

## 25.11 Smoke, Fumes, Odour and Dust

### 25.11.1 Purpose

- a) Under the Act, responsibility for controlling discharges to air lies with the Waikato Regional Council, managed primarily through the Waikato Regional Plan. The District Plan focuses on the control of minor nuisance effects of smoke, fumes, odour and dust. These rules are in addition to powers available to Council under Section 17 of the Act.

### 25.11.2 Objectives and Policies: Smoke, Fumes, Odour and Dust

Objective	Policies
<p><b>25.11.2.1</b> Avoid adverse effects on local amenity values and people's wellbeing arising from smoke, fumes, odour and dust.</p>	<p><b>25.11.2.1a</b> Adverse effects of offensive or objectionable smoke, fumes, odour or dust, shall be avoided outside the site from where they originate.</p>
	<p><b>25.11.2.1b</b> Activities sensitive to smoke, fumes, odour or dust shall not locate where amenity values are already compromised by those effects.</p>
	<p><b>25.11.2.1c</b> Activities that pose significant risks of major adverse effects on air quality shall not locate where high air quality is expected.</p>
<p><b>Explanation</b></p>	
<p><i>Impacts on amenity values from smoke, fumes, odour or dust can arise from a variety of land uses. They often cannot be contained within the site from where they originate, and some dispersal across the boundaries is inevitable and usually acceptable. There is often a subjective element in the way these effects are perceived. Policy 25.11.2.1a addresses smoke, fumes, odour or dust that is offensive or objectionable outside the originating site. What is offensive or objectionable will vary according to the characteristics of the area. Only very low levels of smoke, fumes, odour or dust will be acceptable in residential areas, while higher levels may be acceptable in industrial areas.</i></p> <p><i>Policies 25.11.2.1b and 25.11.2.1c envisage that activities with similar effects or expectation of amenity should be grouped together, and those with dissimilar effects and expectations should be kept apart. This will help to reduce conflicts and the potential for reverse sensitivity, and to mitigate effects that cannot be contained on-site.</i></p>	

### 25.11.3 Rules – General Standards

- a) No objectionable or offensive dust, smoke, fumes or odour shall have adverse effects at any other site.

**Note**

1. Where, in the opinion of a warranted enforcement officer, a significant nuisance is arising from smoke created by any source, Section 17 (Duty to Avoid, Remedy or Mitigate Adverse Effects) of the Act will apply and Council may use its enforcement powers under Part XII of the Act.
2. In relation to all nuisances involving smoke, fumes, dust and odour, attention is drawn to the obligation to comply with any relevant Rules in the Regional Plan, Bylaws and the provisions of the Health Act 1956 and its associated regulations.

### 25.11.4 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities- Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation