

## 3. Rural Environment Zone

### Note:

Vegetation clearance, earthworks and land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note: Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

**Commented [ 1 ]:** NES-FW s44A(5)

### 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, except that for commercial forestry activity regulated by Parts 1 to 9 of the NES for Commercial Forestry, the standards in 3.2 do not apply.

[D]

#### 3.1.1. Farming.

##### Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlots: Regulations 9, 10 and 11.
- (b) Stockholding areas: Regulations 12, 13 and 14.
- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

**Commented [ 2 ]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 6 October 2022

**Commented [ 3 ]:** NES-CF s44A(5)

[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.

**Commented [ 4 ]:** NES-FW s44A(5)

[R, D]

**3.1.6. Plantation forestry afforestation.**

[R, D]

**3.1.7. Plantation forestry replanting.**

[R]

**3.1.8. Plantation forestry harvesting.**

Note:

Where the land used for plantation forestry will be used as pastoral land following harvest, the activity is managed by Regulations 16 or 17 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

[R, D]

**3.1.9. Woodlot forestry planting.**

[R]

**3.1.10. Woodlot forestry harvesting.**

[R, D]

**3.1.11. Conservation planting, exotic continuous-cover forestry planting and carbon sequestration forestry planting.**

[R, D]

**3.1.12. Indigenous vegetation clearance.**

[R, D]

**3.1.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Commercial Forestry 2017.**

Note:

Non-indigenous vegetation clearance by mechanical or other physical means where the removal is associated with the maintenance, replacement or minor upgrading of hydroelectricity generation activities connected to the distribution network is managed under Rule 2.45.2 of this Plan.

[R, D]

**3.1.14. Cultivation.**

Note:

Where cultivation is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 3.1.14 does not apply.

[R, D]

**3.1.15. Excavation.**

[D]

**3.1.16. Earthworks within the National Grid Yard.**

[R, D]

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

[R, D]

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

**Commented [ 5 ]:** WITHDRAWN:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
(Appeal on 3.3.6.2)  
By memorandum dated 17 August 2022

**Commented [ 6 ]:** RESOLVED:  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 31 January 2023

**Commented [ 7 ]:** RESOLVED:  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 31 January 2023

**Commented [ 8 ]:** NES-FW s44A(5)

**Commented [ 9 ]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 12 May 2023

**Commented [ 10 ]:** NES-CF s44A(5)

**Commented [ 11 ]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 24 May 2023

**Commented [ 12 ]:** RESOLVED:  
Environmental Defence Society  
ENV-2020-CHC-67  
By consent order dated 31 October 2023

**Commented [ 13 ]:** NES-CF s44A(5)

**Commented [ 14 ]:** By consent order dated 12 May 2023

**Commented [ 15 ]:** RESOLVED:  
Delegat Limited  
ENV-2020-CHC-75  
By consent order dated 12 May 2023

**Commented [ 16 ]:** NES-CF s44A(5)

**Commented [ 17 ]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

[R, D]

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

[R, D]

**3.1.20. Construction of an off-river dam.**

[R, D]

**3.1.21 Land disturbance to create and maintain a fire break.**

[R]

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

Note:

The Resource Management (Stock Exclusion) Regulations 2020 require dairy cattle, pigs, dairy support cattle, intensively grazed beef cattle and deer, and beef cattle and deer on low slopes to be excluded from wide rivers.

[R]

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

[R]

**3.1.23A The disposal (involving a discharge) of unused surplus agrichemicals or diluted surplus agrichemical spray.**

[R]

**3.1.24. Storage and application (involving a discharge) of fertiliser or lime into or onto land.**

Note:

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard 3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

[R]

**3.1.25. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air onto private land.**

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

[R]

**3.1.26. Application (involving a discharge) of compost or solid agricultural waste into or onto land.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

(a) Feedlot: Regulations 9, 10 and 11.

**Commented [ 18]:** By consent order dated 1 November 2023

**Commented [ 19]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 January 2023

**Commented [ 20]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 5 July 2023

**Commented [ 21]:** NES-FW s44A(5)

**Commented [ 22]:** RESOLVED:  
Manawa Energy Limited (previously Trustpower)  
ENV-2020-CHC-50  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

(b) Stockholding area: Regulations 12, 13 and 14.

Commented [ 23]: NES-FW s44A(5)

[R]

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

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

(a) Feedlot: Regulations 9, 10 and 11.

(b) Stockholding area: Regulations 12, 13 and 14.

Commented [ 24]: NES-FW s44A(5)

[R]

**3.1.28. [deleted]**

Commented [ 25]: NES-FW s44A(5)

[R]

**3.1.29. Discharge of dairy farm effluent into or onto land.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

(a) Feedlot: Regulations 9, 10 and 11

(b) Stockholding area: Regulations 12, 13 and 14.

Commented [ 26]: NES-FW s44A(5)

[R]

**3.1.30. Discharge of swimming or spa pool water into or onto land.**

[R]

**3.1.31. Discharge of human effluent into or onto land.**

[R]

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

[R]

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

[R]

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

[R]

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

[R]

**3.1.36. 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]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

**3.1.45. Residential activity.**

[D]

**3.1.46. Home occupation.**

[D]

**3.1.47. Homestay.**

[D]

**3.1.48. Keeping of domestic livestock.**

[D]

**3.1.49. Worker accommodation.**

[D]

**3.1.50. 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 Bik III Taylor Pass SD and Sec 3 SO 6922.

[D]

**3.1.51. Papakāinga.**

**Commented [ 27]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 25 July 2022

[D]

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

[D]

3.1.53. Community activity using an existing community facility.

[D]

3.1.54. Passive recreation.

[D]

3.1.55. Recreational event or special event.

[D]

3.1.56. Veterinary clinic.

[D]

3.1.57. Golf course.

[D]

3.1.58. Racing stable or trotting ground.

[D]

3.1.59. Cattery or kennel.

[D]

3.1.60. [deleted]

[R]

3.1.61. The discharge of contaminants into air from water blasting and dry abrasive blasting.

[R]

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

[R, D]

3.1.63. Specifically identified activities listed as permitted on sites contained in Schedule 6 of Appendix 16.

[D]

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

[R]

3.1.65. Discharge of dust.

[R]

3.1.66. Amateur Radio Configurations.

**Commented [ 28]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 23 December 2022

**Commented [ 29]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

## 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 Record of Title unless the site is over 40ha, in which case one additional residential dwelling is permitted.
- 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 4000m<sup>2</sup>, the minimum setbacks from site boundaries must be:
- 6m for a building that is a dwelling;
  - 3m for a building (except a dwelling) that has a gross floor area greater than 15m<sup>2</sup>;
  - 1.5m for a building (except a dwelling) that has a gross floor area less than 15m<sup>2</sup>.
- 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; or
  - 150m from a building or an associated waste storage facility that is used for intensive farming.
- 3.2.1.7. The following fire safety setbacks shall apply:
- A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, 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, or
  - An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing plantation forestry on any adjacent land under different ownership.
- 3.2.1.8. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.
- 3.2.1.9. 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.
- 3.2.1.10. Permanent buildings must not cover more than 15% of the net site area within a Record of Title. For the purposes of this Standard, the net site area does not include a greenhouse utilising the soils of the site or crop protection structures.
- 3.2.1.11. For a site larger than 4000m<sup>2</sup>, the following minimum setbacks must be provided:
- Habitable buildings:

**Commented [ 30]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 31]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 32]:** Clause 16

**Commented [ 33]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 34]:** NES-CF s44A(5)

**Commented [ 35R34]:**

**Commented [ 36]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 January 2023

- (a) 8m for the front boundary;
- (b) 25m for the rear boundary;
- (c) 25m for a side boundary.

All other buildings (excluding crop protection structures):

- (a) 8m for the front boundary;
- (b) 5m for the rear boundary;
- (c) 5m for the side boundary.

Building means: a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels), but excludes any structure that is no more than 2.5m in height, and no more than 10m<sup>2</sup> in gross floor area, and excludes any earth bund or stockpiled materials.

- 3.2.1.12. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
- (a) except for a building or structure with a total area of 10m<sup>2</sup> or less, a building platform must be located at least 20m vertically below a Significant Ridgeline;
  - (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 3.2.1.13. On land within the Wairau Dry Hills High Amenity Landscape:
- (a) except for a building or structure with a total area of 10m<sup>2</sup> or less, a building platform must be located at least 20m vertically below any Significant Ridgeline;
  - (b) any exterior cladding or 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. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:
- (a) post and wire stock and boundary fences;
  - (b) structures which are both less than 6m<sup>2</sup> in area and less than 2m in height;
  - (c) masts, poles, radio and telephone aerials less than 6m above mean ground level;
  - (d) viticultural support structures.
- 3.2.1.15. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:
- (a) post and wire stock and boundary fences;
  - (b) structures which are both less than 6m<sup>2</sup> in area and less than 2m in height;
  - (c) masts, poles, radio and telephone aerials less than 6m above mean ground level.

**Commented [ 37 ]:** RESOLVED:  
 Federated Farmers of New Zealand  
 ENV-2020-CHC-58  
 New standard: Setback to forestry for new non-habitable building  
 By consent order dated 31 January 2023



3.2.1.16. [deleted]

**Commented [ 38]:** Standard added in error (out of scope).  
MEP Update 7 – 04/11/20

**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 any point within the notional boundary of any dwelling in the Rural Environment Zone (other than on the property on which the activity occurs):

**Commented [ 39]:** Clause 16  
MEP Update 7 – 04/11/20

7.00 am to 10.00 pm	65dB LAeq	
10.00 pm to 7.00 am	65dB LAeq	75dB LAfmax

3.2.3.2. An activity undertaken within the Rural Environment Zone must be conducted to ensure that noise arising at any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or at any point 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	50dB LAeq	
10.00 pm to 7.00 am	40dB LAeq	70dB LAfmax

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 emergency services;
- (b) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone.
- (c) [deleted]
- (d) application of agrichemicals undertaken between the hours of 7.00 am and 10.00 pm associated with plantation forestry activities.

**Commented [ 40]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 6 October 2022

3.2.3.4. Noise emissions from any generator used for electricity generation must be operated so that noise emissions at any point within the notional boundary of any dwelling in any zone must not at any time exceed 55 dB LAeq(15 min) when measured and assessed in accordance with Rule 3.2.3.5. This standard does not apply to emergency generation activities covered by Rules 2.45 to 2.47.

**Commented [ 41]:** RESOLVED:  
Manawa Energy Limited (previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 6 October 2022

3.2.3.5. Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential Dwelling must not exceed 40

dB LA90(10min) or the background sound level LA90(10 min) plus 5dB, whichever is higher.

- 3.2.3.6. 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.
- 3.2.3.7. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.
- 3.2.3.8. The noise from wind turbines shall be designed and operated to comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

#### 3.2.4. Noise sensitive activity in the context of frost fans.

- 3.2.4.1. Any new noise sensitive activity located within 300m of any frost fan not within the same single land holding 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 717.1:2013 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  $DnT,w + Ctr_{50-3150} \geq 27dB$

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

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

- 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.

#### 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 35dB LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

**Commented [ 42]:** Amended to accurately reflect decision. Clause 16.

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 35dB LAeq at night time with the windows closed and must be certified by an acoustic engineer as adequate to achieve the design standard.

**Commented [ 43]:** Amended to accurately reflect decision. Clause 16.

**3.2.7. Odour.**

3.2.7.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the legal boundary of the site

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

**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. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

**Commented [ 44]:** RESOLVED:  
OneFortyOne  
ENV-2020-CHC-54  
By consent order dated 6 October 2022

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2: This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

**3.2.10. Particulate from any process vent or stack.**

- 3.2.10.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 3.2.10.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m<sup>3</sup> at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to standards for specific permitted activities.

**3.2.11. Use of external lighting**

- 3.2.11.1. All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

**3.3. Standards that apply to specific permitted activities****3.3.1. Farming.**

- 3.3.1.1. The farming must not include:
- (a) a dairy farm established after 9 June 2016; or
  - (b) the expansion of an existing dairy farm where there is an increase in the area or intensity of the farming operation resulting in an additional area of dairy shed.

**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 relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 3.3.3.2. A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.
- 3.3.3.3. The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.
- 3.3.3.4. All other reinstatement work required by the report referred to in 3.3.3.2 and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 3.3.3.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 3.3.3.5. 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 12 month period.
- 3.3.3.6. The siting of the relocated building must also comply with Standards 3.2.1.1 to 3.2.1.16 (inclusive).

**Commented [ 45]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

**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<sup>2</sup> 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 3.2.1.11.

**3.3.5. Audible bird-scaring device.**

- 3.3.5.1. A Category A or Category B device must not be operated:
- (a) between sunset and sunrise if the device is within 2km of a noise sensitive activity;
  - (b) within 800m of any rest home, public or private hospital;
  - (c) such that sound is emitted at a level greater than 65dB SEL, 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);
  - (d) 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 for each 5ha block that the device is being operated over.
- 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. Plantation forestry afforestation.**

- 3.3.6.1. Planting must not be in, or within:

- (a) [Deleted]
- (b) [Deleted]
- (c) [Deleted]
- (d) [Deleted]
- (e) 10m of a Significant Wetland;
- (f) [Deleted]
- (g) an Afforestation Flow Sensitive Site;
- (h) [Deleted]
- (i) the Limestone Coastline Outstanding Natural Feature and Landscape;
- (j) the Wairau Dry Hills High Amenity Landscape.

3.3.6.2. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

### 3.3.7 Plantation forestry replanting.

3.3.7.1. Replanting must not be in, or within:

- (a) 8m of a Significant Wetland;
- (b) [deleted].

3.3.7.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

### 3.3.8. Plantation forestry harvesting.

3.3.8.1. Harvesting must not be in, or within

- (a) [Deleted]
- (b) 8m of a Significant Wetland.
- (c) [Deleted].

3.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

3.3.8.3. Except within an existing forestry track or forestry road, wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland.

3.3.8.4. Harvesting must not cause any conspicuous change in the colour or natural clarity of the water in a Significant Wetland, or the coastal marine area.

### 3.3.9. Woodlot forestry planting.

3.3.9.1. 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*).

**Commented [ 46]:** WITHDRAWN:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By memorandum dated 17 August 2022

**Commented [ 47]:** Clause 16

**Commented [ 48]:** Clause 16

**Commented [ 49]:** RESOLVED:  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 31 January 2023

**Commented [ 50]:** WITHDRAWN:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By memorandum dated 17 August 2022

**Commented [ 51]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

**Commented [ 52]:** Clause 16

**Commented [ 53]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 31 January 2023

**Commented [ 54]:** Clause 16

**Commented [ 55]:** Clause 16

- 3.3.9.2. 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;
  - (bi) 10m of the rail corridor of the Main North Line;
  - (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.

- 3.3.9.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under [section 55 of the Water Services Act 2021](#) as to cause contamination of that water supply.

### 3.3.10. Woodlot forestry harvesting.

- 3.3.10.1. 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) 30m of a river within a Water Resource Unit with a Natural State classification;
  - (c) 200m of the coastal marine area.
- 3.3.10.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under [section 55 of the Water Services Act 2021](#) as to cause contamination of that water supply.
- 3.3.10.3. No excavation or filling in excess of 1000m<sup>3</sup> must occur on any land with a slope greater than 20° within any 24 month period.
- 3.3.10.4. No excavation must occur on any land with a slope greater than 35°.
- 3.3.10.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 3.3.10.6. 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.
- 3.3.10.7. 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.
- 3.3.10.8. 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.
- 3.3.10.9. 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;

**Commented [ 56 ]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 12 May 2023

**Commented [ 57 ]:** Clause 16

**Commented [ 58 ]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 12 May 2023

**Commented [ 59 ]:** NES-FW s44A(5)

**Commented [ 60 ]:** Clause 16

- (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.

3.3.10.10. 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.

3.3.10.11. Harvesting must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area.

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

### 3.3.11. Conservation planting, exotic continuous-cover forestry planting and carbon sequestration forestry planting.

3.3.11.1. 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*).

3.3.11.2. That the planting of vegetation must not occur where that vegetation when fully grown, could shade a formed and sealed road between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading.

3.3.11.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building other than a pump shed located on any adjacent land under different ownership.

3.3.11.4. Only indigenous species may be planted within the Wairau Dry Hills High Amenity Landscape except for plantings within the curtilage around a dwelling.

3.3.11.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

3.3.11.6. In the case of exotic continuous-cover forestry planting carbon sequestration forestry, planting must not be within an Afforestation Flow Sensitive Site.

Commented [ 61]: NES-CF s44A(5)

### 3.3.12. Indigenous vegetation clearance.

Note:

Permitted Activity standards 3.3.12.1 and 3.3.12.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Commercial Forestry 2017.

3.3.12.1. Indigenous vegetation clearance must comply with Standards 3.3.13.1 to 3.1.13.12 (inclusive).

Commented [ 62]: Clause 16

Commented [ 63]: By consent order dated 31 October 2023

Commented [ 64]: NES-CF s44A(5)

Commented [ 65]: RESOLVED:  
Environmental Defence Society  
ENV-2020-CHC-67  
By consent order dated 31 October 2023

Commented [ 66]: NES-CF s44A(5)



3.3.12.2. The clearance of indigenous vegetation can only occur in the following circumstances:

- (a) where the clearance is of indigenous vegetation under woodlot forest or shelter belt;
- (b) [deleted]
- (c) [deleted]
- (d) where the clearance is associated with the maintenance of existing signs, roads, forestry roads, harvesting tracks, farm tracks, fence lines, cycling tracks or walking tracks;
- (e) where the clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;
- (g) where the clearance is associated with the maintenance of existing hydro-electricity generation connected to the National Grid or the distribution network;
- (h) where the clearance is associated with the maintenance of existing fire breaks;
- (i) where the clearance is within existing crop or pasture and is for the purpose of cultivation or pasture maintenance where the indigenous vegetation has grown from a previous lawful clearance carried out under the RMA and the indigenous vegetation is less than 10 years in age;
- (j) where the clearance is associated with the maintenance of a archaeological site where an authority has been obtained from Heritage New Zealand Pouhere Taonga;
- (k) where the clearance is associated with the maintenance of existing:
  - (i) farm buildings, where the clearance is no further than 2 metres from the exterior wall of the existing building; or
  - (ii) farm water supply pipelines, where the total clearance is no greater than 2 metres at any point.
- (l) clearance of indigenous vegetation where it has been planted as part of a domestic or public garden; or has been planted for amenity purposes; or planted as a shelterbelt;
- (m) clearance of indigenous vegetation that is a danger to human life;
- (n) clearance of indigenous vegetation that is a material risk to structures or utilities;
- (o) clearance of indigenous vegetation that cannot be reasonably be avoided in the course of destroying pests required by any Regional Pest management Plan made under the Biosecurity Act 1993, or a result of a biosecurity response activity under the direction of an Authorised Person appointed in accordance with Section 103 of the Biosecurity Act 1993.

3.3.12.3. [deleted]

- (a) [deleted]
- (b) [deleted]

3.3.12.4. Clearance of indigenous vegetation permitted by 13.3.12.2(i) within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- (c) coastal vegetation dominated by (making up >50% of the canopy cover) *Phormium* species;
- (d) coastal broadleaved shrubland;
- (e) coastal small-leaved shrubland;
- (f) coastal salt turf;
- (g) coastal speargrass herbfield.

**Commented [ 67 ]:** Clause 16

3.3.12.5. [deleted]

3.3.12.6. [deleted]

- (a) [deleted]
- (b) [deleted]
  - (i) [deleted]
  - (ii) [deleted]

3.3.12.7. [deleted]

3.3.12.8. [deleted]

- (a) [deleted]
- (b) [deleted]
  - (i) [deleted]
  - (ii) [deleted]

3.3.12.9. Clearance of indigenous vegetation must not be within 20m of a Riparian Natural Character Management Area.

**Commented [ 68 ]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 24 May 2023

### 3.3.13. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Commercial Forestry 2017.

Note:

Standards 3.3.13.2, 3.3.13.3, 3.3.13.4, 3.3.13.8, 3.3.13.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan or as required under direction of an Authorised Person appointed in accordance with section 103 of the Biosecurity Act 1993.

**Commented [ 69 ]:** By consent order dated 24 May 2023

**Commented [ 70 ]:** NES-CF s44A(5)

**Commented [ 71 ]:** Clause 16

3.3.13.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

3.3.13.2. 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.

3.3.13.3. Vegetation clearance must not be in, or within 30m of a river within a Water Resource Unit with a Natural State classification.

**Commented [ 73 ]:** NES-FW s44A(5)

(a) [deleted]

**Commented [ 74 ]:** NES-FW s44A(5)

(b) [deleted]

**Commented [ 75 ]:** NES-FW s44A(5)

- 3.3.13.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 3.3.13.5. 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.
- 3.3.13.6. Notwithstanding 3.3.13.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 3.3.13.7. Except for trees felled in accordance with 3.3.13.6, 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.
- 3.3.13.8. 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);
  - a lake;
  - a Significant Wetland except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary; or
  - the coastal marine area.
- 3.3.13.9. 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.
- 3.3.13.10. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 3.3.13.11. Woody material greater than 100mm in diameter and soil debris must:
- 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;
  - 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;
  - be stored on stable ground;
  - be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.13.12. Vegetation clearance must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area.
- 3.3.13.13. Standards 3.3.13.2 and 3.3.13.8 do not apply to:
- Harvesting of agricultural, pastoral, viticultural or horticultural crops (including arable crops, hay and winter fodder crops), provided that harvesting is not undertaken within 3m of a river, lake or the coastal marine area;
  - cultivation undertaken in accordance with Standard 3.3.14;

Commented [ 76]: Clause 16

Commented [ 77]: Clause 16

Commented [ 78]: Clause 16

- (c) vegetation clearance for the purpose of establishing a line of 1m width for the installation or maintenance of a fence, provided that the vegetation clearance is not undertaken within 3m of a river, lake or the coastal marine area; or
- (d) in the case of 3.3.13.8 only, spraying of agricultural and pastoral crops, provided that no spraying is undertaken within 3m of a river, lake or the coastal marine area.

**Commented [ 79]:** By consent order dated 12 May 2023

### 3.3.14. Cultivation.

Note:

[deleted]

- 3.3.14.1. 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.
- 3.3.14.2. 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.
- 3.3.14.3. 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.
- 3.3.14.4. [deleted]
- 3.3.14.5. On completion of harvesting, a suitable vegetative cover that will mitigate soil loss, must be restored on the harvested area 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.
- 3.3.14.6. Cultivation must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area.

**Commented [ 80]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 12 May 2023

**Commented [ 81]:** NES-CF s44A(5)

**Commented [ 82]:** RESOLVED:  
Delegat Limited  
ENV-2020-CHC-75  
By consent order dated 12 May 2023

**Commented [ 83]:** RESOLVED:  
Delegat Limited  
ENV-2020-CHC-75  
By consent order dated 12 May 2023

**Commented [ 84]:** NES-FW s44A(5)

**Commented [ 85]:** By consent order dated 12 May 2023

### 3.3.15. Excavation.

Note:

Where excavation is managed under the National Environmental Standards for Commercial Forestry 2017, Standards 3.3.15.1, 3.3.15.2, 3.3.15.3(a), 3.3.15.4, 3.3.15.5, 3.3.15.10, 3.3.15.11 and 3.3.15.12 do not apply, and Standard 3.3.15.9 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.

- 3.3.15.1. Excavation in excess of 1000m<sup>3</sup> must not occur on any land with a slope greater than 20° within any 24 month period. This standard excludes;
  - (a) excavation undertaken for the maintenance of farm tracks; or
  - (b) digging of postholes for the construction of fences.
- 3.3.15.2. Excavation must not occur on any land with a slope greater than 35°.
- 3.3.15.3. 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;
  - (ai) 20m of a Riparian Natural Character Management Area.

**Commented [ 86]:** NES-FW s44A(5)

**Commented [ 87]:** NES-CF s44A(5)

**Commented [ 88]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 12 May 2023

**Commented [ 89]:** By consent order dated 24 May 2023

- (b) 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.
- 3.3.15.4. 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 except for the maintenance of existing erosion control structures.
- 3.3.15.5. There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area, unless the excavation is to establish a foundation for a building or a swimming pool permitted in this zone.
- 3.3.15.6. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 3.3.15.7. There must be no excavation in excess of 100m<sup>3</sup> within any 12 month period within a Level 2 or 3 Flood Hazard Area, or in the Level R Flood Hazard Area in the vicinity of Conders Overflow.
- 3.3.15.8. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- Chalk Range;
  - Inland Kaikoura Range;
  - Molesworth Station and Upper Clarence;
  - Limestone Coastline;
  - The Main Divide and Leatham Conservation Area.
- This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.
- 3.3.15.9. 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.
- 3.3.15.9A Standards 3.3.15.3. and 3.3.15.9 do not apply to excavation of a line of 1m width for the installation or maintenance of a fence, provided that excavation is not undertaken within 3m of a river, lake, or the coastal marine area.
- 3.3.15.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 3.3.15.11. 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.
- 3.3.15.12. Excavation must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area.
- 3.3.15.13. Excavation must not cause water to enter onto any adjacent land under different ownership.

**Commented [ 90]:** NES-FW s44A(5)

**Commented [ 91R90]:**

**Commented [ 92]:** Clause 16

**Commented [LW593]:** By consent order dated 25 March 2022 (Landscape)

**Commented [ 94]:** By consent order dated 12 May 2023

**Commented [ 95]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
New Standard: 3.3.15.x  
By consent order dated 12 May 2023

**3.3.16. Earthworks within the National Grid Yard.**

- 3.3.16.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:
- (a) Earthworks undertaken as part of agricultural, horticultural 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) Earthworks that are undertaken by a network utility operator.
- 3.3.16.2. The earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure.
- 3.3.16.3. The earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure.
- 3.3.16.4. The earthworks must not compromise the stability of a National Grid transmission line Support Structure.
- 3.3.16.5. The earthworks 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).

**Commented [ 96]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

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

- 3.3.17.1. Filling in excess of 1000m<sup>3</sup> must not occur within any 24 month period.
- 3.3.17.2. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 3.3.17.3. There must be no fill in excess of 100m<sup>3</sup> within any 12 month period within a Level 2 or 3 Flood Hazard Area, or in the Level R Flood Hazard Area in the vicinity of Conders Overflow.
- 3.3.17.4. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 3.3.17.5. 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 any culvert used to drain fill areas must not be less than 300mm.
- 3.3.17.6. 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 or other means to achieve a rapid vegetative cover.
- 3.3.17.7. Filling must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing), or lake;
  - (ai) 20m of a Riparian Natural Character Management Area;
  - (b) 30m of a river within a Water Resource Unit with a Natural State classification;
  - (c) 8m of the landward toe of a stopbank;
  - (d) 20m of the coastal marine area.

**Commented [ 97]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 12 May 2023

**Commented [ 98]:** By consent order dated 24 May 2023

**Commented [ 99]:** NES-FW s44A(5)

3.3.17.8. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

Commented [ 100]: Clause 16

3.3.17.9. There must be no filling in excess of 500m<sup>3</sup> per Record of Title 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;
- (e) The Main Divide and Leatham Conservation Area.

This does not apply to filling for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

Commented [ 101]: Clause 16

Commented [LW5102]: By consent order dated 25 March 2022 (Landscape)

3.3.17.10. Filling must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area.

3.3.17.11. The filling must not occur on a slope greater than 7.5° if the filling is within a Soil Sensitive Area identified as loess soils.

3.3.17.12. Filling must not cause water to enter onto any adjacent land under different ownership.

**3.3.18. 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.*

3.3.18.1. 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.

3.3.18.2. The bore casing must contain only one screen, which must not exceed 10m in length.

3.3.18.3. The bore must be capped at all times.

3.3.18.4. The bore must be constructed by a Recognised Professional.

- 3.3.18.5. 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:*

- 3.3.18.6. 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.
- 3.3.18.7. 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:*

- 3.3.18.8. 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.
- 3.3.18.9. 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.
- 3.3.18.10. In all other areas, the bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

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

- 3.3.19.1. The bore must be drilled by a Recognised Professional.
- 3.3.19.2. 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.
- 3.3.19.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

**3.3.20. 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.*

- 3.3.20.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 3.3.20.2. The dam must not intersect the groundwater.
- 3.3.20.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 3.3.20.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 3.3.20.5. 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.
- 3.3.20.6. The dam walls must comply with the setbacks for buildings in Standards 3.2.1.4 and 3.2.1.11.
- 3.3.20.7. The dam must be less than 4m in height, measured from the base to crest.

Commented [ 103]: Clause 16

**3.3.21. Land disturbance to create and maintain a fire break.**

- 3.3.21.1. 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.

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

- 3.3.22.1. 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.
- 3.3.22.2. 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 natural clarity of a flowing river due to sediment or sediment laden discharge originating from the activity site.
- 3.3.22.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock (except sheep being supervised and actively driven across the bed of the river) must not result in the water quality of the river exceeding the following:
- (a) 2mg/l carbonaceous BOD<sub>5</sub>;
  - (b) 260 Escherichia coli (E. coli)/100ml.

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

- 3.3.23.1. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 3.3.23.2. 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.
- 3.3.23.3. The application must be undertaken either:
- (a) in accordance with the most recent product label; or
  - (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval.
- 3.3.23.4. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 3.3.23.5. 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.

**Note:**

The Hazardous Substances (Hazardous Property Controls) Notice 2017 (EPA Consolidation 30 April 2021) sets out the qualifications required for use of certain substances in any place that is not a workplace, unless otherwise specified. The Health and Safety at Work (Hazardous Substances) Regulations 2017 sets out the competency requirements for the use of substances in a workplace and the duty of a PCBU to provide information, training, supervision, and instruction. Together these Regulations stipulate training and competency requirements based on the substance used and risk to the environment. A summary of these requirements is also set out in NZS 8409:2021 Management of Agrichemicals, Appendix D.

**3.3.23A The disposal (involving a discharge) of unused surplus agrichemicals or diluted surplus agrichemical spray.**

- 3.3.23A.1 The disposal of unused surplus agrichemicals or diluted surplus agrichemical spray must comply with Section 5.3.2.1(b) and Appendix S3 of the NZS 8409:2004.

**Commented [ 104]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

**Commented [ 105]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

- 3.3.23A.2 The disposal of unused surplus agrichemicals 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, Drainage Channel network or mean high water springs;
  - (c) 10m of the boundary of any adjacent land in different ownership.

**Commented [ 106]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 January 2023

**3.3.24. Storage and application (involving a discharge) of fertiliser or lime into or onto land.**

- 3.3.24.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 3.3.24.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times, except when fertiliser is being applied.
- 3.3.24.3. 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).
- 3.3.24.4. The application must not occur when the soil moisture exceeds field capacity.
- 3.3.24.5. All reasonable care must be exercised with the application of fertiliser, including compliance with Sections 5.2 and 5.3 of the Fertiliser Association of New Zealand's Code of Practice for Nutrient Management 2013, to ensure that the fertiliser does not pass beyond the legal boundary of the area of land on which the fertiliser is being applied.
- 3.3.24.6. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

**Commented [ 107]:** Clause 16

**3.3.25. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air onto private land.**

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

- 3.3.25.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 3.3.25.2. 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.

**Commented [ 108]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 5 July 2023

**3.3.26. Application (involving a discharge) of compost or solid agricultural waste into or onto land.**

- 3.3.26.1. 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, Drainage Channel Network or mean high water springs;
  - (c) 10m of a dwelling on any adjacent land in different ownership

**Commented [ 109]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 12 May 2023

**Commented [ 110]:** RESOLVED:  
Manawa Energy Limited (previously Trustpower)  
ENV-2020-CHC-50  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

3.3.26.2. 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).

3.3.26.3. The application must not occur within a Groundwater Protection Area.

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

3.3.27.1. The discharge must not occur into or onto a Soil Sensitive Area.

3.3.27.2. 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, Drainage Channel Network or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.

3.3.27.3. 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.

3.3.27.4. The discharge must not occur when the soil moisture exceeds field capacity.

3.3.27.5. The discharge must not result in the ponding of effluent.

3.3.27.6. The discharge must not result in anaerobic soil conditions.

3.3.27.7. 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).

3.3.27.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.

3.3.27.9. Records of pH levels must be kept and available upon request by the Council.

3.3.27.10. The discharge must not occur within a Groundwater Protection Area.

**3.3.28. [deleted]**

**3.3.29. Discharge of dairy farm effluent into or onto land.**

3.3.29.1. The discharge must not occur into or onto a Soil Sensitive Area.

3.3.29.2. 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, Drainage Channel Network or mean high water springs;
- (c) 10m of the boundary of any adjacent land in different ownership.

3.3.29.3. 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.

3.3.29.4. The discharge must not occur when the soil moisture exceeds field capacity.

3.3.29.5. The discharge must not result in the ponding of effluent.

3.3.29.6. The discharge must not result in anaerobic soil conditions.

**Commented [ 111]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 112]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 113]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 5 July 2023

**Commented [ 114]:** NES-FW s44A(5)

- 3.3.29.7. 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).
- 3.3.29.8. 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 who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that standards 3.3.29.4, 3.3.29.5 and 3.3.29.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.
- 3.3.29.9. For a new dairy farm established after 9 June 2016, the effluent collection and storage system must at all times be sealed to prevent leakage with an impermeable material and the integrity of the system and impermeable material to prevent leakage is certified at the time of construction and upon request by Council by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer.
- 3.3.29.10. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- 20m of a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or mean high water springs;
  - 20m of the boundary of any adjacent land in different ownership;
  - a Flood Hazard Area.
- 3.3.29.11. 24 months after the plan becomes operative, Standards 3.3.29.8, 3.3.29.9 and 3.3.29.10 apply to a dairy farm existing at 9 June 2016.
- 3.3.29.12. The discharge must not occur within a Groundwater Protection Area.

**Commented [ 115]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

### 3.3.30. Discharge of swimming or spa pool water into or onto land.

- 3.3.30.1. 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.
- 3.3.30.2. The discharge must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 3.3.30.3. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 3.3.30.4. Fourteen days prior to discharging to land, swimming or spa pool water:
- must be uncovered;
  - must not be treated with any chemicals.

**Commented [ 116]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

### 3.3.31. Discharge of human effluent into or onto land.

- 3.3.31.1. 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.
- 3.3.31.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 3.3.31.3. There must be:
- 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.

3.3.31.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

3.3.31.5. 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.

3.3.31.6. The discharge must not occur within a Groundwater Protection Area.

3.3.31.7. 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.

3.3.31.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

3.3.31.9. 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.

#### **3.3.32. Disposal of farm rubbish into a pit.**

3.3.32.1. Only biodegradable material (including offal or a carcass not from intensive farming) may be disposed of to a farm rubbish pit.

3.3.32.2. Only farm rubbish sourced from the same property, or a property held in the same ownership, may be disposed of to a farm rubbish pit.

3.3.32.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.

3.3.32.4. 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, Drainage Channel Network or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

3.3.32.5. Surface run-off must not enter the pit.

3.3.32.6. 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.

3.3.32.7. The farm rubbish pit must be located above the natural ground water level at all times.

#### **3.3.33. Disposal of offal or a carcass into an offal pit.**

3.3.33.1. Only offal, or carcasses (except those from intensive farming) sourced from the same property, or a property held in the same ownership may be disposed of to an offal pit.

3.3.33.2. Only offal, carcasses or biodegradable material may be disposed of to an offal pit.

3.3.33.3. 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, Drainage Channel Network or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

3.3.33.4. The offall pit must be located above the natural ground water level at all times.

3.3.33.5. When not in use, the offall pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface run-off.

3.3.33.6. The disposal must not occur within a Groundwater Protection Area.

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

3.3.34.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils unless the stack or stockpile is located on an impermeable material or surface.

3.3.34.2. The pit must not be located on a Soil Sensitive Area identified as a free-draining soil or a loess soil.

3.3.34.3. 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, Drainage Channel Network or mean high water springs;
- (c) 10m of any boundary of any adjacent land in different ownership.

3.3.34.4. The pit or stack must be completely covered by an impermeable material when the pit or stack is not being accessed to add or remove compost or silage.

3.3.34.5. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.

3.3.34.6. Surface run-off must not enter the pit, stack or stockpile.

3.3.34.7. The pit, stack or stockpile must not occur within a Groundwater Protection Area.

3.3.34.8. The total area of any compost in a stack(s) or stockpiling of agricultural solid waste on a single land holding is less than 500m<sup>2</sup> in area.

3.3.34.9. Stock must not be able to directly access the pit or stack.

#### 3.3.35. Storage of compost not in a pit or stack.

3.3.35.1. 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, Drainage Channel Network or mean high water springs;
- (c) 10m of any dwelling on any adjacent land in different ownership.

3.3.35.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

**Commented [ 117]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

**Commented [ 118]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

- 3.3.35.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.
- 3.3.35.4. The storage of compost must not occur within a Groundwater Protection Area.
- 3.3.35.5. The total area of any compost stored on a single land holding is less than 500m<sup>2</sup> in area.
- 3.3.36. 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.
- 3.3.36.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 3.3.36.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.
- 3.3.36.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.
- 3.3.37. Discharge of contaminants to air arising from burning in the open.**
- 3.3.37.1. Only material generated on the same property or a property under the same management or ownership must be burned.
- 3.3.37.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 3.3.38. Discharge of contaminants to air from burning for the purposes of vegetation clearance.**
- 3.3.38.1. Burning must not be carried out on Land Use Capability Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Fire and Emergency New Zealand Act 2017) for the burn are:
- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.
- 3.3.39. Discharge of contaminants to air from seed cleaning.**
- 3.3.39.1. The seed cleaning operation must be contained within a building.
- 3.3.39.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.
- 3.3.40. Discharge of contaminants to air from the burning of oil in a frost protection heater.**
- 3.3.40.1. The discharge must only take place for the purpose of preventing frost damage to crops.

**Commented [ 119]:** Errata 39.

**Commented [ 120]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 January 2023

3.3.40.2. 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.

3.3.40.3 No waste oil is burnt, excluding re-refined oil.

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

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

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

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

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

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

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

3.3.43.2. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

**3.3.44. Home occupation.**

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

3.3.44.2. 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

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

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

**3.3.45. Homestay.**

3.3.45.1. The homestay operation must be fully contained within a dwelling that is a Permitted Activity in the Plan.

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

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

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

**3.3.46. Worker accommodation.**

3.3.46.1. The worker accommodation must be located within a Worker Accommodation Area as identified in Appendix 24.

**Commented [ 121]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 25 July 2022



**3.3.47. 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 BIK III Taylor Pass SD and Sec 3 SO 6922.

- 3.3.47.1. A maximum of five papakāinga units are permitted on the marae.
- 3.3.47.2. A minimum land area of 80m<sup>2</sup> 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 site and do not apply between buildings on the site.

**3.3.48. Papakāinga.**

- 3.3.48.1. A maximum of five papakāinga units are permitted on a Record of Title.
- 3.3.48.2. A minimum land area of 80m<sup>2</sup> must be provided for each papakāinga unit.
- 3.3.48.3. 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 site and do not apply between units on the site.

**3.3.49. Recreational event or special event.**

- 3.3.49.1. The event must not exceed seven consecutive days duration.
- 3.3.49.2. 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.
- 3.3.49.3. 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.
- 3.3.49.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

**Note:**

Event organisers are encouraged to consider fire risk to the event and the surrounding community/environment. Fire and Emergency New Zealand controls outdoor fires and activities that may cause unwanted fires. Refer to the Fire and Emergency New Zealand website for any restrictions on activities and/or lighting fires.

**3.3.50 The discharge of contaminants into air from water blasting and dry abrasive blasting.**

- 3.3.50.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.
- 3.3.50.2. 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.
- 3.3.50.3. There must not be any deposition of contaminants from the activity into or within 10 metres of a waterbody or the coastal marine area.
- 3.3.50.4. The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.

**Commented [ 122]:** RESOLVED:  
Te Runanga o Ngati Kuia Trust  
ENV-2020-CHC-70  
By consent order dated 25 March 2022

**Commented [ 123]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 10 November 2021

- 3.3.50.5. Where abrasive blasting is undertaken inside an enclosed booth, the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 3.3.50.6. Dry abrasive blasting outside an enclosed booth shall only be undertaken when it is impractical to remove or dismantle or transport a fixed object or structure to be cleaned in a booth.
- 3.3.50.7. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.

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

- 3.3.51.1 There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

**3.3.52 Buildings, structures and activities in the National Grid Yard**

- 3.3.52.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.
- 3.3.52.2. Buildings and structures must not be located within the National Grid Yard unless they are:
  - (a) a fence not exceeding 2.5m in height; or
  - (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms));
  - (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure.
- 3.3.52.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:
  - (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
  - (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
    - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
    - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
  - (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).
- 3.3.52.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission line and building operating conditions or otherwise comply with setbacks from

**Commented [ 124]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 6 October 2022

**Commented [ 125]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 6 October 2023

conductors in section 3.3 or section 3.4 of the NZECP34:2001, following the process set out in section 3.2.1 of the NZECP34:2001, at all times.

### 3.3.53 Amateur Radio Configurations

- 3.3.53.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.
- 3.3.53.2 Any part of an antenna or support structure must not overhang property boundaries.
- 3.3.53.3 Any of the elements making up an antenna must not exceed 80mm in diameter.
- 3.3.53.4 The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:
- one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and
  - any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.
- 3.3.53.5 The maximum number of antennas on a site shall not exceed 12.
- 3.3.53.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 3.3.53.7 Any dish antenna must:
- Be less than 5m in diameter;
  - Be pivoted less than 4m above the ground;
  - Meet the relevant building setback;
  - At any point in its possible rotation, not 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.

**Commented [ 126]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

## 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 55dB LAeq (15min):
- at a distance of 300m from the device;
  - 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

**Commented [ 127]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 31 January 2023

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 5dB 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 0.1dB to 6.0dB 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.

**Commented [ 128]:** Clause 16

[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;
  - (a) grown on a farming unit owned or leased by the seller of the produce; and
  - (b) contained within a structure within an area of less than 10m<sup>2</sup>.
- 3.4.2.4. [deleted]
- 3.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

**Commented [ 129]:** Clause 16  
MEP Update 7 – 04/11/20

*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.
- 3.4.2.8. The safety of the access.

[R]

#### 3.4.3. Harvesting of plantation forestry that was established prior to 9 June 2016, in, or within 8m of a Significant Wetland.

Note:

Where the land used for plantation forestry will be used as pastoral land following harvest, the activity is managed by Regulations 16 or 17 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

**Commented [ 130]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

*Matters over which the Council has reserved control:*

- 3.4.3.1. The measures proposed to be taken to minimise damage to the wetland during harvesting.

**Commented [ 131]:** NES-FW s44A(5)

- 3.4.3.2 The measures proposed to be taken to minimise the risk of slash or debris entering the wetland.

[D]

**3.4.4. Buildings, structures or sensitive activities within 90m of the designation boundary of the National Grid Blenheim substation.**

*Standards and terms:*

- 3.4.4.1. Any building, structure or sensitive activity must be located more than 15m from the designation boundary of the National Grid Blenheim substation.

*Matters over which the Council has reserved its control:*

- 3.4.4.2. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
- 3.4.4.3 The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 3.4.4.4 Measures proposed to avoid potential adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the substation.

[R]

**3.4.5 The lawfully established discharge of contaminants to land associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative, except where already provided for in 3.1.**

*Standards and terms:*

- 3.4.5.1 The consent application(s) replace existing resource consents; and
- 3.4.5.2 There must be no increase in the existing volume of discharge or the nature of contaminants being discharged; and
- 3.4.5.3 The discharge must result from the activities provided for in Rules 2.4.2 and/or 2.9A.1.

*Matters over which the Council has reserved control:*

- 3.4.5.4 Measures to avoid, remedy or mitigate any adverse effects on the following:
- (a) cultural values;
  - (b) lawfully established users of the lake or river;
  - (c) downstream sediment transport processes;
  - (d) aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
  - (e) outstanding natural features and outstanding natural landscapes, and natural character;
  - (f) amenity values (including recreation), and existing public access to and along the margins of lakes and rivers;
- 3.4.5.5 Measures required to comply with Section 107(1) of the RMA;
- 3.4.5.6 Maintenance and contingency requirements;
- 3.4.5.7 Monitoring and information requirements;
- 3.4.5.8 Duration of consent;

- 3.4.5.9 Review of consent conditions; and
- 3.4.5.10 Compliance monitoring.

**Commented [ 132]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 14 October 2022

### 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 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting activities but excluding excavation as part of Plantation Forestry Harvesting.**

*Matters over which the Council has restricted its discretion:*

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

**Commented [ 133]:** Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56

New restricted discretionary rule and standards in relation to noise sensitive activities (See appendix B of appeal)

[R]

- 3.5.2. Excavation on slopes greater than 35° for the installation or maintenance of a fence.**

*Matters over which the Council has restricted its discretion:*

- 3.5.2.1. The effects on water quality, aquatic ecosystems, soil conservation and slope stability from the excavation.

**Commented [ 134]:** By consent order dated 12 May 2023

[R]

- 3.5.3. The application of fertiliser (involving a discharge) into or onto land for arable land use or horticultural land use that does not comply with Standard 3.3.24.3 (exceeding a total cumulative nitrogen (N) loading of 200kg N/ha/year).**

*Matters over which the Council has restricted its discretion:*

- 3.5.3.1 The reasonable crop demand for N.
- 3.5.3.2 The total cumulative Nitrogen (N) loading on the area extent of land used for the application.
- 3.5.3.3 The effects on community drinking water supply, the freshwater values of Marlborough's tangata whenua iwi, (including mahinga kai), water quality and aquatic ecosystems.
- 3.5.3.4 The extent of compliance with Sections 5.2 and 5.3 of the Fertiliser Association of New Zealand's Code of Practice for Nutrient Management 2013.

**Commented [ 135]:** By consent order dated 5 July 2023

[R]

- 3.5.4. Livestock entering onto or passing across the bed of a river that does not comply with 3.3.22.2 or 3.3.22.3.**

*Matters over which the Council has restricted its discretion:*

- 3.5.4.1 the effects on the freshwater values of Marlborough's tangata whenua iwi (including mahinga kai), water quality, and aquatic and riparian ecosystems.

**Commented [ 136]:** By consent order dated 1 November 2023

### 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.**

Note:

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard 3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

Note:

Where the land used for plantation forestry will be used as pastoral land following harvest, the activity is managed by Regulations 16 or 17 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

[D]

**3.6.2. Winery, distillery or brewery.**

[D]

**3.6.3. Intensive farming.**

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.
- (c) Intensive winter grazing: Regulations 26, 27, 29 and 30.

[D]

**3.6.4. Visitor accommodation.**

[D]

**3.6.5. Community facility.**

[R, D]

**3.6.6. Quarrying and mining.**

Note:

Where forestry quarrying is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 3.6.6 does not apply.

[D]

**3.6.7. Rural industry.**

[R]

**3.6.8. Dairy farm established after 9 June 2016.**

Note:

**Commented [ 137]:** RESOLVED:  
Talley's Group Limited  
ENV-2020-CHC-32  
New rule  
By consent order dated 28 May 2021

**Commented [ 138]:** NES-FW s44A(5)

**Commented [ 139]:** NES-FW s44A(5)

**Commented [ 140]:** NES-CF s44A(5)



The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.
- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

[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.**

[R]

**3.6.13 Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, livestock entering into or passing across a Significant Wetland.**

[R]

**3.6.14 Woodlot forestry planting outside the coastal environment, on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.**

**Commented [ 141]:** NES-FW s44A(5)

**Commented [ 142]:** By consent order dated 1 November 2023

**Commented [ 143]:** Transpower New Zealand Limited ENV-2020-CHC-68

New non-complying rule: Any activity that does not meet the Standard in 3.3.52 or Standard 3.3.16.

### 3.7. Prohibited Activities

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

[R, D]

**3.7.1. Plantation forestry afforestation or woodlot forestry planting within the coastal environment on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established plantation or woodlot forestry.**

[R, D]

**3.7.2. Carbon sequestration forestry harvesting on steep erosion prone land or exotic continuous-cover forestry harvesting within the coastal environment on land identified as Steep Erosion-Prone Land.**

[R]

**3.7.3. Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, permitting intensively farmed livestock to enter:**

- (a) onto the bed of a lake;
- (b) into a Significant Wetland; or

**Commented [ 144]:** NES-CF s44A(5)

- (c) onto the bed of a river when there is water flowing in the river, unless the stock are supervised and actively driven across the river, and do not cross the same river twice in any month.

[R]

- 3.7.4. Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, permitting intensively farmed livestock to pass across:

- (a) the bed of a lake;
- (b) a Significant Wetland; or
- (c) the bed of a river when there is water flowing in the river, unless the stock are supervised and actively driven across the river, and do not cross the same river twice in any month.

[R]

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

[R]

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

[R]

- 3.7.7. Drainage of Goulter Significant Wetland – W35.

[R]

- 3.7.8. Drainage of Possum Swamp Stream Significant Wetland – W116.

[R]

- 3.7.9. Drainage of Upper Wairau Significant Wetland – W580.

[R]

- 3.7.10. Drainage of Wairau Lagoons Significant Wetland – W1076.

[D]

- 3.7.11. 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]

- 3.7.12. 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]

- 3.7.13. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;

**Commented [ 145]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

**Commented [ 146]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
Appeal point removed from 3.7.5 on 25 August 2020 and placed on definition of hazardous substance. Resolved by consent order dated 31 January 2023)

- (d) pellets containing greater than 10mg/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 (excluding re-refined 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]

- 3.7.14. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;
- (a) wood which is painted, stained, oiled or coated;
  - (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
  - (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
  - (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
  - (e) metals and materials containing metals including but not limited to cables;
  - (f) materials containing asbestos;
  - (g) material containing tar or bitumen;
  - (h) all rubber, including but not limited to, rubber tyres;
  - (i) 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;
  - (j) waste oil (excluding re-refined oil);
  - (k) peat;
  - (l) sludge from industrial processes;
  - (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

**Commented [ 147]:** RESOLVED:  
 Federated Farmers of New Zealand  
 ENV-2020-CHC-58  
 By consent order dated 25 July 2022