

21. Floodway Zone

Unless explicitly specified, these rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, or the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.

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)

21.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities, including the discharge of sediment, shall be permitted without resource consent where they comply with the applicable standards in 21.2 and 21.3:

[R, D]

21.1.1. Maintenance or reconstruction of a stopbank that is structurally weak, damaged or that has developed isolated low points.

[R, D]

21.1.2. Rock, concrete block or gabion structural bank protection works.

[R]

21.1.3. Driving and construction of a piled retard.

[R, D]

21.1.4. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

[R, D]

21.1.5. Replacement or maintenance of a culvert or floodgate.

Note:

For the placement (including replacement), use, alteration, extension or reconstruction of a culvert in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020, Regulation 70 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 applies in addition to this rule.

Note:

The placement, use, alteration, extension, or reconstruction of a passive flap gate in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020 is managed under Regulation 74 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Commented [2]: NES-FW s44A(5)

[R]

21.1.6. Shaping and beaching.

[R]

21.1.7. Land disturbance works to facilitate the diversion of water.

[R]

21.1.8. Gravel and sediment removal within a dry part of a riverbed.

[R]

21.1.9. Gravel and sediment removal within a wet part of a riverbed.

[R]

21.1.10. Gravel and sediment stockpiling and gravel processing facilities, within a dry part of a riverbed.

[R]

21.1.11. Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion.

[R]

21.1.12. Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

[R]

21.1.13. Removal or control of aquatic vegetation in a river by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

[R]

21.1.14. Removal or control of terrestrial vegetation in a riverbed by mechanical and/or other physical means.

[R]

21.1.15. Discharge of agrichemicals into or onto land by any person.

[R, D]

21.1.16. Passive recreation undertaken by any person.

[R, D]

21.1.17. Farming undertaken by any person.

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 [3]: NES-FW s44A(5)

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 [4]: By consent order dated 1 November 2023

[R]

21.1.18. 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]

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

Commented [5]: Clause 16

[R]

21.1.20 Discharge of dust.

21.2. Standards that apply to all permitted activities

21.2.1. General.

- 21.2.1.1. No refuelling or fuel storage must take place within 20m of water.
- 21.2.1.2. No storage or placement of a hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of water.
- 21.2.1.3. The activity must not cause flooding or erosion of private land.
- 21.2.1.4. The activity must not be in, or within 10m of, a Significant Wetland.
- 21.2.1.5. The works or structures do not prevent any existing fish passage.

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

Commented [7]: Transpower New Zealand Limited
ENV-2020-CHC-68
By consent order dated 6 October 2022

21.2.2. Noise.

21.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the zone:

7.00 am to 10.00 pm	65dB LAeq
10.00 pm to 7.00 am	65dB LAeq 75dB LAFmax

21.2.2.2. An activity undertaken within the Floodway Zone must be conducted to ensure that noise arising at any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living or Coastal Living does not exceed the following noise limits:

7.00 am to 10.00 pm	50dBA LAeq
10.00 pm to 7.00 am	40dBA LAeq 70dB LAFmax

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

- (a) mobile machinery used for a limited duration.;
- (b) a fixed motor or equipment, frost fan or gas gun, milling or processing forestry activity, static irrigation pump; or motorbike that is being used for recreational purposes.

21.2.2.4. 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.

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

21.2.3. Odour.

21.2.3.1. 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.

21.2.4. Smoke.

21.2.4.1. 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.

21.2.5. Dust.

21.2.5.1. 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.

21.2.6. Particulate from any process vent or stack.

21.2.6.1. 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.

21.2.6.2. 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.

21.2.7. Use of external lighting

21.2.7.1. All outdoor lighting and exterior lighting must be directed away from roads so as to avoid any adverse effects on traffic safety.

21.2.8. Electrical Safe Distances

- 21.2.8.1. Any land disturbance activity must comply with section 2.2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) that relates to setbacks from overhead electric line supports at all times.
- 21.2.8.2 Any fence of conductive materials must comply with section 2.3 of the NZECP34:2001 at all times.
- 21.2.8.3 Any building or structure must comply with section 2.4 of the NZECP34:2001 that relates to setbacks from overhead electric line supports at all times.
- 21.2.8.4 Any building or structure must 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.
- 21.2.8.5 Any material deposited under or near an overhead electric line must comply with section 4.3.1 of the NZECP34:2001 at all times.
- 21.2.8.6 The operation of mobile plant near conductors must comply with section 5 of the NZECP34:2001 at all times.
- 21.2.8.7 Work undertaken near exposed live parts must comply with Section 9 of the NZECP34:2001 at all times.

Commented [8]: By consent order dated 6 October 2022

21.3. Standards that apply to specific permitted activities**21.3.1. Maintenance or reconstruction of a stopbank that is structurally weak, damaged or that has developed isolated low points.**

- 21.3.1.1. A stopbank must only be reconstructed up a maximum of the 1 in 100 year design height.
- 21.3.1.2. Works must be undertaken outside of the wet part of the riverbed where practicable.

21.3.2. Rock, concrete block or gabion structural bank protection works.

- 21.3.2.1. Rock may be used for protecting a river bank edge, training bank or stopbank.
- 21.3.2.2. Rock from a damaged or redundant structure may be recovered from the riverbed.
- 21.3.2.3. A continuous length of vertical gabion bank wall exceeding 50m must be avoided by interposing some gently sloping sections for bird access.
- 21.3.2.4. A motor vehicle body, old machinery or scrap iron must not be used for bank protection works.

- 21.3.2.4. Placement of rock rip-rap in a tidal reach must not take place between 1 August and 30 November in any year.

Commented [9]: Clause 16. 21.3.2.3 and 21.3.2.4 have merged meaning that the original numbering was correct.

21.3.3. Driving and construction of a piled retard.

- 21.3.3.1. A piled retard may be used in conjunction with tree planting as bank edge protection.
- 21.3.3.2. A piled retard must only be used where there is adequate channel width and a retard is likely to aggrade with sediment to form a new river bank.

21.3.3.3. A piled retard may be used as a debris arrestor in front of a culvert, provided that fish passage is not obstructed.

21.3.4. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

21.3.4.1. Concrete lining must not be constructed when there is flowing water in the channel.

21.3.5. Replacement or maintenance of a culvert or floodgate.

21.3.5.1. The maintenance must occur within the original location of a culvert or floodgate.

21.3.5.2. A temporary coffer dam constructed for the purposes of the maintenance must be removed at the completion of the maintenance.

21.3.5.3. A secondary flow path to enable overtopping floodwaters to return to the downstream channel without increasing the flood hazard to another person's property must be constructed during maintenance.

21.3.5.4. [deleted]

Commented [10]: NES-FW s44A(5)

21.3.5.5. [deleted]

Commented [11]: NES-FW s44A(5)

21.3.5.6. [deleted]

Commented [12]: NES-FW s44A(5)

21.3.5.7. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

21.3.5.8. Fish passage must be provided for floodgates, where habitat exists upstream of the floodgate.

21.3.6. Shaping and beaching.

21.3.6.1. The shaping must be necessary for maintaining the flood carrying capacity of the floodway, or for the stability of the riverbank in the vicinity.

21.3.6.2. Shaping and beaching work must not be to a level higher than that of the natural river bank.

21.3.6.3. The channel shape and form both in cross section and longitudinal slope must be kept similar to the typical natural form of the bed of that river.

Commented [13]: Clause 16

21.3.6.4. Works must not be undertaken in flowing water.

21.3.6.5. Any discharge of sediment into water associated with the shaping or beaching must not, after reasonable mixing, cause a conspicuous change in colour of the receiving water or clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

21.3.6.6. During the period of 1 September to 31 December in any year, no works must occur within 50m of a nesting indigenous bird in a lakebed or riverbed.

21.3.7. Land disturbance works to facilitate the diversion of water.

Commented [14]: Nelson-Marlborough Fish and Game Council
ENV-2020-CHC-35
By consent order dated 3 November 2022

21.3.7.1. The works must only be carried out working in an upstream direction.

21.3.7.2. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.

21.3.7.3. The full length of a redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.

- 21.3.7.4. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to the works commencing.
- 21.3.7.5. The diversion must be necessary for maintaining the stability of the riverbank in the vicinity, or for facilitating the removal of gravel or sediment for river control purposes.
- 21.3.7.6. Any discharge of sediment into water associated with the land disturbance works must not, after reasonable mixing, cause a conspicuous change in colour of the receiving waters or a change in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

Commented [15]: Clause 16

21.3.8. Gravel and sediment removal within a dry part of a riverbed.

- 21.3.8.1. Gravel and sediment must be extracted in strips and layers from the inside of bends, working from the water's edge towards the land and with a perceptible slope rising away from the water edge, alternatively, a buffer strip of 1m width must be left between the water's edge and the start of excavation.
- 21.3.8.2. The removal must not disturb flowing water.
- 21.3.8.3. Any removal must take place from the downstream end of the gravel beach, working upstream.
- 21.3.8.4. No secondary braid or flow pattern must be opened up during the removal operation.
- 21.3.8.5. A vertical face of an area of gravel removal must not exceed one metre in height.
- 21.3.8.6. Gravel must not be stockpiled within the active riverbed for a period exceeding 24 hours.
- 21.3.8.7. Oversize boulders or other sediment excavated must be removed from the riverbed.
- 21.3.8.8. Access across the Wairau floodway berms for gravel extraction is not permitted from Boyces Road, Pauls Road, Giffords Road, Cravens Road, Hillocks Road or State Highway 1 (North Bank).
- 21.3.8.9. An access route to a removal point must not cross or cut off flow into a minor channel or backwater, not adversely affect riparian vegetation or not disturb native birds using riparian vegetation for nesting.
- 21.3.8.10. The removal of gravel must be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday (inclusive). No gravel must be removed on a public holiday or between 24 December and 3 January (inclusive).
- 21.3.8.11. During the period of 1 September to 31 December in any year no removal must occur within 50m of an indigenous nesting bird on the riverbed.
- 21.3.8.12. The amount of gravel removed must not exceed, on an annual basis, the amount specified in the MDC Marlborough Rivers Gravel Extraction Strategy.

Commented [16]: Nelson-Marlborough Fish and Game Council
ENV-2020-CHC-35
By consent order dated 3 November 2022

21.3.9. Gravel and sediment removal within a wet part of a riverbed.

- 21.3.9.1. The removal must be necessary for maintaining the flood carrying capacity of the floodway, or for the stability of the riverbank in the vicinity.
- 21.3.9.2. Gravel or sediment removal must not be carried out more than once in any 12 month period in any reach of any floodway.

- 21.3.9.3. Excavators must operate from the riverbank where possible.
- 21.3.9.4. The removal must not be carried out in water greater than 2m average depth.
- 21.3.9.5. The gravel and sediment removed must be retained on adjacent river banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the river.
- 21.3.9.6. The removal must not be carried out in a tidal reach between 1 February and 30 April in any year.
- 21.3.9.7. The removal must not limit fish passage.
- 21.3.9.8. For a river with a greater than 10m width of flowing water, not more than half the width of the riverbed must be disturbed at any time.
- 21.3.9.9. The extraction of gravel and sediment must be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday (inclusive). No gravel must be extracted on a public holiday or between 24 December and 3 January (inclusive).
- 21.3.9.10. Any discharge of sediment into water associated with the removal must not, after reasonable mixing, cause a conspicuous change in colour of the receiving water or a change in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 21.3.9.11. Allowable road access routes to floodways must be controlled by the Council's permit system to ensure road safety and maintenance standards as set out in the MDC Marlborough Rivers Gravel Extraction Strategy are met.
- 21.3.9.12. During the period of 1 September to 31 December in any year no removal must occur within 50m of nesting birds on the riverbed.
- 21.3.9.13. The amount of gravel removed from any floodway must not exceed, on an annual basis, the amount specified in the MDC Marlborough Rivers Gravel Extraction Strategy.
- 21.3.9.14. The Nelson Marlborough Fish and Game Council must be informed of the proposed works at least 5 working days prior to the works commencing where the gravel or sediment removal is at the Wairau River/ Tuamarina River confluence.
- 21.3.10. Gravel and sediment stockpiling and gravel processing facilities, within a dry part of a riverbed.**
- 21.3.10.1. The gravel and sediment stockpiled must be limited to that removed from nearby parts of the same floodway.
- 21.3.10.2. Gravel and sediment must not be stockpiled within a floodway for a period exceeding 24 hours, except as allowed for in 21.3.10.3.
- 21.3.10.3. Gravel and sediment may be stockpiled for periods longer than 24 hours where the stockpiling will not impair the flood capacity of the river.
- 21.3.10.4. Stockpiling must be in the locations identified, and only up to the maximum quantities specified, in the MDC Marlborough Rivers Gravel Extraction Strategy.
- 21.3.11. Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion.**
- 21.3.11.1. Crack willow must not be planted on any floodway.

Commented [17]: Clause 16

Commented [18]: Nelson-Marlborough Fish and Game Council
ENV-2020-CHC-35
By consent order dated 3 November 2022

- 21.3.11.2. When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted.

21.3.12. Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

- 21.3.12.1. Cutting must not be carried out more than once in any 12 month period on any river reach, except that the Lower Ōpaoa River may be cut up to four times per year and the Taylor River may be cut up to two times per year.
- 21.3.12.2. The removal or control must not be carried out in a tidal reach between 1 February and 30 April in any year.
- 21.3.12.3. The excavator must not enter flowing water unless there is no practical alternative.
- 21.3.12.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the river.
- 21.3.12.5. Removed material must be retained on adjacent river banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the river.

21.3.13. Removal or control of aquatic vegetation in a river by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

- 21.3.13.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any river reach, except that the Lower Ōpaoa River may be cut up to four times per year.
- 21.3.13.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April in any year.
- 21.3.13.3. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the river.

21.3.14. Removal or control of terrestrial vegetation in a riverbed by mechanical or other physical means.

- 21.3.14.1. The cut or felled vegetation must be removed from a riverbed less than 3m in width.
- 21.3.14.2. Vegetation greater than 100mm in diameter must be removed from a riverbed wider than 3m except in the Floodway Zone in the Upper Wairau River (above the Waihopai confluence).
- 21.3.14.3. Machinery must not be operated in flowing water.
- 21.3.14.4. Removal of trees overhanging or partially in the water must be by machinery operated on the river bank or mounted on a boat or barge.
- 21.3.14.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to remove or control the vegetation.

21.3.15. Discharge of agrichemicals into or onto land by any person.

- 21.3.15.1. The discharge 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.

Commented [19]: Clause 16

21.3.15.2 All spills of agrichemicals above the application rate must be notified to Council immediately.

21.3.15.3. The agrichemical must not enter water.

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 [20]: By consent order dated 31 October 2023

21.3.16. Farming undertaken by any person.

21.3.16.1. That any activity on Council owned land must be authorised by the Council through a formal agreement.

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

21.3.16.3. Standards 2.9.9.1 to 2.9.9.3 (inclusive) in the General Rules for livestock entering onto, or passing across, the bed of a river apply.

21.3.17. 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.

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

23.3.17.2. 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.

23.3.17.3. [deleted]

Commented [21]: Clause 16 – Irrelevant standard

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

21.3.18.1 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.

21.4. Discretionary Activities

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

[R, D]

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

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.

Commented [22]: 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)

- (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:

The placement, use, alteration, extension, or reconstruction of a passive flap gate in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020 is managed under Regulation 74 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

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

[D]

21.4.2. Any use of land not provided for as a Permitted Activity.

[R]

21.4.3. Any use of the bed of a lake or river not provided for as a Permitted Activity.

[R]

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

[R]

21.4.5. Any activity ~~provided for as a Permitted Activity~~ undertaken by any person other than Marlborough District Council, unless provided for as a Permitted Activity.

Commented [24]: Clause 16
MEP Update 7 – 04/11/20

Commented [25]: Transpower New Zealand Limited
ENV-2020-CHC-68

New non-complying rule: Any activity that does not meet
Standard 21.2.1.x.

21.5. Prohibited Activities

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

[R]

21.5.1. Discharge of contaminants to air by any person 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]

21.5.2. Discharge of contaminants to air by any person 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