the permitted standards, fumigation that does not meet the standards in the controlled rule for use of capture and destruction/recovery technology (including use of capture and destruction/recovery technology outside the Port Security Area), and fumigations occurring outdoors (e.g. of logs) or in ships. Because of the toxicity of the fumigants covered in this rule, and the quantities used (up to half a tonne of methyl bromide for fumigation of export logs), use of these fumigants needs to be considered carefully by the restricted discretionary consent process.</p> <p>All methyl bromide fumigation subject to discretionary resource consent will need to demonstrate compliance with the (chronic) TEL (tolerable exposure limit) for methyl bromide set in the Hazardous Substances Regulations (refer Environment Court decision C66/2008).</p> <p style="text-align: right;"><i>CONTINUES ON NEXT PAGE.....</i></p> |

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| <p>AQr.41 Fumigation <i>continued</i></p> | <p>c. provided there is no simultaneous opening under a. and b., and</p> <p>v) at least 12 hours prior to ventilating any container to the atmosphere written notification is given to the Port Security Office of the amount of methyl bromide to be used in the fumigation, the number of containers to be ventilated, the hours when the fumigation will commence and when opening for ventilation is expected to occur, and</p> <p>vi) no ventilation occurs at a time when the Port Security Office register indicates an intention to ventilate a fumigation at the same time as proposed, other than fumigation within a shipping container pursuant to Rule AQr.41.2 c) or after removal of the gas-proof sheets from fumigation pursuant to AQr.41.2 d), and</p> <p>vii) a record is kept of the type and quantity of fumigant used each day, the time of fumigation and venting, and where the discharge occurs, to be supplied to Nelson City Council on request, and</p> <p>viii) the maximum number of containers fumigated and ventilated during any year in accordance with clause b of this rule, defined by the expression:- (Number of containers fumigated at 100-199 m from the boundary) + (number of containers fumigated at 200 m or more from the boundary divided by 4) must not in total exceed 200, or</p> <p>c) it involves the use of any fumigant other than those listed in a) above.</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>vi) notwithstanding (v) above the ventilation discharge from the capture system(s) is allowed to discharge directly to the discharge stack or stacks (rather than being re-circulated into the air space of the fumigated volume) if the total rate of discharge to the stack or stacks at any time is less than 2.2 g/sec, and</p> <p>vii) if a period of more than 30 minutes elapses between:</p> <ol style="list-style-type: none"> a. stopping the capture system and ventilating via the discharge stacks, or b. stopping the capture system and opening a fumigated volume to the atmosphere, or c. stopping ventilating via the discharge stacks and opening a fumigated volume to the atmosphere, <p>then the capture system or ventilation to the discharge stacks shall be operated if necessary until the rate at which methyl bromide is removed from the fumigated volume is reduced below the rate stated in v) a or b as appropriate, and</p> <p>viii) the spatial average of concentrations of methyl bromide measured 1 metre above floor level within the first hour of fumigation inside the building at not less than eight representative locations, shall not exceed 14 ppm (60 mg/m³), and</p> <p>ix) the concentrations of methyl bromide measured at 1 or more monitoring locations 0.75-1.5 m below the roof ridge line vent in the building shall not exceed 14 ppm (60 mg/m³) at any time, and</p> <p>x) at least 12 hours prior to opening a fumigation volume to the atmosphere or ventilating via discharge stacks written notification must be given to the Port Security Office of the amount of methyl bromide to be used in the fumigation, the hours when the fumigation will commence, and when opening or ventilation is expected to occur.</p> <p>Control reserved over:</p> <ol style="list-style-type: none"> i) monitoring, ii) keeping of records, iii) duration of consent, iv) review of conditions, v) training requirements for operators, vi) the operation of the fumigation process to minimise discharge of methyl bromide to the atmosphere and to control potential adverse effects on human health and ecosystems, vii) methods to minimise leakage of fumigant, viii) the time at which the fumigation, and any discharge including any ventilating to the atmosphere occurs, ix) the circumstances when ventilation of methyl bromide to the discharge stacks may occur, x) the configuration of the building in which the fumigation occurs, including but not limited to the number, dimensions and location of discharge stacks and roof ventilators and the need for and capacity of fans associated with these, xi) the number of fumigations occurring, xii) signage, notices and methods of excluding people. <p>Applications need not be notified, the written approval of affected persons will not be necessary, and notice of applications need not be served on any person.</p> | |

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| | <p>Most fumigation currently occurs within Port Nelson for operational reasons, and it is recognised that the fumigation is a requirement of national and international trade authorities. Clause i) of the Assessment Criteria includes this as a matter of consideration when processing any resource consent application. The Port Security Area is considered an appropriate location for such mandatory fumigation, provided the location of the fumigation within the Port Security Area is suitable and appropriate conditions can be placed on the resource consent to ensure that there are no adverse effects on residential areas, including berthed passenger ships which are occupied by passengers, and other areas open to public access.</p> <p>The Council undertakes to forward to the Port Nelson Environmental Consultative Committee all monitoring results it receives from fumigation occurring within the Port Industrial Area.</p> <p>Note: where a fumigant is used in an agricultural context (see A2-4 for definition) Rule AQr.56 applies.</p> |

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| <p>AQr.42 Heat and water vapour from cooling towers</p> | <p>AQr.42.1 The discharge of heat and water vapour from cooling towers is permitted if:</p> <ul style="list-style-type: none"> a) no more than 1MW of heat per hour is dissipated on the site. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.42.2 Not applicable</p> | <p>AQr.42.3 Any discharge that contravenes the permitted rule is a discretionary activity.</p> |
| <p>AQr.43 Metal work processes and metal degreasing</p> | <p>AQr.43.1 The discharge of any contaminant into air from metal work processes or metal degreasing is permitted if:</p> <ul style="list-style-type: none"> a) where a total of more than 5 kg of welding rod, solder, solvent or degreaser per working day is used on the site: <ul style="list-style-type: none"> i) any discharge point is 2 metres above the highest point of the building containing the operation, and ii) the discharge is vertical and unimpeded by any immediately adjacent buildings, and b) for metal degreasing a record is kept of the daily quantity and type of the degreaser used, to be supplied to Nelson City Council on request, and c) no metal coating, or heat treatment (other than for welding, soldering, or shaping) of metals occurs. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.43.2 Not applicable</p> | <p>AQr.43.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.44 Petroleum retailing</p> | <p>AQr.44.1 The discharge of any contaminant into air from petroleum retailing and evaporation emissions of volatile hydrocarbon species is permitted if:</p> <ul style="list-style-type: none"> a) the general conditions in Rule AQr.22 are met. | <p>AQr.44.2 Not applicable</p> | <p>AQr.44.2 Not applicable</p> |

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| <p>AQr.42.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects. c) the maintenance and operation of the device to ensure minimal discharges to air. d) the topography, and the meteorology of the area including wind speed and direction. e) the potential effect of the discharge on air transport paths where the discharge is greater than 5MW. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.42.5</p> <p>Small-scale heat and water vapour plumes or steam from cooling towers are generally not considered to have significant adverse environmental effects.</p> <p>Appropriate maintenance of cooling towers will minimise discharges to air.</p> <p>Discharges of more than 5MW have the potential to affect air transport and consideration of this issue is required when assessing discharges on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.43.4</p> <ul style="list-style-type: none"> a) new options, processes or techniques available to minimise any discharges or their effects. b) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) the topography and the meteorology of the area including wind speed and wind direction. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. | <p>AQr.43.5</p> <p>The intermittent nature and scale of emissions from small factory sized metal work facilities that are typically operated means that there are unlikely to be adverse environmental effects.</p> <p>Metal degreasing is usually carried out using solvent baths for the purpose of preparing metal surfaces for coating or heat treatment. While the degreasing process is often undertaken in close association with other processes (e.g. coating or heat treatment) it must be considered as a separate discharge activity. At usage of welding rod, solder, solvent or degreaser of more than 5kg per day a discharge flue in not mandatory, but if one is provided it needs to comply with the standard and condition specified.</p> <p>Metal coating or heat treatment needs to be assessed on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.44.4</p> <ul style="list-style-type: none"> a) the matters in Appendices AQ9, 10 and 11 as appropriate. | <p>AQr.44.5</p> <p>Petroleum retailing generally does not discharge significant levels of contaminants during day to day operations. Due to the flammable nature of the products, and their value, it is in the retailers interest to minimise discharges wherever possible.</p> <p>Note: Rule AQr.22 (General Conditions) relates to odour, noxious and dangerous and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.44A Emergency venting of gas cylinders</p> | <p>AQr.44A.1 The discharge of any contaminant to air from venting any gas cylinder in an emergency situation is permitted if:</p> <ul style="list-style-type: none"> a) it is undertaken by emergency services or a person authorised under the Hazardous Substances and New Organisms regulations, and b) the venting is necessary to avoid risk to life or property. | <p>AQr.44A.2 Not applicable</p> | <p>AQr.44A.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.45 Printing and publishing</p> | <p>AQr.45.1 The discharge of any contaminant to air from printing and publishing processes is permitted if:</p> <ul style="list-style-type: none"> a) the total amount of solvents discharged on the site does not exceed 5kg per day, and b) any discharge point is 2 metres above the highest point of the building containing the operation, and c) the discharge is vertical and unimpeded by any immediately adjacent buildings. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.45.2 Not applicable</p> | <p>AQr.45.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.46 Processing of animal skins</p> | <p>AQr.46.1 The discharge of any contaminant to air from the processing of animal skins including fellmongery, tanning, and curing of leathers is permitted if:</p> <ul style="list-style-type: none"> a) the total number of pelts processed on the site is less than 50 per day. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.46.2 Not applicable</p> | <p>AQr.46.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.44A.4</p> <ul style="list-style-type: none"> a) the reasons for and any likely effects of the departure from the permitted activity standards, terms and clauses. b) potential or actual adverse effects on the surrounding environment. c) the proximity and nature of nearby activities. d) the proximity and nature of any sensitive receptors. | <p>AQr.44A.5</p> <p>For safety reasons, gas cylinders often need to be vented if they have suffered damage during a fire or other event. This rule makes such venting a permitted activity. Otherwise such a discharge could be subject to rule AQr.53 and require resource consent (which is not appropriate or timely enough), or the emergency provisions of section 330 of the Act would have to be used (but retrospective consent then needs to be obtained after the event).</p> |
| <p>AQr.45.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) atmospheric dispersion modelling to determine the ground level concentration of volatile organic compounds. c) new options, processes or techniques available to minimise any discharges or their effects including odour and particulate removal. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.45.5</p> <p>The main contaminant discharges usually occur from the printing press and curing ovens. The fumes are normally vented away and controls on the extraction systems are designed to maximise dispersal. Contaminant control equipment such as after-burners can minimise discharges. Within the permitted rule a discharge flue in not mandatory, but if one is provided it needs to comply with the standard and condition specified.</p> <p>The potential magnitude and frequency of adverse effects increases when plants are larger. A maximum output of 5kg per day of solvent is specified before the potential effects are considered to be large enough to be considered on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.46.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects including means to minimise odour. c) the topography, and the meteorology of the area including wind speed and direction. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. | <p>AQr.46.5</p> <p>The slaughtering and skinning of animals is <u>not</u> covered by this rule and is a discretionary activity.</p> <p>The main protection against adverse effects occurring is siting the plant in an appropriate zoned location. The potential magnitude and frequency of adverse effects increases when plants are larger or when processing capacity increases. A maximum of fifty pelts per day is considered a level where adverse effects are likely to be minor.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.47 Production of concrete and concrete products</p> | <p>AQr.47.1 The discharge of any contaminant to air from the production of concrete or concrete products is permitted if:</p> <ul style="list-style-type: none"> a) no mixing of concrete occurs on the site, or b) less than 5 cubic metres of mixed liquid concrete is produced on the site per day, or c) more than 5 cubic metres of mixed liquid concrete is produced on the site and the concrete mixing plant at the time of establishment is not located within 50 metres of any sensitive receptor. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.47.2 Not applicable</p> | <p>AQr.47.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.48 Production of fibre-glass and other composite material products</p> | <p>AQr.48.1 The discharge of any contaminant to air from the production of fibre-glass and other composite material products is permitted if:</p> <ul style="list-style-type: none"> a) the fibre-glassing is undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal, and b) any discharge point is 2 metres above the highest point of the building containing the operation, and c) the discharge is vertical and unimpeded by any immediately adjacent buildings, and d) the total amount of fibreglass and resin used on the site does not exceed 50kg per hour. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.48.2 Not applicable</p> | <p>AQr.48.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.47.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects including dust. c) the total amount of the discharge and the time period over which the discharge occurs. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. | <p>AQr.47.5</p> <p>This rule relates to the production of concrete products for commercial use and includes tiles, pots and similar type structures. It does not include the process of laying concrete which is permitted under section 15(2) of the Resource Management Act.</p> <p>The main adverse effect of the discharge will be short-term nuisance dust deposition on buildings and properties.</p> <p>The main protection against adverse effects occurring is the siting of the plant in an appropriate zoned location. In order to minimise nuisance effects any new concrete product factory is required to be 50 metres away from sensitive receptors.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.48.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) options, processes or techniques available to minimise any discharges or their effects including odour and particulate removal. c) the maintenance and cleaning of the operation to ensure minimal adverse effects from odour. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography, and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.48.5</p> <p>The primary contaminants discharged from fibreglassing are particles from sanding and cutting, and styrene. Effective filtration equipment can minimise particle emissions.</p> <p>The potential magnitude and frequency of adverse effects increases when plants are larger. A maximum output of 50kg per hour is specified before the potential effects are thought to be large enough to be considered on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.49 Production of plastic components and plastic moulding</p> | <p>AQr.49.1 The discharge of any contaminant to air from the production of plastic components and plastic moulding operations is permitted if:</p> <ul style="list-style-type: none"> a) the total amount of plastics moulded on the site is less than 500 kg per hour, and b) the total mass of organic material discharged from the site is less than 5 kg per day, and c) emissions are discharged at a point 2 metres above the highest point of the building containing the operation, and d) the discharge is vertical and unimpeded by any immediately adjacent buildings. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.49.2 Not applicable</p> | <p>AQr.49.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |
| <p>AQr.50 Seed cleaning</p> | <p>AQr.50.1 The discharge of any contaminant into air from seed cleaning is permitted if:</p> <ul style="list-style-type: none"> a) the seed cleaning operating is contained within a building, and b) any seed cleaning operation at the time of establishment is not located within 100 metres of any sensitive receptor, or organic farm. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.50.2 Not applicable</p> | <p>AQr.50.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.49.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects. c) the total amount of the discharge. d) the time period over which the discharge occurs. e) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) the proximity and nature of any sensitive receptors. | <p>AQr.49.5</p> <p>This rule covers the production and moulding of plastic products for commercial use. It does not cover the production of the plastic raw material. A resource consent is required for this activity.</p> <p>The potential magnitude and frequency of adverse effects increases when plants are larger. Larger plants need resource consent in order that any adverse effects can be considered on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.50.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) the options, processes and techniques available to minimise any discharge or its effects including filter systems, extraction ducts and collection bins. c) the maintenance and cleaning of the operation to ensure minimal dust build up. d) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. e) the proximity and nature of any sensitive receptors. | <p>AQr.50.5</p> <p>The main adverse effect of the discharge is short-term nuisance dust deposition on buildings and properties. This type of discharge does not normally pose a significant risk to human health as the particles are not readily inhaled.</p> <p>Separation distances for any new seed cleaning activity are to minimise any adverse effects.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.51 Spray coating (including paint)</p> | <p>AQr.51.1</p> <p>The discharge of any contaminant to air from the application of coating materials (including paint and powders) via spray application is permitted if:</p> <ul style="list-style-type: none"> a) coatings that contain di-isocyanate are not used, and b) the total amount of coating material sprayed at one place does not exceed 10 litres per hour except in the case of roads, sports grounds or transmission towers, and c) spray coating carried out on industrial or trade premises operated for the purpose of spray coating is undertaken inside a spray booth, where <ul style="list-style-type: none"> i) particulate filtration systems are operated and maintained to ensure 95% particulate removal, and ii) any discharge point is 2 metres above the highest point of the building containing the coating material booth, and iii) the discharge is vertical and unimpeded by any immediately adjacent buildings. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.51.2</p> <p>The discharge of any contaminant to air from the application of coating materials (including paints and powders) via spray application that contravenes permitted clause b) is controlled if:</p> <ul style="list-style-type: none"> a) the item to be spray coated is a building, bridge, pipeline or other fixed structure, and b) coatings that contain di-isocyanate are not used. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) duration and timing of the activity, and ii) the rate of application of spray coating materials, and iii) methods to avoid or mitigate the drift of spray coating materials beyond the site of the discharge, or for network utilities (including buildings) beyond the object being spray coated, and iv) notification of Council and potentially affected parties prior to spray coating commencing, and v) compliance and complaint reporting. | <p>AQr.51.3</p> <p>Any discharge that contravenes a permitted clause (except clause b)) or a controlled clause is a discretionary activity.</p> |

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| <p>AQr.51.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) the type of coating material and the time period in which it will be used. c) new options, processes or techniques available to minimise any discharges or their effects. d) whether the contaminants are discharged via a filter and a stack designed to maximise air flow. e) means to minimise any drift of coating material. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.51.5</p> <p>This rule covers a range of spray painting activities including application of coating materials within a booth as well as non-industrial spray painting including painting houses and marking sports grounds.</p> <p>Small-scale spray coating is permitted provided the conditions of the rule are met. The potential magnitude and frequency of adverse effects increases when plants and/or operations are larger. A maximum of 10 litres of coating material per hour is allowed. Due to the potential adverse environmental effects, the use of di-isocyanates coatings is not permitted and needs to be considered by a resource consent application.</p> <p>Permitted clause b) enables spray coating to occur at 10 litres per hour at more than one place on a single site. For the purposes of implementing this rule, 'one place' is a specific area where an object is located where the effects of spray coating will not combine with the effects of spray coating at another place within the boundary of the site.</p> <p>Note: Rule CMr.39 'Discharge of contaminants' of the Nelson Resource Management Plan applies to discharges in the Coastal Marine Area and for discharges to freshwater, the appropriate rules in the Nelson Resource Management Plan apply.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying/ Prohibited |
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| <p>AQr.52 Wood processing : wood particles and dust</p> | <p>AQr.52.1 The discharge of any dust to air from wood processing as part of any industrial or trade process or premises is permitted if:</p> <ul style="list-style-type: none"> a) any part of the facility involving the production, conveying or storing of wood dust, sawdust or shavings in excess of 20 cubic metres per day, is not located at the time of establishment, within 50 metres of any sensitive receptor, and b) any open areas where logs or timber are received or stored are maintained to minimise the creation of dust and minimise its dispersal beyond the site. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.52.2 Not applicable</p> | <p>AQr.52.3 Any discharge that contravenes a permitted clause is a discretionary activity.</p> |

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| <p>AQr.52.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) new options, processes or techniques available to minimise any discharges or their effects including filter systems. c) the maintenance and cleaning of the operation to ensure minimal dust build up. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography, and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.52.5</p> <p>Waste wood is created during the sawing, planing and sanding of wood. The woodworking processes produce a wide size range of waste wood from large shavings to fine dust. This rule deals with the mechanical processes which are used to convert timber into products and with the conveyance and storage of waste wood. It does not deal with the production of building materials such as plywood, particle board, wafer board, or medium density fibre board.</p> <p>The main potential adverse effect of the discharge is short-term nuisance dust deposition on buildings and properties. Good housekeeping measures, including regular emptying of collection bins and cleaning of surfaces where dust may accumulate, can prevent windblown dust leaving the site.</p> <p>A setback is required from 'sensitive receptors' such as residences, schools etc (see definition in Chapter A2) when certain levels of wood waste are involved. Beyond a maximum level of production of 2 tonnes per hour, the potential effects are thought to be large enough to need to be considered on a case by case basis.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying/ Prohibited |
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| <p>AQr.52A Wood processing: other discharges</p> | <p>AQr.52A.1 The discharge of any contaminant to air from wood processing (except dust) in any industrial or trade process is permitted if:</p> <ul style="list-style-type: none"> a) wood is treated by chemicals for preservation, or b) wood is dried at ambient air temperature, or c) wood is heated for international quarantine purposes, and d) no wood is heated in a kiln for the purpose of drying. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.52A.2 The discharge of any contaminant to air from wood processing in any industrial or trade premise that contravenes permitted clause d) is controlled if:</p> <ul style="list-style-type: none"> a) no wood containing chemical preservatives is dried, and b) no kiln is located, at the time of establishment, within 50 metres of a sensitive receptor. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the volume of wood to be dried at any one time, and ii) the temperature of the kilns, and iii) the location of discharge points. | <p>AQr.52A.3 The discharge of any contaminant to air from wood processing that contravenes permitted clauses a) – c) or a controlled clause is a discretionary activity.</p> |

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| <p>AQr.52A.4</p> <ul style="list-style-type: none"> a) the type and characteristics of contaminants discharged. b) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) new options, processes or techniques available to minimise any discharges or their effects. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography, and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.52A.5</p> <p>This rule covers other discharges that may arise from wood processing that are not covered by rule AQr.52 'Wood particles and dust'. Processes covered by this rule include emissions of contaminants from timber treatment processes, air drying of green or treated timber, heating timber for quarantine purposes and kiln drying.</p> <p>The potential effects of fugitive emissions from timber treatment processes, air drying of green or treated timber and heating timber for quarantine purposes are considered to have low potential to affect air quality beyond the boundary of wood processing sites, and are therefore permitted.</p> <p>Kiln drying of wood can result in discharges of volatile organic compounds, which depending on the size and number of kilns on a site may give rise to adverse effects. It is considered that the critical factors for mitigating any potential effects beyond the boundary of wood processing sites are: the volume of timber being kiln dried at one time, the temperature of the kiln and the point of discharge. These are matters over which Council has retained control, and are considered sufficient to ensure any effects are mitigated or avoided.</p> <p>Kiln drying of treated wood may result in the discharge of a variety of compounds. Due to the potential effects of volatilisation of some timber treatments (such as chromated-copper-arsenic), kiln drying of treated wood is not permitted and needs to be considered as a discretionary activity.</p> |

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| <p>AQr.53 All other discharges from industrial or trade premises or processes not in this rule table</p> | <p>AQr.53.1 The discharge of any contaminant to air from any industrial or trade premises or industrial or trade process unless otherwise specified by this Plan is <u>not</u> a permitted activity.</p> | <p>AQr.53.2 Not applicable</p> | <p>AQr.53.3 Any discharge from an industrial or trade premise or process that contravenes the permitted rule is a discretionary activity.</p> <p>Advice note: Those discharges to air that require resource consent under this rule include, but are not limited to, discharges to air from the following activities:</p> <ul style="list-style-type: none"> Acid production and use Adhesive manufacture Agricultural chemical manufacture Anodising, galvanising and electroplating Asphalt production Brickworks Burning of landfills and municipal waste Burning of medical waste, pathological waste, quarantine waste and animal waste, including but not limited to, dried animal faeces Burning of process wastes, including but not limited to vegetative wastes, husks, and fines, and process off-cuts Burning off of brake shoes Crematoria Dag Crushing Enamelling Flour milling Foam manufacture Glass manufacture Hydrocarbon manufacture, refining or purification, including oil refining Laminating using adhesives and resins Metal melting, including foundries and smelters Milk treatment and drying Paint manufacture Paper manufacture Particle board and plaster board production Pharmaceutical product manufacture Radioactive materials production or usage Rubber manufacture Stock food production Slaughter and skinning of animals Tyre buffing Wool scouring Waste management processes including wastewater and landfills operations (excludes individual domestic treatment systems). <p>The above list is not all inclusive. It is likely that there will be other discharges to air from industrial and trade premises, not listed, that require resource consent.</p> |

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| <p>AQr.53.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. b) atmospheric dispersion modelling to determine the ground level concentration of contaminants. c) new options, processes or techniques available to minimise any discharges or their effects. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.53.5</p> <p>Significant adverse effects tend to be caused by activities which have one or more of the following:</p> <ul style="list-style-type: none"> • Relatively harmful or toxic contaminants • Relatively large quantities of contaminants • Problematic control of contaminants (activities have been observed to generate frequent complaints e.g. rendering plants). <p>If a trade or industrial premise or process generates a contaminant that is not specified in any other rule in this Plan and either:</p> <ul style="list-style-type: none"> a) intentionally discharges the contaminant to air for the purpose of disposal, or b) discharges the contaminant to air via a stack, chimney, vent or other specific point, and c) the contaminant causes or is likely to cause any effect identified in rule AQr.22, <p>then resource consent will be required under this rule. Fugitive emissions from buildings, structures or open spaces that either do not cause any effect, or are not likely to cause any effect identified in rule AQr.22 will be considered to be insignificant and not require resource consent.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.53A Water and abrasive blasting</p> | <p>AQr.53A.1</p> <p>The discharge of any contaminant to air from abrasive blasting is not permitted, and the discharge of any contaminant to air from water blasting is permitted if:</p> <ul style="list-style-type: none"> a) no surface coating containing lead is blasted. <p>(Note: Any subsequent discharge of contaminants to the Coastal Marine Area or fresh water is regulated by the Nelson Resource Management Plan. Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.53A.2</p> <p>The discharge of any contaminant to air from abrasive blasting that contravenes the permitted rule is controlled if:</p> <ul style="list-style-type: none"> a) the item to be blasted is a building, bridge, pipeline or other fixed structure, and <ul style="list-style-type: none"> i) no surface coating containing lead is blasted, or b) abrasive blasting is undertaken in an enclosed booth, and <ul style="list-style-type: none"> i) at the time of establishment, is not located within 50 metres of any sensitive receptor. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) duration and timing of the activity, and ii) location of the point of discharge, and iii) methods of removing coatings, and iv) methods to avoid remedy or mitigate any adverse effects beyond the site of the discharge, or for network utilities (including buildings) beyond the object being blasted, and v) methods to avoid remedy or mitigate any adverse effects from the subsequent deposition of dust or particulates onto land or into water, and vi) maintenance of any emission control equipment or air extraction systems (enclosed booths only), and vii) notification of Council and potentially affected parties prior to abrasive blasting commencing, and viii) compliance and complaint reporting. | <p>AQr.53A.3</p> <p>The discharge of any contaminant into air from:</p> <ul style="list-style-type: none"> a) water blasting that contravenes permitted clause a), or b) abrasive blasting that contravenes controlled clauses a) or b), <p>is a Restricted Discretionary Activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) duration and timing of the activity, and ii) location of the activity and distance from sensitive receptors, and iii) location of the point of discharge, and iv) methods of removing coatings, and v) methods to avoid, remedy or mitigate any adverse effects beyond the site of the discharge, or for network utilities (including buildings) beyond the object being blasted, and vi) methods to avoid remedy or mitigate any adverse effects from the subsequent deposition of dust or particulates onto land or into water, and vii) maintenance of any emission control equipment or air extraction systems (enclosed booths only), and viii) notification of Council and potentially affected parties prior to abrasive blasting commencing, and ix) compliance and complaint reporting. |

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| <p>AQr.53A.4</p> <ul style="list-style-type: none"> a) the extent to which adverse effects are avoided, remedied or mitigated. b) options, processes or techniques available to minimise any discharges or their effects including dust control and particulate removal. c) the maintenance and cleaning of the operation to ensure minimal adverse effects from particulates and dust. d) the total amount of the discharge and the time period over which the discharge occurs. e) the topography, and the meteorology of the area including wind speed and direction. f) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. g) the proximity and nature of any sensitive receptors. | <p>AQr.53A.5</p> <p>This rule covers water blasting and abrasive blasting. Water blasting is permitted provided coatings containing lead (such as lead based paint) are not blasted.</p> <p>Abrasive blasting is used for maintenance and repair of wide range of items, and can result in the discharge of dust and particulate from the grit used in the blasting process and the surface coatings being blasted.</p> <p>Abrasive blasting of items in an enclosed booth or of fixed structures are controlled activities. For booths, resource consent is required to ensure that appropriate emission control technology is used and maintained. Abrasive blasting of fixed structures is controlled as some items (such as bridges) require occasional blasting for maintenance purposes. It is not anticipated that fixed structures would be blasted frequently. It is also considered that appropriate controls can be put in place to prevent the discharge of contaminants off-site or into water or onto land.</p> <p>Abrasive blasting of mobile items in the open is a restricted discretionary activity, and may or may not be appropriate taking into account the items listed in AQr.53A.4.</p> <p>A region wide consent may be issued for abrasive blasting activities undertaken in different areas and/or to individual operators that have a good previous history of operation.</p> |

| Outdoor burning – urban and rural | | | |
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| <p>AQr.54 Outdoor burning</p> <p>(Urban Area & Higher Density Small Holdings Area (Rural Zone))</p> | <p>AQr.54.1</p> <p>The discharge to air of any contaminant from outdoor burning, including in any incinerator, within the Urban Area, or the Higher Density Small Holdings Area in the Rural Zone, is permitted if:</p> <ul style="list-style-type: none"> a) it is from fireworks, a brazier, food cooking in a hangi or barbecue, ahi kaa within a papakainga area, or small fire used for a traditional craft purpose, or a candle, lamp, paint stripper or similar small-scale burner or tool, and b) for braziers and small fires used for traditional craft purposes burning solid fuel, no burning occurs during the months of May to August inclusive, and c) for braziers burning solid fuel, the device does not have a volume, including any chimney, greater than 80 litres, and d) no clippings, prunings, leaves or other garden waste and no household waste is burnt, and e) no materials in Rule AQr.20 (Prohibited Activities) are burnt, and f) for small fires, the fire covers an area of no more than 0.25 metres square. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.54.2</p> <p>Not applicable</p> | <p>AQr.54.3</p> <p>Any discharge that contravenes a permitted clause is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> a) within the Urban Area the discharge occurs on a site 2 hectares or greater in area that is not zoned Rural in the Nelson Resource Management Plan, and it does not occur in the months May to August inclusive, or b) within the Urban Area, the discharge occurs on a site 1 hectare or greater in area on land zoned Rural in the Nelson Resource Management Plan, and it does not occur in the months May to August inclusive except in the Higher Density Small Holdings Area, and c) there is no burning of materials listed in Rule AQr.20 (Prohibited Activities). <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) the volume and nature of the material to be burnt, and ii) the way the combustion material is arranged, or any equipment it is to be burnt in, and iii) the day, time and duration of the burn, and iv) the location within the site of the burn, and v) clauses to minimise smoke nuisance and fire risk. <p>Any discharge that contravenes a clause for a restricted discretionary activity is prohibited.</p> |

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| <p>AQr.54.4</p> <ul style="list-style-type: none"> a) what provisions are made regarding design, practice or operation to avoid, remedy or mitigate adverse effects. b) the degree to which the activity is able to take place in accordance with relevant good practice guidelines. c) the timing, and likely duration of the burn. d) the impact of the discharge on local air quality, including any nuisance or other effects. e) the time of the year of the proposed burn, and its impact on ambient air quality. f) the proximity and nature of nearby activities. g) the proximity and nature of any sensitive receptors. h) topography and prevailing wind clauses. i) any precedent effects of allowing the discharge, having regard to the possible impact on wider public cooperation in supporting the Council's clean air target and strategies. j) the practicality and environmental impacts of alternative means of disposing of the waste. k) the potential or actual effects of odour and particulate matter on the receiving environment. l) the provisions of any relevant national standards or guidelines. | <p>AQr.54.5</p> <p>Within the Urban Area outdoor rubbish fires, including incinerators, are prohibited on typical urban residential sections. An exception is provided on urban sites 2 ha or larger. In that case it is possible to apply for a resource consent to burn, but <u>not</u> during the winter months when ambient PM₁₀ levels can be particularly elevated. Such applications will be considered on their merits, and will not necessarily be granted. Key factors in considering any application will be nuisance effects, effects on ambient concentrations of PM₁₀, and consistency with the Council's broader target to reduce PM₁₀ levels.</p> <p>There are three main reasons for the prohibition on outdoor burning within urban sites smaller than 2ha:</p> <ul style="list-style-type: none"> i. the nuisance effects of smoke, odour and hazardous contaminants on neighbours. With current section sizes and environmental expectations, it is not practicable for the practice of outdoor burning to continue without adverse effects on others. ii. outdoor burning, were it to continue, would make a small but significant contribution to winter PM₁₀ peaks. Eliminating this estimated 4% contribution to winter peaks is a critical part of the overall strategy of reaching the ambient PM₁₀ target of 50ug/m³. iii. outdoor burning, even outside the winter months, is also a significant contributor to annual exposures of people to PM₁₀. Total exposure to PM₁₀, not just winter peaks, contributes to adverse health effects. <p>In the Higher Density Small Holdings Area, similar rules apply. This area is around Ralphine Way, in the Maitai Valley, near Waahi Taakaro. Section sizes are much smaller than elsewhere in the Rural Zone, with a minimum allowable size of 5000sq metres. Because of the potential density of residences, outdoor fires are banned. An exemption by resource consent is provided where the site is much larger. The minimum site size of 1 ha for this exemption is smaller than within the Urban Area, as the lower density of settlement in the Small Holdings Area means there are potentially fewer neighbours who may be adversely affected. There is no wintertime restriction since there is no evidence of elevated wintertime PM₁₀ levels in that part of the Maitai Valley.</p> <p>Some of the Urban Area is still used for production purposes (such as berry fruit) and is zoned Rural. The rule also provides for exemption for such sites by resource consent provided they are 1 hectare or larger.</p> <p>In all instances the permitted rule provides for a wide range of discharges which have only minor effects. This allows use of combustion sources such as fireworks, candles, lamps, paint strippers and other small-scale devices used around the home and businesses.</p> <p>Exemptions are provided for use of braziers (except in winter) and barbecues and for hangi and ahi kaa, for cultural purposes. The use of small fires for traditional craft purposes is also provided for (except in winter), and is considered to include activities such as outdoor education training and traditional pottery firing. People undertaking such activities must take extreme care not to cause smoke problems, as the conditions of AQr.22 still apply. The definition of a brazier is important (see Chapter A2 'Meaning of Words') and it must not be used as a 'de facto incinerator'.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.55 Outdoor burning</p> <p>Rural</p> | <p>AQr.55.1</p> <p>The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is permitted if after 1 December 2005:</p> <ul style="list-style-type: none"> a) it is in the Rural Zone (excluding the Higher Density Small Holdings Area), or b) it is in the Rural Zone and is within the Semi-Rural Boundary (shown by Figure A2.1), and c) it is not in the Conservation Zone, or the Urban Area, and d) where the discharge under a) is from burning more than 2 cubic metres of material, it does not occur within 100 metres upwind, or 50 metres in any other direction, of any residential unit that is not located on the site where the burning occurs, and e) where the discharge is under b), it does not result from burning more than 2 cubic metres of material, unless the presence of a disease on a horticultural crop requires plant waste to be burnt in greater volume to manage the risk of disease spread, and f) there is no burning of municipal, industrial or trade waste, nor of any material not generated on the site, and g) there is no burning of any material listed in rule AQr.20 (ii) – (xii) (Prohibited Activities.) <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required)</p> | <p>AQr.55.2</p> <p>The discharge of any contaminant to air in the Rural Zone after 1 December 2005 within the Semi-Rural Boundary that cannot comply with permitted clause (e) is a controlled activity if:</p> <ul style="list-style-type: none"> a) the burning is not associated with the subdivision of land, and b) there is no burning between May to August inclusive. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) timing of the discharge, and ii) the location of the burn and distance from sensitive receptors, and iii) the duration of burns, and iv) the volume and nature of material to be burnt, and v) minimising smoke nuisance and fire risk. | <p>AQr.55.3</p> <p>Any discharge after 1 December 2005 that:</p> <ul style="list-style-type: none"> a) contravenes a permitted clause, except clause (g), is a discretionary activity, or b) contravenes permitted clause (g) is a prohibited activity except the burning of wood which is painted, stained or oiled, which is a discretionary activity, or the discharge after 1 December 2010 of any contaminant to air from the outdoor burning of high density polyethylene (HDPE) agricultural wrap or HDPE agricultural containers within the Rural Zone (excluding the High Density Small Holdings Area), which is a discretionary activity, or c) contravenes controlled clauses (a) or (b) is a discretionary activity. |

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| <p>AQr.55.4</p> <ul style="list-style-type: none"> a) provisions made in design or the intended operation to avoid, remedy or mitigate adverse effects. b) the degree to which the activity is able to take place in accordance with relevant good practice guidelines. In particular the Guide to Outdoor Burning, in Appendix AQ8. c) the proximity and nature of nearby activities. d) the proximity and nature of any sensitive receptors. e) the nature of the materials to be burnt, including its dryness. f) the degree to which any adverse effects can be minimised or avoided by controlling the timing and duration of the burn. g) topography and prevailing wind conditions. h) the potential for the discharge to contribute to elevated levels of PM₁₀ in the Urban Area. i) the environmental impacts of alternative means of disposing of the waste. j) the potential or actual effects of odour and particulate matter on the receiving environment. k) for agricultural plastics, the potential for discharge of toxic contaminants and why the waste is not being recycled, or disposed of in some other, environmentally sound, way. l) for agricultural plastics, where alternative methods of disposal or recycling are not available, the best practice for burning such waste, including the AGCARM incinerator specifications and good practice guidelines. | <p>AQr.55.5</p> <p>The Rural Zone and the 'Urban Area' are defined in Chapter A2. Figure A2.1 shows the extent of the Urban Area and Semi Rural Boundary.</p> <p>Rural burning for pest control, crop management, or waste management purposes is generally allowed by the rule, with some restrictions on burning within the 'Semi-Rural boundary' and burning large volumes of material near houses. This is to control nuisance effects of smoke, and the semi-rural controls are to prevent rural smoke drifting into the city during winter and contributing to the existing ambient wintertime PM₁₀ problem.</p> <p>Burning of small volumes of material (2 cubic metres – the approximate volume of a car trailer load of material) is permitted in all rural areas. This is considered a practical amount, unlikely to cause nuisance effects.</p> <p>Burning that does not comply with the permitted conditions requires resource consent, and will be evaluated in terms of the assessment criteria.</p> <p>Burning of prohibited materials as specified in Rule AQr.20 is not allowed. Provision is made for a consent application to be made for the burning of HDPE agricultural plastic wrap and containers. Such applications will be considered on their merits, including the likely adverse effects of the proposed burning and why the waste is not being recycled.</p> <p>Note: This rule only applies to discharges after 1 December 2005. Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11. Appendix AQ8 provides guidance on minimising smoke emissions from outdoor burning.</p> |

| Agrichemicals | | | |
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| Item | Permitted | Controlled | Discretionary/Non-complying/ Prohibited |
| AQr.56 Agrichemicals | <p>AQr.56.1</p> <p>The discharge of agrichemicals to air or land is permitted if after 1 December 2005:</p> <ul style="list-style-type: none"> a) it complies with all the standards, terms or clauses in Appendix AQ7 (Discharge of agrichemicals), and b) the discharge is not in the Coastal Marine Area, and c) other than for small-scale application, it complies with the mandatory requirements of NZS8409:2004 Management of Agrichemicals. <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p> | <p>AQr.56.2</p> <p>The discharge of agrichemicals to air or land that contravenes clauses e) or f) in Appendix AQ7 is controlled if it complies with clauses a) to d) in Appendix AQ7.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> i) provision of spray plans, and ii) notification of potentially affected parties, and iii) method of application, and iv) type of agrichemical applied, and v) methods to avoid agrichemical drift onto adjoining properties, and vi) methods to remedy or mitigate effects of agrichemical drift onto adjoining properties, and vii) record keeping. | <p>AQr.56.3</p> <p>Any discharge after 1 December 2005 that contravenes clauses a) to d) in Appendix AQ7 is a restricted discretionary activity, if it is not within the Coastal Marine Area.</p> <p>Discretion restricted to</p> <ul style="list-style-type: none"> i) methods to protect sensitive receptors, or organic farms, and ii) the type of agrichemical used for particular activities. |

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| <p>AQr.56.4</p> <ul style="list-style-type: none"> a) the reasons for and any likely effects of the departure from the permitted activity standards, terms and clauses. b) whether the discharge is to be undertaken in accordance with current good practice (such as the Good Practice Agrichemical Spray Management Guidelines). c) potential or actual adverse effects on the surrounding environment. d) the proximity and nature of nearby activities. e) the proximity and nature of any sensitive receptors. | <p>AQr.56.5</p> <p>For all but small-scale application, this rule requires compliance with the mandatory requirements of New Zealand Standard 8409:2004 Management of Agrichemicals and Nelson City Council requirements set out in AQ7. Resource consent may be required in some instances when spraying in areas of open public access.</p> <p>Note that this rule applies to discharges of agrichemicals to land and air. Discharges to water are addressed by the freshwater rules in the Nelson Resource Management Plan.</p> <p>Discharges in the Coastal Marine Area are not permitted and are controlled in the Nelson Resource Management Plan, rule CMr.47.</p> <p>'Small-scale application' is defined in Chapter 2, A2-73B.</p> <p>Note: This rule only applies to discharges after 1 December 2005.</p> <p>Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

| Other | | | |
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| Item | Permitted | Controlled | Discretionary/Non-complying/Prohibited |
| AQr.57 Intensive livestock commercial farming | AQr.57.1 The discharge of any contaminant to air from intensive commercial livestock farming is not a permitted activity. | AQr.57.2 Not applicable | AQr.57.3 Any discharge that contravenes a permitted clause is a discretionary activity in the Rural Zone, (excluding the Higher Density Small Holdings Area), and a non complying activity in all other zones, and in the Higher Density Small Holdings Area. |
| AQr.58 Fire training activities | AQr.58.1 The discharge of any contaminant to air as a result of fire training activities is permitted if: <ul style="list-style-type: none"> a) the discharge takes place under the control of a fire authority in terms of the Forest and Rural Fires Act 1977, a fire brigade established under the Fire Service Act 1975, or an Airport Authority fire service, or a nationally recognised training provider, and b) the Council is notified at least 2 working days prior to the activity commencing, and c) there is no burning of materials prohibited by rule AQr.20 except if the discharge takes place under the control of a fire brigade established under the Fire Service Act 1975. | AQr.58.2 Not applicable | AQr.58.3 Any discharge that contravenes a permitted clause is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> i) the materials burnt or used in the fire training activity, and ii) the location of the activity, and iii) the time and duration of the activity, including the time of year, and iv) the meteorological clauses under which the activity may occur, and v) prior notice to Council, and vi) control of dust, odour and other contaminants. The application need not be notified, the written approval of affected persons will not be necessary and notice of applications need not be served on any person. |

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| <p>AQr.57.4</p> <ul style="list-style-type: none"> a) the degree of compliance with any relevant standard or industry code of practice (such as the Pork Industry Code of Practice). b) the volume and type of materials and products on site. c) the extent to which any effects may be mitigated or exacerbated by climatic clauses, geographical and meteorological influences, or by management techniques. d) the proximity and nature of nearby activities. e) the proximity and nature of any sensitive receptors. f) the timing of the proposed discharge, the topography and prevailing wind clauses. g) intended treatment process for animal waste. h) the potential or actual effects of odour on the receiving environment. i) any mitigation measures that ensure that odour is not detectable at or beyond the boundary of a property. | <p>AQr.57.5</p> <p>Intensive commercial livestock farming is generally only appropriate for consideration in the Rural Zone, excluding the Higher Density Small Holdings Area. Each proposal has to be considered on a case by case basis, having regard to the likely effects of the activity and how these effects can be avoided, remedied or mitigated.</p> <p>Intensive livestock commercial farming in all other zones is generally considered inappropriate and as such is a non-complying activity. The main reason for this is the potential adverse effects caused by odour and discharge of effluent.</p> <p>This rule refers only to livestock farming. Other forms of intensive commercial farming, such as mushroom farming with its attendant composting requirements is covered in AQr.37 (Composting).</p> <p>Refer to the Nelson Resource Management Plan (RUr.20) for land use rules regarding intensive commercial livestock farming in the Rural Zone.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |
| <p>AQr.58.4</p> <ul style="list-style-type: none"> a) the scale, location and potential adverse effects of the activity. b) the likely duration and frequency of the activity. c) methods or techniques to contain or remedy the discharge. d) supervision or management of the operation. e) the proximity and nature of nearby activities. f) the proximity and nature of any sensitive receptors. g) potential or actual effects on the surrounding environment. h) the potential or actual effects of odour and particulate matter on the receiving environment. i) the likely meteorological clauses, and likely ambient air quality at the time of the proposed discharge. j) the effects on local and ambient air quality. | <p>AQr.58.5</p> <p>This rule allows for legitimate fire training activities to occur all year round as a permitted activity, provided the conditions of the rule are met. This includes being a recognised fire authority or a recognised training provider. A 'nationally recognised training provider' is considered to be an organisation that undertakes training for the purposes of meeting the legislative requirements of maritime safety, health and safety, or as a part of a NZQA course.</p> <p>Clause c) of the rule restricts the type of materials that can be burnt during training exercises. The fire service may burn prohibited materials, as it is sometimes necessary for fire training to be undertaken in a range of realistic situations which may involve burning materials which are normally prohibited (such as the burning of a house). However it is not considered that this permitted exemption can be extended to other training providers due to the potential health effects of burning prohibited materials and the fact that there are other fuels that may be burnt during normal training exercises (such as diesel and wood).</p> <p>In all instances Council must be notified at least 2 working days prior to training activities commencing.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p> |

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| <p>AQr.59 Fertiliser</p> | <p>AQr.59.1</p> <p>The discharge of any fertiliser to air is permitted if it is applied so that there is no fertiliser drift over any adjacent property that is:</p> <ul style="list-style-type: none"> a) registered or certified by the Biological Producers' and Consumer's Council or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced, or b) within 30 metres of a residential unit, or c) an orchard or vineyard where there is fruit on the tree or vines. <p>The above provisions do not apply where there is a written agreement to this effect between the person who discharges or causes the discharge of any fertiliser, and any occupier of the adjoining property,</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required. See also the freshwater rules in the Nelson Resource Management Plan.)</p> | <p>AQr.59.2</p> <p>The discharge of any fertiliser to air that contravenes a permitted clause is a controlled activity.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> i) provision of fertiliser application programmes for or notification of potentially affected people, and ii) method and timing of application, and iii) type of fertiliser applied, and iv) record keeping, and v) methods to avoid or mitigate movement of fertiliser onto adjoining properties, and vi) establishment of buffer zones, and vii) dust and odour. | <p>AQr.59.3</p> <p>Not applicable.</p> |

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| <p>AQr.59.4</p> <ul style="list-style-type: none"> a) the reasons for and any likely effects of the departure from the permitted activity standards, terms and clauses. b) whether the discharge is to be undertaken in accordance with current good practice (such as the Code of Practice for Fertiliser Use). c) potential or actual adverse effects on the surrounding environment. d) the proximity and nature of nearby activities. e) the proximity and nature of any sensitive receptors. | <p>AQr.59.5</p> <p>The rule seeks to limit adverse cross-property effects that may arise from the discharge of fertiliser to air, except that neighbours can by mutual consent contract out of the requirements of the rule. Adherence to the Code of Practice for Fertiliser Use (www.fertresearch.org.nz) is also encouraged.</p> <p>The freshwater rules in the Nelson Resource Management Plan should also be consulted if there is a likelihood that the fertiliser may enter any waterway or lake.</p> |