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6.0 AIR QUALITY MANAGEMENT RULES

6.1 Introduction

This Chapter contains rules that allow, or regulate in some way, particular discharges of contaminants to air. The users' guide below provides:

- a) An overview of the rules;
- b) A brief explanation, in diagram form, of how to determine whether a particular activity is allowed or regulated under the Plan; and
- c) A guide for interpreting the terms 'noxious', 'dangerous', 'offensive' and 'objectionable', which are used in many of the rules.

The rules in the Plan are intended to address discharges of contaminants such as gases, aerosols and particulate matter where drift beyond property boundaries onto non-target areas or onto public land may occur. The rules do not cover discharges to air where effects on the environment will be less than minor and where no person will be adversely affected.

6.2 Users' Guide

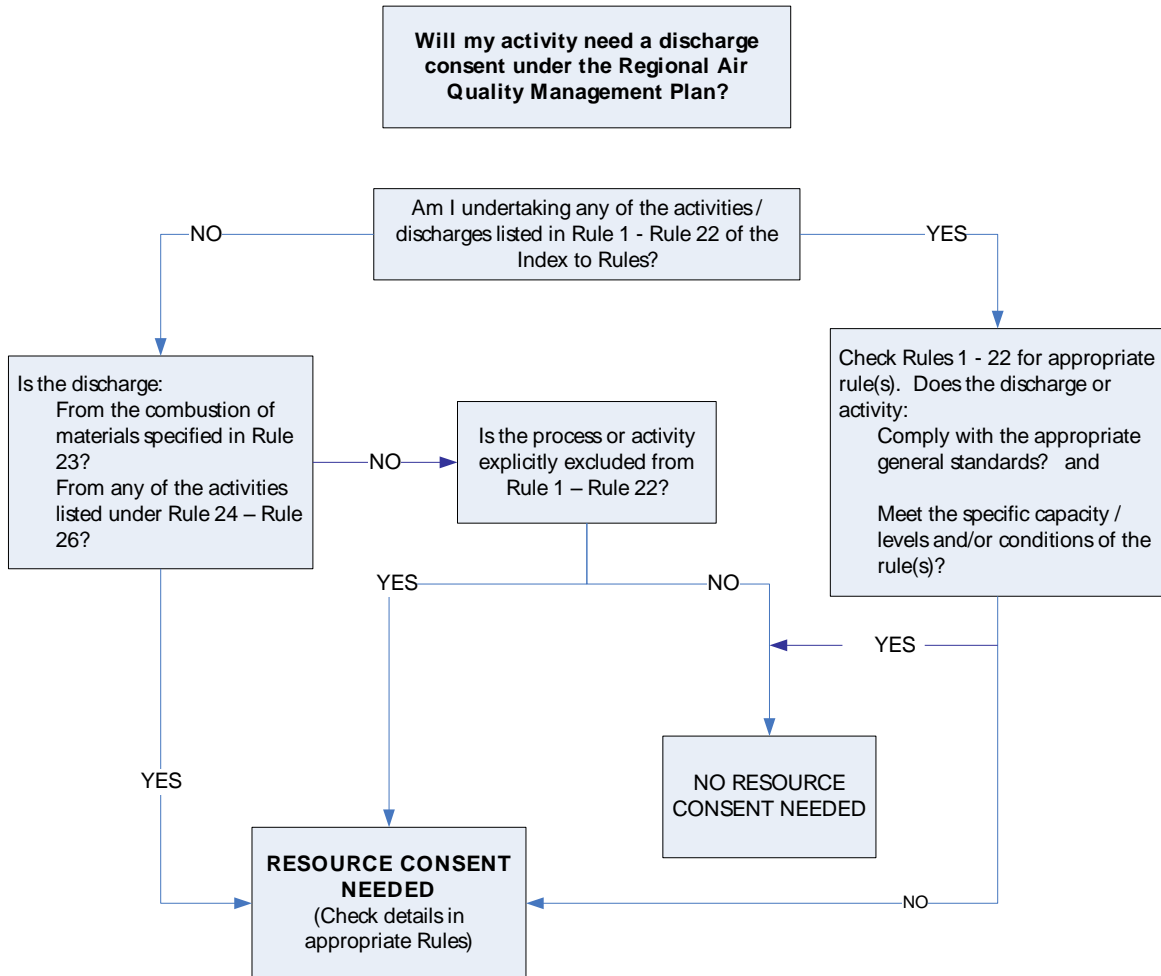
Please note that this table is only intended to provide a summary of the rules. To determine the exact status of a proposed activity it is necessary to refer to the rules directly.

In some circumstances, consents or approvals may also be required under other plans administered by the Gisborne District Council, such as the Part Operative Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances or the Gisborne District Combined Regional Land and District Plan 1997 (as amended by decisions). It is advised that these plans and any other relevant documents are consulted.

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6.2.2 Do I need a resource consent?

The following diagram provides a step by step illustrated means of determining your activity status and whether a resource consent is required for discharging contaminants to air. The diagram should be used in conjunction with the Index to Rules which lists all the rules contained in the Rules section of this plan.



6.2.3 Noxious, dangerous, offensive and objectionable effects

Several rules in the Plan use the terms *noxious*, *dangerous*, *offensive* and *objectionable*.

These terms are also included in section 17 of the Resource Management Act 1991. They are not defined in the Glossary to this Plan because of the need to take account of case law precedent as it develops. The Plan cannot override interpretations decided by the courts. However, the following notes are intended to provide some guidance for interpreting these terms:

NOXIOUS, DANGEROUS

The Concise Oxford Dictionary defines “noxious” as “harmful, unwholesome”. At the time of writing the Plan, the term “noxious” did not appear to have been defined or considered in case law pertaining to the Resource Management Act 1991. Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans.

Dangerous is defined as “involving or causing exposure to harm”. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals.

The Workplace Exposure Standards (Occupational Safety and Health Service 1994) provide guidelines for those involved in occupational health practice and can be used for interpreting the terms "noxious" and "dangerous". The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time-weighted average standard¹ on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.

OFFENSIVE, OBJECTIONABLE

"Offensive" is defined as "...giving or meant to give offence... disgusting, foul smelling, nauseous, repulsive...". "Objectionable" is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the Resource Management Act 1991 cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

- a) Location of an activity and sensitivity of the receiving environment: What may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area;
- b) Reasonableness: Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable; and
- c) Existing uses: It is important to consider what lawfully established activities exist in any area. If a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances.

6.3 Rules for Discharges to Air

6.3.1 General Standards

Permitted activity standards refer to some or all of the following, as specified for each permitted activity:

- a) The discharge shall not result in any offensive or objectionable airborne contaminants beyond the boundary of the site or, in the case of public land, beyond 50 metres from the point of discharge or beyond the boundary of the public land, whichever is lesser;
- b) The discharge shall not result in any offensive or objectionable odour beyond the boundary of the site or, in the case of public land, beyond 50 metres from the point of discharge or beyond the boundary of the public land, whichever is lesser;
- c) The discharge shall not result in any offensive or objectionable deposition of particulate matter on any land or structure beyond the boundary of the site or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is lesser;

Note: General Standard c) regulates cross-boundary nuisance effects of particulate matter.

- d) The discharge shall not result in any offensive or objectionable smoke beyond the boundary of the site or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is lesser;

¹ The time-weighted average has been divided by 10 to allow for sensitive members of the population and a further 3 to allow for the exposure over a full day (24 hours).

- e) The discharge shall not result in any dangerous or noxious levels of hazardous air contaminants²;
- f) Any discharge of particulate matter shall not exceed a concentration of 250 mg/m³ (e.g 12% CO₂ measured at the point of discharge at normal temperature and pressure);

Note: General Standard f) regulates point source discharges of particulate matter from chimneys.

- g) Materials shall be suppressed or contained in a way that avoids the escape or emission of noxious or objectionable levels of particulate;

Note: General Standard g) requires the suppression of PM that may potentially cause adverse health or nuisance effects.

- h) The discharge shall not result in a dust deposition rate exceeding 4g/m² per 30 days at any point beyond the boundary of the site or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is lesser;

Note: General Standard h) standardises the approach to measuring cross-boundary particulate matter/dust deposition, providing specific and measurable limits to cross-boundary effects.

- i) Any discharge shall be limited to waste materials generated on the premises;
- j) The opacity of discharges from any chimney or vent determined visually or by photo electric means shall not exceed 20% obscuration of transmitted light:
 - i. in the case of continuous emissions, for more than 2 minutes; or
 - ii. in the case of intermittent emissions, for more than 4 minutes in the aggregate in any period of 60 minutes;
- k) Any discharge of agrichemicals shall not occur directly above a permanently flowing river, lake, wetland or other surface water body, including any drain or any opening to a drain or any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation or farm drainage canals) that is discharging to a surface water body, unless the chemical is registered for use over water bodies;
- l) The discharge shall not result in the deposition of noxious or dangerous levels of agrichemicals or hazardous contaminants onto water bodies specifically managed for public water supply purposes, unless the discharge is a chemical registered for use over water bodies; and
- m) The discharge shall not result in the deposition of any agrichemical onto any roof or other structure used as a collection for water supply or onto any residential or school vegetable garden that could reasonably be expected to cause any significant adverse effect.

6.3.2 Permitted Activities

Note: If all the standards and terms specified for the permitted activity are not met, the activity becomes a discretionary activity and resource consent must be gained before commencing the activity.

The Permitted Activity Rules 2-22 require compliance with some of the general standards listed in 6.3.1. The specific general standards required for each rule are listed in a) of the terms of the rule and are the only general standards that apply to the activity described in the title of the rule.

² Refer to the explanations provided of the terms 'dangerous' and 'noxious' in 6.1.2. If unsure, contact the Gisborne District Council Environmental Health Department.

Rule 1 Minor discharges of contaminants to air

The discharge of contaminants to air from any source not specifically regulated by rules 2-25 in this Plan is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to m) except in the case of the use and testing of emergency energy supply equipment, which is excluded from complying with the general standards.

Rule 2 Discharges from small scale fuel burning equipment

The discharge of contaminants to air from any source (excluding mobile sources and domestic scale activities) of fuel burning equipment involving either:

- a) Natural or liquefied petroleum gas at a rate not exceeding 5 megawatts; or
- b) Coal, oil or untreated wood at a rate not exceeding 40 kilowatts.

where the rates specified under these individual classes apply to the cumulative generated heat and/or electricity produced by the specified fuel within the same premises, is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to g);
- b) The discharge shall comply with Appendix 2 Calculation of Chimney Heights; and
- c) Every chimney shall be designed so that the discharge is upwards and unimpeded by any cowl or other fixture on the top of the stack, except that coning may be used to increase the discharge velocity.

Rule 3 Discharges from medium scale fuel burning equipment

Except as provided for in Rule 2, the discharge of contaminants to air from any source (excluding mobile sources) from fuel burning equipment involving:

- c) Conventional gas-fired fuel burning equipment having a gross heat release rate greater than 5 megawatts but less than 50 megawatts; or
- d) Conventional coal-fired, oil-fired and untreated wood-fired fuel burning equipment having a gross heat release rate greater than 40 kilowatts but less than 2.5 megawatts

is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to g) and j);
- b) The equipment shall be maintained and operated to achieve maximum thermal efficiency with minimum products of incomplete combustion discharged to air;
- c) Chimney height shall comply with Appendix 2 Calculation of Chimney Heights;
- d) Chimney efflux velocity at maximum continuous rating shall not be less than 5 metres per second;
- e) Chimneys shall not be fitted with rain shields that impede the upward discharge of gases;
- f) New steel chimneys shall be thermally insulated if the temperature of combustion gases during operation is liable to fall below dew point and if the fuel burnt contains 1% or more by weight of sulphur;
- g) The operators of boilers shall keep records on daily fuel consumption, operating times, any non-compliance with the above conditions and any complaints received about the chimney. These records shall be kept for at least 2 years and shall be made available to the Council upon request;
- h) The discharge shall not result in a discharge efflux velocity exceeding 4.3 metres per second higher than 60 metres above ground level; and
- i) Best Practicable Option be used for minimising discharges of contaminants to air.

Note: Restrictions on the location of activities and structures that may adversely affect the safe operation of aircraft on recognised flight paths are provided for in Chapter 8 of the Proposed Combined Regional Land and District Plan, Urban and Rural Maps and Appendices Post – Decisions Annotated Version July 2000.

Rule 4 Discharge from small scale burning in an incinerator

The discharge of contaminants to air from the burning in an incinerator from any source is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to e) inclusive, and i);
- b) Only untreated wood, dry vegetative matter, paper and cardboard may be burnt;
- c) The incinerator shall not have a capacity that exceeds 200 litres³;
- d) The incinerator shall meet the following criteria:
 - i. be constructed of durable, fire resistant materials;
 - ii. have provision for primary air supply directly to the combustion chamber;
 - iii. allow access to remove combustion wastes;
 - iv. have a grate for supporting waste; and
 - v. Comprise of an enclosed combustion chamber with tight fitting lid; and
- e) Best Practicable Option be used for minimising discharges of contaminants to air.

Note: During restricted fire seasons and as a general precaution, operators should contact the Council to determine if council bylaws apply to their operation and, if so, to obtain the appropriate permit. Also note: Council bylaws prevent locating an incinerator closer than 5 metres to a boundary.

Rule 5 Discharge from medium scale waste incineration

Except as provided for in Rule 4, the discharge of contaminants into air from any incineration of waste on industrial or trade premises (excluding landfill sites) from an incinerator involving a purpose built incinerator with a maximum gross heat release of 5 megawatts is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to f), i) and j);
- b) The equipment shall be maintained and operated to achieve maximum thermal efficiency with minimum products of incomplete combustion discharged to air;
- c) Chimney height shall comply with Appendix 2 Calculation of Chimney Heights;
- d) Chimney efflux velocity at maximum continuous rating shall not be less than 5 metres per second;
- e) Chimneys must not be fitted with rain shields that impede the upward discharge of gases;
- f) New steel chimneys shall be thermally insulated if the temperature of combustion gases during operation is liable to fall below dew point and if the fuel burnt contains 1% or more by weight of sulphur; and
- g) Best Practicable Option be used for minimising discharges of contaminants to air.

Rule 6 Discharges from small scale open burning of vegetation

The discharge of contaminants to air from open burning of vegetation in any location (excluding industrial or trade premises) where no more than 100m³ of vegetation is burned in any 24 hour period is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to e) and i);
- b) Material heaped in a pile to be burnt shall be no less than 50 metres from any adjoining dwelling;

³ This capacity is equivalent to a 44 gallon drum.

- c) The fire shall be extinguished as soon as practicable to minimise smoke;
- d) Vegetative material that releases toxic contaminants shall not be burnt e.g Succedanea, Toxicodenron; and
- e) Best Practicable Option be used for minimising discharges of contaminants to air .

Note: During restricted fire seasons a permit to burn may need to be obtained from the relevant Fire Authority.

Rule 7 Discharges from large scale open burning of vegetation

Except as provided for in Rule 6, the discharge of contaminants to air from open burning of vegetation from any source (excluding industrial or trade premises) shall be a **permitted activity** provided that:

- a) The discharge shall comply with General Standards e), l) and m);
- b) Material heaped in a pile to be burnt shall be no less than 50m from any adjoining dwelling;
- c) Vegetative material that releases toxic contaminants shall not be burnt;
- d) The fire shall be extinguished as soon as practicable to minimise smoke;
- e) Intention to burn shall be publicly notified in the daily local newspaper or verbal or written notice given to land occupiers within 200m of the area to be burnt. Notification shall take place not less than 24 hrs and not more than 2 weeks prior to burning. Notice must include details of:
 - i. the property where the burning will take place;
 - ii. the approximate area/amount and type of material to be combusted; and
 - iii. the period (likely day, date and time) and likely wind direction when burning will take place.

Such notification is not necessary if owners or occupiers of adjacent properties agree in writing that notification is not required; and

- a) Best Practicable Option be used for minimising discharges of contaminants to air.

Notes:

- (1) *Fire Authorities include the Council, Department of Conservation and the Eastland Rural Fire District.*
- (2) *During restricted fire seasons additional criteria may also be required and as a general precaution operators should contact the council to determine if council bylaws apply to their operation and, if so, to obtain the appropriate permit.*
- (3) *Other regulatory agencies such as the Fire Authority and Department of Conservation have requirements under different legislation. It would be advisable to contact these authorities prior to burning.*
- (4) *Restrictions on the location of activities and structures that may adversely affect the safe operation of aircraft on recognised flight paths are provided for in Chapter 8 of the Proposed Gisborne District Combined Regional Land and District Plan, Urban and Rural Maps and Appendices Post – Decisions Annotated Version July 2000.*

Rule 8 Discharges from open burning of dead animals

The discharge of contaminants to air from the open burning of dead animals is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) to d);
- b) The burning has been requested by an appropriate regulatory authority;

- c) No other practicable alternative to burning is available;
- d) Accelerant such as tyres and oil, which give rise to objectionable chemicals, odour or smoke, will not be used to aid combustion;
- e) The fire shall be extinguished immediately after the last flames have ceased rather than left to smoulder when burning is completed; and
- f) Council is advised as soon as possible prior to burning.

Note: During restricted fire seasons a permit to burn may need to be obtained from the relevant Fire Authority.

Rule 9 Discharges from quarrying and mineral extraction processes

The discharge of contaminants into air from quarrying and mineral extraction processes involving:

- a) Any process with an open cast extraction capacity less than 5 tonnes per hour;
 - b) Any process with a reduction and screening capacity less than 5 tonnes per hour; and
 - c) Any process with a storage capacity less than 500 tonnes
- is **permitted activity** provided that:
- a) The discharge complies with General Standards a), e), g), h), l) and m); and
 - b) There shall be no discharge of water spray beyond the boundary of the subject property.

Rule 10 Discharges from moveable aggregate crushing and screening plants

The discharge of contaminants to air from moveable aggregate crushing and screening plants is a **permitted activity** provided that:

- a) The discharge shall comply with General Standard a), e), g), h), l), and m); and
- b) There shall be no discharge of water spray beyond the boundary of the subject property or in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is lesser.

Rule 11 Discharges from wet abrasive blasting

The discharge of contaminants to air from wet abrasive blasting is a **permitted activity** provided that:

- a) Any discharge shall comply with General Standards a), c) and e);
- b) Sand that is silica-free shall be used wherever possible;
- c) Sand with a free silica (quartz) content of greater than 5% dry weight shall not be used under any circumstances;
- d) Sand shall be of blasting grade, substantially free of dust, so that no more than 2% of weight passes through a 0.15 micro sieve (i.e. 98% or more is retained);
- e) Any spent abrasive materials and fluid shall be collected and removed from the site at the end of each blasting session;
- f) All premises or items to be blasted must be screened as far as practicable by means of screens, covers, tarpaulins, cladding or other means to contain emissions, including overspray or mists, within the boundary of the property or premises on which blasting is occurring; and
- g) The operator documents any hazardous substances likely to be contained in the attrition material and has this record available for inspection at any time.

Rule 12 Discharges from dry abrasive blasting - permanent facilities

The discharge of contaminants to air from dry abrasive blasting carried out within permanent facilities and/or premises is a **permitted activity** provided that:

- a) Any discharge shall comply with General Standards a), e), l), h) and m);
- b) The ventilation rate⁴ through the facility shall sustain an air velocity of not less than 0.5 m/sec and an inward velocity at all openings of not less than 2.5 m/sec through each opening;
- c) Ventilation air from the blasting facility and any sand recovery system shall be cleaned by fabric filtration, wet scrubbing or other equivalent means before discharging to air;
- d) The emission of particulate from any vent shall not exceed 125mg/m³ of transporting air;
- e) Sand that is silica-free shall be used wherever possible;
- f) Sand with a free silica (quartz) content of greater than 5% dry weight shall not be used under any circumstances;
- g) Sand shall be of blasting grade, substantially free of dust, so that no more than 2% of weight passes through a 0.15 micro sieve (i.e. 98% or more is retained);
- h) Covered storage bins shall be provided and used for all unused and waste sand;
- i) Any spent abrasive materials and attrition materials and fluid shall be collected and removed from the site at the end of each blasting session and by the end of each working day; and
- j) The operator documents any hazardous substances likely to be contained in the attrition material and has this record available for inspection at any time.

Rule 13 Discharges from small scale application of agrichemicals

The discharge of any contaminant into air arising from the application of any agrichemical using a hand held appliance⁵ is a **permitted activity** provided that:

- a) The application shall comply with General Standards k), l) and m);
- b) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the agrichemical manufacturers' instructions;
- c) For commercial applications the agrichemical shall be used in a manner consistent with NZS8409:2004 The Code of Practice for the Management of Agrichemicals; and
- d) The council shall be notified immediately in the case of unintended discharge resulting in contamination occurring beyond the boundary of the target property.

Rule 14 Discharges from widespread application of agrichemicals

Except as provided for by Rule 13 and subject to Rule 24 the discharge of contaminants into air arising from the application of any agrichemical is a **permitted activity** provided that:

GENERAL REQUIREMENTS

- a) The discharge shall comply with General Standards k), l) and m);
- b) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the agrichemical manufacturers' instructions;

⁴ Ventilation rate has been included to ensure compliance with OSH standards and avoid fugitive emissions.

⁵ Definition of hand held appliance means a sprayer with a single nozzle and operated at a pressure no greater than 200kpa (30psi) and used to target one or more discrete areas not exceeding 2m²

- c) Except for applications of agrichemicals within the road and railway reserves for the purpose of maintenance and public safety, the application shall not occur on or over a Protection Management Area or a Riparian Management Area as identified and/or mapped in the Part-Operative Combined Regional Land and District Plan 1997 or the landward area within 200 metres of Mean High Water Springs unless authorised in accordance with the provisions of Chapter 4 of that Plan;
- d) The application of agrichemicals shall not occur in winds greater than 15km/hr over the target area;
- e) The agrichemical shall be used in a manner complying with NZS8409:2004 Management of Agrichemicals; and
- f) A spray plan shall be prepared in accordance with NZS8409:2004 Management of Agrichemicals (Appendix M4) and shall include the following information:
 - i) the property/part of property or properties to be sprayed;
 - ii) the crops to be sprayed and type of chemical (insecticide, herbicide and fungicide etc);
 - iii) the equipment, method of application to be used and application rates;
 - iv) the approximate times of year that spraying is likely to occur;
 - v) name, address and contact phone numbers of those likely to be carrying out the agrichemical application;
 - vi) a plan or map detailing any sensitive areas;
 - vii) indication of agrichemicals to be used that may present a specific hazard;
 - viii) particular weather conditions that may increase potential drift hazard; and
 - ix) where 2,4-D ethyl hexyl ester herbicide is to be applied, information as set out in Rule 14.6.

USER TRAINING

- a) The following standards shall come into force 6 months from the date of the plan becoming operative:
 - i) Every person undertaking the application of agrichemicals shall have a qualification, certified in writing, that meets the training requirements set out in Appendix 3 Training Requirements for Qualifications to Apply Agrichemicals, or be under the effective supervision of a person who meets those requirements.
 - ii) Every contractor undertaking the ground based application of agrichemicals shall also hold a current GROWSAFE: Registered Chemical Applicator Certificate of qualification. Every contractor, employee shall also either hold this qualification or have a qualification, certified in writing, that meets the training requirements set out in Appendix 3 Training Requirements for Qualifications to Apply Agrichemicals.
 - iii) Every pilot undertaking aerial application of agrichemicals shall hold a current GROWSAFE: Certificate of Qualification Agrichemical Rating, or an equivalent qualification.

Evidence of qualification shall be made available to Council upon request.

NOTIFICATION REQUIREMENTS

Private Land

- a) Where the application of agrichemicals is on private land, the owner or occupier of the property shall at the beginning of each calendar year or at least two weeks before the first spray season of a calendar year advise:
- i. all adjacent land occupiers (and owners where practicable); and
 - ii. any sensitive areas within:
 - 30 metres from the point of discharge for ground based spraying; or
 - 200 metres from the point of discharge for aerial spraying
- that a spray plan is available on request;
- b) If requested by any person specified in a) above or any other person who is likely to be directly affected or the Gisborne District Council a copy of the spray plan⁶ shall be provided within 5 working days;
- c) If requested by any party who has been provided with a spray plan, the owner or occupier of the property to be sprayed shall, no later than eight hours prior to the agrichemical application:
- i) confirm name and contact details of the person carrying out the agrichemical application; and
 - ii) provide brand name and/or details of the active ingredient of the agrichemical that is to be applied; and
 - iii) confirm date and times of the agrichemical application by telephone.

In the event that it is necessary to undertake any agrichemical application that has not been provided for in the spray plan, the owner or occupier of the property to be sprayed shall provide an amended spray plan, not less than eight hours prior to the application of the agrichemical, to any adjacent landowner that will be directly affected as identified in sub-clause a) and b).

AND

- d) Notification of particular applications of agrichemicals shall be provided to any neighbouring land occupiers (and where practical) those listed in a) above who request to be notified in writing on an application by application basis.

Notification is to take place not less than 8 hours and not more than 4 weeks prior to the application of agrichemicals. Notification may be made verbally or in writing and shall include (i) – (iv) of e) below;

OR

- e) Subject to b) above a notice of intent of particular applications of agrichemicals shall be provided not less than 8 hours and not more than 4 weeks prior to the application of agrichemicals. Notification may be made verbally or in writing and shall include:
- i. contact name and number of those carrying out the application;
 - ii. the name of the chemical to be sprayed;
 - iii. the approximate time of day and date that the application will occur;
 - iv. any advised safety precautions for third parties;
 - v. the property / part of property(ies) to be sprayed; and
 - vi. the equipment, method of application and application rates.

Note: The option provided in c) and e) allows for the most suitable method of notification dependent on the frequency of the application. For example; if the agrichemical application occurs once or twice a year it may be more suitable to use the notification methods in e) whereas if agrichemicals are applied frequently throughout the year it may be more convenient to produce 1 or 2 detailed spray plans (see c)).

⁶ Spray plans and notification example template can be obtained from the Council.

Public Land

Where the application is on public land (excluding road and rail reserve) intention to spray shall be publicly notified in the daily local newspaper or door-to-door advice to land occupiers adjacent to the intended application and known users at least 7 days before spraying is undertaken. This notification shall provide the following details:

- a) the property to be sprayed;
- b) the dates and time of the spraying (including alternative dates and times in the case of adverse weather conditions);
- c) the brand name or chemical name to be used; and
- d) any relevant safety precautions.

Where the application of agrichemicals is undertaken in the road and rail reserve, notification must be provided at least annually in the form of a public notice in the newspaper and is to include both the information outlined in a) – d) above and the contact name and number of the party undertaking the application.

SIGNAGE

Private Land

Where the application is on private land and occurs on any school day between the hours of 7.30am to 9.00am and 2.30pm to 4.30pm, signs shall be used to clearly indicate the use of any agrichemical:

- a) within 10 metres of a bus stop on a school bus route where there is a shelter belt giving effective protection between the application and the bus stop; or
- b) within 50 metres of a bus stop on a school bus route where there is no shelter belt giving effective protection between the application and the bus stop.

Public Land

Where the application is on public land:

- a) signs shall be placed around the target area or each entrance to the public land (excluding public roads and other public thoroughfares) that are legible at a distance of at least 10 metres and remain in place for the duration of the contact re-entry period; and
- b) where spraying occurs alongside public roads and other public thoroughfares, vehicles associated with the spraying shall display prominent signs (front and back) advising that spraying is in progress.

WRITTEN RECORDS

Written records must be kept for any discharge of agrichemicals and should include:

- a) the property, part of property or properties sprayed;
- b) the day(s), date(s) and time(s) when the agrichemical was applied;
- c) the crops to be sprayed and a list of the chemicals (with brand names) used during the year or the season;
- d) a list of addresses for those neighbours who have been notified in accordance with Rule 14.3 a);
- e) the equipment and method of application used, concentration and volume of spray used;
- f) weather conditions at the time of spraying;
- g) how notification requirements have been met;
- h) details of any abnormal situation or incident and any action taken, including any variations to the notice of intention as outlined in 14.3 d) above; and
- i) Identification of sensitive areas (including those listed in Policy 4.4.5) and the strategies employed to avoid contamination of those areas

These records shall be kept for at least 2 years and shall be made available to the Council on request.

DISCHARGES FROM THE APPLICATION OF 2,4-D ETHYL HEXYL ESTER HERBICIDE

Application of 2,4-D ethyl hexyl ester herbicides is a **permitted activity** provided that, prior to the application, the applicator shall ensure that the following criteria have been compiled with in addition to the other requirements of Rule 14:

- a) An assessment demonstrating that there are no sensitive crops or farming systems within 5km has been undertaken;
- b) Consideration is given to wind speed, direction, ground and air temperature before and during application;
- c) Non-volatile formulations have been considered;
- d) Anti-drift additives have been considered;
- e) Nozzles shall be low drift nozzles that produce droplets with a VMD of not less than 400 microns; and
- f) Equipment is correctly calibrated.

Note: Appendices F and G of the NZS 8409:2004 are particularly important.

Rule 15 Discharge of water vapour

The discharge of water vapour, including steam, into air is a **permitted activity** provided that:

- a) The discharge shall comply with General Standard a) and b);
- b) The discharge shall not result in any plume that adversely affects traffic (including air traffic) safety by reducing visibility or reduces the visibility on any public land; and
- c) The discharge shall be located and designed to avoid cross-contamination of any air intake used for ventilation purposes.

Rule 16 Discharge from ventilation or vapour displacement

The discharge of any contaminants into air from:

- a) Any industrial or trade premises, any medical premises or any educational institution for the purpose of ventilation or vapour displacement;
- b) Cooling towers with the maximum capacity of 10 megawatts; or
- c) Air cooled heat exchangers

is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a) and b);
- b) Exhausts are located to avoid cross-contamination with air intakes in the same building and adjacent buildings; and
- c) With regard to cooling towers, appropriate maintenance of cooling towers/systems is undertaken.

Rule 17 Discharges of heat

The discharge of any contaminants into air from air heated above ambient temperature, including but not limited to heated air from heat exchangers, and air used for the purpose of cooling plant and equipment is a **permitted activity**.

Rule 18 Coating processes

The discharge of contaminants into air from coating processes (involving paint solvents, varnish, stains, polishes, lacquer, dyes, metal oxide coatings, adhesive coating, elastomer coatings) is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a), b), c), and e);
- b) Maximum rate of usage is less than 5kg per hour; and
- c) For coating processes undertaken indoors, the discharge of contaminants to air is vented with an unimpeded vertical flow through a chimney(s) or vent(s) that terminates at least three metres above the level of any adjacent area to which there is general access (i.e. ground level, roof areas or adjacent openable windows) and as far as practicable from the boundary of any residential property.

Rule 19 Discharge of contaminants into air from domestic and farm wastes

The discharge of contaminants into air arising from:

- a) The disposal of waste into or onto land or the composting of organic material, within a residential property; or
- b) The storage, transfer, treatment or disposal of waste from production land

is a **permitted activity** provided that:

- a) The discharge complies with general standards a), b), c) and e);
- b) Except where it is necessary for waste material to be imported to supplement nutrient levels for composting and waste treatment activities any discharge shall be limited to waste material generated on the premises

Note: Also refer to the Gisborne District Council Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances for relevant provisions.

Rule 20 Discharge of contaminants into air from the storage or transfer of wastes on industrial or trade premises

The discharge of contaminants into air arising from the storage or transfer of any waste produced on that industrial or trade premises is a **permitted activity** provided that:

- a) The discharge shall comply with General Standards a), b), c), and e).

Rule 21 Discharges from the application, storage and handling of fertilisers

The discharge of contaminants to air arising from:

- a) The application of fertilisers; or
- b) The storage and handling of fertilisers on production land

is a **permitted activity** provided that:

- a) Any discharge shall comply with General Standards c) and m);
- b) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the manufacturers' instructions; and
- c) The application shall be undertaken in accordance with the Code of Practice for Fertiliser Use.

Rule 22 Discharge of contaminants from vehicle engine emissions

The discharge of contaminants into air from the combustion of fuel in vehicles including cars, trucks, ships, trains, aircraft and boats and the discharge of dust from the use of vehicles on roads is a **permitted activity**.

6.3.3 Discretionary Activities

Rule 23 Discharges from combustion of specified materials

The discharge of contaminants into air from the combustion of the following materials:

- a) Human or animal remains (excluding those discharges complying with Rule 8);
- b) Chemically treated timber;
- c) Motor vehicles or their components;
- d) Quarantine waste;
- e) Clinical waste; and
- f) Any plastic, rubber, paint, oil, solvent, bituminous material or hazardous substance

is a **discretionary activity**

Rule 24 Discharges from dry abrasive blasting – mobile facilities

The discharge of contaminants into air from mobile dry abrasive blasting facilities is a **Discretionary Activity**.

Rule 25 Discharges from miscellaneous industrial or trade premises

The discharge of contaminants to air from:

- a) Premises used for the manufacture and blending or packaging of cement, milk powder, other milk derived products and rubber goods;
- b) Premises used for rendering, reduction or drying through application of heat to animal matter;
- c) Premises used for the mechanical drying of treated timber or timber products containing glues and resins;
- d) Tanneries, fellmongeries and skin or hide processing plants;
- e) Woolscourers and dag crushing plants;
- f) Extraction and flaring of oil;
- g) Premises used for the manufacture of organic or inorganic chemicals, including pharmaceuticals;
- h) Crematoria;
- i) Asphalt plants;
- j) Premises used for hot dip galvanising;
- k) Premises used for the manufacture or disposal of radioactive substances;
- l) Premises used for the manufacture of soaps or detergents;
- m) Premises engaged in manufacturing processes using di-isocyanates or organic plasticisers;
- n) Premises used for the manufacture of aluminium, steel, fibre-glass, glass or frit;
- o) Premises used for the sintering, calcinising or roasting of metal ores;
- p) Premises used for the smelting of any metal or metal alloy, including scrap metal;
- q) Premises used for the carbonisation, gasification, refining, purification or reforming of natural gas, petroleum oil, shale, coal, wood or other carbonaceous materials;

- r) Premises engaged in the smelting or burning of calcium or calcium magnesium carbonates to produce calcium or magnesium oxides or hydroxides;
- s) Processes involving the extraction, distillation or purification of animal or vegetable oils or fats other than as a by product incidental to the cooking of food;
- t) Road pavement burning facilities;
- u) Landfill and waste transfer activities, including sawdust dumps but excluding clean fill and wood waste; and
- v) The slaughtering and processing of animals

is a **discretionary activity**.

Rule 26 Discharge of any other contaminant to air

The discharge of any contaminant into air is a **discretionary activity** provided that:

- a) The discharge is from an activity specifically provided for as a permitted activity but it does not comply with the relevant standards and terms; AND
- b) The discharge is not specifically provided for by Rules 2-26 of the Plan and does not comply with the terms and standards in Rule 1.

6.3.4 Prohibited Activities

Rule 27 Application of deregistered agrichemicals and 2,4-D Butyl Ester

The discharge of:

- a) An agrichemical 12 months after its deregistration; and
- b) 2,4-D Butyl Ester

is a **prohibited activity**.

6.3.5 National Environmental Standards

Rule 28 National Environmental Standards on Electricity Transmission Activities

Notwithstanding any other rules in the plan, the standards and activity status for electricity transmission activities relating to the National Grid, as described in the Resource Management (National Environmental Standards on Electricity Transmission Activities) Regulations 2009, shall be determined according to this National Environmental Standard and no rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.