

23. Airport 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)

23.1. 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 23.2 and 23.3:

[D]

23.1.1. Aviation activity, including takeoff or landing of an aircraft.

[D]

23.1.2. Airport operations, including a freight, passenger facility or firefighting facility.

[D]

23.1.3. Airport navigation, control and safety equipment.

[D]

23.1.4. Aircraft engineering including overhaul and testing.

[D]

23.1.5. Maintenance or servicing of aircraft.

[D]

23.1.6. Engine testing.

[D]

23.1.7. Fuel installation or a fuel servicing facility.

[D]

23.1.8. Commercial activity ancillary to airport operations, including rental vehicle activity, vehicle valet activity or a catering facility.

[D]

23.1.9. Education or training related to an aviation activity.

[D]

23.1.10. Airshow at Omaka airport.

[D]

23.1.11. Aviation museum.

[D]

23.1.12. Visitor accommodation or caretaker accommodation ancillary to airport operations.

[R, D]

23.1.13. Excavation or filling.

[R, D]

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

[D]

23.1.15. Grazing of livestock.

[D]

23.1.16. Recreation facility or activity.

[R]

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

[R]

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

[R]

23.1.19. Discharge of human effluent into or onto land through any onsite wastewater management system lawfully established prior to 9 June 2016.

[R]

23.1.19A. Discharge of stormwater containing contaminants to land.

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

[R]

23.1.20. 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]

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

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

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[R]

23.1.22. Discharge of contaminants to air from the combustion of fuel (i.e., external combustion).

[R]

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

[R]

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

[R]

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

[R]

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

[R]

23.1.27. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations.

[R]

23.1.28. Discharge of contaminants to air from the burning of solid fuel in a indoor open fire.

[R]

23.1.29. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

[R]

23.1.30. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[R]

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

[R]

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

[D]

23.1.32A. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.

Note:

This rule has legal effect from the date that the PMEP is made operative.

[R]

23.1.33. Discharge of dust.

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23.2. Standards that apply to all permitted activities

23.2.1. Construction and siting of a building or structure.

- 23.2.1.1. A building or structure, including a mast, pole, fence, overhead telegraph cable, overhead power cable, tree or other object must not penetrate any flight path, take off, climb/approach fan or transitional slide slope identified in the Picton (Koromiko) or Omapere Obstacle Limitation Surfaces shown in Appendix 15.
- 23.2.1.2. With the exception of airport navigation control or safety equipment, a building or structure must not exceed a height of 14m.
- 23.2.1.3. A building must be setback 8m from the zone boundary.
- 23.2.1.4. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 23.2.1.5. A building or structure must not be within a Level 3 Flood Hazard Area.
- 23.2.1.6. 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.

23.2.2. Noise.

- 23.2.2.1. Noise from a source other than an aircraft movement, aircraft engine testing, or a national or international gliding event, must comply with the following noise limits measured at any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at or within the notional boundary of any noise sensitive activity on any land zoned Rural Environment:

7.00 am to 10.00 pm	50 db LAeq
10.00 pm to 7.00 am	40db LAeq
- 23.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 23.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

23.2.3. Siting of a noise sensitive activity in the Woodbourne Airport Zone.

- 23.2.3.1. A new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation to habitable spaces installed to ensure a satisfactory internal noise environment. Such insulation must provide an indoor sound environment not exceeding Ldn 40dBA and must be certified by an acoustic engineer as adequate to achieve the design standard.
- 23.2.3.2. An alteration or addition to an existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation to habitable spaces installed to ensure a satisfactory internal noise environment. Such insulation must provide an indoor sound environment not exceeding Ldn 40dBA and

must be certified by an acoustic engineer as adequate to achieve the design standard.

23.2.4. Land use activity in the Woodbourne Airport Zone.

- 23.2.4.1. A new road must not be constructed where a take-off climb/approach or a transitional slope would pass at a lower height than 4.67m vertically above the road.

23.2.5. Siting of a noise sensitive activity in the Picton (Koromiko) Airport Zone.

- 23.2.5.1. A new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dB L_{Aeq} at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.
- 23.2.5.2. An alteration or addition to existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dB L_{Aeq} at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

23.2.6. Use of external lighting.

- 23.2.6.1. All exterior lighting, other than navigational lighting, must be directed away from any adjacent property or road so as to avoid any adverse effects on the neighbourhood and on traffic safety.
- 23.2.6.2. Light spill onto an adjoining property within the zone, measured 2m inside the boundary of the property, must not exceed 10 Lux spill (horizontal and vertical).

23.2.7. Odour.

- 23.2.7.1. 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.

23.2.8. Smoke.

- 23.2.8.1. 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.

23.2.9. Dust.

- 23.2.9.1. 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.

23.2.10. Particulate from any process vent or stack.

- 23.2.10.1. The particulate must not contain hazardous substances.
- 23.2.10.2. 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.

23.3. Standards that apply to specific permitted activities

23.3.1. Engine testing.

- 23.3.1.1. The noise levels from aircraft engine testing must comply with the following:
- (a) The testing must take place between 7am and 10pm and only essential unplanned engine testing can occur outside those hours;
 - (b) noise generated by testing, measured at any point within the notional boundary of a noise sensitive activity in the Rural Environment Zone, must not exceed 55dB L_{Aeq};
 - (c) essential unplanned engine testing must take place on not more than 12 occasions per year for Woodbourne Airport and on not more than 6 occasions per year for Omaka and Picton (Koromiko) Airports;
 - (d) noise from essential unplanned engine testing must not exceed the following noise levels at any point within the notional boundary of any noise sensitive activity in the Rural Environment Zone:

Any day	10.00 pm to 7.00 am	55dB L _{Aeq}
		80dB L _{AFmax}
 - (e) when essential unplanned engine testing occurs, the date, time, duration and reason for the tests must be recorded and provided to the Marlborough District Council upon request.

23.3.2. Excavation or filling.

- 23.3.2.1. Excavation or fill must not be within a Level 2 or 3 Flood Hazard Area.
- 23.3.2.2. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 23.3.2.3. Excavation or filling must not occur within 8m of a river or drainage channel.
- 23.3.2.4. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 23.3.2.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

- 23.3.2.6. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any 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.
- 23.3.2.7. 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.
- 23.3.2.8. 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.
- 23.3.2.9. 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.

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

- 23.3.3.1. The bore must be drilled by a Recognised Professional.
- 23.3.3.2. 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.
- 23.3.3.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

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

- 23.3.4.1. The application must not result in the agrichemical being deposited in or on any river, lake, Significant Wetland or drainage channel that contains water.
- 23.3.4.2. The application must be undertaken in accordance either:
 - (a) 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.
- 23.3.4.3. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 23.3.4.4. 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.

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

- 23.3.5.1. Fertiliser must be stored on an impermeable surface, bunded and covered at all times, except when fertiliser is being applied.
- 23.3.5.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 23.3.5.3. The application must not occur when the soil moisture exceeds field capacity.
- 23.3.5.4. 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).
- 23.3.5.5. 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.
- 23.3.5.6. 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.

23.3.6. Discharge of human effluent into or onto land through any onsite wastewater management system lawfully established prior to 9 June 2016.

- 23.3.6.1. 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.
- 23.3.6.2. There must be no increase in the discharge from the building(s).
- 23.3.6.3. There must be no:
 - (a) ponding of effluent;
 - (b) run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, groundwater or coastal water.
- 23.3.6.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 23.3.6.5. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 23.3.6.6. The discharge must not occur within a Groundwater Protection Area.
- 23.3.6.7. 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.
- 23.3.6.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

23.3.6A. Discharge of stormwater containing contaminants to land.

- 23.3.6A.1. The discharge must not cause erosion of land.
- 23.3.6A.2. The discharge must not cause flooding of land on any other property.

23.3.6A.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.

23.3.6A.4. The discharge must not occur within a Groundwater Protection Area.

23.3.6A.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.

23.3.6A.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.

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23.3.7. 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.

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

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

23.3.7A. Discharge of contaminants to air that is not specifically provided for by any other rule, arising from:

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

23.3.7A.1. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

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23.3.8. Discharge of contaminants to air from the combustion of fuel (i.e., external combustion).

23.3.8.1. The net energy output capacity of the fuel burning device must not exceed:

- (a) 10MW for natural or liquefied petroleum gas;
- (b) 40kW for untreated wood;
- (c) 100kW for coal;
- (d) 200kW for light fuel oil or re-refined oil;
- (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;

- (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
- (g) 10MW for diesel;
- (h) 2MW for kerosene.

23.3.8.2. The limits in 23.3.8.1 for any fuel type apply to the combined net energy output capacity from all the devices burning fuel on the site.

23.3.8.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.

23.3.8.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.

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

23.3.8.6. The stack height must comply with the higher of:

- (a) the requirements in Appendix 8 – Schedule 5; or
- (b) 2.5m higher than the apex of any building, tree, slope or structure within a horizontal radius of 2.5 times the stack height.

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

23.3.8.8. Material listed in Rule 23.5.2 (b) to (m) must not be burnt.

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

23.3.9.1. The fuel must be gas, LPG, petrol, diesel, vegetable oils or alcohol.

23.3.9.2. Fuel containing sulphur at levels greater than 10ppm (or 0.001%) by weight must not be burned.

23.3.9.3. The net energy of the device must not exceed 400kW, this limit applies to the total heat output from a site.

23.3.9.4. If the net energy output of the device is between 30kW and 400kW –

- (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period;
- (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 4.

Exception: The above standards 23.3.9.3 and 23.3.9.4 do not apply to combustion to provide emergency power generation provided for within the General Rules in Volume 2, Chapter 2.

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

23.3.10.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.

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

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

- 23.3.11.1. Coatings that contain di-isocyanates must not be used.
- 23.3.11.2. The spray booth must be fitted with an air extraction system vertically discharging all contaminants and exhaust air to an emission stack.
- 23.3.11.3. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 23.3.11.4. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack that decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 23.3.11.5. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

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

- 23.3.12.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.
- 23.3.12.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.
- 23.3.12.3. Spray coating must not occur on surfaces of fixed structures that can practicably be dismantled and transported to a spray booth.
- 23.3.12.4. The coating material must not contain di-isocyanates or organic plasticisers.
- 23.3.12.5. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.
- 23.3.12.6. There must be no dispersal or deposition of particles beyond the boundary of the property where the discharge originates.

23.3.13. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations.

- 23.3.13.1. The fibre glassing must be undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal.
- 23.3.13.2. The total amount of plastics moulded on the site must be less than 500kg per hour.
- 23.3.13.3. The total amount of fibreglass and resin used on the site must not exceed 50kg per hour.
- 23.3.13.4. A point of discharge to air must be 2m above the highest point of the building containing the operation or any building located within a radius of 2.5 times the height of the discharge.
- 23.3.13.5. The air discharge must be vertical.

23.3.14. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

- 23.3.14.1. The appliance must only burn fuels approved for use in the appliance.
- 23.3.14.2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

23.3.15. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

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

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

- 23.3.16.1. No more than 5MW of heat per hour must be discharged.
- 23.3.16.2. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

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

- 23.3.17.1. Only material generated on the same property can be burned.

23.3.18. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.

- 23.3.18.1. Any new building or external addition to an existing building that contains a noise sensitive activity, or any existing building that contains a new noise sensitive activity, within the State Highway Noise Boundary or Rail Noise Boundary, must comply with one of the following standards:
 - (a) The building is a framed residential building with habitable rooms, is designed, constructed, and maintained in accordance with the construction schedule for indoor noise control in Appendix 31, Schedule 1; or
 - (b) The new building or external addition to an existing building, or in the case of a new noise sensitive activity in an existing building, the existing building, is designed, constructed, and maintained to achieve indoor design noise levels (determined on the basis set out in Appendix 31,

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Schedule 2) resulting from the road or railway not exceeding the maximum values in Appendix 31, Schedule 2; or

- (c) The new building or external addition to an existing building, or in the case of a new noise sensitive activity, the existing building, is at least 50 metres from the carriageway of any state highway or 50 metres from the rail corridor, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to the road surface and to all points 3.8 metres above railway tracks; or
 - (d) In the case of an external addition to an existing building, the addition does not increase the gross floor area of an activity listed in Appendix 31, Schedule 2.
- 23.3.18.2. A report must be submitted to the Council demonstrating compliance with 23.3.18.1(a) or (b) (as relevant) prior to:
- (a) The construction of any new building, or external addition to an existing building that contains a noise sensitive activity; or
 - (b) Any new noise sensitive activity being established in an existing building.
- 23.3.18.3. Mechanical ventilation: If windows must be closed to achieve the design noise levels in Permitted Activity Standards 23.3.18.1(b), the building must be designed, constructed and maintained with a mechanical ventilation system that:
- (a) For habitable rooms located within the State Highway Noise Boundary or Rail Noise Boundary for a residential activity, achieves the following requirements:
 - (i) Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and
 - (ii) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location; and
 - (iii) A Heating, Ventilation and Air Conditioning (HVAC) system installed in compliance with (a)(i) and (ii) above, must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (a)(ii) above, or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
 - (b) Alternatively, in lieu of section (a) above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in (a) above.

Note:

For Permitted Activity Standard 23.3.18.3(a)(ii) an acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data.

- 23.3.18.4. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 23.3.18.3.

Commented [12]: By consent order dated 16 December 2024

23.3A. Restricted Discretionary Activities

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

[R]

23.3A.1. Discharge of stormwater containing contaminants to land where Standards 23.3.6A.4. or 23.3.6A.5. are unable to be met.

Matters over which the Council has restricted its discretion:

- 23.3A.1.1. The effects on groundwater quality, particularly effects on potable supplies.

Commented [13]: By consent order dated 22 October 2024

[D]

23.3A.2. Noise sensitive activities within the State Highway Noise Boundary and Rail Noise Boundary that are unable to meet the Permitted Activity Standards in 23.3.18.

Matters over which the Council has restricted its discretion:

- 23.3A.2.1. Whether the activity sensitive to noise could be located further from the state highway or rail corridor.
- 23.3A.2.2. The extent to which the noise criteria are achieved and the effects of any non-compliance.
- 23.3A.2.3. The character of, and degree of, amenity provided by the existing environment and proposed activity.
- 23.3A.2.4. The reverse sensitivity effects on the state highway or railway network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.
- 23.3A.2.5. Special topographical, building features or ground conditions which will mitigate vibration impacts.
- 23.3A.2.6. The outcome of any consultation with the New Zealand Transport Agency or KiwiRail.

Notification:

Application for resource consent under this rule will be decided without public notification. The New Zealand Transport Agency or KiwiRail (as relevant) are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Commented [14]: RESOLVED:
New Zealand Transport Agency Waka Kotahi
ENV-2020-CHC-56
By consent order dated 16 December 2024

23.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

23.5. Prohibited Activities

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

[R]

23.5.1. 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 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]

23.5.2. 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, D]

23.5.3. Disposal of hazardous waste into or onto land.

Commented [15]: Clause 16

[D]

23.5.4. In the Omaka Airport and Picton (Koromiko) Airport Zones, any new noise sensitive activity underneath the first 500m of the approach and take-off flight fans.

[D]

23.5.5. In the Woodbourne Airport Zone:

- (a) new noise sensitive activity inside the Inner Noise Control Boundary;
- (b) new noise sensitive activity underneath an approach or take-off flight fan within the runway protection overlay of Main Runway 06-24 inside the Outer Noise Boundary.

Appeals Version