

**BEFORE THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN HEARINGS PANEL
AT BLENHEIM**

UNDER the Resource Management Act 1991
(the Act)

IN THE MATTER of a change to Marlborough's policy
statement and plans under the First
Schedule to the Act

**SUPPLEMENTARY SUBMISSIONS OF COUNSEL FOR DOMINION SALT LIMITED
TOPIC 11: USE OF THE COASTAL ENVIRONMENT
Dated this 24th day of April 2018**

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MAY IT PLEASE THE PANEL:

1. During Dominion Salt Limited's ("Dominion Salt") presentation on 9 April 2018 the Panel asked for further information regarding zoning changes sought and tenure of land near the pipeline, among other matters. These supplementary submissions address the Panel's questions.

Amendments to Zoning Maps

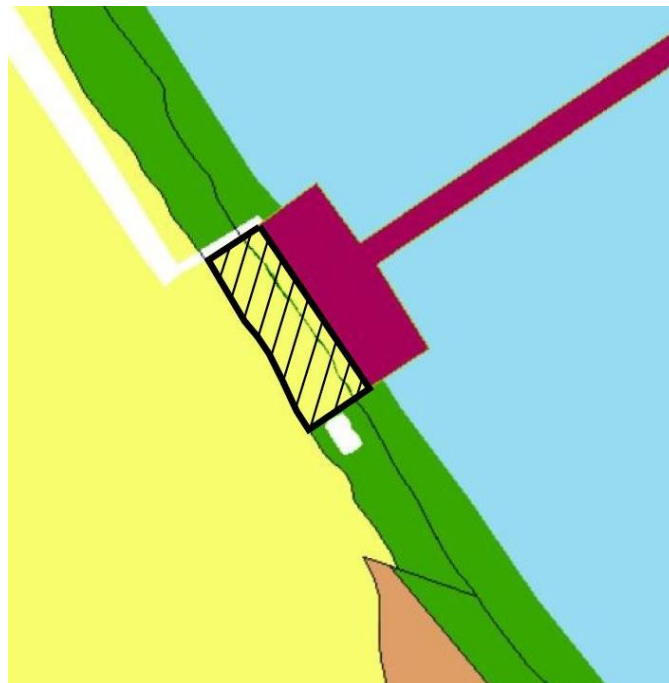
Accurate mapping of the Pipeline Corridor

2. Volume 3, Appendix 21 shows the accurate location and dimensions of the Lake Grassmere Salt Works Water Intake and Pipeline Extension Corridor ("Pipeline Corridor"), however Volume 4, Maps 187 and 188 ("the zoning maps") show only the approximate location and dimensions.
3. The primary discrepancy is the base width of the Pipeline Corridor. It is ~55m shorter than it should be in the zoning maps. Included at **Appendix 1** is a zoning map taken from the Marlborough District Council's Smart Maps. Dimensions of the base of the Pipeline Corridor are shown and measured using the Smart Maps measurement tool. When contrasted with Appendix 21 smaller discrepancies in dimensions shown on the zoning maps are also apparent.
4. It is my submission that these approximations need to be corrected. Zoning maps are relied on and must be as accurate as possible. The specific location of the Pipeline Corridor must also be accurate. The datum line as shown in Appendix 21 reflects its exact location, and the Pipeline Corridor as mapped must align with this datum line.

New Salt Works Outlet Area

5. A number of issues arise from the zoning of the area between the Lake Grassmere Salt Works Zone ("Salt Works Zone") and the Pipeline Corridor as Open Space 3 Zone.
6. No link exists between the Pipeline Corridor and the Salt Works Zone on the zoning map: the two areas are separated by the Open Space 3 Zone. Partly owing to the fact the areas are not connected, it is unclear that the Pipeline Corridor is part of the Salt Works Zone. Its inclusion is only implied by the presence of rules relating to the Pipeline Corridor in Chapter 22: Lake Grassmere Salt Works Zone.

7. Rule 22.1.5 allows for the construction and use of a temporary stormwater flood outlet channel from Lake Grassmere to the coastal marine area (“the channel”) as a permitted activity. If required, Dominion Salt would construct the channel with the outlet located within the southernmost section of the Pipeline Zone.¹ The channel would need to go through the area zoned Open Space 3. However, as Rule 22.1.5 does not apply to Open Space 3 Dominion Salt would require a resource consent to construct the channel through this area. This is an unintended consequence that must be rectified.
8. Dominion Salt carries out regular activities within the area zoned Open Space 3 between the Pipeline Corridor and Salt Works Zone. While not shown on the zoning map, a gravel legal road runs along the coastline within the Open Space 3 Zone.² Dominion Salt uses this road to access the intake pipe to conduct repairs, unblock the pipe, and carry out any other required maintenance.
9. Our proposed solution is to create a new Salt Works Outlet Area. As shown in hatched black on the map below, it would cover the Open Space 3 Zone separating the Salts Works Zone and Pipeline Corridor and re-zone that area to Salt Works Zone:³



¹ Once accurately mapped.

² See map at paragraph 21.

³ This is a conceptual drawing only. To ensure the zoning map is accurate the exact location and dimensions of the Pipeline Corridor must first be mapped, then the Salt Works Outlet Area can be inserted.

10. In terms of rules applying to the proposed new Salt Works Outlet Area, Dominion Salt seeks that the rules in Volume 2, Chapter 19 for the Open Space 3 Zone apply, as well as permitted activity rules 22.1.2 to 22.1.5.⁴ The four activities permitted by rules 22.1.2 to 22.1.5 are activities which are carried out within the proposed new Salt Works Outlet Area. The new proposed amendments to Chapter 22 are shown as tracked changes in blue text in **Appendix 2**.
11. Rule 22.1.5 permitting the construction and use of a temporary stormwater flood outlet channel is of particular importance. It is essential to Dominion Salt's operations that it be able to cut the channel (without needing a resource consent) if and when required.
12. The proposed Salt Works Outlet Area is within the scope of Dominion Salt's submission. Dominion Salt originally sought to re-zone this area as Salt Works Zone, which if accepted would have resulted in *all* the permitted activities for the Salt Work Zone being permitted in this area. What Dominion Salt now seeks is more limited.

Length of the Pipeline Corridor

13. Questions about the length of the Pipeline Zone arose because the physical pipeline itself extends approximately 30m from mean high water springs ("MHWS"), whereas the Pipeline Zone extends 1000m from MHWS.
14. The November 2016 earthquake caused uplift along a sizeable area of the East Coast, including in Clifford Bay adjacent to Lake Grassmere. The pipeline's intake was raised 36cm.⁵ Two issues have resulted:
 - (a) The intake pipe does not extend as far into the sea as it did prior to the earthquake. As the intake is now at a shallower depth more silt and sea weed washes into the settling ponds, requiring them to be cleared more often.
 - (b) Reduced tidal flow into the settling ponds has reduced the pumping window into the main lake over each tide. This has been resolved by using more pumps during the shorter window.

⁴ And as a result, rules 22.3.2 to 22.3.5 which prescribe the standards applying to those permitted activities.

⁵ Relative to mean sea level.

15. Dominion Salt seeks to retain the notified length of the Pipeline Zone to allow for any contingencies. For example, it may be necessary to mitigate against future changes to sediment transport along the coast. It is also possible a future earthquake could cause further uplift. Depending on the degree of that uplift the intake pipe may need to be extended.

Width of the pipeline corridor

16. Dominion Salt is no longer pursuing its submission seeking for the Lake Grassmere Salt Works Water Intake and Pipeline Extension Corridor Zone to be extended 25m either side of the pipeline.

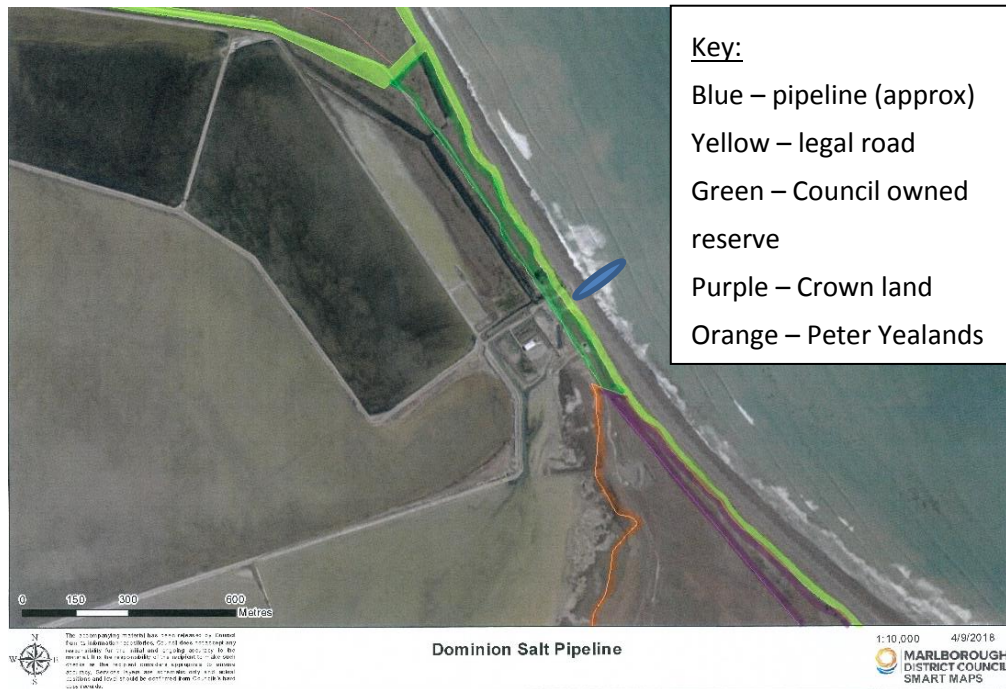
Administration, Workshop, Salt Refining & Processing Area

17. Dominion Salt seeks to expand the Lake Grassmere Salt Works Administration, Workshop, Salt Refining & Processing Area (“Administration and Processing Area”), but not to the extent originally sought.
18. Marked in hatched red in **Appendix 3** are the areas which Dominion Salt now seeks to be included in the Administration and Processing Area. These areas are currently used for the following temporary activities:
 - (a) storage of equipment;
 - (b) mixing of bitterns⁶ using a mobile mixer;
 - (c) mixing of gypsum using mobile equipment; and
 - (d) screening of gravel using mobile equipment.
19. Dominion Salt may seek to erect permanent structures to house these operations in the medium term.

Tenure

20. The following map shows property boundaries and tenure of land in the vicinity of the Pipeline Zone:

⁶ Bittern is a solution that remains after evaporation of halite (common salt) from brines and/or seawater.



21. The table below identifies the zoning status of each area:

Property	Tenure	Wairau Awatere Resource Management Plan	Marlborough Environment Plan	Title
Saltworks	Private land owned by Dominion Salt Ltd	Lake Grassmere Salt Works Zone	Lake Grassmere Salt Works Zone	MB5B/270
Reserve (green)	Marlborough District Council (Lake Grassmere Recreation Reserve)	Conservation Zone	Open Space Three	MB3B/363 MB4D/668
Crown land (purple)	Crown land (Deed of Easement)	Conservation Zone	Open Space Three	MB59/272

	under s 60 Land Act 1948)			
Peter Yealands (orange)	Private land	Rural Four Zone	Rural Environment Zone	MB5D/1495
Road (yellow)	Legal road	No zone, but mapped in same way as other roads	Open Space Three	
Pipeline		Lake Grassmere Salt Works Zone	Lake Grassmere Salt Works Zone (Lake Grassmere Salt Works Water Intake and Pipeline Extension Corridor)	
Beach (land between MHWS and legal road)	<p>If accretion, legal road.⁷</p> <p>If accretion includes avulsion in the context of s 315(4) LGA 1974 then legal road.⁸</p> <p>If not, then general crown land.⁹</p>	<p>Legally, there is no zone.</p> <p>It is mapped as Coastal Marine Zone, however that is unlawful. It is not part of the coastal marine area,¹⁰ and therefore cannot be part</p>	Open Space Three	

⁷ Local Government Act 1974, s 315(4).

⁸ Some support for this in Westlaw: Land Law WB4.01(2).

⁹ Marine and Coastal Area (Takutai Moana) Act 2011, s 13.

¹⁰ Resource Management Act 1991, s 2.

		of a regional coastal plan. ¹¹		
Foreshore and Sea (below MHWS)	Nobody ¹²	Coastal Marine Zone	Coastal Marine (Area) Zone	

Objective 13.19

22. Objective 13.19 seeks to enable the production of solar salt in a *sustainable* manner. Components of sustainability include benefits as well as costs. Inclusion of the proposed new policy implements the objective by identifying the ways in which the Salt Works enhance sustainability.
23. Without it, the policies do not fully implement the objective, contrary to s 67(1)(b) of the Resource Management Act 1991.



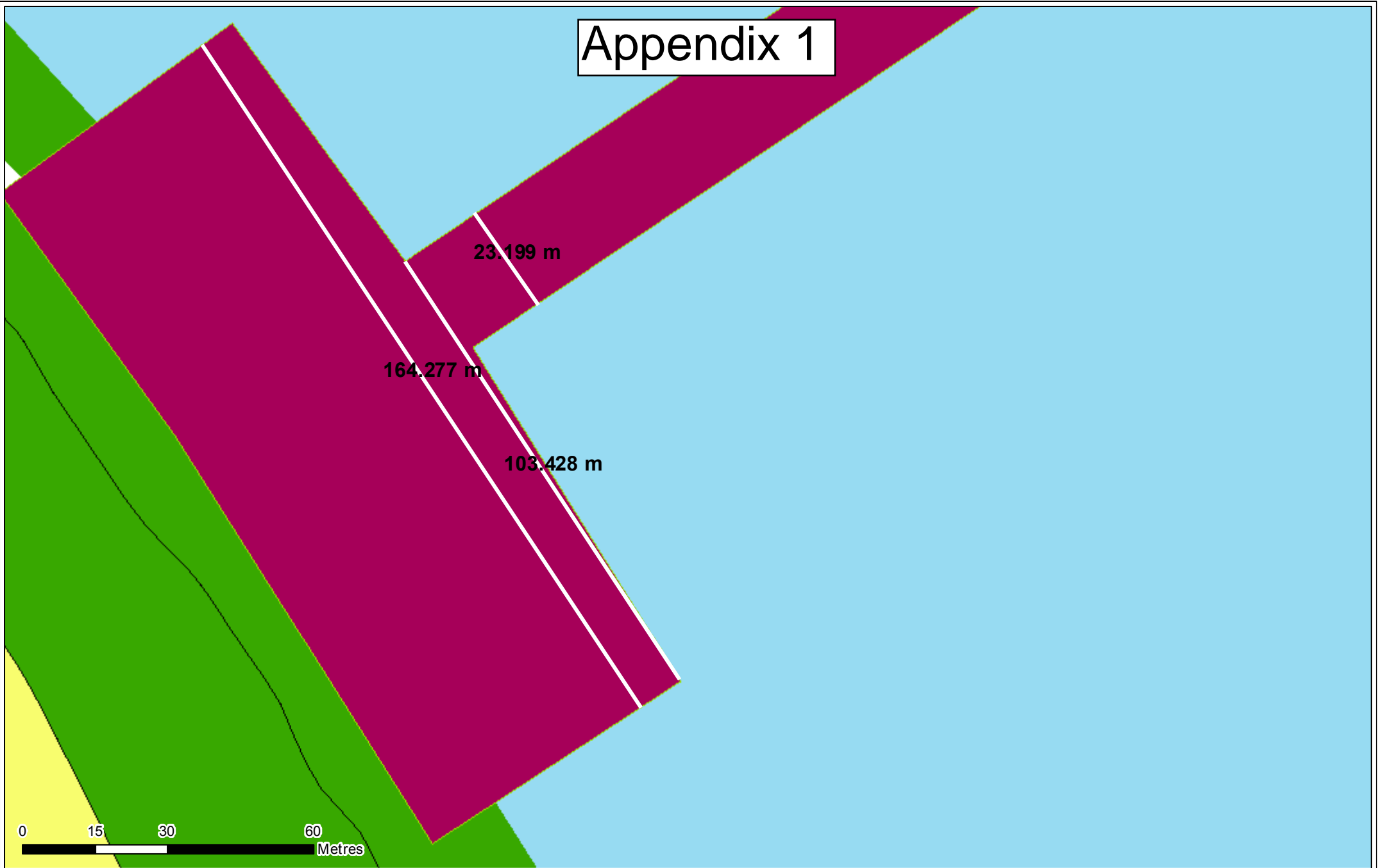
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¹¹ Resource Management Act 1991, s 64. Part 3 and s 87B(1)(a) applies.

¹² Marine and Coastal Area (Takutai Moana) Act 2011, s 11(2).

Appendix 1



The accompanying material has been released by Council from its information repositories. Council does not accept any responsibility for the initial and ongoing accuracy to the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy. Services layers are schematic only and actual positions and level should be confirmed from Council's hard copy records.

Lake Grassmere Salt Works Zone Intake and Pipeline Extension Corridor

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Appendix 2

22. Lake Grassmere Salt Works Zone

22.1. Permitted Activities

Unless [the activity is within the Salt Works Outlet Area or](#) expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 22.2 and 22.3:

[R, D]

22.1.1. Solar production, refining, handling, packaging, storage and sale of salt and associated by-products ~~and the full range of processes required.~~

Commented [A1]: Submission point 355.006

[R, D]

22.1.2. ~~Building bBunds, and roads and other developments existing at 9 June 2016.~~

Commented [A2]: Submission point 355.007

[C]

22.1.3. ~~Take and use of coastal water from and the maintenance of existing seawater intake pipelines~~ within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.

~~22.1.3A. Maintenance of existing seawater intake pipelines and associated structures within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.~~

Commented [A3]: Submission point 355.008

22.1.4. Discharge of stormwater from Lake Grassmere and surrounding catchments or diluted brine to the coastal marine area.

[C, R, D]

22.1.5. Construction and use of a temporary stormwater flood outlet channel from Lake Grassmere to the coastal marine area, including any disturbance of the foreshore and seabed.

[D]

22.1.6. Living accommodation facility for staff.

[R, D]

22.1.7. Excavation.

[R, D]

22.1.8. Filling of land with clean fill.

[R, D]

22.1.9. Indigenous vegetation clearance.

[R, D]

22.1.10. Non-indigenous vegetation clearance.

[R]

22.1.11. Discharge of human effluent ~~and greywater~~ into or onto land.

Commented [A4]: Submission point 355.009. This submission point will be dealt with in Topic 13.

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[R]

22.1.12. Discharge of contaminants to air arising from burning in the open.

[R]

22.1.13. Discharge of contaminants to air that is not specifically provided for by any other rule, arising from:

- (a) Discharges of heat to air;
- (b) Discharges of energy to air, including release of energy from sources of electromagnetic radiation, including radio transmitter, television, or cell phones; or release of x-rays from a radioactive source;
- (c) Discharges for the purposes of ventilation or vapour displacements.

[R]

22.1.14. Discharge of contaminants to air from the combustion of fuels (i.e. external combustion).

[R]

22.1.15. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e. internal combustion).

[R]

22.1.16. Discharge of contaminants to air from the spray application of paint or adhesive coating materials of surfaces not within a spray booth, other than a road.

[R]

22.1.17. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth.

[R]

22.1.18. Discharge of contaminants to air from water blasting and from dry abrasive blasting, ~~other than~~ from the use of a moveable source.

[R]

22.1.19. Discharge of heat and water vapour from cooling towers.

22.1.20. Within the Salt Works Outlet Area the following are permitted activities subject to their relevant standards:

(a) Activities identified in rules 22.1.2 to 22.1.5;

(b) Activities permitted in the Open Space 3 Zone.

22.2. Standards that apply to all permitted activities

22.2.1. Construction and siting of a building or structure.

22.2.1.1. A building or structure constructed or sited within 500m of mean high water springs must not exceed 8m in height.

22.2.1.2. A building or structure constructed or sited within the Lake Grassmere Salt Works Administration, Workshops, Salt Refining and Processing Area must not exceed 15m in height.

Commented [A5]: Submission point 355.010. This submission point will be dealt with in Topic 13.

22.2.1.3. ~~Notwithstanding Any building or structure to which rule 22.2.1.1 and of 22.2.1.2 does not apply, a building or structure~~ must not exceed 10m in height.

Commented [A6]: Based on submission point 355.011, using wording suggested in a supplementary email by the s 42A Reporting Officer

22.2.2. Noise.

22.2.2.1. An activity, apart from salt harvest operations, must not cause noise that exceeds the following limits at the zone boundary:

7.00 am to 10.00 pm Monday to Sunday 55 dBA LAeq
 At all other times 45 dBA LAeq 75dB LAFmax

22.2.2.2. Noise from salt harvest operations, when measured at or beyond the Lake Grassmere Salt Works Noise Control Boundary, which is a distance of 500 metres from the 'outside' edges of the salt crystallising ponds, must not exceed the following standards:

7.00 am to 10.00 pm Monday to Sunday 55 dBA LAeq
 At all other times 45 dBA LAeq 75dB LAFmax

22.2.2.3. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

22.2.2.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

22.2.3. Odour.

22.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

22.2.4. Smoke.

22.2.4.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

22.2.5. Dust.

22.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

22.2.6. Dust from any process vent or stack.

- 22.2.6.1. The dust must not contain hazardous substances.
- 22.2.6.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 22.2.6.3. Dust particles must not exceed 0.05mm size in any direction.

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22.3. Standards that apply to specific permitted activities

22.3.1. Solar production, refining, handling, packaging, storage and sale of salt and associated by-products.

- 22.3.1.1. The best practicable method must be adopted to contain the spread of brine into soil beyond the boundaries of the zone.
- 22.3.1.2. The best practicable method must be adopted to minimise the generation of salt foam within the zone and to contain the spread of wind-borne salt foam beyond the boundaries of the zone.

22.3.2. Take and use of coastal water and the maintenance of existing seawater intake pipelines within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.

- 22.3.2.1. The taking of water must not exceed 1.4m³ per second and 121,000m³ per day.
- 22.3.2.2. The activity must not change natural water quality.

22.3.3. Discharge of stormwater from Lake Grassmere and surrounding catchments or diluted brine to the coastal marine area.

- 22.3.3.1. Outside a mixing zone of 200m radius measured from the point of discharge the following must be met:
 - (a) the discharge must not inhibit the gathering of shellfish for human consumption;
 - (b) the natural temperature of the receiving water must not be changed by more than 3°C;
 - (c) the concentration of dissolved oxygen in the discharge must exceed 80% of the saturation concentration;
 - (d) there must be no undesirable biological growths as a result of any discharge of a contaminant into the water.

22.3.4. Construction and use of a temporary stormwater flood outlet channel from Lake Grassmere to the coastal marine area, including any disturbance of the foreshore and seabed.

- 22.3.4.1. The temporary channel must only be constructed and used when a storm event is forecast **or immediately following a storm event**.
- 22.3.4.2. The construction must be confined to the position and dimension within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.
- 22.3.4.3. The Council and the Department of Conservation must be advised as soon as a decision has been taken to construct the temporary flood stormwater outlet.
- 22.3.4.4. All excavated material must be stockpiled beside the temporary outlet cut for reinstatement following release of the stormwater.
- 22.3.4.5. The breach in the fore dunes and beach gravels must be reinstated to as close as practicable the condition of the land immediately prior to the work commencing. The reinstatement must be completed as soon as practicable following the passing of the storm event which created the need for the temporary outlet, but no later than 7 days after the event.

Commented [A7]: Based on the recommendation of the s 42A Reporting Officer.

22.3.5. Living accommodation facility for staff.

- 22.3.5.1. The accommodation must be on-site and ancillary to the operations of the salt works.
- 22.3.5.2. The accommodation must only be provided to employees of the operator of the salt works.

22.3.6. Excavation.

- 22.3.6.1. Excavation in excess of 1000m³ must not occur on land with a slope greater than 20° within any 24 month period.
- 22.3.6.2. Excavation must not be in, or within 8m of a river (except an ephemeral river when not flowing), lake (except during salt harvest operations) or the coastal marine area.
- 22.3.6.3. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake (except during salt harvest operations) or the coastal marine area.
- 22.3.6.4. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 22.3.6.5. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by any excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.
- 22.3.6.6. After reasonable mixing, excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

22.3.7. Filling of land with clean fill.

- 22.3.7.1. The filling must not use commercial clean fill.
- 22.3.7.2. Filling in excess of 1000m³ must not occur within any 24 month period.
- 22.3.7.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 22.3.7.4. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 22.3.7.5. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain a fill area must not be less than 300mm.
- 22.3.7.6. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover other means to achieve a rapid vegetative cover must be used.
- 22.3.7.7. Filling must not be in, or within:

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- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of the landward toe of a stopbank.
- 22.3.7.8. After reasonable mixing, filling must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.

22.3.8. Indigenous vegetation clearance.

- 22.3.8.1. Indigenous vegetation clearance must comply with Standards 22.3.9.1 to 22.3.9.8 (inclusive).
- 22.3.8.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 22.3.8.3 to 22.3.8.6 (inclusive):
- (a) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (c) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.
- 22.3.8.3. Clearance of indigenous vegetation must not occur:
- (a) on land identified as a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 22.3.8.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
- (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 22.3.8.5. Clearance of indigenous forest must not exceed 1000m² per Computer Register in any 5 year period.

22.3.8.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus Chinochloa.

22.3.9. Non-indigenous vegetation clearance.

22.3.9.1. Where clearance is by mechanical means, blading or root-raking by bulldozer must not be used on slopes greater than 20°.

22.3.9.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

22.3.9.3. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or through the coastal marine area.

22.3.9.4. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area.

22.3.9.5. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.

22.3.9.6. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.

22.3.9.7. Woody material greater than 100mm in diameter and soil debris must:

- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area;
- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake or the coastal marine area;
- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

22.3.9.8. After reasonable mixing, vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
- (c) the change in reflectance must be <50%.

22.3.10. Discharge of human effluent into or onto land through an on-site wastewater management system.

- 22.3.10.1. The human effluent must be treated via an on-site wastewater management system must be maintained in an efficient operating condition at all times.
- 22.3.10.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 22.3.10.3. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, groundwater or coastal water.
- 22.3.10.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 22.3.10.5. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.

22.3.11. Discharge of contaminants to air arising from burning in the open.

- 22.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.

22.3.12. Discharge of contaminants to air from the combustion of fuels (i.e. external combustion).

- 22.3.12.1. The discharge must not contain more than the following maximum heat output limits:
 - (a) 10MW for natural or liquefied petroleum gas;
 - (b) 40kW for untreated wood;
 - (c) 200kW for coal;
 - (d) 40kW for light fuel oil;
 - (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;
 - (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
 - (g) 10MW for diesel (external combustion);
 - (h) 2 MW for kerosene.
- 22.3.12.2. The limits in 22.3.12.1 apply to the total heat output from the site. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.
- 22.3.12.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 22.3.12.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this

is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.

22.3.12.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.

22.3.12.6. For external combustion sources the stack must comply with requirements in Appendix 8 – Schedule 5.

~~22.3.12.7. Coal must not be burned as a fuel if there are buildings higher than 6m within a 25m radius of the discharge. Fuels other than coal must not be burned if there are buildings higher than 5m within a 25m radius of the discharge.~~

~~22.3.12.8. The sulphur content of any coal burnt must be less than 2%.~~

22.3.13. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e. internal combustion).

22.3.13.1. The fuel used in the engine must be gas, LPG, petrol, diesel, vegetable oils or alcohol.

22.3.13.2. Fuel containing sulphur at levels greater than 0.05% by weight must not be burned.

22.3.13.3. The power output of the engine must not exceed 400kW, this limit applies to the total heat output from a site.

22.3.13.4. If the power output of the engine is between 30kW and 400kW –

- the engine must not be operated for a total of greater than 5 hours in any 24-hour period;
- if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.

22.3.13.5. Where more than one fuel type is used on the property, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.

22.3.14. Discharge of contaminants to air from the spray application of paint or adhesive coating materials of surfaces not within a spray booth, other than a road.

22.3.14.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.

22.3.14.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.

22.3.14.3. Spray coating must not occur on surfaces of fixed structures that can be dismantled and transported to a spray booth.

22.3.14.4. The coating material must not contain di-isocyanates or organic plasticisers.

22.3.14.5. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.

22.3.14.6. There must be no dispersal or deposition of contaminants beyond the boundary of the property where the discharge originates.

Commented [A8]: Submission point 355.013. This submission point will be dealt with in Topic 13.

Commented [A9]: Submission point 355.014. This submission point will be dealt with in Topic 13.

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22.3.15. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth.

- 22.3.15.1. The coating material must not that contain any di-isocyanates.
- 22.3.15.2. The total amount of coating material sprayed on the property must not exceed 10 litres per hour.
- 22.3.15.3. The spray booth must be fitted with an air extraction system which vertically discharges all contaminants and exhaust air through an emission stack.
- 22.3.15.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 22.3.15.5. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 22.3.15.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

22.3.16. Discharge of contaminants to air from water blasting and from dry abrasive blasting, other than from the use of a moveable source.

- 22.3.16.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.
- 22.3.16.2. Where the discharge occurs from public land there must be no discharge of water spray, dust or other contaminant beyond 50m from the discharge point or beyond the boundary of the public land, whichever is the lesser.
- 22.3.16.3. There must be no discharge of water spray, dust or other contaminant into the coastal marine area.
- 22.3.16.4. The surface to be blasted must not contain any hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.
- 22.3.16.5. For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 22.3.16.6. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.

22.3.17. Discharge of heat and water vapour from cooling towers.

- 22.3.17.1. No more than 5MW of heat per hour must be discharged.

22.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

[R]

~~22.4.1. Discharge of contaminants to air, of the products of combustion from fuel burning equipment used for generating heat or electric power using:~~

- ~~(a) untreated wood, coal or oil, except waste oil, for the purposes of generating heat or electric power at a rate not exceeding 10MW;~~
- ~~(b) methane or natural or liquefied petroleum gas for the purposes of generating heat or electric power at a rate not exceeding 50MW;~~

~~where the limits specified in (a) or (b) above apply to the cumulative generated heat or electric power produced by the specified fuel within the same premises.~~

Standards and terms:

- ~~22.4.1.1. The discharge must be from a chimney.~~
- ~~22.4.1.2. The chimney must be designed so that the minimum efflux velocity is 20m/s at the chimney exit at full load for sources less than 10MW capacity, and 15m/s for sources equal to or greater than 10MW capacity.~~
- ~~22.4.1.3. The chimney must be designed so that the discharge is vertically upwards and unimpeded by cowls or any other fixtures on the top of the stack coning may be used to increase the velocity discharge.~~
- ~~22.4.1.4. The chimney height must comply with the requirements of Appendix 8 Schedule 5.~~

Matters over which the Council has reserved control:

- ~~22.4.1.5. The location of the point of discharge.~~
- ~~22.4.1.6. The carrying out of measurements, samples, analyses, surveys, investigations or inspections.~~
- ~~22.4.1.7. The provision of information to the Council at specified times.~~
- ~~22.4.1.8. Compliance with monitoring, sampling and analysis conditions at the consent holder's expense.~~

[R, D]

~~22.4.2. Excavation of land exceeding 500mm in depth.~~

Standards and terms:

- ~~22.4.2.1. The excavation must not exceed a depth of 1.5m.~~
- ~~22.4.2.2. The excavation must not occur further than 100 metres from the zone boundary.~~

Matters over which the Council has reserved control:

- ~~22.4.2.3. The excavation of test pits;~~
- ~~22.4.2.4. The protection of adjoining land from contamination by brine/saline water;~~
- ~~22.4.2.5. Transmissiveness of the soils media between the site of excavation and the zone boundary;~~
- ~~22.4.2.6. The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.~~

Commented [A10]: Submission point 355.015. This submission point will be dealt with in Topic 13.

Commented [A11]: Submission point 355.016 seeks this rule to be moved to Permitted Activities. This submission point will be dealt with in Topic 19.

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[R, D]

22.4.3. Water Control Activities in Lake Grassmere and Cattle Creek as follows:

- (a) maintenance of a structure between 10m and 100m below the Cattle Creek rail bridge (No 174) or from 10 metres above the Cattle Creek rail bridge (No 174), to prevent or limit the extent of salt water intrusion into the channels and streams above the rail bridge;
- (b) maintenance dredging of the bed of Cattle Creek above and below the rail bridge No. 174;
- (c) works necessary to control and impound stormwater outside storm events, to provide maximum protection for Lake Grassmere from fresh water during storm events.

Standards and terms:

- 22.4.3.1. Maintenance dredging of the bed of Cattle Creek must not cause the bed of Cattle Creek to be either raised or deepened above or below its natural depth.
- 22.4.3.2. The works necessary to control and impound stormwater must be contained within a distance from 10m immediately above Cattle Creek rail bridge (No 174).
- 22.4.3.3. Works must not cause impounded water (either saltwater or freshwater) to flood beyond the banks of any creek or drain above its entrance into Lake Grassmere or beyond the banks of Lake Grassmere.

Matters over which the Council has reserved control:

- 22.4.3.4. The structural integrity of the rail bridge.
- 22.4.3.5. Use of freshwater for stock drinking purposes upstream of the upper physical barrier.
- 22.4.3.6. Preventing flooding of neighbouring land.
- 22.4.3.7. Extent of maintenance dredging of the bed of Cattle Creek.

22.5. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[C, R, D]

- 22.5.1. Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.**

[D]

- 22.5.2. Land based aquaculture.**

[D]

- 22.5.3. Seawater intake and discharge pipes pipelines and associated structures within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor.**

[R, D]

- 22.5.4. Any use of land not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.**

[C]

22.5.5. Any use of the coastal marine area not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

22.5.6. Any taking, use, damming or diversion of open coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

22.5.7. Any discharge of water or contaminants into coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

22.5.8. Any discharge of contaminants into or onto land, or to air not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

22.6. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

[R]

22.6.1. Discharge of contaminants to air arising from the burning of any of the following materials from any industrial or trade premise:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA);
- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals, including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

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[R, D]

22.6.2. Disposal of hazardous waste into or onto land other than discharges from salt production processes.

[R, D]

22.6.3. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Appendix 3



The accompanying material has been released by Council from its information repositories. Council does not accept any responsibility for the initial and ongoing accuracy to the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy. Services layers are schematic only and actual positions and level should be confirmed from Council's hard copy records.

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