



**MARLBOROUGH
DISTRICT COUNCIL**

PROPOSED MARLBOROUGH ENVIRONMENT PLAN

Volume 2 Rules

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1. Introduction

Volume 2 of the Marlborough Environment Plan (MEP) contains rules that control activities occurring in the Marlborough environment. The rules are a combination of district-wide rules and zone-based rules. In some cases, rules also apply as a result of specific management overlays. Volume 2 also contains a definitions section that defines the words, terms and phrases used in the MEP.

General duty to comply

All rules within the MEP have the force and effect of a statutory regulation, which means they are legally binding.

Compliance with rules of the MEP does not remove the need to comply with any other relevant Act, regulation, bylaw or rule. It is the resource user's responsibility to identify and understand all requirements they are required to comply with. Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Under Section 17 of the Resource Management Act (RMA), every person has a general duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried out in accordance with existing use rights under the RMA (Sections 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation.

Activities

One of the Council's functions is to implement rules in order to achieve the sustainable management purpose of the RMA. The rules are intended to implement the objectives, policies and methods of Volume 1. The matters on which rules can be applied are outlined in Sections 30 and 31 of the RMA. They include the following:

- to manage the effects of land use and development;
- to encourage the efficient use and development of natural and physical resources;
- to maintain and enhance the quality of the environment;
- to allocate public resources;
- to ensure appropriate development on land subject to natural hazards;
- to control the subdivision of land;
- to control the emission of noise and to mitigate the effects of noise;
- to maintain and enhance amenity values.

Activity status

The rules determine whether a proposed activity is permitted (and therefore does not require resource consent to undertake the activity) or whether a person needs to apply for a resource consent to authorise the proposed activity. The rules also make some activities prohibited.

The RMA classifies activities into the following types:

- permitted activities
- controlled activities

- restricted discretionary activities
- discretionary activities
- non-complying activities
- prohibited activities.

The MEP uses all these activity classifications, except for non-complying activities.

Permitted activities

Resource consent is not required for a permitted activity if it complies with all the specified standards. If an activity does not comply with one or more of the specified standards, it is not a permitted activity. In those instances the activity will fall into one of the activity categories below and will require resource consent except those activities that are prohibited.

Controlled activities

Resource consent is required for a controlled activity and an application for resource consent must be granted. The MEP provides for controlled activities where the adverse effects of an activity can be managed through consent conditions. Conditions can be imposed but only for those matters over which control has been reserved, which are set out in the MEP.

Restricted discretionary activities

Resource consent is required for a restricted discretionary activity. The Council may approve or decline an application for a restricted discretionary activity. The MEP specifies the matters over which the Council has restricted its discretion. The Council's consideration of the application, and the ability to refuse the application and impose conditions, is restricted to these matters. These matters are set out within the MEP.

Discretionary activities

Resource consent is required for a discretionary activity. The Council may approve or decline an application for a discretionary activity. In assessing the proposed activity, the Council can consider all relevant objectives and policies within the MEP, all potential environmental effects, and any matters outlined in Section 104 of the RMA without limitation in decision-making. In most cases the Council uses a discretionary activity status for any activity that it not otherwise provided for in other statuses.

Prohibited activities

Certain activities are expressly prohibited in the MEP. Applications for resource consent cannot be made for a prohibited activity. Prohibited activities are clearly identified throughout the relevant General Rules and zone-based rules.

Structure of Volume 2

Volume 2 of the MEP contains both General Rules and zoned-based rules. Resource users may need to refer to both sets of rules to determine the status of a proposed activity, depending on the nature of the activity.

There is a separate chapter of rules applying to the subdivision of land (Chapter 24).

Appendix 16 also contains additional rules for specific sites. The sites are identified in the appendix and are mapped in Volume 4.

General Rules

The General Rules in Chapter 2 of Volume 2 apply to activities irrespective of zoning. The rules control the following activities:

- The taking, use, damming and diversion of water;
- Activities in, on, under or over the beds of lakes and rivers;
- Drainage works undertaken by the Council;
- Discharges to water;
- Discharges to air for road and railway corridors;
- Heritage resources;
- Notable trees;
- Transportation;
- Signage;
- Utilities; and
- Temporary Military Training Activities.

Zone-based rules

The Council utilises zoning to enable a specific set of rules to apply to an identified area. With the exception of rivers, formed road and the railway corridor, all land in Marlborough is zoned. All coastal space is also zoned. Volume 4 of the MEP provides information on the various zonings. In addition to the General Rules, the zone-based rules apply to the relevant zones identified in Volume 4.

Depending on the nature of the environment to which the zone applies, the zone-based rules control the following activities:

- Land use activities;
- The discharge of contaminants onto or into land, and into air;
- Activities in the coastal marine area.

Identifying regional policy statement, regional plan, regional coastal plan and district plan provisions

Volume 2 contains a combination of the regional coastal plan, regional plan and district plan rules. Section 80 of the RMA requires the Council to identify within a combined document the provisions that are the regional coastal plan, the regional plan or the district plan. The Council has identified each rule in the MEP with one of the following notations: C (regional coastal plan), R (regional plan) or D (district plan).

In some cases, the Council is exercising both regional council and district Council functions to control the effects of the use of land. The relevant rules therefore have both an R and a D notation. In other cases, where a zone includes both land and water (e.g. Port Zone), some rules have both a "D notation and a 'C' notation, depending on whether the activity spans the land/water interface.

Interpretation of lists

Many sections of the MEP contain lists. These lists should be regarded as cumulative, except where indicated otherwise by the use of 'and' or 'or'.

Identifying those rules in the RMP that have immediate legal effect

Under Section 86B of the RMA, a rule in a proposed plan has legal effect only when a decision on submissions relating to that rule has been made and publicly notified by the Council. Exceptions to this are where the rule:

- protects or relates to water, air or soil (for soil conservation); or
- protects areas of significant indigenous vegetation; or
- protects areas of significant habitats of indigenous fauna; or
- protects historic heritage; or
- provides for or relates to aquaculture activities.

In these circumstances, a rule in a proposed plan has legal effect from the date of notification.

The rules and/or standards that have immediate legal effect from 9 June 2016 are identified in a table at the start of the General Rules and at the start of each chapter of zone rules. The associated definitions and appendices applicable to those rules also have immediate legal effect.

Definitions

The Council has used a number of terms and/or words throughout the MEP, some of which are defined in the RMA and many of which are not. Words that are already defined within Section 2 of the RMA, such as 'effect' or 'contaminant' have established meanings and over time have been interpreted through the Courts; these definitions are not included within the MEP. Words or terms not given meaning through the RMA may be given meaning through the MEP definition section (see Chapter 25) or, where they are not so defined, should be read for their normal dictionary definition.

Chapter 2 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Water Take, Use, Damming or Diversion

Rule Number	Standard Number(s)
2.1.1	All
2.2.1 to 2.2.24 (inclusive)	All
2.4.1	All
2.5.1 ¹	n/a
2.5.2 to 2.5.5 (inclusive)	n/a
2.6.1 to 2.6.5 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

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

Rule Number	Standard Number(s)
2.7.1 to 2.7.10 (inclusive)	All
2.10.1 ¹	n/a
2.10.2	n/a
2.11.1 to 2.11.5 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

Drainage Channel Activity

Rule Number	Standard Number(s)
2.12.6, 2.12.10, 2.12.11	All, including 2.13.1
2.15.1 ¹	n/a
2.15.3	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

Discharge to Water

Rule Number	Standard Number(s)
2.16.1 to 2.16.11 (inclusive)	All
2.18.1	All
2.19.1 ¹	n/a
2.19.2	n/a
2.20.1 to 2.20.3 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

Discharge to air

Rule Number	Standard Number(s)
2.21.1	All
2.23.1 ¹	n/a
2.23.2	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

Heritage resources

Rule Number	Standard Number(s)
2.24.1 to 2.24.3 (inclusive)	All
2.26.1 ¹	n/a
2.26.2	n/a
2.27.1 ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

Notable trees

Rule Number	Standard Number(s)
2.28.1 to 2.28.4 (inclusive)	All
2.30.1 ¹	n/a
2.30.2	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

Network utilities

Rule Number	Standard Number(s)
2.38.1	2.39.1.13 and 2.39.1.14(a) and (b)
2.38.2	n/a
2.40.1 ¹	n/a
2.40.2	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

2. General Rules

Water Take, Use, Damming or Diversion

The following rules apply to the take, use, damming or diversion of freshwater. Any take, use, damming or diversion of coastal water is provided for in the Zone rules.

2.1. Environmental Flows and Levels

[R]

2.1.1. Environmental flows and levels, as specified in Appendix 6, control the quantity, level, and flow of water.

2.1.1.1. The environmental flows and levels, as specified in Appendix 6, do not apply to the Permitted Activities in 2.2.

2.1.1.2. The environmental flows and levels, as specified in Appendix 6, do not apply to a take, use, damming or diversion of water required by Rule 2.4.1, as it relates to not meeting the applicable Standards of a Permitted Activity in 2.2.

2.2. Permitted Activities

Unless expressly limited elsewhere by rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.3:

[R]

2.2.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.

[R]

2.2.2. Take and use of water for domestic needs for a papakāinga unit up to 5m³ per day.

[R]

2.2.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year.

[R]

2.2.4. Take and use of water for the reasonable drinking water needs of an individual's animals.

[R]

2.2.5. Take and use of water for incidental use associated with farming up to 5m³ per day per Computer Register.

[R]

2.2.6. Take and use of water for dairy shed wash water up to 15m³ per day per dairy shed.

[R]

2.2.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until 9 June 2017.

[R]

2.2.8. Take and use of water for fire-fighting purposes.

[R]

2.2.9. Take of water for the purposes of calibrating a water meter.

[R]

2.2.10. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users.

[R]

2.2.11. Take and use of water for road or river control construction works up to 50m³ per day per construction site.

[R]

2.2.12. Take of water for dewatering of a trench.

[R]

2.2.13. Take and use of water from Significant Wetland W599 for skifield facilities and snowmaking at Rainbow Skifield.

[R]

2.2.14. Take and use of water for a recreational hut up to 1m³ per day per hut.

[R]

2.2.15. Take, use and discharge of surface water for non-consumptive use.

[R]

2.2.16. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.

[R]

2.2.17. Damming water and the subsequent use of that water.

[R]

2.2.18. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016, and permitted activities in the Floodway Zone.

[R]

2.2.19. Diversion and discharge of water by pumping or floodgated gravity outfalls associated with the operation of the Drainage Channel Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.

[R]

2.2.20. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection.

[R]

2.2.21. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection.

[R]

2.2.22. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control.

[R]

2.2.23. Diversion of water from Significant Wetland W598 to Significant Wetland W599 for wetland augmentation at Rainbow Skifield.

[R]

2.2.24. Diversion of water in the Floodway Zone.

2.3. Standards that apply to specific permitted activities

2.3.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.

2.3.1.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.1.2. The take is limited to one dwelling per take point except where multiple dwellings exist on a single Computer Register or on contiguous Computer Registers under the same ownership, in which case there may be up to three dwellings per take point.

2.3.1.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.1.4. There must not be a municipal water supply available to the property boundary.

2.3.1.5. The take must not be otherwise provided for by a resource consent.

2.3.2. Take and use of water for domestic needs for a papakāinga unit up to 5m³ per day.

2.3.2.1. Papakāinga units must be lawfully established.

2.3.2.2. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.2.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.2.4. There must not be a municipal water supply available to the property boundary.

2.3.2.5. The take must not be otherwise provided for by a resource consent.

2.3.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m³ per year.

- 2.3.3.1. The take and use of water must be for marae activities on Sec 1 SO 313389, that part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road, Wairau Sec 23, Wairau 2 ML 6729, Sec 1 ML 6729, Sec 2 & 3 Blk XI Cloudy Bay SD, Sec 1 SO 6002, Sec 23, 40, 43 and 46 Blk III Taylor Pass SD, Sec 3 SO 6922, Lot 1 & 2 DP 11713, Waikawa West 6 & 7 ML 6923 or Sec 47 Blk XII Linkwater SD.
- 2.3.3.2. The daily maximum take must not exceed 30m³.
- 2.3.3.3. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.3.4. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.3.5. There must not be a municipal water supply available to the property boundary.
- 2.3.3.6. The take must not be otherwise provided for by a resource consent.

2.3.4. Take and use of water for the reasonable drinking water needs of an individual's animals.

- 2.3.4.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.4.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.4.3. The take must not be otherwise provided for by a resource consent.

2.3.5. Take and use of water for incidental use associated with farming up to 5m³ per day per Computer Register.

- 2.3.5.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.5.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.5.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

2.3.6. Take and use of water for dairy shed wash down up to 15m³ per day per dairy shed.

- 2.3.6.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.6.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.6.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

2.3.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until 9 June 2017.

- 2.3.7.1. The take and use of water must have been a lawfully established permitted activity prior to 9 June 2016.

2.3.8. Take of water for the purposes of calibrating a water meter.

- 2.3.8.1. The meter calibration must relate to an active water permit to take water.
- 2.3.8.2. Water must be taken from the lawful take point of the water permit associated with the meter.
- 2.3.8.3. The instantaneous rate of the take must not exceed a rate 10% greater than that authorised by the associated water permit.
- 2.3.8.4. The period in which water can be taken for this purpose must not exceed 120 minutes.
- 2.3.8.5. Water must not be taken during any restriction that applies to the associated water permit.
- 2.3.8.6. The calibration must be carried out by a recognised professional and full test results must be supplied to the Council within 10 working days.

2.3.9. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users.

- 2.3.9.1. The instantaneous rate of the take must not exceed 100l/s.
- 2.3.9.2. The total take must not occur for greater than 120 hours within any 30 day period.
- 2.3.9.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.10. Take and use of water for road or river control construction works up to 50m³ per day per construction site.

- 2.3.10.1. Where the take is from a river, except an ephemeral flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.10.2. The take must not occur on more than 90 days within any 12 month period.
- 2.3.10.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.10.4. Road or river control construction works must be undertaken by, or on behalf of, the Marlborough District Council or the road controlling authority.

2.3.11. Take of water for dewatering of a trench.

- 2.3.11.1. The take must not be within a Groundwater Protection Area.
- 2.3.11.2. The take must relate to a temporary trench excavated for the purposes of the installation or maintenance of infrastructure.

2.3.12. Take and use of water from Significant Wetland W599 for skifield facilities and snowmaking at Rainbow Skifield.

- 2.3.12.1. The take must only be during the ski season.
- 2.3.12.2. The take must not cause the water level of the wetland to decrease by greater than one metre, as measured relative to a fixed reference point.
- 2.3.12.3. The instantaneous rate of the take must not exceed 20l/s.
- 2.3.12.4. Each take must be recorded, including the wetland water level before and after water is taken, the volume of water taken and the duration of the take. The records of all takes during each ski season must be provided to the Council by 1 December of the same year, or at other times when requested.

2.3.13. Take and use of water for a recreational hut up to 1m³ per day per hut.

- 2.3.13.1. The recreational hut must be in the Open Space 3 Zone.
- 2.3.13.2. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.13.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.13.4. The take must not be otherwise provided for by a permitted activity or a resource consent.

2.3.14. Take, use and discharge of surface water for non-consumptive use.

- 2.3.14.1. The instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.14.2. The take and discharge must not be from or into a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.
- 2.3.14.3. The water must be returned into the same surface waterbody from which it was taken, at the same or similar rate and in the same or better quality.
- 2.3.14.4. The water taken must be discharged back into the same surface waterbody within 250m of the point of take.

2.3.15. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.

- 2.3.15.1. The take and discharge must be conducted by the Marlborough District Council.

2.3.16. Damming water and the subsequent use of that water.

The damming and subsequent use of water does not authorise the construction of a dam, which is governed by provisions in the Zone rules.

- 2.3.16.1. No more than 5,000m³ of water is dammed at any time.
- 2.3.16.2. The damming and water use must not be otherwise provided for by a resource consent.

2.3.17. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016.

- 2.3.17.1. The diversion must not be in, or within 8m of, a Significant Wetland.
- 2.3.17.2. The diversion must be managed by the Marlborough District Council.

2.3.18. Diversion and discharge of water by pumping or floodgated gravity outfalls associated with the operation of the Drainage Channel Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.

- 2.3.18.1. The diversion and discharge must not be in, or within 8m of, a Significant Wetland.
- 2.3.18.2. The diversion and discharge must be managed by the Marlborough District Council.

2.3.19. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection.

- 2.3.19.1. The diversion must be managed by the Marlborough District Council.

2.3.20. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection.

2.3.20.1. The diversion must be managed by the Marlborough District Council.

2.3.21. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control.

2.3.21.1. The diversion must be managed by the Marlborough District Council.

2.3.22. Diversion of water from Significant Wetland W598 to Significant Wetland W599 for wetland augmentation at Rainbow Skifield.

2.3.22.1. The diversion must only be during the ski season.

2.3.22.2. The diversion must not cause the water level in Significant Wetland W598 to decrease by greater than one metre, as measured relative to a fixed reference point.

2.3.22.3. The instantaneous rate of the diversion must not exceed 100l/s.

2.3.22.4. Each diversion must be recorded, including the water level in Significant Wetland W598 before and after water is diverted, the volume of water diverted and the duration of the diversion. The records of all diversions during each ski season must be provided to the Council by 1 December of the same year, or at other times when requested.

2.3.23. Diversion of water in the Floodway Zone.

2.3.23.1. The diversion is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.

2.3.23.2. The works must only be carried out working in an upstream direction.

2.3.23.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.

2.3.23.4. The full length of the redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.

2.3.23.5. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to works commencing.

2.3.23.6. The diversion must be necessary for maintaining the stability of the riverbank in the vicinity or for facilitating the removal of gravel or sediment for river control purposes.

2.3.23.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

2.4. Controlled Activities

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

[R]

2.4.1. Take and damming C Class water for the purpose of retaining water in storage for subsequent use.

Standards and terms:

- 2.4.1.1. The application must be for an allocation of C Class water from a FMU with a C Class water quantity allocation limit specified in Appendix 6.

Matters over which the Council has reserved control:

- 2.4.1.2. Allocation limits.
- 2.4.1.3. Interference effects on other water users.
- 2.4.1.4. Permit terms and review periods.
- 2.4.1.5. Monitoring requirements.
- 2.4.1.6. Rationing requirements.

2.5. Discretionary Activities

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

[R]

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

[R]

2.5.2. Any take of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.3. Any use of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

2.5.4. Any damming of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.5. Any diversion of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

2.6. Prohibited Activities

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

[R]

- 2.6.1. Take of water that would cause the water quantity allocation limit for the relevant Freshwater Management Unit to be exceeded, unless the take is:**
- (a) provided for as a Permitted Activity;
 - (b) the subject of a resource consent application affected by section 124 of the RMA.

[R]

- 2.6.2. Take of water from the Omaka Aquifer Freshwater Management Unit, Benmorven Freshwater Management Unit or the Brancott Freshwater Management Unit for use on land in another Freshwater Management Unit.**

[R]

- 2.6.3. Take of water for frost fighting purposes between 1 January and 30 April in each calendar year.**

[R]

- 2.6.4. Take, use, damming or diversion of water from the following waterbodies, including their tributaries:**
- (a) Acheron River;
 - (b) Branch River (including downstream of weir to the Wairau River confluence);
 - (c) Chaytor Significant Wetlands - W127, W128 and W129;
 - (d) Goulter River;
 - (e) Goulter Significant Wetland - W35;
 - (f) Kauauroa Bay Significant Wetland - W1026;
 - (g) Lake Alexander;
 - (h) Lake Chalice;
 - (i) Lake McRae;
 - (j) Pelorus River upstream of confluence with the Scott Creek;
 - (k) Pipitea Significant Wetland - W55;
 - (l) Possum Swamp Stream Significant Wetland - W116;
 - (m) Rainbow River;
 - (n) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake;
 - (o) Upper Wairau Significant Wetland - W580;
 - (p) Wairau Lagoons Significant Wetland - W1076;
 - (q) Wairau River upstream of the Hamilton River confluence.

This rule does not apply to a take, use, damming or diversion of water lawfully established prior to 9 June 2016, including the take and use of water for an individual's reasonable domestic needs and the take and use of water for the reasonable drinking water needs of an individual's animals.

2.6.5. Damming of water in the following waterbodies, including their tributaries:

- (a) Awatere River above Medway River (excluding tributaries not specified in this rule);**
- (b) Clarence River;**
- (c) Grey River;**
- (d) Hodder River;**
- (e) Waimea River above Box Stream;**
- (f) Winterborne River.**

This rule does not apply to a damming of water lawfully established prior to 9 June 2016.

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

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

2.7. Permitted Activities

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

[R]

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

[R]

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

[R]

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

[R]

2.7.4. Construction of a dam on an ephemeral river.

[R]

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

[R]

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

[R]

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

[R]

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

(a) transmission line existing at 9 June 2016;

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

[R]

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

[R, D]

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

2.8. Standards that apply to all permitted activities

2.8.1. General.

- 2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of water.
- 2.8.1.2. The activity must not cause flooding or erosion of private land.
- 2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.
- 2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of a nesting bird in a lakebed or riverbed.
- 2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

2.8.2. Removal and control of terrestrial vegetation.

- 2.8.2.1. Removal and control must be done by mechanical or other physical means.
- 2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river (except an ephemeral river or intermittently flowing river, when not flowing).
- 2.8.2.3. Machinery must not be operated in flowing water.
- 2.8.2.4. Removal of trees overhanging or partially in water must be by machinery operated on the lake or river bank or mounted on boats or barges.

2.8.3. Dust.

- 2.8.3.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

2.9. Standards that apply to specific permitted activities

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

- 2.9.1.1. The structure must have been lawfully established.
- 2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.
- 2.9.1.3. There must be no significant change to the external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.

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

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

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

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

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

2.9.4. Construction of a dam on an ephemeral river.

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

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

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

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

- 2.9.6.1. No more than 1m³ of lakebed or riverbed must be disturbed.
- 2.9.6.2. The maimai or stand must be open piled.
- 2.9.6.3. The maimai or stand must be located at least 50m from any other structure.
- 2.9.6.4. A maimai must be no more than 9m².
- 2.9.6.5. The maimai or stand must be constructed or placed and subsequently removed within the following periods:
 - (a) a maimai must only be constructed or placed up to one week before, and removed no later than one week after, the official duck shooting season of the year of use;
 - (b) a whitebait stand must only be constructed or placed after 1 August, and must be removed no later than 15 December, within any year.

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

- 2.9.7.1. A secondary flow path must be provided which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to any person's property not undertaking the culvert installation.
- 2.9.7.2. The culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.
- 2.9.7.3. There must be no increase in the velocity of flow through or downstream of the culvert at the river's median flow.
- 2.9.7.4. The total length of the culvert must not exceed 8m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m.
- 2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

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

- (c) **transmission line existing at 9 June 2016;**
- (d) **telecommunication or radio communication facility existing at 9 June 2016.**
- 2.9.8.1. The utility must have been lawfully established.
- 2.9.8.2. The activity must not increase the plan or cross-sectional area of the utility by any more than 5% of the original utility.
- 2.9.8.3. There must be no significant change to the external appearance of the utility.
- 2.9.8.4. No greater than 10% of the cross-sectional area of the bed of a lake or river must be disturbed.

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

- 2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.
- 2.9.9.2. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
- (c) the change in reflectance must be <50%.

2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in a change in concentration of following:

- (a) daily average carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);
- (b) dissolved reactive phosphorus;
- (c) dissolved inorganic nitrogen;
- (d) Escherichia coli (E. coli).

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

2.9.10.1. Powered watercraft must be fitted with effective mufflers during all movement on water and must not exceed the following noise limits at any point within the notional boundary of any dwelling or within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3:

- (a) 7.00 am to 9.00 pm - Sound Exposure Level (SEL) 85 dBA;
- (b) 9.00 pm to 7.00 am the following day - Sound Exposure Level (SEL) 78 dBA;
- (c) no moving craft must emit noise in excess of a Sound Exposure Level (SEL) of 90 dBA in any single driveby measured at any stationary point more than 25m from the line of travel of the craft;
- (d) sound exposure levels must be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound.

Note: Assessment of powered watercraft noise is not within the scope of NZS 6802:2008.

2.9.10.2. On four occasions in any 12 month period, the noise limits in Standard 2.9.10.1 do not apply for any portion of lake or river used for the purposes of a special event approved by a resource consent.

2.10. Discretionary Activities

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

[R, D]

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

[R, D]

2.10.2. Any activity in, on, under or over the bed of a lake or river not provided for as a Permitted Activity or limited as a Prohibited Activity.

2.11. Prohibited Activities

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

[R]

2.11.1. Construction of a dam on the following lakes and rivers, including their tributaries unless otherwise stipulated:

- (a) Acheron River;
- (b) Awatere River above Medway River (excluding tributaries not specified in this rule);
- (c) Branch River (including downstream of weir to the Wairau River confluence);
- (d) Clarence River;
- (e) Goulter River;
- (f) Grey River;
- (g) Hodder River;
- (h) Lake Alexander;
- (i) Lake Chalice;
- (j) Lake McRae;
- (k) Pelorus River above the Rai River confluence;
- (l) Rainbow River;
- (m) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere;
- (n) Waimea River above Box Stream;
- (o) Wairau River upstream of the Hamilton River confluence;
- (p) Winterborne River.

[R, D]

2.11.2. Construction or alteration of a bore within the bed of the following lakes and rivers, including tributaries:

- (a) Acheron River;
- (b) Branch River (including downstream of weir to the Wairau River confluence);
- (c) Goulter River;
- (d) Lake Alexander;
- (e) Lake Chalice;
- (f) Lake McRae;
- (g) Pelorus River upstream of confluence with the Scott Creek;
- (h) Rainbow River;
- (i) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake;
- (j) Wairau River upstream of the Hamilton River confluence.

[R]

2.11.3. Placement of a suction hose intake over the bed of the following lakes:

- (a) Lake Chalice;**
- (b) Lake McRae;**
- (c) Tarndale Lakes.**

[R]

2.11.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

[R]

2.11.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.

Drainage Channel Network Activity

These rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance with the Marlborough District Council Rivers and Drainage Asset Management Plan.

2.12. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.13 and 2.14:

[R, D]

2.12.1. Rock or gabion structural bank protection works.

[R]

2.12.2. Driving and construction of a piled retard.

[R, D]

2.12.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

[R, D]

2.12.4. Maintenance of a culvert or floodgate.

[R, D]

2.12.5. Land disturbance activity for the purposes of diverting water.

[R, D]

2.12.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

[R]

2.12.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

[R]

2.12.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

[R]

2.12.9. Removal and control of terrestrial vegetation by mechanical or other physical means.

[R, D]

2.12.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

[R, D]

2.12.11. Discharge of an agrichemical to water for the control of aquatic vegetation.

2.13. Standards that apply to all permitted activities

2.13.1. General.

- 2.13.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of water.
- 2.13.1.2. The activity must not cause flooding or erosion of private land.
- 2.13.1.3. The activity must not be in, or within 8m of, a Significant Wetland.

2.14. Standards that apply to specific permitted activities

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

2.14.1. Rock or gabion structural bank protection works.

- 2.14.1.1. Rock may be used for protecting drainage channel banks.
- 2.14.1.2. Rock from damaged or redundant structures may be recovered from a drainage channel.
- 2.14.1.3. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.
- 2.14.1.4. Placement of rock rip-rap in a tidal area must not take place between 1 August and 30 November in any year.

2.14.2. Driving and construction of a piled retard.

- 2.14.2.1. A piled retard may be used in conjunction with tree planting as bank edge protection.
- 2.14.2.2. A piled retard must only be used where there is adequate channel width and the retards are likely to aggrade with sediment to form a new drainage channel bank.
- 2.14.2.3. A piled retard may be used as a debris arrestor in front of a culvert provided that fish passage is not obstructed.

2.14.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

- 2.14.3.1. Concrete lining must not be constructed when there is water flowing in the channel.

2.14.4. Maintenance of a culvert or floodgate.

- 2.14.4.1. A temporary coffer dam constructed for the purpose of maintenance must be removed at the completion of the maintenance.

2.14.5. Land disturbance activity for the purposes of diverting water.

Works undertaken for the purposes of creating a diversion, do not cover the diversion of water controlled under Section 14 of the RMA.

- 2.14.5.1. The diversion of water must be a Permitted Activity.
- 2.14.5.2. The works must only be carried out working in an upstream direction.
- 2.14.5.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
- 2.14.5.4. The full length of the redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.
- 2.14.5.5. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to works commencing.
- 2.14.5.6. The diversion must be necessary for the maintenance and operation of the Drainage Channel Network.
- 2.14.5.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

2.14.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

- 2.14.6.1. When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted.

2.14.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

- 2.14.7.1. Cutting must not be carried out more than once in any 12 month period on any section of drainage channel.
- 2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.
- 2.14.7.3. The excavator must not enter flowing water.
- 2.14.7.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
- 2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.

2.14.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

- 2.14.8.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any section of drainage channel.
- 2.14.8.2. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.

- 2.14.8.3. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

2.14.9. Removal and control of terrestrial vegetation by mechanical or other physical means.

- 2.14.9.1. The cut or felled vegetation must be removed from a drainage channel less than 3m in width.
- 2.14.9.2. Vegetation greater than 100mm in diameter must be removed from a drainage channel wider than 3m.
- 2.14.9.3. Machinery must not be operated in flowing water.
- 2.14.9.4. Removal of trees overhanging or partially in water must be by machinery operated on the drainage channel bank or mounted on boats or barges.
- 2.14.9.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to removal or control vegetation.

2.14.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

- 2.14.10.1. The discharge must be undertaken in accordance with the most recent product label.
- 2.14.10.2. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.
- 2.14.10.3. The agrichemical must not enter water.
- 2.14.10.4. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision on vegetation removal.

2.15. Discretionary Activities

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

[R, D]

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

[D]

- 2.15.2. Any land use activity not provided for as a Permitted Activity.**

[R]

- 2.15.3. Any discharge of contaminants to land not provided for as a Permitted Activity.**

Discharge to Water

2.16. Permitted Activities

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

[R]

2.16.1. Discharge of water to surface water.

[R]

2.16.2. Discharge of an aquatic agrichemical into a waterbody.

[R]

2.16.3. Discharge of stormwater to water.

[R]

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

[C]

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

[R]

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

[R]

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

[R]

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

[R]

2.16.9. Discharge of tracer dye to water.

[R]

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

[R]

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

2.17. Standards that apply to specific permitted activities

2.17.1. Discharge of water to surface water.

- 2.17.1.1. The discharge must not cause erosion at, or downstream of, the discharge point.
- 2.17.1.2. The discharge must not alter the natural course of the receiving water.
- 2.17.1.3. The discharge must not cause flooding on land other than land within the Floodway Zone.
- 2.17.1.4. The discharge point and any associated structure must be maintained in a condition such that it is clear of debris and structurally sound.
- 2.17.1.5. After reasonable mixing, the discharge must not cause any conspicuous change in the colour or visual clarity of any waterbody, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the discharge;
 - (c) the change in reflectance must be <50%.

2.17.2. Discharge of an aquatic agrichemical into a waterbody.

- 2.17.2.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.
- 2.17.2.2. The aquatic agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 2.17.2.3. The application must be undertaken in accordance with the most recent product label.
- 2.17.2.4. The applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:
 - (a) every person taking water for domestic supply within 1km downstream of the proposed discharge;
 - (b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, at least one week before commencing the application.

2.17.3. Discharge of stormwater to water.

- 2.17.3.1. For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.
- 2.17.3.2. For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.
- 2.17.3.3. For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.
- 2.17.3.4. The discharge must not have, after reasonable mixing, any of the following effects on water quality:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;

- (c) any emission of objectionable odour;
- (d) the rendering of fresh water unsuitable for consumption by farm animals;
- (e) any significant adverse effects on aquatic life.

- 2.17.3.1. The discharge must not cause flooding on land other than land within the Floodway Zone.
- 2.17.3.2. The discharge must not cause erosion at, or downstream of, the discharge point.
- 2.17.3.3. The discharge must not alter the natural course of the receiving water.
- 2.17.3.4. The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.
- 2.17.3.5. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
 - (a) the hazardous substance cannot enter the stormwater;
 - (b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.
- 2.17.3.6. If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2.

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

- 2.17.4.1. After reasonable mixing and disregarding any natural variations, the receiving coastal water quality must meet the following criteria:
 - (a) The natural temperature of the receiving water must not be changed by more than 3°C;
 - (b) The concentration of dissolved oxygen in the stormwater being discharged must not exceed 80% of the saturation concentration;
 - (c) There must be no undesirable biological growth as a result of any discharge of a contaminant into the coastal water;
 - (d) Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants;
 - (e) Any pH change or increase in the deposition of matter on the foreshore or seabed on discharge of contaminant into the coastal water must not have any adverse effect on aquatic life.

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

- 2.17.5.1. The natural temperature of the receiving water must not be changed by more than 3°C within 10m from the discharge point.
- 2.17.5.2. The concentration of dissolved oxygen in the water being discharge must exceed 80% of the saturation concentration or 6mg/l (whichever is the greater) within 10m from the discharge point.
- 2.17.5.3. Aquatic organisms must not be rendered unsuitable for human consumption by the discharge.

- 2.17.5.4. The discharge must not contain any marine risk organism.
- 2.17.5.5. There must be no emission of objectionable odour.
- 2.17.5.6. Any pH change or increase in the deposition of matter on the foreshore must not have any significant adverse effect on aquatic life.
- 2.17.6. Discharge of stormwater to water from Lots 1 & 2 DP 323372, Lots 1, 3 & 4 DP 8762, portions of Lot 1 DP 4447, Lot 9 DP 306716 and Lot 2 DP 379514 the Riverlands.**
 - 2.17.6.1. Unsealed downpipe roof water must be disposed of into a Council operated stormwater system expressly designed for this purpose.
 - 2.17.6.2. Sealed down pipe roof water must be discharged into the Co-op Drain.
- 2.17.7. Discharge of swimming or spa pool water to water.**
 - 2.17.7.1. A public sewer is not located within 30m of the lot boundary or 60m of the pool discharge point.
 - 2.17.7.2. Filter backwash water must not enter any stormwater system.
 - 2.17.7.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.
 - 2.17.7.4. The temperature of the discharge water must be ambient.
 - 2.17.7.5. The discharge must not contain residual chlorine or bromine above detection levels.
- 2.17.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.**
 - 2.17.8.1. The discharge must be conducted by the Marlborough District Council.
- 2.17.9. Discharge of tracer dye to water.**
 - 2.17.9.1. The discharge must be conducted by the Marlborough District Council.
- 2.17.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.**
 - 2.17.10.1. The discharge of water must only be from the snow making process.
 - 2.17.10.2. The artificial snow discharged must only consist of water.
- 2.17.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.**
 - 2.17.11.1. The discharge is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.
 - 2.17.11.2. The agrichemical must be undertaken in accordance with the most recent product label.
 - 2.17.11.3. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.

- 2.17.11.4. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.
- 2.17.11.5. The discharge must not be for the purposes of disposing of the agrichemical to water.
- 2.17.11.6. At least one week before commencing the application, the applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:
- (a) Every person taking water for domestic supply within 1km downstream of the proposed discharge;
 - (b) Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge.
- 2.17.11.7. Where the discharge is undertaken in a publicly accessible location, appropriate notification signage must be erected and remain in place for at least 7 days after the discharge has occurred.
- 2.17.11.8. The discharge must not be applied aerially.

2.18. Controlled Activities

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

[R]

2.18.1. The discharge of stormwater to water from a Council operated stormwater system that services land in Blenheim, Picton, Havelock or the Industrial 2 Zone in Riverlands as at 9 June 2016.

Standards and terms:

- 2.18.1.1. The resource consent application required must be received by the Council by 9 June 2021.
- 2.18.1.2. In Blenheim, Picton and Havelock this rule applies when there is land zoned Business 1, Business 3, or Industrial 1 in the catchment served by the Council operated stormwater system.

Matters over which the Council has reserved control:

- 2.18.1.3. The duration of the consent.
- 2.18.1.4. Monitoring and reporting on the quality of stormwater discharges and the effect on the receiving environment.
- 2.18.1.5. The effect of the discharge on water quality, relative to the Water Quality Classification Standards in Appendix 5.
- 2.18.1.6. Timeframes for the development of a stormwater management strategy to reduce the level of contaminants present in the stormwater.

2.19. Discretionary Activities

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

[R]

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

[R]

2.19.2. Any discharge to water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

2.20. Prohibited Activities

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

[R]

2.20.1. Discharge of dairy farm effluent to water.

[R]

2.20.2. Disposal of hazardous waste into water, except discharges from salt production processes in Lake Grassmere Salt Works Zone.

[R]

2.20.3. Disposal of any solid waste material to water in Open Space 4 Zone.

Discharge to Air

These activities apply to roads and railway corridors identified on the zoning maps.

2.21. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.22:

[R]

2.21.1. Application of an agrichemical.

2.22. Standards that apply to specific permitted activities

[R]

2.22.1. Application of an agrichemical.

- 2.22.1.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 2.22.1.2. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 2.22.1.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately
- 2.22.1.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

2.23. Discretionary Activities

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

[R]

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

[R]

2.23.2. Any discharge to air not provided for as a Permitted Activity.

Heritage Resources

2.24. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.25:

[D]

2.24.1. Repair or maintenance of a Heritage Resource.

[D]

2.24.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

[D]

2.24.3. Maintenance (meaning protective care) of an archaeological site, where that maintenance includes:

- (a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;
- (b) land disturbance by cultivation that does not extend beyond the area or depth previously disturbed;
- (c) maintenance and upgrading of a paved road, modified berm or path provided that the land disturbance does not extend beyond the area or depth previously disturbed.

2.25. Standards that apply to specific permitted activities

2.25.1. Repair or maintenance of a Heritage Resource.

- 2.25.1.1. The repair or maintenance must involve stabilisation or preservation of an existing Heritage Resource, or any part of an existing Heritage Resource.
- 2.25.1.2. The repair or maintenance must not involve an alteration, addition, relocation, partial demolition or whole demolition of the Heritage Resource.
- 2.25.1.3. The repair or maintenance must not change the character, scale or intensity of the Heritage Resource.
- 2.25.1.4. The repair or maintenance must not result in any increase in the area of land occupied by the Heritage Resource.
- 2.25.1.5. The repair or maintenance carried out on the Heritage Resource must generally match the original in terms of quality, materials or detailing.
- 2.25.1.6. The repair or maintenance can include the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures.
- 2.25.1.7. Any repair or maintenance which involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings must not compromise, damage or impair the appreciation of the heritage values being repaired or maintained.

2.25.1.8. Paint must not be applied to any previously unpainted surface, nor render to previously unplastered surfaces.

2.25.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

2.25.2.1. For the purposes of improving structural performance, a structural engineering assessment by a Chartered Professional Engineer who has knowledge of the structural characteristics and earthquake performance of the type of Heritage Resource being assessed, must be obtained and provided to the Council.

2.25.2.2. Alterations must not change the character, scale or intensity of the Heritage Resource.

2.26. Discretionary Activities

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

[D]

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

[D]

2.26.2. Any land use activity involving a Heritage Resource not provided for as a Permitted Activity.

2.27. Prohibited Activities

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

2.27.1. The whole or part demolition or removal of a Category I Heritage Resource.

Notable Trees

2.28. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.29:

[D]

2.28.1. Minor trimming or pruning of a Notable Tree.

[D]

2.28.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.

[D]

2.28.3. Emergency works to a Notable Tree.

[D]

2.28.4. Fixing a sign to a Notable Tree identifying the species and its classification.

2.29. Standards that apply to specific permitted activities

2.29.1. Minor trimming or pruning of a Notable Tree.

2.29.1.1. The trimming or pruning must only be:

- (a) crown clearing, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown;
- (b) canopy lifting, being the balanced removal of lower branches from a tree;
- (c) minor clearing of light branches (less than 50mm in diameter) from proximity to existing power lines;
- (d) done in accordance with accepted arboricultural practices.

2.29.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.

2.29.2.1. Above ground level there must be no installation of any overhead utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.

2.29.2.2. The construction, addition or replacement of any structure must be setback at least 10m from the base of the tree or not within the Tree Protection Zone, whichever is the greater.

2.29.2.3. There must be no new impervious surfacing, sealing or paving, within 10m from the base of the tree or within the Tree Protection Zone, whichever is the greater.

- 2.29.2.4. There must be no storage or deposition of any chemical or substance, including preparation of cement products, within 10m of the base of the tree or within the Tree Protection Zone.
- 2.29.2.5. Below ground level there must be no laying or installation of an underground utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.6. There must be no excavation within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.7. Mulching of a tree within its Tree Protection Zone must not exceed a depth of 100mm.

2.29.3. Emergency works to a Notable Tree.

- 2.29.3.1. Where there is an existing or imminent threat to life, property, a utility or a service, by a Notable Tree or any part thereof, immediate action can be taken to eliminate or abate the hazard by any safe means.
- 2.29.3.2. Only work which is necessary to remove the imminent threat must be undertaken.
- 2.29.3.3. Within 5 working days of the emergency works being taken, the Council must be notified in writing of the action taken and be provided with evidence of the urgency (including photographs).

2.30. Discretionary Activities

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

[D]

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

[D]

- 2.30.2. Any land use activity involving a Notable Tree not provided for as a Permitted Activity.**

Transportation

The following rules apply to all zones, roads and rail corridors, unless the transportation aspect of a permitted activity is specifically provided for in the zone rules.

2.31. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.32:

[D]

2.31.1. Parking associated with permitted activities in all zones except the Business 1 Zone.

[D]

2.31.2. Onsite manoeuvring associated with permitted activities in all zones.

[D]

2.31.3. Loading facility associated with permitted activities in all zones.

[D]

2.31.4. Vehicle crossing associated with permitted activities in all zones.

2.32. Standards that apply to specific permitted activities

2.32.1. Parking associated with permitted activities in all zones except the Business 1 Zone.

2.32.1.1. Onsite parking and queuing space must be provided for each activity permitted in any zone undertaken on the site. The parking and queuing spaces must be sufficient to accommodate the number of vehicles expected to be generated in the usual course of operation of the activity. If an activity is referred to in Table 2.1, compliance with the Minimum Requirements in that Table for that activity will be treated as complying with this Standard.

Table 2.1: Parking and Queuing Space Requirements

Activity	Minimum Requirements – Number of Spaces
Commercial activity.	<p>Unless otherwise specified below, 1 per 100m² gross area of land being used for the commercial activity, plus 1 per 2 employees.</p> <p>For licensed premises, 1 per 4 persons the facility is designed to accommodate, plus 1 per 2 employees.</p> <p>For retail premises with a gross floor area of up to 1000m², 1 per 25m² of gross floor area, plus 1 per 2 employees.</p> <p>For retail premises with a gross floor area of greater than 1000m², 1 per 25m² of gross floor area for the first 1000m², plus 1 per 30m² of gross floor area for the remaining area, plus 1 per 2 employees.</p> <p>For hospitals, retirement units and care homes, 1 per 5 people the facility is licensed or otherwise designed to accommodate, plus 1 per 2 employees (calculated from the largest shift).</p>
Commercial boat related tourist activity.	1 per 2 employees.
Community facility, including a grandstand or clubroom (excluding hospitals, health, welfare and education facilities or medical facilities).	1 per 4 people the facility is designed to accommodate, plus 1 per 2 employees.
Community housing and support.	1 per 10 persons the facility is designed to accommodate, plus 1 per employee.
Dwelling	2 per dwelling.
Educational facility.	<p>Early Childhood Educational or day-care facility – 1 per 10 children the facility is designed to accommodate, plus 1 per FTE employee, plus 1 drop off space per 5 children the facility is designed to accommodate.</p> <p>Primary – 1 per 4 classrooms, plus 1 per FTE employee.</p> <p>Secondary – 1 per every 15 students aged 16 years or over, plus 1 per FTE employee.</p> <p>Tertiary & other – 1 for every 2 FTE students, plus 1 per FTE employee.</p>
Veterinary Clinic.	2 per practitioner, plus 1 per 2 other employees.
Home occupation.	In addition to that required for the dwelling, 1 for customers, and 1 per non-resident employee/contractor involved in the home occupation.

Activity	Minimum Requirements – Number of Spaces
Industrial Activity or Warehousing.	1 per 100m ² gross floor area, plus 1 for every 100m ² of outdoor storage, plus 2 per 3 employees employed on the site (based on the maximum number of employees at any one time), plus 2 for visitors.
Marae Activity.	1 per 450m ² of land area.
Professional, commercial or administrative office.	1 per practitioner, plus 1 per 2 other employees.
Vehicle oriented activity.	2 per 3 employees likely to be employed on the site (based on the maximum number of employees at any one time), plus 2 for visitors, plus 1 per 50m ² gross floor area of retail shop, plus 1 per 25m ² of workshop area, plus 1 queuing space for an air hose or vacuum, plus 3 queuing spaces for a carwash. For drive through facilities - in addition to the above, 5 queuing spaces per booth of facility.
Visitor accommodation or homestay.	For backpackers – 1 per 3 persons the building is designed to accommodate, plus 1 per 2 employees. For homestays – 2 in addition to that required for the dwelling. For hotels – 1 per 2 hotel rooms, plus 1 per 2 non-resident employees. For motels and camping grounds – 1 per site or unit, plus 1 per 2 non-resident employees.

- 2.32.1.2. Where two or more similar activities occurring on the site the activity with the higher parking rate must apply.
- 2.32.1.3. Where there are two or more different activities occurring on the site the total space requirement for the site must be the sum of the space requirements for each activity.
- 2.32.1.4. The calculation of required spaces must use the gross floor area of the building or premise in which the activity will occur; excluding the gross floor area of any vehicle access, loading, turning, or parking area already provided on the site.
- 2.32.1.5. When the assessment of the required parking standards results in a fractional space, any fraction under one half will be disregarded, and any fraction of one half or more will be counted as one parking space.
- 2.32.1.6. Any property served entirely by boat or air access is exempt from parking requirements.
- 2.32.1.7. A land use activity must not exceed a maximum of 75 parking spaces.
- 2.32.1.8. The required parking spaces must be available for residents, staff or visitors at all times during the hours of operation of the activity to which they relate.
- 2.32.1.9. Where individual activities occur at mutually exclusive times of the day or night on the same site, each parking space may be considered as qualifying

as part of the required parking provision for each activity provided there is no overlapping demand for parking spaces.

- 2.32.1.10. When a building is increased in floor area, or undergoes a partial change in use, parking requirements for the existing part of the building (if any), or that part remaining in the existing activity, will remain unaltered. Parking requirements for the increased floor area or that area with a new or altered use must be calculated in accordance with Table 2.1. For the purpose of this standard, 'partial' means an addition or alteration of more than 20% of the gross floor area over a 5 year timeframe.

Accessible Parking Space

- 2.32.1.11. Where parking is required for a non-residential activity, the minimum number of Accessible Parking Spaces which must be provided must be in accordance with Table 2.2.

Table 2.2: Accessible Parking Space Requirements

Number of onsite parking spaces required per activity	Minimum number of parking spaces per site of dimensions to accommodate Accessible Parking Spaces
1 – 10	1
11 – 75	2

Design and Formation Standards for a Parking Space

- 2.32.1.12. A parking space must be formed to an all-weather standard and must be clearly identified by marking on the ground or other signal to avoid inefficient parking of vehicles within the allocated space. Staff parking spaces must be marked as being for use by staff.
- 2.32.1.13. The first 3m of the parking space (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.32.1.14. The parking space must be of useable shape, with a gradient of not more than 1 in 20 in any direction, and together with their entrance and manoeuvring aisles, must be designed and formed to comply with the layout shown in Figure 2.1.

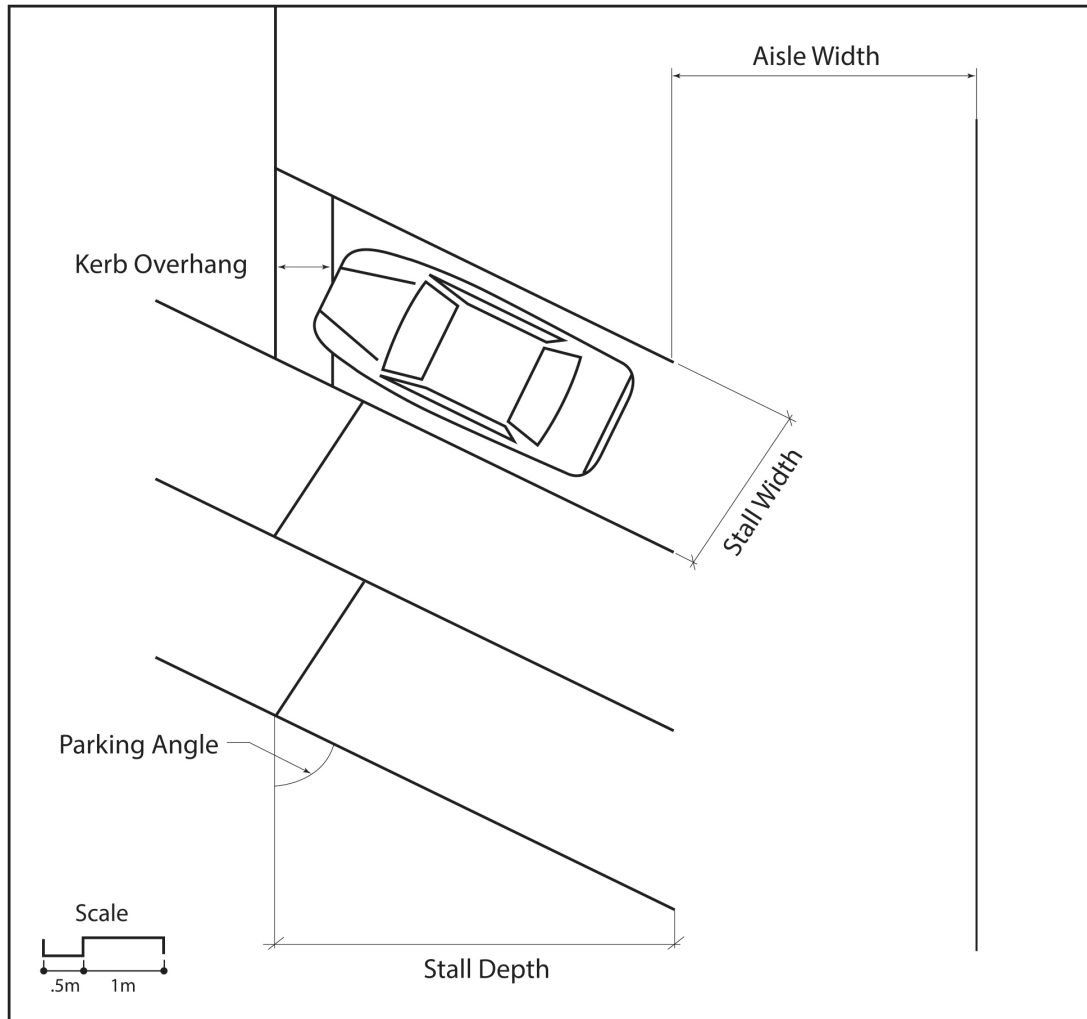


Figure 2.1: Parking Layouts

- 2.32.1.15. On any property fronting a national or arterial route (as identified in Appendix 17) where parking spaces are required to be provided, or where the required spaces are at a distance of greater than 30m from the road boundary, the parking spaces must be configured such that vehicles are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.32.1.16. Parking spaces on rear sites must be configured such that vehicles using the spaces are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.32.1.17. Where parking spaces are expected to be used at night, overhead lighting sufficient to illuminate the parking area must be installed and they must comply with any zone standards with respect to light spill.
- 2.32.1.18. Where multiple parking spaces are required, there must be sufficient queuing space to prevent conflict between vehicles entering and leaving the property.
- 2.32.1.19. Parking spaces and loading facilities may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.32.1.20. A parking space, other than for a dwelling, must be designed to accommodate a 90 percentile design car (refer to Figure 2.2) and must be laid out in accordance with the minimum dimensions specified with Table 2.3.

- 2.32.1.21. Stall depth may be reduced by 600mm where there is sufficient kerb overhang in front of the parking space, provided it is not required for another parking space, pedestrian path or similar purpose.
- 2.32.1.22. Spaces adjacent to walls or columns must be 300mm wider than specified in Table 2.3.

Table 2.3: Minimum Parking Space Dimensions

Type of User	Parking Angle	Stall Width	Aisle Width	Stall Depth ⁽⁵⁾	Kerb Overhang
Class 1 ⁽¹⁾	90°	2.5m	6.2m	5.0m	1.0m
Class 2 ⁽²⁾	90°	2.6m	7.0m	5.0m	1.0m
Accessible parking	90°	3.6m	6.2m	5.0m	1.0m
All	0° (parallel)	2.1m	3.3m ⁽³⁾ 6.5m ⁽⁴⁾	6.1m	0 0
All	30°	2.5m	3.5m	4.4m	0.6m
All	45°	2.6m	4.2m	5.2m	0.8m
All	60°	2.6m	5.1m	5.7m	1.0m

Notes for Table 2.3:

- (1) *Class 1: medium to long term parking including areas such as employee or commuter parking, long term town centre parking, a sporting facility, entertainment centre or hotel/motel.*
- (2) *Class 2: short term, high turnover parking at a retail/commercial activity and where goods can be expected to be loaded into vehicles.*
- (3) *One way aisle only.*
- (4) *Two way aisle.*

Queuing Length Associated with Vehicle Parking

- 2.32.1.23. Where parking is provided within a property, a minimum queuing length must be provided for vehicles entering the property in accordance with the Table 2.4.

Table 2.4: Queuing Length

Number of parking spaces	Minimum queuing length
Less than 20	5.5m
21-50	10.5m
51-75	15.5m

- 2.32.1.24. The queuing length must be measured from the road boundary at the parking entrance to the nearest vehicle control point or the point where entering vehicles could conflict with vehicles already on site.
- 2.32.1.25. Where more than one vehicle crossing is provided to a site, the required queuing length must be assessed for each access point individually, with

each parking space allocated to the nearest entry vehicle crossing for the purpose of the assessment.

- 2.32.1.26. In the case of a drive-on or drive-through facility, sufficient queuing space must be provided on the property such that there is no spill-over of waiting vehicles onto a public street.

Landscaping Requirements for Parking Spaces

- 2.32.1.27. A group of five or more parking spaces on a property within or adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must be screened from view from an adjoining residential property by a fence or vegetation, or other means of screening.
- 2.32.1.28. A wheel stop or other suitable barrier must be positioned in front of a boundary fence within a parking area adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

2.32.2. Onsite manoeuvring associated with permitted activities in all zones.

- 2.32.2.1. The manoeuvring area from the road boundary to any parking space must be designed to accommodate a 90 percentile car or truck (refer Figure 2.2 and 2.3).
- 2.32.2.2. Onsite manoeuvring for a 90 percentile car or truck must be provided to ensure that no vehicle is required to reverse either onto, or off a property where:
- (a) an activity has vehicle access and/or a vehicle crossing to an arterial road (as identified in Appendix 17);
 - (b) an activity provides 4 or more parking spaces having vehicle access and/or a vehicle crossing onto a principal or collector road (as identified in Appendix 17);
 - (c) an activity requires 10 or more parking spaces;
 - (d) three or more dwellings share a common access.
- 2.32.2.3. Apply tracking curves as follows in (a), (b) and (c), and illustrated in Figures 2.2 and 2.3:
- (a) where vehicles normally manoeuvre at speeds of less than 10km per hour a minimum clearance of 300mm must be maintained between the vehicle tracking area curve and any fixed object;
 - (b) where vehicles normally manoeuvre at speeds greater than 10km per hour a minimum clearance of 600mm must be maintained between the vehicle tracking curve and any fixed object;
 - (c) for public and customer car parking, the 90 percentile tracking curves apply as shown in Figure 2.2.

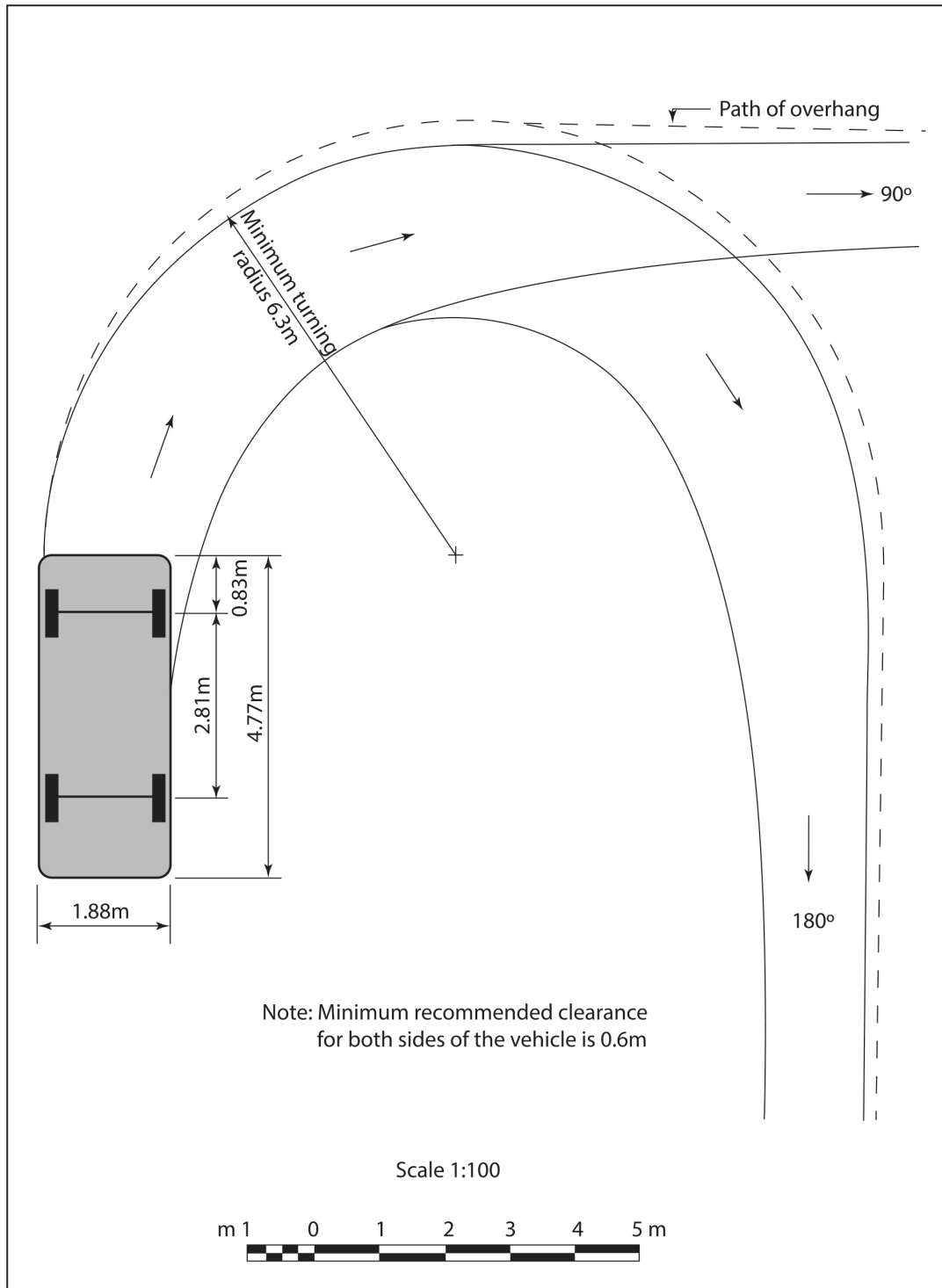


Figure 2.2: Vehicle Tracking Curve: 90 Percentile Car

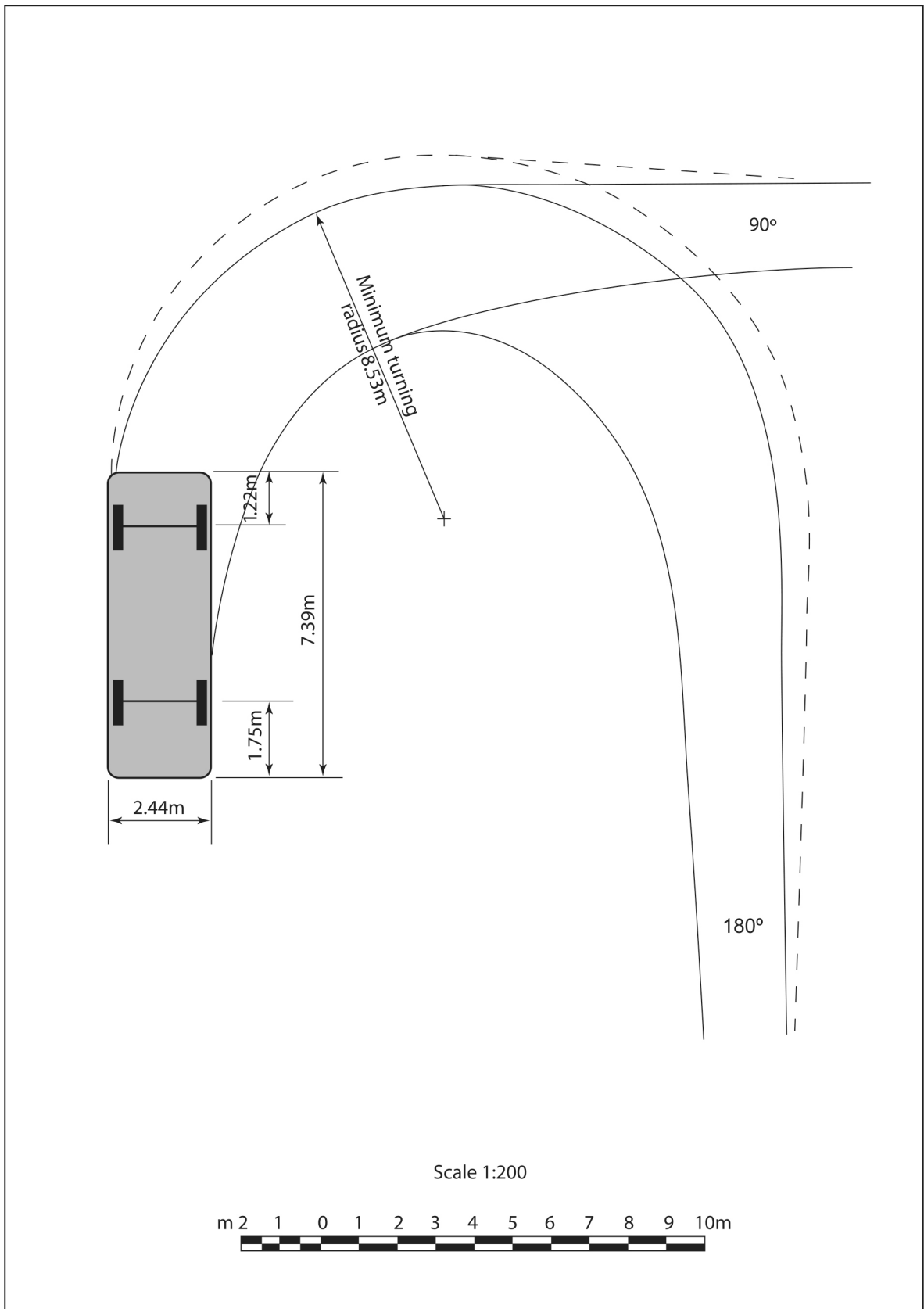


Figure 2.3: Vehicle Tracking Curve: 90 Percentile Truck

2.32.3. Loading facility associated with permitted activities in all zones.

- 2.32.3.1. An activity which involves the delivery or collection of goods using heavy vehicles must provide a loading facility able to accommodate expected demand for loading deliveries, and in accordance with the dimensions set out in Table 2.5.
- 2.32.3.2. If an activity is not represented in Table 2.5, the facility dimensions in the table for the activity closest in nature to the new activity must be used, or where there are two or more similar activities the activity with the larger facility dimensions must apply.

Table 2.5: Loading Facilities

Activity	Minimum Size
Transport depot or similar.	9m length 3.5m wide 3.8m high
Retail premise, office, warehouse, bulk store, industry, service industry or similar.	8m length 3.5m wide 3.8m high
Offices and other non-goods handling activity, where the gross floor area is not greater than 1500m ² , and where on-street space is available for occasional servicing by larger vehicles.	6m length 3m wide 2.6m high
Notwithstanding anything to the contrary in the foregoing Standards, where articulated vehicles are used or are intended to be used in connection with any site.	20m length 3.5m wide

Design and Formation Standards for a Loading Facility

- 2.32.3.3. The manoeuvring area from the road boundary to the loading facility must be designed to accommodate a 90 percentile two axle truck (refer Figure 2.3).
- 2.32.3.4. The loading facility must be located on the same property as the activity to which it relates, and must be formed and finished to an all-weather, dust-free surface.
- 2.32.3.5. The first 3m of the loading facility (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.32.3.6. A loading facility accessing directly onto a national or primary arterial route (as identified in Appendix 17) must be sealed for a minimum of 20m as measured from the road boundary.
- 2.32.3.7. A loading facility must have useable access to the activity or building to which it relates, and must adjoin an adequate area for goods handling and be convenient to any service area or service lift.
- 2.32.3.8. A loading facility must be available for loading purposes at all times.

- 2.32.3.9. A loading facility must be provided in a location that does not impede through traffic, a manoeuvring area, or a pedestrian or cycle access, and must have unobstructed vehicular access to a road or service lane.
- 2.32.3.10. A loading facility must be designed and located to avoid vehicle parking or standing on the carriageway of a national route (as identified in Appendix 17).
- 2.32.3.11. A loading facility must be designed to ensure that vehicles are not required to reverse either onto or off the site, except a loading facility with access to a collector or local road (as identified in Appendix 17) or services lane where a loading dock may be provided.
- 2.32.3.12. A loading facility on a rear site must be configured such that a vehicle using the facility is able to enter and leave the site in a forward direction without reversing onto the road.
- 2.32.3.13. A loading facility and parking spaces may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.32.3.14. Loading and manoeuvring must, as dictated by the circumstances, accommodate the minimum appropriate tracking curve shown in Figures 2.2 - 2.5.

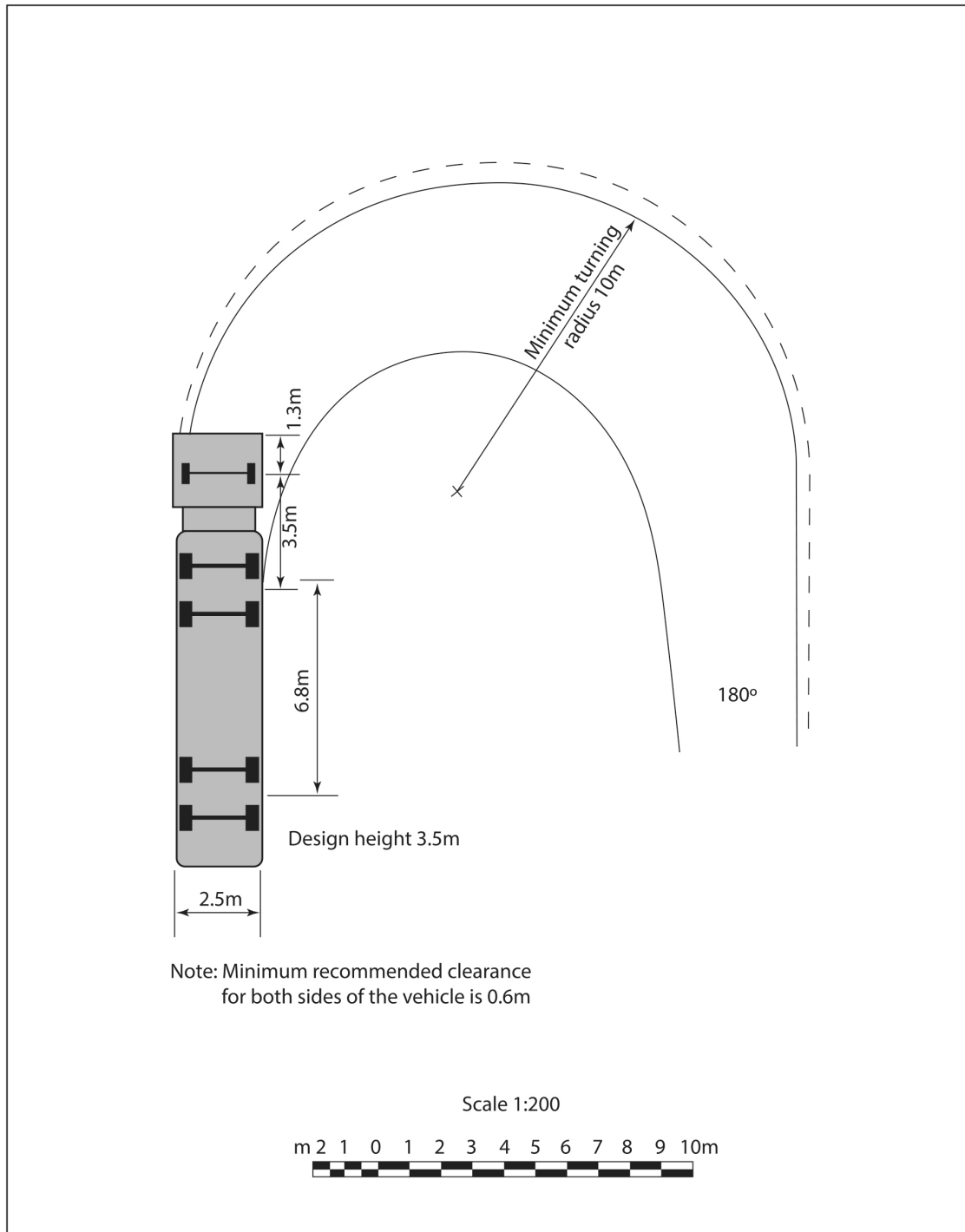


Figure 2.4: Vehicle Tracking Curve: Articulated Truck

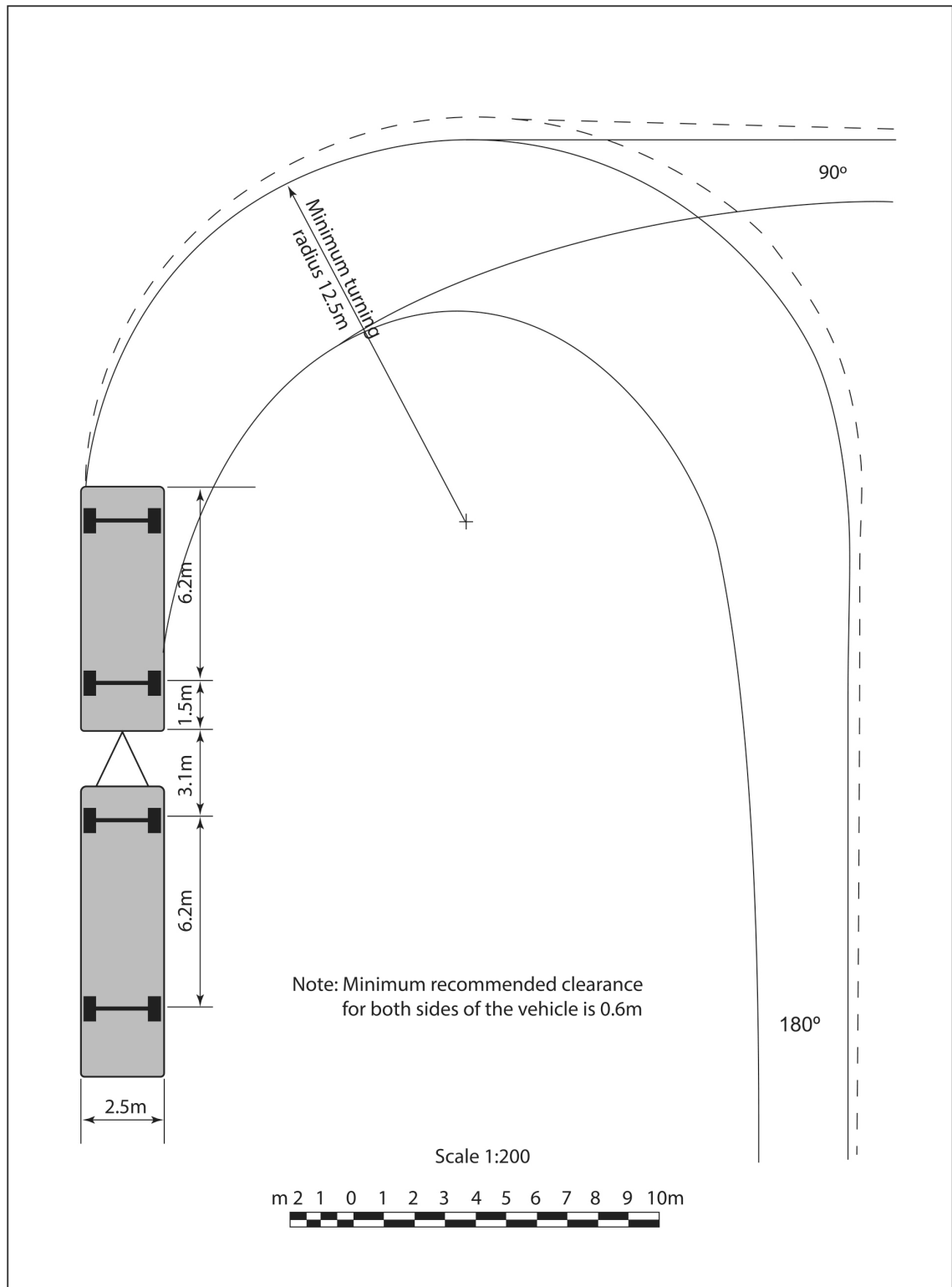


Figure 2.5: Vehicle Tracking Curve: Truck and Trailer

2.32.4. Vehicle crossing associated with permitted activities in all zones.

- 2.32.4.1. Vehicle access to a property from a road or service lane must be by way of a vehicle crossing constructed, from the roadway to the road or service lane boundary of the property at the owners or developers expense.
- 2.32.4.2. The design for a new or altered vehicle crossing, an existing vehicle crossing where there is a change of land use activity, or a crossing where a new land use activity is to be established, must be in accordance with

Table 2.6 and Figure 2.6. This Standard does not apply if a Corridor Access Request has been approved by the Roothing Authority.

Table 2.6: Vehicle Crossing Width

Activity	Minimum	Maximum
Residential (car traffic)	3.5 m	6 m
Non-residential (heavier traffic)	4 m	9 m

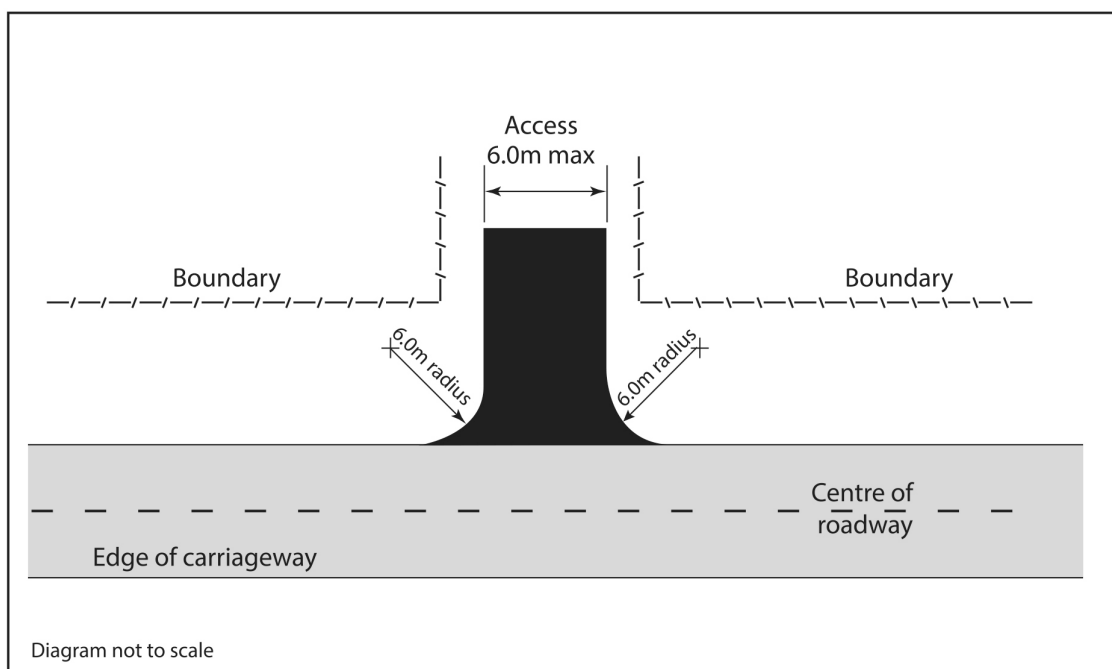


Figure 2.6: Vehicle Crossing for Residential Use for One Rural User in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone.

- 2.32.4.3. Where vehicle access is required to properties with other than residential activity, the access must be by means of channel and crossing constructed to a commercial standard, and in accordance with Table 2.6.
- 2.32.4.4. A vehicle crossing to a dwelling must be formed in accordance with Table 2.6, and 2.7 and Figures 2.6 and 2.7.

Table 2.7: Vehicle Crossing Width

No. Units Served	Min. Width	Min. Formation Width	Qualification
1	3.5m	NA	
2-4	3.5m	3m	Sealed
5-6	6m	5m	Sealed. Width allows passing.

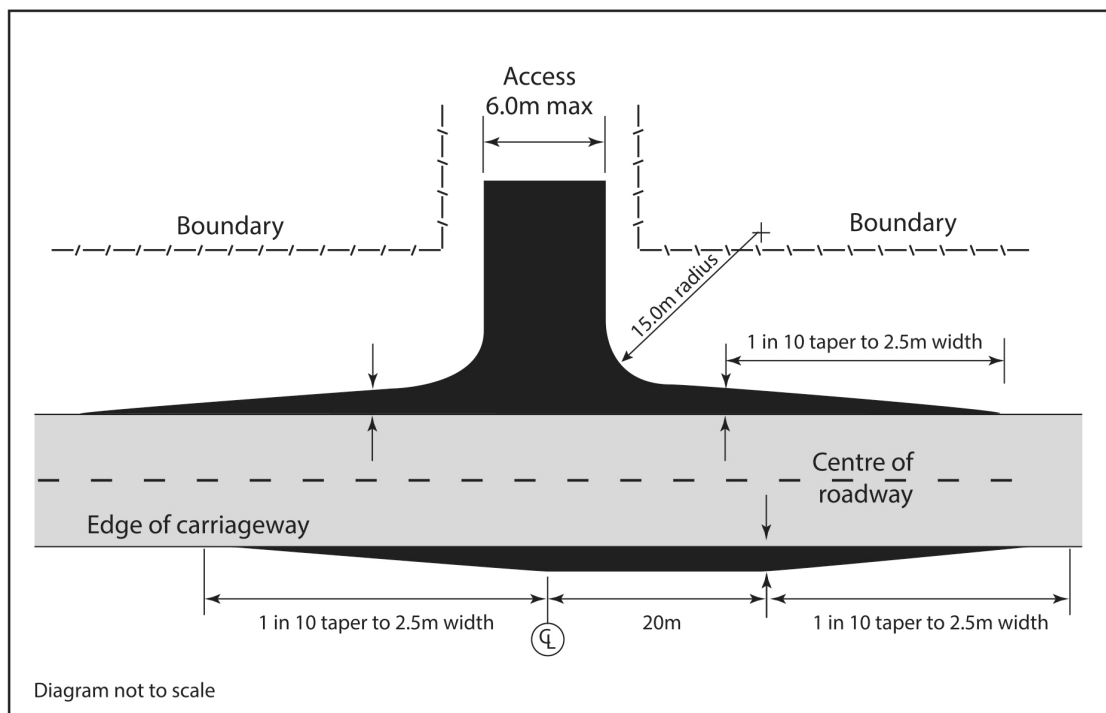


Figure 2.7: Vehicle Crossing for Residential Use for 2-6 Rural Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone

- 2.32.4.5. The width of a vehicle crossing must be measured as the actual length of channel covered or the length of the fully dropped kerb.
- 2.32.4.6. A vehicle crossing used by a heavy vehicle must be designed and constructed so that a heavy vehicle does not have to cross the road centre line when making a left turn.
- 2.32.4.7. The minimum height clearance for the vehicle crossing must be 4.5m.
- 2.32.4.8. Where the frontage to a site is to an unformed legal road, the vehicle crossing to the site is where the unformed legal road intersects with a formed legal road. The design requirements are to be met at the intersection of the unformed legal road and the formed legal road.
- 2.32.4.9. A new vehicle crossing must be located a minimum of 30m from a railway level crossing, measured from the closest rail track to the edge of seal of the proposed vehicle crossing.

- 2.32.4.10. A standard vehicle crossing must be provided to a property capable of containing no more than four dwellings. A heavy duty vehicle crossing must be provided for all other properties.
- 2.32.4.11. A rural vehicle crossing must be constructed to an all-weather standard, to the same standard as the adjoining road. In urban areas any vehicle crossing must be constructed in permanent materials, consistent with the standard in the immediate locality.

Distances of a Vehicle Crossing From an Intersection

- 2.32.4.12. No part of a vehicle crossing must be located closer, on either side of the road to the intersection of any roads, than the minimum distance specified in Table 2.8.

Table 2.8: Intersecting Road Type

Frontage Road (as identified in Appendix 17)	Urban (all roads other than Rural)				Rural (roads where speed limit is 100k/hr)			
	Primary Arterial	Secondary Arterial	Collector	Local & Service	Primary Arterial	Secondary Arterial	Collector	Local & Service
Primary Arterial & National	70m	55m	40m	35m	275m	275m	180m	180m
Secondary Arterial	55m	55m	40m	35m	180m	180m	90m	90m
Collector	40m	40m	40m	20m	90m	90m	60m	60m
Local & Service Roads	25m	25m	25m	20m	90m	90m	60m	60m

- 2.32.4.13. The distance must be measured from the point at which the legal boundary lines of the two road frontages intersect.

Distance Between Vehicle Crossings

- 2.32.4.14. On a national or arterial road (as identified in Appendix 17) where the speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 200m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.
- 2.32.4.15. On a collector route or a local road (as identified in Appendix 17) where the legal speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 60m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.
- 2.32.4.16. On a road where the speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, must not be less than 15m, with the exception of vehicle crossings which serve dwellings in which case it must not be less than 7.5m.
- 2.32.4.17. The separation distance must be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the road.

Maximum Number of Vehicle Crossings

- 2.32.4.18. The maximum number of vehicle crossings to a property per road frontage must be in accordance with Table 2.9.

Table 2.9: Maximum Number of Vehicle Crossings

Road Hierarchy (as identified in Appendix 17)	Legal Speed Limit for Road (km/hr)	Frontage Length			
		0-20m	21-60m	61-100m	101+m
Local & Collector	Any	1	2	2	3
National & Arterial	<100	2	1	2	2
National & Arterial	100	1	1	1	2

Sight Distance from a Vehicle Crossing

- 2.32.4.19. Unobstructed sight distances must be provided from a new or altered vehicle crossing, existing vehicle crossing where there is a change of land use activity, or a crossing for a new land use activity. Sight distance from the vehicle crossings must be in accordance with Table 2.10 and Figure 2.8.

Table 2.10: Minimum Sight Distances from a Vehicle Crossing

Legal Speed Limit for Road (km/hr)	Minimum Sight Distance	
	Residential	Non Residential Use
0-50	45m	80m
51-60	65m	105m
61-70	85m	140m
71-80	115m	175m
81-100	160m	210m

2.32.4.20. Where the frontage to a property is to an unformed legal road, the vehicle crossing to the property is where the unformed legal road intersects with the formed legal road. The design requirements, including minimum sight distances from the vehicle crossing must be met at the intersection of the unformed legal road and the formed legal road.

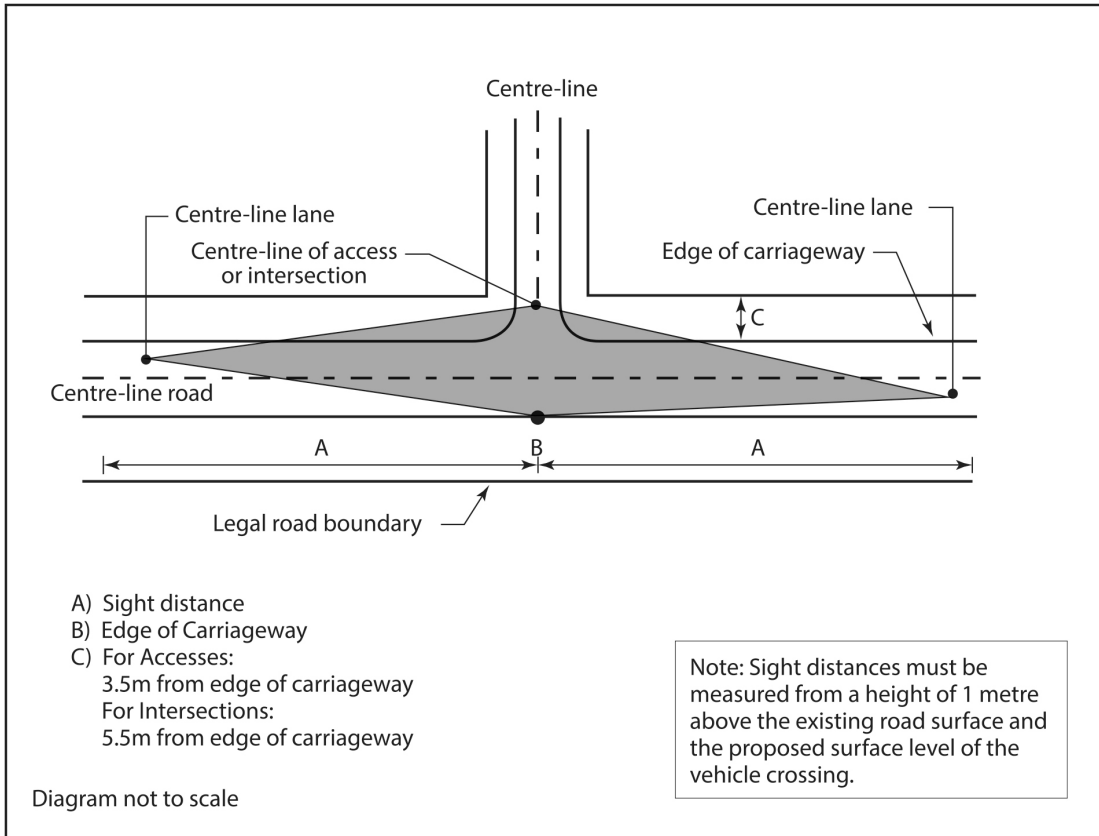


Figure 2.8: Sight Distance Measurements

Railway level crossings – minimum sight distances.

2.32.4.21. The sight distances shown in Figure 2.9 in relation to a railway level crossing must be kept clear of all obstructions including buildings, fences and vegetation.

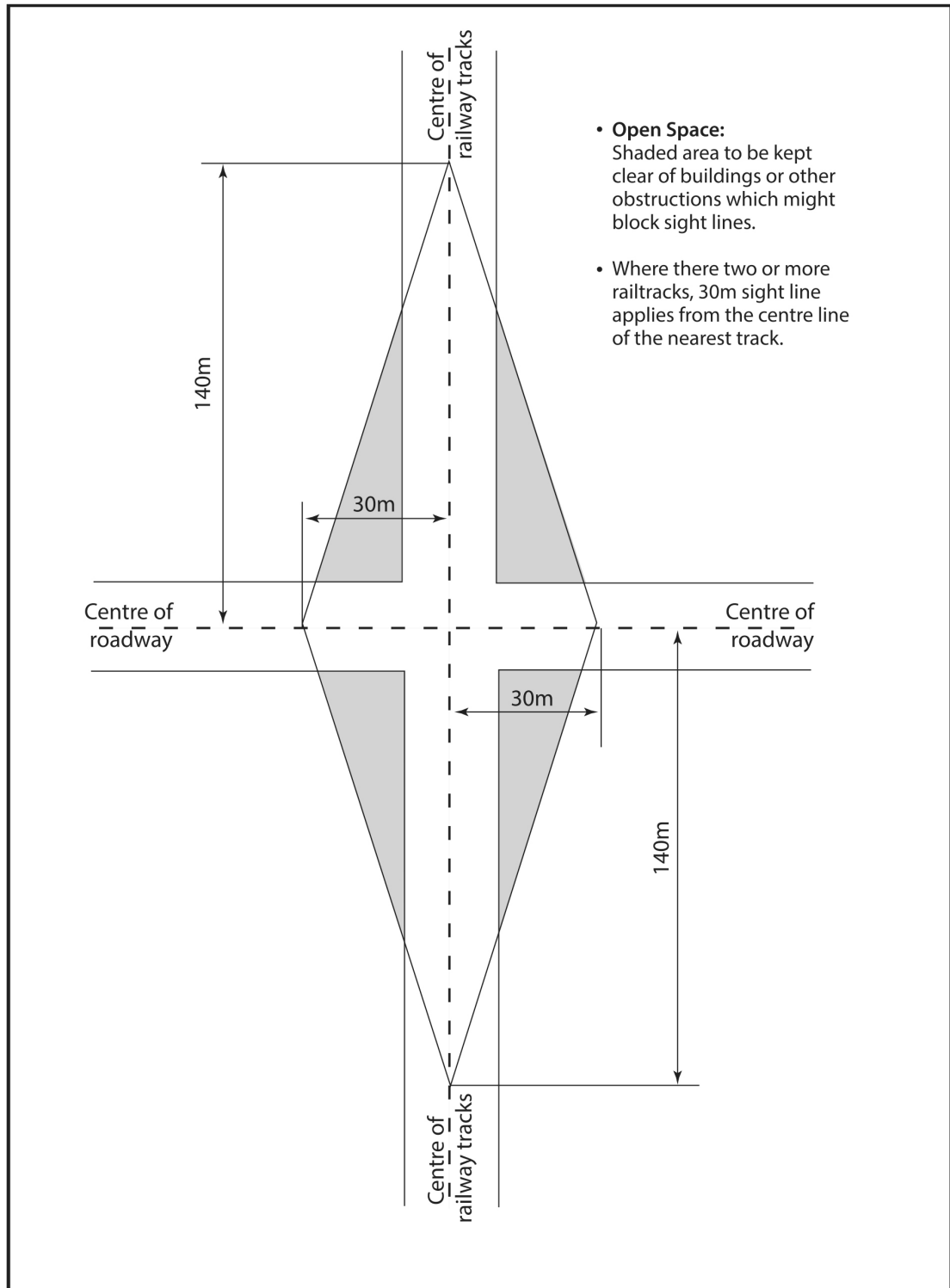


Figure 2.9: Railway Crossing Sightlines

2.32.4.22. Where a new vehicle crossing is to be formed to a national route (as identified in Appendix 17) and the access crosses a railway and there is less than 25m separation between the national route and the railway the sight distance must be measured from a point:

- (a) at a height of 1.15m above the proposed surface level of the access;
- (b) on the access;
- (c) 5m back from the side of the railway furthest from the national route.

Vehicle Oriented Activity

- 2.32.4.23. A canopy must be set back 2m from the road boundary.
- 2.32.4.24. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from intersections measured from the start of corner construction:
- (a) if a national route (as identified in Appendix 17) is one of the roads of the intersection the separation distance must be 15m;
 - (b) otherwise the separation distance must be 10m.
- 2.32.4.25. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from other vehicle crossings:
- (a) between vehicle crossings for residential activities the separation distance must be 7m;
 - (b) between vehicle crossings for other activities the separation distance must be 15m.
- 2.32.4.26. The width of a vehicle crossing into a vehicle oriented activity must comply with the following:
- (a) where there are no tanker movements associated with the activity, the one way width must be a minimum of 4.5m and maximum of 6m;
 - (b) two way, and one way (with tanker movements) width must be a minimum of 6m and maximum of 9m.
- 2.32.4.27. The layout of the property must be such that a vehicle can enter and leave the property in a forward direction without any need for additional onsite manoeuvring or manoeuvring on the frontage road.
- 2.32.4.28. For a vehicle crossing from a national or arterial route (as identified in Appendix 17) to be used by heavy vehicles, the first 20m of the vehicle crossing must be generally at the same level as the frontage road itself.
- 2.32.4.29. An area, not closer than 9m to the road boundary, must be provided for onsite queuing between the property boundary and:
- (a) fuel dispensers;
 - (b) ticket vending machines;
 - (c) remote ordering facilities and devices;
 - (d) entrance control mechanisms;
 - (e) point where conflict with vehicles already on site may occur.
- 2.32.4.30. Site size must be sufficient to ensure that no vehicles being serviced; entering a carpark, awaiting service; or servicing the establishment require to be parked on the road or in such a location that impedes entry, exit and visibility to or from the entranceway.
- 2.32.4.31. Parking and vehicle manoeuvring must be designed and constructed in accordance with the requirements of the activity and must not impact on the adjacent road network.
- 2.32.4.32. The road boundary of the property must be bordered by a nib wall (or other device) to control traffic flows and to clearly define entrance and exit points.
- 2.32.4.33. The design of the vehicle crossing and the minimum sight distance from the vehicle crossings must be provided in accordance with Rule 2.31.4.

- 2.32.4.34. Provision on the property must be made for service vehicles and for goods loading and unloading. The area set aside for these activities must not encroach onto an area set aside for vehicle access, maneuvering or a storage facility or pedestrian movement. The area set aside must be sufficiently dimensioned for the largest expected vehicle, and maneuvering space and the number of those vehicles expected to be at the property at any one time.
- 2.32.4.35. The design and site layout of a vehicle oriented activity must make provision for the safe movement of pedestrians about the property, at the vehicle crossings, and for their safe movement across roads in the vicinity of the property without an adverse effect on the operation of the frontage road.
- 2.32.4.36. A one way entrance or exit must be signposted as such.
- 2.32.4.37. For a service station, pumps must be located a minimum of 4.5m from the road boundary and a minimum of 12m from the midpoint of any vehicle crossing at the road boundary. Vehicles must be clear of the footpath and vehicle crossings when stopped for refueling.
- 2.32.4.38. For service stations, a minimum path width of 4.5m must be provided for vehicles through the forecourt.
- 2.32.4.39. The minimum path and loading bay widths for tankers must be 4.5m with a minimum inside turning radius of 7.5m.
- 2.32.4.40. For a service station, a tanker discharging must not obstruct the footpath or any part of the property intended for use by vehicles being served at refueling positions or waiting for service.
- 2.32.4.41. A vehicle oriented activity containing a total gross floor area of more than 500m², must:
- (a) not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 60m to the departure side of any intersection;
 - (b) not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 30m to the approach side of any intersection;
 - (c) distance must be measured from the point at which the legal boundary lines of the two road frontages intersect, and must comply with the minimum distance of a vehicle crossing from an intersection as set out in Table 2.8;
 - (d) unobstructed sight distances must be available from all vehicle crossings and intersections in accordance with the minimum sight distances specified in Table 2.8, and Figure 2.8.

2.33. Discretionary Activities

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

[D]

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

[D]

2.33.2. Any land use activity relating to transportation not provided for as a Permitted Activity.

Signage

2.34. Permitted Activities

Unless expressly limited elsewhere by rule a in the MEP, the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.35 and 2.36:

[D]

2.34.1. Sign for a home occupation.

[D]

2.34.2. Illumination of a sign.

[D]

2.34.3. Land development sign.

[D]

2.34.4. Real estate sign (professional or private).

[D]

2.34.5. Sign attached to a tree identifying the species and classification of a Notable Tree in terms of Schedule 3 in Appendix 13.

[D]

2.34.6. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.

[D]

2.34.7. Sign displayed on a utility site, or public park or reserve.

[D]

2.34.8. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

[D]

2.34.9. Sign on any land zoned Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.

[D]

2.34.10. Sign required for, or established by statute, rule or regulation.

[D]

2.34.11. Temporary sign for a community (including electoral), special, educational or recreational event.

[D]

2.34.12. Traffic or safety sign, or a sign denoting the name of a road or the number of a premise.

2.35. Standards that apply to all permitted activities

2.35.1. General.

- 2.35.1.1. The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located.
- 2.35.1.2. Only one sign is permitted per property unless otherwise provided for in the Standards in 2.36.
- 2.35.1.3. A sign must not be erected on, or adjacent to, a road reserve, where the sign may:
- obstruct the line of sight of any corner, bend, intersection or vehicle access;
 - obstruct, obscure or impair the view of any traffic sign or signal;
 - physically obstruct or impede traffic or pedestrians;
 - resemble or be likely to be confused with any traffic sign or signal;
 - use reflective materials (other than a traffic safety sign) that may interfere with a road user's vision;
 - be within 120m of any State Highway intersection or bridge, within a 100km/hr speed limit.
- 2.35.1.4. The sign message must be clear and concise. Lettering sizes on signage must be such that it does not cause any safety issue for motorists.
- 2.35.1.5. A sign must be erected to present an unrestricted view to the motorist for the applicable minimum distance shown in Table 2.11.

Table 2.11: Minimum Visibility Distance to Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0-50	80
51-70	130
71-80	175
81-100	250

- 2.35.1.6. A sign must comply with the height and, where applicable, recession plane requirements for the zone in which it is located.
- 2.35.1.7. A sign is not required to comply with rules relating to setbacks from road boundaries in each of the respective zones.
- 2.35.1.8. A sign attached to a building must not exceed the highest point of the roof.
- 2.35.1.9. A sign must be constructed, fixed and placed in a manner so it does not pose a danger to property or people.
- 2.35.1.10. A removable panel within the permitted area of a sign may be provided indicating whether a premise is open or closed.
- 2.35.1.11. The minimum distance between signs on successive properties, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12:

Table 2.12: Minimum Distance Between Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0-70	60
71-80	70
81-100	80

2.36. Standards that apply to specific permitted activities

2.36.1. Sign for a home occupation.

- 2.36.1.1. The maximum area of the sign per dwelling must not exceed 0.25m² and may consist of either a sign attached to a building or fence, or a freestanding sign.
- 2.36.1.2. A sign attached to a boundary wall or fence must be parallel to the plane of the wall or fence and not project at an angle.
- 2.36.1.3. A sign must not be placed on a roof.
- 2.36.1.4. A free standing sign must not exceed 2m in height.

2.36.2. Illumination of a sign.

- 2.36.2.1. Flashing or revolving lights must not be used on any sign.
- 2.36.2.2. A sign visible from a State Highway in a 100km/hr area must not be illuminated unless the premises the sign relates to is open for business.
- 2.36.2.3. A temporary sign must not be illuminated, either from within the sign itself or externally through a floodlight or similar method of illumination.
- 2.36.2.4. The illumination must not result in greater than 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.
- 2.36.2.5. The illumination must not result in greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 or Business 1 or 2.

2.36.3. Land development sign.

- 2.36.3.1. A maximum of 6m² of signage can be attached to the site frontage for the duration of the development phase. The maximum can be comprised of a single sign or a combination of smaller signs.
- 2.36.3.2. Land development signs must be removed within one week of unconditional agreements for sale and purchase being made by the vendor with respect to all allotments or units in the development.

2.36.4. Real estate sign (professional or private).

- 2.36.4.1. To cater for a multiagency listing, a maximum of three real estate signs are permitted per site at any one time.
- 2.36.4.2. The maximum area per real estate sign must not exceed 1m².

2.36.4.3. The sign must be located within the boundary of the site; or if in the road reserve, they must not be further than 150mm from, and parallel to, the boundary of the site being advertised.

2.36.4.4. The real estate sign must be displayed only while the property or building is for sale or lease, but must be removed within one week of the property being sold, leased or withdrawn from the market.

2.36.5. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.

2.36.5.1. A maximum of 6m² of signage can be attached to the site frontage for the duration of the construction phase. The maximum can be comprised of a single sign or a combination of smaller signs.

2.36.5.2. Safety and hazard signs are exempt from Standards 2.35.1.2 and 2.36.5.1.

2.36.6. Sign displayed on a utility site, or public park or reserve.

2.36.6.1. The sign must be limited to that necessary for giving direction, identifying the site or facility, identifying a utility operator, displaying public information or assisting public safety.

2.36.6.2. For a utility, a sign must not exceed 1.2m² in area.

2.36.6.3. A sign for the purpose of identifying a reserve, conservation area, recreational track or public land, shall not exceed 3m² in area and 3m in height.

2.36.7. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

2.36.7.1. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 6m² on any land zoned Business 1, Industrial 1, Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

2.36.7.2. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 3m² on any land zoned Business 2.

2.36.7.3. Where a pavement sign (except a teardrop banner) is used it must:

- (a) not exceed 750mm in height by 600mm width;
- (b) be located directly adjacent to the business or activity to which it relates;
- (c) maintain a 2.5m wide pedestrian access way;
- (d) not exceed one pavement sign per business.

2.36.7.4. Only one teardrop banner is permitted per business.

2.36.7.5. A sign attached to, but under, a street veranda must be:

- (a) no closer than 2.5m to the footpath below;
- (b) set back at least 500mm from the kerb of the road;
- (c) be at least 3m away from any other under veranda sign.

2.36.7.6. A street veranda fascia sign must be contained within the area of the veranda fascia for the subject premise.

- 2.36.7.7. A sign above a veranda, but attached to the veranda, must not exceed 1.2m in height above the top of the veranda, and must be set back at least 500mm from the fascia line.
- 2.36.8. Sign on any land zoned Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.**
- 2.36.8.1. A sign must be located immediately adjacent to the access to the property to which it relates.
- 2.36.8.2. A sign must be erected generally at right angles to the road frontage but be angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting back into the motorist's vision.
- 2.36.9. Temporary sign for a community (including electoral), special, educational or recreational event.**
- 2.36.9.1. A sign must not be erected more than three months prior to the date of the commencement of the activity advertised nor remain erected more than one week following completion of that activity.
- 2.36.9.2. A temporary sign need not relate to an activity in the district or on the site on which it is located.
- 2.36.9.3. The maximum area of a temporary sign must not exceed 2m² in area.
- 2.36.9.4. A temporary sign on any land zoned Open Space 1, Open Space 2, Open Space 3 or Open Space 4 must not exceed 3m² in area, with a maximum height of 3m above ground level.
- 2.36.9.5. A banner sign must not exceed 4m² in area.
- 2.36.9.6. The name and phone number of the person responsible for the sign must be provided on the sign.
- 2.36.9.7. Only one temporary sign (except an electoral sign) per property at any time.
- 2.36.9.8. A safety and hazard sign is exempt from Standards 2.35.1.2, and 2.36.9.1 to 2.36.9.7 (inclusive).

2.37. Discretionary Activities

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

[D]

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

[D]

- 2.37.2. Any land use activity relating to the placement of signage not provided for as a Permitted Activity.**

Network Utilities

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

2.38. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.39:

[R, D]

2.38.1. Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouses or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) a water or sewerage treatment facility, underground pipe network for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) a telephone call box or the erection and use of a postal box.

[R, D]

2.38.2. Telecommunication line or cable over the bed of a lake or river.

[D]

2.38.3. Trenching for cable laying.

[D]

2.38.4. Maintenance and replacement of the following network utility infrastructure existing at 9 June 2016:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility.

[D]

2.38.5. Minor upgrading of the following network utility infrastructure existing at 9 June 2016:

- (a) an electricity line or facility;

- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility.

[D]

2.38.6. Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility existing at 9 June 2016.

2.39. Standards that apply to specific permitted activities

2.39.1. Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouse or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) water and sewerage treatment facilities, underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) telephone call boxes and the erection and use of postal boxes.

2.39.1.1. The utility must not be in the Coastal Marine Zone.

2.39.1.2. The utility must not be in the White Bluffs Outstanding Feature and Landscape.

2.39.1.3. The maximum height of a building must not exceed 5m.

2.39.1.4. The maximum gross floor area of a building must not exceed 65m².

2.39.1.5. The maximum height of a facility or network utility structure, aerial or antenna for a telecommunication, radiocommunication or meteorological facility must not exceed 25m above ground level.

2.39.1.6. On land within the Wairau Dry Hills Landscape the maximum height of a utility structure (including any associated aerial, antennae mounting or aerial antennae, mast tower, pole cable or line) must not exceed 15m above the associated building platform.

2.39.1.7. The maximum height of any aerial or support structure attached to the top of a building must not exceed the height of the building by more than 3m.

2.39.1.8. The maximum diameter of a dish antenna must not exceed 3m.

2.39.1.9. A new line, including a cable television line, must be located underground within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 1, Business 2, Industrial 1, Industrial 2, Open Space 1 or Open Space 2.

- 2.39.1.10. A network utility structure for a line within the Rural Environment Zone or Coastal Environment Zone must be set back a minimum distance of 15m from any road intersection and must be measured parallel from the centreline of the carriageways, at the point where the roads intersect.
- 2.39.1.11. A building larger than 15m² in ground floor area or over 2m in height must be setback from the road boundary by a distance of not less than half the height of the building.
- 2.39.1.12. On any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building larger than 1m² in ground floor area or 2m in height must be set back from the property boundaries by a distance of not less than half the height of the structure.
- 2.39.1.13. Excavation, filling, vegetation clearance (indigenous and non-indigenous), noise and discharge rules for the relevant zone in which the network utility is located must be complied with.
- 2.39.1.14. A line or network utility structure, or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located:
- (a) in, or within 8m of, a Significant Wetland;
 - (b) within 8m of a river or the Drainage Channel Network;
 - (c) on, or adjacent to, any land used for the purposes of a farm airstrip, or in such a manner as to adversely affect the safe operation of a farm airstrip existing at the time of the Plan becoming operative.

2.39.2. Trenching for cable laying.

- 2.39.2.1. Any earth not placed back in the trench must be re-located in a stable location.
- 2.39.2.2. Trenching must not occur in, or within 8m of, a Significant Wetland or Water Resource Unit with a Natural State water quality classification.
- 2.39.2.3. Trenching must not occur within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 2.39.2.4. The vegetation cover of a trench site must be restored within 6 months of the end of the operation.
- 2.39.2.5. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 2.39.2.6. Trenching must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;

- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the trenching site;
- (c) the change in reflectance must be <50%.

2.39.3. Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility existing at 9 June 2016.

- 2.39.3.1. Vegetation (except noxious plants under the Noxious Plants Act) must not be removed by chemical, fire or mechanical means within 8m of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 2.39.3.2. Where clearance is by hand or mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 2.39.3.3. All trees must be felled away from a river (excluding an ephemeral river, or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.
- 2.39.3.4. No tree or log may be dragged through the bed of a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area.
- 2.39.3.5. Wheeled or tracked machinery must not be operated in or within 8m of a river (excluding an ephemeral river or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.
- 2.39.3.6. Woody material greater than 100mm in diameter or soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

2.40. Discretionary Activities

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

[R, D]

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

[R, D]

2.40.2. Any land use activity involving a network utility not provided for as a Permitted Activity.

Temporary Military Training Activity

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

2.41. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.42:

[D]

2.41.1. Temporary military training activity.

2.42. Standards that apply to specific permitted activities

2.42.1. Temporary military training activity.

- 2.42.1.1. The activity must be limited to a period not exceeding 31 days.
- 2.42.1.2. Permanent structures must not be constructed.
- 2.42.1.3. Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:
- (a) Noise levels measured from a line 20m from, and parallel to, the nominal boundary of any dwelling or the legal boundary where this is closer to the dwelling must not exceed the following limits:

Time	Limits (DBA)		
	L ₁₀	L ₉₅	L _{MAX}
Any Day			
6:30 am - 7:30 am	60	45	70
7:30 am – 6.00 pm	75	60	90
6.00 pm – 8.00 pm	70	55	85
8.00 pm - 6:30 am	55		

- 2.42.1.4. Impulse noise resulting from the use of explosives, explosives simulators small arms must not exceed 122dBC.

2.43. Discretionary Activities

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

[D]

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

[D]

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

Chapter 3 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
3.1.6	3.3.6.2(d) to (h) (inclusive), 3.3.6.3
3.1.7	All
3.1.8	3.3.8.2(c) to (f) (inclusive), 3.3.8.3
3.1.9	All
3.1.10	3.3.10.5
3.1.11 to 3.1.13 (inclusive)	All
3.1.14	3.3.14.1, 3.3.14.2, 3.3.14.3(a) and (b), 3.3.14.4 to 3.3.14.6 (inclusive), 3.3.14.9 to 3.3.14.12 (inclusive)
3.1.16	3.3.16.1 to 3.3.16.3 (inclusive), 3.3.16.5 to 3.3.16.7 (inclusive), 3.3.16.8(a) and (b), 3.3.16.9, 3.3.16.11, 3.3.16.12
3.1.17	3.3.17.1(a), (c) to (f) (inclusive), 3.3.17.2 to 3.3.17.10 (inclusive)
3.1.18	3.3.18.3
3.1.19	3.3.18.1 to 3.3.19.3 (inclusive), 3.3.19.5
3.1.20 to 3.1.43 (inclusive)	All
3.5.1	n/a
3.6.1 ¹	n/a
3.6.6, 3.6.8, 3.6.9, 3.6.12	n/a
3.7.1, 3.7.3 to 3.7.11, 3.7.14 ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

3. Rural Environment Zone

3.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 3.2 and 3.3:

[D]

3.1.1. Farming.

[D]

3.1.2. Farm airstrip or farm helipad.

[D]

3.1.3. Relocated building.

[D]

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

[D]

3.1.5. Audible bird-scaring device.

[R, D]

3.1.6. Commercial forestry planting and carbon sequestration forestry planting (non-permanent).

[R]

3.1.7. Commercial forestry harvesting.

[R, D]

3.1.8. Woodlot forestry planting.

[R]

3.1.9. Woodlot forestry harvesting.

[R, D]

3.1.10. Conservation planting and carbon sequestration forestry planting (permanent).

[R, D]

3.1.11. Indigenous vegetation clearance.

[R, D]

3.1.12. Non-indigenous vegetation clearance.

[R, D]

3.1.13. Cultivation.

[R, D]

3.1.14. Excavation.

[D]

3.1.15. Excavation or filling within the National Grid Yard.

[R, D]

3.1.16. Filling of land with clean fill.

[R, D]

3.1.17. Bore construction or alteration (except geotechnical bores constructed for the investigation of sub-surface conditions).

[R, D]

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

[R, D]

3.1.19. Construction of an off-river dam.

[R, D]

3.1.20. Land disturbance to create and maintain a fire break.

[R]

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

[R]

3.1.22. Application of an agrichemical into or onto land.

[R]

3.1.23. Application of fertiliser or lime into or onto land.

[R]

3.1.24. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air onto private land.

[R]

3.1.25. Application of compost or solid agricultural waste into or onto land.

[R]

3.1.26. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

3.1.27. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

[R]

3.1.28. Discharge of dairy farm effluent into or onto land.

[R]

3.1.29. Discharge of swimming or spa pool water into or onto land.

[R]

3.1.30. Discharge of human effluent into or onto land.

[R]

3.1.31. Disposal of farm rubbish into a pit.

[R]

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

[R]

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

[R]

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

[R]

3.1.35. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

[R]

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

[R]

3.1.38. Discharge of contaminants to air from seed cleaning.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

3.1.44. Residential activity.

[D]

3.1.45. Home occupation.

[D]

3.1.46. Homestay.

[D]

3.1.47. Keeping of domestic livestock.

[D]

3.1.48. Worker accommodation.

[D]

3.1.49. Marae activity on:

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

[D]

3.1.50. Papakāinga.

[D]

3.1.51. Emergency service activities of the New Zealand Fire Service on Lot 1 DP 5102 (Wairau Valley Fire Station).

[D]

3.1.52. Community activity using an existing community facility.

[D]

3.1.53. Passive recreation.

[D]

3.1.54. Recreational event or special event.

[D]

3.1.55. Veterinary clinic.

[D]

3.1.56. Golf course.

[D]

3.1.57. Racing stable or trotting ground.

[D]

3.1.58. Cattery or kennel.

3.2. Standards that apply to all permitted activities

- 3.2.1. Construction and siting of a building or structure except a temporary building or structure, an unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).**
- 3.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register.
 - 3.2.1.2. The maximum height of a building or structure must not exceed 10m.
 - 3.2.1.3. Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m.
 - 3.2.1.4. On a site smaller than 4000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.
 - 3.2.1.5. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
 - 3.2.1.6. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.
 - 3.2.1.7. A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
 - 3.2.1.8. A building or structure must not be located within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.
 - 3.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
 - 3.2.1.10. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of any stopbank, or the sea.
 - 3.2.1.11. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. For the purposes of this Standard, the net site area does not include a greenhouse utilising the soils of the site.
 - 3.2.1.12. For a site larger than 4000m², the following minimum setbacks must be provided:
 - (a) 8m for the front boundary;
 - (b) 8m for the rear boundary;
 - (c) 5m for a side boundary.
 - 3.2.1.13. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
 - (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
 - 3.2.1.14. On land within the Wairau Dry Hills Landscape:

- (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below any Significant Ridgeline;
 - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 3.2.1.15. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 3.2.1.16. A building or structure must not be within a Level 3 Flood Hazard Area.
- 3.2.1.17. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
 - (b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;
 - (c) a building alteration or addition must be contained within the original building height and footprint;
 - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 3.2.1.18. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
 - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

3.2.2. Airport protection.

- 3.2.2.1. A structure (such as a building, mast, pole, fence, overhead telegraph cable, overhead power cable, tree or other object must not penetrate a flight path, take off, climb/approach fan or transitional slide slope described in Section A of Appendix 14 and identified in Appendix 15.
- 3.2.2.2. All exterior lighting on properties adjoining Woodbourne Airport must be directed away from the airport so as to avoid any adverse glare effects.
- 3.2.2.3. A new road must not be constructed where a take-off, climb/approach fan or transitional slide slope described in Section A of Appendix 14 and identified in Appendix 15 would pass at a lower height than 4.67m vertically above the road.

3.2.3. Noise.

- 3.2.3.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:
- | | |
|---------------------|---|
| 7.00 am to 10.00 pm | 65 dBA L _{Aeq} |
| 10.00 pm to 7.00 am | 65 dBA L _{Aeq} 75dB L _{AFmax} |
- 3.2.3.2. An activity undertaken within the Rural Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields),

Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Rural Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}

3.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) sirens and call out sirens associated with the activities of the New Zealand Fire Service;
- (b) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone;
- (c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

3.2.3.4. Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA L_{Aeq} (15 min) at all times.

3.2.3.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.2.3.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

3.2.4. Noise sensitive activity.

3.2.4.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004 Acoustics – Rating of Sound Insulation in Buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 27$ dB

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 32$ dB

Dwellings located less than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 37$ dB

3.2.4.2. For the purposes of Standard 3.2.4.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.

3.2.4.3. Standards 3.2.4.1 and 3.2.4.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 3.2.4.1, where a new bedroom forms part of the alteration. For the avoidance of

doubt only the new bedroom has to be treated in accordance with Standards 3.2.4.1 and 3.2.4.2.

- 3.2.4.4. For the purposes of Standards 3.2.4.1, 3.2.4.2 and 3.2.4.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".

3.2.5. Noise sensitive activity between the Outer Noise Control Boundary and the Inner Noise Control Boundary for Woodbourne Airport.

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

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

3.2.6. Noise sensitive activity between the Outer Noise Control Boundary and the Inner Noise Control Boundary for Picton (Koromiko) Airport.

- 3.2.6.1. Any new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

- 3.2.6.2. Any alterations or additions to an existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

3.2.7. Odour.

- 3.2.7.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

3.2.8. Smoke.

- 3.2.8.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

3.2.9. Dust.

- 3.2.9.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

3.2.10. Dust from any process vent or stack.

- 3.2.10.1. The dust must not contain hazardous substances.

- 3.2.10.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m^3 at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 3.2.10.3. Dust particles must not exceed 0.05mm size in any direction.

3.3. Standards that apply to specific permitted activities

3.3.1. Farming.

- 3.3.1.1. The farming must not include a dairy farm established after 9 June 2016.

3.3.2. Farm airstrip or farm helipad.

- 3.3.2.1. The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.

3.3.3. Relocated building.

- 3.3.3.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 3.3.3.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the relocated building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 3.3.3.3. The siting of the relocated building must also comply with Standards 3.2.1.1 to 3.2.1.18 (inclusive).

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

- 3.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
 - (a) exceed 40m^2 in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 3.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.
- 3.3.4.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 3.2.1.4 and 3.2.1.12.

[D]

3.3.5. Audible bird-scaring device.

- 3.3.5.1. A Category A or Category B device must not be operated:
 - (a) between 8.00 pm and 7.00 am the following day if the device is within 2km of a noise sensitive activity;

- (b) within 800m of any rest home, public or private hospital;
- (c) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird-scaring device);
- (d) such that sound is emitted at a level greater than 65 dB L_{AE} , measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird-scaring device).
- (e) closer than 250m to any other audible bird-scaring device.

3.3.5.2. A Category A device must not be operated:

- (a) within 100m of a public road;
- (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
- (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.

3.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour.

3.3.5.4. The device must only be operated where a crop is at risk from bird damage.

3.3.5.5. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.3.6. Commercial forestry planting and carbon sequestration forestry planting (non-permanent).

3.3.6.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.6.2. Planting must not be in, or within:

- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- (b) 100m of a habitable structure or accessory building located on any adjacent land under different ownership;
- (c) 30m of a formed and sealed public road;

- (d) 8m of a river (except an ephemeral river) or lake;
- (e) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (f) 200m of the coastal marine area;
- (g) an Afforestation Flow Sensitive Site;
- (h) Steep Erosion-Prone Land, unless replanting harvested commercial forest lawfully established;
- (i) the Limestone Coastline Outstanding Natural Feature and Landscape;
- (j) the Wairau Dry Hills Landscape.

3.3.6.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.7. Commercial forestry harvesting.

- 3.3.7.1. Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22.
- 3.3.7.2. Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.
- 3.3.7.3. Harvesting must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
 - (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 200m of the coastal marine area.
- 3.3.7.4. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.7.5. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 3.3.7.6. No excavation must occur on any land with a slope greater than 35°.
- 3.3.7.7. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 3.3.7.8. Water control measures and sediment control measures must be constructed and maintained in:
 - (a) all areas disturbed by any excavation or filling undertaken on the land;
 - (b) all forestry roads, forestry tracks or skid sites on the land (including existing forestry roads, forestry tracks or skid sites);
 - (c) such that the areas, roads, tracks and sites are stable.
- 3.3.7.9. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.

- 3.3.7.10. Notwithstanding 3.3.7.9, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 3.3.7.11. Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 3.3.7.12. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.7.13. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing) or lake except where:
- (a) access is essential to assisting in the directional felling of trees away from the river or lake;
 - (b) crossing the bed of a river to enable access;
 - (c) tree slash or soil debris must be removed from the river or lake so as to comply with other Standards for commercial forestry harvesting.
- In all cases, the Council must be notified at least 2 working days prior to the use of the machinery.
- 3.3.7.14. Wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland or the coastal marine area.
- 3.3.7.15. Trees must be fully suspended when being pulled across a river (except an ephemeral river or intermittently flowing river, when not flowing).
- 3.3.7.16. Stembuts must be lifted clear of the ground during extraction and transport to the skid site, where practicable.
- 3.3.7.17. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
 - (c) the change in reflectance must be <50%.
- 3.3.7.18. All significant forestry road failures, slope failures and skid failures must be reported to Council within 2 working days of the land owner or harvest operator (including any employee or contractor of the owner or harvest operator) becoming aware of the failures.

3.3.7.19. Within 30 days after they are no longer required to be used for harvesting, all harvesting tracks must be recovered so that the contour of the land is restored as closely as practicable to that before the harvesting or associated land disturbance.

3.3.7.20. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

3.3.8. Woodlot forestry planting.

3.3.8.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.8.2. Planting must not be in, or within:

- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- (b) 30m of a formed and sealed public road;
- (c) 8m of a river (except an ephemeral river) or lake;
- (d) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (e) 200m of the coastal marine area;
- (f) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

3.3.8.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.9. Woodlot forestry harvesting.

3.3.9.1. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
- (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 200m of the coastal marine area.

3.3.9.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.9.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

3.3.9.4. No excavation must occur on any land with a slope greater than 35°.

- 3.3.9.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 3.3.9.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 3.3.9.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.9.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 3.3.9.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.9.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.9.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
 - (c) the change in reflectance must be <50%.
- 3.3.9.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

3.3.10. Conservation planting and carbon sequestration forestry planting (permanent).

- 3.3.10.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).

- 3.3.10.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.
- 3.3.10.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building located on any adjacent land under different ownership.
- 3.3.10.4. There must be no planting within the Wairau Dry Hills Landscape.
- 3.3.10.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

3.3.11. Indigenous vegetation clearance.

- 3.3.11.1. Indigenous vegetation clearance must comply with Standards 3.3.12.1 to 3.1.12.11 (inclusive).
- 3.3.11.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive):
 - (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
 - (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
 - (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.
- 3.3.11.3. Clearance of indigenous vegetation must not occur:
 - (a) on a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 3.3.11.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
 - (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 3.3.11.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

- 3.3.11.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:
- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
 - (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

3.3.12. Non-indigenous vegetation clearance.

- 3.3.12.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 3.3.12.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 3.3.12.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- 3.3.12.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.12.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.12.6. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 3.3.12.7. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.12.8. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 3.3.12.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 3.3.12.10. Woody material greater than 100mm in diameter and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

- 3.3.12.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

3.3.13. Cultivation.

- 3.3.13.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land; except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 3.3.13.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.13.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.13.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 3.3.13.5. On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 3.3.13.6. Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;
 - (c) the change in reflectance must be <50%.

3.3.14. Excavation.

- 3.3.14.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period.
- 3.3.14.2. Excavation must not occur on any land with a slope greater than 35°.
- 3.3.14.3. Excavation must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;

- (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 3.3.14.4. The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
 - 3.3.14.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
 - 3.3.14.6. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
 - 3.3.14.7. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.
 - 3.3.14.8. There must be no excavation in excess of 500m³ per Computer Register Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:
 - (a) Chalk Range;
 - (b) Inland Kaikoura Range;
 - (c) Molesworth Station and Upper Clarence;
 - (d) Limestone Coastline.
 - 3.3.14.9. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
 - 3.3.14.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
 - 3.3.14.11. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
 - 3.3.14.12. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

3.3.15. Excavation or filling within the National Grid Yard.

- 3.3.15.1. Excavation within the National Grid Yard in the following circumstances is exempt from the remaining standards under this rule:
 - (a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

- (c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.

- 3.3.15.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 3.3.15.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 3.3.15.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 3.3.15.5. The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

3.3.16. Filling of land with clean fill.

- 3.3.16.1. The filling must not use commercial clean fill.
- 3.3.16.2. Filling in excess of 1000m³ must not occur within any 24 month period.
- 3.3.16.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 3.3.16.4. Fill must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.
- 3.3.16.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 3.3.16.6. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 3.3.16.7. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 3.3.16.8. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 8m of the landward toe of a stopbank.
- 3.3.16.9. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.16.10. There must be no filling in excess of 500m³ per Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:
 - (a) Chalk Range;
 - (b) Inland Kaikoura Range;
 - (c) Molesworth Station and Upper Clarence;
 - (d) Limestone Coastline.

- 3.3.16.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.

3.3.16.12. The filling must not occur in a Soil Sensitive Area identified as loess soils.

3.3.17. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 3.3.17.1. The bore must not be located:
- (a) within the bed of a river;
 - (b) within 8m of the landward toe of a stopbank;
 - (c) within 50m of the land application area of any on-site wastewater management system or an offal pit, unless the bore intercepts the confined layer of the Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs, unless the bore intercepts the confined layer of the Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (e) in, or within 8m of, a Significant Wetland.
 - (f) within a Groundwater Protection Area.
- 3.3.17.2. The bore casing must contain only one screen, which must not exceed 10m in length.
- 3.3.17.3. The bore must be capped at all times.
- 3.3.17.4. The bore must be constructed by a Recognised Professional.
- 3.3.17.5. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of construction or alteration of the bore.

Additional Standards for bores to be used for domestic purposes:

- 3.3.17.6. Within the Brancott FMU, the Benmorven FMU or the Omaka Aquifer FMU, the bore must not be located within 50m of an existing domestic bore on an adjacent property in different ownership.
- 3.3.17.7. In all other areas, the bore must not be located within 10m of an existing domestic bore on an adjacent property in different ownership.

Additional Standards for bores to be used for irrigation purposes:

- 3.3.17.8. Within the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU, the bore must not be located within 200m of an existing bore on an adjacent property in different ownership.

- 3.3.17.9. Within the Brancott FMU, the Benmorven FMU or the Omaka Aquifer FMU, the bore must not be located within 300m of an existing bore on an adjacent property in different ownership.
- 3.3.17.10. In all other areas, the bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

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

- 3.3.18.1. The bore must be drilled by a Recognised Professional.
- 3.3.18.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.
- 3.3.18.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

3.3.19. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 3.3.19.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 3.3.19.2. The dam must not intersect the groundwater.
- 3.3.19.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 3.3.19.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 3.3.19.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Rural Environment Zone.
- 3.3.19.6. The dam walls must comply with the setbacks for buildings in Standards 3.2.1.4 and 3.2.1.12.

3.3.20. Land disturbance to create and maintain a fire break.

- 3.3.20.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

3.3.21. Live stock entering onto, or passing across, the bed of a river.

- 3.3.21.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.
- 3.3.21.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
 - (c) the change in reflectance must be <50%.

- 3.3.21.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:
- (a) daily average carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);
 - (b) dissolved reactive phosphorus;
 - (c) dissolved inorganic nitrogen;
 - (d) Escherichia coli (E. coli).

3.3.22. Application of an agrichemical into or onto land.

- 3.3.22.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 3.3.22.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 3.3.22.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 3.3.22.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 3.3.22.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

3.3.23. Application of fertiliser or lime into or onto land.

- 3.3.23.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 3.3.23.2. Fertiliser must be stored on an impermeable, banded surface and covered at all times.
- 3.3.23.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 3.3.23.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 3.3.23.5. The application must not occur when the soil moisture exceeds field capacity.
- 3.3.23.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

3.3.24. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air onto private land.

- 3.3.24.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 3.3.24.2. All reasonable care must be exercised in the discharge so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

3.3.25. Application of compost or solid agricultural waste into or onto land.

- 3.3.25.1. The application must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of a dwelling on any adjacent land in different ownership.
- 3.3.25.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

3.3.26. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

- 3.3.26.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 3.3.26.2. The discharge must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 3.3.26.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 3.3.26.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 3.3.26.5. Ponding must not be detectable beyond 24 hours after the discharge.
- 3.3.26.6. The discharge must not result in anaerobic soil conditions.
- 3.3.26.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 3.3.26.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 3.3.26.9. Records of pH levels must be kept and available upon request by the Council.

3.3.27. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

- 3.3.27.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.
- 3.3.27.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.
- 3.3.27.3. The application must be undertaken in accordance with the manufacturer's instructions.
- 3.3.27.4. The application rates must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

3.3.28. Discharge of dairy farm effluent into or onto land.

- 3.3.28.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 3.3.28.2. The discharge must not occur within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 3.3.28.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 3.3.28.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 3.3.28.5. Ponding must not be detectable beyond 24 hours after the discharge.
- 3.3.28.6. The discharge must not result in anaerobic soil conditions.
- 3.3.28.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
- 3.3.28.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional as being sufficient to allow for discharges to be deferred so that standards 3.3.28.4, 3.3.28.5 and 3.3.28.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system.
- 3.3.28.9. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
- 3.3.28.10. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
 - (a) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (b) 20m of the boundary of any adjacent land in different ownership;
 - (c) a Flood Hazard Area.
- 3.3.28.11. From 9 June 2019, Standards 3.3.28.8, 3.3.28.9 and 3.3.28.10 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.

3.3.29. Discharge of swimming or spa pool water into or onto land.

- 3.3.29.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 3.3.29.2. The discharge must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 3.3.29.3. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 3.3.29.4. Fourteen days prior to discharging to land, swimming or spa pool water:

- (a) must be uncovered;
- (b) must not be treated with any chemicals.

3.3.30. Discharge of human effluent into or onto land.

- 3.3.30.1. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 3.3.30.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 3.3.30.3. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 3.3.30.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 3.3.30.5. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 3.3.30.6. The discharge must not occur within a Groundwater Protection Area.
- 3.3.30.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 3.3.30.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.
- 3.3.30.9. For a new discharge of human effluent to land commencing after 9 June 2016, the discharge must not occur into or onto a Soil Sensitive Area.

3.3.31. Disposal of farm rubbish into a pit.

- 3.3.31.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.
- 3.3.31.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.
- 3.3.31.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 3.3.31.4. The farm rubbish pit must not be located within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 50m of any boundary of the property or a dwelling.
- 3.3.31.5. Surface run-off must not enter the pit.

- 3.3.31.6. When a pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

3.3.32. Disposal of offal or a carcass into an offal pit.

- 3.3.32.1. The offal or carcass must be from pastoral agriculture, except intensive farming, undertaken on the same property.
- 3.3.32.2. Only offal or a carcass may be disposed of to an offal pit.
- 3.3.32.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 3.3.32.4. The offal pit must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 50m of any boundary of the property or a dwelling.
- 3.3.32.5. The offal pit must be located above the natural ground water level at all times.
- 3.3.32.6. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

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

- 3.3.33.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.
- 3.3.33.2. The pit must not be located on a Soil Sensitive Area identified as a free-draining soil or a loess soil.
- 3.3.33.3. The pit, stack or stockpile must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of any boundary of any adjacent land in different ownership.
- 3.3.33.4. The pit or stack must be completely covered by an impermeable material when not in use.
- 3.3.33.5. There must be no runoff of leachate from the pit, stack or stockpile.
- 3.3.33.6. Surface run-off must not enter the pit, stack or stockpile.

3.3.34. Storage of compost not in a pit or stack.

- 3.3.34.1. The storage of compost must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of any dwelling on any adjacent land in different ownership.

- 3.3.34.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.
- 3.3.34.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.
- 3.3.35. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:**
- (a) training people to put out fires;
 - (b) creating special smoke and fire effects for the purposes of producing films;
 - (c) fireworks display or other temporary event involving the use of fireworks.
- 3.3.35.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 3.3.35.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.
- 3.3.35.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.
- 3.3.36. Discharge of contaminants to air arising from burning in the open.**
- 3.3.36.1. Only material generated on the same property or a property under the same ownership must be burned.
- 3.3.36.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 3.3.37. Discharge of contaminants to air from burning for the purposes of vegetation clearance.**
- 3.3.37.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:
- (a) drought code - 200 or higher;
 - (b) build up index - 40 or higher.
- 3.3.38. Discharge of contaminants to air from seed cleaning.**
- 3.3.38.1. The seed cleaning operation must be contained within a building.
- 3.3.38.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor .
- 3.3.39. Discharge of contaminants to air from the burning of oil in a frost protection heater.**
- 3.3.39.1. The discharge must only take place for the purpose of preventing frost damage to crops.
- 3.3.39.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.

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

- 3.3.40.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.
- 3.3.40.2. The burner must only burn fuels approved for use in the burner.

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

- 3.3.41.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 3.3.41.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 3.3.41.3. The appliance must only burn fuels approved for use in the appliance.
- 3.3.41.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

- 3.3.42.1. No more than 5MW of heat per hour must be discharged.

3.3.43. Home occupation.

- 3.3.43.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 3.3.43.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
 - 8.00 am – 6.00 pm Monday to Friday
 - 9.00 am – 12.00 pm Saturday
- 3.3.43.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.
- 3.3.43.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

3.3.44. Homestay.

- 3.3.44.1. The homestay operation must be fully contained within a dwelling that is a Permitted Activity in the Plan.
- 3.3.44.2. The homestay must be operated by a person residing in the dwelling on the property.
- 3.3.44.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 3.3.44.4. The homestay must not accommodate more than 5 guests at any time.

3.3.45. Worker accommodation.

- 3.3.45.1. The worker accommodation must not be located within a Worker Accommodation Exclusion Area as identified in Appendix 24.

3.3.46. Marae activity on:

- (a) **That part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road;**

(b) Wairau Sec 23, Wairau 2 ML 6729 and Sec 1 ML 6729;

(c) Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.

3.3.46.1. A maximum of five papakāinga units are permitted on the marae.

3.3.46.2. A minimum land area of 80m² must be provided for each papakāinga unit.

3.3.46.3. Any setbacks required under Standards 3.2.1.4 to 3.2.1.10 (inclusive) or Standards 3.2.1.12 to 3.2.1.14 (inclusive) are to the external boundary of the property and do not apply between buildings on the site.

3.3.47. Papakāinga.

3.3.47.1. A maximum of five papakāinga units are permitted on a Computer Register.

3.3.47.2. A minimum land area of 80m² must be provided for each papakāinga unit.

3.3.47.3. Any setbacks required under Standards 3.2.1.4 to 3.2.1.10 (inclusive) or Standards 3.2.1.12 to 3.2.1.14 (inclusive) are to the external boundary of the property and do not apply between units on the site.

3.3.48. Recreational event or special event.

3.3.48.1. The event must not exceed seven consecutive days duration.

3.3.48.2. Where a site immediately adjoins or is located across a road from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.

3.3.48.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.

3.3.48.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

3.4. Controlled Activities

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

[D]

3.4.1. Erection and use of a frost fan.

Standards and terms:

3.4.1.1. Noise from a frost fan shall not exceed 55 dB LAeq (15min):

(a) at a distance of 300m from the device;

(b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);

whichever is the least distance.

3.4.1.2. Subject to Standard 3.4.1.3, sound levels must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802: 2008 Acoustics – Environmental Noise.

- 3.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5 dB penalty added to the measured level before compliance with Standard 3.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1 dB to 6.0 dB as determined by that method.
- 3.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day;
 - (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 3.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.
- 3.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of a Rural Living or Coastal Living Zone.
- 3.4.1.7. An application to erect a frost fan must include the following information:
- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
 - (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
 - (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2, Rural Living or Coastal Living, and the distance to it;
 - (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
 - (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
 - (i) a full and detailed description of the proposed frost fan;
 - (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification.

Matters over which the Council has reserved control:

- 3.4.1.8. Operational requirements of the frost fan.
- 3.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- 3.4.1.10. Operation of the frost fan for maintenance purposes.
- 3.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- 3.4.1.12. Monitoring and reporting.
- 3.4.1.13. The provision of contact details for the property owner/manager.
- 3.4.1.14. The review of conditions.

[D]

3.4.2. Sale of farm produce from a rural selling place.

Standards and terms:

- 3.4.2.1. The place must not be served by vehicular access from a State Highway.
- 3.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 3.4.2.3. The farm produce offered or displayed for sale must be grown on a farming unit owned or leased by the seller of the produce.
- 3.4.2.4. At least 1 parking space per 5m² of gross floor area of the selling place must be provided.
- 3.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

Matters over which the Council has reserved control:

- 3.4.2.6. The design and appearance of the selling place.
- 3.4.2.7. The location of the selling place.

3.5. Restricted Discretionary Activities

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

[R]

- 3.5.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.**

Matters over which the Council has restricted its discretion:

- 3.5.1.1. The effects on water quality and soil conservation from the excavation.

3.6. Discretionary Activities

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

[R, D]

3.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

3.6.2. Winery, distillery or brewery.

[D]

3.6.3. Intensive farming.

[D]

3.6.4. Visitor accommodation.

[D]

3.6.5. Community facility.

[R, D]

3.6.6. Quarrying and mineral extraction.

[D]

3.6.7. Rural industry.

[R]

3.6.8. Dairy farm established after 9 June 2016.

[R, D]

3.6.9. Commercial clean fill operation.

[D]

3.6.10. Commercial activity.

[D]

3.6.11. Any use of land not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.

[R]

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

3.7. Prohibited Activities

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

[R, D]

3.7.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

[D]

3.7.2. Planting Lodgepole pine (*Pinus contorta*).

[R, D]

3.7.3. Carbon sequestration forestry (permanent) harvesting.

[R]

3.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

[R]

3.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.

[R]

3.7.6. Disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

3.7.7. Discharge of human effluent through a soak pit established after 9 June 2016.

[R]

3.7.8. Drainage of Goulter Significant Wetland – W35.

[R]

3.7.9. Drainage of Possum Swamp Stream Significant Wetland – W116.

[R]

3.7.10. Drainage of Upper Wairau Significant Wetland – W580.

[R]

3.7.11. Drainage of Wairau Lagoons Significant Wetland – W1076.

[D]

3.7.12. Noise sensitive activities, not existing at 9 June 2016, underneath the approach and take-off flight fans within the Runway Protection Area of Main Runway 07-25 inside the Outer Noise Control Boundary for the Woodbourne Airport Zone.

[D]

3.7.13. Noise sensitive activities, not existing at 9 June 2016, underneath the first 500m of the approach and take-off flight fans for the Omaka Airport and Picton (Koromiko) Airport Zones.

[R]

3.7.14. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;**
- (b) wood which is painted, stained, oiled or coated;**
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;**
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;**
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;**
- (f) metals and materials containing metals including but not limited to cables;**
- (g) materials containing asbestos;**
- (h) material containing tar or bitumen;**
- (i) all rubber, including but not limited to, rubber tyres;**
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;**
- (k) waste oil;**
- (l) peat;**
- (m) sludge from industrial processes;**
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

Chapter 4 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
4.1.6	All
4.1.7	4.3.7.2(b) to (e) (inclusive), 4.3.7.3
4.1.8	All
4.1.9	4.3.9.3
4.1.10 to 4.1.12 (inclusive)	All
4.1.13	4.3.13.1, 4.3.13.2, 4.3.13.3(a) and (b), 4.3.13.4, 4.3.13.7 to 4.3.13.10 (inclusive)
4.1.15	4.3.5.1 to 4.3.5.3 (inclusive), 4.3.15.6 to 4.3.15.8 (inclusive), 4.3.15.9(a) and (b), 14.3.15.10, 14.3.15.11
4.1.16	4.3.16(a), (c) to (e) (inclusive), 4.3.16.2 to 4.3.16.7 (inclusive)
4.1.17	4.3.17.3
4.1.18	4.3.18.1 to 4.3.18.3 (inclusive), 4.3.18.5
4.1.19 to 4.1.42 (inclusive)	All
4.5.2	n/a
4.6.1 ¹	n/a
4.6.3, 4.6.4, 4.6.6, 4.6.8, 4.6.9, 4.6.11 and 4.6.13	n/a
4.7.1, 4.7.2, 4.7.4 to 4.7.9 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

4. Coastal Environment Zone

4.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 4.2 and 4.3:

[D]

4.1.1. Farming.

[D]

4.1.2. Farm airstrip or farm helipad.

[D]

4.1.3. Relocated building.

[D]

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

[D]

4.1.5. Audible bird-scaring device.

[R, D]

4.1.6. Commercial forestry replanting.

[R]

4.1.7. Woodlot forestry planting.

[R, D]

4.1.8. Woodlot forestry harvesting.

[R, D]

4.1.9. Conservation planting.

[R, D]

4.1.10. Indigenous vegetation clearance.

[R, D]

4.1.11. Non-indigenous vegetation clearance.

[R, D]

4.1.12. Cultivation.

[R, D]

4.1.13. Excavation.

[D]

4.1.14. Excavation or filling within the National Grid Yard.

[R, D]

4.1.15. Filling of land with clean fill.

[R, D]

4.1.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

[R, D]

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

[R, D]

4.1.18. Construction of an off-river dam.

[R, D]

4.1.19. Land disturbance to create and maintain a fire break.

[R]

4.1.20. Livestock entering onto, or passing across, the bed of any river.

[R]

4.1.21. Application of an agrichemical into or onto land.

[R]

4.1.22. Application of fertiliser or lime into or onto land.

[R]

4.1.23. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air on private land.

[R]

4.1.24. Application of compost or solid agricultural waste into or onto land.

[R]

4.1.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

4.1.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

[R]

4.1.27. Discharge of dairy farm effluent into or onto land.

[R]

4.1.28. Discharge of swimming or spa pool water onto land.

[R]

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

[R]

4.1.30. Disposal of farm rubbish into a pit.

[R]

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

[R]

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

[R]

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

[R]

4.1.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

[R]

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

[R]

4.1.37. Discharge of contaminants to air from seed cleaning.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

4.1.43. Residential activity.

[D]

4.1.44. Home occupation.

[D]

4.1.45. Homestay.

[D]

4.1.46. Keeping of domestic livestock.

[D]

4.1.47. Marae activity on Sec 1 SO 313389.

[D]

4.1.48. Papakāinga.

[D]

4.1.49. Community activity using an existing community facility.

[D]

4.1.50. Passive recreation.

[D]

4.1.51. Recreational event or special event.

[D]

4.1.52. Veterinary clinic.

[D]

4.1.53. Golf course.

[D]

4.1.54. Racing stable or trotting ground.

[D]

4.1.55. Cattery or kennel.

4.2. Standards that apply to all permitted activities

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

4.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register.

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

4.2.1.3. On a site smaller than 4000m², no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.

4.2.1.4. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.

4.2.1.5. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.

4.2.1.6. A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

- 4.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 4.2.1.8. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.
- 4.2.1.9. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. The net site area does not include any greenhouse utilising the soils of the site.
- 4.2.1.10. For a site larger than 4000m², the following minimum setbacks must be provided:
- (a) 8m for the front boundary;
 - (b) 8m for the rear boundary;
 - (c) 5m for a side boundary.
- 4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:
- (a) a building or structure must not exceed 10m²;
 - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.12. On land within the Marlborough Sounds Coastal Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.13. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 4.2.1.14. A building or structure must not be within a Level 3 Flood Hazard Area.
- 4.2.1.15. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
 - (b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;
 - (c) building alterations and additions must be contained within the original building height and footprint;
 - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 4.2.1.16. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
 - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

4.2.2. Noise.

- 4.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	65 dBA L_{Aeq}	
10.00 pm to 7.00 am	65 dBA L_{Aeq}	75dB L_{AFmax}

- 4.2.2.2. An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}

- 4.2.2.3. The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Coastal Environment Zone;
- (b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

- 4.2.2.4. Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA L_{Aeq} (15 min) at all times.

- 4.2.2.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

- 4.2.2.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

4.2.3. Noise sensitive activity.

- 4.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 27$ dB

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 32$ dB

Dwellings located less than 100m from the nearest frost fan $DnT,w + Ctr_{50-3150} \geq 37$ dB

- 4.2.3.2. For the purposes of Standard 4.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.

- 4.2.3.3. Standards 4.2.3.1 and 4.2.3.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 4.2.3.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 4.2.3.1 and 4.2.3.2.
- 4.2.3.4. For the purposes of Standards 4.2.3.1, 4.2.3.2 and 4.2.3.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".
- 4.2.4. Odour.**
- 4.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 4.2.5. Smoke.**
- 4.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 4.2.6. Dust.**
- 4.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.
- 4.2.7. Dust from any process vent or stack.**
- 4.2.7.1. The dust must not contain hazardous substances.
- 4.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 4.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

4.3. Standards that apply to specific permitted activities

- 4.3.1. Farming.**
- 4.3.1.1. The farming must not include a dairy farm established after 9 June 2016.
- 4.3.2. Farm airstrip or farm helipad.**
- 4.3.2.1. The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.
- 4.3.3. Relocated building.**
- 4.3.3.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 4.3.3.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the relocated building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 4.3.3.3. The siting of the relocated building must also comply with Standards 4.2.1.1 to 4.2.1.16 (inclusive).

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

- 4.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 4.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.
- 4.3.4.3. A temporary building or structure, or unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 4.2.1.3 and 4.2.1.10.

4.3.5. Audible bird-scaring device.

- 4.3.5.1. A Category A or Category B device must not be operated:
- (a) between 8.00 pm and 7.00 am the following day if the device is within 2km of a noise sensitive activity;
 - (b) within 800m of any rest home, public or private hospital;
 - (c) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
 - (d) such that sound is emitted at a level greater than 65 dB LAE, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
 - (e) closer than 250m to any other audible bird-scaring device.
- 4.3.5.2. A Category A device must not be operated:
- (a) within 100m of a public road;
 - (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
 - (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.
- 4.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour.
- 4.3.5.4. The device must only be operated where a crop is at risk from bird damage.
- 4.3.5.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.3.6. Commercial forestry replanting.

4.3.6.1. Replanting must not be in, or within:

- (a) 8 metres of a river (except an ephemeral river) or lake;
- (b) 8m of a Significant Wetland;
- (c) 30 metres of the coastal marine area.

4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.7. Woodlot forestry planting.

4.3.7.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

4.3.7.2. Planting must not be in, or within:

- (a) 30m of a formed and sealed public road;
- (b) 8m of a river (except an ephemeral river) or lake;
- (c) 8m of a Significant Wetland;
- (d) 200m of the coastal marine area;
- (e) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

4.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.8. Woodlot forestry harvesting.

4.3.8.1. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
- (b) 8m of a Significant Wetland;
- (c) 200m of the coastal marine area.

4.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

4.3.8.4. No excavation must occur on any land with a slope greater than 35°.

- 4.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 4.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 4.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.8.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.8.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
 - (c) the change in reflectance must be <50%.
- 4.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

4.3.9. Conservation planting.

- 4.3.9.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).

- 4.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.
- 4.3.9.3. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

4.3.10. Indigenous vegetation clearance.

- 4.3.10.1. Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).
- 4.3.10.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):
 - (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
 - (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
 - (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.
- 4.3.10.3. Clearance of indigenous vegetation must not occur:
 - (a) on a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 4.3.10.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
 - (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 4.3.10.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.
- 4.3.10.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:
 - (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;

- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

4.3.11. Non-indigenous vegetation clearance.

- 4.3.11.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 4.3.11.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 4.3.11.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland.
- 4.3.11.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.11.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.11.6. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.11.7. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.11.8. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 4.3.11.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 4.3.11.10. Woody material greater than 100mm in diameter and soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.11.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;

- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
- (c) the change in reflectance must be <50%.

4.3.12. Cultivation.

- 4.3.12.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 4.3.12.6. Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;
 - (c) the change in reflectance must be <50%.

4.3.13. Excavation.

- 4.3.13.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period.
- 4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.
- 4.3.13.3. Excavation must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of a Significant Wetland;
 - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.

- 4.3.13.6. There must be no excavation in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.13.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in a area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 4.3.13.10. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

4.3.14. Excavation or filling within the National Grid Yard.

- 4.3.14.1. Excavation within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):
 - (a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
 - (c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.
- 4.3.14.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 4.3.14.5. The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

4.3.15. Filling of land with clean fill.

- 4.3.15.1. The filling must not use commercial clean fill.
- 4.3.15.2. Filling in excess of 1000m³ must not occur within any 24 month period.

- 4.3.15.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 4.3.15.4. Fill must not be within a Level 2 or 3 Flood Hazard Area.
- 4.3.15.5. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.15.6. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 4.3.15.7. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 4.3.15.8. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 4.3.15.9. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of, a Significant Wetland;
 - (c) 8m of the landward toe of a stopbank.
- 4.3.15.10. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.15.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.

4.3.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 4.3.16.1. The bore must not be located:
 - (a) within the bed of a river;
 - (b) within 8m of the landward toe of a stopbank;
 - (c) within 50m of the land application area of any on-site wastewater management system or an offal pit;
 - (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs;
 - (e) in, or within 8m of, a Significant Wetland;

- 4.3.16.2. The bore casing must contain only one screen, which must not exceed 10m in length.
- 4.3.16.3. The bore must be capped at all times.
- 4.3.16.4. The bore must be constructed by a Recognised Professional.
- 4.3.16.5. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of construction or alteration of the bore.

Additional Standards for bores to be used for domestic purposes:

- 4.3.16.6. The bore must not be located within 10m of an existing bore used for domestic purposes on an adjacent property in different ownership.

Additional Standards for bores to be used for irrigation purposes:

- 4.3.16.7. The bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

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

- 4.3.17.1. The bore must be drilled by a Recognised Professional.
- 4.3.17.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.
- 4.3.17.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

4.3.18. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 4.3.18.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 4.3.18.2. The dam must not intersect the groundwater.
- 4.3.18.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 4.3.18.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 4.3.18.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Coastal Environment Zone.
- 4.3.18.6. The dam walls must comply with the setbacks for buildings in Standards 4.2.1.3 and 4.2.1.10.

4.3.19. Land disturbance to create and maintain a fire break.

- 4.3.19.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

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

- 4.3.20.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.

- 4.3.20.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
 - (c) the change in reflectance must be <50%.
- 4.3.20.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:
- (a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);
 - (b) dissolved reactive phosphorus;
 - (c) dissolved inorganic nitrogen;
 - (d) Escherichia coli (E. coli).

4.3.21. Application of an agrichemical into or onto land.

- 4.3.21.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 4.3.21.2. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.21.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 4.3.21.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

4.3.22. Application of fertiliser or lime into or onto land.

- 4.3.22.1. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.22.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.
- 4.3.22.5. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

4.3.23. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air on private land.

- 4.3.23.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.

- 4.3.23.2. All reasonable care must be exercised in the discharge so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

4.3.24. Application of compost or solid agricultural waste into or onto land.

- 4.3.24.1. The application must not occur within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 10m of a dwelling on any adjacent land in different ownership.
- 4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

4.3.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

- 4.3.25.1. The discharge must not occur within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.25.4. Ponding must not be detectable beyond 24 hours after the discharge.
- 4.3.25.5. The discharge must not result in anaerobic soil conditions.
- 4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 4.3.25.8. Records of pH levels must be kept and available upon request by the Council.

4.3.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

- 4.3.26.1. Pest Plants identified in the Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.
- 4.3.26.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.
- 4.3.26.3. The application must be undertaken in accordance with the manufacturer's instructions.
- 4.3.26.4. The application rate must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

4.3.27. Discharge of dairy farm effluent into or onto land.

- 4.3.27.1. The discharge must not occur within:
- (a) 50m of a bore;

- (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 10m of the boundary of any adjacent land in different ownership.
 - 4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
 - 4.3.27.3. The discharge must not occur when the soil moisture exceeds field capacity.
 - 4.3.27.4. Ponding must not be detectable beyond 24 hours after the discharge.
 - 4.3.27.5. The discharge must not result in anaerobic soil conditions.
 - 4.3.27.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
 - 4.3.27.7. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system.
 - 4.3.27.8. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
 - 4.3.27.9. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
 - (a) 20m of a river, lake, Significant Wetland or drainage channel;
 - (b) 20m of the boundary of any adjacent land in different ownership;
 - (c) a Flood Hazard Area.
 - 4.3.27.10. From 9 June 2019, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.
- 4.3.28. Discharge of swimming or spa pool water onto land.**
- 4.3.28.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
 - 4.3.28.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
 - 4.3.28.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.
- 4.3.29. Discharge of human effluent into or onto land through an onsite management system.**
- 4.3.29.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
 - 4.3.29.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.

- 4.3.29.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 4.3.29.4. There must be:
- (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, groundwater or coastal water.
- 4.3.29.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 4.3.29.6. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 4.3.29.7. The discharge must not occur within 50m of a bore.
- 4.3.29.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

4.3.30. Disposal of farm rubbish into a pit.

- 4.3.30.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.
- 4.3.30.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.
- 4.3.30.3. The farm rubbish pit must not be located within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 50m of any boundary of the property or a dwelling.
- 4.3.30.4. Surface run-off must not enter the pit.
- 4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

4.3.31. Disposal of offal or a carcass into an offal pit.

- 4.3.31.1. The offal or carcass must be sourced from pastoral agriculture (except intensive farming) undertaken on the same property.
- 4.3.31.2. Only offal or a carcass may be disposed of to an offal pit.
- 4.3.31.3. The offal pit must not be located within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 50m of any boundary of the property or a dwelling.
- 4.3.31.4. The offal pit must be located above the natural ground water level at all times.
- 4.3.31.5. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

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

- 4.3.32.1. The pit, stack or stockpile must not be located within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland or drainage channel;
 - (c) 10m of any boundary of any adjacent land in different ownership.
- 4.3.32.2. The pit or stack must be completely covered by an impermeable material when not in use.
- 4.3.32.3. There must be no runoff of leachate from the pit, stack or stockpile.
- 4.3.32.4. Stormwater must not enter the pit, stack or stockpile.

4.3.33. Storage of compost not in a pit or stack.

- 4.3.33.1. The storage of compost must not occur within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland, or drainage channel;
 - (c) 10m of any dwelling on any adjacent land in different ownership.
- 4.3.33.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

4.3.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

- 4.3.34.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 4.3.34.2. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 4.3.35.1. Only material generated on the same property or a property under the same ownership must be burned.

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

- 4.3.36.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:
- (a) drought code - 200 or higher;
 - (b) build up index - 40 or higher.

4.3.37. Discharge of contaminants to air from seed cleaning.

- 4.3.37.1. The seed cleaning operation must be contained within a building.

4.3.37.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.

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

4.3.38.1. The discharge must only take place for the purpose of preventing frost damage to crops.

4.3.38.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.

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

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

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

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

4.3.40.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

4.3.40.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

4.3.40.3. The appliance must only burn fuels approved for use in the appliance.

4.3.40.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

4.3.41.1. No more than 5MW of heat per hour must be discharged.

4.3.42. Home occupation.

4.3.42.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

4.3.42.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:

8.00 am – 6.00 pm Monday to Friday

9.00 am – 12.00 pm Saturday

4.3.42.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

4.3.42.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

4.3.43. Homestay.

4.3.43.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

4.3.43.2. The homestay must be operated by a person residing in the dwelling on the property.

4.3.43.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

4.3.43.4. The homestay must not accommodate more than 5 guests at any time.

4.3.44. Marae activity on Sec 1 SO 313389.

4.3.44.1. A maximum of five papakāinga units are permitted on the marae.

4.3.44.2. A minimum land area of 80m² must be provided for each papakāinga unit.

4.3.44.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the property and do not apply between buildings on the site.

4.3.45. Papakāinga.

4.3.45.1. A maximum of five papakāinga units are permitted on a Computer Register.

4.3.45.2. A minimum land area of 80m² must be provided for each papakāinga unit.

4.3.45.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the property and do not apply between units on the site.

4.3.46. Recreational event or special event.

4.3.46.1. The event must not exceed seven consecutive days duration.

4.3.46.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.

4.3.46.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.

4.3.46.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

4.4. Controlled Activities

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

[D]

4.4.1. Erection and use of a frost fan.

Standards and terms:

4.4.1.1. Noise from a frost fan shall not exceed 55 dB LAeq (15min):

(a) at a distance of 300m from the device;

(b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);

whichever is the least distance.

4.4.1.2. Subject to Standard 4.4.1.3, sound levels must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802: 2008 Acoustics – Environmental Noise.

- 4.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5 dB penalty added to the measured level before compliance with Standard 4.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1 dB to 6.0 dB as determined by that method.
- 4.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day; or
 - (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 4.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.
- 4.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of any land zoned Rural Living or Coastal Living.
- 4.4.1.7. An application to erect a frost fan must include the following information:
- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
 - (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
 - (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 Zone, Rural Living or Coastal Living Zone, and the distance to it;
 - (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
 - (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
 - (i) a full and detailed description of the proposed frost fan;
 - (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification.

Matters over which the Council has reserved control:

- 4.4.1.8. Operational requirements of the frost fan.
- 4.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- 4.4.1.10. Operation of the frost fan for maintenance purposes.
- 4.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- 4.4.1.12. Monitoring and reporting.
- 4.4.1.13. The provision of contact details for the property owner/manager.
- 4.4.1.14. Review of conditions.

[D]

4.4.2. Sale of farm produce from a rural selling place.

Standards and terms:

- 4.4.2.1. The place must not be served by vehicular access from a State Highway.
- 4.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 4.4.2.3. The farm produce offered or displayed for sale must be grown on a farming unit owned or leased by the seller of the produce.
- 4.4.2.4. At least 1 parking space per 5m² of gross floor area of the selling place must be provided.
- 4.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

Matters over which the Council has reserved control:

- 4.4.2.6. The design and appearance of the selling place.
- 4.4.2.7. The location of the selling place.

4.5. Restricted Discretionary Activities

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

[D]

4.5.1. Construction and siting of a building or structure exceeding 10m² on land within the Marlborough Sounds Outstanding Natural Feature and Landscape.

Matters over which the Council will exercise discretion:

- 4.5.1.1. The effects of the building or structure on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.

[R]

- 4.5.2. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.**

Matters over which the Council has restricted its discretion

- 4.5.2.1. The effects on water quality and soil conservation from the excavation.

4.6. Discretionary Activities

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

[R, D]

- 4.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.**

[D]

- 4.6.2. Visitor accommodation.**

[R, D]

- 4.6.3. Commercial forestry planting.**

[R, D]

- 4.6.4. Commercial forestry harvesting.**

[D]

- 4.6.5. Community facility.**

[R, D]

- 4.6.6. Quarrying and mineral extraction.**

[D]

- 4.6.7. Rural industry.**

[R]

- 4.6.8. Dairy farm established after 9 June 2016.**

[R, D]

- 4.6.9. Commercial clean fill operation.**

[D]

- 4.6.10. Commercial activity.**

[R]

- 4.6.11. Discharge human effluent into or onto land through an onsite wastewater management system.**

[D]

- 4.6.12. Any use of land not provided for as Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.**

[R]

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

4.7. Prohibited Activities

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

[R]

4.7.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

[R]

4.7.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

[D]

4.7.3. Planting Lodgepole pine (*Pinus contorta*).

[R]

4.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

[R]

4.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.

[R]

4.7.6. Disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

4.7.7. Discharge of human effluent through a soak pit established after 9 June 2016.

[R]

4.7.8. Drainage of Kauauroa Bay Significant Wetland – W1026.

[R]

4.7.9. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;**
- (b) wood which is painted, stained, oiled or coated;**
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;**
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;**
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;**
- (f) metals and materials containing metals including but not limited to cables;**
- (g) materials containing asbestos;**
- (h) material containing tar or bitumen;**
- (i) all rubber, including but not limited to, rubber tyres;**

- (j) **synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;**
- (k) **waste oil;**
- (l) **peat;**
- (m) **sludge from industrial processes;**
- (n) **animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

Chapter 5 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
5.1.15	5.3.10.3 to 5.3.10.15 (inclusive)
5.1.16	5.3.11.3
5.1.17 to 5.1.27 (inclusive)	All
5.4.1 ¹	n/a
5.4.5	n/a
5.5.2 to 5.5.7 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

5. Urban Residential 1 and 2 Zone (including Urban Residential 2 Greenfields Zone)

5.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 5.2 and 5.3:

[D]

5.1.1. Residential activity.

[D]

5.1.2. Home occupation.

[D]

5.1.3. Marae activity on:

(a) Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.

(b) Lot 1 & 2 DP 11713, Waikawa West 6 & 7 ML 6923 and Sec 47 Blk XII Linkwater SD.

[D]

5.1.4. Papakāinga.

[D]

5.1.5. Community housing.

[D]

5.1.6. Homestay.

[D]

5.1.7. Visitor accommodation.

[D]

5.1.8. Show home with no office.

[D]

5.1.9. Specifically identified activities listed as permitted on sites scheduled in Appendix 16.

[D]

5.1.10. Garden Maintenance.

[D]

5.1.11. Relocated building.

[D]

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

[D]

5.1.13. Community activity using an existing community facility.

[D]

5.1.14. Park or reserve.

[R, D]

5.1.15. Excavation or filling.

[R, D]

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

[R]

5.1.17. Discharge of human effluent into or onto land.

[R]

5.1.18. Application of an agrichemical into or onto land.

[R]

5.1.19. Discharge of swimming or spa pool water into or onto land.

[R]

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

[R]

5.1.21. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

- 5.1.28. Grazing of livestock for maintenance of undeveloped land.**

[D]

- 5.1.29. Farming on a Computer Register in the Urban Residential 2 Greenfields Zone prior to the part or full development of the site for residential activity.**

[D]

- 5.1.30. Emergency service activities of the New Zealand Fire Service on Secs 10 and 12 Blk XIV TN of Seddon (Seddon Fire Station), Lot 1 DP 5124 (Ward Fire Station) and Sec 234 Town of Havelock (Havelock Fire Station).**

5.2. Standards that apply to all permitted activities

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

5.2.1.1. Within the Urban Residential 1 Zone, the construction or siting of a dwelling must be on a Computer Register with a net site area no less than 290m².

5.2.1.2. Within the Urban Residential 1 Zone, the construction or siting of a dwelling on land must meet the following access requirements:

- (a) access for one dwelling must be a minimum width of 3.0m;
- (b) access for two to four dwellings must be a minimum width of 3.5m and a minimum sealed width of 3.0m;
- (c) access for five to six dwellings must be a minimum width of 6.0m and a minimum sealed width of 5.0m.

5.2.1.3. No more than one residential dwelling must be construction or sited per Computer Register within the Urban Residential 2 Zone.

5.2.1.4. In the Urban Residential 2 Zone, permanent buildings must not cover more than 45% of the net site area.

5.2.1.5. The maximum height of a building or structure must not exceed 7.5m.

5.2.1.6. No part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

5.2.1.7. Any part of a wall of a dwelling must be setback a minimum of 1m from the property boundary.

- 5.2.1.8. Height recession and boundary setbacks do not apply where a building shares a party wall.
- 5.2.1.9. The minimum outdoor amenity area of a dwelling must be:
- (a) 50m² within the Urban Residential 1 Zone;
 - (b) 70m² within the Urban Residential 2 Zone.
- 5.2.1.10. The outdoor amenity area for a dwelling must:
- (a) be able to accommodate a circle of 5m in diameter;
 - (b) not be orientated to the south of the dwelling;
 - (c) have direct contact with the main indoor living area through an external door;
 - (d) not include driveways, parking spaces or buildings but may include decking;
 - (e) have a slope of no more than 5 degrees in any direction.
- 5.2.1.11. A front entrance garage or other non-habitable accessory building must be setback a minimum of 1m behind the main face of the dwelling; except where the dwelling is setback 10m or more from the road frontage.
- 5.2.1.12. Notwithstanding Standard 5.2.1.11, a garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.
- 5.2.1.13. On Lot 15 DP 395434 dwellings or habitable buildings must not be located within 12m of the property boundary as shown in Appendix 19.
- 5.2.1.14. A building or structure must be set back a minimum of 8m from a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank.
- 5.2.1.15. The height of a fence or part of a fence must not exceed 2m.
- 5.2.1.16. The height of a fence or any part of a fence on a boundary between the Urban Residential 2 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.
- 5.2.1.17. A building or structure in which human effluent will be created must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 5.2.1.18. A building or structure must not be constructed or sited within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.
- 5.2.1.19. A building or structure must not be within a Level 3 Flood Hazard Area.
- 5.2.1.20. A building or structure must not be constructed or sited within 20m of a Riparian Natural Character Management Area.

5.2.2. Noise.

- 5.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}

This standard does not to sirens and call out sirens associated with the activities of the New Zealand Fire Service.

5.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

5.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

5.2.3. Use of external lighting.

5.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).

5.2.4. Odour.

5.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

5.2.5. Smoke.

5.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

5.2.6. Dust.

5.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

5.2.7. Dust from any process vent or stack.

5.2.7.1. The dust must not contain hazardous substances.

5.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.

5.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

5.3. Standards that apply to specific permitted activities

5.3.1. Home occupation.

5.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

5.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:

8.00 am – 6.00 pm	Monday to Friday
9.00 am – 12.00 pm	Saturday

5.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

5.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

5.3.2. Marae activity on:

- (a) **Sec 23, 40, 43 and 46 Blk III Taylor Pass SD and Sec 3 SO 6922.**
- (b) **Lot 1 & 2 DP 11713, Waikawa West 6 & 7 ML 6923 and Sec 47 Blk XII Linkwater SD.**

- 5.3.2.1. A maximum of five papakāinga units are permitted on the marae.
- 5.3.2.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 5.3.2.3. Any setbacks required under Standards 5.2.1.6, 5.2.1.7, 5.2.1.8, 5.2.1.11, 5.2.1.12, 5.2.1.14, 5.2.1.18, 5.2.1.20 are to the external boundary of the property and do not apply between buildings on the site.

5.3.3. Papakāinga.

- 5.3.3.1. A maximum of five papakāinga units are permitted on a Computer Register.
- 5.3.3.2. A minimum land area of 80 square metres must be provided for each papakāinga unit.
- 5.3.3.3. Any setbacks required under Standards 5.2.1.6, 5.2.1.7, 5.2.1.8, 5.2.1.11, 5.2.1.12, 5.2.1.14, 5.2.1.18, 5.2.1.20 are to the external boundary of the property and do not apply between units on the site.

5.3.4. Community housing.

- 5.3.4.1. The total floor area of buildings used for community housing must not exceed 250m² per Computer Register.

5.3.5. Homestay.

- 5.3.5.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.
- 5.3.5.2. The homestay must be operated by a person residing in the dwelling on the property.
- 5.3.5.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 5.3.5.4. The homestay must not accommodate more than 5 guests at any time.

5.3.6. Visitor accommodation.

- 5.3.6.1. The manager of the accommodation must reside on the site on which the visitor accommodation is being provided.
- 5.3.6.2. Visitor accommodation must have a street frontage onto any one of the following roads:

Blenheim

- (a) Battys Road between the intersection with Lakings Road and the intersection of New Renwick Road.
- (b) Boyce Street.
- (c) Colemans Road between the intersection with Middle Renwick Road and the intersection of Clouston Gardens.
- (d) Murphys Road between the intersection with Middle Renwick Road and the intersection of Aston Street.
- (e) Middle Renwick between the intersection with Colemans Road and the intersection of Rose Street.

- (f) High Street between the intersection with Henry Street and the intersection of Beaver Road.
- (g) Henry Street between the intersection with High Street and the intersection of Maxwell Road.
- (h) Henry Street between the intersection with Alfred Street and the intersection of John Street.
- (i) Maxwell Road between the intersection with Seymour Street and the intersection of Graham Street.
- (j) Main Street between the intersection with Symons Street and the intersection of Market Street.
- (k) Seymour Street between the intersection with Maxwell Road and the intersection of Francis Street.
- (l) Dodson Street between the intersection with Grove Road and the intersection of Warwick Street.
- (m) Budge Street between the intersection with Grove Road and the intersection of Shirtliff Street.
- (n) Redwood Street between the intersection with Stephenson Street and the intersection of McCartney Street.
- (o) Main Street between the intersection with Lybster Street and the intersection of Dunbeath Street.

Picton

- (a) Wairau Road between the intersection with Durham Street and the intersection of Auckland Street.
- (b) Kent Street between the intersection with Wairau Road and the intersection of Lagoon Road.
- (c) Auckland Street.
- (d) High Street.
- (e) Wellington Street.
- (f) Waikawa Road between the intersection with Rutland Street and the intersection of Sussex Street.

Renwick

- (a) High Street.

5.3.7. Relocated building.

- 5.3.7.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 5.3.7.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 5.3.7.3. The siting of the relocated building must also comply with Standard 5.2.1.6.

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

- 5.3.8.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

5.3.8.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 5.3.8.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

5.3.8.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 5.3.8.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 5.2.1.6.

5.3.9. Park or reserve.

5.3.9.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

5.3.9.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

5.3.10. Excavation or filling.

5.3.10.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance from landward toe of the stopbank.

5.3.10.2. Excavation or filling must not be within a Level 3 Flood Hazard Area.

5.3.10.3. The maximum volume for excavation must not exceed 50m³ per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.

5.3.10.4. The maximum volume for filling must not exceed 50m³ per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.

5.3.10.5. Excavation must not occur on land with a slope greater than 10°.

5.3.10.6. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.

5.3.10.7. Excavation must not intercept groundwater, and filling must not cause any ponding of surface run-off.

5.3.10.8. Excavation or filling must not occur in, or within 8m of a river, Significant Wetland, drainage channel or Drainage Channel Network.

5.3.10.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

5.3.10.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

5.3.10.11. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. No culvert size less than 300mm may be used to drain any excavation or fill areas.

5.3.10.12. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.

- 5.3.10.13. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 5.3.10.14. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 5.3.10.15. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

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

- 5.3.11.1. The bore must be drilled by a Recognised Professional.
- 5.3.11.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 5.3.11.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

5.3.12. Discharge of human effluent into or onto land.

- 5.3.12.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 5.3.12.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 5.3.12.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 5.3.12.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 5.3.12.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 5.3.12.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 5.3.12.7. The discharge must not occur within a Groundwater Protection Area.
- 5.3.12.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 5.3.12.9. The discharge must not be within a Level 3 Flood Hazard Area.

5.3.13. Application of an agrichemical into or onto land.

- 5.3.13.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 5.3.13.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 5.3.13.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 5.3.13.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 5.3.13.5. All sprays must be applied with hand held equipment.

[R]

5.3.14. Discharge of swimming or spa pool water into or onto land.

- 5.3.14.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 5.3.14.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 5.3.14.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.

[R]

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

- 5.3.15.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 5.3.15.2. Only material generated on the same property or a property under the same ownership can be burned.
- 5.3.15.3. The total volume of material being burned must not exceed 2m³.

5.3.16. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

- 5.3.16.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 5.3.16.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.
- 5.3.16.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

- 5.3.17. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.**
- 5.3.17.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
 - 5.3.17.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 5.3.17.3. The appliance must only burn fuels approved for use in the appliance.
 - 5.3.17.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.
- 5.3.18. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.**
- 5.3.18.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 5.3.18.2. The burner must only burn fuels approved for use in the burner.
- 5.3.19. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except an enclosed pellet burner).**
- 5.3.19.1. The continued use of the specified appliance is only permitted until 9 June 2017.
 - 5.3.19.2. The appliance must burn only fuels approved for use in the appliance.
- 5.3.20. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**
- 5.3.20.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 5.3.20.2. The appliance must only burn fuels approved for use in the appliance.
- 5.3.21. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.**
- 5.3.21.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
 - 5.3.21.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 5.3.21.3. The appliance must burn only fuels approved for use in the appliance.

5.4. Discretionary Activities

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

[R, D]

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

[D]

- 5.4.2. Professional office.**

[D]

- 5.4.3. Community facility.**

[D]

- 5.4.4. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[R]

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

5.5. Prohibited Activities

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

[D]

- 5.5.1. Industrial activity.**

[R, D]

- 5.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

- 5.5.3. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.**

[R]

- 5.5.4. Discharge of contaminants to air within the Blenheim Airshed from an indoor open fire, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.**

[R]

- 5.5.5. From 9 June 2017 the discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance (except a pellet burner) that has been installed for more than 15 years.**

[R]

- 5.5.6. Discharge of contaminants to air within the Blenheim Airshed, from the burning of solid fuel in a small scale solid fuel burning appliance that does not meet the**

applicable permitted activity standards, unless the fire is used exclusively for the cooking or smoking of food.

[R]

5.5.7. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 6 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
6.1.8	6.3.3.2 to 6.3.3.13
6.1.9 to 6.1.18 (inclusive)	All
6.4.1 ¹	n/a
6.4.5	n/a
6.5.2 to 6.5.4 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

6. Urban Residential 3 Zone

6.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 6.2 and 6.3.

[D]

6.1.1. Residential activity.

[D]

6.1.2. Home occupation.

[D]

6.1.3. Garden maintenance.

[D]

6.1.4. Relocated building.

[D]

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

[D]

6.1.6. Community activity using a community facility.

[D]

6.1.7. Park or reserve.

[R, D]

6.1.8. Excavation or filling.

[R]

6.1.9. Discharge of swimming or spa pool water into or onto land.

[R]

6.1.10. Discharge of human effluent into or onto land.

[R]

6.1.11. Application of an agrichemical into or onto land.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

6.1.19. Grazing of livestock for maintenance of undeveloped land.

6.2. Standards that apply to all permitted activities

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

6.2.1.1. No more than one residential dwelling must be construction or sited per Computer Register.

6.2.1.2. Permanent buildings must not cover more than 30% of the net site area.

6.2.1.3. The maximum height a building or structure must not exceed 10m.

6.2.1.4. No part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

6.2.1.5. Any part of a wall of a dwelling must be setback a minimum of 1m from the property boundary.

6.2.1.6. Height recession and boundary setbacks do not apply where a building shares a party wall.

6.2.1.7. The outdoor amenity area for the dwelling must:

(a) not be orientated to the south of the dwelling;

- (b) have direct contact with the main indoor living area through an external door;
- (c) not include driveways, parking spaces or buildings but may include decking;
- (d) have a slope of no more than 5 degrees in any direction.

- 6.2.1.8. A front entrance garage or other non-habitable accessory building must be setback a minimum of 1m behind the main face of the dwelling; except where the dwelling is setback 10m or more from the road frontage.
- 6.2.1.9. Notwithstanding Standard 6.2.1.8, a garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.
- 6.2.1.10. The height of a fence or part of a fence must not exceed 2m.
- 6.2.1.11. The height of a fence or any part of a fence on a boundary between the Urban Residential 3 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.
- 6.2.1.12. A building or structure constructed or sited, or any trees planted, must be set back a minimum of 8m from the bank of a river, Drainage Channel Network or the landward toe of a stopbank.
- 6.2.1.13. A building or structure in which human effluent will be created must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

6.2.2. Noise.

- 6.2.2.1. The activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 50 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L_{Aeq} | 70dB L_{AFmax} |
- 6.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 6.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

6.2.3. Use of external lighting.

- 6.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).

6.2.4. Odour.

- 6.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

6.2.5. Smoke.

- 6.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

6.2.6. Dust.

- 6.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

6.2.7. Dust from any process vent or stack.

- 6.2.7.1. The dust must not contain hazardous substances.
- 6.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 6.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

6.3. Standards that apply to specific permitted activities

6.3.1. Home occupation.

- 6.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 6.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
- | | |
|---------------------|------------------|
| 8.00 am to 6.00 pm | Monday to Friday |
| 9.00 am to 12.00 pm | Saturday |
- 6.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.
- 6.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

6.3.2. Relocated building.

- 6.3.2.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 6.3.2.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the building is to be relocated must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 6.3.2.3. The siting of the relocated building must also comply with Standard 6.2.1.4.

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

- 6.3.1.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- exceed 40m² in area;
 - remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 6.3.1.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.1.1 (such as

the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

- 6.3.1.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.1.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 6.2.1.4.

6.3.2. Park or reserve.

- 6.3.2.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 6.3.2.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

6.3.3. Excavation or filling.

- 6.3.3.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 6.3.3.2. The maximum volume for excavation must not exceed 50m³ per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building.
- 6.3.3.3. The maximum volume for filling must not exceed 50m³ per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building.
- 6.3.3.4. No excavation or filling must occur on land with a slope greater than 10°.
- 6.3.3.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 6.3.3.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 6.3.3.7. Excavation or filling must not occur in, or within, 8m of a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 6.3.3.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 6.3.3.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 6.3.3.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or a fill area must not be less than 300mm.
- 6.3.3.11. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 6.3.3.12. Where the excavation or filling results in areas of exposed soil those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 6.3.3.13. The fill must not contain any:
- (a) hazardous substances;
 - (b) combustible or organic materials;

- (c) any other contaminant subject to chemical or biological breakdown;
- (d) liquids or sludge.

6.3.4. Discharge of swimming or spa pool water into or onto land.

- 6.3.4.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 6.3.4.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 6.3.4.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.

6.3.5. Discharge of human effluent into or onto land.

- 6.3.5.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 6.3.5.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 6.3.5.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 6.3.5.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 6.3.5.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 6.3.5.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 6.3.5.7. The discharge must not occur within a Groundwater Protection Area.
- 6.3.5.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

6.3.6. Application of an agrichemical into or onto land.

- 6.3.6.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 6.3.6.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

- 6.3.6.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 6.3.6.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 6.3.6.5. All sprays must be applied with hand held equipment.
- 6.3.7. Discharge of contaminants to air arising from burning in the open.**
 - 6.3.7.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
 - 6.3.7.2. Only material generated on the same property or a property under the same ownership can be burned.
 - 6.3.7.3. The total volume of material being burned must not exceed 2m³.
- 6.3.8. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.**
 - 6.3.8.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
 - 6.3.8.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 6.3.8.3. The appliance must only burn fuels approved for use in the appliance.
 - 6.3.8.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.
- 6.3.9. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.**
 - 6.3.9.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 6.3.9.2. The burner must only burn fuels approved for use in the burner.
- 6.3.10. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is 15 years of age or older (except a pellet burner).**
 - 6.3.10.1. The continued use of the specified appliance is only permitted until 9 June 2017.
 - 6.3.10.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 6.3.10.3. The appliance must burn only fuels approved for use in the device.
- 6.3.11. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except a pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**
 - 6.3.11.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
 - 6.3.11.2. The appliance must only burn fuels approved for use in the device.

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

- 6.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 6.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 8.
- 6.3.12.3. The appliance must burn only fuels approved for use in the device.

6.4. Discretionary Activities

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

[R, D]

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

[D]

6.4.2. Visitor accommodation.

[D]

6.4.3. Professional office.

[D]

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

[R]

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

6.5. Prohibited Activities

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

[D]

6.5.1. Industrial activity.

[R, D]

6.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

6.5.3. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

- 6.5.4. Discharge of contaminants to air arising from the burning of any of the following materials:**
- (a) wood having a moisture content of more than 25% dry weight;**
 - (b) wood which is painted, stained, oiled or coated;**
 - (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;**
 - (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;**
 - (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;**
 - (f) metals and materials containing metals including but not limited to cables;**
 - (g) materials containing asbestos;**
 - (h) material containing tar or bitumen;**
 - (i) all rubber, including but not limited to, rubber tyres;**
 - (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;**
 - (k) waste oil;**
 - (l) peat;**
 - (m) sludge from industrial processes;**
 - (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

Chapter 7 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
7.1.8 to 7.1.10 (inclusive)	All
7.1.11	7.3.9.3 to 7.3.9.14
7.1.13 to 7.1.19 (inclusive)	All
7.4.1 ¹	n/a
7.4.4 and 7.4.7	n/a
7.5.1, 7.5.2, 7.5.4 to 7.5.6 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

7. Coastal Living Zone

7.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 7.2 and 7.3:

[D]

7.1.1. Residential activity.

[D]

7.1.2. Home occupation.

[D]

7.1.3. Homestay.

[D]

7.1.4. Papakāinga.

[D]

7.1.5. Relocated building.

[D]

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

[D]

7.1.7. Grazing of livestock.

[R, D]

7.1.8. Planting of vegetation.

[R, D]

7.1.9. Indigenous vegetation clearance.

[R, D]

7.1.10. Non-indigenous vegetation clearance.

[R, D]

7.1.11. Excavation or filling.

[D]

7.1.12. Excavation or filling within a National Grid Yard.

[R]

7.1.13. Application of an agrichemical into or onto land.

[R]

7.1.14. Discharge of swimming or spa pool water into or onto land.

[R]

7.1.15. Discharge human effluent into or onto land through any onsite wastewater management system.

[R]

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

[R]

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

[R]

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

[R]

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

[D]

7.1.20. Park or reserve.

[D]

7.1.21. Community activity using an existing community facility.

7.2. Standards that apply to all permitted activities

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

7.2.1.1. No more than one residential dwelling must be construction or sited per Computer Register.

7.2.1.2. A building or structure in which human effluent will be generated must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if there is a Council operated sewerage system within 30m of the property boundary or 60m of the closest building.

7.2.1.3. The maximum height of a building or structure must not exceed 7.5m, except that where pole foundations are used, the maximum height must not exceed 10m.

7.2.1.4. Permanent buildings must not cover more than 15% of net site area.

7.2.1.5. A building must not be constructed or sited within 28m of the Coastal Marine Zone.

7.2.1.6. On a site smaller than 4,000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary. The exception to this Standard is where a site boundary abuts the street or road, in that case no part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street or road.

- 7.2.1.7. Notwithstanding Standard 7.2.1.5, on a site larger than 4,000m², a building must not be constructed or sited from within 8m of any boundary.
- 7.2.1.8. A building or structure must not be constructed or sited in, or within 8m of, a river, Significant Wetland or the landward toe of any stopbank.
- 7.2.1.9. On land within the Marlborough Sounds Coastal Landscape or any Marlborough Sounds Outstanding Natural Feature and Landscape, any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 7.2.1.10. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) an accessory building for a sensitive activity must not have a height greater than 2.5m and an area greater than 10m²;
 - (b) a building alteration or addition must be contained within the original building height and footprint;
 - (c) a fence must not exceed 2.5m in height;
 - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 7.2.1.11. Around National Grid support structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from any National Grid support structure;
 - (b) a building or structure must not be closer than 12m to a National Grid support structure.

7.2.2. Noise.

- 7.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:
- | | | |
|---------------------|-------------------------|-------------------------|
| 7.00 am to 10.00 pm | 50 dBA L _{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L _{Aeq} | 70dB L _{AFmax} |
- 7.2.2.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.
- 7.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

7.2.3. Use of external lighting.

- 7.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).

7.2.4. Odour.

- 7.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

7.2.5. Smoke.

- 7.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

7.2.6. Dust.

- 7.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

7.2.7. Dust from any process vent or stack.

- 7.2.7.1. The dust must not contain hazardous substances.
- 7.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 7.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

7.3. Standards that apply to specific permitted activities

7.3.1. Home occupation.

- 7.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 7.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
- | | |
|---------------------|------------------|
| 8.00 am to 6.00 pm | Monday to Friday |
| 9.00 am to 12.00 pm | Saturday |
- 7.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.
- 7.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

7.3.2. Homestay.

- 7.3.2.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.
- 7.3.2.2. The homestay must be operated by a person residing in the dwelling on the property.
- 7.3.2.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 7.3.2.4. The homestay must not accommodate more than 5 guests at any time.

7.3.3. Papakāinga.

- 7.3.3.1. A maximum of five papakāinga units are permitted on any Computer Register.
- 7.3.3.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 7.3.3.3. Any setbacks required under Standards 7.2.1.5 to 7.2.1.8 (inclusive) are to the external boundary of the property and do not apply between units on the site.

7.3.4. Relocated building.

- 7.3.4.1. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

- 7.3.4.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site and is to include connections to all infrastructure services and closing in and ventilation of the foundations. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 6 month period.
- 7.3.4.3. The siting of the relocated building must also comply with Standards 7.2.1.1 to 7.2.1.11 (inclusive).

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

- 7.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 7.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.
- 7.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 7.2.1.6 and 7.2.1.7.

7.3.6. Planting of vegetation.

- 7.3.6.1. Only indigenous species may be planted in, or within 8m of, a Significant Wetland.

7.3.7. Indigenous vegetation clearance.

- 7.3.7.1. Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.11 (inclusive).
- 7.3.7.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 7.3.7.3 to 7.3.7.6 (inclusive):
- (a) indigenous vegetation under or within 50m of commercial forest or shelter belt;
 - (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
 - (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and that clearance is within the curtilage of a dwelling.
- 7.3.7.3. Clearance of indigenous vegetation must not occur:
- (a) on a Threatened Environments – Indigenous Vegetation Site;

- (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.

7.3.7.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- (c) coastal flaxlands;
- (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
- (e) coastal broadleaved shrubland;
- (f) coastal small-leaved shrubland;
- (g) coastal salt turf;
- (h) coastal speargrass herbfield.

7.3.7.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

7.3.7.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

7.3.8. Non-indigenous vegetation clearance.

7.3.8.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

7.3.8.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

7.3.8.3. Within, or within 8 metres of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be removed. Any vegetation removed under this standard must only be done by non-mechanical means.

7.3.8.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

7.3.8.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

7.3.8.6. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

- 7.3.8.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 7.3.8.8. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 7.3.8.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 7.3.8.10. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (a) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (b) be stored on stable ground;
 - (c) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 7.3.8.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

7.3.9. Excavation or filling.

- 7.3.9.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 7.3.9.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 7.3.9.3. The maximum volume for excavation must not exceed 50m³ per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 7.3.9.4. The maximum volume for filling must not exceed 50m³ per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 7.3.9.5. Excavation must not occur on any land with a slope greater than 10°.
- 7.3.9.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 7.3.9.7. Excavation and filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 7.3.9.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

- 7.3.9.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 7.3.9.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill area must not be less than 300mm.
- 7.3.9.11. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 7.3.9.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 7.3.9.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 7.3.9.14. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

7.3.10. Excavation or filling within the National Grid Yard.

- 7.3.10.1. Excavation within the National Grid Yard in the following circumstances is exempt from the remaining standards under this rule:
 - (a) excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) excavation of a hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
 - (c) excavation of a hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.
- 7.3.10.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
- 7.3.10.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a transmission tower support structure.
- 7.3.10.4. The excavation must not compromise the stability of a National Grid support structure.
- 7.3.10.5. The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

7.3.11. Application of an agrichemical into or onto land.

- 7.3.11.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 7.3.11.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

- 7.3.11.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 7.3.11.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network.
- 7.3.11.5. All sprays must be applied with hand held equipment.

7.3.12. Discharge of swimming or spa pool water into or onto land.

- 7.3.12.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 7.3.12.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 7.3.12.3. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.

7.3.13. Discharge human effluent into or onto land through any onsite wastewater management system.

- 7.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 7.3.13.2. The human effluent must be treated through an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.
- 7.3.13.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 7.3.13.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 7.3.13.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 7.3.13.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 7.3.13.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 7.3.13.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

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

- 7.3.14.1. Only material generated on the same property or a property under the same ownership can be burned.

7.3.14.2. The total volume of material being burned must not exceed 2m³.

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

7.3.15.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

7.3.15.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

7.3.15.3. The appliance must only burn fuels approved for use in the appliance.

7.3.15.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

7.3.17. Park or reserve.

7.3.17.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

7.3.17.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

7.4. Discretionary Activities

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

[R, D]

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

[D]

7.4.2. Commercial Activity.

[D]

7.4.3. Visitor accommodation.

[R]

7.4.4. Discharge human effluent into or onto land through an onsite wastewater management system.

[D]

7.4.5. Community facility.

[D]

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

[R]

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

7.5. Prohibited Activities

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

[R, D]

- 7.5.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

[R]

- 7.5.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

[D]

- 7.5.3. Planting Lodgepole pine (*Pinus contorta*).

[R]

- 7.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

[R]

- 7.5.5. The storage and reprocessing of hazardous waste, or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

- 7.5.6. Discharge of contaminants to air arising from the burning of any of the following materials:
- (a) wood having a moisture content of more than 25% dry weight;
 - (b) wood which is painted, stained, oiled or coated;
 - (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
 - (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
 - (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
 - (f) metals and materials containing metals including but not limited to cables;
 - (g) materials containing asbestos;
 - (h) material containing tar or bitumen;
 - (i) all rubber, including but not limited to, rubber tyres;

- (j) **synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;**
- (k) **waste oil;**
- (l) **peat;**
- (m) **sludge from industrial processes;**
- (n) **animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

Chapter 8 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
8.1.8	8.3.7.2(c) to (f), and 8.3.7.3
8.1.9	All
8.1.10	8.3.9.4
8.1.11	All
8.1.12	8.3.11.3 to 8.3.11.14
8.1.13 to 8.1.20 (inclusive)	All
8.4.1 ¹	n/a
8.4.7	n/a
8.5.1, 8.5.2, 8.5.4 to 8.5.6 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

8. Rural Living Zone

8.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 8.2 and 8.3:

[D]

8.1.1. Residential activity.

[D]

8.1.2. Home occupation.

[D]

8.1.3. Homestay.

[R, D]

8.1.4. Papakāinga

[D]

8.1.5. Relocated building.

[D]

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

[D]

8.1.7. Farming.

[R, D]

8.1.8. Woodlot forestry planting.

[R]

8.1.9. Woodlot forestry harvesting.

[R, D]

8.1.10. Conservation planting.

[R]

8.1.11. Removal of vegetation.

[R, D]

8.1.12. Excavation or filling.

[R]

8.1.13. Application of an agrichemical into or onto land.

[R]

8.1.14. Discharge of swimming or spa pool water into or onto land.

[R]

8.1.15. Discharge of human effluent into or onto land.

[R]

8.1.16. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

[R]

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

[R]

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

[R]

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

[D]

8.1.21. Park or reserve.

[D]

8.1.22. Community activity using an existing community facility.

8.2. Standards that apply to all permitted activities

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

8.2.1.1. No more than one residential dwelling must be construction or sited per Computer Register.

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

8.2.1.3. Permanent buildings must not cover more than 15% of net site area.

8.2.1.4. The minimum setbacks from property boundaries must be:

- (a) 6m for a building that is a dwelling;
- (b) 3m for a building (except a dwelling) that has a gross floor area greater than 15m²;

- (c) 1.5m for a building (except a dwelling) has a gross floor area less than 15m².

- 8.2.1.5. A building or structure must not be sited in, or within 8m of a river, Significant Wetland, or the landward toe of any stopbank.
- 8.2.1.6. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 8.2.1.7. The minimum setback from the property boundaries for a building used for the housing of the following animals must be:
- (a) 4.5m for poultry and other birds;
- (b) 4.5m for dogs;
- (c) 50m for pigs;
- (d) 30m for other animals associated with farming.
- 8.2.1.8. On land within the Wairau Dry Hills Landscape:
- (a) a building platform must be located at least 20m vertically below any Significant Ridgeline, except for a building or structure with a total area not exceeding 10m²;
- (b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

8.2.2. Noise.

- 8.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 50 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L_{Aeq} | 70dB L_{AFmax} |
- 8.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 8.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

8.2.3. Noise sensitive activities.

- 8.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:
- Dwellings located less than 300m and more than 200m from the nearest frost fan. $DnT,w + Ctr50-3150 \geq 27$ dB
- Dwellings located less than 200m and more than 100m from the nearest frost fan. $DnT,w + Ctr50-3150 \geq 32$ dB
- Dwellings located less than 100m from the nearest frost fan. $DnT,w + Ctr50-3150 \geq 37$ dB

- 8.2.3.2. For the purposes of Standard 8.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of a building, normally the cladding and roof.
- 8.2.3.3. Standards 8.2.3.1 and 8.2.3.2 also apply to an alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 8.2.3.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 8.2.3.1 and 8.2.3.2.
- 8.2.3.4. For the purposes of Standards 8.2.3.1, 8.2.3.2 and 8.2.3.3, "frost fan" includes a lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".

8.2.4. Use of external lighting.

- 8.2.4.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).

8.2.5. Odour.

- 8.2.5.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

8.2.6. Smoke.

- 8.2.6.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

8.2.7. Dust.

- 8.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

8.2.8. Dust from any process vent or stack.

- 8.2.8.1. The dust must not contain hazardous substances.
- 8.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m^3 at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 8.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

8.3. Standards that apply to specific permitted activities

8.3.1. Home occupation.

- 8.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 8.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
- | | |
|---------------------|------------------|
| 8.00 am to 6.00 pm | Monday to Friday |
| 9.00 am to 12.00 pm | Saturday |

8.3.1.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.

8.3.1.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

8.3.2. Homestay.

8.3.2.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

8.3.2.2. The homestay must be operated by a person residing in the dwelling on the property.

8.3.2.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

8.3.2.4. The homestay must not accommodate more than 5 guests at any time.

8.3.3. Papakāinga.

8.3.3.1. A maximum of five papakāinga units are permitted on any Computer Register.

8.3.3.2. A minimum land area of 80m² must be provided for each papakāinga unit.

8.3.3.3. Any setbacks required under Standards 8.2.1.4, 8.2.1.5, 8.2.1.7 or 8.2.1.8 are to the external boundary of the property and do not apply between units on the site.

8.3.4. Relocated building.

8.3.4.1. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

8.3.4.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site and is to include connections to all infrastructure services and closing in and ventilation of the foundations. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 6 month period.

8.3.4.3. The siting of the relocated building must also comply with Standards 8.2.1.1 to 8.2.1.8 (inclusive).

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

8.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

(a) exceed 40m² in area;

(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

8.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

8.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 8.2.1.4.

8.3.6. Farming.

- 8.3.6.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

8.3.7. Woodlot forestry planting.

- 8.3.7.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 8.3.7.2. Planting must not be in, or within:
- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3;
 - (b) 30m of a formed and sealed public road;
 - (c) 8m of a river (except an ephemeral river) or lake;
 - (d) 8m of a Significant Wetland;
 - (e) 200m of the coastal marine area;
 - (f) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.
- 8.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

8.3.8. Woodlot forestry harvesting.

- 8.3.8.1. Harvesting must not be in, or within:
- (a) 8m of a river (except an ephemeral river, when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
 - (b) 8m of a Significant Wetland;
 - (c) 200m of the coastal marine area.
- 8.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 8.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 8.3.8.4. No excavation must occur on any land with a slope greater than 35°.
- 8.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

- 8.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 8.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 8.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 8.3.8.9. Trees, slash or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 8.3.8.10. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 8.3.8.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water within a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site;
 - (c) the change in reflectance must be <50%.
- 8.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

8.3.9. Conservation planting.

- 8.3.9.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 8.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

- 8.3.9.3. There must be no planting within the Wairau Dry Hills Landscape.
- 8.3.9.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

8.3.10. Removal of vegetation.

- 8.3.10.1. Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

8.3.11. Excavation or filling.

- 8.3.11.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 8.3.11.2. Excavation or filling must not be within a Level 2 Flood Hazard Area.
- 8.3.11.3. The maximum volume of excavation must not exceed 50m³ per Computer Register must occur within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 8.3.11.4. The maximum volume of filling must not exceed 50m³ per Computer Register must occur within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 8.3.11.5. No excavation or filling must occur on any land with a slope greater than 10°.
- 8.3.11.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 8.3.11.7. Excavation or filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 8.3.11.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 8.3.11.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 8.3.11.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill areas must not be less than 300mm.
- 8.3.11.11. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 8.3.11.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 8.3.11.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 8.3.11.14. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;

- (d) liquids or sludge.

8.3.12. Application of an agrichemical into or onto land.

- 8.3.12.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 8.3.12.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 8.3.12.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 8.3.12.4. The application must not result in the agrichemical being deposited in or on a, river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 8.3.12.5. All sprays must be applied with hand held equipment.

8.3.13. Discharge of swimming or spa pool water into or onto land.

- 8.3.13.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 8.3.13.2. The discharge must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 8.3.13.3. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 8.3.13.4. Fourteen days prior to discharging to land, swimming or spa pool water:
 - (a) must be uncovered;
 - (b) must not be treated with any chemicals.

8.3.14. Discharge of human effluent into or onto land.

- 8.3.14.1. The human effluent must be treated through an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.
- 8.3.14.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 8.3.14.3. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 8.3.14.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 8.3.14.5. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.

8.3.14.6. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

8.3.14.7. The discharge must not be within a Level 2 Flood Hazard Area.

8.3.14.8. The discharge must not be in a Soil Sensitive Area.

8.3.15. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

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

8.3.15.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.

8.3.15.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

8.3.16.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.

8.3.16.2. Only material generated on the same property or a property under the same ownership can be burned.

8.3.16.3. The total volume of material being burned must not exceed 2m³.

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

8.3.17.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

8.3.17.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

8.3.17.3. The appliance must only burn fuels approved for use in the appliance.

8.3.17.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

8.3.19. Park or reserve.

8.3.19.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

8.3.19.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

8.4. Discretionary Activities

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

[R, D]

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

[D]

- 8.4.2. Commercial activity.**

[D]

- 8.4.3. Visitor accommodation.**

[D]

- 8.4.4. Professional offices.**

[D]

- 8.4.5. Community facility.**

[D]

- 8.4.6. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[R]

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

8.5. Prohibited Activities

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

[R, D]

- 8.5.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.**

[R]

- 8.5.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.**

[D]

- 8.5.3. Planting Lodgepole pine (*Pinus contorta*).**

[R]

- 8.5.4. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

- 8.5.5. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.**

[R]

8.5.6. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;**
- (b) wood which is painted, stained, oiled or coated;**
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;**
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;**
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;**
- (f) metals and materials containing metals including but not limited to cables;**
- (g) materials containing asbestos;**
- (h) material containing tar or bitumen;**
- (i) all rubber, including but not limited to, rubber tyres;**
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;**
- (k) waste oil;**
- (l) peat;**
- (m) sludge from industrial processes;**
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

Chapter 9 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
9.1.9	All
9.1.10	9.3.5.3
9.1.11 to 9.1.19 (inclusive)	All
9.4.1 ¹	n/a
9.4.3	n/a
9.5.2 to 9.5.4 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

9. Business 1 Zone

9.1. Permitted Activities

Unless expressly limited elsewhere by a rule on the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 9.2 and 9.3:

[D]

9.1.1. Commercial activity.

[D]

9.1.2. Service activity.

[D]

9.1.3. Vehicle parking lot or parking building.

[D]

9.1.4. Park or reserve.

[D]

9.1.5. Community activity using an existing community facility.

[D]

9.1.6. Emergency service activities of the New Zealand Fire Service on Sec 2 SO 443127 and Sec 7 SO 7431 (Blenheim Fire Station) and Lot 1 DP 9780 and Pt Sec 254 and 261 TN of Picton (Picton Fire Station).

[D]

9.1.7. Residential activity.

[D]

9.1.8. Visitor accommodation.

[R, D]

9.1.9. Excavation or filling.

[R, D]

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

[R]

9.1.11. Application of an agrichemical into or onto land.

[R]

9.1.12. Discharge of contaminants to air from dry cleaning.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

9.2. Standards that apply to all permitted activities

9.2.1. Construction and siting of a building or structure.

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

dimensions specified for the recession plane in the relevant Urban Residential 1 Zone.

- 9.2.1.9. At least 50% of the ground floor walls of a building that fronts a public street, public land or public reserve must be glazed.
- 9.2.1.10. A veranda must:
- (a) not extend further than 2m from the front face of a building into the street;
 - (b) not extend closer than 0.5m to the street kerb;
 - (c) be self-supporting.
- 9.2.1.11. A building or structure in the Business 1 Zone in Blenheim must landscape 10% of the site with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof, unless the land adjoins a Landscape Exclusion Street in Appendix 18.
- 9.2.1.12. A building or structure from which stormwater will be created must connect to, and dispose of stormwater into, a Council operated stormwater system designed for that purpose if the system is within 30m of the property boundary or 60m of the closest building.
- 9.2.1.13. A building or structure in which human effluent will be created must connect to, and dispose of the effluent into, a Council operated sewerage system designed for that purpose.
- 9.2.1.14. A dwelling associated with a permitted activity can be constructed or sited where the siting and construction is designed to reduce the exposure of the occupants to external noise, as follows:
- (a) a dwelling must be constructed to achieve an indoor design sound level of 53 dBA L_{max} in a habitable space based on a designed sound level of 75 dBA L_{max} at the boundary of the site or 10m from the dwelling, whichever is the closer to the dwelling. The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided.
- 9.2.1.15. A building or structure must not be within a Level 3 Flood Hazard Area.

9.2.2. Noise.

- 9.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 60 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 55 dBA L_{Aeq} | 75dB L_{AFmax} |
- 9.2.2.2. An activity must not cause noise that exceeds the following limits at the boundary of, or within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfield) or Open Space 1:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 50 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L_{Aeq} | 70dB L_{AFmax} |
- 9.2.2.3. Sirens and call out sirens associated with the activities of the New Zealand Fire Service are excluded from having to comply with the noise limits in Standards 9.2.2.1 and 9.2.2.2.

9.2.2.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

9.2.2.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

9.2.3. Use of external lighting.

9.2.3.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.

9.2.3.2. Light spill when measured at the boundary of any adjoining property, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).

9.2.3.3. Light spill onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 2.5 Lux spill (horizontal and vertical).

9.2.4. Odour.

9.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

9.2.5. Smoke.

9.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

9.2.6. Dust.

9.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

9.2.7. Dust from any process vent or stack.

9.2.7.1. The dust must not contain hazardous substances.

9.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

9.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

9.3. Standards that apply to specific permitted activities

9.3.1. Commercial Activity.

9.3.1.1. A licenced premise must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

9.3.2. Park or reserve.

9.3.2.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

9.3.2.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

9.3.3. Residential activity.

- 9.3.3.1. Other than an entrance or lobby, and vehicle parking, residential activity must not be located on the ground level of a commercial building.

9.3.4. Excavation or filling.

- 9.3.4.1. The maximum volume of excavation must not exceed 20m³ per Computer Register within any 24 month period.
- 9.3.4.2. The maximum volume of filling must not exceed 20m³ per Computer Register within any 24 month period.
- 9.3.4.3. The volume limits in Standards 9.3.4.1 and 9.3.4.2 do not apply in the following circumstances:
- (a) any excavation or filling associated with the construction of a fence;
 - (b) Any excavation or filling associated with the establishment of the foundation of a building;
 - (c) any excavation or filling carried out in accordance with a subdivision consent.
- 9.3.4.4. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 9.3.4.5. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 9.3.4.6. The fill must not contain any:
- (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

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

- 9.3.5.1. The bore must be drilled by a Recognised Professional.
- 9.3.5.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.
- 9.3.5.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

9.3.6. Application of an agrichemical into or onto land.

- 9.3.6.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 9.3.6.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 9.3.6.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 9.3.6.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

9.3.6.5. All sprays must be applied with hand held equipment.

9.3.7. Discharge of contaminants to air from dry cleaning.

9.3.7.1. Chlorofluorocarbon solvents must not be used.

9.3.7.2. Where more than 5kg of solvent per day is used in the operation:

- (a) The discharge point must be 2m above the highest point of the building containing the dry cleaning machine;
- (b) The discharge must be vertical and unimpeded by the immediately adjacent buildings;
- (c) A record must be kept of the types and quantity of solvent used in the dry cleaning machines each day, to be supplied to the Council on request.

9.3.7.3. Any new dry cleaning plant installed after 9 June 2016 must use dry-to-dry technology.

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

9.3.8.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

9.3.8.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

9.3.8.3. The appliance must only burn fuels approved for use in the appliance.

9.3.8.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

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

9.3.10.1. The continued use of the specified appliance is only permitted until 9 June 2017.

9.3.10.2. The appliance must burn only fuels approved for use in the appliance.

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

9.3.11.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

9.3.11.2. The appliance must only burn fuels approved for use in the appliance.

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

9.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

9.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

9.3.12.3. The appliance must burn only fuels approved for use in the appliance.

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

9.3.13.1. No more than 5MW of heat per hour must be discharged.

9.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

9.5. Prohibited Activities

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

[D]

9.5.1. Heavy industrial activity.

[R]

9.5.2. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R, D]

9.5.3. The storage, reprocessing or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

9.5.4. Discharge of contaminants to air arising from the burning of any of the following materials:

(a) wood having a moisture content of more than 25% dry weight;

(b) wood which is painted, stained, oiled or coated;

- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 10 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
10.1.7	10.3.4.3 to 10.3.4.14
10.1.8	10.3.5.3
10.1.9 to 10.1.17 (inclusive)	All
10.4.1 ¹	n/a
10.4.3	n/a
10.5.1 to 10.5.3 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

10. Business 2 Zone

10.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 10.2 and 10.3:

[D]

10.1.1. Commercial activity.

[D]

10.1.2. Vehicle parking lot or parking building.

[D]

10.1.3. Park or reserve.

[D]

10.1.4. Community activity using an existing community facility.

[D]

10.1.5. Emergency service activities of the New Zealand Fire Service on Sec 15 Blk II Heringa SD (Rai Valley Fire Station).

[D]

10.1.6. Residential activity on Lot 4 DP 3279.

[R, D]

10.1.7. Excavation or filling.

[R, D]

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

[R]

10.1.9. Application of an agrichemical into or onto land.

[R]

10.1.10. Discharge of human effluent into or onto land.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

10.2. Standards that Apply to all Permitted Activities

10.2.1. Construction and siting of a building or structure.

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

- (a) a building located on a corner section must, as a minimum, be setback from the road boundaries at the corner behind a diagonal line joining points on the road boundaries 3m from the corner;
- (b) a building not located on a corner section may be built up to the road boundary;
- (c) where a property adjoins any land that is zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living, Coastal Living, Open Space 1, Open Space 2 or Open Space 3, a building must be set back a minimum of 5m from the zone boundary.

- 10.2.1.8. A building or structure must be set back a minimum of 8m from a river, drainage channel, Drainage Channel Network or the landward toe of a stopbank.
- 10.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 10.2.1.10. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

10.2.2. Noise.

- 10.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	60 dBA L_{Aeq}	
10.00 pm to 7.00 am	55 dBA L_{Aeq}	75dB L_{AFmax}
- 10.2.2.2. An activity must not cause noise that exceeds the following limits at the boundary of, or within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of a dwelling within any other zone:

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}
- 10.2.2.3. Sirens and call out sirens associated with the activities of the New Zealand Fire Service are excluded from having to comply with the noise standards.
- 10.2.2.4. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.
- 10.2.2.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

10.2.3. Use of external lighting.

- 10.2.3.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood or traffic safety.
- 10.2.3.2. Light spill when measured at the boundary of any adjoining property, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).

- 10.2.3.3. Light spill onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 2.5 Lux spill (horizontal and vertical).

10.2.4. Landscaping in the Business 2 Zone in Blenheim.

- 10.2.4.1. A minimum of 5% of the site must be set aside and landscaped.
- 10.2.4.2. All required landscaped areas must be located between the road frontage and front of buildings on the site, subject to the following exceptions:
- (a) rear sites that do not have road frontage;
 - (b) sites adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, where at least 50% of the required landscaped area must be located between the building and adjoining land.
- 10.2.4.3. Any landscaped areas must include a landscape strip of a minimum average width of 1.5m and a minimum width of 0.6m, adjacent to the road frontage, except across entranceways.
- 10.2.4.4. Landscaping strips must not be covered with any impervious surfaces. Where adjacent to or within carparks, landscape strips must be protected by wheel stop barriers to prevent damage from motor vehicles.
- 10.2.4.5. For the Business 2 Zone in Springlands only, a landscape strip with a minimum width of 1.5m must be planted and maintained to a minimum height of 1.5m on boundaries adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 and of no greater than the maximum height within the dimensions specified for recession planes in the relevant adjoining Urban Residential Zone.

10.2.5. Odour.

- 10.2.5.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

10.2.6. Smoke.

- 10.2.6.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

10.2.7. Dust.

- 10.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

10.2.8. Dust from any process vent or stack.

- 10.2.8.1. The dust must not contain hazardous substances.
- 10.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 10.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

10.3. Standards that Apply to Specific Permitted Activities

10.3.1. Commercial activity.

- 10.3.1.1. A licenced premise must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 10.3.1.2. Other than goods displayed for sale, the storage of goods outdoors must be at the rear of any building and must be screened from public view.
- 10.3.1.3. For a commercial activity in the Business 2 Zone in Springlands, the following also apply:
 - (a) The hours of operation for a commercial activity must be restricted to the hours 7.00am – 10.00pm Monday to Sunday (inclusive).
 - (b) All deliveries must be between:
 - 6.00 am and 10.00 pm Monday to Friday (inclusive);
 - 6.00 am and 8.00 pm Saturday;
 - 7.00 am and 8.00 pm Sunday or a public holiday.
 - (c) Delivery vehicles must not park on site outside of the delivery times set out in Standard 10.3.1.3(b).
 - (d) Commercial activity in the Business 2 Zone in Springlands, excluding Lot 4 DP 3279, must not exceed a maximum total gross floor area of 5700m².
 - (e) Commercial activity on Lot 4 DP 3279 must not exceed a gross floor area of 300m².

10.3.2. Park or reserve.

- 10.3.2.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 10.3.2.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

10.3.3. Residential activity on Lot 4 DP 3279.

- 10.3.3.1. While Lot 4 DP 3279 is used exclusively for residential activity its use and development is subject to the rules for the Urban Residential 2 Zone.
- 10.3.3.2. When Lot 4 DP 3279 is used in whole or in part for a commercial activity, the use and development of the property will be subject to the rules for the Business 2 Zone.

10.3.4. Excavation or filling.

- 10.3.4.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 10.3.4.2. Excavation or filling must not be within a Level 2 Flood Hazard Area.
- 10.3.4.3. The maximum volume of excavation must not exceed 50m³ per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building permitted.

- 10.3.4.4. The maximum volume of filling must not exceed 50m³ per Computer Register within any 12 month period, unless the filling is associated with the establishment of the foundation for a building permitted.
- 10.3.4.5. Excavation or filling must not occur on land with a slope greater than 10°.
- 10.3.4.6. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 10.3.4.7. Excavation must not intercept groundwater or cause ponding of surface run-off.
- 10.3.4.8. Excavation or filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 10.3.4.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 10.3.4.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 10.3.4.11. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of any culvert used to drain excavation or fill areas must not be less than 300mm.
- 10.3.4.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 10.3.4.13. Where the excavation or filling results in areas of exposed soil those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 10.3.4.14. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

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

- 10.3.5.1. The bore must be drilled by a Recognised Professional.
- 10.3.5.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.
- 10.3.5.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

10.3.6. Application of an agrichemical into or onto land.

- 10.3.6.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 10.3.6.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

- 10.3.6.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 10.3.6.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 10.3.6.5. All sprays must be applied with hand held equipment.

10.3.7. Discharge of human effluent into or onto land.

- 10.3.7.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building
- 10.3.7.2. The human effluent must be treated via on-site wastewater management system must be maintained in an efficient operating condition at all times.
- 10.3.7.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 10.3.7.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 10.3.7.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 10.3.7.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 10.3.7.7. The discharge must not occur within a Groundwater Protection Area.
- 10.3.7.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 10.3.7.9. The discharge must not be within a Level 2 Flood Hazard Area.

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

- 10.3.8.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 10.3.8.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 10.3.8.3. The appliance must only burn fuels approved for use in the appliance.
- 10.3.8.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

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

10.3.10.1. The continued use of the specified appliance is only permitted until 9 June 2017.

10.3.10.2. The appliance must burn only fuels approved for use in the appliance.

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

10.3.11.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

10.3.11.2. The appliance must only burn fuels approved for use in the appliance.

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

10.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

10.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

10.3.12.3. The appliance must burn only fuels approved for use in the appliance.

10.3.13. Discharge of heat and water vapour from cooling.

10.3.13.1. No more than 5MW of heat per hour must be discharged.

10.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

10.5. Prohibited Activities

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

[R]

10.5.1. Discharge of contaminants into air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

10.5.2. The storage, reprocessing or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

10.5.3. Discharge of contaminants into air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 11 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
11.1.3	11.3.3.2 to 11.3.3.13
11.1.4	11.3.4.3
11.1.5 to 11.1.9 (inclusive)	All
11.4.1 ¹	n/a
11.4.3	n/a
11.5.1 and 11.5.2 ²	

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

11. Business 3 Zone

11.1. Permitted Activities

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

[D]

11.1.1. Large format retail.

[D]

11.1.2. Park or reserve.

[R, D]

11.1.3. Excavation or filling.

[R, D]

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

[R]

11.1.5. Application of an agrichemical into or onto land.

[R]

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

[R]

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

[R]

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

[R]

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

11.2. Standards that apply to all permitted activities

11.2.1. Construction of a building or structure.

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

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

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

- 11.2.1.4. The minimum setback of a building from the boundary of any adjoining zone must be 8m.
- 11.2.1.5. The height of a fence, or part of a fence, must not exceed 2m.
- 11.2.1.6. Large format retail tenancy areas must have a gross floor area greater than 1000m².
- 11.2.1.7. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 11.2.1.8. Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

11.2.2. Noise.

- 11.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	60 dBA L _{Aeq}	
10.00 pm to 7.00 am	55 dBA L _{Aeq}	75dB L _{AFmax}
- 11.2.2.2. An activity must not cause noise that exceeds the following limits at the boundary of, or within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 or within the notional boundary of a dwelling within any other zone:

7.00 am to 10.00 pm	50 dBA L _{Aeq}	
10.00 pm to 7.00 am	40 dBA L _{Aeq}	70dB L _{AFmax}
- 11.2.2.3. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise
- 11.2.2.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise.

11.2.3. Use of external lighting.

- 11.2.3.1. All exterior lighting must be directed away from adjacent properties, roads and any adjoining site within the Urban Residential 2 Zone so as to avoid any adverse effects on the neighbourhood and/or traffic safety.
- 11.2.3.2. Light spill, when measured at a height of 1.5m above the ground at the zone boundary, must not exceed 8 Lux spill (horizontal and vertical).

11.2.4. Outdoor storage.

- 11.2.4.1. An outdoor storage area must be screened with a wall or fence 1.8m high or dense planting of vegetation capable of growing to 1.8m high.

11.2.5. Odour.

- 11.2.5.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

11.2.6. Smoke.

- 11.2.6.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

11.2.7. Dust.

- 11.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

11.2.8. Dust from any process vent or stack.

- 11.2.8.1. The dust must not contain hazardous substances.
- 11.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m^3 at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 11.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

11.3. Standards that apply to specific permitted activities

11.3.1. Large format retail.

- 11.3.1.1. A landscaped area of a minimum width of 3m must be established along all road boundaries and any adjoining zone, and must be planted with a minimum of one tree for every 10m of frontage. Trees must not be planted a distance of more than 25m apart or closer than 5m. At the time of planting, the trees must have a minimum height of 1.5m.
- 11.3.1.2. Hours of operation:
- (a) An activity must only occur during the hours of 7.00 am to 10.00 pm Monday to Sunday (inclusive).
 - (b) Delivery and waste collection vehicle movements must only occur during the hours of 7.00 am to 10.00 pm Monday to Saturday (inclusive) or during the hours of 9.00 am to 7.00 pm Sundays.

11.3.2. Park or reserve.

- 11.3.2.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 11.3.2.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

11.3.3. Excavation or filling.

- 11.3.3.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 11.3.3.2. The maximum volume of excavation must not exceed 50m^3 per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a large format retail building.
- 11.3.3.3. The maximum volume of filling must not exceed 50m^3 per Computer Register within any 12 month period, unless the filling is associated with the establishment of the foundation for a large format retail building.
- 11.3.3.4. No excavation or filling must occur on land with a slope greater than 10° .
- 11.3.3.5. There must be no excavation in excess of 10m^3 within a Groundwater Protection Area.

- 11.3.3.6. Excavation must not intercept groundwater or cause ponding of surface run-off.
- 11.3.3.7. Excavation and filling must not occur within, or within 8m of, a river, Significant Wetland or drainage channel.
- 11.3.3.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 11.3.3.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 11.3.3.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill areas must not be less than 300mm.
- 11.3.3.11. For staged excavations or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 11.3.3.12. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 11.3.3.13. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

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

- 11.3.4.1. The bore must be drilled by a Recognised Professional.
- 11.3.4.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 11.3.4.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

11.3.5. Application of an agrichemical into or onto land.

- 11.3.5.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 11.3.5.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 11.3.5.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 11.3.5.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 11.3.5.5. All sprays must be applied with hand held equipment.

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

11.3.6.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

11.3.6.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

11.3.6.3. The appliance must only burn fuels approved for use in the device.

11.3.6.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

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

11.3.8.1. No more than 5MW of heat per hour must be discharged.

11.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

11.5. Prohibited Activities

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

[R]

11.5.1. The storage, reprocessing or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

11.5.2. Discharge of contaminants into air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;

- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 12 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
12.1.11 to 12.1.28 (inclusive)	All
12.1.29	12.3.18.3 to 12.3.18.15 (inclusive)
12.1.31	12.3.20.3
12.1.32	All
12.4.1 ¹	n/a
12.4.4	n/a
12.5.1 to 12.5.7 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

12. Industrial 1 and 2 Zones

12.1. Permitted Activities

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

[D]

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

[D]

12.1.2. Light industrial activity within Industrial 1 Zone.

[D]

12.1.3. Commercial activity ancillary to an industrial activity.

[D]

12.1.4. Refuse transfer station within Industrial 2 Zone.

[D]

12.1.5. Truck stop within Industrial 2 Zone.

[D]

12.1.6. Service station.

[D]

12.1.7. Service industry.

[D]

12.1.8. Service activity.

[D]

12.1.9. Warehousing.

[D]

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

[R]

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

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

[R]

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

[R]

12.1.13. Discharge of contaminants into air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films.

[R]

12.1.14. Discharge of contaminants to air from a printing and publishing operation.

[R]

12.1.15. Discharge of contaminants to air from dry cleaning.

[R]

12.1.16. Discharge of contaminants to air from seed cleaning.

[R]

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

[R]

12.1.18. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth located in the Industrial 2 Zone.

[R]

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

[R]

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

[R]

12.1.21. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations in the Industrial 2 Zone.

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R, D]

12.1.29. Excavation or filling.

[D]

12.1.30. Excavation or filling within the National Grid Yard.

[R, D]

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

[R]

12.1.32. Application of an agrichemical into or onto land.

[D]

12.1.33. Emergency services facility.

[D]

12.1.34. Park or reserve.

12.2. Standards for all permitted activities

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

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

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

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

- 12.2.1.3. A building or structure (except a fence) must be set back a minimum of 3m from the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 12.2.1.4. A building or structure (except a fence) must be set back a minimum of 6m from the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, except for Lots 16 to 20 DP 348832 and Lot 2 DP 352510 for which the setback must be a minimum of 3m.
- 12.2.1.5. The height of a fence, or any part of a fence, on land adjoining a property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or fronting Grove Road, Sinclair Street, Main Street, Nelson Street or Middle Renwick Road must not exceed 2m.
- 12.2.1.6. Buildings and structures must be set back a minimum of 8m from a river, drainage channel, Drainage Channel Network or the landward toe of a stopbank.
- 12.2.1.7. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 12.2.1.8. A building or structure must not be within a Level 3 Flood Hazard Area.
- 12.2.1.9. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a building alteration or addition must be contained within the original building height and footprint;
 - (b) a fence must not exceed 2.5m in height;
 - (c) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 12.2.1.10. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
 - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

12.2.2. Noise.

Standards for the Industrial 1 Zone only:

- 12.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

At any time	70 dBA L_{Aeq}	80dB L_{AFmax}
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Exception: This noise limit does not apply to the operation of helicopters using the established helicopter pad on Pt Sec 24 Blk III Taylor Pass SD.

- 12.2.2.2. An activity must not cause noise that exceeds the following limits at the boundary with, or within, any adjacent Business 1 or 2 Zone:

7.00 am to 10.00 pm	60 dBA L_{Aeq}	
10.00 pm to 7.00 am	55 dBA L_{Aeq}	75dB L_{AFmax}

Standards for the Industrial 2 Zone only:

- 12.2.2.3. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

At any time	75 dBA L_{Aeq}	85dB L_{AFmax}
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Standards for both Industrial 1 and 2 Zones:

- 12.2.2.4. An activity must not cause noise that exceeds the following limits at or within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or within the notional boundary of a dwelling in any adjacent zone (except Industrial 1 or 2 Zones):

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}

Exception: Where Lots 16 to 20 DP 348832 and Lot 2 DP 352510 adjoin Urban Residential 2 Zone, the noise limits for Industrial 1 in 12.2.2.1 and 12.2.2.2 apply.

- 12.2.2.5. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 12.2.2.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

12.2.3. Use of external lighting.

- 12.2.3.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.
- 12.2.3.2. Light spill onto an adjoining property within the same Industrial Zone, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).
- 12.2.3.3. Light spill onto an adjoining site that is zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Industrial 1 or Industrial 2 must not exceed 2.5 Lux spill (horizontal and vertical).

12.2.4. Storage of goods outdoors.

- 12.2.4.1. An outdoor storage area must not be located within:
- 3m of a road boundary;
 - 3m of the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3;
 - 3m of the boundary of Lots 16 to 20 DP 348832 and Lot 2 DP 352510;

- (d) 6m of the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

12.2.4.2. An outdoor storage area must be screened from public view and must be screened from any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 by a solid wall or close boarded fence with a minimum height of 2m, except that this standard does not apply to the storage of goods outdoors on Lots 16 to 20 DP 348832 and Lot 2 DP 352510.

12.2.5. Odour.

12.2.5.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

12.2.6. Smoke.

12.2.6.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

12.2.7. Dust.

12.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

12.2.8. Dust from any process vent or stack.

12.2.8.1. The dust must not contain hazardous substances.

12.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.

12.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

12.3. Standards for specific permitted activities

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

12.3.1.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m^2 in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

12.3.1.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 12.3.4.1 (such as the storage of goods or materials) must not remain on site longer than 1 month.

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

12.3.2.1. The fuel used in the engine must be gas, LPG, petrol, diesel, vegetable oils or alcohol.

12.3.2.2. Fuel containing sulphur at levels greater than 0.05% by weight must not be burned.

- 12.3.2.3. The power output of the engine must not exceed 400kW, this limit applies to the total heat output from a site.
- 12.3.2.4. If the power output of the engine is between 30kW and 400kW:
 - (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period; and
 - (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.
- 12.3.2.5. Where more than one fuel type is used on the property, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.

12.3.3. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films.**

- 12.3.3.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 12.3.3.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.
- 12.3.3.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

12.3.4. Discharge of contaminants to air from a printing and publishing operation.

- 12.3.4.1. The total amount of solvents discharged to air on the site must not exceed 5kg per day.
- 12.3.4.2. A point of discharge to air must be 2m above the highest point of the building containing the operation.
- 12.3.4.3. The discharge must be vertical and unimpeded by any immediately adjacent buildings.

12.3.5. Discharge of contaminants to air from dry cleaning.

- 12.3.5.1. Chlorofluorocarbon solvents must not be used.
- 12.3.5.2. Where more than 5kg of solvent per day is used on the site:
 - (a) A point of discharge must be at least 2m above the highest point of the building containing the dry cleaning machine;
 - (b) The discharge must be vertical and unimpeded by the immediately adjacent buildings;
 - (c) A record must be kept of the types and quantity of solvent used in the dry cleaning machines each day, to be supplied to the Council on request.
- 12.3.5.3. Any new dry cleaning plant installed after 9 June 2016 must use dry-to-dry technology.

12.3.6. Discharge of contaminants to air from seed cleaning.

- 12.3.6.1. The seed cleaning operation must be contained within a building.

12.3.6.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.

12.3.6.3. There must be no dispersal or deposition of contaminants beyond the boundary of the property where the discharge originates.

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

12.3.7.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.

12.3.7.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.

12.3.7.3. Spray coating must not occur on surfaces of fixed structures that can be dismantled and transported to a spray booth.

12.3.7.4. The coating material must not contain di-isocyanates or organic plasticisers.

12.3.7.5. The discharge must occur at least 10m from a sensitive receptor beyond the boundary of the property where spray coating is undertaken.

12.3.7.6. There must be no dispersal or deposition of contaminants beyond the boundary of the property.

12.3.8. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth located in the Industrial 2 Zone.

12.3.8.1. The coating material must not contain any di-isocyanates.

12.3.8.2. The total amount of coating material sprayed on the property must not exceed 10 litres per hour.

12.3.8.3. The spray booth must be fitted with an air extraction system which vertically discharges all contaminants and exhaust air through an emission stack.

12.3.8.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of a building, land or other substantial structure within a radius, from the stack, of 35m.

12.3.8.5. The discharge must be directed vertically into the air and must not be impeded by an obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.

12.3.8.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

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

12.3.9.1. The discharge must not contain more than the following maximum heat output limits:

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

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

- 12.3.9.2. The limits in Standard 12.3.9.1 apply to the total heat output from the site. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.
- 12.3.9.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 12.3.9.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.
- 12.3.9.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.
- 12.3.9.6. The stack must comply with requirements in Appendix 8 – Schedule 5.
- 12.3.9.7. Coal must not be burned as a fuel if there are buildings higher than 6m within a 25m radius of the discharge. Fuels other than coal must not be burned if there are buildings higher than 5m within a 25m radius of the discharge.
- 12.3.9.8. The sulphur content of any coal burnt must be less than 2%.

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

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

12.3.11. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations in the Industrial 2 Zone.

- 12.3.11.1. The fibre glassing must be undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal.
- 12.3.11.2. The total amount of plastics moulded on the site must be less than 500kg per hour.
- 12.3.11.3. The total amount of fibreglass and resin used on the site must not exceed 50kg per hour.
- 12.3.11.4. The total mass of organic material discharges from the site must be less than 5kg per day.
- 12.3.11.5. Any point of discharge to air must be at least 2m above the highest point of the building containing the operation or a building located within a radius of 2.5 times the height of the discharge.
- 12.3.11.6. The air discharge must be vertical.

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

- 12.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 12.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.12.3. The appliance must only burn fuels approved for use in the appliance.
- 12.3.12.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

- 12.3.13.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.13.2. The burner must only burn fuels approved for use in the device.

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

- 12.3.14.1. The continued use of the specified appliance is only permitted until 9 June 2017.
- 12.3.14.2. The burner must burn only fuels approved for use in the burner.

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

- 12.3.15.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.15.2. The appliance must only burn fuels approved for use in the appliance.

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

- 12.3.16.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 12.3.16.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.16.3. The appliance must burn only fuels approved for use in the appliance.

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

- 12.3.17.1. No more than 5MW of heat per hour must be discharged.

12.3.18. Excavation or filling.

- 12.3.18.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 12.3.18.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 12.3.18.3. The maximum volume for excavation must not exceed 50m³ per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 12.3.18.4. The maximum volume for filling must not exceed 50m³ per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 12.3.18.5. Excavation or filling must not occur on land with a slope greater than 10°.
- 12.3.18.6. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 12.3.18.7. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 12.3.18.8. Excavation or filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 12.3.18.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 12.3.18.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 12.3.18.11. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation or filled area must not be less than 300mm.
- 12.3.18.12. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 12.3.18.13. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 12.3.18.14. Where the excavation or filling results in areas of exposed soil those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 12.3.18.15. The fill must not contain any:

- (a) hazardous substances;
- (b) combustible or organic materials;
- (c) any other contaminant subject to chemical or biological breakdown;
- (d) liquids or sludge.

12.3.19. Excavation or filling within the National Grid Yard.

- 12.3.19.1. Excavation within the National Grid Yard in the following circumstances is exempt from Standards 12.3.19.2 to 12.3.19.5 (inclusive):
 - (a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
 - (c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.
- 12.3.19.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 12.3.19.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 12.3.19.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 12.3.19.5. The fill must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

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

- 12.3.20.1. The bore must be drilled by a Recognised Professional.
- 12.3.20.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 12.3.20.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

12.3.21. Application of an agrichemical into or onto land.

- 12.3.21.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 12.3.21.2. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 12.3.21.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 12.3.21.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

12.3.21.5. All sprays must be applied with hand held equipment.

12.3.22. Park or reserve.

12.3.22.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

12.3.22.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

12.4. Discretionary Activities

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

[R, D]

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

[D]

12.4.2. Commercial activity.

[D]

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

[R]

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

12.5. Prohibited Activities

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

[R]

12.5.1. Discharge of industrial process waste to stormwater.

[R, D]

12.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste substances into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

12.5.3. From 9 June 2017 the discharge of contaminants into air within the Blenheim Airshed from the burning of solid fuel in an enclosed wood, coal or other burner (except a pellet burner) that has been installed for more than 15 years.

[R]

12.5.4. Discharge of contaminants into air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

12.5.5. Discharge of contaminants into air within the Blenheim Airshed after 9 June 2016 from an existing indoor open fire, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.

[R]

12.5.6. Discharge of contaminants into air within the Blenheim Airshed from an indoor open fire installed after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.

[R]

12.5.7. Discharge of contaminants into air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 13 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
13.1.23	13.3.12.3
13.1.28	13.3.17.1 to 13.3.17.3 (inclusive), 13.3.17.5 to 13.3.17.7 (inclusive)
13.1.29	13.3.18.1, 13.3.18.2, 13.3.18.4 to 13.3.18.8 (inclusive)
13.1.30 to 13.1.44 (inclusive)	All
13.4.6	n/a
13.5.1 ¹	n/a
13.5.5 and 13.5.6	n/a
13.6.1 to 13.6.6 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

13. Port Zone

13.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 13.2 and 13.3:

[C]

13.1.1. Shipping activities, as follows: movement and other activities associated with the berthing and departure of ships, ship anchorage, ship docking and berthage, and mooring activities (except swing moorings).

[C]

13.1.2. Use of surface water by a ship.

[D, C]

13.1.3. Cargo handling, the storage of cargo, or the loading and unloading of a ship.

[D]

13.1.4. Processing of cargo (except wood or forestry) that is delivered by ship to the Port for processing.

[C, D]

13.1.5. Passenger terminal for the embarking, disembarking and the transit of passengers from ships, including passenger administration, ticketing facilities for tourist and transport activities, vehicle rental operations, retail activities associated with passenger transit and café's.

[D]

13.1.6. Port engineering.

[D, C]

13.1.7. Establishment and operation of a marine fuel facility.

[D]

13.1.8. Truck fuel facility.

[D, C]

13.1.9. Border control or a quarantine activity.

[D]

13.1.10. Maintenance, storage, servicing or repair of equipment associated with marine farming or commercial fishing.

[D]

13.1.11. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

[D]

13.1.12. Maritime education or maritime research activity.

[D]

13.1.13. Port administration activity.

[D]

13.1.14. Living accommodation facility for port staff.

[C]

13.1.15. Maintenance, repair or replacement of a building or structure in the coastal marine area.

[C, D]

13.1.16. Removal or demolition of a building or structure.

[D, C]

13.1.17. Cable or line on an existing lawfully established structure, where the cable or line is securely fixed and taut against the structure.

[C, D]

13.1.18. Marine navigational aid (including lighting), and any supporting structure.

[C]

13.1.19. Replacement of a submarine or suspended cable or line.

[C]

13.1.20. Temporary structure or equipment for scientific monitoring purposes.

[D]

13.1.21. Transportation activity including the construction of a road, right-of-way or path, the construction of a railway, vehicle or trailer parking, manoeuvring and transit, railway activity, transit and maintenance, bus station activity or vehicle rental operations.

[C]

13.1.22. Coastal recreation.

[R, D]

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

[C]

13.1.24. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels necessary for ship berthage and manoeuvring.

[C]

13.1.25. Dredging, and associated disturbance to the foreshore and seabed, within the Port Zone at Havelock.

[C]

13.1.26. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

[C]

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

[R, D]

13.1.28. Excavation.

[R, D]

13.1.29. Filling of land with clean fill.

[R, D]

13.1.30. Non-indigenous vegetation clearance.

[R, D]

13.1.31. Indigenous vegetation clearance.

[C]

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

[C]

13.1.33. Take and use of coastal water.

[R]

13.1.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[C]

13.1.45. Occupation of the coastal marine area associated with any permitted activity except Coastal Recreation.

13.2. Standards that apply to all permitted activities

13.2.1. Construction, use, maintenance, repair, replacement or extension of a building or structure on land above mean high water springs or on an existing wharf, to be used for a permitted activity.

13.2.1.1. The maximum height of a light tower, crane, lifting device, mast elevator, machinery room, conveyor belt, linkspan or gangway, flagpole and antenna, must not exceed 35m.

13.2.1.2. The maximum height of silos existing at 9 June 2016 and located on Lot 1 DP 4166, Lot 1 DP 7579 and Lot 1 DP 4973 must not exceed 35m.

13.2.1.3. Notwithstanding Standards 13.2.1.1 and 13.2.1.2, the maximum height of a building or structure on land above mean high water springs must not exceed 12m above natural ground level or the ground level established by reclamation.

13.2.1.4. The maximum height of a building or structure on a wharf must not exceed 10m.

- 13.2.1.5. The minimum setback of a building or structure to a public road must be 3m.
- 13.2.1.6. The minimum setback of a building or structure to any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, must be 6m.
- 13.2.1.7. The land within the minimum building setbacks to any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, must not be used for port operations (including motor vehicle parking), cargo handling or a cargo containment area.
- 13.2.1.8. The minimum setback of a building or structure to the boundary of a Zone not specified in 13.2.1.6, except the Coastal Marine Zone, must be 3m.
- 13.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

13.2.2. Disturbance of the foreshore or seabed.

- 13.2.2.1. All adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance.
- 13.2.2.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 13.2.2.3. The disturbance must not adversely affect navigational safety.
- 13.2.2.4. There must be no contaminants released from equipment being used for the disturbance.
- 13.2.2.5. All equipment must be removed from the coastal marine area on completion of the operation.

13.2.3. Noise.

- 13.2.3.1. For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Zone does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Inner Noise Control Boundary.	65 $L_{dn(5 \text{ days})}$ 68 $L_{dn(1 \text{ day})}$	60 dB $L_{Aeq(9 \text{ hours})}$ 65 $L_{Aeq(15 \text{ min})}$ 85 dB L_{AFMax}

- 13.2.3.2. For port operations in Havelock, an activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Zone does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Outer Noise Control Boundary.	55 $L_{dn(5 \text{ days})}$ 58 $L_{dn(1 \text{ day})}$	50 dB $L_{Aeq(9 \text{ hours})}$ 55 $L_{Aeq(15 \text{ min})}$ 75 dB L_{AFMax}

- 13.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) noise generated by a train, vehicle or vessel operation, a navigational aid, safety signal, warning device or emergency pressure relief valve;
- (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (c) noise generated by a ship under way.

13.2.3.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

13.2.3.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

13.2.4. Noise sensitive activity.

13.2.4.1. A new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock are adequately insulated from port noise.

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

13.2.5. Use of external lighting.

13.2.5.1. Light spill onto any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 2.5 Lux spill (horizontal and vertical).

13.2.5.2. Light spill onto any land zoned other than Port Zone or Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 10 Lux spill (horizontal and vertical).

13.2.5.3. All exterior lighting (except street lights) must be directed away from any land zoned other than Port Zone and any road.

13.2.6. Storage of waste.

13.2.6.1. Waste must not be stored within 6m of the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

13.2.6.2. Stored waste must be screened from public view.

13.2.6.3. Stored waste must be stored in a covered container.

13.2.6.4. No contaminant must be discharged from a waste storage container.

13.2.7. Odour.

13.2.7.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

13.2.8. Smoke.

13.2.8.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

13.2.9. Dust.

- 13.2.9.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

13.2.10. Dust from any process vent or stack.

- 13.2.10.1. The dust must not contain hazardous substances.
- 13.2.10.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 13.2.10.3. Dust particles must not exceed 0.05mm size in any direction.

13.3. Standards that apply to specific permitted activities

13.3.1. Processing of cargo (except wood or forestry) that is delivered by a ship to a port for processing.

- 13.3.1.1. That activity must not result in any waste discharge.
- 13.3.1.2. The processing must not involve a connection to the municipal water supply.
- 13.3.1.3. Processing, including storage of material before or after processing, must not result in a discharge to land, air or water (including coastal water).

13.3.2. Port engineering.

- 13.3.2.1. There must be no contaminants released into the coastal marine area.

13.3.3. Truck fuel facility.

- 13.3.3.1. Accommodation must not be provided as part of the activity.

13.3.4. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

- 13.3.4.1. The activity must not be undertaken within 10m of the coastal marine area.
- 13.3.4.2. All anti-foul or biofoul waste, coating waste or other contaminant removed must be captured and stored for disposal in a covered container located in a roofed area.
- 13.3.4.3. The waste must not be disposed of to the coastal marine area.
- 13.3.4.4. The activity must not result in any paint entering a waterbody (including coastal water).
- 13.3.4.5. The activity must not result in deposition of anti-foul or bio-foul material on property owned or occupied by persons other than those who carry out the activity.

13.3.5. Living accommodation facility for port staff.

- 13.3.5.1. The accommodation must be on-site and ancillary to the operations of the port.
- 13.3.5.2. The accommodation must only be provided to employees of the operator of the port.

13.3.6. Maintenance, repair or replacement of a building or structure in the coastal marine area.

- 13.3.6.1. In the case of replacement of a building or structure, the original building or structure must have been lawfully established.
- 13.3.6.2. There must be no increase in the height, size or scale of the building or structure.
- 13.3.6.3. The effects of the activity occurring in or on the replacement building or structure must be the same intensity and scale as those occurring in or on the building or structure prior to its replacement.
- 13.3.6.4. There must be no change in the location of the building or structure.

13.3.7. Removal or demolition of a building or structure.

- 13.3.7.1. Where the building or structure is in the coastal marine area, it must be removed in its entirety, including piles and any subsurface structures.
- 13.3.7.2. Material removed or demolished from a building or structure must not be disposed of in the coastal marine area.
- 13.3.7.3. Foreshore or seabed material must not be removed from the coastal marine area.

13.3.8. Marine navigational aid (including lighting), and any supporting structure.

- 13.3.8.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf, of Maritime New Zealand.
- 13.3.8.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

13.3.9. Replacement of a submarine or suspended cable or line.

- 13.3.9.1. A cable or line that is being replaced must be removed from the coastal marine area.
- 13.3.9.2. A replacement cable or line must be laid or suspended in the same location as the cable or line being removed.
- 13.3.9.3. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.
- 13.3.9.4. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 13.3.9.5. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

13.3.10. Temporary structure or equipment for scientific monitoring purposes.

- 13.3.10.1. The structure or equipment must not be located within the Port Zone for longer than 31 days in any calendar year.
- 13.3.10.2. The structure or equipment must not exceed 2m in length, 2m in width and 1.5m in height.
- 13.3.10.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 13.3.10.4. The structure or equipment must not adversely affect navigational safety.

- 13.3.10.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

13.3.11. Coastal recreation.

- 13.3.11.1. The activity must not involve occupation of the coastal marine area.

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

- 13.3.12.1. The bore must be drilled by a Recognised Professional.
- 13.3.12.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 13.3.12.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

13.3.13. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels necessary for ship berthage and manoeuvring.

- 13.3.13.1. At least 10 working days prior to the commencement of activity, Maritime New Zealand and the Council must be advised in writing of the nature and duration of the intended works.
- 13.3.13.2. The depth of any seabed disturbance must be limited to the amount necessary to maintain water depth levels.
- 13.3.13.3. Dredged material must not be deposited within the coastal marine area.
- 13.3.13.4. The activity must not adversely affect navigational safety.
- 13.3.13.5. There must be no contaminants released from equipment being used for the activity.

13.3.14. Dredging, and associated disturbance to the foreshore and seabed, within the Port Zone at Havelock.

- 13.3.14.1. No more than 50,000m³ of foreshore and seabed material, including but not limited to sand, shell or shingle (except live vegetation), must be removed by any person within a calendar year.
- 13.3.14.2. The purpose of the dredging must be to maintain the water depth level of a navigational channel.
- 13.3.14.3. At least 10 working days prior to the commencement of dredging activity, Maritime New Zealand and the Council must be advised in writing of the nature and duration of the intended works.
- 13.3.14.4. The depth of any seabed disturbance must be limited to the amount necessary to maintain water depth levels.
- 13.3.14.5. Dredged material must not be deposited within the coastal marine area.
- 13.3.14.6. The activity must not adversely affect navigational safety.
- 13.3.14.7. There must be no contaminants released from equipment being used for the activity.

13.3.15. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

- 13.3.15.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 13.3.15.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 13.3.15.3. All equipment must be removed from the site on completion of the clearance.
- 13.3.15.4. The best practicable option must be adopted to avoid significant sedimentation.
- 13.3.15.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 13.3.15.6. There must be no contaminants released from equipment being used for the activity.
- 13.3.15.7. Refuelling of equipment must not take place on any area of foreshore or seabed.
- 13.3.15.8. Fish passage must not be impeded.

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

- 13.3.16.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.
- 13.3.16.2. Disturbance must be limited to the amount necessary to clear the outfall, pipeline or culvert for flood mitigation purposes.
- 13.3.16.3. All equipment must be removed from the site on completion of the clearance.
- 13.3.16.4. The best practicable option must be adopted to avoid significant sedimentation.
- 13.3.16.5. The clearance must not cause a safety hazard to other users of the area.
- 13.3.16.6. There must be no contaminants released from equipment being used for the clearance.
- 13.3.16.7. Fish passage must not be impeded.
- 13.3.16.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

13.3.17. Excavation.

- 13.3.17.1. No excavation in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 13.3.17.2. No excavation may occur on any land with a slope greater than 35°.
- 13.3.17.3. Excavation must not be in, or within 8m of, a river (except an ephemeral river when not flowing), a Significant Wetland or the coastal marine area.
- 13.3.17.4. Excavation in excess of 500m³ per Computer Register must not occur within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.

- 13.3.17.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) Significant Wetland or the coastal marine area.
- 13.3.17.6. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 13.3.17.7. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.
- 13.3.17.8. Excavation must not be within a Level 2 Flood Hazard Area.

13.3.18. Filling of land with clean fill.

- 13.3.18.1. The filling must not use commercial clean fill.
- 13.3.18.2. No filling in excess of 1000m³ must occur within any 24 month period.
- 13.3.18.3. Filling in excess of 500m³ per Computer Register must not occur within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 13.3.18.4. Fill must not be placed over woody vegetation on any land with a slope greater than 10°.
- 13.3.18.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 13.3.18.6. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain a fill area must not be less than 300mm.
- 13.3.18.7. When filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative.
- 13.3.18.8. Filling must not be in, or within 8m of, a river (except an ephemeral river when not flowing), a Significant Wetland or the coastal marine area.
- 13.3.18.9. Filling must not be within a Level 2 Flood Hazard Area.

13.3.19. Non-indigenous vegetation clearance.

- 13.3.19.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 13.3.19.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 13.3.19.3. The vegetation clearance must not be in, or within 8m of, a Significant Wetland.
- 13.3.19.4. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area.
- 13.3.19.5. No tree or log may be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), or a Significant Wetland or the coastal marine area.

- 13.3.19.6. Wheeled or tracked machinery must not be operated in, or within 8m of, any river (except an ephemeral river or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.
- 13.3.19.7. On completion of a vegetation clearance operation, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 13.3.19.8. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 13.3.19.9. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 13.3.19.10. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

13.3.20. Indigenous vegetation clearance.

- 13.3.20.1. Indigenous vegetation clearance must comply with Standards 13.3.19.1 to 13.3.19.10 (inclusive).
- 13.3.20.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 13.3.20.3 to 13.3.20.6:
- (d) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
 - (e) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (f) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (g) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.
- 13.3.20.3. Clearance of indigenous vegetation must not occur on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.

- 13.3.20.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
- (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 13.3.20.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.
- 13.3.20.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:
- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
 - (b) 10,000m² in any 5 year period where the average canopy height is below 3m.

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

- 13.3.21.1. Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994.

13.3.22. Take and use of coastal water.

- 13.3.22.1. The take of coastal water must not change sediment movement patterns or water quality.
- 13.3.22.2. The take of coastal water must not be from within the following Ecologically Significant Marine Sites:
- (a) Havelock-Mahakipawa Estuaries – No. 3.20;
 - (b) Shakespeare Bay – No. 4.10.

13.3.23. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

- 13.3.23.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 13.3.23.2. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 13.3.24.1. The discharge must not be more than the following maximum heat output limits:
- (a) 10MW for natural or liquefied petroleum gas;
 - (b) 40kW for untreated wood;
 - (c) 100kW for coal;
 - (d) 40kW for light fuel oil;
 - (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;
 - (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
 - (g) 10MW for diesel (external combustion);
 - (h) 2MW for kerosene.
- 13.3.24.2. The limits in Standard 13.3.25.1 apply to the total heat output from the site. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.
- 13.3.24.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 13.3.24.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.
- 13.3.24.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.
- 13.3.24.6. The stack must comply with requirements in Appendix 8 – Schedule 5.
- 13.3.24.7. Coal must not be burned if there are buildings higher than 6m within a 25m radius of the discharge. Fuels other than coal must not be burned if there are buildings higher than 5m within a 25m radius of the discharge.
- 13.3.24.8. The sulphur content of any coal burnt must be less than 2%.

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

- 13.3.25.1. The fuel must be gas, LPG, petrol, diesel, vegetable oils or alcohol.
- 13.3.25.2. Fuel containing sulphur at levels greater than 0.05% by weight must not be burned.
- 13.3.25.3. The power output of the device must not exceed 400kW, this limit applies to the total heat output from a site.
- 13.3.25.4. If the power output of the device is between 30kW and 400kW –
- (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period;

- (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.

13.3.25.5. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.

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

13.3.26.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.

13.3.26.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.

13.3.26.3. Spray coating must not occur on surfaces of fixed structures that can practicably be dismantled and transported to a spray booth.

13.3.26.4. The coating material must not contain di-isocyanates or organic plasticisers.

13.3.26.5. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.

13.3.26.6. There must be no dispersal or deposition of particles beyond the boundary of the property where the discharge originates.

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

13.3.27.1. Coatings that contain di-isocyanates must not be used.

13.3.27.2. The maximum rate of coating material sprayed at one booth must not exceed 10 litres per hour.

13.3.27.3. The spray booth must be fitted with an air extraction system vertically discharging all contaminants and exhaust air to an emission stack.

13.3.27.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.

13.3.27.5. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.

13.3.27.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

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

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

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

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

- 13.3.29.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 13.3.29.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 13.3.29.3. The appliance must only burn fuels approved for use in the appliance.
- 13.3.29.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

- 13.3.30.1. The fibre glassing must be undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal.
- 13.3.30.2. The total amount of plastics moulded on the site must be less than 500kg per hour.
- 13.3.30.3. The total amount of fibreglass and resin used on the site must not exceed 50kg per hour.
- 13.3.30.4. The total mass of organic material discharges from the site must be less than 5kg per day.
- 13.3.30.5. Any point of discharge to air must be 2m above the highest point of the building containing the operation or any building located within a radius of 2.5 times the height of the discharge.
- 13.3.30.6. The air discharge must be vertical.

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

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

13.4. Restricted Discretionary Activities

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

[C]

13.4.1. Construction and use of a building or structure (including the extension of an existing building or structure) and associated occupancy of the coastal marine area.

Standards and terms:

- 13.4.1.1. The building or structure (or extension thereof) must be necessary for the operational requirements of the port.

Matters over which the Council will exercise discretion:

- 13.4.1.2. Benefits likely to arise from use of the building or structure.
- 13.4.1.3. The design of the building or structure, including size and construction materials.
- 13.4.1.4. The visual appearance of the building or structure.
- 13.4.1.5. Effects on the surrounding hydrodynamic and geomorphic environment.
- 13.4.1.6. Environmental effects resulting from construction.
- 13.4.1.7. The location of the building or structure, including associated effects on public access to the coastal marine area.

[D]

13.4.2. Commercial activity not otherwise provided for in the Port Zone.

Matters over which the Council will exercise discretion:

- 13.4.2.1. The potential for reverse sensitivity effects on existing permitted activities within the Port Zone.
- 13.4.2.2. The extent to which the activity is an efficient use of the site given its location within the coastal environment.

[C]

13.4.3. Disturbance of the foreshore and seabed associated with Rule 13.4.1, including the removal of sand, shell, shingle or other natural material, required as part of the construction and use of a building or structure that is necessary for the loading and unloading of ships associated with the operations of the port.

Standard and terms:

- 13.4.3.1. No more than 50,000m³ of foreshore and seabed material must be disturbed by any person within a calendar year.
- 13.4.3.2. Material must not be deposited within the coastal marine area.
- 13.4.3.3. There must be no contaminants released from equipment being used for the activity.

Matters over which the Council will exercise discretion:

- 13.4.3.4. Water clarity.
- 13.4.3.5. The quantity and nature of material to be disturbed or removed from the coastal marine area.
- 13.4.3.6. Effects on the surrounding hydrodynamic and geomorphic environment.

- 13.4.3.7. Controls on sedimentation during disturbance.
- 13.4.3.8. Restrictions on public access during the operation.

[D]

13.4.4. Processing facility for fish, shellfish or any other marine organism, including the processing and curing of marine harvest, minerals and premises for the wholesale and retail sale of harvested products.

Matters over which the Council will exercise discretion:

- 13.4.4.1. Water supply.
- 13.4.4.2. Trade waste servicing.
- 13.4.4.3. Reverse sensitivity issues.

[C]

13.4.5. Reclamation of the foreshore and seabed.

Standards and terms:

- 13.4.5.1. The reclamation must be necessary for the operation of the port.
- 13.4.5.2. The reclamation must not exceed more than 1ha in area.

Matters over which the Council will exercise discretion:

- 13.4.5.3. Benefits likely to arise from use of the reclamation.
- 13.4.5.4. The quantity and composition of material to be deposited within the coastal marine area.
- 13.4.5.5. Location of the reclamation.
- 13.4.5.6. Effects on the surrounding hydrodynamic and geomorphic environment.
- 13.4.5.7. Effects on the integrity of any terrestrial or marine ecosystems.
- 13.4.5.8. Effects resulting from any increased risk of natural hazards.
- 13.4.5.9. Restrictions on public access during the operation.

[D]

13.4.6. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period.

Matters over which the Council will exercise discretion:

- 13.4.6.1. The effects on water quality and soil conservation from the excavation.

13.5. Discretionary Activities

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

[C, R, D]

13.5.1. Any activity provided for as a Permitted Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[C, R, D]

13.5.2. Any activity carried out for the purpose of constructing a port or any port activity within the Port Zone at Clifford Bay.

[D]

13.5.3. Any use of land not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[C]

13.5.4. Any use of the coastal marine area not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[C]

13.5.5. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

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

13.6. Prohibited Activities

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

[C]

13.6.1. Discharge or dumping of a hazardous waste substance into or onto land and from onshore into the coastal marine area.

[C]

13.6.2. Discharge or dumping of waste and litter from onshore into the coastal marine area.

[R]

13.6.3. Discharge of contaminants to air arising from the of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;**
- (b) wood which is painted, stained, oiled or coated;**
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;**
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;**
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;**
- (f) metals and materials containing metals including but not limited to cables;**
- (g) materials containing asbestos;**
- (h) material containing tar or bitumen;**
- (i) all rubber, including but not limited to, rubber tyres;**

- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

13.6.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

[C]

13.6.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

13.6.6. Discharge of untreated human sewage into the coastal marine area.

[C, D]

13.6.7. New noise sensitive activity within the mapped Inner Control Boundary at the port of Picton and Shakespeare Bay and at Havelock.

Chapter 14 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
14.1.13 to 14.1.17 (inclusive)	All
14.4.1 ¹	n/a
14.4.4	n/a
14.5.1 to 14.5.6 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

14. Port Landing Area Zone

14.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 14.2 and 14.3:

[C]

14.1.1. Shipping activity, as follows: movement and other activities associated with the berthing and departure of ships; ship anchorage; ship docking and berthage; and mooring activities (except swing moorings).

[C]

14.1.2. Use of surface water by a ship.

[C, D]

14.1.3. Cargo handling, the storage of cargo, or the loading and unloading of a ship.

[C, D]

14.1.4. Establishment or operation of a marine fuel facility.

[C]

14.1.5. Maintenance, repair or replacement of a building or structure in the coastal marine area.

[C, D]

14.1.6. Removal or demolition of a building or structure.

[C, D]

14.1.7. Cable or line on an existing lawfully established structure, where the cable or line is securely fixed and taut against the structure.

[C, D]

14.1.8. Marine navigational aid (including lighting), and any supporting structure.

[C]

14.1.9. Replacement of a submarine or suspended cable or line.

[C]

14.1.10. Temporary structure or equipment for scientific monitoring purposes.

[C]

14.1.11. Coastal recreation.

[C]

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

[R, D]

14.1.13. Excavation.

[R, D]

14.1.14. Filling of land with clean fill.

[R, D]

14.1.15. Non-indigenous vegetation clearance.

[C]

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

[C]

14.1.17. Take and use of coastal water.

[C]

14.1.18. Occupation of the coastal marine area associated with any permitted activity except Coastal Recreation.

14.2. Standards that apply to all activities

14.2.1. Construction, use maintenance, repair, replacement or extension of a building or structure.

14.2.1.1. The maximum height of any light tower, crane, lifting device, mast elevator, machinery room, conveyor belt, linkspan or gangway, flagpole or antenna, must not exceed 15m.

14.2.1.2. Notwithstanding Standard 14.2.1.1, the maximum height of any structure (including a silo or tank) must not exceed 6m above natural ground level or the ground level established by reclamation.

14.2.1.3. The minimum setback of a building or structure to a public road must be 3m.

14.2.1.4. The minimum setback of a building or structure to the Coastal Living Zone must be 10m.

14.2.1.5. The minimum setback of a building or structure to the boundary of a Zone not specified in 14.2.1.4, except the Coastal Marine Zone, must be 5m.

14.2.1.6. The land within the minimum building setbacks must not be used for port operations (except motor vehicle parking), cargo loading, storage or a containment area.

14.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

14.2.2. Disturbance of the foreshore or seabed.

14.2.2.1. Any adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance.

14.2.2.2. The disturbance must be undertaken in a manner which minimises water turbidity.

14.2.2.3. The disturbance must not adversely affect navigational safety.

- 14.2.2.4. There must be no contaminants released from equipment being used for the activity.
- 14.2.2.5. All equipment must be removed from the coastal marine area on completion of the operation.

14.2.3. Noise.

- 14.2.3.1. An activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Landing Area Zone does not exceed the following noise limits:
 - 7.00 am to 10.00 pm 50 dBA L_{Aeq}
 - 10.00 pm to 7.00 am 40 dBA L_{Aeq} 70dB L_{AFmax}
- 14.2.3.2. The following activities are excluded from having to comply with the noise limits:
 - (a) noise generated by a navigational aid, safety signal, warning device or emergency pressure relief valve;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
 - (c) noise generated by a ship under way.
- 14.2.3.3. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 14.2.3.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

14.2.4. Use of external lighting.

- 14.2.4.1. Light spill onto any land zoned Coastal Living must not exceed 2.5 Lux spill (horizontal and vertical).
- 14.2.4.2. Light spill onto any adjoining zone, except the Coastal Living Zone, must not exceed 10 Lux spill (horizontal and vertical).
- 14.2.4.3. All exterior lighting (except street lights) must be directed away from any land zoned other than Port Landing Area Zone and any road.

14.2.5. Odour.

- 14.2.5.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

14.2.6. Smoke.

- 14.2.6.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

14.2.7. Dust.

- 14.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

14.2.8. Dust from any process vent or stack.

- 14.2.8.1. The dust must not contain hazardous substances.

- 14.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m^3 at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 14.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

14.3. Standards that apply to specific activities

14.3.1. Maintenance, repair or replacement of a building or structure in the coastal marine area.

- 14.3.1.1. In the case of replacement the building or structure to be replaced must have been lawfully established.
- 14.3.1.2. There must be no increase in the height, size or scale of the building or structure being replaced.
- 14.3.1.3. There must be no change in the location of the building or structure.

14.3.2. Removal or demolition of a building or structure.

- 14.3.2.1. Where a building or structure, is in the coastal marine area, it must be removed in its entirety, including piles and any subsurface structures.
- 14.3.2.2. Material removed or demolished from a building or structure must not be disposed of in the coastal marine area.
- 14.3.2.3. Foreshore or seabed material must not be removed from the coastal marine area.

14.3.3. Marine navigational aid (including lighting), and any supporting structure.

- 14.3.3.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand.
- 14.3.3.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

14.3.4. Replacement of a submarine or suspended cable or line.

- 14.3.4.1. A cable or line being replaced must be removed from the coastal marine area.
- 14.3.4.2. A replacement cable or line must be laid or suspended in the same location as the cable or line being removed.
- 14.3.4.3. A replacement cable or line must be put in place within 2 months of the removal of the original cable or line.
- 14.3.4.4. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 14.3.4.5. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

14.3.5. Temporary structure or equipment for scientific monitoring purposes.

- 14.3.5.1. The structure or equipment must not be located within the coastal marine area for longer than 31 days in any calendar year.
- 14.3.5.2. The structure or equipment must not exceed 2m in length, 2m in width and 1.5m in height.

- 14.3.5.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 14.3.5.4. The structure or equipment must not adversely affect navigational safety.
- 14.3.5.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

14.3.6. Coastal recreation.

- 14.3.6.1. The activity must not involve occupation of the coastal marine area.

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

- 14.3.7.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.
- 14.3.7.2. Disturbance must be limited to the amount necessary to clear the outfall, pipeline, drain or culvert for flood mitigation purposes.
- 14.3.7.3. All equipment must be removed from the site on completion of the clearance.
- 14.3.7.4. The best practicable option must be adopted to avoid significant sedimentation.
- 14.3.7.5. The clearance must not cause a safety hazard to other users of the area.
- 14.3.7.6. There must be no contaminants released from equipment being used for the clearance.
- 14.3.7.7. Fish passage must not be impeded.
- 14.3.7.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

14.3.8. Excavation.

- 14.3.8.1. Excavation must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.
- 14.3.8.2. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 14.3.8.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 14.3.8.4. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.

14.3.9. Filling of land with clean fill.

- 14.3.9.1. The filling must not use commercial clean fill.
- 14.3.9.2. No filling in excess of 1000m³ must occur within any 24 month period.
- 14.3.9.3. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 14.3.9.4. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the

measures remain effective after completion of the filling. The diameter of a culvert used to drain a fill area must not be less than 300mm.

- 14.3.9.5. When filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover must be used.
- 14.3.9.6. Filling must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.

14.3.10. Non-indigenous vegetation clearance.

- 14.3.10.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 14.3.10.2. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 14.3.10.3. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river when not flowing) or the coastal marine area.
- 14.3.10.4. Wheeled or tracked machinery must not be operated in or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 14.3.10.5. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 14.3.10.6. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 14.3.10.7. Woody material greater than 100mm in diameter or soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river) or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 14.3.10.8. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the coastal marine area, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

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

- 14.3.11.1. Oil spill dispersants must be used by a person described in Section 467 of the Maritime Transport Act 1994.

14.3.12. Take and use of coastal water.

- 14.3.12.1. The take and use must not change sediment movement patterns or water quality.

14.4. Discretionary Activities

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

[C, R, D]

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

[D]

- 14.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C]

- 14.4.3. Any use of the coastal marine area not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C]

- 14.4.4. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.**

14.5. Prohibited Activities

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

[C]

- 14.5.1. Discharge or dumping of hazardous waste into or onto land and from onshore into the coastal marine area.**

[C]

- 14.5.2. Discharge or dumping of waste and litter from onshore into the coastal marine area.**

[R]

- 14.5.3. Discharge of contaminants to air arising from the burning of any of the following materials:**

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;

- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

14.5.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

[C]

14.5.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

14.5.6. Discharge of untreated human sewage into the coastal marine area.

Chapter 15 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
15.1.22	15.3.12.3
15.1.26 to 15.1.32 (inclusive)	All
15.4.1 to 15.4.2 (inclusive)	All
15.6.1 ¹	n/a
15.6.4 and 15.6.5	n/a
15.7.1 to 15.7.6 ² (inclusive)	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

15. Marina Zone

15.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 15.2 and 15.3:

[C]

15.1.1. Shipping activity as follows: movement and other activities associated with the berthing and departure of ships; ship anchorage; ship docking and berthage; mooring activities; and the loading and unloading of people and goods.

[C]

15.1.2. Use of surface water by a ship.

[D]

15.1.3. Commercial ship brokering, charter boat hire services, chandlery and sail making services.

[C, D]

15.1.4. Commercial boat related tourist activity or a tourist operator service (including a cafe or restaurant).

[C, D]

15.1.5. Establishment and operation of a marine fuel facility.

[D]

15.1.6. Maintenance, repair and storage of a ship.

[D]

15.1.7. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

[D]

15.1.8. Maritime education and maritime research activity.

[D]

15.1.9. Marina administration activity.

[D]

15.1.10. Living accommodation facility for marina staff.

[D]

15.1.11. Toilets, showers, changing rooms or other ablution facilities including a laundry facility associated with use of the marina.

[C]

15.1.12. Maintenance, repair or replacement of a building or structure in the coastal marine area.

[C, D]

15.1.13. Removal or demolition of a building or structure.

[C, D]

15.1.14. Cable or line on an existing lawfully established structure, where the cable or line is securely fixed and taut against the structure.

[C, D]

15.1.15. Marine navigational aid (including lighting), and any supporting structure.

[C]

15.1.16. Replacement of a submarine or suspended cable or line.

[C]

15.1.17. Temporary structure or equipment for scientific monitoring purposes.

[D]

15.1.18. Transportation activities including: the construction of a road, right of way, path or hardstand area; vehicle parking, manoeuvring and transit; or bus station activity.

[D]

15.1.19. Park or reserve.

[C]

15.1.20. Coastal recreation.

[D]

15.1.21. Use of a clubroom for a marine recreation group.

[R, D]

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

[C]

15.1.23. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels in and around berths and the mouth of the marinas, as necessary for ship berthage, manoeuvring and transit.

[C]

15.1.24. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

[C]

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

[R, D]

15.1.26. Excavation.

[R, D]

15.1.27. Filling of land with clean fill.

[R, D]

15.1.28. Non-indigenous vegetation clearance.

[C]

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

[C]

15.1.30. Take and use of coastal water.

[R]

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

[R]

15.1.32. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[C]

15.1.33. Occupation of the coastal marine area associated with any permitted activity except Coastal Recreation.

15.2. Standards that apply to all permitted activities

15.2.1. Construction, use, maintenance, repair, replacement or extension of a building or structure.

- 15.2.1.1. The maximum height of a building or structure must not exceed 10m above natural ground level or the ground level established by reclamation.
- 15.2.1.2. The minimum setback of a building or structure to a public road must be 3m.
- 15.2.1.3. The minimum setback of a building or structure to the Urban Residential 2 Zone must be 6m.
- 15.2.1.4. The minimum setback of a building or structure to the boundary of any Zone not specified in 15.2.1.3, except the Coastal Marine Zone, must be 3m.
- 15.2.1.5. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 15.2.1.6. A building or structure must be set back at least 8m from a river or the landward toe of any stopbank.
- 15.2.1.7. The land within the minimum building setbacks to any land zoned Urban Residential 2 must not be used for marina operations (including motor vehicle parking).
- 15.2.1.8. Where a building is to be located in that part of the Marina Zone in Waikawa Bay that is identified in Appendix 10, the following additional performance standards apply:
 - (a) the maximum building height must not exceed 6m;
 - (b) the building must not exceed 50m² in ground floor area;
 - (c) only one building is permitted.

15.2.2. Disturbance of the foreshore or seabed.

- 15.2.2.1. All adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance.
- 15.2.2.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 15.2.2.3. The disturbance must not adversely affect navigational safety.
- 15.2.2.4. There must be no contaminants released from equipment being used for the activity.
- 15.2.2.5. All equipment must be removed from the coastal marine area on completion of the operation.

15.2.3. Noise.

- 15.2.3.1. An activity must be conducted to ensure that noise when measured at the boundary of, or within, the Zone does not exceed the following limits:

7.00 am to 10.00 pm	60 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}

- 15.2.3.2. An activity undertaken within the Marina Zone must be conducted to ensure that noise when measured within an Urban Residential 2 or Open Space 1 Zone does not exceed the following limits:

7.00 am to 10.00 pm	50 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}

- 15.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) noise generated by a navigational aid, safety signal, warning device, or emergency pressure relief valve;
- (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (c) noise generated by a ship under way.

- 15.2.3.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with, NZS 6802:2008 Acoustics – Environmental Noise.

- 15.2.3.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise.

15.2.4. Use of external lighting.

- 15.2.4.1. Light spill onto any land zoned Urban Residential 2 must not exceed 2.5 Lux spill (horizontal and vertical).
- 15.2.4.2. Light spill onto any adjoining zone, except Urban Residential 2 Zone, must not exceed 10 Lux spill (horizontal and vertical).
- 15.2.4.3. All exterior lighting (except street lights) must be directed away from any land zoned other than Marina Zone and any road.

15.2.5. Storage of waste.

- 15.2.5.1. Waste must not be stored within 6m of the boundary of any land zoned Urban Residential 2.
- 15.2.5.2. Stored waste must be screened from public view.
- 15.2.5.3. Stored waste must be in a covered container.
- 15.2.5.4. Contaminants must not be discharged from a waste storage container.

15.2.6. Odour.

- 15.2.6.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

15.2.7. Smoke.

- 15.2.7.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

15.2.8. Dust.

- 15.2.8.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

15.2.9. Dust from any process vent or stack.

- 15.2.9.1. The dust must not contain hazardous substances.
- 15.2.9.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 15.2.9.3. Dust particles must not exceed 0.05mm size in any direction.

15.3. Standards that apply to specific permitted activities

15.3.1. Commercial boat related tourist activity or a tourist operator service (including a cafe or restaurant).

- 15.3.1.1. The activity must not involve visitor accommodation.

15.3.2. Maintenance, repair and storage of a ship.

- 15.3.2.1. The activity must not involve any abrasive blasting.
- 15.3.2.2. There must be no contaminants released into the coastal marine area.

15.3.3. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

- 15.3.3.1. The activity must not be undertaken within 10m of the coastal marine area.
- 15.3.3.2. All anti-foul or biofoul waste, coating waste or other contaminant removed must be captured and stored for disposal in a covered container located in a roofed area.
- 15.3.3.3. The waste must not be disposed of to the coastal marina area.

- 15.3.3.4. The activity must not result in any paint entering a waterbody (including coastal water).
- 15.3.3.5. The activity must not result in deposition of anti-foul or bio-foul material on property owned or occupied by persons other than those who carry out the activity.

15.3.4. Living accommodation facility for marina staff.

- 15.3.4.1. The accommodation must be on-site and ancillary to the operation of the marina.
- 15.3.4.2. The accommodation must only be provided to employees of the operator of the marina.

15.3.5. Maintenance, repair or replacement of a building or structure in the coastal marine area.

- 15.3.5.1. In the case of replacement a building or structure to be replaced must have been lawfully established.
- 15.3.5.2. There must be no increase in the height, size or scale of a building or structure.
- 15.3.5.3. There must be no change in the location of a building or structure.

15.3.6. Removal or demolition of a building or structure.

- 15.3.6.1. Where a building or structure is in the coastal marine area, it must be removed in its entirety, including piles and any subsurface structures.
- 15.3.6.2. Material removed or demolished from a building or structure must not be disposed of in the coastal marine area.
- 15.3.6.3. Foreshore or seabed material must not be removed from the coastal marine area.

15.3.7. Marine navigational aid (including lighting), and any supporting structure.

- 15.3.7.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand.
- 15.3.7.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

15.3.8. Replacement of a submarine or suspended cable or line.

- 15.3.8.1. A cable or line being replaced must be removed from the coastal marine area.
- 15.3.8.2. A replacement cable or line must be laid or suspended in the same location as the cable or line being removed.
- 15.3.8.3. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.
- 15.3.8.4. The cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 15.3.8.5. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

15.3.9. Temporary structure or equipment for scientific monitoring purposes.

- 15.3.9.1. The structure or equipment must not be located within the coastal marine area for longer than 31 days in any calendar year.
- 15.3.9.2. The structure or equipment must not exceed 2m in length, 2m in width and 1.5m in height.
- 15.3.9.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 15.3.9.4. The structure or equipment must not adversely affect navigational safety.
- 15.3.9.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

15.3.10. Park or reserve.

- 15.3.10.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 15.3.10.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

15.3.11. Coastal recreation.

- 15.3.11.1. The activity must not involve occupation of the coastal marine area.

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

- 15.3.12.1. The bore must be drilled by a Recognised Professional.
- 15.3.12.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 15.3.12.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

15.3.13. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels in and around berths and the mouth of the marinas, as necessary for ship berthage, manoeuvring and transit.

- 15.3.13.1. No more than 10,000m³ of foreshore and seabed material per marina must be disturbed by any person within a calendar year.
- 15.3.13.2. At least 10 working days prior to the commencement of the activity, Maritime New Zealand and the Council must be advised in writing of the nature and duration of the intended works.
- 15.3.13.3. The depth of any seabed disturbance must be limited to the amount necessary to maintain water depth levels.
- 15.3.13.4. Dredged material must not be deposited within the coastal marine area.
- 15.3.13.5. The activity must be undertaken in a manner which minimises water turbidity.
- 15.3.13.6. The activity must not adversely affect navigational safety.
- 15.3.13.7. There must be no contaminants released from equipment being used for the activity.

15.3.14. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

- 15.3.14.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 15.3.14.2. The clearance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 15.3.14.3. All equipment must be removed from the site on completion of the operation.
- 15.3.14.4. The best practicable option must be adopted to avoid significant sedimentation.
- 15.3.14.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 15.3.14.6. There must be no contaminants released from equipment being used for the activity.
- 15.3.14.7. Fish passage must not be impeded.
- 15.3.14.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

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

- 15.3.15.1. The clearance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.
- 15.3.15.2. The clearance must be limited to the amount necessary to clear the outfall, pipeline, drain or culvert for flood mitigation purposes.
- 15.3.15.3. All equipment must be removed from the site on completion of the clearance.
- 15.3.15.4. The best practicable option must be adopted to avoid significant sedimentation.
- 15.3.15.5. The clearance must not cause a safety hazard to other users of the area.
- 15.3.15.6. There must be no contaminants released from equipment being used for the clearance.
- 15.3.15.7. Fish passage must not be impeded.
- 15.3.15.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

15.3.16. Excavation.

- 15.3.16.1. Excavation must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.
- 15.3.16.2. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 15.3.16.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 15.3.16.4. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the

excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.

15.3.17. Filling of land with clean fill.

- 15.3.17.1. The filling must not use commercial clean fill.
- 15.3.17.2. No filling in excess of 1000m³ must occur within any 24 month period.
- 15.3.17.3. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 15.3.17.4. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain excavation must not be less than 300mm.
- 15.3.17.5. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover must be used.
- 15.3.17.6. Filling must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.

15.3.18. Non-indigenous vegetation clearance.

- 15.3.18.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.2. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.3. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.4. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 15.3.18.5. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 15.3.18.6. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 15.3.18.7. Woody material greater than 100mm in diameter or soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river) or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

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

15.3.19.1. Oil spill dispersants must be used by a person described in Section 467 of the Maritime Transport Act 1994.

15.3.20. Take and use of coastal water.

15.3.20.1. The take and use must not change sediment movement patterns or water quality.

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

15.3.21.1. Only material generated on the same property or a property under the same ownership can be burned.

15.3.21.2. The total volume of material being burned must not exceed 2m³.

15.3.22. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

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

15.3.22.2. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

15.4. Controlled Activities

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

[R]

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

Standards and terms:

15.4.1.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.

15.4.1.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.

15.4.1.3. Spray coating must not occur on surfaces of fixed structures that can practicably be dismantled and transported to a spray booth.

15.4.1.4. The coating material must not contain di-isocyanates or organic plasticisers.

15.4.1.5. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.

- 15.4.1.6. There must be no dispersal or deposition of particles beyond the boundary of the property where the discharge originates.

Matters over which the Council has reserved control:

- 15.4.1.7. The standard of emission.
- 15.4.1.8. Recovery of toxic materials from the blasting enclosure.
- 15.4.1.9. Methods for disposal of toxic materials.
- 15.4.1.10. Requirement for monitoring.

[R]

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

Standards and terms:

- 15.4.2.1. Coatings that contain di-isocyanates must not be used.
- 15.4.2.2. The total amount of coating material sprayed at one place must not exceed 10 litres per hour.
- 15.4.2.3. The spray booth must be fitted with an air extraction system vertically discharging all contaminants and exhaust air to an emission stack.
- 15.4.2.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 15.4.2.5. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 15.4.2.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

Matters over which the Council has reserved control:

- 15.4.2.7. The standard of emission.
- 15.4.2.8. Recovery of toxic materials from the blasting enclosure.
- 15.4.2.9. Methods for disposal of toxic materials.
- 15.4.2.10. Requirement for monitoring.

[R]

15.4.3. Discharge of contaminants to air from water blasting or from dry abrasive blasting, other than from the use of a moveable source from any industrial or trade premise.

Standards and terms:

- 15.4.3.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.
- 15.4.3.2. Where the discharge occurs from public land there must be no discharge of water spray, dust or other contaminant beyond 50m from the discharge point or beyond the boundary of the public land, whichever is the lesser.
- 15.4.3.3. There must be no discharge of water spray, dust or other contaminant into the coastal marine area.

- 15.4.3.4. The surface to be blasted must not contain any hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.
- 15.4.3.5. For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 15.4.3.6. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.

Matters over which the Council has reserved control:

- 15.4.3.7. The standard of emission.
- 15.4.3.8. Recovery of toxic materials from the blasting enclosure.
- 15.4.3.9. Methods for disposal of toxic materials.
- 15.4.3.10. Requirement for monitoring.

15.5. Restricted Discretionary Activities

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

[C]

15.5.1. Construction and use of a building or structure (including the extension of an existing building or structure) and associated occupancy of the coastal marine area.

Standards and terms:

- 15.5.1.1. The building or structure (or extension thereof) must be necessary for the operational requirements of the marina.
- 15.5.1.2. The building or structure (or extension thereof) must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

Matters over which the Council will exercise discretion:

- 15.5.1.3. Benefits likely to arise from use of the building or structure.
- 15.5.1.4. The design of the building or structure, including size and construction materials.
- 15.5.1.5. The visual appearance of the building or structure.
- 15.5.1.6. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.1.7. Environmental effects resulting from construction.
- 15.5.1.8. The location of the building or structure, including associated effects on public access to the coastal marine area.

[C]

15.5.2. Disturbance of the foreshore and seabed associated with Rule 15.5.1, including the removal of sand, shell, shingle or other natural material, required as part of the construction and use of a building or structure that is necessary for the operation of the marina.

Standards and terms:

- 15.5.2.1. No more than 10,000m³ of foreshore and seabed material must be disturbed by any person within a calendar year.
- 15.5.2.2. Material must not be deposited within the coastal marine area.
- 15.5.2.3. There must be no contaminants released from equipment being used for the activity.
- 15.5.2.4. The disturbance of the foreshore or seabed must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

Matters over which the Council will exercise discretion:

- 15.5.2.5. Water clarity.
- 15.5.2.6. The quantity and nature of material to be disturbed and removed from the coastal marine area.
- 15.5.2.7. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.2.8. Controls on sedimentation during disturbance.
- 15.5.2.9. Restrictions on public access during the operation.

[C]

15.5.3. Reclamation of the foreshore and seabed.

Standards and terms:

- 15.5.3.1. The reclamation must be necessary for the operation of the marina.
- 15.5.3.2. The reclamation must not exceed more than 1ha in area.
- 15.5.3.3. The reclamation of the foreshore or seabed must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

Matters over which the Council will exercise discretion:

- 15.5.3.4. Benefits likely to arise from use of the reclamation.
- 15.5.3.5. The quantity and composition of material to be deposited within the coastal marine area.
- 15.5.3.6. Location of the reclamation.
- 15.5.3.7. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.3.8. Effects on the integrity of any terrestrial or marine ecosystems.
- 15.5.3.9. Effects resulting from any increased risk of natural hazards.
- 15.5.3.10. Restrictions on public access during the operation.

[C]

15.5.4. Swing moorings in Waikawa Bay (including associated disturbance of the foreshore and seabed and occupation of the coastal marine area).*Standards and terms:*

- 15.5.4.1. The mooring must have been previously consented and have one of the following Council mooring numbers in Waikawa Bay:

154	157	158	389	986	2294	2325	2333	2334	2383	2392
2502	2541	2542	2557	2559	2563	2582	2584	2625	2633	2759
2775	2782	3146	3175							

- 15.5.4.2. The mooring must be located on its previously consented site.

Matters over which the Council will exercise its discretion:

- 15.5.4.3. The type and specification of mooring including the swing arc.
- 15.5.4.4. The availability of space for swing moorings within that part of the Marina Zone in Waikawa Bay identified in Appendix 10.
- 15.5.4.5. The reservation of space within the Mooring Management Areas for the relocation of all moorings in Standard 15.5.4.1.
- 15.5.4.6. The duration and expiry conditions including whether the proposal would unduly hinder the development of a marina within that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

15.6. Discretionary Activities

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

[C, R, D]

- 15.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.**

[D]

- 15.6.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C]

- 15.6.3. Any use of the coastal marine area not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.**

[C]

- 15.6.4. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C, R]

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

15.7. Prohibited Activities

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

[C, R]

15.7.1. Discharge or dumping of hazardous waste onto land and from onshore into the coastal marine area.

[C]

15.7.2. Discharge or dumping of waste and litter from onshore into the coastal marine area.

[R]

15.7.3. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

15.7.4. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

[C]

15.7.5. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

15.7.6. Discharge of untreated human sewage into the coastal marine area.

Chapter 16 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
16.1.18 to 16.1.22 (inclusive)	All
16.6.1 ¹	n/a
16.6.10 and 16.6.11	n/a
16.7.1 to 16.7.5 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

16. Coastal Marine Zone

This chapter does not contain provisions controlling marine farming. Marine farming remains controlled by rules in the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan.

16.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 16.2 or 16.3:

[C]

16.1.1. Use of surface coastal water by a ship in the National Transportation Route and Queen Charlotte Sound.

[C]

16.1.2. Use of surface coastal water by a ship not otherwise controlled by Rule 16.1.1.

[C]

16.1.3. Anchoring of a ship.

[C]

16.1.4. Swing mooring established within a Moorings Management Area or swing mooring for a waka within a Waka Mooring Management Area.

[C]

16.1.5. Coastal recreation.

[C]

16.1.6. Removal or demolition of a building or structure, or any part of a building or structure.

[C]

16.1.7. Cables or lines on existing lawfully established structures, where these are securely fixed and taut against the structure.

[C]

16.1.8. Marine navigational aid (including lighting) and any supporting structure.

[C]

16.1.9. Repair, maintenance or replacement of the existing subsurface Cook Strait cable.

[C]

16.1.10. Repair or maintenance of suspended cables or lines.

[C]

16.1.11. Replacement of a submarine or suspended cable or line.

[C]

16.1.12. Temporary structure or equipment for scientific monitoring purposes.

[C]

16.1.13. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

[C]

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

[C]

16.1.15. Deposition of sand for beach replenishment or beach renourishment.

[C]

16.1.16. Non-mechanical removal of natural material from the foreshore or seabed.

[C]

16.1.17. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

[C]

16.1.18. Marine oil spill clean-up activities and the associated release of oil dispersants.

[C]

16.1.19. Take and use of coastal water.

[C]

16.1.20. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[C]

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

[C]

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

[C]

16.1.23. Occupation of coastal marine area associated with any permitted activity except Coastal Recreation.

16.2. Standards that apply to all permitted activities

16.2.1. Disturbance of the foreshore or seabed.

- 16.2.1.1. Any adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance.
- 16.2.1.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 16.2.1.3. The disturbance must not adversely affect navigational safety.
- 16.2.1.4. There must be no contaminants released from equipment being used for the activity.

- 16.2.1.5. All equipment must be removed from the coastal marine area on completion of the operation.

16.2.2. Maintenance, repair or replacement of a building or structure.

- 16.2.2.1. In the case of replacement, the building or structure to be replaced must have been lawfully established.
- 16.2.2.2. There must be no increase in the height, size, or scale of the building or structure.
- 16.2.2.3. There must be no change in the location of the building or structure.
- 16.2.2.4. There must be no increase in the glazed area, or change to the location of existing glazing.
- 16.2.2.5. Any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 16.2.2.6. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

16.2.3. Noise.

- 16.2.3.1. An activity must be conducted to ensure that noise when measured at the boundary of, or within, the zone does not exceed the following noise limits:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 50 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L_{Aeq} | 70dB L_{AFmax} |
- 16.2.3.2. The following activities are excluded from having to comply with the noise limits:
- (a) noise generated by a navigational aid, safety signal, warning device, or emergency pressure relief valve;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
 - (c) noise generated by a ship under way.
- 16.2.3.3. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 16.2.3.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

16.2.4. Odour.

- 16.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

16.2.5. Smoke.

- 16.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

16.2.6. Dust.

- 16.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

16.2.7. Dust from any process vent or stack.

- 16.2.7.1. The dust must not contain hazardous substances.
- 16.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 16.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

16.3. Standards that apply to specific permitted activities

16.3.1. Use of surface coastal water by a ship in the National Transportation Route and Queen Charlotte Sound.

- 16.3.1.1. A high speed ship must not exceed a ship speed of 15 knots.
- 16.3.1.2. A ship exceeding 500 gross registered tonnes must not exceed a ship speed of 15 knots.

16.3.2. Anchoring of a ship.

- 16.3.2.1. The ship must not be anchored to the foreshore or seabed for more than 60 consecutive days or more than 90 days within any 12 month period, within the same embayment, inlet, or estuary.

16.3.3. Swing mooring established within a Moorings Management Area or a swing mooring for a waka within a Waka Mooring Management Area.

- 16.3.3.1. A bylaw is in place that has established a licensing system for the allocation and management of swing moorings within Moorings Management Areas or swing moorings for waka within a Waka Mooring Management Area.
- 16.3.3.2. Prior to the establishment and occupation of the mooring, a Moorings Management Area licence must be granted by the Moorings Manager.

16.3.4. Coastal recreation.

- 16.3.4.1. The activity must not involve occupation of the coastal marine area.

16.3.5. Removal or demolition of a building or structure, or any part of a building or structure.

- 16.3.5.1. The building or structure, or that part of the building or structure being removed or demolished, must be removed from the Coastal Marine Zone in its entirety, including all piles and subsurface structures.
- 16.3.5.2. Material removed or demolished from a building or structure must not be disposed of in the Coastal Marine Zone.
- 16.3.5.3. Foreshore or seabed material must not be removed from the coastal marine area.

16.3.6. Marine navigational aid (including lighting) and any supporting structure.

- 16.3.6.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand.
- 16.3.6.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

16.3.7. Repair, maintenance or replacement of the existing subsurface Cook Strait cable.

- 16.3.7.1. No more than 500m³ of material must be disturbed in any one calendar year.
- 16.3.7.2. The repair, maintenance or replacement works must not adversely affect navigational safety.
- 16.3.7.3. There must be no contaminants released from equipment being used for the activity.

16.3.8. Replacement of a submarine or suspended cable or line.

- 16.3.8.1. A cable or line that is being replaced must be removed from the Coastal Marine Zone.
- 16.3.8.2. A replacement cable or line must be laid or suspended in the same location as the cable or line being removed.
- 16.3.8.3. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.
- 16.3.8.4. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 16.3.8.5. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

16.3.9. Temporary structure or equipment for scientific monitoring purposes.

- 16.3.9.1. The structure or equipment must not be located within the Coastal Marine Zone longer than 31 days in any calendar year.
- 16.3.9.2. The structure or equipment must not exceed 2m in length, 2m in width and 1.5m in height.
- 16.3.9.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 16.3.9.4. The structure or equipment must not adversely affect navigational safety.
- 16.3.9.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

16.3.10. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

- 16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 16.3.10.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 16.3.10.3. All equipment must be removed from the site on completion of the operation.
- 16.3.10.4. The best practicable option must be adopted to avoid significant sedimentation.

- 16.3.10.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 16.3.10.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.10.7. Fish passage must not be impeded.
- 16.3.10.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

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

- 16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.
- 16.3.11.2. Disturbance must be limited to the amount necessary to clear the outfall pipeline, drain or culvert for flood protection purposes.
- 16.3.11.3. All equipment must be removed from the site on completion of the operation.
- 16.3.11.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.11.5. The clearance must not cause a safety hazard to other users of the waterbody.
- 16.3.11.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.11.7. Fish passage must not be impeded.
- 16.3.11.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

16.3.12. Deposition of sand for beach replenishment or beach renourishment.

- 16.3.12.1. The deposition must be carried out by, or on behalf of, the Marlborough District Council.
- 16.3.12.2. Sand deposition must be limited to the amount necessary to replace what has been lost through natural processes.

16.3.13. Non-mechanical removal of natural material from the foreshore or seabed.

- 16.3.13.1. Natural material must not be removed from Shelley Beach, Picton Foreshore or Waikawa Bay.
- 16.3.13.2. No more than 0.5m³ of natural material, including but not limited to sand, shell or shingle but not including vegetation, must be removed by any individual within a calendar year.

16.3.14. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

- 16.3.14.1. The marine carcass must have either resulted from a stranding or have been washed up on the foreshore through natural tidal processes.
- 16.3.14.2. It must not otherwise be practical to move the carcass to a more appropriate disposal location.
- 16.3.14.3. Iwi representatives must be notified prior to the commencement of the burial.
- 16.3.14.4. Disturbance to the foreshore or seabed must be limited to the minimum amount of disturbance necessary for carcass burial.

16.3.15. Marine oil spill clean-up activities and the associated release of oil dispersants.

16.3.15.1. Oil spill dispersants must only be used by a person described in Section 467 of the Maritime Transport Act 1994.

16.3.16. Take and use of coastal water.

16.3.16.1. The take of coastal water must not be from within the following Ecologically Significant Marine Sites:

- (a) Whangarae Bay – No. 1.1;
- (b) Greville Harbour – No.1.7;
- (c) Anakoha Bay Estuary – No .2.25;
- (d) Tuna, Harvey and Duncan Bay Estuaries – No. 3.10;
- (e) Clova Bay – No. 3.14;
- (f) Kaiuma Estuary – No. 3.19;
- (g) Havelock-Mahakipawa Estuaries – No. 3.20;
- (h) Kenepuru Estuary – No. 3.21;
- (i) Okiwa Bay – No. 4.1;
- (j) Ngakuta Bay – No. 4.5;
- (k) Shakespeare Bay – No. 4.10;
- (l) Whatamongo Bay – No. 4.12;
- (m) Deep Bay – No. 5.7;
- (n) Wairau Lagoon – No. 8.2.

16.3.17. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

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

16.3.17.2. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

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

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

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

16.3.19.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 Schedule 1.

- 16.3.19.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 16.3.19.3. The appliance must only burn fuels approved for use in the device.
- 16.3.19.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

16.4. Controlled Activities

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

[C]

- 16.4.1. Use of surface water by a high speed ship or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots in the National Transportation Route for the purposes of undertaking measurements of Wave Energy, including any associated disturbance of the foreshore or seabed.**

Standards and terms:

- 16.4.1.1. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.1.2. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Route.
- 16.4.1.3. Whilst operational, the Data Recording Devices must record:
 - (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (c) the speed of the ship over the ground;
 - (d) Ship Speed through the water.
- 16.4.1.4. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.1.5. Plan position must be accurate to within 30m and must be recorded to a precision of 5m or better.
- 16.4.1.6. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.1.7. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council through an Automatic Identification System.
- 16.4.1.8. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.1.9. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.1.3(a) to 16.4.1.3(d) (inclusive)

is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Route.

- 16.4.1.10. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.1.11. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.

Matters over which the Council has reserved control:

- 16.4.1.12. The duration of the consent.
- 16.4.1.13. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the Ship and are consistent with national and international regulations.
- 16.4.1.14. Maximum values of Ship Speed over defined areas within the National Transportation Route.
- 16.4.1.15. Approved method(s), frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.1.16. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.1.17. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.1.18. The administrative charges payable.

[C]

- 16.4.2. Use of surface water within the National Transportation Route by a high speed ship, or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots, including any associated disturbance of the foreshore or seabed.**

Any application for Resource Consent under Rule 16.4.2 will require public notification.

Standards and terms:

- 16.4.2.1. The ship must not propagate waves that exceed the Wash Rule identified in Appendix 12 in the National Transportation Route.
- 16.4.2.2. The duration period of any consent must not exceed 20 years.
- 16.4.2.3. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.2.4. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Route.
- 16.4.2.5. Whilst operational, the Data Recording Device must record:
 - (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;

- (c) the speed of the ship over the ground;
 - (d) Ship Speed through the water.
- 16.4.2.6. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.2.7. Plan position must be accurate to within 30m and shall be recorded to a precision of 5m or better.
- 16.4.2.8. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.2.9. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council via an Automatic Identification System.
- 16.4.2.10. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.2.11. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.2.5(a) to 16.4.2.5(d) (inclusive) is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Route.
- 16.4.2.12. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.2.13. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.

Matters over which the Council has reserved control:

- 16.4.2.14. The duration of the consent.
- 16.4.2.15. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the ship and are consistent with national and international regulations.
- 16.4.2.16. Maximum values of Ship Speed over defined areas within the National Transportation Route.
- 16.4.2.17. Approved methods, frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.2.18. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.2.19. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.2.20. The purpose, timing and criteria for review of any of the conditions of consent.

16.4.2.21. The administrative charges payable.

16.5. Restricted Discretionary Activities

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

[C]

16.5.1. A swing mooring within a Moorings Management Area or a waka swing mooring within a Waka Mooring Management Area where no bylaw is in place that has established a licensing system for the allocation and management of swing moorings.

Any application for Resource Consent under Rule 16.5.1 will require public notification.

Matters over which the Council has restricted its discretion:

- 16.5.1.1. Location within a Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.2. The type and specification of mooring including the swing arc.
- 16.5.1.3. The availability of space within the Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.4. Where the Moorings Management Area is in Waikawa Bay, the reservation of space for the relocation of moorings in that part of the Marina Zone in Waikawa Bay that is identified in Appendix 10.

16.6. Discretionary Activities

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

[C]

16.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[C]

16.6.2. Mooring.

[C]

16.6.3. Jetty.

[C]

16.6.4. Boatshed.

[C]

16.6.5. Slipway.

[C]

16.6.6. Occupation of the coastal marine area, except by a marine farm, not associated with any Permitted Activity in the Coastal Marine Zone.

[C]

16.6.7. Any use of the coastal marine area, except a marine farm, not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[C]

16.6.8. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

16.6.9. Any discharge of contaminants to air not provided for as a Permitted Activity, or limited as a Prohibited Activity.

16.7. Prohibited Activities

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

[R]

16.7.1. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

16.7.2. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

[C]

16.7.3. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

16.7.4. Discharge of treated or untreated human sewage into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

[C]

16.7.5. Fishing activity that uses a technique that disturbs the seabed within any Ecologically Significant Marine Sites, except Croiselles Harbour Entrance – No. 1.2 and Tennyson Inlet – No. 3.9.

[C]

16.7.6. Removal of anti-foul paint from a ship.

Chapter 17 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
17.1.3 to 17.1.5 (inclusive)	All
17.1.6	17.3.4.1(a) and (c), 17.3.4.2 to 17.3.4.5
17.1.7	17.3.5.1, 17.3.5.2(a) and (c), 17.3.5.3 to 17.3.5.5
17.1.8 to 17.1.11 (inclusive)	All
17.1.12	17.3.10.3
17.4.1 ¹	n/a
17.4.4	n/a
17.5.1 to 17.5.4 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

17. Open Space 1 Zone

17.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 17.2 and 17.3:

[D]

17.1.1. Passive recreation.

[D]

17.1.2. Routes for pedestrians and cyclists.

[R, D]

17.1.3. Planting of vegetation.

[R, D]

17.1.4. Indigenous vegetation clearance.

[R, D]

17.1.5. Non-indigenous vegetation clearance.

[R, D]

17.1.6. Excavation.

[R, D]

17.1.7. Filling of land with clean fill.

[R]

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

[R]

17.1.9. Application of an agrichemical into or onto land.

[R]

17.1.10. Application of fertiliser or lime into or onto land.

[R]

17.1.11. Discharge of human effluent into or onto land.

[R, D]

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

17.2. Standards that apply to all permitted activities

17.2.1. Construction and siting of a building or structure.

17.2.1.1. A building or structure (except a bridge) must be set back a minimum of 4.5m from road boundaries, or any land zoned Urban Residential 1, Urban

Residential 2 (including Greenfields), Urban Residential 3, Rural Environment or Coastal Environment.

- 17.2.1.2. A building or structure (except a bridge) must not be constructed or sited closer than 8m to a river, lake, drainage channel, Drainage Channel Network, landward toe of stopbank or the sea.
- 17.2.1.3. The height of a fence or, any part of a fence, on a boundary to any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 1.2m.
- 17.2.1.4. The maximum height of a building or structure must not exceed 7.5m.
- 17.2.1.5. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 17.2.1.6. A building or structure must not be sited within a Flood Hazard Area.

17.2.2. Noise.

- 17.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	50 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}
- 17.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 – Measurement of Environmental Sound, and assessed on accordance with NZS 6802:2008 – Environmental Noise.
- 17.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

17.2.3. Outdoor lighting.

- 17.2.3.1. The maximum height of any poles, support structures or fixtures associated with artificial lighting must not exceed of 20m.
- 17.2.3.2. The lighting level at any point on the ground 2m inside the boundary of the Zone must not exceed 10 lux (lumens per square metre) measured horizontally and vertically.
- 17.2.3.3. There must be no greater than 2.5 lux spill (horizontal and vertical) of light onto any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, measured at any point more than 2m inside the boundary of the property.

17.2.4. Odour.

- 17.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

17.2.5. Smoke.

- 17.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

17.2.6. Dust.

- 17.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

17.2.7. Dust from any process vent or stack.

- 17.2.7.1. The dust must not contain hazardous substances.
- 17.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 17.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

17.3. Standards that apply to specific permitted activities

17.3.1. Planting of vegetation.

- 17.3.1.1. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

17.3.2. Indigenous vegetation clearance.

- 17.3.2.1. Indigenous vegetation clearance must comply with Standards 17.3.3.1 to 17.3.3.4 (inclusive).
- 17.3.2.2. The clearance of indigenous vegetation in the following circumstances is exempt from the Standards 17.3.2.3 and 17.3.2.4:
 - (a) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (c) where the clearance is associated with the maintenance of an existing road or track.
- 17.3.2.3. Clearance of indigenous vegetation must not occur on a Threatened Environments – Indigenous Vegetation Site.
- 17.3.2.4. Clearance must not exceed 2000m² per Computer Register in any 5 year period.

17.3.3. Non-indigenous vegetation clearance.

- 17.3.3.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 17.3.3.2. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 17.3.3.3. Within, or within 8 metres of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.
- 17.3.3.4. Woody material greater than 100mm in diameter and soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;

- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

17.3.4. Excavation.

- 17.3.4.1. Excavation must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation;
 - (c) a Soil Sensitive Area identified as loess soils.
- 17.3.4.2. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 17.3.4.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 17.3.4.4. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 17.3.4.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

17.3.5. Filling of land with clean fill.

- 17.3.5.1. The filling must not use commercial clean fill.
- 17.3.5.2. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank;
 - (c) a Soil Sensitive Area identified as loess soils.
- 17.3.5.3. A filled area must be designed, constructed and maintained so it is stable and remains effective after completion of filling.
- 17.3.5.4. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain a fill area must not be less than 300mm.
- 17.3.5.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

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

- 17.3.6.1. Only material generated on the same property or a property under the same ownership can be burned.

- 17.3.6.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 17.3.6.3. The material being burned must not exceed 2m³.

17.3.7. Application of an agrichemical into or onto land.

- 17.3.7.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 17.3.7.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.7.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 17.3.7.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 17.3.7.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

17.3.8. Application of fertiliser or lime into or onto land.

- 17.3.8.1. Fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.8.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 17.3.8.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 17.3.8.4. The application must not occur when the soil moisture exceeds field capacity.
- 17.3.8.5. Total cumulative nitrogen (N) loading on the land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 17.3.8.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

17.3.9. Discharge of human effluent into or onto land.

- 17.3.9.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the Zone boundary or 60m of the closest building.
- 17.3.9.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 17.3.9.3. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 17.3.9.4. No objectionable odours must be able to be detected.
- 17.3.9.5. There must be:
 - (a) no ponding of effluent;

- (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.

17.3.9.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

17.3.9.7. Effluent must be able to:

- (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
- (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.

17.3.9.8. The discharge must not occur within a Groundwater Protection Area.

17.3.9.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

17.3.9.10. The discharge must not occur on a Soil Sensitive Area.

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

17.3.10.1. The bore must be drilled by a Recognised Professional.

17.3.10.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.

17.3.10.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

17.4. Discretionary Activities

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

[R, D]

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

[D]

17.4.2. Community facility.

[D]

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

[R]

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

17.5. Prohibited Activities

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

[R]

17.5.1. Discharge of contaminants to air arising from the burning any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA);
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals, including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

17.5.2. Discharge of contaminants into air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

17.5.3. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

17.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Chapter 18 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
18.1.4 to 18.1.6 (inclusive)	All
18.1.9	18.3.5.1(a), 18.3.5.2 to 18.3.5.5
18.1.10	18.3.6.1, 18.3.6.2(a), 18.3.6.3 to 18.3.6.5
18.1.11 to 18.1.14 (inclusive)	All
18.1.15	18.3.11.3
18.4.1 ¹	n/a
18.4.3	n/a
18.5.1 to 18.5.4 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

18. Open Space 2 Zone

18.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 18.2 and 18.3:

[D]

18.1.1. Passive or active recreation.

[D]

18.1.2. Recreational event or special event.

[D]

18.1.3. Freedom camping except for in an area identified as a prohibited area for freedom camping in a bylaw made by the Council.

[R, D]

18.1.4. Planting of vegetation.

[R, D]

18.1.5. Indigenous vegetation clearance.

[R, D]

18.1.6. Non-indigenous vegetation clearance.

[D]

18.1.7. Use of a community facility.

[D]

18.1.8. Emergency service activities of the New Zealand Fire Service on Lot 1 DP 11063 (Renwick Fire Station).

[R]

18.1.9. Excavation.

[R]

18.1.10. Filling of land with clean fill.

[R]

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

[R]

18.1.12. Application of an agrichemical into or onto land.

[R]

18.1.13. Application of fertiliser or lime into or onto land.

[R]

18.1.14. Discharge of human effluent into or onto land.

[R, D]

18.1.15. Geotechnical bore construction or alteration for the purposes of investigation of sub-surface conditions.**18.2. Standards that apply to all permitted activities**

18.2.1. Construction and siting of a building or structure.

- 18.2.1.1. The total gross floor area of a building must not exceed 100m².
- 18.2.1.2. Permanent buildings must not cover more than 5% of the net site area.
- 18.2.1.3. The maximum height of a building or structure (except a pole, support structure or fixture associated with artificial lighting) must not exceed 10m.
- 18.2.1.4. A building or structure must be set back a minimum of 4.5m from a road boundary.
- 18.2.1.5. A building must be set back at least 10m from land in any other zone.
- 18.2.1.6. A building sited on Lansdowne Park must be setback at least 50m from any adjoining land zoned Urban Residential 2.
- 18.2.1.7. The height of any fence, or any part of a fence, adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 1.2m.
- 18.2.1.8. A building or structure (except a goalpost, post or pole, or lighting tower) that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 18.2.1.9. A building or structure (except a goalpost, post or pole, or lighting tower) must not be within a Level 3 Flood Hazard Area.
- 18.2.1.10. Buildings must not be sited closer than 8m to a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of a stopbank or the sea.

18.2.2. Noise.

- 18.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	50 dBA L _{Aeq}
10.00 pm to 7.00 am	40 dBA L _{Aeq} 70dB L _{AFmax}

This standard does not apply to sirens and call out sirens associated with the activities of the New Zealand Fire Service.
- 18.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 18.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

18.2.3. Outdoor lighting.

- 18.2.3.1. The maximum height of any poles, support structures or fixtures associated with artificial lighting must not exceed 20m.
- 18.2.3.2. The lighting level at any point on the ground 2m inside the boundary of the Zone must not exceed 10 lux (lumens per square metre) measured horizontally and vertically.
- 18.2.3.3. There must be no greater than 2.5 lux spill (horizontal and vertical) of light onto any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, measured at any point more than 2m inside the boundary of the property.

18.2.4. Odour.

- 18.2.4.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

18.2.5. Smoke.

- 18.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

18.2.6. Dust.

- 18.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

18.2.7. Dust from any process vent or stack.

- 18.2.7.1. The dust must not contain hazardous substances.
- 18.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 18.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

18.3. Standards that apply to specific permitted activities

18.3.1. Recreational event or special event.

- 18.3.1.1. The event must not exceed seven consecutive days duration.
- 18.3.1.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.
- 18.3.1.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 18.3.1.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

18.3.2. Planting of vegetation.

- 18.3.2.1. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

18.3.3. Indigenous vegetation clearance.

- 18.3.3.1. Indigenous vegetation clearance must comply with Standards 18.3.4.1 to 18.3.4.4 (inclusive).
- 18.3.3.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 18.3.3.3 and 18.3.3.4:
 - (a) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (c) where the clearance is associated with the maintenance of an existing road or track.
- 18.3.3.3. Clearance of indigenous vegetation must not occur on land identified on a Threatened Environments – Indigenous Vegetation Site.
- 18.3.3.4. Clearance of indigenous vegetation must not exceed 2000m² per Computer Register in any 5 year period.

18.3.4. Non-indigenous vegetation clearance.

- 18.3.4.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 18.3.4.2. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 18.3.4.3. Within, or within 8 metres of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.
- 18.3.4.4. Woody material greater than 100mm in diameter or soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing) lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river) lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

18.3.5. Excavation.

- 18.3.5.1. Excavation must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing) or the coastal marine area;

- (b) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

- 18.3.5.2. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 18.3.5.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 18.3.5.4. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.
- 18.3.5.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

18.3.6. Filling of land with clean fill.

- 18.3.6.1. The filling must not use commercial clean fill.
- 18.3.6.2. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank;
- 18.3.6.3. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 18.3.6.4. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain any filled area must not be less than 300mm.
- 18.3.6.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.

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

- 18.3.7.1. Only material generated on the same property or a property under the same ownership can be burned.
- 18.3.7.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 18.3.7.3. The material being burned must not exceed 2m³.

18.3.8. Application of an agrichemical into or onto land.

- 18.3.8.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 18.3.8.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 18.3.8.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

18.3.8.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

18.3.8.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

18.3.9. Application of fertiliser or lime into or onto land.

18.3.9.1. Fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

18.3.9.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.

18.3.9.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

18.3.9.4. The application must not occur when the soil moisture exceeds field capacity.

18.3.9.5. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

18.3.9.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

18.3.10. Discharge of human effluent into or onto land.

18.3.10.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the Zone boundary or 60m of the closest building.

18.3.10.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.

18.3.10.3. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).

18.3.10.4. No objectionable odours must be able to be detected.

18.3.10.5. There must be:

(a) no ponding of effluent;

(b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.

18.3.10.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

18.3.10.7. Effluent must be able to:

(a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or

(b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.

18.3.10.8. The discharge must not occur within a Groundwater Protection Area.

18.3.10.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

18.3.10.10. The discharge must not occur on a Soil Sensitive Area.

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

18.3.11.1. The bore must be drilled by a Recognised Professional.

18.3.11.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.

18.3.11.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

18.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

18.5. Prohibited Activities

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

[R]

18.5.1. Discharge of contaminants to air arising from the burning of any of the following materials:

(a) Wood having a moisture content of more than 25% dry weight

(b) Wood which is painted, stained, oiled or coated

(c) Wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA)

(d) Pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine

(e) Composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards

- (f) **Metals and materials containing metals, including but not limited to cables**
- (g) **Materials containing asbestos**
- (h) **Material containing tar or bitumen**
- (i) **All rubber, including but not limited to, rubber tyres**
- (j) **Synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics**
- (k) **Waste oil**
- (l) **Peat**
- (m) **Sludge from industrial processes**
- (n) **Animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.**

[R]

18.5.2. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

18.5.3. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

18.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Chapter 19 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
19.1.4	19.3.2.4
19.1.5 and 19.1.6	All
19.1.7	19.3.5.1, 19.3.5.2, 19.3.5.3(a) and (b), 19.3.5.4, 19.3.5.5, 19.3.5.11 to 19.3.5.15
19.1.8	19.3.6.1 to 19.3.6.3, 19.3.6.4(a) and (b), 19.3.6.5 to 19.3.6.9, 19.3.6.15
19.1.9	19.3.7.3
19.1.11 to 19.1.25 (inclusive)	All
19.4.1 ¹	n/a
19.4.3	n/a
19.5.1, 19.5.2, 19.5.4 ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

19. Open Space 3 Zone

19.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 19.2 and 19.3:

[D]

19.1.1. Passive recreation.

[D]

19.1.2. Recreational event or special event.

[D]

19.1.3. Freedom camping except for in an area identified as a prohibited area for freedom camping in a bylaw made by the Council.

[R, D]

19.1.4. Conservation planting.

[R, D]

19.1.5. Indigenous vegetation clearance.

[R, D]

19.1.6. Non-indigenous vegetation clearance.

[R, D]

19.1.7. Excavation.

[R, D]

19.1.8. Filling of land with clean fill.

[R, D]

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

[D]

19.1.10. Farming.

[R]

19.1.11. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

[R]

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

[R]

19.1.14. Discharge of human effluent into land through a long drop toilet.

[R]

19.1.15. Discharge of human effluent into or onto land.

[R]

19.1.16. Application of a vertebrate toxic agent into or onto land.

[R]

19.1.17. Application of an agrichemical into or onto land.

[R]

19.1.18. Application or discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest plants from Significant Wetlands.

[R]

19.1.19. Application of fertiliser or lime into or onto land.

[R]

19.1.20. Application of compost or solid agricultural waste into or onto land.

[R]

19.1.21. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

[R]

19.1.22. Disposal of farm rubbish into a pit.

[R]

19.1.23. Disposal of offal or a carcass into an offal pit.

[R]

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

[R]

19.1.25. Storage of compost not in a pit or stack.

19.2. Standards that apply to all permitted activities

19.2.1. Construction and siting of any building and structure.

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

19.2.1.2. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

- 19.2.1.3. A building or structure must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank or the sea.
- 19.2.1.4. A habitable or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 19.2.1.5. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
- (a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 19.2.1.6. On land within the Wairau Dry Hills Landscape:
- (a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 19.2.1.7. Except for the construction or siting of a fence or gate necessary for farming activity, or for conservation purposes, no building or structure must be constructed or sited within the White Bluffs Outstanding Natural Feature and Landscape.
- 19.2.1.8. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 19.2.1.9. A building or structure must not be within a Level 3 Flood Hazard Area.

19.2.2. Noise.

- 19.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:
- | | |
|---------------------|---|
| 7.00 am to 10.00 pm | 50 dBA L _{Aeq} |
| 10.00 pm to 7.00 am | 40 dBA L _{Aeq} 70dB L _{AFmax} |
- 19.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 19.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

19.2.3. Odour.

- 19.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

19.2.4. Smoke.

- 19.2.4.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

19.2.5. Dust.

- 19.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

19.2.6. Dust from any process vent or stack.

- 19.2.6.1. The dust must not contain hazardous substances.
- 19.2.6.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 19.2.6.3. Dust particles must not exceed 0.05mm size in any direction.

19.3. Standards that apply to specific permitted activities

19.3.1. Recreational event or special event.

- 19.3.1.1. The event must not exceed three consecutive days duration.
- 19.3.1.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.
- 19.3.1.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 19.3.1.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

19.3.2. Conservation planting.

- 19.3.2.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*);
- 19.3.2.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.
- 19.3.2.3. There must be no planting within the Wairau Dry Hills Landscape.
- 19.3.2.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

19.3.3. Indigenous vegetation clearance.

- 19.3.3.1. Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive).
- 19.3.3.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 19.3.3.3 to 19.3.3.5 (inclusive):

- (a) Indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) Indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
- (c) Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
- (d) Where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.

19.3.3.3. Clearance of indigenous vegetation must not occur:

- (a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;
- (b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites.

19.3.3.4. Clearance of indigenous forest must not exceed 1000m² per Computer Register in any 5 year period.

19.3.3.5. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

19.3.4. Non-indigenous vegetation clearance.

- 19.3.4.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 19.3.4.2. Vegetation clearance must not be in, or within 30m of, a river within a Water Resource Unit with a Natural State classification.
- 19.3.4.3. Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.
- 19.3.4.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 19.3.4.5. Woody material greater than 100mm in diameter and soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;

- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 19.3.4.6. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

19.3.5. Excavation.

- 19.3.5.1. There must be no excavation in excess of 1000m³ on any land with a slope greater than 20 degrees within any 24 month period.
- 19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.
- 19.3.5.3. Excavation must not be in, or within:
- (a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.
- 19.3.5.4. The excavation must not occur in a Soil Sensitive Area identified as loess soils.
- 19.3.5.5. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 19.3.5.6. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.
- 19.3.5.7. There must be no excavation in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.5.8. There must be no excavation in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.5.9. There must be no excavation in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.5.10. There must be no excavation in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.

- 19.3.5.11. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 19.3.5.12. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 19.3.5.13. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 19.3.5.14. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.
- 19.3.5.15. Excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

19.3.6. Filling of land with clean fill.

- 19.3.6.1. The filling must not use commercial clean fill.
- 19.3.6.2. Filling in excess of 1000m³ must not occur within any 24 month period.
- 19.3.6.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 19.3.6.4. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 8m of the landward toe of a stopbank.
- 19.3.6.5. The filling must not occur in a Soil Sensitive Area identified as loess soils.
- 19.3.6.6. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 19.3.6.7. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 19.3.6.8. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain any fill areas must be less than 300mm.
- 19.3.6.9. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 19.3.6.10. Filling must not be within a Level 2 or 3 Flood Hazard Area.

- 19.3.6.11. There must be no filling in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.6.12. There must be no filling in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.6.13. There must be no filling in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.6.14. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 19.3.6.15. The filling must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site.
 - (c) the change in reflectance must be <50%.

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

- 19.3.7.1. The bore must be drilled by a Recognised Professional.
- 19.3.7.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 19.3.7.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

19.3.8. Farming.

- 19.3.8.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

19.3.9. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

- 19.3.9.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 19.3.9.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.
- 19.3.9.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 19.3.10.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:
- (a) Drought code - 200 or higher; or
 - (b) Build up index - 40 or higher.

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

- 19.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.
- 19.3.11.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 19.3.11.3. The total volume of material being burned must not exceed 2m³ if the property is adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Coastal Living or Rural Living.

19.3.12. Discharge of human effluent into land through a long drop toilet.

- 19.3.12.1. There must not be a Council operated sewerage system designed for that purpose within 60m of the long drop toilet.
- 19.3.12.2. The bottom of the long drop is located above the natural groundwater level at all times.
- 19.3.12.3. The long drop toilet must not be located:
- (a) within 50m of a river, lake, Significant Wetland or drainage channel;
 - (b) within 30m of a bore.
- 19.3.12.4. The long drop toilet must not be constructed on unconsolidated gravels, coarse or medium sands, fissured rocks or scree.
- 19.3.12.5. Once the human effluent reaches within 1m of the original ground level, or the long drop is no longer used, the content of the long drop must be covered with soil to a depth of at least 1m.
- 19.3.12.6. The long drop toilet must be constructed so that no surface runoff enters the toilet.

19.3.13. Discharge of human effluent into or onto land.

- 19.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 19.3.13.2. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 19.3.13.3. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 19.3.13.4. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 19.3.13.5. There must be:
- (a) no ponding of effluent;

- (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.

19.3.13.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

19.3.13.7. Effluent must be able to:

- (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
- (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.

19.3.13.8. The discharge must not occur within a Groundwater Protection Area.

19.3.13.9. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

19.3.13.10. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

19.3.14. Application of a vertebrate toxic agent into or onto land.

19.3.14.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.

19.3.14.2. All reasonable care must be exercised with the application so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

19.3.15. Application of an agrichemical into or onto land.

19.3.15.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

19.3.15.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.

19.3.15.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

19.3.15.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

19.3.15.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

19.3.16. Discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest plants from Significant Wetlands.

19.3.16.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.

19.3.16.2. The aquatic herbicide or glyphosate must be approved for aquatic use by the Environmental Protection Authority.

19.3.16.3. The application must be undertaken in accordance with the manufacturer's instructions, if consistent with any requirements of the Environmental Protection Authority.

- 19.3.16.4. Application rates must not exceed those required by the Environmental Protection Authority or, if none, those stated on the most recent product label for the relevant application equipment or method and target species.

19.3.17. Application of fertiliser or lime into or onto land.

- 19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 19.3.17.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 19.3.17.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 19.3.17.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.
- 19.3.17.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime does not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

19.3.18. Application of compost and solid agricultural waste into or onto land.

- 19.3.18.1. The application must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of a dwelling on any adjacent land in different ownership.
- 19.3.18.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

19.3.19. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

- 19.3.19.1. The discharge must not occur into or onto a Soil Sensitive Area.
- 19.3.19.2. The discharge must not occur within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 19.3.19.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 19.3.19.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 19.3.19.5. Ponding must not be detectable beyond 24 hours after discharge.
- 19.3.19.6. The discharge must not result in anaerobic soil conditions.

- 19.3.19.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 19.3.19.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 19.3.19.9. Records of pH levels must be kept and available upon request by the Council.

19.3.20. Disposal of farm rubbish into a pit.

- 19.3.20.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.
- 19.3.20.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.
- 19.3.20.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 19.3.20.4. The farm rubbish pit must not be located within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 50m of any boundary of the property or a dwelling.
- 19.3.20.5. Surface run-off must not enter the pit.
- 19.3.20.6. When any pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

19.3.21. Disposal of offal or a carcass into an offal pit.

- 19.3.21.1. The offal or carcass must be from pastoral agriculture except intensive farming undertaken on the same property.
- 19.3.21.2. Only offal and carcasses may be disposed of to an offal pit.
- 19.3.21.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 19.3.21.4. The offal pit must not be located within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 50m of any boundary of the property or a dwelling.
- 19.3.21.5. The offal pit must be located above the natural ground water level at all times.
- 19.3.21.6. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

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

- 19.3.22.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.
- 19.3.22.2. The pit must not be located on a Soil Sensitive Area identified as free-draining soils or loess soils.
- 19.3.22.3. The pit, stack or stockpile must not be located within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of any boundary of any adjacent land in different ownership.
- 19.3.22.4. The pit or stack must be completely covered by an impermeable material when not in use.
- 19.3.22.5. There must be no runoff of leachate from the pit, stack or stockpile.
- 19.3.22.6. Surface run-off must not enter the pit, stack or stockpile.

19.3.23. Storage of compost not in a pit or stack.

- 19.3.23.1. The storage of compost must not occur within:
 - (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (c) 10m of any dwelling on any adjacent land in different ownership.
- 19.3.23.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.
- 19.3.23.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.

19.4. Discretionary Activities

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

[R, D]

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

[D]

- 19.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[R]

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

19.5. Prohibited Activities

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

[R]

19.5.1. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA);
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals, including but not limited to cables
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

19.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[R]

19.5.3. Planting Lodgepole pine (*Pinus contorta*).

[R]

19.5.4. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Chapter 20 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
20.1.2	20.3.1.2
20.1.5 to 20.1.12 (inclusive)	All
20.4.1	n/a
20.5.1 ¹	n/a
20.5.4	n/a
20.6.1 to 20.6.3 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

20. Open Space 4 Zone

20.1. Permitted Activities

Unless expressly limited elsewhere by rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without a resource consent where they comply with the applicable standards in 20.2 and 20.3:

[D]

20.1.1. Skifield activity, including the use of a building or structure, existing at 9 June 2016.

[R, D]

20.1.2. Avalanche control works.

[D]

20.1.3. Helicopter landing area.

[D]

20.1.4. Use of an existing building for staff accommodation.

[R, D]

20.1.5. Excavation or filling.

[R, D]

20.1.6. Planting of vegetation.

[R, D]

20.1.7. Removal of vegetation.

[R]

20.1.8. Application of a vertebrate toxic agent into or onto land.

[R]

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

[R]

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

[R]

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

[R]

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

20.2. Standards that apply to all permitted activities

20.2.1. Noise.

20.2.1.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:

7.00 am to 10.00 pm	65 dBA L_{Aeq}
10.00 pm to 7.00 am	65 dBA L_{Aeq} 75dB L_{AFmax}

20.2.1.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.

20.2.1.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS6803:1999 Acoustics – Construction Noise.

20.2.2. Odour.

20.2.2.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

20.2.3. Smoke.

20.2.3.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

20.2.4. Dust.

20.2.4.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

20.2.5. Dust from any process vent or stack.

20.2.5.1. The dust must not contain hazardous substances.

20.2.5.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.

20.2.5.3. Dust particles must not exceed 0.05mm size in any direction.

20.3. Standards that apply to specific permitted activities

20.3.1. Avalanche control works.

20.3.1.1. Control works must only be undertaken to the extent that is required to provide for a safe environment for skifield activity.

20.3.1.2. Any control works that have an adverse effect on a river, lake or Significant Wetland must be reported to the Council within 24 hours of the works being conducted.

20.3.2. Use of an existing building for staff accommodation.

20.3.2.1. The on-site accommodation must be for staff of the skifield and be necessary for the operation of the skifield.

20.3.3. Excavation or filling.

- 20.3.3.1. No excavation in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 20.3.3.2. No filling in excess of 1000m³ must occur within any 24 month period.
- 20.3.3.3. Excavation or fill must not be in, or within 8m of, a Significant Wetland.
- 20.3.3.4. Excavation must not be within 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 20.3.3.5. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.
- 20.3.3.6. Batters must be designed to be stable and remain effective after completion of excavation.
- 20.3.3.7. Water control measures and sediment control measures must be designed, constructed and maintained around all areas disturbed by excavation, such that the areas are stable and remain effective after completion of excavation or filling.
- 20.3.3.8. Excavation or filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland as measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation or filling site;
 - (c) the change in reflectance must be <50%.
- 20.3.3.9. The diameter of any culvert used to drain any excavation or fill area must not be less than 300mm.
- 20.3.3.10. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

20.3.4. Planting of vegetation.

- 20.3.4.1. Only indigenous species must be planted in, or within, 8m of a Significant Wetland.

20.3.5. Vegetation Clearance.

- 20.3.5.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 20.3.5.2. Woody vegetation must not be removed by fire or mechanical means within 8 metres of a river (except an ephemeral river) or lake.
- 20.3.5.3. In, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the

only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.

- 20.3.5.4. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.
- 20.3.5.5. No tree or log must be dragged through the bed of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.
- 20.3.5.6. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland.
- 20.3.5.7. Within 6 months of completion of vegetation clearance, a suitable vegetative cover that will mitigate soil loss must be restored over 80% of the clearance site.
- 20.3.5.8. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 20.3.5.9. No woody material of greater than 100mm diameter must be left in a river, lake or Significant Wetland.
- 20.3.5.10. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.
- 20.3.5.11. If the clearance is of indigenous vegetation, the following also applies:
 - (a) no more than 500m² of indigenous sub-alpine vegetation must be cleared in any 5 year period;
 - (b) no more than 100m² of tall tussock of the genus *Chinochloa* must be cleared in any 5 year period.

20.3.6. Application of a vertebrate toxic agent into or onto land.

- 20.3.6.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.
- 20.3.6.2. The discharge must be by the administering agency, or by any person authorised by the administering agency to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity.
- 20.3.6.3. All reasonable care must be exercised in the discharge so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being discharged.
- 20.3.6.4. The discharge must not result in the vertebrate toxic agent being deposited on any roof or structure used as a catchment for water supply.

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

- 20.3.7.1. Only material generated on the same property must be burned.

20.3.7.2. The total volume of material being burned must not exceed 2m³.

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

20.3.8.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

20.3.8.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

20.3.8.3. The appliance must only burn fuels approved for use in the appliance.

20.3.8.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

20.4. Restricted Discretionary Activities

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

[R]

20.4.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period.

Matters over which the Council has restricted its discretion:

20.4.1.1. The effects on water quality and soil conservation from the excavation.

20.5. Discretionary Activities

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

[R, D]

20.5.1. Any activity provided for as a Permitted Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

20.5.2. Skifield facility, including a ski lift or a building.

[D]

20.5.3. Any use of land not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[R]

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

20.6. Prohibited Activities

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

[R]

20.6.1. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

20.6.2. Disposal of any solid waste material to land.

[R, D]

20.6.3. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).

[D]

20.6.4. Industrial activity.

Chapter 21 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
21.1.11, 21.1.15 and 21.1.17	All
21.4.1 ¹	n/a
21.4.4	n/a
21.5.1 ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although this prohibited activity rule has immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

21. Floodway Zone

Unless explicitly specified, these rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, or the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.

21.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 21.2 and 21.3:

[R, D]

21.1.1. Maintenance or reconstruction of a stopbank that is structurally weak, damaged or that has developed isolated low points.

[R, D]

21.1.2. Rock or gabion structural bank protection works.

[R]

21.1.3. Driving and construction of a piled retard.

[R, D]

21.1.4. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

[R, D]

21.1.5. Maintenance of a culvert or floodgate.

[R]

21.1.6. Shaping and beaching.

[R]

21.1.7. Land disturbance works to facilitate the diversion of water.

[R]

21.1.8. Gravel and sediment removal within a dry part of a riverbed.

[R]

21.1.9. Gravel and sediment removal within a wet part of a riverbed.

[R]

21.1.10. Gravel and sediment stockpiling within a dry part of a riverbed.

[R]

21.1.11. Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion.

[R]

21.1.12. Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

[R]

21.1.13. Removal or control of aquatic vegetation in a river by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

[R]

21.1.14. Removal or control of terrestrial vegetation in a riverbed by mechanical and/or other physical means.

[R]

21.1.15. Discharge of agrichemicals into or onto land.

[R, D]

21.1.16. Passive recreation undertaken by any person.

[R, D]

21.1.17. Farming undertaken by any person.

21.2. Standards that apply to all permitted activities

21.2.1. General.

- 21.2.1.1. No refuelling or fuel storage must take place within 20m of water.
- 21.2.1.2. No storage or placement of a hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of water.
- 21.2.1.3. The activity must not cause flooding or erosion of private land.
- 21.2.1.4. The activity must not be in, or within 8m of, a Significant Wetland.

21.2.2. Noise.

- 21.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	65 dBA L_{Aeq}
10.00 pm to 7.00 am	65 dBA L_{Aeq} 75dB L_{AFmax}

- 21.2.2.2. An activity undertaken within the Floodway Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living or Coastal Living does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}

- 21.2.2.3. The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of farming activity occurring in the Floodway Zone;
 - (b) a fixed motor or equipment, frost fan or gas gun, milling or processing forestry activity, static irrigation pump; or motorbike that is being used for recreational purposes.
- 21.2.2.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 21.2.2.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.
- 21.2.3. Odour.**
 - 21.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 21.2.4. Smoke.**
 - 21.2.4.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.
- 21.2.5. Dust.**
 - 21.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.
- 21.2.6. Dust from any process vent or stack.**
 - 21.2.6.1. The dust must not contain hazardous substances.
 - 21.2.6.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
 - 21.2.6.3. Dust particles must not exceed 0.05mm size in any direction.

21.3. Standards that apply to specific permitted activities

- 21.3.1. Maintenance or reconstruction of a stopbank that is structurally weak, damaged or that has developed isolated low points.**
 - 21.3.1.1. A stopbank must only be reconstructed up a maximum of the 1 in 100 year design height.
 - 21.3.1.2. Works must be undertaken outside of the wet part of the riverbed.
- 21.3.2. Rock or gabion structural bank protection works.**
 - 21.3.2.1. Rock may be used for protecting a river bank edge, training bank or stopbank.
 - 21.3.2.2. Rock from a damaged or redundant structure may be recovered from the riverbed.
 - 21.3.2.3. A continuous length of vertical gabion bank wall exceeding 50m must be avoided by interposing some gently sloping sections for bird access.

21.3.2.4. A motor vehicle body, old machinery or scrap iron must not be used for bank protection works.

21.3.2.5. Placement of rock rip-rap in a tidal reach must not take place between 1 August and 30 November in any year.

21.3.3. Driving and construction of a piled retard.

21.3.3.1. A piled retard may be used in conjunction with tree planting as bank edge protection.

21.3.3.2. A piled retard must only be used where there is adequate channel width and a retard is likely to aggrade with sediment to form a new river bank.

21.3.3.3. A piled retard may be used as a debris arrestor in front of a culvert, provided that fish passage is not obstructed.

21.3.4. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.

21.3.4.1. Concrete lining must not be constructed when there is flowing water in the channel.

21.3.5. Maintenance of a culvert or floodgate.

21.3.5.1. The maintenance must occur within the original location of a culvert or floodgate.

21.3.5.2. A temporary coffer dam constructed for the purposes of the maintenance must be removed at the completion of the maintenance.

21.3.5.3. A secondary flow path to enable overtopping floodwaters to return to the downstream channel without increasing the flood hazard to another person's property must be constructed during maintenance.

21.3.5.4. The culvert must be placed below the level of the stream bed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe).

21.3.5.5. The culvert must be placed at the same slope as the existing bed of the river.

21.3.5.6. There must be no increase in the velocity of flow through or downstream of the culvert, at the river's median flow, after the maintenance is completed.

21.3.5.7. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

21.3.5.8. Fish passage must be provided for floodgates, where habitat exists upstream of the floodgate.

21.3.6. Shaping and beaching.

21.3.6.1. The shaping must be necessary for maintaining the flood carrying capacity of the floodway, or for the stability of the riverbank in the vicinity.

21.3.6.2. Shaping and beaching work must not be to a level higher than that of the natural river bank.

21.3.6.3. The channel shape and form both in cross section and longitudinal slope must be kept similar to the typical natural bedform of that river.

21.3.6.4. Works must not be undertaken in flowing water.

21.3.6.5. Any discharge of sediment into water associated with the shaping or beaching must not, after reasonable mixing, cause a change in colour of the

receiving water of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

21.3.7. Land disturbance works to facilitate the diversion of water.

- 21.3.7.1. The works must only be carried out working in an upstream direction.
- 21.3.7.2. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
- 21.3.7.3. The full length of a redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.
- 21.3.7.4. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to the works commencing.
- 21.3.7.5. The diversion must be necessary for maintaining the stability of the riverbank in the vicinity, or for facilitating the removal of gravel or sediment for river control purposes.
- 21.3.7.6. Any discharge of sediment into water associated with the land disturbance works must not, after reasonable mixing, cause a change in colour of the receiving waters of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

21.3.8. Gravel and sediment removal within a dry part of a riverbed.

- 21.3.8.1. Gravel and sediment must be extracted in strips and layers from the inside of bends, working from the water's edge towards the land and with a perceptible slope rising away from the water edge, alternatively, a buffer strip of 1m width must be left between the water's edge and the start of excavation.
- 21.3.8.2. The removal must not disturb flowing water.
- 21.3.8.3. Any removal must take place from the downstream end of the gravel beach, working upstream.
- 21.3.8.4. No secondary braid or flow pattern must be opened up during the removal operation.
- 21.3.8.5. A vertical face of an area of gravel removal must not exceed one metre in height.
- 21.3.8.6. Gravel must not be stockpiled within the active riverbed for a period exceeding 24 hours.
- 21.3.8.7. Oversize boulders or other sediment excavated must be removed from the riverbed.
- 21.3.8.8. Access across the Wairau floodway bars for gravel extraction is not permitted from Boyces Road, Pauls Road, Giffords Road, Cravens Road, Hilllocks Road or State Highway 1 (North Bank).
- 21.3.8.9. An access route to a removal point must not cross or cut off flow into a minor channel or backwater, not adversely affect riparian vegetation or not disturb native birds using riparian vegetation for nesting.
- 21.3.8.10. The removal of gravel must be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday (inclusive). No gravel must be removed on a public holiday or between 24 December and 3 January (inclusive).

- 21.3.8.11. During the period of 1 September to 31 December in any year no removal must occur within 50m of nesting birds on the riverbed.
- 21.3.8.12. The amount of gravel removed must not exceed, on an annual basis, the amount specified in the MDC Marlborough Rivers Gravel Extraction Strategy.

21.3.9. Gravel and sediment removal within a wet part of a riverbed.

- 21.3.9.1. The removal must be necessary for maintaining the flood carrying capacity of the floodway, or for the stability of the riverbank in the vicinity.
- 21.3.9.2. Gravel or sediment removal must not be carried out more than once in any 12 month period in any floodway.
- 21.3.9.3. Excavators must operate from the riverbank where possible.
- 21.3.9.4. The removal must not be carried out in water greater than 2m average depth.
- 21.3.9.5. The gravel and sediment removed must be retained on adjacent river banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the river.
- 21.3.9.6. The removal must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.
- 21.3.9.7. The removal must not limit fish passage.
- 21.3.9.8. For a river with a greater than 10m width of flowing water, not more than half the width of the riverbed must be disturbed at any time.
- 21.3.9.9. The extraction of gravel and sediment must be limited to the hours of 7.30 am - 5.00 pm from Monday to Saturday (inclusive). No gravel must be extracted on a public holiday or between 24 December and 3 January (inclusive).
- 21.3.9.10. Any discharge of sediment into water associated with the removal must not, after reasonable mixing, cause a change in colour of the receiving water of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 21.3.9.11. Allowable road access routes to floodways must be controlled by the Council's permit system to ensure road safety and maintenance standards as set out in the MDC Marlborough Rivers Gravel Extraction Strategy are met.
- 21.3.9.12. During the period of 1 September to 31 December in any year no removal must occur within 50m of nesting birds on the riverbed.
- 21.3.9.13. The amount of gravel removed from any floodway must not exceed, on an annual basis, the amount specified in the MDC Marlborough Rivers Gravel Extraction Strategy.

21.3.10. Gravel and sediment stockpiling within a dry part of a riverbed.

- 21.3.10.1. The gravel and sediment stockpiled must be limited to that removed from nearby parts of the same floodway.
- 21.3.10.2. Gravel and sediment must not be stockpiled within a floodway for a period exceeding 24 hours, except as allowed for in 21.3.10.3.
- 21.3.10.3. Gravel and sediment may be stockpiled for periods longer than 24 hours where the stockpiling will not impair the flood capacity of the river.

21.3.10.4. Stockpiling must be in the locations identified, and only up to the maximum quantities specified, in the MDC Marlborough Rivers Gravel Extraction Strategy.

21.3.11. Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion.

21.3.11.1. Crack willow must not be planted on any floodway, except for the Wairau River downstream of the Wye River confluence.

21.3.11.2. When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted.

21.3.12. Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

21.3.12.1. Cutting must not be carried out more than once in any 12 month period on any river reach, except that the Lower Ōpaoa River may be cut up to four times per year.

21.3.12.2. The removal or control must not be carried out in a tidal reach between 1 February and 30 April in any year.

21.3.12.3. The excavator must not enter flowing water.

21.3.12.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the river.

21.3.12.5. Removed material must be retained on adjacent river banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the river.

21.3.13. Removal or control of aquatic vegetation in a river by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

21.3.13.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any river reach, except that the Lower Ōpaoa River may be cut up to four times per year.

21.3.13.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April in any year.

21.3.13.3. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the river.

21.3.14. Removal or control of terrestrial vegetation in a riverbed by mechanical or other physical means.

21.3.14.1. The cut or felled vegetation must be removed from a riverbed less than 3m in width.

21.3.14.2. Vegetation greater than 100mm in diameter must be removed from a riverbed wider than 3m.

21.3.14.3. Machinery must not be operated in flowing water.

21.3.14.4. Removal of trees overhanging or partially in the water must be by machinery operated on the river bank or mounted on a boat or barge.

21.3.14.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to remove or control the vegetation.

21.3.15. Discharge of agrichemicals into or onto land.

- 21.3.15.1. The discharge must be undertaken in accordance with the most recent product label.
- 21.3.15.2. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.
- 21.3.15.3. The agrichemical must not enter water.

21.3.16. Farming undertaken by any person.

- 21.3.16.1. The activity must be authorised by the Council through a formal agreement.
- 21.3.16.2. The farming must not include a dairy farm or a pig farm established after 9 June 2016.
- 21.3.16.3. Standards 2.9.9.1 to 2.9.9.3 (inclusive) in the General Rules for livestock entering onto, or passing across, the bed of a river apply.

21.4. Discretionary Activities

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

[R, D]

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

[D]

21.4.2. Any use of land not provided for as a Permitted Activity.

[R]

21.4.3. Any use of the bed of a lake or river not provided for as a Permitted Activity.

[R]

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

21.5. Prohibited Activities

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

[R]

21.5.1. Discharge of contaminants to air arising from the burning any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;

- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Chapter 22 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
22.1.1 to 22.1.5 (inclusive), 22.1.7 to 22.1.19 (inclusive)	All
22.4.1 to 22.4.3 (inclusive)	All
22.5.1 ¹	n/a
22.5.6 to 22.5.8 (inclusive)	n/a
22.6.1 to 22.6.3 (inclusive) ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

22. Lake Grassmere Salt Works Zone

22.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 22.2 and 22.3:

[R, D]

22.1.1. Solar production, refining, handling, packaging, storage and sale of salt and associated by-products.

[R, D]

22.1.2. Bunds and roads existing at 9 June 2016.

[C]

22.1.3. Take and use of coastal water and the maintenance of existing seawater intake pipelines within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.

[C]

22.1.4. Discharge of stormwater from Lake Grassmere and surrounding catchments or diluted brine to the coastal marine area.

[C, R, D]

22.1.5. Construction and use of a temporary stormwater flood outlet channel from Lake Grassmere to the coastal marine area, including any disturbance of the foreshore and seabed.

[D]

22.1.6. Living accommodation facility for staff.

[R, D]

22.1.7. Excavation.

[R, D]

22.1.8. Filling of land with clean fill.

[R, D]

22.1.9. Indigenous vegetation clearance.

[R, D]

22.1.10. Non-indigenous vegetation clearance.

[R]

22.1.11. Discharge of human effluent into or onto land.

[R]

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

[R]

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

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

22.2. Standards that apply to all permitted activities

22.2.1. Construction and siting of a building or structure.

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

22.2.2. Noise.

22.2.2.1. An activity, apart from salt harvest operations, must not cause noise that exceeds the following limits at the zone boundary:

7.00 am to 10.00 pm Monday to Sunday	55 dBA L_{Aeq}
At all other times	45 dBA L_{Aeq} 75dB L_{AFmax}

22.2.2.2. Noise from salt harvest operations, when measured at or beyond the Lake Grassmere Salt Works Noise Control Boundary, which is a distance of 500 metres from the 'outside' edges of the salt crystallising ponds, must not exceed the following standards:

7.00 am to 10.00 pm Monday to Sunday	55 dBA L_{Aeq}
At all other times	45 dBA L_{Aeq} 75dB L_{AFmax}

22.2.2.3. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

22.2.2.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

22.2.3. Odour.

22.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

22.2.4. Smoke.

22.2.4.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

22.2.5. Dust.

22.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

22.2.6. Dust from any process vent or stack.

22.2.6.1. The dust must not contain hazardous substances.

22.2.6.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.

22.2.6.3. Dust particles must not exceed 0.05mm size in any direction.

22.3. Standards that apply to specific permitted activities**22.3.1. Solar production, refining, handling, packaging, storage and sale of salt and associated by-products.**

22.3.1.1. The best practicable method must be adopted to contain the spread of brine into soil beyond the boundaries of the zone.

22.3.1.2. The best practicable method must be adopted to minimise the generation of salt foam within the zone and to contain the spread of wind-borne salt foam beyond the boundaries of the zone.

22.3.2. Take and use of coastal water and the maintenance of existing seawater intake pipelines within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.

22.3.2.1. The taking of water must not exceed 1.4m³ per second and 121,000m³ per day.

22.3.2.2. The activity must not change natural water quality.

22.3.3. Discharge of stormwater from Lake Grassmere and surrounding catchments or diluted brine to the coastal marine area.

22.3.3.1. Outside a mixing zone of 200m radius measured from the point of discharge the following must be met:

- (a) the discharge must not inhibit the gathering of shellfish for human consumption;
- (b) the natural temperature of the receiving water must not be changed by more than 3°C;
- (c) the concentration of dissolved oxygen in the discharge must exceed 80% of the saturation concentration;
- (d) there must be no undesirable biological growths as a result of any discharge of a contaminant into the water.

22.3.4. Construction and use of a temporary stormwater flood outlet channel from Lake Grassmere to the coastal marine area, including any disturbance of the foreshore and seabed.

22.3.4.1. The temporary channel must only be constructed and used when a storm event is forecast.

22.3.4.2. The construction must be confined to the position and dimension within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor shown in Appendix 21.

22.3.4.3. The Council and the Department of Conservation must be advised as soon as a decision has been taken to construct the temporary flood stormwater outlet.

22.3.4.4. All excavated material must be stockpiled beside the temporary outlet cut for reinstatement following release of the stormwater.

22.3.4.5. The breach in the fore dunes and beach gravels must be reinstated to as close as practicable the condition of the land immediately prior to the work commencing. The reinstatement must be completed as soon as practicable following the passing of the storm event which created the need for the temporary outlet, but no later than 7 days after the event.

22.3.5. Living accommodation facility for staff.

22.3.5.1. The accommodation must be on-site and ancillary to the operations of the salt works.

22.3.5.2. The accommodation must only be provided to employees of the operator of the salt works.

22.3.6. Excavation.

- 22.3.6.1. Excavation in excess of 1000m³ must not occur on land with a slope greater than 20° within any 24 month period.
- 22.3.6.2. Excavation must not be in, or within 8m of a river (except an ephemeral river when not flowing), lake (except during salt harvest operations) or the coastal marine area.
- 22.3.6.3. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake (except during salt harvest operations) or the coastal marine area.
- 22.3.6.4. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 22.3.6.5. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by any excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.
- 22.3.6.6. After reasonable mixing, excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

22.3.7. Filling of land with clean fill.

- 22.3.7.1. The filling must not use commercial clean fill.
- 22.3.7.2. Filling in excess of 1000m³ must not occur within any 24 month period.
- 22.3.7.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 22.3.7.4. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 22.3.7.5. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain a fill area must not be less than 300mm.
- 22.3.7.6. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover other means to achieve a rapid vegetative cover must be used.
- 22.3.7.7. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of the landward toe of a stopbank.

- 22.3.7.8. After reasonable mixing, filling must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.

22.3.8. Indigenous vegetation clearance.

- 22.3.8.1. Indigenous vegetation clearance must comply with Standards 22.3.9.1 to 22.3.9.8 (inclusive).
- 22.3.8.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 22.3.8.3 to 22.3.8.6 (inclusive):
- (a) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
 - (b) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
 - (c) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.
- 22.3.8.3. Clearance of indigenous vegetation must not occur:
- (a) on land identified as a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 22.3.8.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
- (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 22.3.8.5. Clearance of indigenous forest must not exceed 1000m² per Computer Register in any 5 year period.
- 22.3.8.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - (i) 500m² of indigenous sub-alpine vegetation;
 - (ii) 100m² of tall tussock of the genus *Chinochloa*.

22.3.9. Non-indigenous vegetation clearance.

- 22.3.9.1. Where clearance is by mechanical means, blading or root-raking by bulldozer must not be used on slopes greater than 20°.
- 22.3.9.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 22.3.9.3. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or through the coastal marine area.
- 22.3.9.4. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area.
- 22.3.9.5. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 22.3.9.6. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 22.3.9.7. Woody material greater than 100mm in diameter and soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 22.3.9.8. After reasonable mixing, vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

22.3.10. Discharge of human effluent into or onto land through an on-site wastewater management system.

- 22.3.10.1. The human effluent must be treated via an on-site wastewater management system must be maintained in an efficient operating condition at all times.
- 22.3.10.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 22.3.10.3. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, groundwater or coastal water.
- 22.3.10.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 22.3.10.5. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.

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

- 22.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.

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

- 22.3.12.1. The discharge must not contain more than the following maximum heat output limits:
 - (a) 10MW for natural or liquefied petroleum gas;
 - (b) 40kW for untreated wood;
 - (c) 200kW for coal;
 - (d) 40kW for light fuel oil;
 - (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;
 - (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
 - (g) 10MW for diesel (external combustion);
 - (h) 2 MW for kerosene.
- 22.3.12.2. The limits in 22.3.12.1 apply to the total heat output from the site. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.
- 22.3.12.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 22.3.12.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this

is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.

- 22.3.12.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.
- 22.3.12.6. For external combustion sources the stack must comply with requirements in Appendix 8 – Schedule 5.
- 22.3.12.7. Coal must not be burned as a fuel if there are buildings higher than 6m within a 25m radius of the discharge. Fuels other than coal must not be burned if there are buildings higher than 5m within a 25m radius of the discharge.
- 22.3.12.8. The sulphur content of any coal burnt must be less than 2%.

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

- 22.3.13.1. The fuel used in the engine must be gas, LPG, petrol, diesel, vegetable oils or alcohol.
- 22.3.13.2. Fuel containing sulphur at levels greater than 0.05% by weight must not be burned.
- 22.3.13.3. The power output of the engine must not exceed 400kW, this limit applies to the total heat output from a site.
- 22.3.13.4. If the power output of the engine is between 30kW and 400kW –
 - (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period;
 - (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.
- 22.3.13.5. Where more than one fuel type is used on the property, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.

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

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

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

- 22.3.15.1. The coating material must not that contain any di-isocyanates.
- 22.3.15.2. The total amount of coating material sprayed on the property must not exceed 10 litres per hour.
- 22.3.15.3. The spray booth must be fitted with an air extraction system which vertically discharges all contaminants and exhaust air through an emission stack.
- 22.3.15.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 22.3.15.5. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 22.3.15.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

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

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

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

- 22.3.17.1. No more than 5MW of heat per hour must be discharged.

22.4. Controlled Activities

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

[R]

22.4.1. Discharge of contaminants to air, of the products of combustion from fuel burning equipment used for generating heat or electric power using:

- (a) untreated wood, coal or oil, except waste oil, for the purposes of generating heat or electric power at a rate not exceeding 10MW;
- (b) methane or natural or liquefied petroleum gas for the purposes of generating heat or electric power at a rate not exceeding 50MW;

where the limits specified in (a) or (b) above apply to the cumulative generated heat or electric power produced by the specified fuel within the same premises.

Standards and terms:

- 22.4.1.1. The discharge must be from a chimney.
- 22.4.1.2. The chimney must be designed so that the minimum efflux velocity is 20m/s at the chimney exit at full load for sources less than 10MW capacity, and 15m/s for sources equal to or greater than 10MW capacity.
- 22.4.1.3. The chimney must be designed so that the discharge is vertically upwards and unimpeded by cowls or any other fixtures on the top of the stack coning may be used to increase the velocity discharge.
- 22.4.1.4. The chimney height must comply with the requirements of Appendix 8 – Schedule 5.

Matters over which the Council has reserved control:

- 22.4.1.5. The location of the point of discharge.
- 22.4.1.6. The carrying out of measurements, samples, analyses, surveys, investigations or inspections.
- 22.4.1.7. The provision of information to the Council at specified times.
- 22.4.1.8. Compliance with monitoring, sampling and analysis conditions at the consent holder's expense.

[R, D]

22.4.2. Excavation of land exceeding 500mm in depth.*Standards and terms:*

- 22.4.2.1. The excavation must not exceed a depth of 1.5m.
- 22.4.2.2. The excavation must not occur further than 100 metres from the zone boundary.

Matters over which the Council has reserved control:

- 22.4.2.3. The excavation of test pits;
- 22.4.2.4. The protection of adjoining land from contamination by brine/saline water;
- 22.4.2.5. Transmissiveness of the soils media between the site of excavation and the zone boundary;
- 22.4.2.6. The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

[R, D]

22.4.3. Water Control Activities in Lake Grassmere and Cattle Creek as follows:

- (a) maintenance of a structure between 10m and 100m below the Cattle Creek rail bridge (No 174) or from 10 metres above the Cattle Creek rail bridge (No 174), to prevent or limit the extent of salt water intrusion into the channels and streams above the rail bridge;
- (b) maintenance dredging of the bed of Cattle Creek above and below the rail bridge No. 174;
- (c) works necessary to control and impound stormwater outside storm events, to provide maximum protection for Lake Grassmere from fresh water during storm events.

Standards and terms:

- 22.4.3.1. Maintenance dredging of the bed of Cattle Creek must not cause the bed of Cattle Creek to be either raised or deepened above or below its natural depth.
- 22.4.3.2. The works necessary to control and impound stormwater must be contained within a distance from 10m immediately above Cattle Creek rail bridge (No 174).
- 22.4.3.3. Works must not cause impounded water (either saltwater or freshwater) to flood beyond the banks of any creek or drain above its entrance into Lake Grassmere or beyond the banks of Lake Grassmere.

Matters over which the Council has reserved control:

- 22.4.3.4. The structural integrity of the rail bridge.
- 22.4.3.5. Use of freshwater for stock drinking purposes upstream of the upper physical barrier.
- 22.4.3.6. Preventing flooding of neighbouring land.
- 22.4.3.7. Extent of maintenance dredging of the bed of Cattle Creek.

22.5. Discretionary Activities

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

[C, R, D]

- 22.5.1. Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.**

[D]

- 22.5.2. Land based aquaculture.**

[D]

- 22.5.3. Seawater intake and discharge pipes pipelines and associated structures within the Lake Grassmere Salt Works Intake and Pipeline Extension Corridor.**

[R, D]

22.5.4. Any use of land not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[C]

22.5.5. Any use of the coastal marine area not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

22.5.6. Any taking, use, damming or diversion of open coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

22.5.7. Any discharge of water or contaminants into coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

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

22.6. Prohibited Activities

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

[R]

22.6.1. Discharge of contaminants to air arising from the burning of any of the following materials from any industrial or trade premise:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA);
- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals, including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;

- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R, D]

- 22.6.2. Disposal of hazardous waste into or onto land other than discharges from salt production processes.

[R, D]

- 22.6.3. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.

Chapter 23 - Rules having immediate legal effect

Under Section 86B(3) of the RMA the rules and standards specified in the table below have immediate legal effect from 9 June 2016. The associated definitions, appendices and overlays applicable to those rules also have immediate legal effect.

In circumstances where a rule has a mixture of standards that have immediate legal effect and standards that do not have immediate legal effect, the standards that have immediate legal effect only are identified.

Rule Number	Standard Number(s)
23.1.13	23.3.2.2 to 23.3.2.9
23.1.14	23.3.3.3
23.1.17 to 23.1.31 (inclusive) ¹	All
23.4.1 ¹	n/a
23.4.3	n/a
23.5.1 and 23.5.2 ²	n/a

¹ The rule has immediate legal effect if the activity does not meet standards identified in this table that are applicable to the activity.

² Although these prohibited activity rules have immediate legal effect, Section 87(b)(1) of the RMA requires that a prohibited activity rule must be treated as a discretionary activity until the rule is made operative.

23. Airport Zone

23.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 23.2 and 23.3:

[D]

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

[D]

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

[D]

23.1.3. Airport navigation, control and safety equipment.

[D]

23.1.4. Aircraft engineering including overhaul and testing.

[D]

23.1.5. Maintenance or servicing of aircraft.

[D]

23.1.6. Engine testing.

[D]

23.1.7. Fuel installation or a fuel servicing facility.

[D]

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

[D]

23.1.9. Education or training related to an aviation activity.

[D]

23.1.10. Airshow at Omaka airport.

[D]

23.1.11. Aviation museum.

[D]

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

[R, D]

23.1.13. Excavation or filling.

[R, D]

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

[D]

23.1.15. Grazing of livestock.

[D]

23.1.16. Recreation facility or activity.

[R]

23.1.17. Application of an agrichemical into or onto land.

[R]

23.1.18. Application of fertiliser or lime into or onto land.

[R]

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

[R]

23.1.20. Discharge of contaminants to air arising from the burning of materials for any of the following purposes.

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[R]

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

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

23.2. Standards that apply to all permitted activities

23.2.1. Construction and siting of a building or structure.

23.2.1.1. A building or structure, including a mast, pole, fence, overhead telegraph cable, overhead power cable, tree or other object must not penetrate any flight path, take off, climb/approach fan or transitional slide slope identified in the Picton (Koromiko) or Omaka Obstacle Limitation Surfaces shown in Appendix 15.

23.2.1.2. With the exception of airport navigation control or safety equipment, a building or structure must not exceed a height of 14m.

23.2.1.3. A building must be setback 8m from the zone boundary.

23.2.1.4. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

23.2.1.5. A building or structure must not be within a Level 3 Flood Hazard Area.

23.2.1.6. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

23.2.2. Noise.

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

Monday to Saturday	7.00 am to 6.00 pm	55dBA L_{Aeq}
Monday to Saturday	6.00 pm to 10.00 pm	50dBA L_{Aeq}
Monday to Sunday	10.00 pm to 7.00 am	45dBA L_{Aeq}
Monday to Sunday	10.00 pm to 7.00 am	70dBA L_{max}

23.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

23.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

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

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

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

23.2.4. Land use activity in the Woodbourne Airport Zone.

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

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

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

23.2.5.2. An alteration or addition to existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound

environment not exceeding of 35dBA L_{Aeq} at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

23.2.6. Use of external lighting.

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

23.2.7. Odour.

- 23.2.7.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

23.2.8. Smoke.

- 23.2.8.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

23.2.9. Dust.

- 23.2.9.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

23.2.10. Dust from any process vent or stack.

- 23.2.10.1. The dust must not contain hazardous substances.
- 23.2.10.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 23.2.10.3. Dust particles must not exceed 0.05mm size in any direction.

23.3. Standards that apply to specific permitted activities

23.3.1. Engine testing.

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

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

23.3.2. Excavation or filling.

- 23.3.2.1. Excavation or fill must not be within a Level 2 or 3 Flood Hazard Area.
- 23.3.2.2. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 23.3.2.3. Excavation or filling must not occur within 8m of a river or drainage channel.
- 23.3.2.4. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 23.3.2.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 23.3.2.6. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or a fill area must not be less than 300mm.
- 23.3.2.7. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 23.3.2.8. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 23.3.2.9. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.

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

- 23.3.3.1. The bore must be drilled by a Recognised Professional.
- 23.3.3.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 23.3.3.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

23.3.4. Application of an agrichemical into or onto land.

- 23.3.4.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 23.3.4.2. The application must not result in the agrichemical being deposited in or on any river, lake, Significant Wetland or drainage channel that contains water.
- 23.3.4.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

- 23.3.4.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

23.3.5. Application of fertiliser or lime into or onto land.

- 23.3.5.1. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 23.3.5.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 23.3.5.3. The application must not occur when the soil moisture exceeds field capacity.
- 23.3.5.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200kg N/ha/year (excluding N from direct animal inputs).
- 23.3.5.5. All reasonable care must be exercised in the discharge so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being discharged.

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

- 23.3.6.1. The human effluent must be treated via an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.
- 23.3.6.2. There must be no increase in the discharge from the building(s).
- 23.3.6.3. There must be no:
- (a) ponding of effluent;
 - (b) run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, groundwater or coastal water.
- 23.3.6.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 23.3.6.5. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 23.3.6.6. The discharge must not occur within a Groundwater Protection Area.
- 23.3.6.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 23.3.6.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

23.3.7. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

- 23.3.7.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 23.3.7.2. The discharge must not occur during the months of May, June, July or August.
- 23.3.7.3. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 23.3.8.1. The discharge must not contain more than the following maximum heat output limits:
 - (a) 10MW for natural or liquefied petroleum gas;
 - (b) 40kW for untreated wood;
 - (c) 100kW for coal;
 - (d) 40kW for light fuel oil;
 - (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;
 - (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
 - (g) 10MW for diesel;
 - (h) 2MW for kerosene.
- 23.3.8.2. The limits in 23.3.8.1 apply to the total heat output from the site. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.
- 23.3.8.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 23.3.8.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.
- 23.3.8.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.
- 23.3.8.6. The stack must comply with requirements in Appendix 8 – Schedule 5.
- 23.3.8.7. Coal must not be burned as a fuel if there are buildings higher than 6m within a 25m radius of the discharge. Fuels other than coal must not be burned if there are buildings higher than 5m within a 25m radius of the discharge.
- 23.3.8.8. The sulphur content of any coal burnt must be less than 2%.

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

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

- 23.3.9.2. Fuel containing sulphur at levels greater than 0.05% by weight must not be burned.
- 23.3.9.3. The power output of the device must not exceed 400kW, this limit applies to the total heat output from a site.
- 23.3.9.4. If the power output of the device is between 30kW and 400kW –
 - (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period;
 - (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.
- 23.3.9.5. Where more than one fuel type is used on the site, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used.

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

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

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

- 23.3.11.1. Coatings that contain di-isocyanates must not be used.
- 23.3.11.2. The maximum rate of coating material sprayed at one booth must not exceed 10 litres per hour.
- 23.3.11.3. The spray booth must be fitted with an air extraction system vertically discharging all contaminants and exhaust air to an emission stack.
- 23.3.11.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 23.3.11.5. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack that decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.

23.3.11.6. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

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

23.3.12.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.

23.3.12.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.

23.3.12.3. Spray coating must not occur on surfaces of fixed structures that can practicably be dismantled and transported to a spray booth.

23.3.12.4. The coating material must not contain di-isocyanates or organic plasticisers.

23.3.12.5. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.

23.3.12.6. There must be no dispersal or deposition of particles beyond the boundary of the property where the discharge originates.

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

23.3.13.1. The fibre glassing must be undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal.

23.3.13.2. The total amount of plastics moulded on the site must be less than 500kg per hour.

23.3.13.3. The total amount of fibreglass and resin used on the site must not exceed 50kg per hour.

23.3.13.4. The total mass of organic material discharges from the site must be less than 5kg per day.

23.3.13.5. A point of discharge to air must be 2m above the highest point of the building containing the operation or any building located within a radius of 2.5 times the height of the discharge.

23.3.13.6. The air discharge must be vertical.

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

23.3.14.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

23.3.14.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

23.3.14.3. The appliance must only burn fuels approved for use in the appliance.

23.3.14.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

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

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

23.3.16.1. No more than 5MW of heat per hour must be discharged.

23.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

23.5. Prohibited Activities

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

[R]

23.5.1. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;

- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R, D]

23.5.2. Disposal of hazardous waste into or onto land.

[D]

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

[D]

23.5.4. In the Woodbourne Airport Zone:

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

24. Subdivision

Section 106 of the RMA

Irrespective of the status of the subdivision under the rules of the Marlborough Environment Plan (the Plan), Section 106 of the RMA provides discretion to the Council to refuse subdivision consent, or to grant subdivision consent subject to conditions, where:

- (a) The land or any structure on the land is, or is likely to be, subject to material damage through erosion, falling debris, subsidence, slippage or inundation;
- (b) Any subsequent use of the land is likely to accelerate, worsen or result in material damage to the land, other land or a structure through erosion, falling debris, subsidence, slippage or inundation;
- (c) Sufficient provision has not been made for legal or physical access to each allotment in the proposed subdivision.

24.1. Rules for all subdivisions

In addition to specific standards for permitted activity, controlled activity, restricted discretionary activity and discretionary activity subdivisions specified in this chapter, the following rules apply to all subdivisions.

Certification of services

Water, sewerage and stormwater

[D]

24.1.1. The applicant must provide water, sewerage and stormwater infrastructure, and connections to that infrastructure, for all allotments (except any allotment to vest as a road or as a reserve) located in the following zones:

- (a) **Urban Residential 1, 2 and 3, Industrial 1 and Business 2 in accordance with the table below:**

Town	Water	Sewerage	Stormwater
Blenheim (except Urban Residential 3)	Required	Required	Required
Blenheim – Urban Residential 3	Required	Required	Required
Renwick	Required	Required	Required
Picton	Required	Required	Required

Town	Water	Sewerage	Stormwater
Havelock	Required	Required	Required
Rai Valley	Not required	Not required	Required
Wairau Valley Township	Required	Not required	Not required
Grovetown	Not required	Required	Required
Spring Creek	Not required	Required	Required
Marlborough Ridge	Required	Required	Required
Seddon	Required	Required	Required
Ward	Required	Not required	Required

(b) **Coastal Living at Rarangi in accordance with the table below:**

Town	Water	Sewerage	Stormwater
Rarangi	Required	Not required	Not required

(c) **Industrial 2.**

(d) **Business 1.**

[D]

24.1.2. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable to be made for the required water, sewerage and stormwater reticulation.

[D]

24.1.3. Acceptable confirmation as to the adequate provision of water, sewerage and stormwater must be a written statement from the Assets and Services Department of the Council or, where applicable, the person or organisation responsible for the reticulated service.

Roading

[D]

24.1.4. Where access is to be provided to a legal road, the applicant must provide roading, and access to that roading, for all allotments. The applicant must upgrade, or contribute to the upgrade of, the road where the upgrade is required as a consequence of the subdivision.

[D]

24.1.5. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable to be made for roading.

[D]

24.1.6. Acceptable confirmation as to the adequate provision of roading must be a written statement from the relevant roading authority.

Electricity

[D]

24.1.7. The applicant must supply low voltage electricity to all allotments, except for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable that forms part of the local electricity supply network.

[D]

24.1.8. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable for the supply of low voltage electricity reticulation.

[D]

24.1.9. Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from an authorised electricity distributor.

Telecommunications

[D]

24.1.10. The applicant must supply telecommunications to all allotments or must provide a reasonable practicable alternative, except for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable utilised by the telecommunications network utility operator.

[D]

24.1.11. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable for the supply of telecommunications.

[D]

24.1.12. Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from a telecommunications network utility operator or authorised supplier.

Proximity of Services

[D]

24.1.13. All services required as a result of Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10 must be provided at the boundary of each allotment or, if a rear allotment, to the allotment beyond the end of the right of way.

Water Supply

[D]

- 24.1.14. In circumstances where a connection to a Council owned reticulated water supply is not possible, the applicant must provide for a minimum of 2m³ of potable water per day for each proposed allotment (except for allotments to vest as reserve or road).

Scheme Plan

[D]

- 24.1.15. Every application for subdivision consent must be accompanied by a Scheme Plan that provides the information specified in Appendix 7.

Esplanade Reserves and Esplanade Strips

Subdivision of Allotments of less than 4 Hectares

[D]

- 24.1.16. In accordance with Section 230 of the RMA, in respect of any subdivision of land in which any allotment of less than 4 hectares is created, an esplanade reserve or esplanade strip of 20m must be provided, unless the property adjoins the Waikawa Marina or Picton Marina.
- 24.1.17. Where a property adjoins the Waikawa Marina, no esplanade reserve or esplanade strip is required to be provided, except that an esplanade reserve or esplanade strip of 3m must be provided for the subdivision of any land identified in Appendix 10.
- 24.1.18. Where land zoned Business 1 or Urban Residential 2 adjoins the Picton Marina and is to be subdivided, an esplanade reserve or esplanade strip of 3m must be provided.

24.2. Permitted Activities

Unless expressly limited elsewhere by rule in the Marlborough Environment Plan (the Plan), the following activity shall be permitted without resource consent where it complies with the standard:

[D]

24.2.1. Subdivision of land associated with utilities.

Standard:

- 24.2.1.1. The network utility operator must provide confirmation that adequate provision has been made or adequate provision is practicable for any services described in Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10 to the extent that those services are necessary for the provision of the utility.

24.3. Controlled Activities

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

[D]

24.3.1. Subdivision of land in the following zones:

- (a) Urban Residential 1, 2 and 3 (except the Urban Residential 2 Greenfield Zone);
- (b) Rural Living;
- (c) Rural Environment;
- (d) Coastal Environment;
- (e) Coastal Living;
- (f) Industrial 1 and 2;
- (g) Business 1 and 2;
- (h) Port;
- (i) Marina;
- (j) Airport;
- (k) Lake Grassmere Salt Works.

Standards and terms:

24.3.1.1. The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10.

24.3.1.2. The subdivision must create allotments that exceed the minimum net allotment area, minimum building shape factor and minimum frontage set out in the table below:

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Urban Residential 1	Front W	290	14m diameter circle	14m	
	Rear W	290	14m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Urban Residential 2 – Blenheim, Renwick, Picton and	Front W	450	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Havelock A, B	Rear W	450	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Urban Residential 2 – All other urban environments	Front W	600	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	700	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Urban Residential 3	Front W	2000	20m diameter circle	20	All allotments to accommodate a minimum 30m diameter circle.
	Front WO	4000	20m diameter circle	20	All allotments to accommodate a minimum 30m diameter circle.
	Rear W	2000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Rule 24.3.2.
	Rear WO	4000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Rule 24.3.2.
Rural Living	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.
	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Rule 24.3.2.
Rural	Front WO	20 ha	NA	60	

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Environment (except for land in the Wairau Plain Area or in the Omaka Valley Area)	Rear WO	20 ha	NA	NA	Access requirements apply, refer Rule 24.3.2.
Rural Environment - land in the Wairau Plain Area or in the Omaka Valley Area	Front WO	8 ha	NA	60	
	Rear WO	8 ha	NA	NA	Access requirements apply, refer Rule 24.3.2.
Coastal Environment	WO	30 ha	NA	NA	All allotments to accommodate a minimum 40m diameter circle.
Coastal Living (except for land at Rarangi)	Front W	2000	20m diameter circle	40	All allotments to accommodate a minimum 30m diameter circle.
	Front WO	4000	20m diameter circle	60	All allotments to accommodate a minimum 30m diameter circle.
	Rear W	2500	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Rule 24.3.2.

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
	Rear WO	4000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Rule 24.3.2.
Coastal Living at Rarangi	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.
	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Rule 24.3.2.
Industrial 1	Front W	250	10m diameter circle	NA	
	Rear W	500	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Industrial 2	Front W	1,000	15m diameter circle	NA	
	Rear W	1,000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Business 1	Front W	250	NA	NA	
	Rear W	500	NA	NA	Access requirements apply, refer Rule 24.3.2.
Business 2	Front W	250	10m diameter circle	15	
	Front WO	1,000	15m diameter circle	15	
	Rear W	500	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
	Rear WO	1,000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Port Zone	Front W	200	N/A	N/A	
	Rear W	500	N/A	N/A	Access requirements apply, refer Rule 24.3.2.
Marina Zone	Front W	200	N/A	N/A	
	Rear W	500	N/A	N/A	Access requirements apply, refer Rule 24.3.2.

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Airport Zone	Front W or WO	8 ha	NA	60	
	Rear W or WO	8 ha	NA	NA	Access requirements apply, refer Rule 24.3.2.
Lake Grassmere Salt Works Zone	Front WO	20 ha	NA	60	
	Rear WO	20 ha	NA	NA	Access requirements apply, refer Rule 24.3.2.

¹ The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.

² The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.

³ The minimum frontage must not include any area intended to provide access to the allotment or any right of way.

^A Provided that this shall not apply to those properties listed in Appendix 16, Schedule 4, Table 1. For these properties the minimum net allotment area shall be 3,000 m².

^B Provided that this shall not apply to those properties listed in Appendix 16, Schedule 4, Table 2. For those properties the minimum net allotment area shall be 1,200 m².

24.3.1.3. The subdivision must comply with the standards for accessways set out in the table below:

Zone	No. Allotments Served ¹ see note below	Minimum Width (m) ² see note below	Minimum Drivable Width (m)	Qualification ³ see note below
Urban Residential 1, 2 and 3	1	3.5	NA	
	2 - 4	3.5	3	Sealed
	5 - 6	6	5	Sealed. Width to allow passing
Rural Living	1 - 2	5	3.5	Unsealed
	3 - 6	6	4	Sealed. Width to allow passing
Rural Environment - (except for land in the Wairau Plain Area or in the Omaka Valley Area) and Lake Grassmere Salt Works	1	6	N/A	Unsealed
	2 - 4	6	4	Unsealed. Width to allow passing
	5 -12	8	4	Unsealed. Width to allow passing
	12+	12	5.5	*
Rural Environment - land in the Wairau Plain Area or in the Omaka Valley Area	1	6	N/A	Unsealed
	2 - 4	6	4	Unsealed. Width to allow passing
	5 - 8	6	5	Sealed
	9+	12	5.5	To vest as road

Zone	No. Allotments Served ¹ see note below	Minimum Width (m) ² see note below	Minimum Drivable Width (m)	Qualification ³ see note below
Coastal Environment	1	6	N/A	Unsealed
	2 - 4	6	4	Unsealed. Width to allow passing
	5 -12	8	4	Unsealed. Width to allow passing
	12+	12	5.5	*
Coastal Living	1 - 2	5	3.5	Unsealed
	3 - 6	6	4	Sealed. Width to allow passing
Industrial 1 and 2	1 – 4	6	6	Sealed.
Business 1 and 2	1 - 4	6	6	Sealed
Port	1 - 4	6	6	Sealed.
Marina	1 - 4	6	6	Sealed.

* Formation standard and legal status to be determined at time of resource consent.

Either a 'right of way' over other land or an 'access leg' within an allotment may be used to provide access to an allotment.

Sealed access must be two coat sealed (or other surface approved by the Council).

Unsealed access must be an all-weather hard surface.

¹ Where front allotments are provided with legal rights over access legs or rights of way that serve rear allotments, then those front allotments shall count as rear allotments for the purpose of calculating the number of allotments served.

² The legal width of access shall include any cut or embankment which is part of the physical formation.

³ Passing bays may be required where the length, gradients or width of access leg adversely affects the safety of users.

24.3.1.4. The land being subdivided must not have direct access to or from a State Highway.

24.3.1.5. The land being subdivided must not be within 90m of the National Grid Blenheim Substation.

24.3.1.6. The land being subdivided must not be within the National Grid Corridor.

24.3.1.7. The land being subdivided must not be within any Noise Control Boundary.

- 24.3.1.8. The land being subdivided must not involve land in Springlands identified in Appendix 23.

Matters over which the Council has reserved control:

- 24.3.1.9. The use of the site.
- 24.3.1.10. The shape and position of any allotment.
- 24.3.1.11. The provision of drinkable water supply, water storage and water treatment.
- 24.3.1.12. Effluent management.
- 24.3.1.13. Stormwater control and treatment.
- 24.3.1.14. Service easements.
- 24.3.1.15. Roading, access, parking and manoeuvring, including any necessary easements.
- 24.3.1.16. The provision of reserves for open space and recreation.
- 24.3.1.17. The provision of esplanade reserves and esplanade strips.
- 24.3.1.18. The protection of existing vegetation and revegetation.
- 24.3.1.19. The securing of any necessary covenants or other instruments to protect any significant environmental features or other special feature(s) on any lot.
- 24.3.1.20. Fencing responsibilities.
- 24.3.1.21. Staging of developments or the timing of any works.
- 24.3.1.22. Controls to mitigate the adverse effects of subdivision construction.
- 24.3.1.23. Hazard avoidance, remediation or mitigation.
- 24.3.1.24. Council access to rivers and drainage channels.
- 24.3.1.25. Geotechnical matters.
- 24.3.1.26. Provision of water for fire fighting.

[D]

24.3.2. Cross lease and unit plan subdivisions, as set out below:

- (a) **existing cross-lease or unit title developments, where staged development has been previously approved under previous plans or legislation but the development is uncompleted;**
- (b) **variations or amendments to cross-lease or unit title plans;**
- (c) **legal separation of existing lawfully established dwellings on the same property, subject to compliance with Section 224(f) of the RMA.**

Matters over which the Council has reserved control:

- 24.3.2.1. The matters set out in 24.3.1.9 to 24.3.1.26.

24.4. Restricted Discretionary Activities

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

[D]

24.4.1. Subdivision of land in the Urban Residential 2 - Greenfields Zone

Standards and terms

24.4.1.1. The subdivision must create allotments that exceed the minimum net lot area, minimum building shape factor and minimum frontage set out in the table below:

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage ³ see note below	Qualification
Urban Residential 2 Greenfield Zone	Front W	(i) Minimum 400m ² (ii) Maximum 4,000m ²	15m diameter circle	15	
	Rear W	(i) Minimum 400m ² (ii) Maximum 4,000m ²	15m diameter circle	NA	Access requirements apply, refer

¹ The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.

² The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.

24.4.1.2. An application for a consent to subdivide land must be accompanied by a report from an expert acceptable to Council, detailing the investigations and showing that the standards set out in 24.4.1.3 to 24.4.1.9 have been met.

24.4.1.3. For allotments within 200m of a river, drainage channel or the Drainage Channel Network, measured from the top of the closest bank, a cone penetrometer test (CPT) must be undertaken for the purpose of evaluating the potential for lateral spread.

The testing frequency will be in accordance with the table below:

Allotments equal to or greater than 1 hectare	Allotments equal to or greater than 0.25 hectare and less than 1 hectare	Allotments less than 0.25 hectare
0.25 per allotment (minimum of 5)	5	1 per allotment

- 24.4.1.4. At each CPT location record must be made of:
- a continuous profile of the subsoil to firm basement;
 - the depth to the water table; and
 - in-situ testing of all susceptible strata.
- 24.4.1.5. All susceptible strata must be sampled and the construction of grading curves and atterberg limit tests determined.
- 24.4.1.6. For allotments located more than 200m from a river, drainage channel or the Drainage Channel Network, measured from the top of the closest bank, vertical loading must be ascertained in the manner set out in (a) to (d) below:
- At least four scala penetrometer tests must be undertaken for each allotment.
 - Each sample point must have a field value recorded, obtained in accordance with NZS 4402.6.5.3:1988, and is to be geo-referenced to survey marks.
 - The field values of the penetrometer test must be interpreted in terms of kilo Pascals (kPa) and the basis for such interpretation defined.
 - At least one inspection pit must be constructed for every 3 allotments to confirm subsoil properties. The inspection pit must be geo-referenced and must include the logged soil profile.
- 24.4.1.7. Unless the recorded field soil strength from the scala penetrometer tests referred to in Standard 24.4.1.6 is at least 300 kPa at a depth of at least 0.3m below the soffit of the proposed foundations, the construction of a dwelling or other habitable building on the allotment will be required to have specific foundation design. A consent notice will be imposed on the allotment recording this requirement.
- 24.4.1.8. Where the field results are less than 300 kPa and scala penetrometer driving refusal occurs at 2m or more in depth, then the performance requirements shall be:
- An Ultimate Limit State Settlement to be not greater than 100mm; and
 - A Service Limit State settlement not greater than 50mm.
- 24.4.1.9. Where a Standard Penetrometer Test (SPT) count result is less than 12 (corrected in accordance with best practice), and depth to sediments achieving an SPT > 12 is greater than 2m, then the performance requirements are:
- An Ultimate Limit State Settlement to be not greater than 100mm; and
 - A Service Limit State settlement to be not greater than 50mm.

Matters over which the Council has restricted its discretion:

- 24.4.1.10. The matters set out in 24.3.1.9 to 24.3.1.26.

- 24.4.1.11. Contamination mitigation and remediation.
- 24.4.1.12. The location of dwellings on a site.
- 24.4.1.13. The proximity of existing lawfully established rural and non-residential activities and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:
 - (a) insulation of dwellings for noise purposes;
 - (b) setbacks of dwellings from boundaries including Zone boundaries;
 - (c) imposition of consent notices in respect of the above matters; and
 - (d) location of allotments between 1,000m² and 4,000m² adjoining land on which non-residential activities occur to provide a buffer.
- 24.4.1.14. Foundation design.

[D]

24.4.2. Subdivision of land which has direct access to a State Highway that otherwise meets all the standards and terms under Rule 24.3.1.

Matters over which the Council has restricted its discretion:

- 24.4.2.1. The matters set out in 24.3.1.9 to 24.3.1.26.
- 24.4.2.2. Any adverse effects on the State Highway, traffic movement or traffic safety.

[D]

24.4.3. Subdivision of land located within 90m of the National Grid Blenheim Substation on Sec 1 SO 4246, Lot 1 DP 8572 and Pt Sec 1 SO 6959 (or any successor).

Matters over which the Council has restricted its discretion:

- 24.4.3.1. The matters set out in 24.3.1.9 to 24.3.1.26.
- 24.4.3.2. The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
- 24.4.3.3. The extent to which the proposed subdivision design and layout enables appropriate separation distances between future sensitive activities and the substation.
- 24.4.3.4. Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.
- 24.4.3.5. Technical details of the characteristics and risks on and from the National Grid Blenheim Substation.

[D]

24.4.4. Subdivision of land within the National Grid Corridor.

Matters over which the Council has restricted its discretion:

- 24.4.4.1. The matters set out in 24.3.7.1 to 24.3.7.17.
- 24.4.4.2. The extent to which the subdivision may adversely affect the operation, maintenance, upgrade and development of the National Grid.
- 24.4.4.3. Technical details of the characteristics and risks on and from the National Grid.
- 24.4.4.4. The location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.

- 24.4.4.5. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 24.4.4.6. The nature and location of any vegetation to be planted in the vicinity of the National Grid transmission line.

24.5. Discretionary Activities

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

[D]

24.5.1. Any subdivision of land that does not comply with Rules 24.1.1 to 24.1.18.

[D]

24.5.2. Any permitted activity, controlled activity or restricted discretionary activity subdivision of land that does not meet the applicable standards.

[D]

24.5.3. Any subdivision of land not provided for as a permitted, controlled or restricted discretionary activity.

25. Definitions

Abrasive blasting	means the cleaning, smoothing, roughening, cutting or removal of part a surface of any articles by the use as an abrasive of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel.
Abstraction	means the activity of taking water from a water body or resource.
Abstraction point	has the same meaning as in Regulation 3 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
Access	means a practical permanent vehicular and pedestrian access from a formed road to a site over either: <ul style="list-style-type: none"> (a) land that is included within the site; or (b) other land pursuant to an easement of right of way running with the land and appurtenant to the site; or (c) land that is legal but unformed road.
Accessible parking	means parking spaces that are suitable for use by people with disabilities, particularly wheelchair users and others with mobility aids.
Accessory	means a separate detached building the use of which is incidental to that of the principal building or buildings on the site.
Act	means the Resource Management Act 1991.
Active recreation	means the use of public open spaces used for outdoor and indoor organised sports, and community activities such as sports fields, public swimming pools, equestrian activities; hard court areas and greens. These spaces often include grandstands and clubrooms associated with these uses. Does not include any form of motorised sport, other than the use of golf carts.
Afforestation Flow Sensitive Sites	as mapped on the <i>Afforestation Flow Sensitive Sites Map</i> .
Agrichemical	means any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its natural state, that is used in any agriculture, horticulture, forestry, management of public amenity areas, or related activity, to eradicate, modify, or control flora or fauna. This includes agricultural compounds, but excludes fertilisers, vertebrate pest control products and organ nutrition compounds.
Agricultural liquid waste	means agricultural waste that has a moisture content more than or equal to 95%.
Agricultural solid waste	means organic agricultural waste that has a moisture content of less than or equal to 75% and exhibits the properties of a solid, e.g., it can be stacked and hold a definite angle of repose.

Agricultural waste	means the waste from the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production and harvesting of agricultural crops that include agronomic, horticultural, silvicultural and aquaculture activities.
Allotment	means an allotment as described in Section 218(2) of the Act.
Ambient temperature	means the temperature of the surrounding environment.
Amenity values	has the same meaning as in Section 2 of the Act.
Anaerobic soils	means soils that are permanently or seasonally saturated by water that results in reduced plant growth; plant death; adventitious root growth; colour changes in soil (dark soil horizons due to accumulation of organic matter or formation of grey or gley colours due to reduction of iron species); growth of black slime, algae or planktonic species on the soil surface; rotten egg odours; crusting of the soil surface.
Ancillary	means activity or structure located on the same site as the primary activity where such activity is small in scale, incidental and serves a supportive function to the primary activity.
Anchoring or Anchorage	means the securing of a vessel, raft, aircraft or floating structure by means of an anchor.
Antenna	means that part of a radio communication facility or telecommunication facility used for transmission or reception including the antenna mountings but not any supporting mast or similar structure.
Anti-foul paint or coatings	means a coating that is applied to submerged surfaces in the Coastal Marine Area to prevent or reduce the accumulation of aquatic organisms, which includes but is not limited to biocide releasing substances.
Audible bird scaring device	means any device that generates audible sound waves used for the scaring of birds. Devices fall into one of two categories: <ol style="list-style-type: none"> 1. Category A are percussive or explosive devices (but excluding firearms as defined by the Arms Act 1983, or any Act amending or replacing that Act). For the purpose of this Plan, 'percussive or explosive device' means any device that is used to scare or disturb birds by generating a shock wave from percussion or an explosion thereby emitting noise. 2. Category B are other devices (but excluding firearms as defined by the Arms Act 1983 or any Act amending or replacing that Act). For the purpose of this Plan, 'other devices' shall mean any other device (not in Category A) that generates noise that is used to scare or disturb birds.
Automatic identification system (AIS)	means a Data Recording Device installed on-board ship that is operated in accordance with the requirements of SOLAS (Safety of Life at Sea, which is a convention of the International Maritime Organisation).

Bare ground	means ground not covered by vegetation or a vegetation canopy, as viewed vertically from a point higher than the tallest vegetation on the site.
Batter	means the cut slope immediately above a track, forestry road, skid site or other excavation.
Bed	has the same meaning as in Section 2 of the Act.
Biodiversity Criteria for Significance	as identified in Appendix 3.
Bio-foul	means aquatic organisms (micro-organisms, plants, and animals) on surfaces and structures immersed in or exposed to the aquatic environment.
Blenheim Airshed	as identified in Appendix 9.
Boatshed	means any enclosed or covered structure used or designed to be for the sole purpose of storing a boat, and associated boating equipment, out of water within the Coastal Marine Area. A boatshed excludes the provision of any plumbing for any sanitary services or toilets and accommodation.
BOD₅	means biological oxygen demand.
Bore	means a hole in the ground constructed for the purpose of: <ul style="list-style-type: none"> • investigating or monitoring conditions below the ground surface; or • abstracting liquid substances from the ground; or • discharging liquid substances into the ground but excludes test pits and soak holes.
Breakfeeding	means the feeding of animals on paddocks where feeding space is controlled by the movement of an electric fence.
Building	has the same meaning as in Section 8 of the Building Act 2004.
Cadaverine	means a foul-smelling compound produced by the action of microorganisms on proteins, as in decaying flesh.
Camping ground	has the same meaning as in Regulation 2 of the Camping-Grounds Regulations 1985 and includes a motor camp, a caravan or camper van park and storage.
Carbon sequestration forestry planting (permanent)	means a planting that will never be harvested.
Carbon sequestration forestry planting (non- permanent)	means a planting that may be harvested. For clarity, a carbon sequestration forestry planting (non-permanent) becomes commercial forestry harvesting when it is harvested

Cleanfill	means material that does not have the potential to contaminate the environment. This material includes clay, soil, rock, concrete, Brick or demolition products that are free of combustible, organic materials and contaminants and are, therefore, not subject to biological or chemical breakdown. This will involve bulk filling operations where material is required to be carted to the filling site or specifically placed there rather than cut to fill operations such as normally occurs with construction of tracks, roads and landings.
Clubrooms	means buildings used for meetings or activities of a club. There may be provision to be a licensed premise for use of patrons of that club and their guests.
cm	means centimetre.
Coastal broadleaved shrubland	means vegetation dominated by (making up more than 50% of the canopy cover) indigenous species that do not naturally reach a height of 6m or 10cm trunk diameter at 1.4m above the ground. Includes species such as taupata (<i>Coprosma repens</i>), kawakawa (<i>Piper excelsum</i>), <i>Melicytus aff obovatus</i> , Cook Strait kowhai (<i>Sophora microphylla</i>), Marlborough rock daisy (<i>Pachystegia insignis</i>) and koromiko (<i>Hebe stenophylla</i> , <i>H. stricta</i>).
Coastal flaxlands	means vegetation dominated by (making up more than 50% of the canopy cover) Wharariki/coastal flax (<i>Phormium cookianum</i>).
Coastal grassland	means vegetation dominated by (making up more than 50% of the canopy cover) silver tussock (<i>Poa cita</i>).
Coastal marine area	has the same meaning as in Section 2 of the Act.
Coastal Natural Character Schedule of Values	as identified in Appendix 2.
Coastal recreation	means recreational activity occurring within the Coastal Marine Area including but not limited to swimming, sailing and boating, kayaking, canoeing and surfing.
Coastal salt turf	means very low-growing indigenous vegetation exposed to wind-driven salt spray and includes succulent, small-leaved herbs such as <i>Selliera radicans</i> , <i>Samolus repens</i> , glasswort (<i>Sarcocornia quinqueflora</i>) and iceplant (<i>Disphyma australe</i>).
Coastal small-leaved shrubland	means vegetation dominated by (making up more than 50% of the canopy cover) indigenous small-leaved species that do not naturally reach a height of 6m or 10cm trunk diameter at 1.4m above the ground. Species include tauhinu (<i>Ozothamnus leptophyllus</i>), coastal shrub daisy (<i>Olearia solandri</i>), prickly mingimingi (<i>Leptecophylla juniperina</i>), manuka (<i>Leptospermum scoparium</i>), matagouri (<i>Discaria toumatou</i>), <i>Melicytus crassifolius</i> , <i>Pimelea</i> spp. and Cook Strait kowhai (<i>Sophora molloyi</i>).
Coastal speargrass herbfield	means vegetation in which Cook Strait speargrass (<i>Aciphylla squarrosa</i>) is common (more than 10 % of the ground cover).
Coastal water	has the same meaning as in Section 2 of the Act.

Commercial activity	means the use of the land, buildings or space for the display, offering, provision, sale, servicing or hire of goods, services, equipment, and includes shops, markets, showrooms, premises licensed for the sale of liquor, restaurants, takeaway foodbars, professional, commercial and administrative offices, places of assembly, places of recreational activities and facilities, and passenger transport facilities.
Commercial forestry	means indigenous or exotic tree species deliberately established for wood production.
Commercial forestry planting	means indigenous or exotic tree species deliberately established for wood production. Includes the planting, management and replanting of trees, and the preparation of land for planting.
Commercial forestry harvesting	means the felling and removal from the land of trees, for the purposes of commercial forestry, and includes: <ul style="list-style-type: none"> (a) excavation or filling, or both, to prepare the land for harvesting (for example, skid, forestry road or forestry track construction or maintenance); (b) de-limbing, trimming, cutting to length, and sorting and grading of felled trees; (c) recovery of windfall and other fallen trees; but does not include the transportation of the trees from the land or the processing of timber on the land.
Commercial Forestry Harvest Plan	as identified in Appendix 22.
Commercial forestry replanting	means indigenous or exotic tree species deliberately planted for wood production to replace trees previously lawfully planted for the same purpose and subsequently harvested. This definition only pertains to the Coastal Environment Zone.
Community activity	means the use of land and buildings for the purpose of supporting the health, welfare, education, culture and spiritual well-being of the community including not for profit childcare facilities, active and passive recreation.
Community facility	means land and buildings established to support community activity.
Community housing	means the use of land and a dwelling for residential support to individuals with needs that include, but are not limited to people with physical, intellectual, psychiatric disabilities, people with a need for emergency accommodation or for a woman's refuge, children who cannot live at home; or people with addictive behaviours.
Computer Register	has the same meaning as in Section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 but does not include a Computer Interest Register.
Computer Interest Register	has the same meaning as in Section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002.
Conditions	has the same meaning as in Section 2 of the Act.
Consent	includes any consent granted or issued by the Council under this Plan and the Act.

Conservation planting	means the management and planning of areas of shrubs and vegetation, of which the primary purpose is for amenity and landscape, soil conservation purposes and/or other conservation purposes.
Consumptive uses	means a use that involves the taking and using of water, for example, crop irrigation or industrial processes.
Contaminant	has the same meaning as in Section 2 of the Act.
Controlled activity	has the same meaning as in Section 2 of the Act.
Council	means the Marlborough District Council.
Criteria for Determining Significant Adverse Effects	as identified in Appendix 4.
Cultivation	means breaking up or turning soil such that the surface contour of the land is not altered.
Cut-off	means a construction for the purpose of intercepting/ carrying surface run-off water into stable areas or into rivers or drains.
Dairy farm effluent	means all dairy effluent and contaminated washwater generated on the site of the farm dairy and associated yard areas. This includes machine washwater, pit washings, faecal matter, and washwater deposited on hard stand areas.
Dam	means a structure used, or to be used for damming of water. It may be above or below ground.
Data recording device	means a device or equipment installed on-board ship that automatically records and stores navigation, ship speed and related data.
Day	means a period of 24 hours commencing at midnight.
dBA	means a frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals.
Determination of Wave Energy	as identified in Appendix 12.
Designation	has the same meaning as Section 166 of the Act.
Designations	as identified on the Zone Maps.
Developer	for the purpose of subdivision, includes subdivider.
Dewatering	means the abstraction of groundwater so as to lower the water table for the period of time required to enable excavation, construction, or geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table.
Discharge	has the same meaning as in Section 2 of the Act.
Discretionary activity	has the same meaning as in Section 2 of the Act.

Diversion	means altering the natural course or flow of water from a surface water or ground water resource.
Domestic bore	means a bore from which water is taken and used for domestic purposes or for stock.
Domestic livestock	means livestock bred, reared and/or kept on the property for home consumption, or as pets, or for hobby purposes and from which little or no income is derived.
Drainage channel	means an artificial or other watercourse maintained or created for the purposes of removing unwanted water.
Drainage Channel Network	as mapped on the <i>Drainage Channel Network Map</i> .
Dredging	means any activity involving the dredging of the seabed to provide an adequate water depth for any purpose, and includes dredging activity necessary to maintain water depth levels.
Dumping	has the same meaning as in Section 2 of the Act.
Dwelling	has the same meaning as dwellinghouse in Section 2 of the Act that is fully self-contained and used by one household and includes an apartment and a unit (but not the whole building containing the apartment or the unit) but does not include visitor accommodation, workers accommodation and retirement accommodation.
Ecologically Significant Marine Site	as mapped on the <i>Ecologically Significant Marine Sites Maps 1 to 16</i> .
Efflux velocity	means the velocity of the gases leaving a chimney, pipe or other exhaust.
Emergency service	means an organisation that is essential to the community's initial response to an emergency incident or hazard event.
Environment	has the same meaning as in Section 2 of the Act.
Environmental flows and/or levels	has the same meaning as in the National Policy Statement for Freshwater Management 2014. In the Marlborough context these are identified in <i>Freshwater Management Unit</i> in Appendix 6.
Ephemeral	means a wetland, lake, river, or reach of river that only exists or flows for a short period following heavy or persistent precipitation or snowmelt.
Erosion	means any particulate or mass movement of soil under the influence of wind, water or gravity or combinations thereof.
Esplanade reserve	has the same meaning as in Section 2 of the Act.
Esplanade strip	has the same meaning as in Section 2 of the Act.
Excavation	means to dig out soil or natural material from the ground such that the surface contour of the land is permanently altered.

External building envelope	means an area defined by the outermost physical parts of the building, normally the cladding and roof.
External combustion	a method of energy generation in which combustion takes place in a controlled chamber or chambers outside an engine to generate mechanical energy.
Farm airstrip and helipad	means a facility for the use of aircraft or helicopters integral to the farming use of the land.
Farm produce	in relation to a rural selling place means livestock matter and vegetative matter produced on a farming unit. In the case of vegetation vegetative matter farm produce means any vegetative matter which has not been subject to processing beyond cutting, cleaning, chilling, freezing, grading, packaging and includes the unprocessed extracted juices of such matter. In the case of livestock matter, farm produce means eggs and honey and includes any arts and crafts produced on the property.
Farming	means a land based activity, having as its primary purpose the commercial production and sale of any livestock or vegetative matter. Farming does not include intensive farming, forestry, and in the case of vegetative matter, does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the farming unit.
Field capacity	means the moisture content of soil when the addition of further water would result in saturation and/or drainage of water from the soil.
Fill, filling and fill material	means material placed to raise the existing ground level.
Fire break	has the same meaning as in Section 2 of the Forest and Rural Fires Act 1977 but does not include an access track.
Flood Hazard Area	means an area identified on the <i>Flood Hazard Area Maps 1 to 41</i> .
Floodway	means areas identified in the Floodway Zone.
FMU	means Freshwater Management Unit.
Foreshore	has the same meaning as in Section 2 of the Act.
Forestry road	means a road suitable for use by vehicles which can be a permanent feature on the land, but does not include a harvesting track.
Freedom camping	has the same meaning as “freedom camp” in Section 5 of the Freedom Camping Act 2011.
Freshwater	has the same meaning as in Section 2 of the Act.
Freshwater Management Unit (FMU)	as mapped on the <i>Freshwater Management Unit Maps 1 to 5</i> .

Front yard	means a yard between the front boundary (i.e., road) of a site and a line parallel to the front boundary extending across the full width of the site; provided that where a boundary is indicated in the MEP as a road to be widened the front boundary of the site will be treated as the front boundary as it will be after such widening has been completed.
Frost fan	means a land based device, including both permanent and mobile, designed or adapted to mitigate frost damage by fanning warmer air over potentially frost-affected surfaces, and includes any motive source, the support structure and power source.
Fuel burning equipment	means any fireplace, grate, stove, incinerator, boiler, furnace, gas turbine, or internal or external combustion engine.
Gabion	means a box shaped structure of wire mesh enclosing stones or small rock rip rap used to resist river flow.
Ground level	means natural ground level.
Groundwater	means natural water that is below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream, whether the water is flowing or not, and if it is flowing whether it is in a defined channel or not. Includes all natural water that has been, by means of a bore, brought above the surface from below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream.
Gross site area	means the total area of the site on which the activity occurs.
Groundwater Protection Area	as mapped on the <i>Groundwater Protection Areas Maps 1 to 8</i> .
Habitable building	means a dwelling, community housing, or a building in which visitor accommodation or worker accommodation is provided.
Habitable space	means all or part of a building that is used for living and includes a living room, sitting room, bedroom and a kitchen; but does not include a laundry, toilet, bathroom, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room, utility room, conservatory or garage.
Habitat	means the place or type of site where an organism or population normally occurs.
Harvesting track	means a temporary track installed to facilitate forestry harvesting only, but does not include a forestry road.
Hazardous substance	has the same meaning as in Section 2 of the Hazardous Substances and New Organisms Act 1996.
Health care activities	means the use of land and buildings, in whole or in part for health care purposes, including surgeries, medical or veterinary clinics, and hospitals, but excludes medical insurance brokers.
Heavy industrial activity	means activities that process raw materials to finished products; materials that have generally been processed at least once; meat processing; heavy fabrication; making and assembling parts that are, in themselves, large and heavy.

Heavy vehicle	has the same meaning as in Section 2 of the Land Transport Act 1998.
Height	in relation to a building or structure, means the vertical distance between the natural ground level at any point and the highest part of the building or structure immediately above that point as shown in Figure 2 of Appendix 26.
Heritage resource	means any type of historic heritage place or area. It may include a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.
High rate discharge system	means a system that delivers a discharge rate of >10 mm/hr on an instantaneous basis, for example, but not limited to, travelling irrigators.
High speed ship	means a ship which has a registered length exceeding 30m and is capable of a maximum speed, in metres per second (m/s), equal to or exceeding: $3.7 \sigma^{0.1667}$ where σ = displacement corresponding to the design waterline (M^3).
High Priority Waterbodies for Public Access	as mapped on the <i>High Priority Waterbodies for Public Access Map</i> .
Home occupation	means any occupation, business, trade, craft or profession, the primary purpose of which is to derive income. Excluded from this definition are any activities involving escort agencies, brothels, massage parlours, homestays, retail sales, panel beating, spray painting, motor vehicle repairs, heavy trade vehicles, fibre-glassing, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process that involves continual use of power tools and drilling or hammering or any other activity that would detract from the amenities of the neighbourhood or locality.
Homestay	means the use of a dwelling to accommodate paying guests.
Impermeable material or surface	means a material or surface that does not permit liquid substances to pass through. For clarity, impermeable material or surface does not include clay but does include, but is not limited to, concrete and synthetic material or surface.
Indigenous forest	means an area of naturally occurring woody vegetation that: <ul style="list-style-type: none"> • has a canopy predominantly formed by trees over 6m high; • has more than 80% closure of the canopy; • comprises plant species indigenous to the District.
Indigenous vegetation	means naturally occurring vegetation, regardless of height, where the plant species are indigenous to the District.
Industrial or trade premises	has the same meaning as in Section 2 of the Act.
Industrial process	has the same meaning as industrial or trade process as in Section 2 of the Act.

Inner Control Boundary	As mapped on the <i>Noise Control Boundaries</i> Maps 1 to 5.
Intake	means a surface system operated to take water from a surface water body.
Intensively farmed livestock	means: <ul style="list-style-type: none"> (a) cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops; (b) dairy cattle; (c) farmed pigs.
Intensive farming	means any primary production activity exhibiting two or more of the following characteristics: <ul style="list-style-type: none"> (a) little dependence on the quality of the soils of the site, such as greenhouses, mushrooms, plant nurseries; (b) in excess of 50% coverage in permanent buildings having concrete or otherwise impervious floors for the housing and growing of livestock and/or vegetative matter; (c) substantial environmental control and/or modification to facilitate growth of livestock and/or vegetative matter; (d) high output of collected waste material per hectare and includes all pig farming, poultry farming, rabbit farming; greenhouses not relying on the soils, mushrooms, container growing nursery; and (e) land based aquaculture.
Internal combustion	means a method of energy generation in which combustion takes place in a controlled chamber or chambers inside an engine to generate mechanical energy.
Intermittently flowing	means a wetland, lake, river, or reach of river that exists or flows for weeks, or months each year.
Irrigation bore	means any bore with a casing diameter of greater than 75mm.
Iwi Authority	has the same meaning as in Section 2 of the Act.
Kaitiakitanga	has the same meaning as in Section 2 of the Act.
km	means kilometre.
kph	means kilometres per hour.
KW	means kilowatt.
L₁₀	means the L ₁₀ exceedance level, expressed in dBA, which is that level of sound equalled or exceeded 10% of the total measurement time.
L_{dn}	means the day-night average sound level over a 24 hour period (12.00 am to 12.00 pm) obtained after the addition of 10 decibels to sound levels on the night, where night is 10.00 pm to 7.00 am the following day.

L_{AEQ} (L_{eq})	means the time-average A-frequency weighted sound pressure level (dBA L _{eq}) of a continuous steady sound that within a sample period has the same mean square sound pressure level as a sound under investigation whose level varies with time.
L_{MAX} (L_{AMAX})	means the maximum A-frequency-weighted sound level (dBA L _{max}) during a stated time period.
Lake	has the same meaning as in Section 2 of the Act.
Lake Grassmere Salt Works Administration, Workshop, Salt Refining & Processing Area	as identified on the Zone Maps.
Lake Grassmere Salt Works Intake and Pipeline Corridor	as identified in Appendix 21.
Land	has the same meaning as in Section 2 of the Act.
Land application area	means an area of land that is set aside to allow wastewater from a treatment unit to be applied into or onto the soil for further in-soil treatment and absorption. The method of distribution and nature of the land application area can vary, and includes trenches, beds, mounds and dripper lines, but does not include soak pits.
Land development signage	must relate to land development that involves a minimum of six allotments or units.
Land disturbance activity	means any activity that includes excavation, filling, cultivation or vegetation clearance.
Landscape Schedule of Values	as identified in Appendix 1.
Land transport	means all forms of land based transport, including road and rail.
Landscape Exclusion Area	as identified in Appendix 18.
Landscape strip	means an area of permanent planting that may comprise grasses, shrubs and trees or any combination thereof.
Large format retail	means the use of land and buildings for the sale of goods to the trade and/or general public.
Lawfully established	means an activity that is permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right.
Lawful structure	means a structure that: <ul style="list-style-type: none"> • complies with the relevant permitted activity standards contained within the Marlborough Environment Plan; or • is legally consented by means of Resource Consent and not lapsed; or • is legally established by way of existing use rights.

Light reflectance value	means the percentage of visible and usable light that is reflected a surface when illuminated by a light source.
Leachate	means a liquid that has percolated through and/or been generated by the decomposition of waste material and includes water that comes into contact with waste and is potentially contaminated by nutrients; metals, salts and other soluble or suspended components; and liquid products of the decomposition of the waste.
Licensed premises	has the same meaning as in Section 5 of the Sale and Supply of Alcohol Act 2012.
Light industrial activity	means activities focussed on design, assembly, finishing and packaging of products. Included are facilities for administration and research, assembly of products, storage and warehousing, shipping and associated parking lots and grounds. Among the industries are research laboratories, small textile mills, electronics firms and trucking companies.
Liquid waste	means waste material that has a moisture content of more than or equal to 95%. For the purposes of the Plan, if any waste does not meet the definition of "liquid waste" it is treated as solid waste.
m	means metre.
m²	means square metre.
m³	means cubic metre.
µm	means micrometre.
Maataitai	has the same meaning as in Section 2 of the Act.
Maintenance of a building or structure	means the protective care of a place. For clarity, the maintenance of a building or structure does not extend to the complete rebuild or replacement of the building or structure.
Maintenance and replacement	means any work, including foundation work, or activity necessary to continue the operation and or functioning of an existing line, building, structure or (for the purpose of utilities) other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose.
Mana whenua	has the same meaning as in Section 2 of the Act.
Marae activity	means a specific area of land where the primary purpose is the provision of a focal point for social, cultural, and economic activity for iwi, hapū or whānau. A marae may include whareniui and hui activities; kaumātua housing, hostels and wharekai; hangi; papakāinga; whare wairua; kokiri training and tuition activities; educational facilities and activities and whare wananga; kōhanga Reo, childcare facilities and activities; recreation activities; tangihanga; urupā and burial activities; health facilities; administration offices ancillary to the Marae activity; the retail sale of goods manufactured or grown within the Marae property; and tourist visitor services and operations.

Marina	means a facility for the accommodation of boats and/or ships, comprising berths, pontoons, piers and boat launching ramp(s), and any associated reclamations, breakwaters, and/or wave protection barriers.
Marine farm	means any form of aquaculture characterised by the use of surface and/or sub-surface structures located in the coastal marine area.
Marine farming	means the activity of breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed for harvest (and includes spat catching and spat holding) and the subsequent harvest of fish, aquatic life or seaweed when carried out on a marine farm; but does not include: <ul style="list-style-type: none"> (a) Any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or (b) Any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate, from naturally occurring fish, aquatic life, or seaweed.
Marine fuel facility	means structures, and their operation, to provide fuel to ships. For clarity, this definition includes the wholesale distribution of fuels including for port engineering activity, but excludes a commercial service station.
Marlborough Sounds Coastal Landscape	as mapped on the <i>Landscape Maps 1 to 11</i> and described in Appendix 1.
MDC	means the Marlborough District Council.
Mean high water springs (MHWS)	means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) when the range of tides is the greatest.
Meat processing	means the use of land and buildings for the yarding and slaughtering of animals; the associated processing of meat including by-product and co-product processing; rendering; fish and shellfish processing; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products.
MEP	means the Marlborough Environment Plan.
MHWS	means Mean High Water Springs.
mg/m³	means milligram per cubic metre.

Minor upgrading	<p>means an increase in the carrying capacity, efficiency or security of electricity (for the purpose of utilities) lines, telecommunication lines and radio communication facilities, using the existing support structures or structures of a similar scale and character, and includes:</p> <ul style="list-style-type: none"> (a) The addition of circuits and conductors; (b) The re-conductoring of the line with higher capacity conductors; (c) The re-sagging of conductors; (d) The addition of longer or more efficient insulators; (e) The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods; (f) Foundation works associated with the minor upgrading. <p>Minor upgrading does not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.</p>
mm	means millimetre.
Mm/hr	means millimetre per hour.
Moorings	<p>means any weight or article placed in or on the foreshore and seabed for the purpose of securing a vessel; including any wire, rope, chain, buoy or other device attached or connected to the weight. For clarity, moorings include both swing moorings and pile moorings. For clarity, a mooring does not include an anchor that is normally removed with the vessel when it leaves the site or anchorage.</p>
Moorings Management Area	means an area delineated in the coastal marine area for moorings and includes a Waka Mooring Management Area.
Moorings Manager	means a person appointed by the Council to manage a Moorings Management Area.
m/s	means metres per second.
Municipal water supply	means any water supply owned, managed or administered by the Marlborough District Council.
Munsell scale	is one of the most widely known colour systems and is suitable for routine water resources surveys and monitoring by matching of natural colours to the Munsell scale.
MW	means megawatts.
National Grid Yard	<p>means:</p> <ul style="list-style-type: none"> • the area located 12m in any direction from the outer edge of a National Grid support structure; and • the area located 10m either side of the centreline of an overhead 110kV National Grid line on single poles; or • the area located 12m either side of the centreline of any overhead National Grid line on pi poles or towers.
National Grid Blenheim Substation	means that area of land described as ID No. O1 in Appendix 14.

National Grid Transmission Lines	as identified on the Zone Maps.
National Transportation Route	as mapped on the <i>National Transportation Route Map</i> .
Natural clarity	refers to the transmission of light through water. There are two aspects: visual clarity, which can be taken as the hydrological range – the distance a perfect black body can be seen horizontally underwater; and the depth to which diffuse sunlight can penetrate vertically into water. Natural clarity shall be measured by using accepted scientific methods, and shall be taken to be the clarity of a water body immediately upstream of any discharge from a land disturbance site, or in the case of lakes or the sea, the clarity of water beyond the sediment ‘plume’ in the water. Reduction in clarity due to the discharge shall be measured at a point 50m downstream or offshore from the point of discharge, or two river widths, whichever is the greater.
Natural ground level	means the ground level before any earthworks have been undertaken.
Natural hazard	has the same meaning as in Section 2 of the Act.
Net site area	means the total area of the site less any land used or dedicated for access to the site (i.e. access legs or right of ways) and any area subject to proposed road widening or designated for any other purpose.
Network utility	has the same meaning as network utility operator in Section 2 of the Act.
Network utility operator	has the same meaning as in Section 2 of the Act.
Network utility structure	means any structure essential to the operation and provision of a (network) utility service.
Night	for the purposes of noise controls means half of one hour after sunset and half of one hour before sunrise.
No.	means number.
Noise	has the same meaning as in Section 2 of the Act.
Noise sensitive activity	means any use of land and/or buildings that is likely to be susceptible to the effects of noise emitted from nearby land uses in the course of their legitimate operation and functioning. Examples include dwellings, visitor accommodation, hospitals, health care and medical centres, residential care housing, educational institutions, structures for the purpose of, or activities involving public assembly.
Non-commercial clean fill	means the placing or dumping of fill that does not involve remuneration paid, or any other form of consideration provided, to the contractor or person(s) bringing the fill into the site, whether or not consideration provided to the owner is the sole reason for the placing or dumping of the fill.
Non-consumptive uses	means the use of water but not the actual consumption of that water. For example, fishing, swimming.

Non-habitable	means all or part of a building or structure that is not used for living.
Non-mechanical	means removing vegetation by hand or by a hand held device, for example a chainsaw or weed trimmer.
Notable Tree	as identified in Appendix 13.
Notional boundary	means a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling.
NZEC34:2001	means the New Zealand Electrical Code of Practice for Electrical Safe Distances.
NZTM	means the New Zealand Transverse Mercator projected east/north coordinate system maintained by Land Information New Zealand.
Obstacle limitation surfaces (OLS)	means a series of surfaces that define the limits to which objects may project into the airspace. The OLS comprises transitional surface; approach surface/ take-off climb surface; inner horizontal surface; conical surface; outer horizontal surface; inner approach surface; inner transitional surface; and balked landing surface. As identified in Appendix 15.
Offal pit	means a hole excavated on a rural property to be used on an ongoing basis for the purpose of disposing of offal or dead animals generated on that property.
Omaka Valley Area	as mapped on the <i>Omaka Valley Area Map 9</i> .
On-site wastewater management	means a system that services a residential dwelling, or other facility that generates domestic wastewater, by receiving, treating and absorbing the domestic wastewater within the property boundaries of the site of generation. The system consists of a treatment unit and land application area. A new on-site wastewater management system is one installed after 9 June 2016 and includes an extension to, or replacement of, an existing land application area.
Outer noise control boundary	means a defined area around a particular site outside of the inner noise boundary within which the current or future daily amount of noise exposure will be sufficiently high as to require appropriate land use controls (3 month average night weighted sound exposure = 55_{Ldn}). As mapped on the <i>Noise Control Boundaries Maps 1 to 5</i> .
Outstanding Natural Feature and Landscape	as mapped on the <i>Landscape Maps 1 to 11</i> and described in Appendix 1.
Papakāinga unit	means a traditional Māori settlement area on Māori land and includes activities associated with residential living.

Park	means a large public garden or area of land used for recreation. Some may provide for the display of often high quality horticultural landscaping for relaxation and contemplation, i.e., botanical and public gardens. May include infrastructure to assist in the management of an area such as garden and implement sheds, Greenhouses, nurseries, bollards, footpaths, bridges, boardwalks, viewing platforms, park furniture and lighting. May incorporate urban seating areas, childrens' play areas, public toilets, sculptures, monuments, memorials, or water features.
Park Terrace and Boyce Street Industrial Areas	as identified in Appendix 20.
Particulate matter	includes smoke, deposited particulate, suspended particulate, and visibility reducing particulate. Particles range in size from 100µm down to aggregations of molecules.
Passive or informal recreation	means the voluntary and unstructured use of a range of recreational activities. Does not include any form of motorised sport.
Permitted activity	has the same meaning as in Section 2 of the Act.
Pit	in relation to the making of compost or silage, means a pit dug below ground or into the side of a hill. For the purpose of this definition, no excavation of the land is to be undertaken.
Ponding	means the formation of pools of surface liquid, other than liquid momentarily present on the surface at the commencement of the absorption process.
Port	means part of the Port Zone where port activities are undertaken.
Port activities	means activities normally associated with the operation of vessels and other water related activities; cargo, handling and storage; embarking, disembarking and transit of passengers; launching, retrieval and storage of vessels; berthage and mooring activities; associated marshalling, parking, and manoeuvring of vehicles and trains, maintenance activities associated with port structures and development; and ancillary activities to the above.
Port engineering activity	means engineering activity associated with ship building, repair and maintenance activities, and other engineering activities necessary for the operational requirements of Permitted Activities within the Port Zone including associated: equipment servicing and repair; <i>abrasive blasting</i> ; body and engine repairs; panel beating; fibre-glassing; painting; powder coating and spray painting.
Potable water	has the same meaning as in Section 1 of the Drinking-water Standards for New Zealand 2005 (Revised 2008).
Private land	has the same meaning as in Section 2 of the Land Act 1948.
Prohibited activity	has the same meaning as in Section 2 of the Act.
Prohibited Area for Habitable Buildings	as identified in Appendix 19.
Prohibited Areas for Marine Farming	as identified on the Zone Map.

Radio communication facility	means any transmitting/receiving devices such as aerials, dishes, antennae, cables, lines, wires and associated cabinets/equipment /apparatus, as well as support structures such as towers, masts and poles.
Rear boundary	in relation to a front site or a non- standard site, means a boundary generally to the rear of the site and generally parallel to the road frontage; provided that in the event of there being no rear boundary, as in a triangular site, the boundaries of the rear yard will be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and radius of 4.5m.
Rear yard	means a yard between the rear boundary of a site and a line parallel to the rear boundary extending across the full width of the site.
Reasonable mixing	<p>means for any point source discharge the zone of reasonable mixing in the receiving water must extend from the discharge point as follows:</p> <p>For rivers and streams, the lesser of:</p> <p>(a) a distance downstream that equals seven times the width of the river or stream when the flow is at half the median flow; or</p> <p>(b) 200m downstream</p> <p>For rivers subject to tidal influence:</p> <p>As for rivers and streams plus a distance upstream equal to half of that allowed downstream when the width is taken at half the median river flow at mid-tide.</p> <p>For artificial watercourses (including farm drainage channels), the greater of:</p> <p>(a) 200m downstream; or</p> <p>(b) the property boundary.</p> <p>For lakes:</p> <p>Within a radius of 100m.</p>
Recession Plane and Height Controls	as identified in Appendix 26.
Reclamation	means the permanent infilling of the foreshore or seabed with sand, rock, quarry material, concrete, or other similar material, for any purpose, and includes any embankment, but does not include any structure above water where that structure is supported by piles, any rubble mound breakwater that does not have a vehicle access track, any deposition of material or infilling that is not permanent, or any infilling where the purpose of that infilling is to provide beach nourishment.
Recognised professional	means a suitably qualified and experienced person in their field.
Recreation clubroom and ancillary building	means a building, a room or a group of rooms that is used or intended to be used exclusively for the operation of recreation activities and the storage of equipment used for recreation activities.
Recreation activity	means any activity whose primary aim is the passive or active enjoyment of leisure on a non-profit basis, whether competitive or non-competitive, casual or organised, including changing rooms, shelters, public toilets and other buildings accessory to recreation activities.

Recreational event	means an activity involving physical exertion and skill that is governed by a set of rules or customs and often undertaken competitively, although administered by volunteers. An organised but non-commercial event, usually seasonal, club based activities, sometimes running as a series.
Register of Scheduled Sites	as identified in Appendix 16.
Register of Significant Heritage Resources	as identified in Appendix 13.
Reserve	has the same meaning as in Section 2 of the Reserves Act 1977.
Residential activity	means the use of land and dwellings for the purpose of permanent living accommodation that people will generally refer to as their house or home and address while resident in Marlborough. For the avoidance of doubt, residential activity can also occur in community housing and in a holiday home.
Retail sales	means the direct sale or hire to the public and the display or offering for sale or hire to the public of goods, merchandise or equipment but does not include direct marketing or network marketing.
Retirement accommodation	means accommodation purposefully developed for retirement housing.
Retard	means a permeable structure usually incorporating live willow poles affixed to ground to slow the water flow. When used in a braided gravel river this can cause deposition of gravel and formation of a new river bank edge. A rail iron retard uses rail irons driven into the ground to hold the willow poles in place. A cruxiform is a type of retard which uses willow poles weighted with gabions.
Riparian Natural Character Management Area	as mapped on the <i>Riparian Natural Character Management Areas</i> Maps 1 to 8.
River	has the same meaning as in Section 2 of the Act.
Road	has the same meaning as in Section 2 of the Act.
Road Controlling Authority	has the same meaning as in Section 5 of the Land Transport Management Act 2003.
Roading Hierarchy	as identified in Appendix 17.
Road failure	means the abrupt collapse downslope of the road surface.
Rock rip-rap	means broken rock from a quarry that is placed on a river bank to resist river flow bank erosion.
Run-off	means water moving over the ground surface and into a river, lake or the sea.

Runway Protection Area: Woodbourne	as identified on the Zone Map.
Rural industry	means an industry, constructional engineers and roading and cartage contractors workshops or yards where either: <ul style="list-style-type: none"> (a) 75% of the total business is with the rural sector and/or coastal marine area; (b) The nature of the industry is such that it is inappropriately located within an urban or industrial zone.
Rural selling place	means any land, building or that part of a building on which farm produce is exchanged, sold, offered or displayed for sale either by wholesale and/or retail provided that in the case where a purchaser harvests the produce, the Rural Selling Place means any land, building or part of a building on or in which such produce is weighed, packaged and sold.
Schedule of Designated Land	as identified in Appendix 14.
Scheduled Sites	as identified on the Zone Map.
Scheme Plan Requirements	as identified in Appendix 7.
Seabed	means the submarine areas covered by the internal waters and the territorial sea.
Sediment	means particulate soil and/or organic matter.
Sediment control measures	means measures to intercept or divert runoff of water and to capture sediment.
Sound Exposure Level (SEL)	means the A-weighted sound pressure level that, if maintained constant for a period of one second, would convey the same sound energy to the receiver as is actually received from a given noise event.
Sensitive receptor	means schools both public and private, licensed day care facilities, hospitals, and elder care facilities.
Service activity	means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, and activities ancillary to commercial activities such as mail processing, collection and distribution services.
Service industry	means activities that are directed at providing service as opposed to the production of goods and includes catering depots, laundries, steam pressing and dry cleaning premises, sign writing and sign making, caravan and motor vehicle rental premises, premises for the rental of household equipment and effects, fruit and produce markets, shoe repair and upholstery repair workshops, and household appliance repair workshops.

Service station	<p>means any site where the dominant activity is the retail sale of motor vehicle fuels and may also include any one or more of the following:</p> <ul style="list-style-type: none"> • the sale of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; • mechanical repair and servicing of motor vehicles; • warrant of fitness testing; • the sale or hire of other merchandise where this is an ancillary activity to the main use of the site; • car washing facilities; and • the sale of food and beverages and the basic preparation of food on the service station premises.
Setback	has the same meaning as “yard”.
Set interval	means the time interval at which the Data Recording Device records and store data.
Sewage	includes treated or untreated human sewage.
Sewerage	means the pipes and infrastructure through which sewage flows.
Ship	has the same meaning as in Section 2 of the Maritime Transport Act 1994.
Ship speed	means speed of a ship measured relative to the speed of the adjacent water averaged over a period of approximately 5 minutes as determined from an accurate, appropriately calibrated and maintained hull-mounted instrument or, where such an instrument is not available or is faulty, calculated in accordance with Appendix 12.
Side yard	<p>means a yard between a side boundary of the site and a line parallel to the side boundary extending:</p> <ul style="list-style-type: none"> • from the front yard to the rear yard; • if there is no front yard, from the front boundary to the rear yard; • if there is no rear yard, from the front yard or boundary, as the case may be, to the rear boundary of the site; or • if there are two or more front yards, from yard to yard.
Significant Ridgeline	as mapped on the <i>Landscape Maps 1 to 11</i> .
Significant Wetland	as identified on <i>Zone Maps</i> .
Single land holding	<p>means an area of land held in either:</p> <ol style="list-style-type: none"> (a) One Computer Register; or (b) More than one Computer Register where <ul style="list-style-type: none"> • the land in the various Computer Registers are held in common ownership or leased under the same lease; and • the land in the Computer Registers or lease are contiguous to each other; or • the Computer Registers are held together by a covenant under Section 220 RMA.

Site	<p>in relation to a building or structure, means any area of land/or volume of space of sufficient dimensions to accommodate any complying activity provided for by a rule in the Plan:</p> <p>(a) Corner site - will be deemed to be a 'front site';</p> <p>(b) Front site - means a site having one frontage of not less than the minimum prescribed by the Plan for the particular zone in which the site is situated to a road, private road, or the sea; and</p> <p>(c) Rear site - means a site that is situated generally to the rear of another site and that has not the frontage required for a front site for that use in the zone.</p> <p>Where a right of way is employed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings.</p>
Site	where in the context it is appropriate, includes an area or place or river reach.
Site	means a place or area where an activity takes place.
Site	in relation to frost fans, has the meaning of single land holding.
Skid failure	means the abrupt collapse downslope of unconsolidated fill or bird nest material making up the outer margins of the skid site.
Skid site	means an area where a log hauler is erected/operated, logs are stored, processed, and loaded onto trucks or barges for removal from the land.
Ski season	means the period from 1 March and 31 October in any year.
Skifield activity	means the use of land for summer and winter recreational activity, including activities, buildings and structures associated with the commercial operation of the skifield.
Slash	includes branches, tops, chunks, cull logs, uprooted stumps, slovens, broken trees and other waste wood, greater than 100mm in diameter at any point.
Slope	<p>means the angle of a hillslope from the horizontal, measured at right angles to the contour.</p> <p>Where compound slopes are involved, the slope will be taken as the average slope measured over a 50m length of the area of land being disturbed.</p> <p>Where there is doubt, the slope is to be measured at least to the accuracy of a hand held clinometer or better.</p>
Slope failure	means the abrupt collapse downslope of natural ground.

Small scale solid fuel burning appliance	means an appliance designed to burn solid fuel or a mixture of those fuels for the purpose of domestic space heating with a net heat output of up to 40 kilowatts and includes: <ul style="list-style-type: none"> • an open fire, • a pot belly stove, • a domestic range or stove, • a woodburner, • a pellet burner, • a multi-fuel burner.
Soak pit	means an unfilled hole or a hole backfilled with media that creates a concentrated point of discharge and allows the rapid movement of wastewater to depth.
Soil debris	means soil, stony material and all sizes of rocks and any admixtures of these that is a by-product of harvesting and of the construction of skid sites, forestry roads, forestry tracks and river crossings.
Soil Sensitive Area	as mapped on the <i>Soil Sensitive Area</i> Maps 1 to 23.
Solid waste	means waste that has a moisture content of more than or equal to 75% and exhibits the properties of a solid, e.g. it can be stacked and hold a definite angle of repose. For the purposes of the Plan, if any waste does not meet the definition of “solid waste” is treated as liquid waste.
Special event	may be an irregular event, of a short term or temporary nature, which could involve large groups of people or is of such a character that the normal requirements relating to matters such as noise, parking and the like cannot be complied with. Includes entertainment, cultural events, sporting events, public meetings, galas, and market days.
Specifically Identified Activities/Areas	as identified in Appendix 16.
Specifically Identified Marine Farms	as identified in Appendix 11.
Springlands Deferred Subdivision Area	as identified in Appendix 23.
Stack	in relation to the making of compost or silage, means solid agricultural material built into a pile above ground. For the purpose of this definition, no excavation of the land is to be undertaken.
Steep Erosion-Prone Land	as mapped on <i>Steep Erosion-Prone Land</i> Maps 1 to 10.
STEM (Standard Tree Evaluation Method)	means a point system used for tree assessments and establishing a threshold for the inclusion of trees on the Council’s Schedule of Notable Tree (Appendix 13). Points allocated rate 20 tree attributes (3 to 27 points for each attribute) in three general categories of condition, amenity, and notable (special merit) qualities. The threshold set for the Marlborough Environment Plan is 150 points.

Stockpiling	means the storage of raw agricultural solid waste (or material) above ground in order to have it available in the future when the need for it increases. For the purpose of this definition, no excavation of the land is to be undertaken.
Stopbank (or floodbank)	means a deliberately made raised section of ground or structured wall usually parallel to a river preventing flood flows inundating land.
Stormwater	means rainfall that runs off land and for which specific drainage channels or pipes have been constructed.
Structure	has the same meaning as in Section 2 of the Act and includes an underwater cable.
Sub alpine vegetation	means low stature vegetation (less than 1m in height), and includes herbs, grasses and shrubs, occurring at altitudes between 1000m and 1500m above sea level.
Subsurface Cook Strait Cable	means the power and telecommunications cables protected by the Submarine Cables and Pipelines Protection Act 1996 that are within the Cook Strait Cable Protection Zone established under the Submarine Cables and Pipelines Protection Order 2009.
Surface water	means water contained in lakes, wetlands, drainage channel, rivers, streams, either permanently or intermittently. As opposed to groundwater.
Swing mooring	does not include a pile mooring or a floating structure or an anchor that is normally removed with the vessel or other floating structure.
Tangata whenua	has the same meaning as in Section 2 of the Act.
Taonga raranga	has the same meaning as in Section 2 of the Act.
Tauranga waka	has the same meaning as in Section 2 of the Act.
Telecommunication facility	means any telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.
Telecommunication line	has the same meaning as "lines" in Section 5 of the Telecommunications Act 2001.
Temporary military training	means a temporary training activity undertaken for the defence purposes in accordance with the Defence Act 1990.
Temporary sign	means a sign established for the purpose of advertising a single forthcoming temporary event, erected or displayed on any public place or private premises, and displayed only for a limited period of time specified by the rules in this Plan.
Temporary event	means the short term or intermittent use of any land or building for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. Any event for which a Special Licence under the Sale of Liquor Act is required shall be deemed to be a temporary event. It does not include short term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities.

Threatened Environments – Indigenous Vegetation Sites	as mapped on the <i>Threatened Environments</i> Maps 1 to 9.
tikanga Māori	has the same meaning as in Section 2 of the Act.
Topsoil	means the soil forming the A horizon of a soil profile, being the dark soil layer between the top layer of humus and the subsoil.
Total gross floor area	means the sum of the gross area of floor of a building or buildings measured from the exterior walls or from the centre lines of walls separating two buildings; provided that, in the case of a shop, any land on which goods are offered or displayed for sale by retail must be included in the area calculation.
Transfer of water permit	refers to the transfer of a water permit, in whole or part, to any other owner or occupier within the catchment. It does not refer to the physical movement of water.
Tree Protection Zone	means a specified area above and below ground and at a given distance from the trunk, set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development. The radius of the Tree Protection Zone (TPZ) is calculated for each tree by multiplying its diameter at breast height (DBH) x 12 where the DBH is the trunk diameter measured at 1.4m above ground. (TPZ = DBH x 12).
Utility	has the same meaning as network utility operator in Section 166 of the Act.
Vegetation	includes trees, shrubs, plants and grasses.
Vegetation clearance	means the cutting, destruction or the removal of all forms of vegetation including indigenous and exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment.
Vehicle oriented activities	means commercial activities that rely by nature of their commercial activity, on high vehicle volumes being sited on or driving through their own premises and includes service stations, truck stops, supermarkets, shopping centre complexes, and drive-in or drive through retail outlets.
Vertebrate toxic agent	means a trade name product used to kill, control or limit the viability of vertebrate pests (such as rabbits, possums). Vertebrate toxic agents include products that have a negative effect on reproduction but do not include attractant or repellent substances that are not toxic.
Vessel	has the same meaning as “ship” in Section 2 of the Maritime Transport Act 1994.
Veterinary clinic	means premises used by a veterinary surgeon but excludes the boarding of animals other than for their hospitalisation.

Visitor accommodation	means the use of land and buildings for short-term commercial accommodation and includes ancillary services such as food preparation, dining and sanitary facilities, conference and associated recreational facilities for those staying at the visitor accommodation but excludes holiday homes.
Waikawa Bay	means that part of the coastal marine area to the south of a line extending from the Snout to Karaka Point, including any area within a Moorings Management Area.
Waikawa Marina Zone	as identified in Appendix 10.
Wairau Dry Hills Landscape	as mapped on the <i>Landscape Maps</i> 1 to 11 and described in Appendix 1.
Wairau Plain Area	as mapped on the <i>Wairau Plain Area Maps</i> 1 to 8.
Warehousing	means the bulk storage of goods for redistribution.
Waste	any material, solid, liquid, gas or radioactive, that is unwanted and or unvalued, and discarded, discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment. It includes all unwanted or unusable by-products at any given place and time, and includes any other matter that may be discharged, accidentally or otherwise, to the environment. For the purposes of this Plan, waste does not include stormwater or treated human sewage.
Wastewater	in relation to on-site wastewater management systems, means wastewater originating from household or personal activities including toilets, urinals, kitchens, bathrooms (including shower, washbasins, bath, spa bath but not spa) and laundries. Includes such wastewater flows from facilities serving staff, employees, residents, students, guests in institutional, commercial and industrial establishments, but excludes commercial and industrial wastes, large scale laundry activities and any stormwater flows.
Water	has the same meaning as in Section 2 of the Act.
Waterbody	has the same meaning as in Section 2 of the Act.
Water control measure	means the use of one or more methods to manage the erosive and destabilising effects of runoff water.
Water quantity allocation limit	as identified in Appendix 6.
Water Resource Unit	as shown on the <i>Water Resource Units Map</i> and described in Schedule 1 in Appendix 5.
Water Resource Unit Values and Water Quality Classification Standards	as identified in Appendix 5.
Wave energy	means the excess of total energy of progressive waves over the energy of still water integrated over a wave length per unit of wave-crest length assessed at a 3m water depth at sites that comply with the parameters specified in Appendix 12.

Wave record	means any record of the ship-generated vertical displacement of the seawater surface as a function of time derived at any location within the National Transportation Route that meets the requirements of Clause 3 of Appendix 12.
Wetland	has the same meaning as in Section 2 of the Act but does not include these areas where they are entirely man made.
Winery	means a facility for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending, storage, bottling and packaging of wine.
Woodlot forestry	means the planting, replanting and maintenance of indigenous or exotic trees for non-commercial purposes provided that no more than 2 hectares or 5% of land, whichever is greater, is planted on land within any one Computer Register.
Woodlot forestry harvesting	means the felling of trees for the purposes of Woodlot Forestry, and includes excavation and/or filling to prepare the land for harvesting, de-limbing, trimming and cutting to length of felled trees and recovery of windfall and other fallen trees.
Worker accommodation	means the use of land and buildings for accommodating the short term labour requirements of a farming activity where the accommodation is provided on the property on which the farming activity occurs.
Worker Accommodation Exclusion Area	as identified in Appendix 24.