

## 19. Open Space 3 Zone

### Note:

Vegetation clearance, earthworks or land disturbance within or within a 10m 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)

### 19.1. 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 19.2 and 19.3:

[D]

**19.1.1. Passive recreation.**

[D]

**19.1.2. Recreational event or special event.**

[D]

**19.1.3. Freedom camping except for in an area identified as a prohibited area for freedom camping in a bylaw made by the Council.**

[R, D]

**19.1.4. Conservation planting.**

[R, D]

**19.1.5. Indigenous vegetation clearance.**

[R, D]

**19.1.6. Non-indigenous vegetation clearance, excluding where managed by the National Environmental Standards for Commercial Forestry 2017.**

[R, D]

**19.1.7. Excavation**

[R, D]

**19.1.8. Filling of land with clean fill.**

[R, D]

**19.1.9. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

**Commented [ 2 ]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 24 May 2023

**Commented [ 3 ]:** RESOLVED:  
Environmental Defence Society  
ENV-2020-CHC-67  
By consent order dated 31 October 2023

**Commented [ 4 ]:** NES-CF s44A(5)

[D]

**19.1.10. Farming.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlots: Regulations 9, 10 and 11.
- (b) Stockholding areas: Regulations 12, 13 and 14.
- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

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

[R]

**19.1.11. 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]

**19.1.12. Discharge of contaminants to air from burning for the purposes of vegetation clearance.**

[R]

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

[R]

**19.1.14. Discharge of human effluent into land through a long drop toilet.**

[R]

**19.1.15. Discharge of human effluent into or onto land.**

[R]

**19.1.16. Application (involving a discharge) of a vertebrate toxic agent into or onto land.**

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

[R]

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

[R]

**19.1.18. [deleted]**

Commented [ 6]: NES-FW s44A(5)

[R]

**19.1.19. Storage and application (involving a discharge) of fertiliser or lime into or onto land.**

Note:

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate

of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard 3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

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

[R]

**19.1.20. Application (involving a discharge) of compost or solid agricultural waste into or onto land.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.

Commented [ 8]: NES-FW s44A(5)

[R]

**19.1.21. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.

Commented [ 9]: NES-FW s44A(5)

[R]

**19.1.22. Disposal of farm rubbish into a pit.**

[R]

**19.1.23. Disposal of offal or a carcass into an offal pit.**

[R]

**19.1.24. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.**

[R]

**19.1.25. Storage of compost not in a pit or stack.**

[R]

**19.1.26. Livestock entering onto, or passing across, the bed of any river.**

Note:

The Resource Management (Stock Exclusion) Regulations 2020 require dairy cattle, pigs, dairy support cattle, intensively grazed beef cattle and deer, and beef cattle and deer on low slopes to be excluded from wide rivers.

Commented [ 10]: By consent order dated 1 November 2023

[R]

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

- (a) creating special smoke and fire effects for the purposes of producing films;
- (b) fireworks display or other temporary event involving the use of fireworks.

[R]

**19.1.28. The discharge of contaminants into air from the storage or transfer of petroleum**

products, including vapour ventilation and displacement.

[D]

19.1.29. Buildings, structures and activities in the National Grid Yard.

[R]

19.1.30. Discharge of dust.

**Commented [ 11]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

## 19.2. Standards that apply to all permitted activities

### 19.2.1. Construction and siting of any building and structure.

- 19.2.1.1. The maximum height of a building or structure must not exceed 10m.
- 19.2.1.2. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.
- 19.2.1.3. A building or structure must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank or the sea.
- 19.2.1.4. A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 19.2.1.5. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
- except for a building or structure with a total area not exceeding 10m<sup>2</sup>, a building platform must be located at least 20m vertically below a Significant Ridgeline;
  - the exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 19.2.1.6. On land within the Wairau Dry Hills High Amenity Landscape:
- except for a building or structure with a total area not exceeding 10m<sup>2</sup>, a building platform must be located at least 20m vertically below a Significant Ridgeline;
  - the exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 19.2.1.7. Except for the construction or siting of a fence or gate necessary for farming activity, or for conservation purposes, no building or structure must be constructed or sited within the White Bluffs Outstanding Natural Feature and Landscape.
- 19.2.1.8. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:
- post and wire stock and boundary fences;
  - structures which are both less than 6m<sup>2</sup> in area and less than 2m in height;

**Commented [ 12]:** NES-CF s44A(5)

- (b) masts, poles, radio and telephone aerials less than 6m above mean ground level;
- (c) viticultural support structures.

19.2.1.9. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:

- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m<sup>2</sup> in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level.

19.2.1.10 A building or structure must not be located within 3m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

#### 19.2.2. Noise.

19.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property:

7.00 am to 10.00 pm	50dB L <sub>Aeq</sub>
10.00 pm to 7.00 am	40dB L <sub>Aeq</sub> 70dB L <sub>AFmax</sub>

19.2.2.2. 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.

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

19.2.2.4 The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Open Space 3 Zone.

#### 19.2.3. Odour.

19.2.3.1. 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.

#### 19.2.4. Smoke.

19.2.4.1. 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.

#### 19.2.5. Dust.

**Commented [ 13]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 15 February 2023

- 19.2.5.1. 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.

**19.2.6. Particulate from any process vent or stack.**

- 19.2.6.1. 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.

- 19.2.6.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m<sup>3</sup> 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.

**19.2.7. Use of external lighting**

- 19.2.7.1 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.

## **19.3. Standards that apply to specific permitted activities**

**19.3.1. Recreational event or special event.**

- 19.3.1.1. The event must not exceed three consecutive days duration.
- 19.3.1.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.
- 19.3.1.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 19.3.1.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

**19.3.2. Conservation planting.**

- 19.3.2.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
  - (b) Lodgepole pine (*Pinus contorta*);
  - (c) Muricata pine (*Pinus muricata*);

- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*);

19.3.2.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

19.3.2.3. Only indigenous species may be planted within the Wairau Dry Hills High Amenity Landscape.

19.3.2.4. Only indigenous species may be planted in, or within 8m of, a Significant Wetland except that pin oak and weeping willow may also be planted in W814.

**19.3.3. Indigenous vegetation clearance.**

**Note:**

Where indigenous vegetation clearance is managed under the National Environmental Standards for Commercial Forestry 2017, Standards 19.3.3.1, 19.3.3.2, 19.3.3.3(a), 19.3.3.4 and 19.3.3.5 do not apply.

19.3.3.1. Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive).

19.3.3.2. The clearance of indigenous vegetation can only occur in the following circumstances:

- (a) where the clearance is of indigenous vegetation under woodlot forest or shelter belt;
- (b) [deleted];
- (c) [deleted];
- (d) where the clearance is associated with the maintenance of existing signs, roads, tracks, fence lines, cycling tracks or walking tracks;
- (e) where the clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the National Grid, existing network utility operations, and existing electricity distribution activities;
- (g) where the clearance is associated with the maintenance of existing hydro-electricity generation activities connected to the National Grid or distribution network;
- (h) where the clearance is associated with the maintenance of existing fire breaks.
- (i) where the clearance is within existing crop or pasture and is for the purpose of cultivation or pasture maintenance where the indigenous vegetation has grown from a previous lawful clearance carried out under the RMA and the indigenous vegetation is less than 10 years in age;
- (j) where the clearance is associated with the maintenance of an archaeological site where authority has been obtained from Heritage New Zealand Pouhere Taonga.
- (k) where the clearance associated with the maintenance of existing:

**Commented [ 14]:** RESOLVED:  
Environmental Defence Society  
ENV-2020-CHC-67  
By consent order dated 31 October 2023

**Commented [ 15]:** Clause 16

**Commented [ 16]:** NES-CF s44A(5)

- (i) farm building where the clearance is no further than 2 metres from the exterior wall of the existing building; or
- (ii) farm water supply pipelines, where the total width of clearance is no greater than 2 metres at any point.
- (l) Clearance of indigenous vegetation where it has been planted as part of a domestic or public garden; or has been planted for amenity purposes; or planted as a shelterbelt;
- (m) Clearance of indigenous vegetation that is a danger to human life;
- (n) Clearance of indigenous vegetation that is a material risk to structures or utilities;
- (o) Clearance of indigenous vegetation that cannot reasonably be avoided in the course of destroying pests required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or as a result of a biosecurity response activity under the direction of an Authorised Person appointed in accordance with Section 103 of the Biosecurity Act 1993.

19.3.3.3. Clearance of indigenous vegetation permitted by 19.3.3.2(i) within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- (c) coastal vegetation dominated by (making up >50% of the canopy cover) *Phormium species*;
- (d) coastal broadleaved shrubland;
- (e) coastal small-leaved shrubland;
- (f) coastal salt turf;
- (g) coastal speargrass herbfield.

19.3.3.4. [deleted]

19.3.3.5. [deleted]

- (a) [deleted]
- (b) [deleted]
- (c) [deleted];
- (d) [deleted].

19.3.3.6. [deleted]

19.3.3.7. [deleted]

- (a) [deleted]
- (b) [deleted]
  - (i) [deleted]
  - (ii) [deleted].

19.3.3.8 Clearance of indigenous vegetation must not be within 20m of a Riparian Natural Character Management Area.

**Commented [ 17]:** Errata 17. Clause 16.

**Commented [ 18]:** RESOLVED:  
 Manawa Energy Limited (Previously Trustpower)  
 ENV-2020-CHC-50  
 Royal Forest and Bird Protection Society of New Zealand  
 Incorporated  
 ENV-2020-CHC-64  
 By consent order dated 24 May 2023

**Commented [ 19]:** By consent order dated 24 May 2023



**19.3.4. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Commercial Forestry 2017.**

Commented [ 20]: NES-CF s44A(5)

Note:

Standards 19.3.4.1, 19.3.4.2 and 19.3.4.4 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

- 19.3.4.1. 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.
- 19.3.4.2. Vegetation clearance must not be in, or within 30m of, a river within a Water Resource Unit with a Natural State classification.
- 19.3.4.3. [deleted]
- 19.3.4.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 19.3.4.5. 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, Significant Wetland 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, Significant Wetland 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.
- 19.3.4.6. Vegetation clearance must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area.

Commented [ 21]: NES-FW s44A(5)

Commented [ 22]: Clause 16

**19.3.5. Excavation.**

Note:

Where excavation is managed under the National Environmental Standards for Commercial Forestry 2017 as earthworks, Standards 19.3.5.1, 19.3.5.2, 19.3.5.3(a), 19.3.5.4, 19.3.5.11, 19.3.5.13, 19.3.5.14 and 19.3.5.15 do not apply, and Standard 19.3.5.12 only applies to the extent that it relates to Significant Wetlands smaller than 0.25 ha in area.

Commented [ 23]: NES-FW s44A(5)

Commented [ 24]: NES-CF s44A(5)

- 19.3.5.1. There must be no excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20 degrees within any 24 month period. This standard excludes:
  - (a) excavation undertaken for the maintenance of farm tracks; or
  - (b) digging of postholes for the construction of fences.
- 19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.
- 19.3.5.3. Excavation must not be in, or within:
  - (a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;
  - (ai) 20m of a Riparian Natural Character Management Area.

Commented [ 25]: By consent order dated 24 May 2023

- (b) 30m of a river within a Water Resource Unit with a Natural State classification;
  - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.
- 19.3.5.4. The excavation must not occur in a Soil Sensitive Area identified as loess soils.
- 19.3.5.5. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 19.3.5.6. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level R Flood Hazard Area in the vicinity of Condors Overflow.
- 19.3.5.7. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- (a) Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range;
  - (b) Mt Duncan, Mount Rutland and Mount Cullen;
  - (c) Limestone Coastline;
  - (d) Marlborough Sounds;
  - (e) The Main Divide and Leatham Conservation Area;
  - (f) Inland Kaikoura Range;
  - (g) Molesworth Station and Upper Clarence;
  - (h) Wairau Lagoons.
- This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.
- 19.3.5.8. There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area.
- 19.3.5.9. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 19.3.5.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 19.3.5.11. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by 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 any excavation must not be less than 300mm.
- 19.3.5.12. Excavation must not cause any conspicuous change in the colour or natural clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area.
- 19.3.8.13. Excavation must not cause water to enter onto any adjacent land under different ownership.

Commented [ 26]: NES-FW s44A(5)

Commented [ 27]: Clause 16

Commented [LW528]: By consent order dated 25 March 2022 (Landscape)

### 19.3.6. Filling of land with clean fill.

- 19.3.6.1. Filling in excess of 1000m<sup>3</sup> must not occur within any 24 month period.

19.3.6.2. Fill must not be placed over woody vegetation on land with a slope greater than 10°.

19.3.6.3. Filling must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
- (ai) 20m of a Riparian Natural Character Management Area;
- (b) 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 8m of the landward toe of a stopbank.

**Commented [ 29]:** By consent order dated 24 May 2023

**Commented [ 30]:** NES-FW s44A(5)

19.3.6.4. The filling must not occur on a slope greater than 7.5° if the filling is within a Soil Sensitive Area identified as loess soils.

19.3.6.5. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

**Commented [ 31]:** Clause 16

19.3.6.6. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

19.3.6.7. 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 any culvert used to drain any fill areas must be less than 300mm.

19.3.6.8. 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 or other means to achieve a rapid vegetative cover.

19.3.6.9. Filling must not be within a Level 2 or 3 Flood Hazard Area.

19.3.6.10. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:

- (a) Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range
- (b) Mt Duncan, Mount Rutland and Mount Cullen;
- (c) Limestone Coastline;
- (d) Marlborough Sounds;
- (e) The Main Divide and Leatham Conservation Area;
- (f) Inland Kaikoura Range;
- (g) Molesworth Station and Upper Clarence;
- (h) Wairau Lagoons.

This does not apply to filling for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

**Commented [LW532]:** By consent order dated 25 March 2022

19.3.6.11. The filling must not cause any conspicuous change in the colour or natural clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area.

19.3.6.12. Filling must not cause water to enter onto any adjacent land under different ownership.

**19.3.7. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

- 19.3.7.1. The bore must be drilled by a Recognised Professional.
- 19.3.7.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 19.3.7.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

**19.3.8. Farming.**

- 19.3.8.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

**19.3.9. 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.**

- 19.3.9.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 19.3.9.2. 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.
- 19.3.9.3. 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.

**19.3.10. Discharge of contaminants to air from burning for the purposes of vegetation clearance.**

- 19.3.10.1. Burning must not be carried out on Land Use Capability Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Fire and Emergency New Zealand Act 2017) for the burn are:
  - (a) Drought code - 200 or higher; or
  - (b) Build up index - 40 or higher.

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

- 19.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.
- 19.3.11.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 19.3.11.3. The total volume of material being burned must not exceed 2m<sup>3</sup> if the property is adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Coastal Living or Rural Living.

**19.3.12. Discharge of human effluent into land through a long drop toilet.**

- 19.3.12.1. There must not be a Council operated sewerage system designed for that purpose within 60m of the long drop toilet.
- 19.3.12.2. The bottom of the long drop is located at least 1m above the highest groundwater level at all times.
- 19.3.12.3. The long drop toilet must not be located:
  - (a) within 50m of a river, lake, Significant Wetland or drainage channel;
  - (b) within 30m of a bore.
- 19.3.12.4. The long drop toilet must not be constructed on unconsolidated gravels, coarse or medium sands, fissured rocks or scree.
- 19.3.12.5. Once the human effluent reaches within 1m of the original ground level, or the long drop is no longer used, the content of the long drop must be covered with soil to a depth of at least 1m.
- 19.3.12.6. The long drop toilet must be constructed so that no surface run-off enters the toilet.

**19.3.13. Discharge of human effluent into or onto land.**

- 19.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 19.3.13.2. 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.
- 19.3.13.3. 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.
- 19.3.13.4. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 19.3.13.5. 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, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 19.3.13.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 19.3.13.7. Effluent must be able to:
  - (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
  - (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.
- 19.3.13.8. The discharge must not occur within a Groundwater Protection Area.
- 19.3.13.9. 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.
- 19.3.13.10. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

**19.3.14. Application (involving a discharge) of a vertebrate toxic agent into or onto land.**

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

- 19.3.14.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.
- 19.3.14.2. All reasonable care must be exercised with the application so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

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

- 19.3.15.1. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 19.3.15.2. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 19.3.15.3. 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.
- 19.3.15.4. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 19.3.15.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

**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.

**19.3.16. [deleted]**

**19.3.17. Storage and application (involving a discharge) of fertiliser or lime into or onto land.**

- 19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 19.3.17.2. Fertiliser must be stored on an impermeable surface, bunded and covered at all times, except when fertiliser is being applied.
- 19.3.17.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

**Commented [ 33]:** By consent order dated 31 October 2023

**Commented [ 34]:** NES-FW s44A(5)

- 19.3.17.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200kg N/ha/year (excluding N from direct animal inputs).
- 19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.
- 19.3.17.6. The application of fertiliser must not result in fertiliser passing beyond the legal boundary of the area of land on which the fertiliser is being applied.
- 19.3.17.7. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

**19.3.18. Application (involving a discharge) of compost and solid agricultural waste into or onto land.**

- 19.3.18.1. The application must not occur within:
  - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 10m of a dwelling on any adjacent land in different ownership.
- 19.3.18.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 19.3.18.3. The application must not occur within a Groundwater Protection Area.

**19.3.19. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.**

- 19.3.19.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 19.3.19.2. The discharge must not occur within:
  - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 10m of the boundary of any adjacent land in different ownership.
- 19.3.19.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 19.3.19.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 19.3.19.5. Ponding must not be detectable beyond 24 hours after discharge.
- 19.3.19.6. The discharge must not result in anaerobic soil conditions.
- 19.3.19.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 19.3.19.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 19.3.19.9. Records of pH levels must be kept and available upon request by the Council.

19.3.19.10. The discharge must not occur within a Groundwater Protection Area.

**19.3.20. Disposal of farm rubbish into a pit.**

- 19.3.20.1. Only biodegradable material (including offal or a carcass not from intensive farming) may be disposed of to a farm rubbish pit.
- 19.3.20.2. Only farm rubbish sourced from the same property, or a property held in the same ownership, may be disposed of to a farm rubbish pit.
- 19.3.20.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 19.3.20.4. The farm rubbish pit must not be located within:
  - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 50m of any boundary of the property or a dwelling.
- 19.3.20.5. Surface run-off must not enter the pit.
- 19.3.20.6. When any pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.
- 19.3.20.7. The farm rubbish pit must be located above the natural ground water level at all times.

**19.3.21. Disposal of offal or a carcass into an offal pit.**

- 19.3.21.1. Only offal, or carcasses (except those from intensive farming) sourced from the same property, or a property held in the same ownership may be disposed of to an offal pit.
- 19.3.21.2. Only offal, carcasses or biodegradable material may be disposed of to an offal pit.
- 19.3.21.3. The offal pit must not be located within:
  - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 50m of any boundary of the property or a dwelling.
- 19.3.21.4. The offal pit must be located above the natural ground water level at all times.
- 19.3.21.5. When not in use, the offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface run-off.
- 19.3.21.6. The offal pit must not occur within a Groundwater Protection Area.

Commented [ 35]: Clause 16

**19.3.22. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.**

- 19.3.22.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils unless the stack or stockpile is located on an impermeable material or surface.



- 19.3.22.2. The pit must not be located on a Soil Sensitive Area identified as free-draining soils or loess soils.
- 19.3.22.3. The pit, stack or stockpile must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 10m of any boundary of any adjacent land in different ownership.
- 19.3.22.4. The pit or stack must be completely covered by an impermeable material when the pit or stack is not being accessed to add or remove compost or silage.
- 19.3.22.5. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.
- 19.3.22.6. Surface run-off must not enter the pit, stack or stockpile.
- 19.3.22.7. The pit, stack or stockpile must not occur within a Groundwater Protection Area.
- 19.3.22.8. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m<sup>2</sup> in area.

**19.3.23. Storage of compost not in a pit or stack.**

- 19.3.23.1. The storage of compost must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
  - (b) 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - (c) 10m of any dwelling on any adjacent land in different ownership.
- 19.3.23.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.
- 19.3.23.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.
- 19.3.23.4. The storage of compost must not occur within a Groundwater Protection Area.
- 19.2.23.5. The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m<sup>2</sup> in area.

**19.3.24 Livestock entering onto, or passing across, the bed of any river.**

- 19.3.24.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.
- 19.3.24.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or natural clarity of a flowing river, due to sediment or sediment laden discharge originating from the activity site;
- 19.3.24.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock (except sheep being supervised and actively driven across the bed of the river) must not result in the water quality of the river exceeding the following:

- (a) 2mg/l carbonaceous BOD<sub>5</sub>;
- (b) 260 Escherichia coli (E. coli)/100ml.

**Commented [ 36]:** By consent order dated 1 November 2023

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

- (a) creating special smoke and fire effects for the purposes of producing films;
- (b) fireworks display or other temporary event involving the use of fireworks.

- 19.3.25.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 19.3.25.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (b), must not occur during the months of May, June, July or August.
- 19.3.25.3. 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.

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

- 19.3.26.1. 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.

**19.3.27. Buildings, structures and activities in the National Grid Yard.**

- 19.3.27.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.
- 19.3.27.2. Buildings and structures must not be located within the National Grid Yard unless they are:
  - (a) a fence not exceeding 2.5m in height; or
  - (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
  - (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure.
- 19.3.27.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:
  - (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
  - (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
    - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
    - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or

- (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of Clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

19.3.27.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions or otherwise comply with setbacks from conductors in section 3.3 or section 3.4 of the NZECP34:2001, following the process set out in section 3.2.1 of the NZECP34:2001, at all times.

**Commented [ 37]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

#### 19.3.28. Earthworks within the National Grid Yard.

19.3.28.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:

- (a) Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
- (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
- (c) Earthworks that are undertaken by a network utility operator.

19.3.28.2. The earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure.

19.3.28.3. The earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure.

19.3.28.4. The earthworks must not compromise the stability of a National Grid transmission line support structure.

19.3.28.5. The earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

**Commented [ 38]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

### 19.3A. Controlled Activities

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

[R]

**19.3A.1 The lawfully established discharge of contaminants to land associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative, except where already provided for in 19.1.**

*Standards and terms:*

- 19.3A.1.1 The consent application(s) replace existing resource consents; and
- 19.3A.1.2 There must be no increase in the existing volume of discharge or the nature of contaminants being discharged; and
- 19.3A.1.3 The discharge must result from the activities provided for in Rules 2.4.2 and/or 2.9A.1.

*Matters over which the Council has reserved control:*

- 19.3A.1.4 Measures to avoid, remedy or mitigate any adverse effects on the following:
- (a) cultural values;
  - (b) lawfully established users of the lake or river;
  - (c) downstream sediment transport processes;
  - (d) aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
  - (e) outstanding natural features and outstanding natural landscapes, and natural character;
  - (f) amenity values (including recreation), and existing public access to and along the margins of lakes and rivers:
- 19.3A.1.5 Measures required to comply with Section 107(1) of the RMA:
- 19.3A.1.6 Maintenance and contingency requirements;
- 19.3A.1.7 Monitoring and information requirements:
- 19.3A.1.8 Duration of consent;
- 19.3A.1.9 Review of consent conditions: and
- 19.3A.1.10 Compliance monitoring.

**Commented [ 39]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 14 October 2022

## 19.3B. Restricted Discretionary Activities

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

[R]

### 19.3B.1 livestock entering onto or passing across the bed of a river that does not comply with 19.3.24.2 or 19.3.24.3.

*Matters over which the Council has restricted its discretion:*

- 19.3B.1.1 The effects on the freshwater values of Marlborough's tangata whenua iwi (including mahinga kai), water quality, and aquatic and riparian ecosystems.

**Commented [ 40]:** By consent order dated 1 November 2023

## 19.4. Discretionary Activities

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlots: Regulations 9, 10 and 11.
- (b) Stockholding areas: Regulations 12, 13 and 14.
- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

Note:

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard

**Commented [ 41]:** New Zealand Transport Agency  
ENV-2020-CHC-56

New restricted discretionary rule and standards in relation to noise sensitive activities (See appendix B of appeal)

3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

**Commented [ 42]:** NES-FW s44A(5)

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

[R, D]

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

**Commented [ 43]:** By consent order dated 14 October 2022

[R]

**19.4.2 Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, livestock entering into or passing across a Significant Wetland.**

**Commented [ 44]:** By consent order dated 1 November 2023

[R, D]

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

[R]

**19.4.4. 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.**

**Commented [ 45]:** Transpower New Zealand Limited ENV-2020-CHC-68

New non-complying rule: Any activity that does not meet the Standard in 19.3.27 or Standard 19.3.28.

**Commented [ 46]:** By consent order dated 14 October 2022

## 19.5. Prohibited Activities

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

[R]

**19.5.1. 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 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]

**19.5.2. 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.

[R]

**19.5.2. 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]

**19.5.3. Planting Lodgepole pine (*Pinus contorta*).**

Note:

[deleted]

R]

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

Commented [ 47]: Clause 16