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**BEFORE THE ENVIRONMENT COURT  
HELD AT CHRISTCHURCH**

**ENV-2019-CHC**

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**IN THE MATTER OF**

**Resource Management Act 1991**

**AND IN THE MATTER OF**

**An appeal pursuant to clause 14 of the First  
Schedule of the Resource Management Act  
1991 against the decision of the  
Marlborough District Council in respect of  
the Proposed Marlborough Environment  
Plan**

**BETWEEN**

**THE MINISTER OF DEFENCE**

**Appellant**

**AND**

**MARLBOROUGH DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL**

**8 May 2020**

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**CROWN LAW**  
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**To** The Registrar  
Environment Court  
**CHRISTCHURCH**

1. The Minister of Defence (**Minister**) appeals against parts of a decision of the Marlborough District Council (**Council**) on the following plan:
  - Proposed Marlborough Environment Plan (**Proposed Plan**).
2. The Minister through the New Zealand Defence Force (**NZDF**) made a submission and further submission on the Proposed Plan and appeared at the hearing for Topic 18 (Nuisance Effects and Temporary Military Training). The Minister also tabled letters to the Hearings Panel in regards to a number of other topics.
3. The Minister is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).
4. The Minister received notice of the decision on the Proposed Plan on 21 February 2020.
5. The decision was made by Council.

### **The Appeal**

6. The Minister is appealing the following parts of the Council's decision:
  - 6.1 The decision to exclude a new policy in Volume 1, Chapter 16 (Waste and Discharges to Land) and a new permitted activity rule in Volume 2, Chapter 2 (General Rules) in order to provide for stormwater discharges to land under the Proposed Plan.
  - 6.2 The decision not to include new permitted activity rules and associated standards in Volume 2, Chapter 2 (General Rules) of the Proposed Plan in order to provide for temporary bridges and temporary dams for temporary military training activities.
  - 6.3 The rules permitting discharges of heat (energy) to air provided for under a number of zones in the Proposed Plan, as these rules are not adequately restricted in a way that protects flight safety on an aircraft flight path.

- 6.4 A minor drafting error in Volume 2, Chapter 2 (General Rules) permitted activity standard 2.43.1.3.
- 6.5 Volume 2, Chapter 2 (General Rules) Rule 2.7.3 (Suction hose intake placement over the bed of a lake or river) as it does not include a cross-reference to refer to Rule 2.2.26, which provides for the use of water treatment units.

### **Reasons for the Appeal**

7. The reasons for the appeal are as follows:

#### ***Stormwater discharges to land***

- 7.1 The Proposed Plan includes rules providing for the discharge of stormwater to water (including coastal water) and point source discharges of stormwater into a Council operated stormwater system. However, there are no policies or rules in the Proposed Plan that explicitly provide for the discharge of stormwater to land.
- 7.2 In his primary submission, the Minister requested that the Proposed Plan be amended to clarify how stormwater discharges to land are dealt with.<sup>1</sup> The Minister also sought that stormwater discharges to land be provided for as a permitted activity, subject to identified permitted activity standards.<sup>2</sup>
- 7.3 In the Section 42A Hearings Report for Topic 14 (**Topic 14 Section 42A Report**), the Minister's request for a new permitted activity rule was declined on the basis that stormwater discharges to land are not intended to be regulated by the Proposed Plan, unless the stormwater contains contaminants.<sup>3</sup> The Proposed Plan was amended to include an explanatory note in the introductory paragraphs of Chapter 16 (Waste and discharges to land) and changes to the Chapter 16 title, Issue 16B, Objective 16.3 and method 16.M.16, to clarify how stormwater is intended to be managed.

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<sup>1</sup> Submission by the New Zealand Defence Force on the Proposed Marlborough Environment Plan, dated 31 August 2016 (**primary submission**), submission points 992.15 and 992.16

<sup>2</sup> Primary submission, submission point 992.50.

<sup>3</sup> Section 42A Hearings Report for Topic 14 Waste and Discharges to Land, dated 9 August 2018 at [152].

- 7.4 The Decision of the Marlborough Environment Plan Hearing Panel (**Council's decision**) agreed with reasoning outlined in the Topic 14 Section 42A Report. It was held that:<sup>4</sup>

*The Panel have formed the view that the original Section 42A Report advice should be followed. The provisions of s 15 and s 2 RMA when read closely together, place an emphasis on the presence of contaminants and the effect of those contaminants. The consequence of the two sections, in our view, means a rule in a plan is not required for discharges of stormwater to land, unless the stormwater contains contaminants to an extent which will change the quality of the receiving land, or the stormwater containing the contaminants may enter other water.*

*It is worth stating s 15 is a provision which controls discharges of contaminants – not stormwater per se.*

- 7.5 The Council asserts that the effect of sections 2 and 15 of the RMA, when read together, is that stormwater discharges to land are only regulated when the stormwater contains contaminants and “no rule is therefore needed to enable the discharge of stormwater to land in circumstances where s 15 is not engaged”.<sup>5</sup> This rationale assumes that the discharge of contaminants is the only environmental effect resulting from the discharge of stormwater to land that should be managed under the Proposed Plan. However the diversion and discharge of stormwater, if not managed well, may result in other adverse effects on the natural environment. Exacerbation of flooding is another reason why stormwater discharges to land should be regulated.<sup>6</sup> The Minister has therefore proposed a standard on the new permitted activity rule that is being sought, as well as wording in the associated policy, that seeks to manage flood risk.
- 7.6 Irrespective of whether the Council's legal justification is correct, the decision to exclude provision for stormwater discharges to land under the Proposed Plan is untenable for the following reasons:

**7.6.1 All stormwater discharges to land may require consent.** The Proposed Plan adopts the definition of contaminant as set out in Section 2 of the RMA. This definition is extremely broad and

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<sup>4</sup> Decision of the MEP Hearing Panel, dated 20 February 2020 at [180] – [181].

<sup>5</sup> Ibid at [188]

<sup>6</sup> The Council has other functions for the purpose of giving effect to the RMA, including controlling land use for the purposes of the avoidance or mitigation of natural hazards under section 30(1)(c)(iv).

includes any substance that when discharged into or onto land, changes or is likely to change the physical, chemical or biological condition of the land.<sup>7</sup> The physical condition of the land could potentially include such things as soil stability, sufficiency of drainage and temperature. Sediment and other minor debris, which are often entrained in stormwater, may also be defined as contaminants. It is entirely feasible that any stormwater discharge could be considered to contain contaminants to some degree, and therefore be captured by method 16.M.16 and require discretionary consent under rule 23.4.3.<sup>8</sup>

**7.6.2 The discharge of contaminated stormwater to land would be restricted, regardless of the level of contaminant present.**

This approach does not allow for any discharge of contaminants, even where the discharge would have minor adverse effects on the environment. This is inconsistent with Objective 16.3 of the Proposed Plan, which sets out that the discharge of liquid wastes and stormwater into or onto land should be managed in a way that avoids “more than minor” adverse effects on certain values. Method of implementation 16.M.16 further clarifies that *“permitted activity rules will enable the discharge of contaminants to land in environments where there is a low risk of adverse effects. [...] Where there is a greater potential for adverse effects on the receiving environment, discharges to land will require a resource consent.”*

7.6.3 The Proposed Plan encourages discharges of contaminants to land in preference to water in order to utilise the land resource to treat liquid wastes.<sup>9</sup> It is considered that the favourable soil properties and dry climate in the Marlborough region make discharge of liquid wastes to land a viable option, provided they

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<sup>7</sup> Resource Management Act 1991, Section 2.

<sup>8</sup> Method 16.M.16 of the Proposed Plan sets out that all stormwater containing contaminants which is discharged to land requires a resource consent. Rule 23.4.3 sets out that any discharge of contaminants into or onto land not provided for as a permitted activity or limited by a prohibited activity, will be a discretionary activity. Rule 23.4.3 is specific to the Airport zone, however this catch-all discharge rule is located in a number of other chapters as well.

<sup>9</sup> Proposed Plan, Issue 16B.

are well-managed as to avoid certain adverse effects.<sup>10</sup> Certain rules in the Proposed Plan follow this direction and allow for the discharge of contaminants onto land provided these can be managed through permitted activity standards.<sup>11</sup> The Minister considers that including a permitted activity rule for the discharge of stormwater to land is consistent with the intent of the Proposed Plan and that the corresponding standards proposed will ensure that any adverse effects resulting from the activity would be no more than minor.<sup>12</sup>

**7.6.4 The approach is out of step with other plans around the country.** A number of regional or unitary plans around the country include permitted activity rules for the discharge of stormwater to land, provided certain permitted activity standards are complied with. Such plans include the proposed Natural Resources Plan for the Wellington Region (**PNRP**)<sup>13</sup> and the Auckland Unitary Plan.<sup>14</sup> In his primary submission, the Minister proposed a permitted activity rule that was based on that contained in the PNRP. Further, the operative Marlborough Sounds Resource Management Plan and Wairau Awatere Resource Management Plan (**Operative Plans**) include rules allowing for the discharge of non point source stormwater to land as a permitted activity in certain zones.<sup>15</sup> Refusing the Minister's relief would be deviating from the approach taken in other regions and in the Operative Plans.

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<sup>10</sup> Proposed Plan, Issue 16B.

<sup>11</sup> Proposed Plan, Rule 2.21.3. This rule allows for the discharge of contaminants to air from water blasting and dry abrasive blasting *including any associated discharged onto land*, [Emphasis added] as a permitted activity, when undertaken in the road or rail corridor.

<sup>12</sup> The new permitted activity rule and corresponding standards proposed by the Minister is set out in paragraphs 8.1 and 8.2 of this Notice.

<sup>13</sup> Proposed Natural Resources Plan for the Wellington Region, Chapter 5.2, Discharges to land and water, Rule 146.

<sup>14</sup> Auckland Unitary Plan, Chapter E8, Stormwater discharge and diversion, rule A7. This rule provides that the diversion and discharge of stormwater runoff from impervious areas up to 5000m<sup>2</sup> outside an urban area is permitted activity, provided certain standards are complied with.

<sup>15</sup> Marlborough Sounds Resource Management Plan, Chapter 32 Urban Industrial Zone, Rule 32.1.5.3 and Wairau Awatere Resource Management Plan, Chapter 27 General Rules, Rule 27.1.14.

7.6.5 **The approach would result in nonsensical outcomes and would place onerous requirements on plan users.** In order to determine if a consent under the Proposed Plan was needed, the plan user would be obliged to undertake regular monitoring to confirm that there were no contaminants present in the run-off. Obtaining representative samples from impervious area runoff would be very difficult, as samples would need to be taken from a location where the water pooled and would need to be collected at first flush. This places onerous time and cost on those undertaking this activity.

7.6.6 Further, given that it is possible that all stormwater could contain contaminants to some degree, it would be illogical if discharges of stormwater directly to water were provided for under the Proposed Plan as a permitted activity, yet stormwater discharges to land (where they may enter water) required consent.<sup>16</sup> The latter would be subject to more restrictive rules even though the discharge had essentially been subject to an additional treatment system.

7.7 For the reasons outlined above, declining the Minister's relief to include policy and rules providing for the discharge of stormwater to land in the Proposed Plan would create uncertainty and result in unintended and unduly onerous outcomes.

### *Temporary Military Training Activities – dams and bridges*

7.8 In his primary submission, the Minister requested a new rule be inserted into the Proposed Plan providing for temporary dams as a permitted activity, subject to certain standards being met.<sup>17</sup> The Section 42A Hearing Report for Topic 9 (Natural Hazards) (**Topic 9 section 42A Report**) was concerned that introducing such a rule may result in superfluous provisions and therefore asked NZDF to identify how often the activity would occur

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<sup>16</sup> Rule 2.16.3 of the Proposed Plan provides for the discharge of stormwater to water as a permitted activity, subject to certain permitted activity standards.

<sup>17</sup> Primary Submission, Submission Point 992.47.

in the region.<sup>18</sup> NZDF responded to this request in detail in a letter tabled at the hearing for this topic.<sup>19</sup>

7.9 Temporary dams are often required to be constructed across a watercourse in order to allow the pooling of sufficient water to enable the use of NZDF's potable water treatment units. Once a sufficient volume has pooled behind the dam, the units are used to take water from this temporary 'reservoir'. The Topic 9 Section 42A Report suggests that these activities would likely be enabled by Rules 2.7.5,<sup>20</sup> which provide for structures over ephemeral rivers.<sup>21</sup> Restricting training activities to ephemeral rivers is unhelpful as it is unlikely that the waterway will have sufficient flow for the treatment units to be operated.

7.10 During Exercise Southern Katipo 2015, NZDF's largest tri-service training activity, the potable water treatment unit training activities were undertaken for approximately 10 days. Each day dams would be installed at the start of training and removed later that same day. They would be reconstructed the next day if needed. The temporary dams are typically constructed of natural soil materials or sandbags and any effects are restricted to minor disturbance of the stream bed when placing and removing the materials, and potential flooding. These effects are considered to be minimal due to the small size of the dam and the construction materials used, and the temporary nature of the structure ensures it would not result in increased flood risk in the surrounding area. The Minister has included appropriate standards on the permitted activity rule proposed in order to mitigate these effects.<sup>22</sup>

7.11 NZDF undertakes various training activities around the country. Exercise Southern Katipo was undertaken across the top of the South Island in 2015 and 2017, including within Marlborough. In 2015, this involved training on the use of NZDF's potable water treatment units. While Exercise Southern

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<sup>18</sup> Section 42A Hearing Report for Topic 9 (Natural Hazards), dated 23 April 2018 at [157].

<sup>19</sup> NZDF letter to be tabled at the hearing, Topic 9 (Natural Hazards), dated 24 May 2018.

<sup>20</sup> Section 42A Hearing Report for Topic 9 (Natural Hazards), dated 23 April 2018 at [157].

<sup>21</sup> Ephemeral rivers as defined in the Proposed Plan are those rivers or waterways that only exist/flow for a short time after heavy/persistent precipitation or snowmelt.

<sup>22</sup> Paragraph 8.4.



Katipo is NZDF's largest training activity, NZDF also carries out smaller scale training activities, and specific training in relation to use of the water treatment units only. Further, training requirements and circumstances are subject to change and NZDF may be required to undertake this type of activity more frequently in the area in future.

7.12 In his primary submission the Minister also requested a new permitted activity rule that provides for temporary bridges over watercourses, subject to specific standards being met.<sup>23</sup> In the Topic 9 Section 42A Report, the Council Officer stated that he was unsure of the requirement for such an activity and also the potential adverse effects.<sup>24</sup> The Minister explained these in detail in a letter tabled at the hearing for this topic.<sup>25</sup>

7.13 NZDF undertakes training in the construction and use of temporary bridges, which can be used to allow personnel, supplies or equipment across a gap (such as a river or natural depression). The bridges used are either portable, pre-fabricated "equipment" bridges or, less commonly, "non-equipment" bridges made out of material such as trees and logs. The environmental effects of the activity would be limited to minor disturbance of the riverbed and associated discharge on either side of the river where each end of the bridge structure is placed. The Minister is seeking a permitted activity standard on the proposed rule to limit any disturbance effects.<sup>26</sup>

7.14 Currently, NZDF does not frequently construct temporary bridges within the Marlborough Region, but it may need to do so in future as part of Exercise Southern Katipo, or another training activity. Further, training requirements could change in that NZDF is required to carry out this type of training in the area more frequently. Although this activity would be permitted over ephemeral rivers by virtue of Rules 2.7.5 and 2.9.5, NZDF requests that this activity be provided for in all watercourses, including the

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<sup>23</sup> Primary submission, submission points 992.46.

<sup>24</sup> Section 42A Hearing Report for Topic 9 (Natural Hazards), dated 23 April 2018 at [158].

<sup>25</sup> NZDF letter to be tabled at the hearing, Topic 9 (Natural Hazards), dated 24 May 2018.

<sup>26</sup> Paragraph 8.3.

banks of rivers, streams and artificial channels, to ensure a realistic and varied training environment.

### *Discharges of heat to air*

7.15 The Operative Plan included a permitted activity rule for the discharge of heated air (energy) that included a standard directing that the discharge must not prejudice flight safety on any aircraft flight path.<sup>27</sup> The Minister submitted that thermal buoyancy of air emissions in flight paths is a key safety issue and that a rule should be included in the Proposed Plan to manage these effects.<sup>28</sup> In the Section 42A Hearing Report for Topic 13 Resource Quality – Air (**Topic 13 section 42A Report**), the Council Officer rejected this relief on the basis that the standard in the Operative Plan is likely ultra vires as it would most likely require a council officer to exercise a judgement as to what is prejudicial to flight safety.<sup>29</sup> The council officer had assumed that the Minister’s relief was solely related to the discharge of heat to air rules in the Airport Zone, however the Minister’s submission was concerned with all rules providing for the discharge of heated air in the Proposed Plan.

7.16 The Minister agrees with the council officer that the permitted activity standard in the Operative Plan lacks certainty. The issue with the activity of discharging heat (energy) to air, is vertical air velocity. This is a combination of heat, physical momentum (exit velocity and release volume) and the initial release height. Discharges into air that create a velocity of greater than 4.3 m/s at a height over 60m above ground level are deemed to be a possible aeronautical hazard under the Civil Aviation rules.<sup>30</sup> Any person undertaking this activity is obliged to notify the Director of Civil Aviation who will conduct an aeronautical study to determine whether the proposal

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<sup>27</sup> Wairau / Awatere Resource Management Plan, Chapter 44 Airport Zone, Rule 44.1.5.1.6.

<sup>28</sup> Primary Submission, submission point 992.72.

<sup>29</sup> Section 42A Hearing Report for Topic 13 Resource Quality - Air, dated 4 October 2018 at [799].

<sup>30</sup> Civil Aviation Rules, CAA Consolidation, Part 77 Objects and Activities Affecting Navigable Airspace, 1 April 2014, Rule 77.7(a)(2).

will constitute a hazard in navigable airspace.<sup>31</sup> Vertical air velocities can also be an issue in landing approach paths, particularly for small planes.

7.17 The Minister therefore proposes that a standard directing that any discharge must not exceed a velocity of 4.3 m/s at a height over 60m above ground level, be included on every permitted activity rule in the Proposed Plan that provides for the discharge of heat to air. The Minister has compiled these rules and a full list is included at **Annexure 1**.

### *Other minor changes*

7.18 Further minor changes the Minister is seeking through this appeal are:

#### 7.18.1 **Rule 2.42 (Temporary Military Training Activities (TMTA)).**

Permitted activity standard 2.43.1.3 sets out the noise levels that TMTA must comply with. There appears to be a minor error in the standard for fixed (stationary) and mobile noise sources. The first row of the table reads 7am – **7am**. This is an error and should read 7am – **7pm**, in line with Attachment A to the Minister's primary submission.

#### 7.18.2 **Rule 2.7.3 (Suction hose intake placement over the bed of a lake or river).**

In a letter tabled at the hearing for Topic 9 (Natural Hazards), the Minister reiterated his support for this provision, however requested that it be cross referenced with Rule 2.2.26 which provides for the use of water treatment units. This relief was not accepted. Given the relationship between these two rules, the usability of the Proposed Plan would be improved if a cross-reference is inserted.

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<sup>31</sup> Ibid at Rule 77.17.

## Relief Sought

8. The Minister seeks the following relief (or drafting to same or similar effect):

### *Stormwater discharges to land*

8.1 The addition of a new policy in the Proposed Plan enabling the discharge of stormwater to land<sup>32</sup> and a new rule providing for stormwater discharges to land as a permitted activity in Volume 2 Chapter 02 (General Rules), as follows:

*Policy 16.1.X – Enable the discharge of stormwater to land provided that the discharge will not result in the flooding of or damage to another person’s property.*

#### *2.X. Permitted Activities*

##### *2.X.1 Discharge of stormwater to land*

#### *2.X Standards that apply to specific permitted activities*

*2.X.1 The discharge must not cause flooding on land other than land within the Floodway Zone;*

*2.X.2 The discharge must not contain stormwater from an area where a hazardous substance is stored unless:*

- (a) the hazardous substance cannot enter the stormwater;*
- (b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.*

*2.X.3 For any discharge onto land in circumstances which may result in a contaminant entering water the discharge must not have, after reasonable mixing, any of the following effects on water quality:*

- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
- (b) any conspicuous change in the colour or visual clarity;*
- (c) any emission of objectionable odour;*
- (d) the rendering of fresh water unsuitable for consumption by farm animals;*
- (e) any significant adverse effects on aquatic life.*

8.2 The Minister further seeks that the last paragraph of Method 16.M.16 be deleted, as illustrated below, along with any further consequential amendments needed to give effect to this relief.

## ***Methods of implementation***

### ***16.M.16 Regional rules***

[...]

~~All stormwater containing contaminants which is discharged to land requires a resource consent. Where a stormwater does not contain any contaminants, the discharge of this water to land is not managed under the MEP.~~

## ***Temporary Military Training Activities – dams and bridges***

- 8.3 The addition of a new permitted activity rule and associated standards to provide for temporary bridges for temporary military training activities in Volume 2 Chapter 02 (General Rules) as follows:

### ***2.7. Permitted Activities***

2.7.X Construction or placement of a temporary bridge in, on or over the bed of a lake or river in association with temporary military training activities.

### ***2.9 Standards that apply to specific permitted activities***

2.9.X.1 No more than 2m<sup>3</sup> of riverbed must be disturbed.

2.9.X.2 The structure must not be located in, or within 8m of a Significant Wetland.

The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place

- 8.4 The addition of a new permitted activity rule and associated standards to provide for temporary dams for temporary military training activities, as follows:

### ***2.7. Permitted Activities***

2.7.X Construction of a temporary dam in or on a river in association with temporary military training activities.

### ***2.9 Standards that apply to specific permitted activities***

2.9.X.1 The temporary dam must not intersect groundwater;

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<sup>32</sup> Fundamentally the Minister considers that the policy direction regarding stormwater discharges to land would be best placed within Chapter 15. Notwithstanding this, it is considered that the proposed amendments to Chapter 16 will at least ensure that stormwater discharges to land are addressed in the Proposed Plan.

2.9.X.2 The temporary dam must not be located in, or within 8m of, a Significant Wetland;

2.9.X.3 The temporary dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure; and

2.9.X.4 The dam must be constructed to enable dismantling at the completion of each use

### ***Discharge of heat to air***

8.5 The addition of a new standard on all the permitted activity rules in the Proposed Plan that provide for the discharge of heat to air, directing that any discharge must not exceed a velocity of 4.3 m/s at a height over 60m above ground level. A list of the rules that should contain this new permitted activity standard is set out at **Annexure 1**.

### ***Minor changes***

8.6 Amendment to permitted activity standard 2.43.1.3 to correct the minor drafting error set out in paragraph [7.18.1] above.

8.7 That Rule 2.7.3 (Suction hose intake placement over the bed of a lake or river) is cross referenced with Rule 2.2.26, which provides for the use of water treatment units.

8.8 Any further or consequential amendments to the Proposed Plan that are required to give effect to the substance of this appeal.

9. The following documents are **attached** to this notice:

9.1 A copy of the Minister/NZDF's submission on the Proposed Plan (**Appendix A**).

9.2 A copy of the relevant parts of the Council's decision (**Appendix B**).

- 9.3 A list of those to be served with a copy of this notice of appeal (**Appendix C**).

8 May 2020



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Counsel for the appellant

This notice of appeal is filed by Rosemary Dixon, solicitor for the appellant, of Crown Law.

The address for service of the appellant is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the appellant may be left at this address for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (c) transmitted to the solicitor by facsimile to 04 473 3482; or
- (d) emailed to the solicitor at **rosemary.dixon@crownlaw.govt.nz**

## **Annexure 1**

### **Proposed Marlborough Environment Plan – Decisions Version Rule References**

#### **Discharge of heat and water vapour from cooling towers**

Rural Environment Zone - 3.1.44

Coastal Environment Zone – 4.1.42

Business 1 Zone – 9.1.19

Business 2 Zone – 10.1.17

Business 3 Zone – 11.1.9

Industrial 1 and 2 Zones – 12.1.28

Lake Grassmere Salt Works Zone – 22.1.19

Airport Zone – 23.1.31

#### **Discharge of contaminants to air that is not specifically provided for by any other rules, arising from: (a) discharge of heat to air;**

Industrial 1 and 2 Zones – 12.1.11

Port Zone – 13.1.36

Airport Zone – 23.1.21



**Advice to recipients of copy of notice of appeal***How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (*see* [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991).

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* [form 38](#)).

The copy of this notice served on you does not attach a copy of the appellant's submission and the part of the decision appealed. These documents may be obtained, on request, from the appellant.

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**APPENDIX A**

**Submission**

## Submission on Proposed Marlborough Environment Plan

*Clause 6 of First Schedule, Resource Management Act 1991*

**To:** Marlborough District Council  
**Address:** PO Box 443  
Blenheim 7240  
Attention: Planning Technician  
**Email:** [mep@marlborough.govt.nz](mailto:mep@marlborough.govt.nz)

**Submitter:** New Zealand Defence Force  
**Contact Person:** Rebecca Davies, Senior Environmental Officer

**Address for Service:** New Zealand Defence Force  
C/- Tonkin + Taylor  
PO Box 2083  
Wellington 6140

**Phone:** +64 21 445 482  
**Email:** [rebecca.davies@nzdf.mil.nz](mailto:rebecca.davies@nzdf.mil.nz)

### Preliminary Matters

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand, including the RNZAF Base Woodbourne in the Marlborough region. Base Woodbourne is one of three RNZAF Bases in New Zealand, and is the only one in the South Island. Base Woodbourne is located approximately 8km from Blenheim and is approximately 165 hectares in size. Various facilities are located within the Base Woodbourne, including training classrooms, barracks and mess halls, workshops and industrial activities, recreation activities and accommodation. The site is owned by NZDF and also contains the civilian Blenheim airport and associated operations.

This existing facility does not preclude the potential for NZDF to need larger or additional facilities in Marlborough in the future.

NZDF may also undertake temporary military training activities in the Marlborough region, including but not limited to activities similar to the large scale exercise that took place in October and November 2015, called 'Exercise Southern Katipo'.

A detailed submission is attached.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

*N Davis*

\_\_\_\_\_  
Person authorised to sign  
on behalf of New Zealand Defence Force

Date 31/08/16

## Volume 1: Issues Objectives and Policies

#	Provision	Support / Oppose	Reasons	Relief sought
1	Background - Use of RMA terms: Avoid	Oppose	<p>This explanation of the word 'avoid' relates only to policies, and so doesn't assist in the MEP's use of the word in other places (e.g. permitted activity standard 2.8.3.1: avoid dust beyond legal boundary). Given the recent case law on the word avoid, it's important the word avoid is used appropriately, and properly explained.</p> <p>Such explanations are important for interpretation of the MEP, but currently they are buried within a background section.</p>	Amend this section to ensure the description of the RMA terms discussed in this section adequately relates to its use across the MEP, and the use and interpretation of 'avoid' is consistent with recent case law.
2	Issue 4B	Support	<p>The RNZAF Base Woodbourne is recognised in this issue as infrastructure of national importance. This issue identifies that the efficient operation of infrastructure ensures community wellbeing, which is appropriate.</p>	Retain as notified.
3	Objective 4.2 [RPS]	Support	<p>It is important that the MEP provides for and protects regionally significant infrastructure, as this infrastructure enables communities to provide for their social, economic wellbeing and, in relation to NZDF facilities, also for their security.</p>	Retain as notified.
4	Policy 4.2.1 [RPS]	Oppose	<p>While the Policy specifically recognises the benefits of infrastructure including RNZAF Base Woodbourne in clause (n), the scope of the policy is restricted to infrastructure either existing or consented at the time the MEP becomes operative. This is inappropriate, as it does not provide for future infrastructure facilities (including NZDF facilities) that may be established during the lifetime of the MEP.</p>	<p>Amend the policy to provide for future facilities.</p> <p>Suggested amendments to wording are provided below (text struck through and underlined):</p> <p><i>Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, <del>either existing or consented at the time the Marlborough Environment Plan becomes operative</del>, as regionally significant:</i></p> <p><i>(a) reticulated sewerage systems (including the pipe network, treatment plants and associated infrastructure) operated by the Marlborough District Council;</i></p> <p><i>(b) reticulated community stormwater networks;</i></p> <p><i>(c) reticulated community water supply networks and water treatment plants operated by the Marlborough</i></p>

#	Provision	Support / Oppose	Reasons	Relief sought
				<p>District Council;</p> <p>(d) regional landfill, transfer stations and the resource recovery centre;</p> <p>(e) National Grid (the assets used or owned by Transpower NZ Limited);</p> <p>(f) local electricity supply network owned and operated by Marlborough Lines;</p> <p>(g) facilities for the generation of electricity, where the electricity generated is supplied to the National Grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the National Grid or local electricity supply network);</p> <p>(h) strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001, and strategic radiocommunication facilities, as defined in Section 2(1) of the Radiocommunications Act 1989;</p> <p>(i) Blenheim, Omaka and Koromiko Airports;</p> <p>(j) main trunk railway line;</p> <p>(k) district roading network;</p> <p>(l) Port of Picton and Havelock Harbour;</p> <p>(m) Picton, Waikawa and Havelock marinas;</p> <p>(n) RNZAF Base at Woodbourne and other defence facilities; and</p> <p>(o) Council administered flood defences and the drainage network on the Lower Wairau Plain.</p>
5	Policy 4.2.2 [RPS]	Support	It is appropriate that the established infrastructure and activities undertaken at Base Woodbourne are protected from the establishment of incompatible activities in close proximity to the site. This policy also recognises the existing investment in this infrastructure.	Retain this provision as notified.

#	Provision	Support / Oppose	Reasons	Relief sought
6	Method of implementation 4.M.8 – Designations [D]	Support	It is appropriate that designations are identified as a method for implementing the objectives and policies under this issue.	Retain this provision as notified.
7	Policy 5.2.11 [R]	Support	The sustainability of the water resource in Marlborough is important for occupants and facilities in the District that rely on this resource. The proposed management measures include rationing or restrictions. NZDF supports the intent of the policy to appropriately manage the region's water resources, in so far as it relates to water resources relevant to operations at Base Woodbourne.	Retain as notified.
8	Policy 5.3.1	Oppose	While it is appropriate to recognise the various uses of water including intrinsic values, the policy should also recognise the importance of certain takes for activities that provide a wider community and nationwide benefit, including security, as provided by NZDF. Separating this policy into two sections (or into two separate policies) would improve the clarity of this policy.	Amend this policy to separate the policy into intrinsic values and aquifer recharge; and consumptive uses. And Insert appropriate recognition for regionally significant infrastructure (including defence facilities). Suggested amended wording is below – “... <u>municipal and regionally significant infrastructure water supplies</u> ...”
9	Policy 5.3.11 [R]	Oppose	This policy appears to only provide mitigation through limiting the instantaneous rate of take. However, restricting the total (daily or annual) take is also useful for mitigating effects.	Amend the policy to also include limits on the total daily or annual take to appropriately mitigate the potential effects.
10	Policy 5.3.12 [R]	Support	This policy enables bore construction as a permitted activity, identifying that the activity is likely to have only limited adverse effects. NZDF considers the enabling tone of this policy has not been incorporated into the rules themselves, as bore construction is permitted only in the Rural Environment Zone and the Coastal Environment Zone.	Retain policy as notified.
11	Policy 5.3.13 [R]	Oppose	This policy seeks to manage interference effects between groundwater users, while stating the Councils intention not to protect those takes where the aquifer is not fully penetrated, and	Insert either a definition of 'full penetration', or guidance on the interpretation of this term to provide clarity for plan users. If this definition varies across different

#	Provision	Support / Oppose	Reasons	Relief sought
			<p>are therefore considered too shallow. However, the MEP does not define 'full penetration' of the aquifer.</p> <p>In addition, deep bores may result in leakage effects on the shallower bores and the MEP does not currently address this, nor does it take into account the potential for saline intrusion if bores are installed to base of aquifer below sea level.</p>	<p>locations, then different definitions should be inserted.</p>
12	Policy 5.3.14	Oppose	<p>While NZDF supports the overall intent of this policy as the management of water resources through consent duration is considered appropriate, particularly where the specific aquifer is well-known and full information is held, improved provision for NZDF activities and water takes is requested.</p>	<p>Amend this policy to better acknowledge the importance of providing longer consent durations – and therefore surety of supply – for NZDF activities and water takes.</p>
13	Policy 5.5.1 [R]	Oppose	<p>Base Woodbourne within the Omaka River Freshwater Management Unit (FMU). The Council document titled "Aquifer Safe Yield Review" 2012 indicated that this FMU is over-allocated. However, this FMU is not included in Policy 5.5.1. This is confusing and does not provide NZDF with confidence in the future use of water within this FMU. This is unacceptable in relation to a facility as important as Base Woodbourne.</p>	<p>Request clarification and confirmation of the status of allocations within the Omaka River FMU. NZDF would be happy to further discuss these matters with Council prior to the Plan hearings.</p>
14	Objective 9.2	Support	<p>There may be times where public access to areas is restricted during a temporary military training activity and it is appropriate that the MEP acknowledges this.</p>	<p>Retain as notified.</p>
15	Objectives and policies on stormwater	Oppose	<p>The MEP appears to focus the policy framework on stormwater discharges within the context of land development (specifically through subdivision), where an increase in development results in increased buildings and hardstand areas from which stormwater requires disposal. The policy framework encourages connection to the reticulated stormwater system where available. The MEP, through Policy 15.1.8, encourages the discharge of contaminants to land in preference to water. The MEP identifies this method assists in maintaining water quality, though recognises limitations on some soil types. Though this aim does not appear to flow through into the MEP rules.</p>	<p>Amend provisions to improve clarity and direction in relation to stormwater discharges district wide, including to land.</p>



#	Provision	Support / Oppose	Reasons	Relief sought
16	Policy 15.1.30 [R]	Support	<p>The MEP policy framework provides for discharges to land in Chapter 16 – Waste, which provides for both solid and liquid waste, though stormwater is excluded from the MEP definition of waste, which is confusing.</p> <p>It is appropriate to protect sources of community drinking water, including by identifying areas vulnerable to leachate contamination and managing the activities undertaken within these areas.</p>	Retain as notified.
17	Method 15.M.15 Groundwater Protection Areas	Support	<p>It is appropriate that Groundwater Protection Areas are identified as an implementation method.</p>	Retain as notified.
18	Groundwater Protection Areas	Oppose	<p>Water supply at Base Woodbourne is a significant issue for NZDF. NZDF considers that the existing bores should be appropriately provided for and protected through provisions in the MEP including through establishing Groundwater Protection Areas. NZDF has held previous discussions with Council in regards establishing Groundwater Protection Areas around the bores at Base Woodbourne.</p>	<p>Insert Groundwater Protection Areas around the bores at Base Woodbourne into the MEP, with the location and extent of the proposed Protection Zones independently peer reviewed.</p> <p>NZDF is willing to discuss these areas with Council to ensure they are appropriate.</p>
19	Policy 15.1.21 [R, C, D]	Oppose	<p>This policy provides for the management of urban stormwater on water quality, including reducing the potential for stormwater to be contaminated at source. While the management of stormwater in the district is supported, it should not be restricted to the urban areas. Stormwater should be managed across all areas of the district, including from Base Woodbourne, which is in the Airport zone.</p>	<p>Amend the provisions to better provide for stormwater from various areas within the district, including from the Airport Zone.</p>
20	Policy 15.1.32 [R, C]	Support	<p>This policy gives Council the ability to assess the purpose, scale, duration and frequency of the disturbance activity when considering applications for disturbance of a river bed. The ability to consider applications on individual merit is supported, as the majority of NZDF activities are temporary in nature, and limited in scale and duration.</p>	Retain as notified.
21	Policy 15.3.2 [R]	Oppose	<p>Policy 15.3.2 as notified requires "all discharges to comply with the</p>	Delete Policy 15.3.2 or amend it to make it clear that the

#	Provision	Support / Oppose	Reasons	Relief sought
			ambient air quality standards established by the National Environmental Standard for Air Quality.” This policy confuses the ambient air quality standards in the NESAQ with assessment criteria for individual discharges. The ambient air quality standards are not intended to be used as assessment criteria that apply at the boundary of industrial sites.	ambient air quality standards in the NESAQ are not to be used as assessment criteria for individual discharges.
22	Policy 15.3.3 [R]	Support	NZDF support this policy as it provides clear guidance to decision makers on situations where resource consent applications should be granted.	Retain as notified
23	Policy 15.3.5 [R]	Support	NZDF support this policy, particularly clause (a) that seeks to provide for discharges to air that have no more than minor adverse effects on the environment as a permitted activity. However NZDF considers that this policy is not given proper effect through the proposed rule framework.	Retain as notified.
24	Policy 15.4.4 [R]	Support	This policy provides direction on the matters to be assessed when considering applications and these matters include the need for the activity in terms of the operation and maintenance of regionally significant infrastructure, which is appropriate in relation to activities undertaken at Base Woodbourne, which is identified as regionally significant infrastructure.	Retain as notified.
25	Issue 17A – Air Transportation	Support	Base Woodbourne is an important strategic asset for NZDF and it is important that this asset is provided for in the MEP. The issue, as currently worded, appropriately identifies the importance of Base Woodbourne for both military and civilian activities.	Retain as notified.
26	Issue 17B – Operation of airports and aircraft activities	Support	Reverse sensitivity is an important issue for NZDF across the country. Base Woodbourne is an important asset for both NZDF and for the region as the Blenheim Airport operates from the same site. It is important that this asset is protected from reverse sensitivity that may result from development in proximity to its location.	Retain as notified.
27	Objective 17.2 [RPS, D]	Oppose	As per the comments above. It is important that this objective	Amend to refer to both civilian and military airports, with suggested amended wording as follows (insertions

#	Provision	Support / Oppose	Reasons	Relief sought
			provides for both military and civilian airport activities.	underlined: <i>A balance is achieved between the operational needs of Marlborough's civilian and military airports and the amenities and wellbeing of the community."</i>
28	Policy 17.2.1 [D]	Oppose	This policy is identified as a district policy and although Base Woodbourne is designated, NZDF considers this policy holds relevance in terms of alerting users to wider controls including flight path air spaces for both civilian and military airport activities.	Amend to refer to both civilian and military airports, with suggested amended wording as follows (underlined): <i>"Provide for the operational needs of civilian and military airports by the protection of air corridors through restrictions on height and land use."</i>
29	Method of implementation 17.M.4– Designation [D]	Support	It is appropriate that the Base Woodbourne designation is identified as a method for implementing the objectives and policies under this issue, while referring to the specific provisions of section 5 of the Defence Act 1990.	Retain as notified.
30	Structure of Issues, Objectives & Policies	Oppose	The numbering of the objective and policies is not related to the overarching issue, and there is no table of contents alerting the reader as to what issues are contained within that chapter. As set out, these 'issues', which are the drivers for the objectives and policies, can get lost within the text.	Insert table of contents to outline each of the issues in the Chapter, potentially with a summary of objectives and policies under each. Or Structure each chapter in Volume 1 as per Chapter 3 where all issues, all objectives, all policies and all methods have been grouped. And Renumber the objectives and policies so that they relate to the associated issue; e.g. Issue 17C -> Objective 17C.1...
31	Methods of Implementation	Oppose	It is difficult to locate the methods associated in the relevant sub section, and as a consequence they may be missed. Methods are not proposed for each issue, and where they are included, they are found at the end of each "Issue" section. For example, Chapter 5 - Allocation of public resources, contains various methods of implementation, but these are not provided under each objective/policy set.	Group methods in each sub section or objective/policy clearly; Or List all methods under a specific 'Methods' heading at the end of each chapter.
32	Table of contents – all	Oppose	Table of Contents not linked between volumes and contents not	Insert a detailed Table of Contents, including page

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	volumes		sufficiently detailed. The MEP is difficult to follow, and to find other relevant sections of the MEP.	numbers, to assist with wayfinding throughout the MEP and between the volumes.
33	Labelling of provisions - District [D], Regional [R], Coastal [C] or Regional Policy Statement [RPS]	Oppose	The labelling of provisions is useful and this should carry through to all provisions. For example labels are marked on permitted activity rules but are not carried through to the permitted activity standards, meaning that the plan user needs to refer back to the permitted activity rule section. This is not useful for someone picking up the MEP for a quick reference, as would happen at NZDF.	Insert labelling throughout the MEP.

## Volume 2: Rules and Definitions

#	Provision	Support / Oppose	Reasons	Relief sought
34	Structure of permitted activity rules and associated standards	Oppose	Currently, there is no link between the activity-specific standards and the associated rule, making it difficult to link the two. For example the plan user has to search to find out whether any specific standards are listed for that rule, and match the headings to find those that are applicable.	Amend the rule layout to list the activity-specific standards directly under the rule that they relate to. This is consistent with the way standards are set out for controlled and discretionary activities.
35	Zone based and general regional rules	Oppose	The current layout is confusing as the majority of regional rules are split across multiple chapters, which creates duplication and inefficiencies in the use of the MEP. An example of this is the air discharge rules, which are contained within each Zone chapter and are often identical throughout the zones.	Amend the rule structure to provide for all regional rules within the General Chapter.
36	Chapter 2 - General Rules	Oppose	The MEP rules do not provide for groundwater and surface water separately, but together as freshwater, making these rules very difficult to use.	Amend wording and structure of rules to clearly separate the groundwater and surface water provisions.
37	Chapter 2 - General Rules – take, use, damming and diversion of water	Oppose	The beginning of this chapter/section does not include an introduction or guidance as to how these rules work in relation to allocating water from aquifers, and are therefore difficult to understand.	Insert an explanation note or introduction and guidance on these rules, or insert an additional Appendix which explains these provisions.

#	Provision	Support / Oppose	Reasons	Relief sought
38	Chapter 2 - General Rules - Discharge to Air - Introduction	Oppose	Interpretation is not clear and is confusing since the other discharge to air provisions are located in an entirely different section of the MEP.	Suggest amending this sentence to state "These activities apply <u>only</u> to roads and railway corridors identified on the zoning maps".
39	Chapter 2 - General Rules – Rule 2.1 - Environmental Flows and Levels	Oppose	This provision explains that the environmental flows and levels in Appendix 6 do not apply to the permitted activities nor to the activity covered by Rule 2.4.1 listed in this section. These are difficult to understand. Discussions with Council have identified a cross reference error where reference to 2.4.1 should be 2.5.1 which is the discretionary activity rule.	Request requesting an amendment to rule reference from 2.4.1 to 2.5.1. As per our point above, this section would benefit from some explanation paragraphs.
40	Chapter 2 - General Rules for the construction of bores [R, D]	Oppose	Base Woodbourne has underlying Airport, Industrial 1 and Urban Residential 2 zoning, and the rules for these zones do not include a permitted activity rule for constructing a bore. Consequently, any construction of a bore in these zones is likely to require a resource consent as a discretionary activity under a 'catch-all' rule. This is considered overly onerous, given the direction of policy 5.3.12 which enables the construction of bores.	Request new permitted activity rules be inserted in the MEP to provide for the construction of bores in all zones, including the Airport, Industrial 1 and Urban Residential 2 zones, as a permitted activity.
41	Chapter 2 - General Rules 2.2.10 and standards 2.3.9 - Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users [R]	Oppose	The duration proposed in this rule is not considered sufficient to test for effects, where up to 14 days may be required for some full scale tests e.g. for large water supplies and/or to assess leakage effects between aquifers. Also, the MEP does not appear to provide for both the take and discharge of water as part of well development, or extended pump testing activities, as a permitted activity.	Amend to allow a 14 day timeframe over a period of 90 days; AND Insert a new permitted activity rule to provide for the taking of water for well development purposes, including surging and removal of fine material from the well. Suggested permitted activity standards are: (a) <i>The instantaneous rate of the take must not exceed 100l/s; and</i> (b) <i>The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</i>
42	Chapter 2 - General Rules – Rule 2.2 Permitted Activities	Oppose	The MEP as notified does not adequately provide for water takes, use and discharge associated with temporary military training activities.	Insert a permitted activity rule and standards to provide for the taking, use and discharge to land of water associated with temporary military training activities.

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			<p>The lack of specific rules for water takes associated with temporary military training activities means that NZDF would be required to apply for consent as a discretionary activity, and would be subject to the allocation limits for the relevant Freshwater Management Unit. This is considered overly onerous for the temporary and minor nature of the water take required for these training activities.</p> <p>Further information on the water treatment units operated by NZDF is attached to this submission as <b>Appendix B</b>.</p> <p>Rule 13.1.33 and standard 13.3.22 appears to provide for the take and use of coastal water, including for these activities.</p>	<p>Suggested wording is as follows:</p> <p><i>Permitted activity rule: The take, use and discharge to land of surface water for the reasonable use of water treatment units operated by the New Zealand Defence Force, up to 5% of the river flow at any time.</i></p> <p><i>Associated permitted activity standards:</i></p> <ol style="list-style-type: none"> <li><i>The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.</i></li> <li><i>The take must not occur for more than ten consecutive days.</i></li> </ol>
43	Chapter 2 – General Rules – Rule 2.7.3 [R] and standards under 2.9.3	Support	<p>This rule provides for the placement of a suction hose as a permitted activity, which is appropriate. NZDF uses a suction hose mechanism as part of the water treatment unit apparatus and it is appropriate that this activity is provided for as a permitted activity, with appropriate standards. NZDF considers the permitted activity standards are appropriate as notified.</p>	<p>Retain as notified. Suggest this rule is cross referenced to the new rule providing for the use of water treatment units as requested in submission point 42.</p>
44	Chapter 2 – General Rules – new rule	Oppose	<p>NZDF may wish to undertake training on the use of temporary bridges as part of their training regime. It is appropriate that these structures are provided for as a permitted activity. NZDF may also construct launch areas adjacent to and within the bed of a river, to facilitate temporary bridging activities. These launch areas provide a stable area for vehicles to launch the temporary bridge, and ensure that any potential destabilisation of the river banks from the use of vehicles is avoided by providing a stable platform. While Rule 2.7.5 and standards 2.9.5 provide for structures over ephemeral rivers, NZDF may also wish to use flowing rivers for these training activities.</p>	<p>Insert a rule to provide for temporary bridges and launch areas as a permitted activity, with suggested wording as follows:</p> <p><i>Construction or placement of a temporary bridge in, on or over the bed of a lake or river in association with temporary military training activities.</i></p> <ul style="list-style-type: none"> <li><i>No more than 2m<sup>3</sup> of riverbed must be disturbed.</i></li> <li><i>The structure must not be located in, or within 8m of a Significant Wetland.</i></li> <li><i>The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.</i></li> </ul>
45	Chapter 2 – General Rules – Rule 2.7.4 [R]	Oppose	<p>As part of training activities, NZDF may construct a temporary dam to enable the use of water treatment units. It is appropriate</p>	<p>Insert a new rule to provide for temporary dams as a permitted activity, subject to standards, as requested</p>

#	Provision	Support / Oppose	Reasons	Relief sought
	and standards under 2.9.4		that the MEP provides for dams associated with this activity. This rule currently provides for dams on ephemeral rivers. NZDF considers it appropriate to provide for temporary dams to be constructed within watercourses, to enable this important training activity.	<p>below:</p> <ul style="list-style-type: none"> <li>• <i>The temporary dam must not intersect groundwater;</i></li> <li>• <i>The temporary dam must not be located in, or within 8m of, a Significant Wetland;</i></li> <li>• <i>The temporary dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure; and</i></li> <li>• <i>The dam must be constructed to enable dismantling at the completion of each use.</i></li> </ul>
46	Chapter 2 - General Rules Discharge to water rule 2.16.3 and standard 2.17.3 [R]	Oppose	<p>The MEP does not appear to provide for the discharge of stormwater to water from sites with Airport Zoning, therefore it is likely that this activity would require resource consent, regardless of extent of the activity and the associated potential effects.</p> <p>The permitted activity standards could also be applied to Airport zoned land, with appropriate standards, including the installation of appropriate interceptor systems, included to manage the runoff from areas where hazardous substances and other substances may be present.</p>	<p>Amend the permitted activity standards under 2.17.3 to enable the discharge of stormwater to surface water from Airport Zoned land. Suggested amendments to the wording are (bold and underlined):</p> <p><b>2.17.3.3. For stormwater sourced from land zoned Rural Living <u>and Airport</u>, the maximum discharge must not exceed 50l/s.</b></p> <p>Standard 2.17.3.5 requires the use of interceptor systems where hazardous substances are stored and no changes are required to this standard.</p>
47	Rules for discharge of stormwater to land	Oppose	<p>Despite the direction provided by the policy framework in Volume 1, the MEP lacks rules for the discharge of stormwater to land. This option is a legitimate option for discharging stormwater within the Base Woodbourne site and should be provided for in the MEP.</p>	<p>Insert a new rule to provide for the discharge of stormwater to land, with suggested wording as follows:</p> <p><b>General Rules - Permitted Activities – New Rule: Discharge of stormwater to land</b></p> <p><b>Standards:</b></p> <ul style="list-style-type: none"> <li>• <i>the discharge is not from, onto or into contaminated land and</i></li> <li>• <i>the discharge shall not cause or exacerbate the flooding of any other property.</i></li> </ul> <p>Note: The above wording is based on a similar permitted activity rule in the proposed Natural Resources Plan for Wellington.</p>

#	Provision	Support / Oppose	Reasons	Relief sought
48	Chapter 2 General Rules Temporary Military Training Activity Introductory sentence	Oppose	This statement, as currently written, is confusing. Readability would be improved if the TMTA rules applied over and above other district rules. NZDF understands that the regional rules would apply to TMTA.	Replace the introductory sentence to state: <i>Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except the provisions for earthworks and permanent structures, and any relevant regional rules.</i>
49	Chapter 2 General Rules Rule 2.41.1 [D]	Support	Due to the broad and varied nature of TMTA, they can be undertaken in any zone within a district. Providing for TMTA as a permitted activity in the General Rules chapter of the MEP (subject to appropriate standards) is supported by NZDF, as it provides for this important activity and assists in enabling NZDF fulfil its obligations under the Defence Act 1990.	Retain as notified.
50	Chapter 2 General Rules Standard 2.42.1.1 <i>The activity must be limited to a period not exceeding 31 days.</i>	Oppose	TMTA are by their very nature, temporary. Therefore, NZDF considers it inappropriate to place an arbitrary time limit on TMTA, as the effects of an activity lasting for 32 days have little different to the effects of an activity lasting 31 days.	Delete this permitted activity standard in its entirety.
51	Chapter 2 General Rules Standard 2.42.1.2 <i>Permanent structures must not be constructed.</i>	Oppose	This standard would require resource consent be obtained for a building or structure, even if it complied with the building standards for the zone (i.e. height, setback from boundaries etc), which is considered inappropriate and inefficient. While TMTA do not usually result in construction of permanent structures, there may be some instances where a permanent structure results from training activities – i.e. when NZDF personnel are involved in constructing a habitat for humanity home for example. Therefore the option for permanent structures should not be excluded from the permitted activity rule.	Delete this permitted activity standard in its entirety.
52	Chapter 2 General Rules Standard 2.42.1.3	Oppose	NZDF is undertaking a nationwide project to seek TMTA specific noise provisions to be included in District Plans. As activities are uniquely military in nature, it is appropriate to have specific TMTA provisions to address their effects. To this end, NZDF has commissioned professional acoustic advice	Delete and replace with the noise standards developed by NZDF specifically for TMTA activities, attached as Attachment A to this submission.



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			<p>from Malcolm Hunt Associates and has developed a set of noise standards specific to TMTAs, to replace those currently included in district plans. For weapons firing and explosives, the TMTA noise provisions work by using separation distances from sensitive receivers. NZDF's provisions are attached as Attachment A to this submission.</p>	
53	Chapter 2 General Rules Standard 2.42.1.4	Oppose	<p>NZDF's own noise standards cover this aspect of noise, and as such this standard should be deleted from the MEP.</p>	Delete.
54	Chapter 2 General Rules Rule 2.43.2 Discretionary activity	Oppose	<p>Discretionary activity status is considered overly onerous when the potential effects from the temporary military training activity are noise only. Therefore NZDF considers the proposed restricted discretionary activity status is more appropriate. The only matter of discretion should be noise effects.</p>	Amend to Restricted Discretionary status for temporary military training activities that cannot meet the permitted activity standards.
55	Chapter 3 Rural Environment Zone Rule 3.1.35 and standard 3.3.35 [R]	Support in part	<p>NZDF may wish to undertake firefighting training at properties zoned Rural Environment, and it is appropriate that NZDF's involvement in this activity is provided for.</p>	<p>Amend the standard to include NZDF, as suggested below (addition underlined):</p> <p><i>Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.</i></p> <p>We suggest NZDF submit on all duplications of this rule in the MEP requesting the above amendment be made to this rule across the zones in which it is located, to ensure consistency;</p>
56	Duplication of provisions – MEP wide	Oppose	<p>The regional rules, including discharges, are generally provided for on a zone by zone basis, with little to no differences in the provisions between zones. An example is the firefighting provisions, which is repeated on numerous occasions. This duplication is considered unnecessary and adds to the bulk of the MEP, and hinders its usability.</p>	Remove duplication between provisions by providing for all regional rules in the general chapter.
57	Chapter 3 Rural Environment Zone	Support	<p>The land surrounding Base Woodbourne is zoned Rural Environment, and as such there is the potential for farming and</p>	Retain as notified.

#	Provision	Support / Oppose	Reasons	Relief sought
	Permitted activity standard 3.2.5		accommodation activities to be established in the surrounding area. NZDF aviation activities, including those undertaken by NZDF, may result in noise. It is appropriate that any habitable space within a building housing a noise sensitive activity is fitted with appropriate noise attenuation provisions.	
58	Chapter 12 Industrial 1 & 2 Zone Permitted activity rule 12.1.11 and standard 12.3.3 [R]	Support in part	NZDF may wish to undertake firefighting training at various locations in the district, and it is appropriate that this activity is provided for as a permitted activity, with appropriate standards.	Amend rule to specify NZDF in the standards. Suggested amended wording is as follows (underlined): <i>Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service, the <u>New Zealand Defence Force</u> or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.</i>
59	Chapter 15 Marina Zone Rule 15.1.32 and standard 3.3.35 [R]	Support in part	NZDF may wish to undertake firefighting training within this zone on occasion, and it is appropriate that this activity is provided for as a permitted activity, with appropriate standards.	Amend rule to specify NZDF in the standards. Suggested amended wording is as follows (underlined): <i>Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service, the <u>New Zealand Defence Force</u> or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.</i>
60	Chapter 16 Coastal Marine Zone Noise permitted activity standard 16.2.3	Oppose	NZDF undertakes temporary military training activities that may locate on both land and within the Coastal Marine Zone, and as currently written the MEP requires TMTA to comply with two different sets of noise provisions – those for land based activities and those within the Coastal Marine Zone. This is inefficient and therefore NZDF requests that amendments are made to this rule to exclude TMTA from complying with these provisions, and TMTA be required to comply with the General Rules Standard.	Amend this rule by adding TMTA to the list of activities excluded from this rule, and instead requiring TMTA comply with the NZDF noise standards requested for insertion in General Rules Standard 2.42.1.3, as requested in submission point 52 above.
61	Chapter 16 Coastal Marine Zone Permitted activity standard 16.2.3.3	Support	This standard is appropriate as it requires the measurement of noise to be undertaken in accordance with the New Zealand Standard NZS6801:2008 and NZS6802:2008	Retain as notified.

#	Provision	Support / Oppose	Reasons	Relief sought
62	Chapter 16 Coastal Marine Zone Permitted activity standard 16.3.1	Oppose in part	NZDF may undertake naval activities within the Marlborough Sounds area, and it is important that these activities are provided for in the MEP.	Amend standard to provide for NZDF activities, including but not limited to clarifying relevance across other areas of the Marlborough Sounds.
63	Chapter 16 Coastal Marine Zone Rule 16.7.6 [C] – Prohibited Activity	Oppose	<p>Though the MEP provides for manual scraping of anti-foul paint or bio-foul waste from a ship in some zones, this rule prohibits the removal of anti-foul paint from a ship within the Coastal Marine Zone. There is no rule for the in-water cleaning of a ship's hull including the removal of bio-waste. NZDF has therefore presumed that a hull cleaning activity that did not result in the removal of anti-foul paint would require resource consent as a discretionary activity under Rule 16.6.8, although this is not clear.</p> <p>Hull-cleaning is an important activity and therefore should be provided for in the Coastal Marine Zone.</p>	<p>Insert a new rule for the in-water hull-cleaning of ships in the MEP. Suggested wording is provided below, based on a similar rule in the proposed Natural Resources Regional Plan for Wellington:</p> <p><i>In-water bio-foul cleaning – permitted activity</i></p> <p><i>The discharge of contaminants and biological material into coastal water from in-water cleaning of biofouling from a vessel, moveable structure or navigation aid, in the Coastal Marine Zone, is a permitted activity provided the following conditions are met:</i></p> <p><i>(a) the anti-foul coating on the vessel, moveable structure or navigation aid shall not have exceeded its planned service life as specified by the manufacturer, and</i></p> <p><i>(b) the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations, and</i></p> <p><i>(c) the cleaning of microfouling and goose barnacles of international origin shall be removed using a gentle, non-abrasive cleaning technique, and</i></p> <p><i>(d) the cleaning or treatment method shall capture any biological material released into the water column greater than 50µm in diameter, with any captured cleaning debris disposed on land, and</i></p> <p><i>(e) any captured cleaning debris is appropriately disposed of, and</i></p> <p><i>(f) if suspected harmful or unusual aquatic species are found, the vessel owner or operator shall take the following steps:</i></p> <p><i>(i) any cleaning activities shall cease immediately, and</i></p> <p><i>(ii) the Harbourmaster shall be notified within five working</i></p>

#	Provision	Support / Oppose	Reasons	Relief sought
				<p>days, and (iii) the cleaning may not recommence until notified by the Council to do so.</p>
64	Chapter 23 Airport Zone Permitted activity standard 23.2.3	Support	<p>The land occupied by Base Woodbourne and owned by NZDF is used for various activities. It is appropriate that any habitable space within buildings containing a noise sensitive activity be fitted with noise attenuation provisions.</p>	<p>Retain as notified.</p>
65	Chapter 23 Airport Zone Permitted activity rule 23.1.20 and standard 23.3.7 [R]	Support in part	<p>NZDF may wish to undertake firefighting training at Base Woodbourne, and it is appropriate that this activity is provided for as a permitted activity, with appropriate standards.</p> <p>In addition, NZDF may also undertake the controlled outdoor burning or deflagration of unwanted public and military munitions, munitions and pyrotechnics at Base Woodbourne. The controlled burning or deflagration is the safest practical option for disposing of this unwanted material and should be provided for as a permitted activity in the MEP.</p>	<p>Amend rule to specify NZDF as undertaking these activities. Suggested amended wording is as follows (underlined):</p> <p><i>Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service, the <u>New Zealand Defence Force</u> or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.</i></p> <p>And, insert the following clause:</p> <p><i>(...) controlled outdoor burning or deflagration of unwanted public and military munitions, munitions and pyrotechnics undertaken by the NZ Defence Force.</i></p>
66	Rules for discharges to air in relation to flight paths and aircraft safety	Oppose	<p>The operative plan included a permitted activity rule (44.1.4.1.7) for the discharge of heated air (energy) that specifically referred to the discharge not prejudicing flight safety on any aircraft flight path. Thermal buoyancy of air emissions in flight paths is a key safety issue and a similar requirement should be included in the operative Plan.</p>	<p>Include a rule in the MEP to manage discharges of heated air so that they do not prejudice flight safety on any aircraft flight path.</p>
67	Rules for discharges to air in the Airport Zone	Oppose	<p>The operative Wairau Awatere Resource Management Plan included a permitted activity rule (44.1.5.1.8) in the Airport Zone for:</p> <p><i>The discharge of contaminants into air from:</i></p> <p><i>b) premises used for the servicing of aircraft, motor vehicles, including fuselage, body and engine repairs, panel beating, fibreglassing and painting carried out in a booth enclosure that</i></p>	<p>Insert a rule to the same effect as Rule 44.1.5.1.8 from the operative Plan, into the MEP.</p>

#	Provision	Support / Oppose	Reasons	Relief sought
			<p><i>has been designed to contain any omission of paint overspray.;</i> ...”</p> <p>subject to appropriate controls. This rule was efficient and effective as it provided discharges to air from key activities likely to be undertaken in the airport zone, subject to appropriate controls to avoid adverse effects.</p> <p>Activities such as maintenance or servicing of aircraft, engine testing, etc are provided for as permitted activities in the notified provisions for the Airport zone and therefore the discharges to air from these activities should also be provided for as permitted activities, subject to appropriate controls.</p>	
68	Chapter 23 Airport Zone Rules 23.2.7.1, 23.2.8.1 and 23.2.9.1	Oppose	<p>These rules should be redrafted so that it is consistent with the recommended form for odour and dust conditions as set out in Ministry for the Environment guidance. For example, the recommended general form of an odour condition is: “There shall be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the boundary of the site.”</p>	Redraft these rules so that they are consistent with Ministry for the Environment guidance on the recommended form of consent conditions.
69	Chapter 23 Airport Zone Rules 23.2.10.1 to 23.2.10.3	Oppose	<p>NZDF is concerned with this suite of standards, including, but not limited to:</p> <ul style="list-style-type: none"> <li>The requirement in 23.2.10.1 that the dust “must not contain any hazardous substances” is overly onerous and impractical. For two reasons: <ul style="list-style-type: none"> <li>Hazardous substances are defined as having the same meaning as in Section 2 of the Hazardous Substances and New Organisms Act 1996 (HSNO). Many of the HSNO classifications are not relevant to environmental effects of discharges to air. This rule should be limited to those hazardous substances that cause adverse effects on people and the environment; and</li> <li>There should be a practical lower limit on the amount of a relevant hazardous substance to avoid imposing</li> </ul> </li> </ul>	<p>Amend rule 23.2.10.1 to refer to there being no noxious or dangerous effects of the discharge to air, or other relief that achieves the same outcome.</p> <p>And</p> <p>Delete rule 23.2.10.3 or relate it to some environmental effect.</p>

#	Provision	Support / Oppose	Reasons	Relief sought
70	Chapter 23 Airport Zone Rules 23.3.8.1 to 23.3.8.8	Oppose	<p>unnecessary consenting requirements on trivial discharges.</p> <ul style="list-style-type: none"> <li>The technical basis for the requirement that dust particles must not exceed 0.05mm (50µm) in size is not stated. There is no apparent environmental effects related to this requirement (particularly as particles of this size will fall to the ground rapidly and are unlikely to be discharged beyond the property boundary).</li> </ul> <p>NZDF is concerned with the suite of standards, including, but not limited to:</p> <ul style="list-style-type: none"> <li>The operative plan expresses the size limits as heat input rather than heat output. The reason for this change in the proposed plan is unclear and makes it difficult to compare the effect of the operative and proposed rules.</li> <li>The rationale for the different size (heat output) limits in Rule 23.3.8.1 is unclear, for example why is the limit for light fuel oil so low compared to other fuels with comparable effects?</li> <li>The operative plan provides for discharges from fuel burning equipment up to 10MW or 50MW (depending on fuel type) as permitted or controlled activities subject to varying stack height requirements. This approach is efficient and effective as it provides certainty for activities that can manage their effects through appropriate stack height. The proposed rule framework will require resource consents for many existing permitted activities and/or require discretionary activity consents for many controlled activities.</li> <li>There is no evaluation of the costs and benefits of these significant changes in the S32 report. The rule framework is inconsistent with proposed Policy 15.3.5 (a) which seeks to allow discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment as</li> </ul>	Re-draft the rule framework so that it is technically correct and not more onerous than the provisions of the operative plan.

#	Provision	Support / Oppose	Reasons	Relief sought
71	Chapter 23 Airport Zone Standard 23.3.8.1	Oppose	<p>permitted activities.</p> <p>Rule preamble is confusing and inaccurate in referring to a limit on the maximum heat output that a discharge can contain (e.g. if there is heat recovery does this mean that the limits do not apply?)</p>	Clarify and amend this preamble to assist with readability.
72	Chapter 23 Airport Zone Standard 23.3.8.2	Oppose	<p>The effect of this rule is overly onerous. For example if a site had a 20kW LFO burner and a 500kW diesel boiler, a discretionary consent would be required as the total heat output exceeds 40kW (the size threshold for LFO combustion).</p>	Amend rule to simplify provisions.
73	Chapter 23 Airport Zone Standard 23.3.8.3	Oppose	<p>This rule is poorly worded and unclear, for example what is meant by "fuel must be burned using fuel burning equipment".</p>	Amend rule to clarify.
74	Chapter 23 Airport Zone Standard 23.3.8.7	Oppose	<p>This rule is overly onerous and not effects-based. We presume that this rule is intended to address the potential for increased effect of a discharge due to building downwash. In this case, it would be more effective and efficient to control the stack height in relation to nearby buildings (for example refer to the form of Rule 23.3.11.4).</p>	Amend rule to better apply an effects based approach.
75	Chapter 23 Airport Zone Standard 23.3.9.1 to 23.3.9.5	Oppose	<p>NZDF is concerned with this suite of standards, including but not limited to:</p> <ul style="list-style-type: none"> <li>The upper limit of 400kW for internal combustion devices as a permitted activity is very low given the level of effects associated with internal combustion of gas and liquid fuels. The size limits should be consistent with those for external combustion as the effects are similar. The operative plan provides for discharges from fuel burning equipment up to 10MW or 50MW (depending on fuel type) as permitted or controlled activities subject to varying stack height requirements. The operative plan approach is efficient and effective as it provides certainty for activities that can manage their effects through appropriate stack height.</li> <li>The proposed rule framework is likely to require resource consents for many existing permitted activities and/or</li> </ul>	<p>Re-draft the rule framework so that it is technically correct and not more onerous than the provisions of the operative plan.</p> <p>And</p> <p>Provide an exemption for emergency electricity generation.</p> <p>And</p> <p>Provide an exemption for discharges to air from aircraft engine maintenance and testing.</p> <p>And</p> <p>Delete Rule 23.3.9.5</p>

#	Provision	Support / Oppose	Reasons	Relief sought
			<p>require discretionary activity consents for many controlled activities. There is no evaluation of the costs and benefits of these significant changes in the S32 report. The rule framework is inconsistent with proposed Policy 15.3.5 (a) which seeks to allow discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment as permitted activities.</p> <ul style="list-style-type: none"> <li>• These rules could be interpreted as capturing emissions to air from aircraft engines, particularly where these are stationary because they have been removed from an aircraft and are undergoing maintenance or testing.</li> <li>• These rules will also cover emergency electricity generators. It is not a possible to anticipate whether a limit of 5 hours in any 24 hour period can be met for emergency electricity generation as it is dependent on the duration of the power outage.</li> <li>• Rule 23.3.9.5 is redundant as there are not separate thresholds for different fuel types.</li> </ul>	
76	Chapter 23 Airport Zone Standard 23.3.10.4	Oppose	<p>The requirement for the surface to be blasted not to contain “any hazardous substances” is overly onerous and impractical. Hazardous substances are defined as having the same meaning as in Section 2 of the Hazardous Substances and New Organisms Act 1996 (HSNO). Many of the HSNO classifications are not relevant to environmental effects of discharges to air (for example many surface coating materials are classed as Class 3, flammable materials). The rule should relate to the presence of appreciable quantities of hazardous substances in the discharge to air.</p>	Amend this rule to refer to there being no noxious or dangerous effects of the discharge to air, or other relief that achieves the same outcome.
77	Chapter 23 Airport Zone Standard 23.3.11.2	Oppose	<p>Under the operative Wairau Awatere Resource Management Plan, discharges to air from power coating and spray painting at any application rate are a permitted activity subject to controls. The S32 report does not set out any basis for the proposed limit</p>	Delete rule 23.3.11.2



#	Provision	Support / Oppose	Reasons	Relief sought
			of 10L per hour, or an evaluation of the costs and benefits of the proposed change. The rule framework is inconsistent with proposed Policy 15.3.5 (a) which seeks to allow discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment as permitted activities.	
78	Chapter 23 Airport Zone Standard 23.3.12.6	Oppose	The requirement that there be “no” dispersal or deposition of particles beyond the boundary is impractical and overly onerous. The rule should relate to a concentration of dust or rate of dust deposition not causing an adverse effect.	Delete rule 23.3.12.6
79	Chapter 23 Airport Zone Standard 23.3.13.4	Oppose	<p>The limit on the “total mass of organic material discharges from the site” is inappropriate for a number of reasons, including but not limited to:</p> <ul style="list-style-type: none"> <li>• It does not relate to discharges to air, so could be interpreted as referring to any type of organic materials (such as kitchen scraps).</li> <li>• It is not clear how compliance with this limit could be demonstrated and therefore we consider it is impractical and unenforceable.</li> </ul>	Delete rule 23.3.13.4
80	Chapter 23 Airport Zone Standard 23.3.16.1	Oppose	The technical expression of this rule is unclear and it does not appear to relate to any environmental effect.	Delete Rule 23.3.16.1
81	Chapter 23 Airport Zone Rule 23.5.1	Oppose	<p>This rule should be limited to situations where there is potential for significant adverse effects. In particular it should apply only to outdoor burning, or burning a small-scale heating appliance. It should not include burning in an enclosed device where combustion is well-controlled and the discharges to air can be effectively treated, if required, to avoid significant adverse effects.</p> <p>In relation to outdoor burning, the relationship between this rule and permitted activity rule 23.3.7 is not sufficiently clear.</p>	<p>Amend rule 23.5.1 to replace “burning” with “outdoor burning or burning in a small-scale heating appliance”;</p> <p>And</p> <p>Include the phrase “unless permitted by rule 23.3.7”.</p>
82	Burning green waste	Oppose	Open burning is provided for as a permitted activity in other zones, including the Rural Zone, Urban Residential 1 and 2 Zones	Insert a new rule in Chapter 23 to provide for burning

#	Provision	Support / Oppose	Reasons	Relief sought
	within the Airport Zone		and the Open Space Zone (and others) where arguably the amenity is higher and the discharge would likely have a greater effect. NZDF may wish to undertake burning of green waste within the Airport zoned area of Base Woodbourne and it is appropriate that this is provided for as a permitted activity, with appropriate standards. Obviously this activity would be undertaken with regard to the operation of the airport activities.	green waste, with suggested wording as follows: <i>Permitted activity: Discharge of contaminants to air arising from burning in the open.</i> Standards: <ul style="list-style-type: none"> <li>Only material generated on the same property or a property under the same ownership can be burned.</li> </ul>
83	Identification of defined words	Oppose	Identifying the terms which are defined in the MEP is helpful to users and provides direction.	Amend the MEP to identify/mark all words that are defined in Chapter 25 by an asterisk, italicised text or similar at each appearance in the MEP.
84	Chapter 25: - Definition of regionally significant infrastructure	Oppose	It is difficult to find where the MEP provides for regionally significant infrastructure, as it is not defined in Chapter 25 but only defined in Policy 4.2.1.	Either add a new definition to Chapter 25 which lists the facilities from policy 4.2.1 OR Add definition to Chapter 25 that directs the reader to Policy 4.2.1 where the facilities are listed.
85	Chapter 25 - Definition of reverse sensitivity	Support	Reverse sensitivity is an important issue for defence facilities including Base Woodbourne and it is important that users of the MEP are alerted to the matter of reverse sensitivity. The definition could also include an example to assist users. Chapter 25 does not include a definition of reverse sensitivity. It is important to define this term in the MEP as it will assist users in interpretation. Providing an example within the definition (as per our requested definition) is also considered useful.	Insert a definition in the MEP. NZDF's suggested wording is as follows: <i>"When existing activities are affected by newer uses establishing that may have sensitivity to, and subsequently complain about, the effects of the existing activity; and seek to limit the ability of the existing activities to continue. Common examples are new residential development establishing next to farming or industrial operations, which can lead to the new residents complaining about noise, odour or other nuisance effects from those established activities."</i>
86	Chapter 25 - Definition of temporary military training activity	Oppose	The MEP definition is consistent with that requested by NZDF in other district and regional plans.	Retain definition as notified, with the exception of fixing an error by removing an extra 'the' as follows: <i>"means a temporary training activity undertaken for the defence purposes in accordance with the Defence Act 1990"</i>

## Volume 3: Appendices

#	Provision	Support / Oppose	Reasons	Relief sought
87	Appendix 14 - Schedule of Designated Land – Minister of Defence, ID Nos. A1 and A2, and associated maps	Support	Base Woodbourne and the airspace above it is designated in the operative WARMP for “defence purposes” which is appropriate. These designations and the explanations for them have been carried over into the MEP in accordance with the Minister of Defence’s roll over notices.	Retain as notified, with the exception of a typographical error in section (a) of the Explanation A2, where the bearing reads 86000 when in fact it should read 86°00 (the degree symbol amended to superscript).
88	Appendix 14 - Designation D1 and D2 – Meteorological Service of New Zealand Ltd	Support in part	These designations allow the operation of weather recording devices. Any changes to these facilities may impact on NZDF activities on Base Woodbourne. NZDF requests that any changes to these facilities be discussed with NZDF prior to any work taking place.	Retain the designations as currently provided for.
89	Appendix 6 - Environmental Flows and Levels - Schedule 1 – Quantity Allocations for Water Takes (Omaka River)	Support in part	NZDF understand through discussions with MDC that the water volumes have been rearranged between the Wairau and Omaka River aquifers, and the allocation limits have not been adjusted to reflect this correctly. Having correct and reliable information in relation to these matters is crucial for all water users and should be amended to ensure the information is correct.	Amend these provisions to correct errors.
90	Appendix 6 – Environmental Flows and Levels – Schedule 3 – Minimum Flows and Levels for Water Takes (Omaka River)	Support in part	As currently written, this table is difficult to use as the terms restricted or fully restricted and rationing are not explained. The method for establishing water allocations is also unclear in terms of management flows. The provisions for Omaka River are unusual as both a minimum level and a management flow are set. NZDF has assumed that the management flow forms the basis of any restrictions. Although Well 10231 is referred to, it is not shown on MEP maps for FMUs. One interpretation is that if the minimum level at Well 10231 had been used to restrict groundwater takes, then it may have meant that groundwater takes would have been restricted for 22	This table requires further investigation and review to confirm the content is correct. NZDF has assumed that “fully restricted” means all water takes are stopped. NZDF suggests that instead, rationing occurs when the Tynesfield Gorge is below 0.067 m <sup>3</sup> /s (67 L/s), rather than restrictions being placed at this level. NZDF is happy to discuss these matters with Council prior to a hearing.

#	Provision	Support / Oppose	Reasons	Relief sought
			months of the historical record, with no alternative water source available during that time.	

#### Volume 4: Maps

#	Provision	Support / Oppose	Reasons	Relief sought
92	Underlying zoning of Base Woodbourne [D, R]	Oppose in part	<p>The MEP provides for Base Woodbourne through the following underlying zonings:</p> <ul style="list-style-type: none"> <li>• Airport zoning for the active airport and runway areas; and</li> <li>• Urban Residential 2 zoning over the NZDF accommodation areas to the north of SH6.</li> </ul> <p>This underlying Airport and Urban Residential zoning is considered appropriate, as it allows for the various existing activities at the site. The proposed Industrial zoning is a change from the operative provisions. NZDF is concerned that any activity undertaken within this zone needs to be appropriate and does not result in reverse sensitivity effects on Base Woodbourne.</p>	Retain the underlying Airport and Urban Residential 2 zoning at Base Woodbourne. NZDF wishes to further discuss the proposed Industrial zoning with Council.
93	Insert Groundwater Protection Areas around the bores within Base Woodbourne	Oppose	<p>Water supply at Base Woodbourne is a significant issue for NZDF. NZDF considers that the existing bores should be appropriately provided for and protected through provisions in the MEP including through establishing Groundwater Protection Areas. NZDF has held previous discussions with Council in regards establishing Groundwater Protection Areas around the bores at Base Woodbourne.</p>	Insert Groundwater Protection Areas regarding the bores operating at Base Woodbourne.

# Attachment A:

## Permitted Activity Noise Standards for Temporary Military Training Activities

**Rule X:** Temporary Military Training Activities are permitted activities provided they comply with the following noise standards:

### 1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 500m  
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 95 dBC  
1900 to 0700 hours: 85 dBC

### 2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to 'construction noise' taken to refer to mobile noise sources\*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

### 3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity\*.

Time (Monday to Sunday)	L <sub>Aeq</sub> (15 min)	L <sub>AFmax</sub>
0700 to 1900 hours	55 dB	
1900 to 2200 hours	50 dB	n.a.
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

### 4. Helicopter landing areas

Shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas\*.

\* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.

## Attachment B:

### Details on the operation of portable water treatment units for military training

NZDF must train in the use of portable water treatment units in order to maintain its capability. Operation of the treatment units involves the abstraction of surface water (marine or fresh), associated minor bed disturbance if required, and the discharge of process water and unused potable water back into the environment. The following information provides an overview of the NZDF's training activities using portable water treatment units, and further details can be provided on request.

#### Overview of the portable water treatments units

A number of different types of water treatment units are currently used by NZDF. In general, the units operate as follows;

- Flexible intake pipe with screen is placed in the suitable water source;
- Raw water is pumped to the unit;
- Water is treated by filtration or reverse osmosis. No chemicals are used in the treatment process, and chlorine is added only if the water is to be stored;
- The water streams are discharged to land or water ;
- The units are periodically cleaned using air, water, and/or additives.

#### Abstraction rates

Water is abstracted at a maximum rate of 16.67 litres/second to a maximum daily volume of 210m<sup>3</sup>/day.

#### Abstraction site selection

Depending on the purpose of the training, water can be abstracted from lakes, permanently or intermittently flowing streams, estuaries, or the sea.

The units require a continuous water supply or they may be damaged. Abstraction sites are therefore only selected if the operator is certain that there is sufficient flow at many times greater than the pump rate. This limitation ensures that the abstraction does not result in severe reductions in water levels that might impact on aquatic habitat and organisms. Depending on the site, minor disturbance of the bed might be required to hand dig a small pool to facilitate placement and operation of the pump inlet.

Training may occur on NZDF owned land or by arrangement on other public or private land across the country.

#### Discharges

The discharges from the water treatment units fall under three categories: potable water, concentrate and backwash, and cleaning solutions. The nature of these discharges types and their management procedures are summarised as follows:

1. Potable water: chlorinated or unchlorinated clean water. Potable water that is not consumed is discharged either direct to the waterbody or over stable vegetated land. Chlorinated water is left as long as possible exposed to sunlight to encourage deactivation, and the rate of discharge is controlled to ensure the chlorine levels in the receiving water body meet the ANZECC Guidelines for Fresh and Marine Water Quality.

2. Concentrate and backwash: raw water with higher concentrations of original, source water, contaminants. Concentrate and backwash is discharged to a hand dug soakage sump or to stable vegetated land; it is not discharged direct to the source waterbody.
3. Cleaning solutions; the units are periodically washed using cleaning solutions (normally acid based) then rinsed with water, and are disinfected using chlorine based disinfectants to prevent cross-contamination. These operations are generally undertaken at an NZDF camp or base and the cleaning solutions are discharged to the sewer. Where cleaning must be undertaken in the field, the cleaning solutions are discharged to a hand dug sump or stable vegetated land in locations where it will not discharge to surface water, and diluted with rinse water.

#### Frequency and duration

NZDF generally conducts between two and four water treatment training exercises per year nationwide. When in operation, the water treatment units may be in use 24 hours per day. Exercises will generally last for around 72 hours (3 days), but can last up to three weeks when supporting a larger military training exercise.

**APPENDIX B**

**A copy of the parts of the Council's decision relevant to this appeal**



cause and effect of excessive faecal bacteria levels. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to the identified rivers.

The potential role of cumulative contaminant limits in enhancing water quality will be considered through the process of developing the plan.

This policy gives effect to Policy A2 of the NPSFM.

[RPS, R]

**Policy 15.1.7 – Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.**

The rivers with water quality known not to meet the management purposes established by Policy 15.1.1 are identified in Table 15.1. Point source and non-point source discharges have degraded water quality to the extent that it is no longer sufficient to support natural and human use values. Another group of rivers, identified in Table 15.2, has fair water quality, but there is a risk that it may become insufficient to meet the management purposes established by Policy 15.1.1 if the water quality is further degraded. Water quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved.

A catchment-specific plan for enhancing water quality will be developed for each river included in Tables 15.1 and 15.2. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the plan. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to those rivers identified in Tables 15.1 and 15.2.

The quality of water in some rivers and coastal waters is unknown as they have not been monitored. If the results of future monitoring establish that there are other waterbodies with degraded water quality, then these can be added to Table 15.1 through a change to the MEP.

This policy gives effect to Policy A2 of the NPSFM.

## Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R]

### 15.M.5 Catchment Enhancement Plans

*Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in consultation with resource users in the catchment and other affected parties.*

## Management of point source discharges to water

[RPS, R, C]

**Policy 15.1.8 – Encourage the discharge of contaminants to land in preference to water.**

The combination of favourable soil properties in many parts of Marlborough, along with Marlborough's dry climate, make the discharge of contaminants to land a viable option.

Discharging contaminants to land avoids the equivalent discharge to freshwater or coastal waters and therefore assists to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. For this reason, the policy states a preference for discharges to land. However, it is also acknowledged that there can be limitations to the capacity of soils to treat and/or absorb contaminants. Encouraging discharges to land where these limits would be exceeded may give rise to unsustainable outcomes. Chapter 16 - Waste contains provisions for managing the adverse effects of discharging contaminants to land.

[R, C]

**Policy 15.1.9 – Enable point source discharge of contaminants or water to water where the discharge will not result:**

- (a) **in any of the following adverse effects beyond the zone of reasonable mixing:**
  - (i) **the production of conspicuous oil or grease films, scums, foams or floatable or suspended materials;**
  - (ii) **any conspicuous change in the colour or significant decrease in the clarity of the receiving waters;**
  - (iii) **the rendering of freshwater unsuitable for consumption by farm animals;**
  - (iv) **any significant adverse effect on the growth, reproduction or movement of aquatic life; or**
- (b) **in the flooding of or damage to another person's property.**

The purpose of this policy is to set criteria for authorising discharges to surface waterbodies or coastal waters as permitted activities. In the absence of a regional rule, these discharges would require a discharge permit. These discharges, provided they meet certain conditions, should not cause any of the adverse effects identified in this policy or Section 70 of the RMA. The matters specified in (a) are the statutory tests for permitted activity rules from Section 70 of the RMA. There is little justification for requiring a discharge permit for an activity that has little or no adverse effects. If state of the environment monitoring indicates that the cumulative effects of permitted activities are adversely affecting water quality, then it is appropriate to review the status of those rules. (Refer to Policy 15.1.14 for the criteria for a zone of reasonable mixing.)

[RPS, R, C]

**Policy 15.1.10 – Require any applicant applying for a discharge permit that proposes the discharge of contaminants to water to consider all potential receiving environments and adopt the best practicable option, having regard to:**

- (a) **the nature of the contaminants;**
- (b) **the relative sensitivity of the receiving environment;**
- (c) **the financial implications and effects on the environment of each option when compared with the other options; and**
- (d) **the current state of technical knowledge and the likelihood that each option can be successfully applied.**

Reflecting the preference for discharges to land expressed in Policy 15.1.8, it is important that any applicant applying for a discharge permit to water has thoroughly considered all potential land or water receiving environments. The applicant will have to demonstrate that the option of discharging to water is the best practicable option given the alternative receiving environments available. Even if the discharge of contaminants to water is the best practicable option, it does not necessarily mean that the discharge permit application will be granted; the remainder of the policies will also be relevant to determining the application. In particular, it is expected that discharges to water will be treated to the highest practicable levels to meet the management purposes set out in Policy 15.1.1.

This policy assists to give effect to Policy A3 of the NPSFM and Policy 23 of the NZCPS.

# 16. Waste

## Introduction

Wastes are unwanted solids and liquids that are to be discarded or discharged. The amount of waste disposed of in Marlborough has steadily increased, mostly due to an increasing population, economic growth and increasing consumer demand. Disposing of waste uses land and resources that would otherwise be available for other purposes. Waste disposal also incurs a cost to communities and the environment.

When an item enters the waste stream, the environmental effects vary depending on the nature of the waste, the method of disposal and the nature of the receiving environment. Effects previously experienced include localised contamination of soil and water resources and nuisance problems, such as litter and odour. Uncontrolled waste disposal also has significant health implications for people and communities.

Avoiding waste altogether would be the best way to avoid the costs to people and the environment. However, not all waste can be avoided and management of waste is necessary to ensure that the costs and effects on the environment are minimised. The Council exercises waste management functions under multiple pieces of legislation. The focus of this chapter of the Marlborough Environment Plan (MEP) is to set a framework for addressing Marlborough's significant waste management issues under the Resource Management Act 1991 (RMA). In addition to waste minimisation, the chapter focusses on the way in which the Council exercises its function of controlling the discharge of contaminants into the environment.

## **Issue 16A – Large quantities of solid waste are generated in Marlborough.**

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Solid waste is made up of materials and resources that are no longer wanted or needed and volumes have continued to rise in Marlborough due to increases in population, growth in local industries and the production of more packaging and single use items. Approximately 40,000 tonnes of solid waste is disposed of annually at the regional landfill. The large quantity of solid waste produced in Marlborough represents an inefficient use of natural and physical resources.

Unmanaged, this volume of solid waste also has implications for the environment in terms of contaminating land, water and air resources. For this reason, the Council provides waste collection services (through kerbside waste collection in urban areas and transfer stations) and a regional landfill for safe disposal. Even when solid waste is managed in this co-ordinated and centralised way, it is still necessary to collect and manage the gas and leachate caused by the decomposition and breakdown of waste within the landfill.

The Council has invested heavily in alternatives to landfill over the past decade, for example by establishing a hazardous waste collection facility (2004), recycling facilities at the transfer stations (2008), the Resource Recovery Centre in Blenheim (2009), a reuse centre in Blenheim (2010), a salvage yard and e-waste collection facility in Blenheim (2012) and the expansion of recycling and reuse options across the transfer stations (2014). Further work is underway to establish a commercial and industrial sorting facility. These waste minimisation initiatives have extended the life of the regional landfill. This is particularly relevant given the difficulties in finding suitable sites for (and the costs of) establishing new landfills.

The regional landfill cannot take all solid wastes and was deliberately designed not to cater for many forms of hazardous waste. Given the threat to human health and the environment posed by

*Information on the impacts of illegal dumping on the environment will be provided to the community. The information can be provided by a variety of means, including signage in public areas.*

[RPS, R]

#### **16.M.13 Advocacy**

*Advocate for national funds to support initiatives to better manage solid waste in remote locations.*

[RPS, R]

#### **16.M.14 Community support**

*Support community initiatives to remove solid waste that has accumulated in remote locations, especially the Marlborough Sounds and remote rural locations in South Marlborough.*

### **Issue 16B – The discharge of liquid wastes onto or into land has the potential to adversely affect the surrounding environment.**

**Note that the discharge of contaminants to water is dealt with in Chapter 15 - Resource Quality (Water, Air, Soil).**

A strong rural economy and a prevalence of residential living in rural and coastal environments mean that a wide variety of liquid wastes are created in Marlborough. These include:

- domestic wastewater;
- dairy shed effluent;
- winery wastewater; and
- vegetable and shellfish processing wastewater.

These liquid wastes contain a variety of potential contaminants including solids, nutrients, bacteria, viruses and substances that change soil properties.

Fortunately, the combination of favourable soil properties and the dry climate in Marlborough make the discharge of liquid wastes to land a viable option. For this reason, the provisions of the water quality chapter strongly encourage the discharge of these and other contaminants to land in preference to water, in order to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. When this happens, the soil resource effectively becomes part of the treatment system, with contaminants in the liquid waste being broken down or absorbed as the wastewater passes through the soil.

The capacity of the soil resource to treat or absorb contaminants is determined by the physical, chemical and biological properties of the soil. As Marlborough's soil resource is diverse, there is variation in treatment capacity across the District.

Understanding this variation is critical to avoid the adverse effects of discharging contaminants to land. If the rate of discharge exceeds the hydraulic capacity of the soil, then wastewater will pond on the ground surface and, if on a slope, potentially run off. This creates an obvious health hazard and a risk of contamination of nearby surface water bodies. Discharges to steeper slopes, especially slopes already prone to instability, can increase instability and threaten people and property. The substances and solids present in wastewater can accumulate in soil and increase to levels that adversely affect soil quality. In turn, this can affect the ability of the soil to continue to be used as a land application area or for productive purposes in the future. Shallow soils and soils with high gravel/sand content have limited capacity to treat bacteria, viruses and some nutrients present in wastewater, creating the risk of contamination of groundwater beneath or surface water in close proximity to the land application area. Liquid waste also has the tendency to become anaerobic (lacking in oxygen), which can cause odours around the treatment system or land application area.

There are currently a large number of discharges to land in Marlborough and this will only increase in the future given the ongoing regional growth and preference for discharges to land as opposed to water. It seems sensible to utilise the land resource to treat liquid wastes in Marlborough, but it is essential that discharges to land are well managed as they could, in isolation or in combination, give rise to adverse effects of similar magnitude or greater than those caused by discharges to water.

[RPS]

**Objective 16.3 – The discharge of liquid wastes onto or into land is managed in a way that avoids adverse effects on water and soil quality, land and water ecosystems, slope stability and cultural and amenity values.**

The water quality provisions of the MEP encourage the discharge of contaminants to land in preference to water. This policy position recognises that we live in an environment well suited to using soil as a treatment medium. However, it is possible for discharges to land to adversely affect soil quality and the surrounding environment. Consistent with other provisions in the MEP, the objective seeks to avoid such adverse effects. This can be achieved by carefully designing, constructing, managing and maintaining systems for the discharge of liquid waste to land so that they reflect environmental constraints.

[RPS, R]

**Policy 16.3.1 – Ensure that wastewater management systems are designed, located and installed to effectively treat and/or contain the contaminants present in wastewater.**

It is important that the discharge of contaminants onto or into land is undertaken in a manner compatible with the ability of the land resource to treat and/or contain contaminants present in the wastewater. If this is not achieved, the discharge will adversely affect the immediate and surrounding environment. This policy targets the critical role that wastewater management system designers and installers have in avoiding the potential for adverse effects. It is essential that the design of any wastewater management system recognises and provides for the characteristics and constraints of the site (especially the area to be used as a land application area) and that the system is installed according to the design.

[RPS, R]

**Policy 16.3.2 – Require discharge permits for the discharge of contaminants onto or into land where there are significant environmental constraints to effective wastewater management.**

Chapter 15 - Resource Quality (Water, Air, Soil) encourages the discharge of contaminants to land in preference to water. This is achieved through permitted activity rules. However, not all Marlborough soils are well suited to receiving and treating contaminants present in wastewater. Of particular note are:

- Soils in the Marlborough Sounds. These soils tend to have a high proportion of clay and corresponding low permeability rates. Furthermore, in many areas the soil is also of inadequate depth to provide sufficient treatment of bacteria and the underlying geology can be prone to instability.
- The gravel/sand soils on the coastal margin of Cloudy Bay, which have extremely high permeability, limited ability to provide treatment/containment of bacteria and nutrients and a high groundwater table.
- The poorly drained soils of the Lower Wairau Plain, which because of low permeability rates are prone to ponding wastewater.
- The loess hills soils to the south of the Wairau Plain have a high potential for tunnel gully erosion.
- Any land in close proximity to surface water bodies has the potential for runoff and surface water contamination.

[RPS, R]

**Policy 16.3.9 – Encourage artificial wetlands as a means of managing the discharge of contaminants.**

The use of wetlands can provide an effective method of reducing the level of contamination in water, stormwater or wastewater prior to discharge into the environment. Wetland processes filter out and retain contaminants on a passive and ongoing basis. This may help the discharger to meet the objectives and policies that apply to the subsequent discharge of contaminants to land or water. For this reason, the Council will encourage the use of artificial wetlands. Wetlands may also create biodiversity benefits by creating new habitat.

**Methods of implementation**

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R]

**16.M.15 Identification**

*Identify in the MEP those areas with soils most susceptible to the adverse effects of the discharge of contaminants to land.*

[RPS, R]

**16.M.16 Regional rules**

*Permitted activity rules will enable the discharge of contaminants to land in environments where there is a low risk of adverse effects. Standards for the discharge of contaminants onto or into land and for the monitoring of any such discharges will be established, including standards for:*

- *domestic wastewater discharges from on-site wastewater management systems;*
- *dairy shed effluent;*
- *vegetable, fish and shellfish processing wastewater; and*
- *leachate from composting operations.*

*All permitted activity rules will require the preparation and provision of operation and maintenance guidelines for the operator of the wastewater management system.*

*Where the conditions of the permitted activity standards cannot be met, a resource consent will be required and conditions will be imposed to ensure that the operator of the system is well informed about the appropriate operation and maintenance of the system.*

*Where there is a greater potential for adverse effects on the receiving environment, discharges to land will require a resource consent.*

*In some instances, discharges to land will be prohibited. A prohibited activity status will apply to the use of soak pits and will have effect within five years of the MEP becoming operative. This will allow time for replacement with appropriate land application areas to occur.*

[RPS, D]

**16.M.17 District rules**

*Apply district rules to industrial and trade activities requiring them to connect to Council-operated reticulated trade waste infrastructure within industrial zonings and requiring resource consent to establish in areas not zoned industrial.*

## Activity In, On, Over or Under the Bed of a Lake or River

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA.

### 2.7. Permitted Activities

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Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9:

[R]

**2.7.1. Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.**

[R]

**2.7.2. Protection works in, on or over the bed of a lake or river for existing structures.**

[R]

**2.7.3. Suction hose intake placement over the bed of a lake or river.**

[R]

**2.7.4. Construction of a dam on an ephemeral river.**

[R]

**2.7.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.**

[R]

**2.7.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.**

[R]

**2.7.7. Culvert installation in, on, under, or over the bed of a river.**

[R]

**2.7.8. Minor upgrading in, on, or under the bed of a lake or river of the following utilities:**

**(a) transmission line existing at 9 June 2016;**

**(b) telecommunication or radio communication facility existing at 9 June 2016.**

[R]

**2.7.9. Livestock entering onto, or passing across, the bed of a river.**

[R, D]

**2.7.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.**

- 2.9.1.4. No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.
- 2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.

**2.9.2. Protection works in, on or over the bed of a lake or river for existing structures.**

- 2.9.2.1. The structure must have been lawfully established.
- 2.9.2.2. There must be no reduction in the capacity of the river at the structure.
- 2.9.2.3. Rock may be used for protecting existing structures.
- 2.9.2.4. Rock from damaged or redundant structures may be recovered from the lakebed or riverbed.
- 2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.
- 2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.
- 2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.

**2.9.3. Suction hose intake placement over the bed of a lake or river.**

- 2.9.3.1. The take and use of water must be authorised as a permitted activity or by a resource consent.
- 2.9.3.2. The intake must be screened to prevent fish from passing into the intake at all times.
- 2.9.3.3. A grid reference and details of the intake must be supplied to the Council within 10 working days of placement.

**2.9.4. Construction of a dam on an ephemeral river.**

- 2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.4.2. The dam must not intersect groundwater.
- 2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.

**2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.**

- 2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.5.2. The structure must not intersect the groundwater.
- 2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.
- 2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.



# Discharge to Water

## 2.16. Permitted Activities

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Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.17:

[R]

**2.16.1. Discharge of water to surface water.**

[R]

**2.16.2. Discharge of an aquatic agrichemical into a waterbody.**

[R]

**2.16.3. Discharge of stormwater to water.**

[R]

**2.16.4. Discharge of stormwater to coastal water from the Port, Port Landing Area and Marina Zones.**

[C]

**2.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.**

[R]

**2.16.6. Discharge of stormwater to water from Lots 1 & 2 DP 323372, Lots 1, 3 & 4 DP 8762, portions of Lot 1 DP 4447, Lot 9 DP 306716 and Lot 2 DP 379514 the Riverlands.**

[R]

**2.16.7. Discharge of swimming or spa pool water to water.**

[R]

**2.16.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.**

[R]

**2.16.9. Discharge of tracer dye to water.**

[R]

**2.16.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.**

[R]

**2.16.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.**

[R]

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

[R]

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

[R]

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

[R]

**3.1.35. 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]

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

[R]

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

[R]

**3.1.38. Discharge of contaminants to air from seed cleaning.**

[R]

**3.1.39. Discharge of contaminants to air from the burning of oil in a frost protection heater.**

[R]

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

[R]

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

[R]

**3.1.42. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance.**

[R]

**3.1.43. Discharge of heat and water vapour from cooling towers.**

[D]

**3.1.44. Residential activity.**

[D]

**3.1.45. Home occupation.**

[R]

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

[R]

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

[R]

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

[R]

**4.1.34. 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]

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

[R]

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

[R]

**4.1.37. Discharge of contaminants to air from seed cleaning.**

[R]

**4.1.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.**

[R]

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

[R]

**4.1.40. Discharge of contaminants to air from the burning of solid fuel in any indoor open fire.**

[R]

**4.1.41. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.**

[R]

**4.1.42. Discharge of heat and water vapour from cooling towers.**

[D]

**4.1.43. Residential activity.**

[D]

**4.1.44. Home occupation.**

[D]

**4.1.45. Homestay.**

[R]

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

[R]

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

[R]

**9.1.16. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner).**

[R]

**9.1.17. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**

[R]

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

[R]

**9.1.19. Discharge of heat and water vapour from cooling towers.**

## **9.2. Standards that apply to all permitted activities**

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### **9.2.1. Construction and siting of a building or structure.**

- 9.2.1.1. A building must be located on the front boundary of the site with no setback from the street edge except that a recess of up to 0.5m within the façade of the building is permitted.
- 9.2.1.2. The primary customer entrance must be located on, or adjoin, the front boundary of the site.
- 9.2.1.3. The entrance to any part of the building or structure used for a residential activity must directly access a street and be separate from the customer entrance to the part of the building or structure operating a commercial activity.
- 9.2.1.4. A building within the area bounded by Market Street, High Street, Queen Street and Maxwell Road in Blenheim, on both sides of the street, must occupy 100% of their street frontage boundary.
- 9.2.1.5. The height of a building or a structure must not exceed 12m.
- 9.2.1.6. A building must only differ by one storey in height from immediately neighbouring buildings, unless additional storeys are set back from the front boundary by at least 3m.
- 9.2.1.7. Car parking or garaging relating to residential activity occurring on the land must be located away from the building frontage.
- 9.2.1.8. A building or structure must be setback a minimum of 5m from any Urban Residential 1 Zone boundary. The height envelope must have the

[R]

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

[R]

**10.1.14. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner).**

[R]

**10.1.15. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**

[R]

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

[R]

**10.1.17. Discharge of heat and water vapour from cooling towers.**

## **10.2. Standards that Apply to all Permitted Activities**

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### **10.2.1. Construction and siting of a building or structure.**

- 10.2.1.1. The height of a building or a structure must not exceed 10m.
- 10.2.1.2. In the Business 2 Zone in Blenheim and Picton, permanent buildings must not cover more than 65% of the net site area.
- 10.2.1.3. For a property that adjoins any land zoned Urban Residential Zone 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building must be confined within a height envelope in respect of the common boundary. The height envelope must have the dimensions specified for recession planes in the relevant adjoining Urban Residential Zone.
- 10.2.1.4. A building in the Business 2 Zone in Blenheim, must have a veranda, and the veranda must:
  - (a) be self-supporting;
  - (b) not extend further than 2m from the front face of a building into the street;
  - (c) not extend closer than 0.5m to the street kerb;
  - (d) generally conform with adjoining verandas in regards to height, width, and depth of fascia.
- 10.2.1.5. No part of a building must protrude over a street except for a sign or minor decorative feature (which may protrude up to 400mm), or a veranda.
- 10.2.1.6. The height of a fence, or any part of a fence, must not exceed 2m.
- 10.2.1.7. The following setbacks apply:

# 11. Business 3 Zone

## 11.1. Permitted Activities

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Unless expressly limited elsewhere by a rule on the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 11.2 and 11.3:

[D]

**11.1.1. Large format retail.**

[D]

**11.1.2. Park or reserve.**

[R, D]

**11.1.3. Excavation or filling.**

[R, D]

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

[R]

**11.1.5. Application of an agrichemical into or onto land.**

[R]

**11.1.6. Discharge of contaminants to air from the burning of solid fuel in an indoor open fire.**

[R]

**11.1.7. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.**

[R]

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

[R]

**11.1.9. Discharge of heat and water vapour from cooling towers.**

## 11.2. Standards that apply to all permitted activities

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**11.2.1. Construction of a building or structure.**

11.2.1.1. The maximum height of a building or structure must not exceed 12m.

11.2.1.2. Permanent buildings must not cover more than 60% of the gross site area.

11.2.1.3. The minimum setback of a building must be 10m from a road including a right of way or private road.

## 12. Industrial 1 and 2 Zones

### 12.1. Permitted Activities

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Unless expressly limited elsewhere Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 12.2 and 12.3:

[D]

**12.1.1. Light or heavy industrial activity within Industrial 2 Zone.**

[D]

**12.1.2. Light industrial activity within Industrial 1 Zone.**

[D]

**12.1.3. Commercial activity ancillary to an industrial activity.**

[D]

**12.1.4. Refuse transfer station within Industrial 2 Zone.**

[D]

**12.1.5. Truck stop within Industrial 2 Zone.**

[D]

**12.1.6. Service station.**

[D]

**12.1.7. Service industry.**

[D]

**12.1.8. Service activity.**

[D]

**12.1.9. Warehousing.**

[D]

**12.1.10. Temporary building or structure, or unmodified shipping container.**

[R]

**12.1.11. 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.

[R]

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

[R]

**12.1.25. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner).**

[R]

**12.1.26. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**

[R]

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

[R]

**12.1.28. Discharge of heat and water vapour from cooling towers.**

[R, D]

**12.1.29. Excavation or filling.**

[D]

**12.1.30. Excavation or filling within the National Grid Yard.**

[R, D]

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

[R]

**12.1.32. Application of an agrichemical into or onto land.**

[D]

**12.1.33. Emergency services facility.**

[D]

**12.1.34. Park or reserve.**

## **12.2. Standards for all permitted activities**

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

12.2.1.1. The maximum height of a building or structure must not exceed:

- (a) 12m within the Industrial 1 Zone;
- (b) 15m within the Industrial 2 Zone.

12.2.1.2. A building or structure (except a fence) must be set back a minimum of 3m from a road boundary.



[C]

**13.1.27. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.**

[R, D]

**13.1.28. Excavation.**

[R, D]

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

[R, D]

**13.1.30. Non-indigenous vegetation clearance.**

[R, D]

**13.1.31. Indigenous vegetation clearance.**

[C]

**13.1.32. Marine oil spill clean-up activity and the associated release of oil dispersants.**

[C]

**13.1.33. Take and use of coastal water.**

[R]

**13.1.34. 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]

**13.1.35. Discharge of any 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 sources of electromagnetic radiation, including a radio transmitter, television or cell phone; or release of x-rays from a radioactive source;
- (c) discharges for the purposes of ventilation or vapour displacements.

[R]

**13.1.36. Discharge of contaminants to air from the combustion of fuel (i.e. external combustion).**

[R]

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

[R]

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

[R]

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

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

## **22.2. Standards that apply to all permitted activities**

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**22.2.1. Construction and siting of a building or structure.**

- 22.2.1.1. A building or structure constructed or sited within 500m of mean high water springs must not exceed 8m in height.
- 22.2.1.2. A building or structure constructed or sited within the Lake Grassmere Salt Works Administration, Workshops, Salt Refining and Processing Area must not exceed 15m in height.
- 22.2.1.3. Notwithstanding 22.2.1.1 and 22.2.1.2, a building or structure must not exceed 10m in height.

[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 of an agrichemical into or onto land.**

[R]

**23.1.18. Application 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]

**23.1.20. 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.

[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.**

## **23.2. Standards that apply to all permitted activities**

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### **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 Omaka 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.

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

23.3.15.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.

23.3.15.2. 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.

## **23.4. Discretionary Activities**

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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**

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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 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;
- (d) pellets containing greater than 10 mg/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;

[RPS, R]

**Policy 15.1.7 – Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.**

The rivers with water quality known not to meet the management purposes established by Policy 15.1.1 are identified in Table 15.1. Point source and non-point source discharges have degraded water quality to the extent that it is no longer sufficient to support natural and human use values. Another group of rivers, identified in Table 15.2, has fair water quality, but there is a risk that it may become insufficient to meet the management purposes established by Policy 15.1.1 if the water quality is further degraded. Water quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved.

A catchment-specific plan for enhancing water quality will be developed for each river included in Tables 15.1 and 15.2. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the plan. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to those rivers identified in Tables 15.1 and 15.2.

The quality of water in some rivers and coastal waters is unknown as they have not been monitored. If the results of future monitoring establish that there are other waterbodies with degraded water quality, then these can be added to Table 15.1 through a change to the MEP.

This policy gives effect to Policy A2 of the NPSFM.

### **Methods of implementation**

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R]

#### **15.M.5 Catchment Enhancement Plans**

*Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in consultation with resource users in the catchment and other affected parties.*

### **Management of point source discharges to water**

[RPS, R, C]

**Policy 15.1.8 – Encourage the discharge of contaminants to land in preference to water.**

The combination of favourable soil properties in many parts of Marlborough, along with Marlborough's dry climate, make the discharge of contaminants to land a viable option. Discharging contaminants to land avoids the equivalent discharge to freshwater or coastal waters and therefore assists to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. For this reason, the policy states a preference for discharges to land. However, it is also acknowledged that there can be limitations to the capacity of soils to treat and/or absorb contaminants. Encouraging discharges to land where these limits would be exceeded may give rise to unsustainable outcomes. Chapter 16 - Waste contains provisions for managing the adverse effects of discharging contaminants to land.

## 16. Waste [and Discharges to Land](#)

### Introduction

Wastes are unwanted solids and liquids that are to be discarded or discharged. The amount of waste disposed of in Marlborough has steadily increased, mostly due to an increasing population, economic growth and increasing consumer demand. Disposing of waste uses land and resources that would otherwise be available for other purposes. Waste disposal also incurs a cost to communities and the environment.

When an item enters the waste stream, the environmental effects vary depending on the nature of the waste, the method of disposal and the nature of the receiving environment. Effects previously experienced include localised contamination of soil and water resources and nuisance problems, such as litter and odour. Uncontrolled waste disposal also has significant health implications for people and communities.

Avoiding waste altogether would be the best way to avoid the costs to people and the environment. However, not all waste can be avoided and management of waste is necessary to ensure that the costs and effects on the environment are minimised. The Council exercises waste management functions under multiple pieces of legislation.

[In Marlborough the majority of stormwater in urban areas is discharged to water via the reticulated stormwater network. Where this network is unavailable potential effects on water could be significant. Where it can be demonstrated that filtration of contaminants may be provided safely by soils, stormwater could be discharged to land. Stormwater from industrial and commercial land uses will likely contain contaminants requiring treatment prior to discharge. Without management, stormwater discharges containing contaminants may cause environmental effects such as localised contamination of water resources or nuisance problems such as exacerbating flooding.](#)

The focus of this chapter of the Marlborough Environment Plan (MEP) is to set a framework for addressing Marlborough's significant waste management [and discharge to land](#) issues under the Resource Management Act 1991 (RMA). In addition to waste minimisation, the chapter focusses on the way in which the Council exercises its function of controlling the discharge of contaminants into the environment.

### **Issue 16A – Large quantities of solid waste are generated in Marlborough.**

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Solid waste is made up of materials and resources that are no longer wanted or needed and volumes have continued to rise in Marlborough due to increases in population, growth in local industries and the production of more packaging and single use items. Approximately 40,000 tonnes of solid waste is disposed of annually at the regional landfill. The large quantity of solid waste produced in Marlborough represents an inefficient use of natural and physical resources.

Unmanaged, this volume of solid waste also has implications for the environment in terms of contaminating land, water and air resources. For this reason, the Council provides waste collection services (through kerbside waste collection in urban areas and transfer stations) and a regional landfill for safe disposal. Even when solid waste is managed in this co-ordinated and centralised way, it is still necessary to collect and manage the gas and leachate caused by the decomposition and breakdown of waste within the landfill.

The Council has invested heavily in alternatives to landfill over the past decade, for example by establishing a hazardous waste collection facility (2004), recycling facilities at the transfer stations

*Information on the impacts of illegal dumping on the environment will be provided to the community. The information can be provided by a variety of means, including signage in public areas.*

[RPS, R]

#### **16.M.13 Advocacy**

*Advocate for national funds to support initiatives to better manage solid waste in remote locations.*

[RPS, R]

#### **16.M.14 Community support**

*Support community initiatives to remove solid waste that has accumulated in remote locations, especially the Marlborough Sounds and remote rural locations in South Marlborough.*

### **Issue 16B – The discharge of liquid wastes [and stormwater containing contaminants](#) onto or into land has the potential to adversely affect the surrounding environment.**

Comment [ 10]: Topic 14

**Note that the discharge of contaminants to water is dealt with in Chapter 15 - Resource Quality (Water, Air, Soil).**

A strong rural economy and a prevalence of residential living in rural and coastal environments mean that a wide variety of liquid wastes are created in Marlborough. These include:

- domestic wastewater;
- dairy shed effluent;
- winery wastewater; and
- vegetable and shellfish processing wastewater.
- [Industrial and trade process wastewater](#)

These liquid wastes contain a variety of potential contaminants including solids, nutrients, bacteria, viruses and substances that change soil properties.

Fortunately, the combination of favourable soil properties and the dry climate in Marlborough make the discharge of liquid wastes to land a viable option. For this reason, the provisions of the water quality chapter strongly encourage the discharge of these and other contaminants to land in preference to water, in order to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. When this happens, the soil resource effectively becomes part of the treatment system, with contaminants in the liquid waste being broken down or absorbed as the wastewater passes through the soil.

The capacity of the soil resource to treat or absorb contaminants is determined by the physical, chemical and biological properties of the soil. As Marlborough's soil resource is diverse, there is variation in treatment capacity across the District.

Understanding this variation is critical to avoid the adverse effects of discharging contaminants to land. If the rate of discharge exceeds the hydraulic capacity of the soil, then wastewater will pond on the ground surface and, if on a slope, potentially run-off. This creates an obvious health hazard and a risk of contamination of nearby surface water bodies. Discharges to steeper slopes, especially slopes already prone to instability, can increase instability and threaten people and property. The substances and solids present in wastewater can accumulate in soil and increase to levels that adversely affect soil quality. In turn, this can affect the ability of the soil to continue to be used as a land application area or for productive purposes in the future. Shallow soils and soils with high gravel/sand content have limited capacity to treat bacteria, viruses and some nutrients present in wastewater, creating the risk of contamination of groundwater beneath or



surface water in close proximity to the land application area. Liquid waste also has the tendency to become anaerobic (lacking in oxygen), which can cause odours around the treatment system or land application area.

There are currently a large number of discharges to land in Marlborough and this will only increase in the future given the ongoing regional growth and preference for discharges to land as opposed to water. It seems sensible to utilise the land resource to treat liquid wastes in Marlborough, but it is essential that discharges to land are well managed as they could, in isolation or in combination, give rise to adverse effects of similar magnitude or greater than those caused by discharges to water.

[RPS]

**Objective 16.3 – The discharge of liquid wastes [and stormwater](#) onto or into land is managed in a way that avoids [more than minor](#) adverse effects on water and soil quality, land and water ecosystems, slope stability and cultural and amenity values.**

Comment [ 11]: Topic 14

The water quality provisions of the MEP encourage the discharge of contaminants to land in preference to water. This policy position recognises that we live in an environment well suited to using soil as a treatment medium. However, it is possible for discharges to land to adversely affect soil quality and the surrounding environment. Consistent with other provisions in the MEP, the objective seeks to avoid such adverse effects. This can be achieved by carefully designing, constructing, managing and maintaining systems for the discharge of liquid waste to land so that they reflect environmental constraints.

[RPS, R]

**Policy 16.3.1 – Ensure that wastewater management systems are designed, located and installed to effectively treat and/or contain the contaminants present in wastewater.**

It is important that the discharge of contaminants onto or into land is undertaken in a manner compatible with the ability of the land resource to treat and/or contain contaminants present in the wastewater. If this is not achieved, the discharge will adversely affect the immediate and surrounding environment. This policy targets the critical role that wastewater management system designers and installers have in avoiding the potential for adverse effects. It is essential that the design of any wastewater management system recognises and provides for the characteristics and constraints of the site (especially the area to be used as a land application area) and that the system is installed according to the design.

[RPS, R]

**Policy 16.3.2 – Require discharge permits for the discharge of contaminants onto or into land where there are significant environmental constraints to effective wastewater management.**

Chapter 15 - Resource Quality (Water, Air, Soil) encourages the discharge of contaminants to land in preference to water. This is achieved through permitted activity rules. However, not all Marlborough soils are well suited to receiving and treating contaminants present in wastewater. Of particular note are:

- Soils in the Marlborough Sounds. These soils tend to have a high proportion of clay and corresponding low permeability rates. Furthermore, in many areas the soil is also of inadequate depth to provide sufficient treatment of bacteria and the underlying geology can be prone to instability.
- The gravel/sand soils on the coastal margin of Cloudy Bay, which have extremely high permeability, limited ability to provide treatment/containment of bacteria and nutrients and a high groundwater table.
- The poorly drained soils of the Lower Wairau Plain, which because of low permeability rates are prone to ponding wastewater.

## Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R]

### 16.M.15 Identification

*Identify in the MEP those areas with soils most susceptible to the adverse effects of the discharge of contaminants to land.*

[RPS, R]

### 16.M.16 Regional rules

*Permitted activity rules will enable the discharge of contaminants to land in environments where there is a low risk of adverse effects. Standards for the discharge of contaminants onto or into land and for the monitoring of any such discharges will be established, including standards for:*

- *domestic wastewater discharges from on-site wastewater management systems;*
- *dairy shed effluent;*
- *vegetable, fish and shellfish processing wastewater; and*
- *leachate from composting operations.*

*All permitted activity rules will require the preparation and provision of operation and maintenance guidelines for the operator of the wastewater management system.*

*Where the conditions of the permitted activity standards cannot be met, a resource consent will be required and conditions will be imposed to ensure that the operator of the system is well informed about the appropriate operation and maintenance of the system.*

*Where there is a greater potential for adverse effects on the receiving environment, discharges to land will require a resource consent.*

*In some instances, discharges to land will be prohibited. A prohibited activity status will apply to the use of soak pits and will have effect within five years of the MEP becoming operative. This will allow time for replacement with appropriate land application areas to occur.*

[All stormwater containing contaminants which is discharged to land requires a resource consent. Where a stormwater does not contain any contaminants, the discharge of this water to land is not managed under the MEP.](#)

[RPS, D]

### 16.M.17 District rules

*Apply district rules to industrial and trade activities requiring them to connect to Council-operated reticulated trade waste infrastructure within industrial zonings and requiring resource consent to establish in areas not zoned industrial.*

[RPS, R]

### 16.M.18 Certification

*To ensure that any on-site wastewater management system is installed according to design, the designer will be required to certify the installation of the system and provide that certification to the Council.*

Comment [ 20]: Topic 14

## Activity In, On, Over or Under the Bed of a Lake or River

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA.

[Rules 2.7 – 2.11 do not apply to the Floodway Zone.](#)

[The associated disturbance deposition, and discharges ancillary to the permitted activities In Rule 2.7 are permitted subject to compliance with Rules 2.8 and 2.9.](#)

### 2.7. Permitted Activities

Unless expressly limited elsewhere by a rule ~~a~~ in the Marlborough Environment Plan (the Plan), the following activities, [including the associated discharge of sediment](#), shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9:

[R]

- 2.7.1. **Alteration, repair or maintenance of an existing structure, [including any associated temporary damming of water or release of detritus](#), in, on or over the bed of a lake or river.**

Note:

[Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Plantation Forestry 2017.](#)

[R]

- 2.7.2. **Protection works in, on or over the bed of a lake or river for existing structures.**

[R]

- 2.7.3. **Suction hose intake placement over the bed of a lake or river.**

[R]

- 2.7.4. **Construction of a dam on an ephemeral river.**

[R]

- 2.7.5. **Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river, ~~including any new river crossing managed by the National Environmental Standards for Plantation Forestry 2017.~~**

[R]

- 2.7.6. **Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.**

[R]

- 2.7.7. **Culvert installation [and replacement in](#), on, under, or over the bed of a river.**

Note:

[Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.7.7 does not apply.](#)

Comment [ 44]: Topic 9

Comment [ 45]: Topic 1

Comment [ 46]: Topic 4

Comment [ 47]: Topic 9

Comment [RW48]: NES for Plantation Forestry 1/2/2019

Comment [RW49]: NES for Plantation Forestry 1/2/2019

Comment [ 50]: Topic 9

Comment [RW51]: NES for Plantation Forestry 1/2/2019

- 2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.

**2.9.3. Suction hose intake placement over the bed of a lake or river.**

- 2.9.3.1. The take and use of water must be authorised as a permitted activity or by a resource consent.
- 2.9.3.2. The intake must be screened to prevent fish from passing into the intake at all times.
- 2.9.3.3. A grid reference and details of the intake must be supplied to the Council within 10 working days of placement.

**2.9.4. Construction of a dam on an ephemeral river.**

- 2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.4.2. The dam must not intersect groundwater.
- 2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.

**2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.**

Note:

Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation Forestry 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.

- 2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.5.2. The structure must not intersect the groundwater.
- 2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.
- 2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.

**2.9.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.**

- 2.9.6.1. No more than 1m<sup>3</sup> of lakebed or riverbed must be disturbed.
- 2.9.6.2. The maimai or stand must be open piled.
- 2.9.6.3. The maimai or stand must be located at least 50m from any other structure.
- 2.9.6.4. A maimai must be no more than 9m<sup>2</sup>.
- 2.9.6.5. The maimai or stand must be constructed or placed and subsequently removed within the following periods:
- (a) a maimai must only be constructed or placed up to one week before, and removed no later than one week after, the official duck shooting season of the year of use;

**Comment [RW67]:** NES for Plantation Forestry 1/2/2019

## Discharge to Water

### 2.16. 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 2.17:

[R]

**2.16.1. Discharge of water to surface water.**

[R]

**2.16.2. Discharge of an aquatic agricultural chemical into a waterbody.**

[R]

**2.16.3. Discharge of stormwater to water.**

Note 1:

Where the discharge of stormwater to water is managed by the National Environmental Standards for Plantation Forestry 2017, Rule 2.16.3 does not apply.

Note 2:

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

[R]

**2.16.4. Discharge of stormwater to coastal water from [roads and](#) the Port, Port Landing Area and Marina Zones.**

[C]

**2.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.**

[R]

**2.16.6. Discharge of stormwater to water from Lots 1 & 2 DP 323372, Lots 1, 3 & 4 DP 8762, portions of Lot 1 DP 4447, Lot 9 DP 306716 and Lot 2 DP 379514 the Riverlands.**

[R]

**2.16.7. Discharge of swimming or spa pool water to water.**

[R]

**2.16.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.**

[R]

**2.16.9. Discharge of tracer dye to water.**

**Comment [RW93]:** NES for Plantation Forestry 1/2/2019

**Comment [ 94]:** Topic 13

**Comment [ 95]:** Topic 13

## Temporary Military Training Activity

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

### 2.424. Permitted Activities

Unless expressly limited elsewhere by a rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.423

[D]

2.424.1. Temporary military training activity.

### 2.432. Standards that apply to specific permitted activities

2.432.1. Temporary military training activity.

- 2.432.1.1. The activity must be limited to a period not exceeding 31 days.
- 2.432.1.2. Permanent structures must not be constructed.
- 2.432.1.3. Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:

Weapon Noise: The activity must comply with the following peak sound pressure level when measured at any point within the notional boundary of any building housing a noise sensitive activity:

- (a) 7.00 am to 7.00 pm: 95dBC
- (b) 7.00 pm to 7.00 am: 85dBC

~~(a) Noise levels measured from a line 20m from, and parallel to, the nominal boundary of any dwelling or the legal boundary where this is closer to the dwelling must not exceed the following limits: (Deleted)~~

Time	Limits (DBA)		
<b>Any-Day</b>	<b>L<sub>10</sub></b>	<b>L<sub>95</sub></b>	<b>L<sub>MAX</sub></b>
6:30 am – 7:30 am	60	45	70
7:30 am – 6:00 pm	75	60	90
6:00 pm – 8:00 pm	70	55	85
8:00 pm – 6:30 am	55		

~~Impulse noise resulting from the use of explosives, explosives simulators small arms must not exceed 122dBC. Fixed (stationary) and mobile noise sources: The activity must comply with the noise limits set out in the table below when measured at any point within the notional boundary of any building housing a noise sensitive activity.~~

Time	Limits (DBA)	
<u>Monday to Sunday</u>	<u>Leq(15min)<sub>10</sub></u>	<u>LAFmax</u>

Comment [ 197]: Topic 1

Comment [ 198]: Topic 18

Comment [ 199]: Topic 18

<a href="#">7.00 am – 7:00 am</a>	<a href="#">55dB</a>	<a href="#">n.a.</a>
<a href="#">7:00 pm – 10.00 pm</a>	<a href="#">50dB</a>	<a href="#">n.a.</a>
<a href="#">10.00 pm – 7.00 am</a>	<a href="#">45dB</a>	<a href="#">75dB</a>

Note:

Fixed (stationary) and mobile noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air condition systems, or water or waste water pumping/treating systems, personnel light and heavy vehicles, self-propelled equipment and earthmoving equipment.

Helicopter landing areas: Noise from helicopters must comply with the requirements of NZS 6807:1994 Noise Management and Landing Use Planning for Helicopter Landing Areas.

2.43.1.6. Subject to the above, the noise shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance of the requirements of NZS6802:2008 Acoustics – Environmental Noise.

2.43.1.7. Within the National Grid Yard no explosives may be used.

Comment [ 200]: Topic 18

Comment [ 201]: Topic 18

## **2.443. Discretionary Activities**

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

[D]

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

[D]

**2.443.2. Any land use activity involving a temporary military training activity not provided for as a Permitted Activity.**

[R]

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

[R]

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

[R]

3.1.432. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance.

[R]

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

[D]

3.1.454. Residential activity.

[D]

3.1.465. Home occupation.

[D]

3.1.476. Homestay.

[D]

3.1.487. Keeping of domestic livestock.

[D]

3.1.498. Worker accommodation.

[D]

3.1.5049. Marae activity on:

- (a) That part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road;
- (b) Wairau Sec 23, Wairau 2 ML 6729 and Sec 1 ML 6729;
- (c) Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.

[D]

3.1.510. Papakāinga.

[D]

3.1.524. Emergency service activities of the ~~New Zealand Fire Service~~ [Fire and Emergency New Zealand](#) on Lot 1 DP 5102 (Wairau Valley Fire Station).

Comment [ 21]: Topic 13

[D]

3.1.532. Community activity using an existing community facility.

[D]

3.1.543. Passive recreation.

[D]

3.1.554. Recreational event or special event.



[R]

**4.1.29. Discharge of human effluent into or onto land through an onsite management system.**

[R]

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

[R]

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

[R]

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

[R]

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

[R]

**4.1.34. 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]

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

[R]

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

[R]

**4.1.37. Discharge of contaminants to air from seed cleaning.**

[R]

**4.1.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.**

[R]

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

[R]

**4.1.40. Discharge of contaminants to air from the burning of solid fuel in any indoor open fire.**

[R]

**4.1.41. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.**

[R]

**4.1.42. Discharge of heat and water vapour from cooling towers.**

[D]

**4.1.43. Residential activity.**

[R]

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

[R]

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

~~[R]~~

~~9.1.16. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner). (Deleted)~~

Comment [ 3]: Topic 13

[R]

9.1.17. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005), ~~or an enclosed pellet burner of any age installed prior to 9 June 2016.~~

Comment [ 4]: Topic 13

[R]

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

Comment [ 5]: Topic 13

[R]

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

[R]

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

[D]

9.1.20 Community corrections activity.

[D]

9.1.21 Service stations established prior to 9 June 2016.

Comment [ 6]: Topic 10

[R]

9.1.22. 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.

Comment [ 7]: Topic 13

[R]

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

Comment [ 8]: Topic 13

[R]

9.1.24 Discharge of dust.

Comment [ 9]: Topic 18

[R]

9.1.25 -Amateur Radio Configurations

Comment [ 10]: Topic 20

[R]

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

~~[R]~~

~~10.1.14. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner). (Deleted)~~

Comment [ 2]: Topic 13

[R]

10.1.15~~14~~. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005), or an enclosed pellet burner of any age installed prior to 9 June 2016.

Comment [ 3]: Topic 13

[R]

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

Comment [ 4]: Topic 13

[R]

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

[R]

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

[D]

10.1.18 Service stations established prior to 9 June 2016.

Comment [ 5]: Topic 10

[R]

10.1.19. 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.

Comment [ 6]: Topic 13

[R]

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

Comment [ 7]: Topic 13

[R]

10.1.21 Discharge of dust.

Comment [ 8]: Topic 18

## 10.2. Standards that Apply to all Permitted Activities

### 10.2.1. Construction and siting of a building or structure.

10.2.1.1. The height of a building or a structure must not exceed 10m.

10.2.1.2. In the Business 2 Zone in Blenheim and Picton, permanent buildings must not cover more than 65% of the net site area.

# 11. Business 3 Zone

## 11.1. Permitted Activities

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Unless expressly limited elsewhere by a rule ~~on~~in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 11.2 and 11.3:

[D]

11.1.1. Large format retail.

[D]

11.1.2. Park or reserve.

[R, D]

11.1.3. Excavation or filling.

[R, D]

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

[R]

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

[R]

11.1.6. Discharge of contaminants to air from the burning of solid fuel in an indoor open fire.

[R]

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

[R]

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

[R]

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

[R]

11.1.10. 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]

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

Comment [ 1]: Topic 1

Comment [ 2]: Topic 14

Comment [ 3]: Topic 13

Comment [ 4]: Topic 13

## 12. Industrial 1 and 2 Zones

### 12.1. Permitted Activities

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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 12.2 and 12.3:

Comment [ 1]: Topic 1

[D]

12.1.1. Light or heavy industrial activity within Industrial 2 Zone.

[D]

12.1.2. Light industrial activity within Industrial 1 Zone.

[D]

12.1.3. Commercial activity ancillary to an industrial activity.

[D]

12.1.4. Refuse transfer station within Industrial 2 Zone.

[D]

12.1.5. Truck stop within Industrial 2 Zone, [and on Pt Lot 18 of parts of Sections 47 and 48 District of Wairau \(corner Grove Road and Budge Street\) within the Industrial 1 Zone.](#)

Comment [ 2]: Topic 10

[D]

12.1.6. Service station.

[D]

12.1.7. Service industry.

[D]

12.1.8. Service activity.

[D]

12.1.9. Warehousing.

[D]

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

[R]

12.1.11. 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.

~~[R]~~

~~12.1.25. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner). (Deleted)~~

Comment [ 4]: Topic 13

[R]

12.1.26~~25~~. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005), ~~or an enclosed pellet burner of any age installed prior to 9 June 2016.~~

Comment [ 5]: Topic 13

[R]

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

Comment [ 6]: Topic 13

[R]

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

[R]

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

[R, D]

12.1.29. Excavation or filling.

[D]

12.1.30. ~~Excavation or filling~~ Earthworks within the National Grid Yard.

Comment [ 7]: Topic 20

[R, D]

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

[R]

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

Comment [ 8]: Topic 14

[D]

12.1.33. Emergency services facility.

[D]

12.1.34. Park or reserve.

[D]

12.1.35 Community corrections activity.

Comment [ 9]: Topic 10

[D]

12.1.36 Relocated buildings.

Comment [ 10]: Topic 10

[D]

12.1.37 Trade supplier within the Industrial 1 Zone.

Comment [ 11]: Topic 10

[D]

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

Comment [ 12]: Topic 20

[C]

**13.1.2728.** Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.

[R, D]

**13.1.2829.** Excavation.

[R, D]

**13.1.2930.** Filling of land with clean fill.

[R, D]

**13.1.3031.** Non-indigenous vegetation clearance.

[R, D]

**13.1.3432.** Indigenous vegetation clearance.

[C]

**13.1.3233.** Marine oil spill clean-up activity and the associated release of oil dispersants.

[C]

**13.1.3334.** Take and use of coastal water.

[R]

**13.1.3435.** 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]

**13.1.3536.** Discharge of any 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 sources of electromagnetic radiation, including a radio transmitter, television or cell phone; or release of x-rays from a radioactive source;
- (c) discharges for the purposes of ventilation or vapour displacements.

[R]

**13.1.3637.** Discharge of contaminants to air from the combustion of fuel (i.e. external combustion).

[R]

**13.1.3738.** Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e. internal combustion).

[R]

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

[R]

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

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

-[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R, D]

[22.1.20 Discharge of dust.](#)

[R, C, D]

[22.1.21 Specifically identified activities listed as permitted on sites contained in Schedule 7 of Appendix 16.](#)

## 22.2. Standards that apply to all permitted activities

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22.2.1. Construction and siting of a building or structure.

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

Comment [ 9]: Topic 13

Comment [ 10]: Topic 18



[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]

23.1.20. 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.

[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).

Comment [ 2]: Topic 14

Comment [ 3]: Topic 14

Comment [ 4]: Topic 24

[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.](#)**

**Comment [ 5]:** Topic 13

[\[R\]](#)

**[23.1.33 Discharge of dust.](#)**

**Comment [ 6]:** Topic 18

## **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 Omaka 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.

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

~~23.3.15.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2. (Deleted)~~

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

Comment [ 29]: Topic 13

**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.

**23.3.17 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.

Comment [ 30]: Topic 13

**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 ~~10~~ mg/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;

Comment [ 31]: Clause 16 Minor Amendment

48. NZTA drew attention to what it asserted was an ambiguity arising from the bundling effect in respect of rules in relation to the discharges of sediment that arise from particular activities, for example in a river bed. NZTA asserts it is therefore unclear whether discharges or sediment associated with instream works are authorised by rules under 2.7, or whether consent for this discharge is also needed under the “Discharges to Water” rules. NZTA understands that sediment discharges are authorised by s 14 RMA because there is a Permitted Activity Standard relating (2.8.1.4). The submission asserts there is an ambiguity in Rule 2.7.
49. The report writer agrees on first reading of the relevant provisions, it is not entirely clear what is required. He believes the reference in the introductory paragraph<sup>28</sup> to s 14 RMA is to remove any doubt that the rule does not cover taking, use, damming etc because of the potential overlap between the activities. The introductory paragraph for 2.7 Permitted Activities states: ‘Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9.’
50. From this the report writer believes that the rule is intended to say that, unless the activity (including a discharge of sediment) is specifically limited elsewhere in a rule, then it is permitted provided it complies with the performance standards. Given that the reference to s 14 RMA could cause confusion, he recommends that 2.7 Permitted Activities is amended to refer to the discharge of sediment as a permitted activity.
51. Rule 2.7 appears to be the only ‘regional rule’ that requires amendment.

**Consideration**

52. In terms of cross-referencing, as the Panel’s assessment of the various topics in the PMEP progressed, we found some issues arising in a number of chapters required cross-referencing to other topics. As an example, from the evidence given in Topic 16 Climate Change, there needs to be additional links into Coastal Environment.
53. In terms of the concerns raised by NZDF with respect to links between permitted activities and the applicable standards, we adopt the recommendations of the Section 42A Report writer.
54. In relation to the ‘bundling effect’, which concerns NZTA, we accept the amendment to Rule 2.7 recommended in the Section 42A Report, with one grammatical change and the inclusion

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<sup>28</sup> Volume 2, Chapter 2 of the PMEP.

### Consideration

24. The Panel concluded there must be some redress to the illegal dumping of solid waste on private land which we heard in evidence could be difficult to monitor particularly in remote forest areas. In our opinion, this redress requires an amendment to the fifth sentence of the explanation to Issue 16A so that it is not specific to land tenure only.

### Decision

25. The fifth sentence of the last paragraph of the explanation to Issue 16A is amended to read:
- ... There is also the risk of illegal dumping ~~of solid waste on river reserves and roadsides~~. Illegal dumping has significant environmental implications and can result in the contamination of land and water resources (creating a public health hazard) and the potential for the spread of plant pests from green waste. It is also unsightly in areas that are usually visually appealing.*

### Introduction

26. The report writer recommends Chapter 16, Volume 1, is headed as follows:

*16. Waste and discharges to land*

27. NZDF oppose provisions in Chapter 16 as it provides for discharges of waste to land but the definition of waste in the PMEP excludes stormwater, which NZDF considers is confusing. Additionally, the provisions of Chapter 15 appear to focus the policy relevant to stormwater on the preference for discharges to land but this does not appear to flow through into the PMEP rules. NZDF seek amendments to the provision to improve clarity and direction in relation to stormwater discharges district wide, including to land. No permitted activity standards have been suggested.<sup>27</sup>
28. The report writer agrees with NZDF that there is a lack of certainty in the PMEP as to the approach to managing stormwater discharges and that this needs to be clarified.
29. It is the report writer's understanding that in the PMEP it is intended to manage those stormwater discharges to land that contain contaminants via resource consents, as there are no permitted activity rules or standards. The report writer understands that this does not include roof discharges to land or small-scale hardstand areas where the discharge does not contain any contaminants. This is because s 15 RMA restricts discharges of contaminants to land only and not discharge of water to land. He also understands that in urban areas, the majority of stormwater discharges are conveyed to reticulated stormwater networks which discharge to water. This is addressed by separate PMEP provisions

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<sup>27</sup> NZDF (992.16).

30. To address the concerns raised by NZDF, the report writer considers that it would be appropriate to include an explanatory note in the introduction of the chapter to specify how stormwater contaminant discharges to land are managed. He also recommends that the Chapter 16 title, Issue 16B, Objective 16.3 and Method 16.M.16 are amended to incorporate reference to stormwater contaminant discharges. In his view, the changes as recommended below provide certainty as to the approach to stormwater management and provide direction to plan users as to how stormwater contaminant discharges should be managed. He does not consider any amendments to the policies are required, as policies 16.3.3 and 16.3.4 provide sufficient direction in relation to stormwater discharge permits. He also does not consider that any additional rules are necessary based on this approach.

#### **Consideration**

31. As there is uncertainty regarding the treatment of stormwater discharge to land, the Panel agreed to resolve this uncertainty by inserting a new paragraph into the Introduction. The Panel also agreed with the report writer's recommendation to add the words 'and discharge to land' to the heading and this is amended accordingly.

#### **Decision**

32. The chapter heading is amended to read:

*16. Waste and discharges to land*

33. The Introduction is amended as follows:<sup>28</sup>

*... The Council exercises waste management functions under multiple pieces of legislation.*

*In Marlborough the majority of stormwater in urban areas is discharged to water via the reticulated stormwater network.*

*Where this network is unavailable potential effects on water could be significant. Where it can be demonstrated that filtration of contaminants may be provided safely by soils, stormwater could be discharged to land. Stormwater from industrial and commercial land uses will likely contain contaminants requiring treatment prior to discharge. Without management, stormwater discharges containing contaminants may cause environmental effects such as localised contamination of water resources or nuisance problems such as exacerbating flooding.*

*The focus of this chapter of the Marlborough Environment Plan (MEP) is to set a framework for addressing Marlborough's significant waste management and discharge to land issues under*

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<sup>28</sup> NZDF (992.16).

*the Resource Management Act 1991 (RMA). In addition to waste minimisation, the chapter focusses on the way in which the Council exercises its function of controlling the discharge of contaminants into the environment.*

34. Insert 'and discharge to land' into third paragraph of Introduction as follows:<sup>29</sup>

*The focus of this chapter of the Marlborough Environment Plan (MEP) is to set a framework for addressing Marlborough's significant waste management and discharge to land issues under the Resource Management Act 1991 (RMA). In addition to waste minimisation, the chapter focusses on the way in which the Council exercises its function of controlling the discharge of contaminants into the environment.*

### **Policy 16.3.3**

**Approve discharge permit applications to discharge contaminants onto or into land where:**

- (a) the discharge is within the ability of the land to treat and/or contain contaminants present in the liquid waste, taking into account:**
- (i) the rate of discharge (including variability in the rate of discharge);**
  - (ii) the nature and concentration of contaminants within the liquid waste;**
  - (iii) the hydraulic properties of the soil within the land application area and any relevant physical, chemical or biological soil properties;**
  - (iv) any other discharge of contaminants to the same land or to land in close proximity to the discharge;**
- (b) the discharge does not adversely affect the drinking water quality of groundwater adjacent to or down gradient of the discharge, either alone or in combination with any other discharge;**
- (c) the land application area is located as far as practicable from any surface waterbody or coastal water;**
- (d) it is inappropriate (due to the potential impact on the performance of treatment plants and associated infrastructure) or impracticable to discharge the liquid waste into reticulated sewerage system;**
- (e) the discharge will not initiate instability or make existing instability worse; and**
- (f) the treatment unit and land application area are accessible for servicing.**

35. Several submitters request: it is not clear whether the provision applied to farm dairy effluent or to domestic wastewater and that if it applies to both, it is too broad – include the words 'where relevant' so that only matters of relevance are assessed in applications – further Policies 16.3.3 and 16.3.4 could be combined;<sup>30</sup> an amendment to sub-clause (c) is required to improve clarity as follows: *(c) The land application area is located ~~is located as far as practicable from any surface waterbody or coastal water;~~ and the land application system is*

<sup>29</sup> NZDF (992.16).

<sup>30</sup> Federated Farmers (425.333).

**APPENDIX C**

**A list of names and addresses to be served with a copy of this notice**



Names and addresses of those to be served a copy of this Notice (by upload of this notice of appeal to the Council's website)

**Marlborough District Council**, PO Box 443 Blenheim 7240 and

<b>Submitter name</b>	<b>Care of</b>	<b>Address for service</b>
Awatere Water Users Group Incorporated	Guy Lissaman	25 Old Ford Road RD 1 Seddon 7285
Department of Conservation	Geoff Deavoll	Private Bag 4715 Christchurch Mail Centre Christchurch 8140
Federated Farmers of New Zealand	Kristy McGregor	PO Box 945 Palmerston North 4340
Flaxbourne Settlers Association	Anna MacKenzie	C/O Avanzar Consulting 165 Lindens Road RD 3 Blenheim 7273
Nelson Marlborough Fish and Game	Rhys Barrier	PO Box 2173 Stoke Nelson 7041
New Zealand Fire Service Commission	Claire Fell	C/O Beca Limited PO Box 3942 Wellington 6140
New Zealand Fish Passage Advisory Group	Bryn Quilter	advisorygroup@fishpassagenz.org
Ravensdown Limited	Chris Hansen	C/O CHC Limited PO Box 51282 Tawa Wellington 5249
Shaun and Jane Peoples	Shaun and Jane Peoples	171 Rarangi Beach Road RD 3 Blenheim 7273
Tasman District Council	Trevor James	189 Queen Street Richmond Nelson 7050
Te Atiawa o Te Waka-a-Maui	Bruno Brosnan	PO Box 340 Picton 7250
The Fertiliser Association of New Zealand	Claire Kelly	C/O Boffa Miskell Limited PO Box 110 Christchurch 8140
Transpower New Zealand Limited	Ainsley McLeod	C/O Beca Limited PO Box 13960 Armagh Christchurch 8141
Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil New Zealand Limited	Nadine Perera	C/O Burton Planning Consultants Limited PO Box 33817 Takapuna Auckland 0740