

A6

air quality rules

AQr 1 Activities and Rules

- AQr 1.1 Rules are used extensively in this Plan as a method to implement policies. Rules prohibit, regulate, or allow activities. Rules determine whether a resource consent is required for a particular activity. In this Plan, activities that are prohibited, regulated, or allowed by the rules fall into five classes that reflect the actual or potential effect of the activity on the environment. The five classes of activity are: permitted activities, controlled activities, discretionary activities (including restricted discretionary activities), non-complying activities, and prohibited activities.
- AQr 1.2 These classes of activity are described below, together with their component parts, which include standards, terms, or conditions, matters of control or matters over which discretion is restricted, and assessment criteria.

AQr 2 Activity Classes

AQr 2.1 Permitted Activity

- AQr 2.1.i A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table and the conditions in Rule AQr.22 (General Conditions). In the case of non-trade and industrial processes or premises under s15(2), permitted activities also include all discharges to air under that are not specifically mentioned in the rules.
- AQr 2.1.ii The fact that a resource consent is not required does not always mean the activity may be undertaken as of right. A permit or consent may be required under other laws, apart from this Plan and the Resource Management Act (see Section 23 of the Act).

AQr 2.2 Controlled Activity

- AQr 2.2.i A controlled activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a controlled activity, but as a discretionary activity, a restricted discretionary activity or a non-complying activity.
- AQr 2.2.ii The Council must grant a resource consent for a controlled activity on almost all applications. A consent cannot be granted in a few cases where the consent would transgress a requirement of the Resource Management Act. In granting consent, the Council may

impose standards, terms, or conditions relating to matters stated in the Plan over which control is reserved.

AQr 2.3 Discretionary Activity and Restricted Discretionary Activity

AQr 2.3.i A discretionary activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms which have been specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a discretionary activity, but as a non-complying activity. In many cases, no standards and terms are specified. In these cases, the activity is deemed to be a discretionary activity.

AQr 2.3.ii The Council may decide to refuse an application for a resource consent, or grant it with or without standards, terms, or conditions. Those standards, terms, or conditions may relate to any relevant matters in the circumstances. In some cases, the Plan restricts the Council's discretion to the consideration of particular matters (a restricted discretionary activity). In these cases, resource consents may be refused, or standards, terms, or conditions imposed, only in respect of the matters to which discretion has been restricted.

AQr 2.4 Non-complying Activity

AQr 2.4.i A non-complying activity is allowed only if a resource consent has been obtained. The Council may decide to refuse an application for a resource consent, or grant it with or without standards, terms, or conditions. A resource consent cannot be granted for a non-complying activity unless either: the adverse effects will be minor, or it will not be contrary to the objectives and policies of the Plan (see section 104D of the Act).

AQr 2.4.ii Many non-complying activities are not the subject of special rules but arise automatically when the standards and terms stated in a rule are not complied with. Non-complying activities may contravene a rule but are not prohibited.

AQr 2.5 Prohibited Activities

AQr 2.5.i No resource consent can be granted and no application can be accepted for an activity that the Plan describes as a prohibited activity. The only avenue open to a person wanting to carry out a prohibited activity is to request a plan change.

AQr 2.6 Matters of Control and Restricted discretion

AQr 2.6.i In the Rule Table every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity.

AQr 2.6.ii Matters over which control is reserved or discretion restricted:

- a) Bonds or covenants or both, to ensure performance or compliance with any standards, terms, or conditions imposed.
- b) Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and

- supervision of resource consents, and for the carrying out of the Council's functions under section 35 of the Act.
- c) The duration of a resource consent, under section 123 of the Act.
 - d) Lapsing of a resource consent, under section 125 of the Act.
 - e) Change and cancellation of a consent, under sections 126 and 127 of the Act.
 - f) Notice that some or all standards, terms, or conditions may be reviewed at some time in the future, under section 128 of the Act.

AQr 2.7 Assessment Criteria

- AQr 2.7.i Assessment criteria are to be used in the consideration of whether or not to grant resource consents and the imposition of standards, terms, or conditions. The list of assessment criteria is not exhaustive. The Council must take into account all of the matters mentioned in section 104 of the Act. Assessment criteria are "other provisions" within section 104(1)(d) and have no priority over the other matters mentioned in the section, which include the effects on the environment, objectives, and policies. Assessment criteria are provided as a guide to applicants and decision makers as to what practical matters will generally be considered. They do not restrict the Council's discretion.

AQr 3 Presentation of Rules

AQr 3.1 Rule Table

- AQr 3.1.i The Rule Table that follows, including the appendices to the Rule Table, contains the rules that apply to discharges of contaminants to air. The plan rules must be read as a whole and for any particular activity all rules have to be considered, including these narrative rules that precede the Rule Table. Certain words and terms are defined in Chapter A2 'Meaning of Words'.

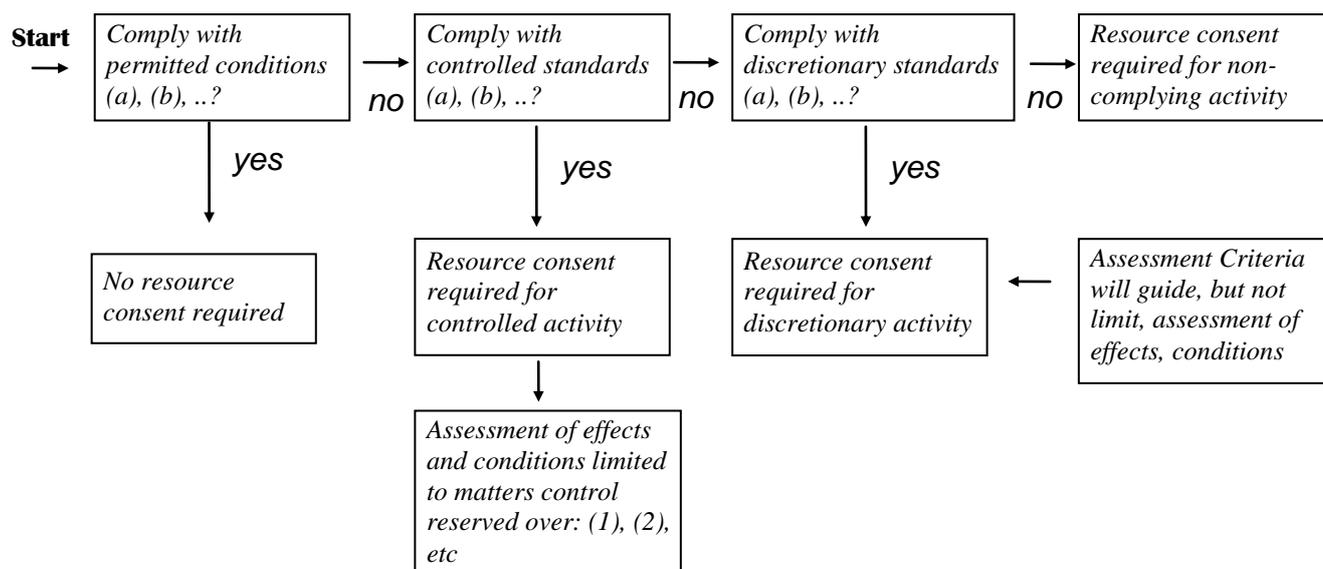
AQr 3.2 Cascade of Rules

- AQr 3.2.i Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. For any given rule read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a "cascade".
- AQr 3.2.ii If an activity satisfies the standards, terms, or conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards, terms or conditions stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary (or restricted discretionary as specified). An activity can be non-complying if it is identified specifically as such or it may be non-complying if it does not meet the standards and terms required of a discretionary activity. In some cases the rule table may indicate that an activity or part of it is prohibited.

- AQr 3.2.iii The discretionary column may state no standards, terms, or conditions in which case the cascade ends there: all activities that are not permitted or controlled are discretionary, and no non-complying activities arise in that row.
- AQr 3.2.iv The fact that an activity meets the standards for a controlled or discretionary activity does not necessarily mean that a resource consent will be granted: it simply means that an application for a resource consent must be lodged and that the application will be considered as a controlled or discretionary activity as the case may be. Controlled activities have to be granted, except in limited circumstances set out in the Act.
- AQr 3.2.v The assessment criteria column indicates some of the effects that are likely to be considered relevant to the decision to grant or refuse consent and, if granted, what standards, terms, or conditions to impose, if any. Assessment criteria do not limit the Council's discretion, and any additional matters that might arise in a particular case may be considered.
- AQr 3.2.vi Rule Tables are arranged across two facing pages, reduced in the following illustration to fit a single page width:

Rule table					
Item	Permitted	Controlled	Discretionary/Non-complying/prohibited	Assessment Criteria	Explanation
This column indicates the activity or effect dealt with in this row of the table.	This column states the standards, terms, or conditions that must be satisfied for the activity to be permitted.	This column states standards and terms that must be satisfied for the activity to be a controlled activity and the matters over which control is reserved.	This column states standards and terms that must be satisfied for the activity to be a discretionary activity, and whether discretion is restricted. It may also indicate non-complying activities.	To guide applicants, submitters and the Council as to the matters which will generally be considered. Not exhaustive.	Principal reasons for rules and explanation of the purposes of the rule to assist readers. This column also includes cross references to other plan provisions and legislation.

AQr 3.2.vii The following flow chart illustrates the “cascade.”



AQr 3.2.viii This flow chart represents the situation where the rule provides for permitted, controlled, and discretionary activities. This is not always the case. Some rules in the Rule Tables have “not applicable” in one or more of the permitted, controlled or discretionary columns. This means that there is no activity of the class dealt with in that column. If the permitted column contains only the words, “not a permitted activity,” then there are no permitted activities under that rule and moving from left to right across the row, the first category to be considered is for controlled activities.

AQr 3.2.ix The following **fictitious rule** is presented to provide an example of how the Rule Table works.

Rule table (fictitious example only)					
Item	Permitted	Controlled	Discretionary/non-complying/prohibited	Assessment Criteria	Explanation
AQr.7 Production of bricks from elephant dung	The discharge of any contaminant to air from the production of bricks made from elephant dung is permitted if: a) the total mass of dried material does not exceed 100 kg per hour, and b) at any one time the total amount of material stored on site does not exceed 1000kg, and c) the discharge stack is 20 metres above the highest point of the building containing the brick making operation.	Not applicable.	Any discharge that contravenes a permitted condition is a discretionary activity.	a) New options, processes or techniques available to minimise any discharges or its effects including odour and dust emissions. b) The extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. c) The total amount of the discharge and the time period over which the discharge occurs. d) The topography and the meteorology of the area including wind speed and wind direction. e) The proximity and nature of nearby activities, and the likely future uses given the zoning of the land. f) The proximity and nature of any sensitive receptors.	Elephant dung has the potential to create adverse odour effects if the scale of the material stored on-site is not strictly controlled. Any discharge needs to be well dispersed to ensure that the effects at ground level are minimised.

- AQr 3.2.x To illustrate the way this **imaginary rule** would work in practice, assume a business person wants to set up a factory that produces bricks made from elephant dung with an estimated output of 100kg per hour, but storage on site will be 2 tonnes (2000kg). The discharge will be dispersed through a stack 20 metres high. To determine if status of the activity in terms of this Air Quality Plan is permitted, controlled, discretionary or non-complying, the table should be read from left to right.
- AQr 3.2.xi The left hand column indicates the general subject matter of the row. Moving along this row, we see that the “permitted” column has three standards (a), (b) and (c). The proposal, due to its size, breaches standard (b) but complies with standards (a) and (c). We therefore conclude that it is not a permitted activity and we move on to consider the controlled column. The controlled column is not applicable in this example so we move on to the discretionary column.
- AQr 3.2.xii In the discretionary column, we note that contravening one of the permitted standards triggers the need for a resource consent. In this case the on-site storage breached condition (b), even though the activity still complies with standards (a) and (c). The effects of the proposed brick production works, including odour control and proximity to sensitive areas, would be taken into account by the Council when it considers whether or not to grant a resource consent, and if so, what conditions to impose.
- AQr 3.2.xiii This **imaginary rule** only applies to discharges to air. In this example, the proposal may be subject to land use rules under the Nelson Resource Management Plan. Even if an air discharge resource consent is granted, other resource consents may still be required which may or may not be approved. All resource consents for a proposed activity must be approved before the activity can commence.

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<A portion of this table has been deleted from this document for brevity>

Item	Rule
Prohibited Activities	
<p>AQr.20 Prohibited Activities</p> <p>Prohibited fuels & materials – outdoor burning and small-scale fuel burning appliances</p>	<p>The following discharges of contaminants to air are prohibited activities for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> a) The combustion in any small-scale fuel burning appliance of any of the materials in the following list i) to xii), and b) The combustion by deliberate outdoor burning (excluding fire training activities authorised under rule AQr.58) of any of the materials in the following list ii) to xii): <ul style="list-style-type: none"> i) wood having a moisture content of more than 25% dry weight, or ii) wood which is painted, stained, oiled or coated (except if allowed by resource consent under rule AQr.55), or iii) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA), or iv) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards, or v) metals and materials containing metals, including but not limited to cables, or vi) materials containing asbestos (except for the processing of vehicle brake shoes subject to a resource consent under Rule AQr.53 (All other industrial or trade premises)), or vii) material containing tar or bitumen, or viii) all rubber, including but not limited to, rubber tyres, or ix) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastic (except if allowed by a resource consent under Rule AQr.55 (Outdoor burning – Rural)), or x) waste oil (except if allowed by resource consent under rule AQr.23), or xi) peat, or xii) sludge from industrial processes.

Assessment Criteria	Explanation
<p>AQr.20.4 Not applicable.</p>	<p>AQr.20.5</p> <p>These prohibited activities cover the fuels or materials which are considered unacceptable to burn in small-scale solid fuel appliances or by deliberate outdoor burning.</p> <p>Domestic solid fuel appliances are not designed to burn materials other than wood or coal, and the combustion of other materials may result in the discharge of unacceptable levels of smoke and hazardous air pollutants. Consequently all the materials listed except dry wood and coal are prohibited from use.</p> <p>Outdoor burning is an uncontrolled combustion process, and while it is a practical method of disposing of dry vegetation or timber in some circumstances, is not a suitable method of disposing of most other materials (refer to Rule AQr.55 regarding outdoor burning in the Rural Zone).</p> <p>Outdoor burning of tyres, bitumen, coated wire and oil is also prohibited by the National Standards for Air Quality, with some limited exemptions for burning of oil (refer to the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004).</p> <p>Refer to Rule AQr.31A for restrictions on burning such materials in large scale burning appliances.</p> <p>Note: refer to rule AQr.54 (Outdoor burning – urban area & higher density small holdings area) which restricts outdoor burning in the urban area (defined in Chapter A2) of any material in all but a few cases.</p>

Item	Rule
<p>AQr.21 Prohibited Activities</p> <p>Installation of open fires and solid fuel appliances in new buildings or in buildings not currently using solid fuel</p>	<p>AQr.21</p> <p>a) Unless otherwise specified in the Rule Table, the discharge of contaminants to air from any small-scale solid fuel burning appliance within the Urban Area (excluding Glenduan ('The Glen')), or any open fire within the Urban Area, as follows are prohibited activities for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> i) in any new residential unit or other new building erected after the date of notification of this plan, including within any subsequent extension or alteration to that unit or building, or ii) from any small-scale solid fuel burning appliance installed in any residential unit or other building that at the date of notification of this Plan did not contain a lawfully approved, operable small-scale solid fuel burning appliance or open fire, including within any subsequent alteration or extension to the unit or building, or iii) from any open fire installed in any residential unit or other building after the date of notification of this Plan, plus the rebuilding of any open fire that previously has been modified to be inoperable, <p>unless before the date of notification of this Plan, a building consent application in accordance with the Building Act 1991 was lodged specifying the installation of a small-scale solid fuel burning appliance or open fire, and that consent was subsequently issued (whether the issue occurred before or after the date of notification of this Plan).</p> <p>b) This prohibition does not apply to the installation of:</p> <ul style="list-style-type: none"> i) any small-scale solid fuel burning appliance or any stove classified as an open fire in an industrial or trade premises where the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale, or ii) any small-scale pellet burning appliance authorised under rule AQr.26, or any small-scale ultra-low emission burning appliance authorised under rule AQr.26A.
General Conditions	
<p>AQr.22 General Conditions</p> <p>All discharges</p>	<p>AQr.22</p> <p>The following general conditions apply to all discharges of contaminants to air, including those allowed as permitted activities in the Rule Table, excluding those allowed by a resource consent unless the consent states otherwise:¹</p> <ul style="list-style-type: none"> a) The discharge must not result in any offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the site of the discharge, and b) The discharge must not result in dispersal or deposition of particles, including smoke particles or dust, to the extent that it causes an offensive or objectionable effect beyond the boundary of the site of the discharge, and c) The discharge must not significantly impair visibility beyond the boundary of the site of the discharge, and d) The discharge must not cause any corrosion to any structure beyond the boundary of the site of the discharge, and e) The discharge must not result in effects beyond the boundary of the site that are noxious or dangerous.

¹ In terms of enforcement and compliance with Rule AQ22, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11 in this Plan.

Assessment Criteria	Explanation
	<p>AQr.21.5</p> <p>Within the Urban Area (defined in Chapter A2) this rule prohibits the use of solid fuel fires (open fires, wood burners and multi-fuel burners) in houses and buildings built after the notification of the Air Quality Plan. An exclusion is made for enclosed solid fuel burners (but not open fires) at The Glen as the small population with a seaside location and better air circulation means holding down burner numbers is less critical. The prohibition also applies to enclosed burners in houses and buildings that at the date of notification of the Plan did not already have a solid fuel fire installed, or an application lodged for a Building Consent for such a fire, and to new open fires or the re-commissioning of inoperable open fires.</p> <p>An exemption is also granted for industrial and trade premises to allow them to install (by resource consent) wood stoves for cooking, for such things as wood-fired pizzas or barbecue grills.</p> <p>Computer modelling has shown that in order to meet the Government guidelines for PM₁₀, the numbers of fires burning solid fuel in Nelson must not increase above current levels. A 70% reduction in wintertime peak PM₁₀ levels is required to achieve the air quality target and this necessitates strong measures to control emissions from fires.</p> <p>However Policy A5-1.5 (Solid fuel fire numbers) notes the improving design of solid fuel burners, especially pellet fires, may mean that this rule may be reconsidered at an appropriate time in the future. This would be done by means of a plan change.</p>
	<p>AQr.22.5</p> <p>These are general conditions that apply in all instances, unless otherwise stated.</p> <p>Any breach of the conditions will not result in requirements for resource consents but rather will be enforced via the Council's monitoring and enforcement mechanisms. In doing so the matters in Appendices AQ9 to 11 will be had regard to.</p> <p>The matters that the General Conditions cover are all significant air quality issues, particularly in relation to odour, dust and particles, including smoke.</p>

Small-scale fuel burning appliances			
Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
<p>AQr.23 Small-scale fuel burning appliances</p> <p>Gas, oil, and other liquid fuels</p>	<p>AQr.23.1</p> <p>The discharge of any contaminant into air from the burning of liquid petroleum gas (LPG), ethane, methane, diesel, blended heating oil, kerosene, and alcohols, in any small-scale fuel burning appliance is permitted if:</p> <ul style="list-style-type: none"> a) the discharge is via a stack that complies with Appendix AQ4, and b) no re-refined oil is burnt, and c) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt. 	<p>AQr.23.2</p> <p>Not applicable</p>	<p>AQr.23.3</p> <p>Any discharge which contravenes permitted clause a) or b) is a discretionary activity.</p> <p>Contravention of permitted clause c) is a prohibited activity, except the burning of waste oil in a small-scale fuel burning appliance in an industrial or trade premises, which is a non-complying activity.</p>

Assessment Criteria	Explanation
<p>AQr.23.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack standards, such as proximity of buildings or land. b) the safety and effectiveness of alternative stack heights or discharge points. c) the impact of the discharge on local and ambient air quality. <p>Re-refined or waste oil burning</p> <ul style="list-style-type: none"> d) the quality and chemical composition of the re-refined or waste oil. e) the method of combustion, including, but not limited to, the age and condition of the burner. f) the ambient and acute levels of any hazardous air pollutants or air toxics that may be discharged. g) the ambient levels of PM₁₀, and other contaminants where relevant, and the predicted effect that the activity will have on these levels. h) the predicted results of the likely ground level concentration of contaminants from atmospheric dispersion modelling. i) the extent to which adverse effects on sensitive receptors are avoided, remedied or mitigated. j) the proximity and nature of nearby activities, and the likely future uses given the zoning of the land. k) the proximity and nature of any sensitive receptors. l) the likely degree of contaminants discharged to the air if alternative fuel was used and the potential effects on the environment. m) new options, processes or techniques available to minimise any discharges or their effects. n) the total amount of the discharge and the time period over which the discharge occurs. o) the topography, including whether the discharge will be located at the head or bottom of valleys and airsheds and the meteorology of the area including wind speed and wind direction. p) the disposal of any residue from the burning process. 	<p>AQr.23.5</p> <p>This rule covers smaller devices burning gas, oil or other liquid fuels. The use of such devices is permitted subject to compliance with the specified standards and conditions. Mobile domestic-sized gas and liquid-fuelled heaters are exempt from the rule, as are gas hobs and ranges (see the definition of 'Small-scale fuel burning appliances' in Chapter A2).</p> <p>The burning of waste oil is a non-complying activity in small-scale fuel burning appliances, but only in industrial or trade premises. Waste oil has been used as a fuel for space heating in a number of workplaces. Emissions from such burners can include metals and hazardous organic compounds, and will vary depending on the original use of the oil and the performance of the burner. It is anticipated that only burners designed for the specific purpose of burning waste oil that can achieve consistent and acceptable emission levels will be issued resource consent. It is not considered that the use of waste oil should be extended to domestic dwellings.</p> <p>Larger commercial or industrial sized devices are dealt with under Rules AQr.28 to AQr.31A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p>

Assessment Criteria	Explanation
<p>AQr.24.4</p> <p>Heritage Buildings</p> <p>a) in the case of heritage buildings, how significant on-going use of the open fire or enclosed burner is in terms of the heritage character of the building, how significant that building is, and the degree of public benefit derived from allowing on-going use of the fire or burner.</p> <p>Enclosed Burners</p> <p>aa) the likely emissions from the burner, its thermal efficiency, the type of fuel used, the location and height of the stack, the duration and frequency of use, how integral the burner is to the functioning and use of the dwelling or building, the age of the burner, whether the building is insulated or has other energy efficiency measures installed, and the level of investment in the heating or cooking system.</p> <p>'Unlawful' Fires & Burners</p> <p>b) the reasons why a building consent or other permit for the fire or appliance does not exist, and the nature and reliability of evidence to demonstrate that the fire or appliance was installed and in use prior to notification of the Plan. In all cases the Council may inspect the fire or appliance to verify the likely date of installation.</p> <p>bb) the age, condition and geographic location of the fire or burner.</p> <p>Delay in installation</p> <p>c) the reason for any delay in actioning a permission to install a fire or appliance.</p> <p>d) the length of the extension being sought, and how appropriate it is considering the objectives and policies of the Plan.</p> <p>General (applied in all cases as appropriate)</p> <p>e) the likely effects on ambient air quality and the air quality target, having regard to the airshed in which the discharge occurs.</p> <p>f) the impact of the discharge on local and ambient air quality.</p> <p>g) the proximity and nature of nearby activities, including any sensitive receptors.</p> <p>h) any precedent effect of allowing the discharge, including any adverse impact on the public's confidence in the consistent administration and the integrity of this Plan and the Council's clean air target and strategies.</p>	<p>AQr.24.5</p> <p>Within the Urban Area (defined in Chapter A2), the use of open fires installed prior to this Plan being notified is allowed to continue up until 1 January 2008. Discharge to air from open fires is prohibited after that date (except as discussed further below).</p> <p>The use of existing enclosed burners (such as wood burners, potbelly stoves and other enclosed appliances) is also being phased out in certain areas. In Airshed A (Nelson South) and the Tahunanui and Tahunanui Hills part of Airshed B (as shown in Figure A2-2B, at the end of Chapter A2), the use of enclosed burners installed prior to 2000 must progressively have ceased between 2010 and 2012, starting with the oldest burners. This is necessary to meet the targets imposed by the National Environmental Standards for air quality. In the Stoke, Enner Glynn and Wakatu part of Airshed B, only pre-1996 enclosed burners are subject to the phase-out.</p> <p>In the rest of the Urban Area, the use of solid fuel burning enclosed appliances installed prior to this Plan being notified is allowed to continue, and there is no mandatory phase-out date. The Plan aims to achieve air quality improvements in these areas when such appliances are replaced voluntarily, by ensuring this is done with either non-solid fuel appliances or with solid fuel appliances with low particle emissions (see Rule AQr.25).</p> <p>It should be noted that where there is a mandatory phase-out date for an existing burner, that burner can be replaced with another burner which may continue in use indefinitely, providing the new burner meets the emissions standards and conditions in rule AQr.25.</p> <p>Provision is made for resource consent applications to be made for ongoing use of open fires and pre-1991 enclosed burners in certain heritage buildings. This only applies to significant heritage buildings, having both Historic Places Trust registration, and Group A listing within the Nelson Resource Management Plan, and then only in specific circumstances. These exemptions are intended to apply to significant buildings such as Melrose House, Fairfield House and the like, which have particular heritage value and which are open to the public or regularly used by the community. This exemption is NOT intended for private dwelling houses or for buildings used for visitor accommodation or hospitality. There are alternatives available, for example, open fires can be discretely retro-fitted to run on gas, giving the desired ambience without the high levels of particle pollution.</p> <p>In the case of enclosed burners, an exemption can also be applied for to allow the continued use of certain burners, for a period to be set by the resource consent, if it is granted. This provision is intended to apply to reasonably modern proprietary cooking stoves or central heating systems installed prior to the Plan being notified. It is expected that in order for ongoing use of these stoves to be granted, they would need to have low to moderate emissions of particles and other contaminants, as well as good thermal efficiency. Regard can also be had to other factors such as how reliant the household is on the unit, and whether house is insulated (or will be insulated). The general assessment criteria require that consideration is had to the airshed into which the discharge is occurring, and the likely impact on both ambient air quality and local effects, such as on neighbours.</p> <p>The exemption for ongoing use of enclosed burners is NOT intended to apply to older style coal ranges, chip heaters or similar high emitting appliances.</p> <p>A longer phase-out time has been provided for 'Jetmaster'-style insert fireplaces (including Warmingtons). While they meet the definition of an open fire they have lower particle emissions than an open fire and better heat output. Council records indicate the installation of very low numbers in the city, all since 1999. Given their low number, the newness of these appliances, their cost, and lower emissions, their use has been allowed until 2013, the date when full compliance with the National Environmental Standard for particle pollution needs to be achieved.</p> <p>See Chapter A2 for the definition of 'lawfully approved'. This definition also covers fires or burners that at the date of notification were partway through the process of obtaining building consent. Resource consent can be applied for to authorise the use of fires installed before the date of notification of the Plan, but which were not 'lawfully approved'. A resource consent can also be applied for to allow longer than the installation times specified in permitted clause b). Granting these consent applications is at the Council's discretion, subject to the policies in Chapter 5 and the matters to which the Council has restricted its discretion.</p> <p>Use of existing burners and open fires is subject to meeting certain performance standards, including the dryness of wood (see Rule AQr.20).</p> <p>For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, and permitted clause (e), Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
<p>AQr.25 Small-scale solid fuel burning appliances</p> <p>(Urban Area)</p> <p>Installation after plan notification</p> <p>(For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A)</p>	<p>AQr.25.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of solid fuel in any small-scale solid fuel burning appliance installed after the date of notification of this plan is permitted if:</p> <p>aa) the small-scale solid fuel burning appliance is installed at Glenduan (The Glen), or</p> <p>a) the solid fuel burning appliance replaces a solid fuel burning appliance or 'Jetmaster'-type insert fireplace in the building and on the site that was lawfully approved before the date of notification of this Plan, or was otherwise authorised under Rule AQr.24, and, where a cessation date is specified in Rule AQr.24.1.cc), the building consent application for replacement is lodged with the Council prior to that date, or</p> <p>b) up to 1 January 2008, the small-scale solid fuel burning appliance replaces an operable open fire on the site that was lawfully approved before the date of notification of this Plan or was otherwise authorised under Rule AQr.24, and the replacement burner is in the same room as the open fire or in an extension of that room, or</p> <p>c) the small-scale solid fuel burning appliance replaces a small-scale solid fuel burning appliance installed in compliance with a) or b), but does not replace a pellet burner installed under Rule AQr.26, or an ultra-low emission burning appliance installed under Rule AQr.26A and</p> <p>d) the appliance (including any second-hand or repaired appliance) at all times:</p> <p>i) complies with the emission, operational and other requirements in Appendix AQ2, and</p> <p>ii) complies with the stack requirements in Appendix AQ3, and</p> <p>iii) burns only fuel approved for use in the device as in Appendix AQ2, and burns no fuels in Rule AQr.20 (Prohibited Activities), and</p> <p>iv) is operated so that all reasonable steps are taken to minimise the amount of smoke discharged, and there is no discharge of excessive smoke (excluding a 15 minute start-up period).</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p>	<p>AQr.25.2</p> <p>Not applicable</p>	<p>AQr.25.3</p> <p>Stack</p> <p>A) Any discharge that contravenes permitted clause d) ii) is a restricted discretionary activity.</p> <p>Discretion restricted to the location, height and design of the emission stack, and the proximity of it to obstacles.</p> <p>Emission standards & other</p> <p>B) Any discharge that contravenes permitted clause d) i) is a non-complying activity.</p> <p>Other</p> <p>C) Any discharge that contravenes permitted clauses a), b), c) or d)iii) is a prohibited activity. Non-compliance with permitted clause (d)(iv) is an enforcement matter.</p>

Assessment Criteria	Explanation
<p>AQr.25.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack requirements. b) the safety and effectiveness of alternative stack heights, designs or discharge points. c) any likely impact of downdraft or wind swirl that may affect the safe venting from the stack. d) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. e) the proximity and nature of any sensitive receptors. <p>Non-compliance with emission standards</p> <ul style="list-style-type: none"> f) the results of any alternative appliance testing methodology, having regard to the reliability and source of the results, the emission rate, the thermal efficiency, the emissions relative to thermal efficiency, and the likely daily particulate output relative to that expected under Appendix AQ2 a) and b). g) whether any departure from the emission and other requirements in Appendix AQ2 is for a single installation of an appliance, or seeking generic approval for a particular make and model of appliance to be included on the 'List of Authorised Solid Fuel Burning Appliances' referred to in Appendix AQ2. <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> h) the likely effects on ambient air quality and the air quality target. i) the impact of the discharge on local and ambient air quality. j) the proximity and nature of nearby activities, including any sensitive receptors. k) any precedent effect of allowing the discharge, including any adverse impact on the public's confidence in the consistent administration and the integrity of this Plan and the Council's clean air target and strategies. 	<p>AQr.25.5</p> <p>This rule applies only within the Urban Area which is defined in Chapter A2 (Meaning of Words).</p> <p>The restriction in clauses a) and b) (i.e. that there has to be an existing burner or open fire) does not apply at The Glen. However any burner installed in a new home or an existing home must comply with the emissions standards and other controls in AQr.25.</p> <p>Clause a) of the permitted rule allows a solid fuel burning appliance that existed in a building prior to the Plan being notified to be replaced with another solid fuel burning appliance, providing the replacement appliance complies with the defined emissions standards and other clauses, and the replacement occurs prior to any mandatory phase-out date for use of the existing burner if a date is specified in Rule AQr.24.1.cc).</p> <p>The appliance being replaced needs to have been 'lawfully approved' (See definition in Chapter A2, and Rule AQr.24). Rule AQr.24 sets out when existing fires and burners are deemed to be 'lawfully approved', including fires or burners that were 'mid-process' when this Plan was notified.</p> <p>Permitted clause b) provides a similar 'grandparenting' provision where lawfully established open fires are being replaced. Clause c) continues this 'grandparenting provision' for replacement of the replacement appliances – that is, second and subsequent replacements. It also makes it clear that this rule does not apply to subsequent replacements of pellet burners that were first installed under rule AQr.26 or ultra-low emission burners installed under rule AQr.26A.</p> <p>Clauses d) i and ii establish the emissions standards and operational requirements for replacement burners, and the smoke stack and fuel specifications. There is some limited ability to vary the specifications by resource consent, but the policy criteria for exemptions are tight. The aim is to provide some flexibility for specific stack locations and alternative emissions criteria, if the air quality objectives are still met.</p> <p>Clauses a) to c) of the permitted rule aim to restrict the total number of solid fuel fires in the Urban Area to no more than existed at the time the Plan was notified. In order to achieve the Government standard levels for PM₁₀, it is important that overall numbers of fires in the Urban Area do not increase. Even with very low emission solid fuel appliances, a continued increase in total numbers would see a gradual erosion of the gains from changing to cleaner burners. (See Rules AQr.21, and AQr.26, and AQr.26A for new houses and for houses without solid fuel fires). Rules AQr.26 and AQr.26A provides an exceptions to this for pellet burners and ultra-low emission burners (respectively), but only subject to more stringent emission criteria than required under this rule.</p> <p>The 'grandparenting' provision applies only to 'lawfully approved' fires or burners, as defined by Rule AQr.24, including consents granted under that rule. Rule AQr.24 in combination with Rule AQr.25 prevents people installing second-hand burners after the plan is notified in order to try to claim false 'grandparenting' rights. This otherwise would undermine one of the cornerstones of the clean air strategy, and could compromise achieving the Government PM₁₀ guideline level.</p> <p>Where no building consent or other authorisation exists for the original fire or burner that is to be replaced under this rule, some limited flexibility is provided in rule AQr.24 to authorise that fire or burner, provided the existence of the fire or burner prior to Plan notification can be reliably proven. Rule AQr.24 also allows (by consent application) for special circumstances to be considered where there is, or may be, a delay in installing the original fire or burner.</p> <p>For sites that have become part of the Urban Area since 23 August 2003, see rule AQr.25A.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, and permitted clause (d)(iv), Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
<p>AQr.25A Small-scale solid fuel burning appliances</p> <p>Special transitional provisions applying to areas added to the Urban Area after 23 August 2003 (the notification date of this Plan)</p> <p>(For sites outside the Urban Area, Rule AQr.27 applies)</p>	<p>AQr.25A.1</p> <p>The discharge of any contaminant into air from the combustion of solid fuel in any open fire or small-scale solid fuel burning appliance located on a site:</p> <p>A) lying outside the Urban Area as shown in Appendix AQ12 (this being the extent of the Urban Area at the time this Plan was notified on 23 August 2003), and</p> <p>B) within the present extent of the Urban Area as defined in AQ2-86</p> <p>is permitted if:</p> <p>a) the open fire or small-scale solid fuel burning appliance on the site was lawfully approved before the notification of Plan Change A1 [25 September 2010] or a building consent to install such a fire or appliance on the site was lodged with the Council before that notification date, and</p> <p>b) no fuels in Rule AQr.20 (Prohibited Fuels) are burnt, and</p> <p>c) any small-scale solid fuel burning appliance or operable open fire that complies with clause a) or was authorised under Rule AQr.25A.3B is replaced with a small-scale solid fuel burning appliance that complies with AQr.25.1d). The provisions of AQr.25 will apply in all respects (including AQr.25.3 A & B), and this will include subsequent replacements, but the notification date and cessation dates specified in AQr.25.1 a) and b) will not apply.</p> <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required)</p>	<p>AQr.25A.2</p> <p>Not applicable</p>	<p>AQr.25A.3</p> <p>Within the area lying outside the Urban Area as shown in Appendix AQ12 (this being the extent of the Urban Area at the time this Plan was notified on 23 August 2003), and within the present extent of the Urban Area as defined in AQ2-86:</p> <p>A) Any discharge that contravenes permitted clause b) is a prohibited activity.</p> <p>B) Any discharge that contravenes permitted clause a) is a restricted discretionary activity, if:</p> <p>a) evidence is provided that the burner was installed prior to the notification date specified in AQr.25A.1 a).</p> <p>Discretion is restricted to approval of whether the fire or burner existed in the building and was in use prior to the notification date specified in AQr.25A.1 a).</p> <p>Resource consent applications for restricted activities under this rule will be considered without notification and without service of notice.</p>

Assessment Criteria	Explanation
<p>AQr.25A.4</p> <p>a) the assessment criteria in rule AQr.25.4.</p>	<p>AQr.25A.5</p> <p>This rule provides transitional provisions for domestic fires or burners in areas that have changed from rural to being part of the 'Urban Area'. That is, areas that are defined as 'Urban Area' but which were not 'Urban Area' when the Air Quality Plan was notified on 23 August 2003.</p> <p>As the zoning of land under the Nelson Resource Management Plan changes over time, or rural land is subdivided for residential use, more land comes under the Air Quality Plan definition of 'Urban Area' as set out in A2-86. 'Urban Area' in A2-86 is both a physical map (Figure A2.1) and defined in words to deal with land use or zoning changes that occur in the period after the most recent updating of Figure A2.1.</p> <p>The expansion of the Urban Area can create potential inequities. For example, use of an open fire in a rural farmhouse is a permitted activity under rule AQr.27 of this Plan. Within the 'Urban Area', however, use of open fires has been prohibited since 1 January 2008 due to rule AQr.24.1c).</p> <p>If after 1 January 2008 that rural property became part of the 'Urban Area' by virtue of re-zoning or subdivision under A2-86 b) or c), then use of the fire would become illegal, were it not for this rule AQr.25A.</p> <p>The open fire could not be replaced with a woodburner, since AQr.25, the rule that allows an open fire to be replaced with a complying woodburner, does not allow this to occur after the 1 January 2008 ban date specified. Thus, without the transitional provisions of this rule, the homeowner would have an open fire that suddenly became illegal, and would not be able to replace it with a woodburner.</p> <p>Similar transitional issues apply to some woodburners, depending on their age and the airshed they are in.</p> <p>To address these problems, this rule allows such fires or burners to continue to be used for as long as the owner wishes or the burner continues functioning, and then it can be replaced with a clean air approved burner if the owner desires.</p> <p>Note: For sites outside the Urban Area, Rule AQr.27 applies.</p> <p>For sites added to the Urban Area since 23 August 2003, but where no open fire or small scale fuel burning appliance has been shown to be lawfully approved, then the provisions of AQr.24, AQr.25, AQr.26, AQr.26A and AQr.27A apply as is normally the case within the 'Urban Area'. Thus, for all new houses in this area, or for properties that did not have a fire before the area became part of the 'Urban Area' only a pellet fire in accordance with rule AQr.26 or an ultra-low emission burner in accordance with rule AQr.26A may be installed.</p> <p>Note: Compliance with Rule AQr.22 General Conditions is also required which relates to smoke, dust, odour and other effects. In terms of compliance and enforcement of this rule, Council staff will be guided as appropriate by Appendices AQ9, 10 and 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
<p>AQr.26 Pellet burning appliances</p> <p>(Urban Area)</p> <p>New buildings, or Existing buildings not using solid fuel</p>	<p>AQr.26.1</p> <p>Within the Urban Area, the discharge of any contaminant into air from the burning of wood pellets in any small-scale pellet burning appliance installed after the date of notification of this Plan into:</p> <ul style="list-style-type: none"> i) any new building, or ii) any building that did not have an operable open fire or a small-scale solid fuel burning appliance that was lawfully approved at the time of notification of this Plan, is permitted if: <ul style="list-style-type: none"> a) the appliance at all times: <ul style="list-style-type: none"> i) complies with the emission, operational and other requirements in Appendix AQ2A, and ii) complies with the stack requirements in Appendix AQ4, and iii) burns only wood pellets approved for use in the device as in Appendix AQ2A, and burns no fuels in Rule AQr.20 (Prohibited Activities), and iv) is operated so that all reasonable steps are taken to minimise the amount of smoke discharged, and there is no discharge of excessive smoke (excluding a 15 minute start-up period), and b) where any appliance installed in accordance with this rule is successively replaced, the replacement small-scale pellet burning appliance complies with clause a). <p>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</p>	<p>AQr.26.2</p> <p>Not applicable</p>	<p>AQr.26.3</p> <p>Within the Urban Area:</p> <ul style="list-style-type: none"> A) the discharge of any contaminant into air from the burning of wood pellets in any small-scale pellet burning appliance that contravenes a permitted clause is a discretionary activity, except that burning any fuel in AQr.20 is a prohibited activity. B) the discharge of any contaminant into air from the replacement of any small-scale pellet burning appliance installed under AQr.26.1 or AQr.26.3A), is a prohibited activity if: <ul style="list-style-type: none"> i) the replacement small-scale solid fuel burning appliance is not a pellet burner as defined in A2-74A.

Assessment Criteria	Explanation
<p>AQr.26.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) the factors that constrain compliance with the stack requirements. b) the safety and effectiveness of alternative stack heights, designs or discharge points. c) any likely impact of downdraft or wind swirl that may affect the safe venting from the stack. d) the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake. e) the proximity and nature of any sensitive receptors. <p>Non-compliance with emission standards</p> <ul style="list-style-type: none"> f) the results of any alternative appliance testing methodology, having regard to the reliability and source of the results, the emission rate, the thermal efficiency, the emissions relative to thermal efficiency, and the likely daily particulate output relative to that expected under Appendix AQ2A a) and b). g) whether any departure from the emission and other requirements in Appendix AQ2A is for a single installation of an appliance, or seeking generic approval for a particular make and model of appliance to be included on the 'List of Authorised Solid Fuel Burning Appliances' referred to in Appendix AQ2A. <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> h) the likely effects on ambient air quality and the air quality target. i) the impact of the discharge on local and ambient air quality. j) the proximity and nature of nearby activities, including any sensitive receptors. k) the cumulative effect of the proposed discharge on PM₁₀ levels, in combination with other discharges. 	<p>AQr.26.5</p> <p>This rule applies to pellet burners installed into new houses, or into existing houses that did not have a solid fuel fire at the time of notification of this Plan, and to subsequent replacement of such fires. Note that for houses with a fire that existed at the time this Plan was notified, rule AQr.25 applies, not this rule.</p> <p>Pellet burners are a special type of small-scale wood burning appliance that burn small compressed sawdust pellets (see A2-74A for definition). Pellet burners are generally lit automatically, and pellets fed to the fire at the stipulated rate by an electrically-driven auger. Air to the fire is fan-driven.</p> <p>Because the fuel is of a regular size and moisture content, and is continuously rather than batch fed, there is less potential for operator variability when a pellet fire is used in a home environment. There is therefore a good case for treating pellet burners as a different class of appliance to batch-fed woodburners.</p> <p>Modelling studies have indicated that pellet fires could be allowed into new houses and those existing houses currently without fires, without having a measurable impact on the rate of improvement in Nelson's air quality. However, only the lower emitting pellet fires should be allowed in under this provision. This rule, via Appendix AQ2A, sets up a special standard for pellet burners only where they are being installed in new houses or those without an existing fire. This standard is much more stringent than the one in Appendix AQ2 applying to woodburners and to pellet burners that are replacing fires and burners that existed prior to notification of this Plan.</p> <p>AQr.26.1b) requires that subsequent replacements of any pellet burner installed under clause AQr.26.1, occur only with burners that meet the emission requirements in Appendix AQ2A. Otherwise, if higher emitting burners complying with Appendix AQ2 but not AQ2A were installed, there would be a gradual worsening of air quality. Pellet fires were only allowed into new homes and those without existing fires on the basis that their collective emissions would be low – and it is important that emissions from this group of houses remain low. For this reason, it is a prohibited activity for a pellet burner installed under this rule to be replaced at a later date with a traditional-style woodburner (AQr.26.3B).</p>

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
<p><u>AQr.26A</u> <u>Ultra-low emission burning appliances</u> <u>(Urban Area)</u> <u>New buildings,</u> <u>or</u> <u>Existing buildings not using solid fuel</u></p>	<p><u>AQr.26A.1</u> Within the Urban Area, the discharge of any contaminant into air from the burning of wood in any small-scale ultra-low emission burning appliance installed after the date of notification of this Plan into:</p> <ul style="list-style-type: none"> i) <u>any new building, or</u> ii) <u>any existing building that does not have an operable open fire or any small-scale solid fuel burning appliance</u> <u>is permitted if:</u> <ul style="list-style-type: none"> a) <u>the appliance at all times:</u> <ul style="list-style-type: none"> i) <u>complies with the requirements of Appendix AQ2B, and</u> ii) <u>complies with the stack requirements in Appendix AQ3, and</u> iii) <u>burns no fuels in Rule AQr.20 (Prohibited Activities), and</u> iv) <u>is operated so that there is no discharge of excessive smoke (excluding a 15 minute start-up period), and</u> b) <u>where any appliance installed in accordance with this rule is successively replaced, the replacement small-scale ultra-low emitting burning appliance complies with clause a).</u> <p><u>(Note: Compliance with Rule AQr.22 (General Conditions) is also required.)</u></p>	<p><u>AQr.26A.2</u> Not applicable</p>	<p><u>AQr.26A.3</u> Within the Urban Area:</p> <ul style="list-style-type: none"> A) <u>the discharge of any contaminant into air from the burning of wood in any small-scale ultra-low emission burning appliance that contravenes a permitted clause is a non-complying activity, except that burning any fuel in AQr.20 is a prohibited activity.</u> B) <u>the discharge of any contaminant into air from the replacement of any small-scale ultra-low emission burning appliance installed under AQr.26A.1 or AQr.26A.3A), is a prohibited activity if:</u> <ul style="list-style-type: none"> i) <u>the replacement small-scale solid fuel burning appliance is not an ultra-low emission burner as defined in A2-74A.</u>

Assessment Criteria	Explanation
<p>AQr.26A.4</p> <p>Stack Requirements</p> <ul style="list-style-type: none"> a) <u>the factors that constrain compliance with the stack requirements.</u> b) <u>the safety and effectiveness of alternative stack heights, designs or discharge points.</u> c) <u>any likely impact of downdraft or wind swirl that may affect the safe venting from the stack.</u> d) <u>the proximity and nature of nearby activities and structures, and the location of any windows or openings to any building, or any air supply intake.</u> e) <u>the proximity and nature of any sensitive receptors.</u> <p>General (applied in all cases as appropriate)</p> <ul style="list-style-type: none"> f) <u>the likely effects on ambient air quality and the air quality target.</u> g) <u>the impact of the discharge on local and ambient air quality.</u> h) <u>the proximity and nature of nearby activities, including any sensitive receptors.</u> i) <u>the cumulative effect of the proposed discharge on PM₁₀ levels, in combination with other discharges.</u> <p>Non-compliance with certification requirements in Appendix AQ2B</p> <ul style="list-style-type: none"> j) <u>whether additional burning appliances can be accommodated without compromising the Plan's policy aims for ambient air quality and management of particulate matter, having particular regard to:</u> <ul style="list-style-type: none"> i. <u>recent air quality monitoring data;</u> ii. <u>modelling or other methods adopted and the extent to which they are acceptable for demonstrating additional appliances can be accommodated;</u> iii. <u>cumulative effects</u> 	<p>AQr.26A.5</p> <p><u>This rule applies to ultra-low emission burning appliances installed into new houses, or into existing houses that do not have a solid fuel fire, and to subsequent replacement of such fires. Note that this rule does not cover small scale fuel burning appliances as these are addressed by rule AQr.25 applies.</u></p> <p><u>Modelling studies have indicated that, subject to the implementation of a behaviour change programme, a number of ultra-low emission fires could be allowed into new houses and those existing houses currently without fires, without having a measurable impact on the rate of improvement in Nelson's air quality. This rule, via Appendix AQ2B, sets up a special standard for ultra-low emission burners only where they are being installed in new houses or those without an existing fire. This standard is much more stringent than the one in Appendix AQ2 applying to woodburners and to pellet burners that are replacing fires and burners that existed prior to notification of this Plan.</u></p> <p><u>The number of ultra-low emission burning appliances permitted in the Urban Area is limited by Appendix AQ2B. The Appendix specifies an allocation of permitted burners in Airsheds B2 and C based on updated monitoring data and modelling completed in late 2015. The Appendix also recognises that, with time, there may be some ability to accommodate more burners in the City's four urban airsheds in excess of the 2015 allocation. To enable that consideration, the Appendix describes future monitoring and reporting to be undertaken which replicates the 2015 studies. Additional appliances will be certified where those future studies indicate additional capacity is available to do so. Appliances which have not obtained a certificate will be assessed as a non-complying activity under Rule AQr.26.3.</u></p> <p><u>AQr.26A.1b) requires that subsequent replacements of any ultra-low emission burner installed under clause AQr.26A.1, occur only with burners that meet the emission requirements in Appendix AQ2B. Otherwise, if higher emitting burners complying with Appendix AQ2 but not AQ2B were installed, there would be a gradual worsening of air quality. Ultra-low emission fires have only been allowed into new homes and those without existing fires on the basis that their collective emissions will be low – and it is important that emissions from this group of houses remain low. For this reason, it is a prohibited activity for an ultra-low emission burner installed under this rule to be replaced at a later date with a traditional-style woodburner (AQr.26A.3B).</u></p>

<The remainder of the Plan has been removed from this document for brevity>