

6. Urban Residential 3 Zone

Note:

Vegetation clearance, earthworks or land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

Commented [1]: NES-FW s44A(5)

6.1. Permitted Activities

Unless 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 6.2 and 6.3.

[D]

6.1.1. Residential activity.

[D]

6.1.2. Home occupation.

[D]

6.1.3. Garden maintenance.

[D]

6.1.4. Relocated building.

[D]

6.1.5. Temporary building or structure, or unmodified shipping container.

[D]

6.1.6. Community activity using a community facility.

[D]

6.1.7. Park or reserve.

[R, D]

6.1.8. Excavation or filling.

[R]

6.1.9. Discharge of swimming or spa pool water into or onto land.

[R]

6.1.10. Discharge of human effluent into or onto land.

[R]

6.1.11. Application (involving a discharge) of an agrichemical into or onto land.

[R]

6.1.11A Discharge of stormwater containing contaminants to land.

Commented [2]: By consent order dated 22 October 2024

[R]

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

[R]

6.1.13. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in any indoor open fire.

[R]

6.1.14. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance, except an enclosed pellet burner.

[R]

6.1.15. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.

[R]

6.1.16. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except a pellet burner, or an enclosed woodburner installed after 1 September 2005).

[R]

6.1.17. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed after 1 September 2005.

[R]

6.1.18. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance installed after 9 June 2016.

[D]

6.1.19. Grazing of livestock for maintenance of undeveloped land.

[R]

6.1.20. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

6.1.21. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

[R]

6.1.22. Discharge of dust.

[R]

6.1.23. Amateur Radio Configurations

[R]

6.1.24. Discharge of contaminants to air within the Blenheim Airshed from outdoor burning in a brazier, or a fire used exclusively for the cooking or smoking of food for non-commercial purposes.

[D]

6.1.25. Papakāinga.

Commented [3]: RESOLVED:
Te Runanga o Ngati Kuia Trust
ENV-2020-CHC-70
By consent order dated 25 March 2022

6.2. Standards that apply to all permitted activities

6.2.1. Construction and siting of a building or structure except a temporary building or structure, or an unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).

6.2.1.1. No more than one residential dwelling must be constructed or sited per Record of Title.

6.2.1.2. Permanent buildings must not cover more than 30% of the net site area.

6.2.1.3. The maximum height a building or structure must not exceed 10m.

6.2.1.4. On a site, no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26, except that a recession plane angle of 55 degrees, inclined into the site, applies in all cases on a road/street boundary. The recession plane angle must be measured at the site boundary from a starting point 2.3m above ground level on sites within the Urban Residential 3 Zone.

6.2.1.5. Any part of a wall of a dwelling must be set back a minimum of 1m from the site boundary.

6.2.1.6. Height recession and boundary setbacks do not apply where a building shares a party wall.

6.2.1.7. The outdoor amenity area for the dwelling must:

- (a) not be orientated to the south of the dwelling;
- (b) have direct contact with the main indoor living area through an external door;
- (c) not include driveways, parking spaces or buildings but may include decking;
- (d) have a slope of no more than 5 degrees in any direction.

6.2.1.8. A front entrance garage or other non-habitable accessory building must be set back a minimum of 1m behind the main face of the dwelling; except where the dwelling is set back 10m or more from the road frontage.

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MEP Update 7 – 04/11/20

- 6.2.1.9. Notwithstanding Standard 6.2.1.8, a garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.
- 6.2.1.10. The height of a fence or part of a fence must not exceed 2m.
- 6.2.1.11. The height of a fence or any part of a fence on a boundary between the Urban Residential 3 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.
- 6.2.1.12. A building or structure constructed or sited, or any trees planted, must be set back a minimum of 8m from the bank of a river, Drainage Channel Network or the landward toe of a stopbank.
- 6.2.1.13. A building or structure in which human effluent will be created must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

6.2.2. Noise.

- 6.2.2.1. The activity must not cause noise that exceeds the following limits at any point within the boundary of any other property within the zone:

7.00 am to 10.00 pm	50dB LAeq
10.00 pm to 7.00 am	40dB LAeq 70dB LAfmax

This standard does not apply to sirens and call out sirens associated with the activities of emergency services.
- 6.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 6.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

6.2.3. Use of external lighting.

- 6.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).
- 6.2.3.2. All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

6.2.4. Odour.

- 6.2.4.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the legal boundary of the site.

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

6.2.5. Smoke.

- 6.2.5.1. 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.

6.2.6. Dust.

- 6.2.6.1. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

6.2.7. Particulate from any process vent or stack.

- 6.2.7.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 6.2.7.2. The concentration of particulate discharged 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.

This standard does not apply to discharges to air which are subject to standards for specific permitted activities.

6.2.8. Water supply and access for firefighting.

- 6.2.8.1. New buildings (excluding accessory buildings that are not habitable) shall have direct access to a Council reticulated water supply with fire fighting capability including hydrants.
- 6.2.8.2. Where a building (excluding accessory buildings that are not habitable) is located more than 75m from the nearest road that has reticulated water supply (including hydrants) access must have a minimum formed width of 4m, a height clearance of 4m and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

6.3. Standards that apply to specific permitted activities**6.3.1. Home occupation.**

- 6.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 6.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
- | | |
|---------------------|------------------|
| 8.00 am to 6.00 pm | Monday to Friday |
| 9.00 am to 12.00 pm | Saturday |

- 6.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.
- 6.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

6.3.2. Relocated building.

- 6.3.2.1. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 6.3.2.2. A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.
- 6.3.2.3. The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.
- 6.3.2.4. All other reinstatement work required by the report referred to in 6.3.2.2 and the building consent to reinstate the exterior of any relocated building must be completed within 12 months of the building being delivered to the site. Without limiting 6.3.2.3, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 6.3.2.5. The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.
- 6.3.2.6. The siting of the relocated building must also comply with Standard 6.2.1.

6.3.3. Temporary building or structure, or unmodified shipping container.

- 6.3.3.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
 - (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 6.3.3.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.3.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.
- 6.3.3.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.3.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 6.2.1.4.

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6.3.4. Park or reserve.

- 6.3.4.1. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

6.3.5. Excavation or filling.

- 6.3.5.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.

- 6.3.5.2. The maximum volume for excavation must not exceed 50m³ per Record of Title within any 12 month period, unless the excavation is to establish the foundation for a building.
- 6.3.5.3. The maximum volume for filling must not exceed 50m³ per Record of Title within any 12 month period, unless the filling is to establish the foundation for a building.
- 6.3.5.4. No excavation or filling must occur on land with a slope greater than 10°.
- 6.3.5.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area, unless the excavation is to establish a foundation for a building or a swimming pool permitted in this zone.
- 6.3.5.6. Excavation must not intercept groundwater or cause any ponding of surface runoff.
- 6.3.5.7. Excavation or filling must not occur in, or within, 8m of a river, drainage channel or Drainage Channel Network.
- 6.3.5.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 6.3.5.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 6.3.5.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or a fill area must not be less than 300mm.
- 6.3.5.11. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 6.3.5.12. Where the excavation or filling results in areas of exposed soil those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 6.3.5.13. The fill must not contain any:
- (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.
- 6.3.5.14. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

Commented [7]: NES-FW s44A(5)

6.3.6. Discharge of swimming or spa pool water into or onto land.

- 6.3.6.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 6.3.6.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 6.3.6.3. Fourteen days prior to discharging to land, swimming or spa pool water:
- (a) must be uncovered;
 - (b) must not be treated with any chemicals.

6.3.7. Discharge of human effluent into or onto land.

- 6.3.7.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 6.3.7.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 6.3.7.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 6.3.7.4. There must be:
 - (a) no ponding of effluent;
 - (b) no runoff or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 6.3.7.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 6.3.7.6. 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.
- 6.3.7.7. The discharge must not occur within a Groundwater Protection Area.
- 6.3.7.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

6.3.8. Application (involving a discharge) of an agrichemical into or onto land.

- 6.3.8.1. The application must be undertaken either:
 - (a) in accordance with the most recent product label; or
 - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval.
- 6.3.8.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 6.3.8.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 6.3.8.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 6.3.8.5. All sprays must be applied with hand held equipment.

Note:

The Hazardous Substances (Hazardous Property Controls) Notice 2017 (EPA Consolidation 30 April 2021) sets out the qualifications required for use of certain substances in any place that is not a workplace, unless otherwise specified. The Health and Safety at Work (Hazardous Substances) Regulations 2017 sets out the competency requirements for the use of substances in a workplace and the duty of a PCBU to

provide information, training, supervision, and instruction. Together these Regulations stipulate training and competency requirements based on the substance used and risk to the environment. A summary of these requirements is also set out in NZS 8409:2021 Management of Agrichemicals, Appendix D.

Commented [8]: By consent order dated 31 October 2023

6.3.8A. Discharge of stormwater containing contaminants to land.

- 6.3. 8A.1. The discharge must not cause erosion of land.
- 6.3. 8A.2. The discharge must not cause flooding of land on any other property.
- 6.3. 8A.3. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
 - (a) The hazardous substance cannot enter stormwater; or
 - (b) There is an interceptor system in place to collect any hazardous substance and divert contaminated stormwater to a trade waste system.
- 6.3. 8A.4. The discharge must not occur within a Groundwater Protection Area.
- 6.3. 8A.5. The discharge must not occur within 50m of a bore used for water abstraction for potable supply unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 6.3. 8A.6. For any discharge onto land in circumstances which may result in a contaminant entering water the discharge must comply with Rules 2.16.3, 2.16.4 or 2.16.6.

Commented [9]: By consent order dated 22 October 2024

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

- 6.3.9.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 6.3.9.2. Only material generated on the same property or a property under the same ownership can be burned.
- 6.3.9.3. The total volume of material being burned must not exceed 2m³.

6.3.10. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.

- 6.3.10.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 6.3.10.2. The appliance must only burn fuels approved for use in the appliance.
- 6.3.10.3. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

6.3.11. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.

- 6.3.11.1. The burner must only burn fuels approved for use in the burner.

6.3.12. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except a pellet burner or an enclosed woodburner installed after 1 September 2005).

6.3.12.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

6.3.12.2. The appliance must only burn fuels approved for use in the device.

6.3.13. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed between 2 September 2005 and 9 June 2016.

6.3.13.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

6.3.13.2. The appliance must only burn fuels approved for use in the appliance.

6.3.14. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.

6.3.14.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

6.3.14.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 8.

6.3.14.3. The appliance must burn only fuels approved for use in the device.

6.3.15. Discharge of contaminants to air within the Blenheim Airshed from outdoor burning in a brazier, or a fire used exclusively for the cooking or smoking of food for non-commercial purposes.

6.3.15.1. Any discharge from a brazier does not occur during the months of May, June, July or August.

6.3.15.2. Only wood with a moisture content of 25% dry weight or less is burnt, and no rubbish or materials in Rule 6.5.4 is burnt.

6.3.15.3. All reasonable steps are taken to minimise the amount of smoke discharged.

6.3.16. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

6.3.16.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

6.3.16.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.

6.3.16.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

6.3.17. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 6.3.17.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

6.3.18. Amateur Radio Configurations

- 6.3.18.1. Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.
- 6.3.18.2. Any part of an antenna or support structure must not overhang property boundaries.
- 6.3.18.3. Any of the elements making up an antenna must not exceed 80mm in diameter.
- 6.3.18.4. The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:
- one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and
 - any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.
- 6.3.18.5. The maximum number of antennas on a site shall not exceed 12.
- 6.3.18.6. For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 6.3.18.7. Any dish antenna must:
- Be less than 5m in diameter;
 - Be pivoted less than 4m above the ground;
 - Meet the relevant building setback;
 - At any point in its possible rotation, not exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

6.3.19. Papakāinga

- 6.3.19.1. A maximum of five papakāinga units are permitted on a Record of Title.
- 6.3.19.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 6.3.19.3. Any setbacks required under Standards 6.2.1.4, 6.2.1.5, 6.2.1.6, 6.2.1.8, 6.2.1.9, 6.2.1.12 are to the external boundary of the site and do not apply between units on the site.

6.3A. Restricted Discretionary Activities

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

[R]

6.3A.1. Discharge of stormwater containing contaminants to land where Standards 6.3.8A.4 or 6.3.8A.5 are unable to be met.

Matters over which the Council has restricted its discretion:

- 6.3A.1.1 The effects on groundwater quality, particularly effects on potable supplies.

Commented [10]: RESOLVED:
Te Runanga o Ngati Kuia Trust
ENV-2020-CHC-70
By consent order dated 25 March 2022

Commented [11]: RESOLVED:
New Zealand Transport Agency Waka Kotahi
ENV-2020-CHC-56
By consent order dated 16 December 2024

Commented [12]: By consent order dated 22 October 2024

6.4. Discretionary Activities

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

[R, D]

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

[D]

- 6.4.2. Visitor accommodation.**

[D]

- 6.4.3. Professional office.**

[D]

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

[R]

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

[D]

- 6.4.6. Retirement Accommodation.**

6.5. Prohibited Activities

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

[D]

- 6.5.1. Industrial activity.**

[R, D]

- 6.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

- 6.5.3. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes or is a brazier and the discharge does not occur during the months of May, June, July or August and does not involve any fuel prohibited under Rule 6.5.4.**

[R]

- 6.5.4. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:**

- (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, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (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 any type of plastics;
- (k) waste oil (excluding re-refined 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.

[R]

6.5.5. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;

- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Appeals Version