

5. Urban Residential 1 and 2 Zones (including Urban Residential 2 Greenfields Zone)

Note:

Vegetation clearance, earthworks or 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)

5.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 5.2 and 5.3:

[D]

5.1.1. Residential activity.

[D]

5.1.2. Home occupation.

[D]

5.1.3. Marae activity on:

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

(b) Lot 1 & 2 DP 11713.

Commented [2]: Clause 16

[D]

5.1.4. Papakāinga.

[D]

5.1.5. Community housing.

[D]

5.1.6. Homestay.

[D]

5.1.7. Visitor accommodation.

[D]

5.1.8. Show home with no office.

[D]

5.1.9. Specifically identified activities listed as permitted on sites scheduled in Appendix 16.

[D]

5.1.10. Garden Maintenance.

[D]

5.1.11. Relocated building.

[D]

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

[D]

5.1.13. Community activity using an existing community facility.

[D]

5.1.13A. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.

Note:

This rule has legal effect from the date that the PMEP is made operative.

Commented [3]: By consent order dated 16 December 2024

Commented [4]: RMA s86B

[D]

5.1.14. Park or reserve.

[R, D]

5.1.15. Excavation or filling.

[R, D]

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

[R]

5.1.17. Discharge of human effluent into or onto land.

[R]

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

[R]

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

[R]

5.1.19A. Discharge of stormwater containing contaminants to land.

Commented [5]: By consent order dated 22 October 2024

[R]

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

[R]

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

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

[R]

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

[R]

- 5.1.23. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.**

[R]

- 5.1.24. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.**

[R]

- 5.1.25. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner, or an enclosed woodburner installed after 1 September 2005).**

[R]

- 5.1.26. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed after 1 September 2005.**

[R]

- 5.1.27. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.**

[D]

- 5.1.28. Grazing of livestock for maintenance of undeveloped land.**

[D]

- 5.1.29. Farming on a Record of Title in the Urban Residential 2 Greenfields Zone prior to the part or full development of the site for residential activity.**

[D]

- 5.1.30. Emergency service activities of Fire and Emergency New Zealand on Secs 10 and 12 Blk XIV TN of Seddon (Seddon Fire Station), Lot 1 DP 5124 (Ward Fire Station) and Sec 234 Town of Havelock (Havelock Fire Station).**

[R]

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

[R]

- 5.1.32. Discharge of dust.**

[R]

- 5.1.33. Amateur Radio Configurations**

[R]

- 5.1.34. Discharge of contaminants to air within the Blenheim Airshed from outdoor burning in a brazier, or a fire used exclusively for the cooking or smoking of food for non-commercial purposes.**

5.2. Standards that apply to all permitted activities

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

- 5.2.1.1. Within the Urban Residential 1 Zone, the construction or siting of a dwelling must be on a Record of Title with a net site area no less than 290m².
- 5.2.1.2. Within the Urban Residential 1 Zone, the construction or siting of a dwelling on land must meet the following access requirements:
 - (a) access for one dwelling must be a minimum width of 3.0m;
 - (b) access for two to four dwellings must be a minimum width of 3.0m and a minimum sealed width of 2.5m;
 - (c) access for five to six dwellings must be a minimum width of 6.0m and a minimum sealed width of 5.0m.
- 5.2.1.3. Within the Urban Residential 2 Zone, the construction or siting of a dwelling must be on a Record of Title with a net site area for each dwelling no less than the relevant Minimum Net Allotment Area in Rule 24.3.1.2, and with access that complies with rule 24.3.1.3.
- 5.2.1.4. In the Urban Residential 2 Zone, permanent buildings must not cover more than 45% of the net site area.
- 5.2.1.5. The maximum height of a building or structure must not exceed 7.5m.
- 5.2.1.6. On a site, no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26, except that a recession plane angle of 55 degrees, inclined into the site, applies in all cases on a road/street boundary. The recession plane angle must be measured at the site boundary from a starting point 2.3m above ground level on sites within the Urban Residential 1 Zone, and 2.0m on sites within the Urban Residential 2 Zone.
- 5.2.1.7. Any part of a wall of a dwelling must be set back a minimum of 1m from the site boundary.
- 5.2.1.8. Height recession and boundary setbacks do not apply where a building shares a party wall.
- 5.2.1.9. The minimum outdoor amenity area of a dwelling must be:
 - (a) 50m² within the Urban Residential 1 Zone;
 - (b) 70m² within the Urban Residential 2 Zone.
- 5.2.1.10. The outdoor amenity area for a dwelling must:
 - (a) be able to accommodate a circle of 5m in diameter;
 - (b) not be orientated to the south of the dwelling;
 - (c) have direct contact with the main indoor living area through an external door;
 - (d) not include driveways, parking spaces or buildings but may include decking;
 - (e) have a slope of no more than 5 degrees in any direction.
- 5.2.1.11. [Deleted]

Commented [6]: RESOLVED:
GJ Gardner
ENV-2020-CHC-31
By consent order dated 5 October 2020

5.2.1.12. A garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.

Commented [7]: Clause 16 – Update 8

5.2.1.13. On Lot 15 DP 395434 dwellings or habitable buildings must not be located within 12m of the property boundary as shown in Appendix 19.

5.2.1.14. A building or structure must be set back a minimum of 8m from a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank.

5.2.1.15. The height of a fence or part of a fence must not exceed 2m.

5.2.1.16. The height of a fence or any part of a fence on a boundary between the Urban Residential 2 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.

5.2.1.17. A building or structure in which human effluent will be created must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

5.2.1.18. [deleted]

Commented [8]: Errata 40

5.2.1.18. A building or structure must not be within a Level 3 Flood Hazard Area.

5.2.1.19. A building or structure must not be constructed or sited within 20m of a Riparian Natural Character Management Area.

5.2.1.20. A building or structure must not be within 3m of the legal boundary with the rail corridor of the Main North Line, except for a fence up to 2m in height.

Commented [9]: RESOLVED:
KiwiRail Holdings Limited
ENV-2020-CHC-57
By consent order dated 15 February 2023

5.2.2. Noise.

5.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property within the zone:

7.00 am to 10.00 pm	50dB LAeq
10.00 pm to 7.00 am	40dB LAeq 70dB LAFmax

This standard does not apply to sirens and call out sirens associated with the activities of emergency services.

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

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

5.2.3. Noise sensitive activity in the context of port activities.

5.2.3.1. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity within the Outer Noise Control Boundary at the port in the Urban Residential Zone shall be adequately insulated from port noise.

5.2.3.2. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA Ldn in all new habitable spaces and buildings used for noise sensitive activities. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.

5.2.4. Use of external lighting.

- 5.2.4.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).
- 5.2.4.2. 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.

5.2.5. Odour.

- 5.2.5.1. 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.

5.2.6. Smoke.

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

5.2.7. Dust.

- 5.2.7.1. 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.

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.

5.2.8. Particulate from any process vent or stack.

- 5.2.8.1. 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.
- 5.2.8.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

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

5.2.9. Water supply and access for firefighting.

- 5.2.9.1. New buildings (excluding accessory buildings that are not habitable) shall have direct access to a Council reticulated water supply with fire fighting capability including hydrants.
- 5.2.9.2. Where a building (excluding accessory buildings that are not habitable) is located more than 75m from the nearest road that has reticulated water supply (including hydrants) access must have a minimum formed width of 4m, a height clearance of 4m and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

5.3. Standards that apply to specific permitted activities**5.3.1. Home occupation.**

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

5.3.2. Marae activity on:

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

(b) Lot 1 & 2 DP 11713.

- 5.3.2.1. A maximum of five papakāinga units are permitted on the marae.
- 5.3.2.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 5.3.2.3. Any setbacks required under Standards 5.2.1.6, 5.2.1.7, 5.2.1.8, 5.2.1.12, 5.2.1.14, 5.2.1.19 are to the external boundary of the site and do not apply between buildings on the site.

5.3.3. Papakāinga.

- 5.3.3.1. A maximum of five papakāinga units are permitted on a Record of Title.
- 5.3.3.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 5.3.3.3. Any setbacks required under Standards 5.2.1.6, 5.2.1.7, 5.2.1.8, 5.2.1.12, 5.2.1.14, 5.2.1.19 are to the external boundary of the site and do not apply between units on the site.

5.3.4. Community housing.

- 5.3.4.1. The total floor area of buildings used for community housing must not exceed 250m² per Record of Title.

5.3.5. Homestay.

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

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Commented [13]: RESOLVED:
Te Runanga o Ngati Kuia Trust
ENV-2020-CHC-70
By consent order dated 25 March 2022

Commented [14]: Clause 16 – Update 8

Commented [15]: Clause 16

Commented [16]: RESOLVED:
Te Runanga o Ngati Kuia Trust
ENV-2020-CHC-70
Two new standards
By consent order dated 25 March 2022

- 5.3.5.2. The homestay must be operated by a person residing in the dwelling on the property.
- 5.3.5.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 5.3.5.4. The homestay must not accommodate more than 5 guests at any time.

5.3.6. Visitor accommodation.

- 5.3.6.1. The manager of the accommodation must reside on the site on which the visitor accommodation is being provided.
- 5.3.6.2. Visitor accommodation must have a street frontage onto any one of the following roads:

Blenheim

- (a) Battys Road between the intersection with Lakings Road and the intersection of New Renwick Road.
- (b) Boyce Street.
- (c) Colemans Road between the intersection with Middle Renwick Road and the intersection of Clouston Gardens.
- (d) Murphys Road between the intersection with Middle Renwick Road and the intersection of Aston Street.
- (e) Middle Renwick between the intersection with Colemans Road and the intersection of Rose Street.
- (f) High Street between the intersection with Henry Street and the intersection of Beaver Road.
- (g) Henry Street between the intersection with High Street and the intersection of Maxwell Road.
- (h) Henry Street between the intersection with Alfred Street and the intersection of John Street.
- (i) Maxwell Road between the intersection with Seymour Street and the intersection of Graham Street.
- (j) Main Street between the intersection with Symons Street and the intersection of Market Street.
- (k) Seymour Street between the intersection with Maxwell Road and the intersection of Francis Street.
- (l) Dodson Street between the intersection with Grove Road and the intersection of Warwick Street.
- (m) Budge Street between the intersection with Grove Road and the intersection of Shirtliff Street.
- (n) Redwood Street between the intersection with Stephenson Street and the intersection of McCartney Street.
- (o) Main Street between the intersection with Lybster Street and the intersection of Dunbeath Street.

Picton

- (a) Wairau Road between the intersection with Durham Street and the intersection of Auckland Street.
- (b) Kent Street between the intersection with Wairau Road and the intersection of Lagoon Road.
- (c) Auckland Street.

- (d) High Street.
- (e) Wellington Street.
- (f) Waikawa Road between the intersection with Rutland Street and the intersection of Sussex Street.

Renwick

- (a) High Street.

5.3.7. Relocated building.

- 5.3.7.1. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 5.3.7.2. 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.
- 5.3.7.3. 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.
- 5.3.7.4. All other reinstatement work required by the report referred to in 5.3.7.2 and the building consent to reinstate the exterior of any relocated building must be completed within 12 months of the building being delivered to the site. Without limiting 5.3.7.3, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 5.3.7.5. 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.
- 5.3.7.6. The siting of the relocated building must also comply with Standard 5.2.1.

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

- 5.3.8.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
 - (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 5.3.8.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 5.3.8.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.
- 5.3.8.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 5.3.8.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 5.2.1.6.

5.3.9. Park or reserve.

- 5.3.9.1. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

5.3.10. Excavation or filling.

- 5.3.10.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance from landward toe of the stopbank.
- 5.3.10.2. Excavation or filling must not be within a Level 3 Flood Hazard Area.
- 5.3.10.3. The maximum volume for excavation must not exceed 50m³ per Record of Title within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 5.3.10.4. The maximum volume for filling must not exceed 50m³ per Record of Title within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 5.3.10.5. Excavation must not occur on land with a slope greater than 10°.
- 5.3.10.6. There must be no excavation in excess of 10m³ within a Groundwater Protection Area, unless the excavation is to establish a foundation for a building or a swimming pool permitted in this zone.
- 5.3.10.7. Excavation must not intercept groundwater, and filling must not cause any ponding of surface run-off.
- 5.3.10.8. Excavation or filling must not occur in, or within 8m of a river, drainage channel or Drainage Channel Network.
- 5.3.10.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 5.3.10.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 5.3.10.11. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. No culvert size less than 300mm may be used to drain any excavation or fill areas.
- 5.3.10.12. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 5.3.10.13. For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.
- 5.3.10.14. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 5.3.10.15. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;
 - (d) liquids or sludge.
- 5.3.10.16. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

Commented [17]: NES-FW s44A(5)

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

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

5.3.12. Discharge of human effluent into or onto land.

- 5.3.12.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 5.3.12.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 5.3.12.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 5.3.12.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 5.3.12.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 5.3.12.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 5.3.12.7. The discharge must not occur within a Groundwater Protection Area.
- 5.3.12.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 5.3.12.9. The discharge must not be within a Level 3 Flood Hazard Area.

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

- 5.3.13.1. 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.
- 5.3.13.2. All spills of agrichemicals above the application rate must be notified to Council immediately.

- 5.3.13.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 5.3.13.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 5.3.13.5. All sprays must be applied with hand held equipment.

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.

Commented [18]: By consent order dated 31 October 2023

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

- 5.3.14.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 5.3.14.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 5.3.14.3. Fourteen days prior to discharging to land, swimming or spa pool water:
- (a) must be uncovered;
 - (b) must not be treated with any chemicals.

5.3.14A. Discharge of stormwater containing contaminants to land.

- 5.3.14A.1. The discharge must not cause erosion of land.
- 5.3.14A.2. The discharge must not cause flooding of land on any other property.
- 5.3.14A.3. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
- (a) The hazardous substance cannot enter stormwater; or
 - (b) There is an interceptor system in place to collect any hazardous substance and divert contaminated stormwater to a trade waste system.
- 5.3.14A.4. The discharge must not occur within a Groundwater Protection Area.
- 5.3.14A.5. The discharge must not occur within 50m of a bore used for water abstraction for potable supply unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 5.3.14A.6. For any discharge onto land in circumstances which may result in a contaminant entering water the discharge must comply with Rules 2.16.3, 2.16.4 or 2.16.6.

Commented [19]: By consent order dated 22 October 2024

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

- 5.3.15.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 5.3.15.2. Only material generated on the same property or a property under the same ownership can be burned.
- 5.3.15.3. The total volume of material being burned must not exceed 2m³.

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

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

- 5.3.16.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 5.3.16.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.
- 5.3.16.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

5.3.17. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.

- 5.3.17.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 5.3.17.2. The appliance must only burn fuels approved for use in the appliance.
- 5.3.17.3. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

5.3.18. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.

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

5.3.19. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005).

- 5.3.19.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 5.3.19.2. The appliance must only burn fuels approved for use in the appliance.

5.3.20. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed between 2 September 2005 and 9 June 2016.

- 5.3.20.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 5.3.20.2. The appliance must only burn fuels approved for use in the appliance.

5.3.21. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.

- 5.3.21.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 5.3.21.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 5.3.21.3. The appliance must burn only fuels approved for use in the appliance.

5.3.22. Discharge of contaminants to air within the Blenheim Airshed from outdoor burning in a brazier, or a fire used exclusively for the cooking or smoking of food for non-commercial purposes.

- 5.3.22.1. Any discharge from a brazier does not occur during the months of May, June, July or August.
- 5.3.22.2. Only wood with a moisture content of 25% dry weight or less is burnt, and no rubbish or materials in Rule 5.6.7 is burnt.
- 5.3.22.3. All reasonable steps are taken to minimise the amount of smoke discharged.

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

- 5.3.23.1. 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.

5.3.23A. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.

- 5.3.23A.1. Any new building or external addition to an existing building that contains a noise sensitive activity, or any existing building that contains a new noise sensitive activity, within the State Highway Noise Boundary or Rail Noise Boundary, must comply with one of the following standards:

- (a) The building is a framed residential building with habitable rooms, is designed, constructed, and maintained in accordance with the construction schedule for indoor noise control in Appendix 31, Schedule 1; or
- (b) The new building or external addition to an existing building, or in the case of a new noise sensitive activity in an existing building, the existing building, is designed, constructed, and maintained to achieve indoor design noise levels (determined on the basis set out in Appendix 31, Schedule 2) resulting from the road or railway not exceeding the maximum values in Appendix 31, Schedule 2; or
- (c) The new building or external addition to an existing building, or in the case of a new noise sensitive activity, the existing building, is at least 50 metres from the carriageway of any state highway or 50 metres from the rail corridor, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to the road surface and to all points 3.8 metres above railway tracks; or
- (d) In the case of an external addition to an existing building, the addition does not increase the gross floor area of an activity listed in Appendix 31, Schedule 2.

- 5.3.23A.2. A report must be submitted to the Council demonstrating compliance with 5.3.23A.1(a) or (b) (as relevant) prior to:

- (a) The construction of any new building, or external addition to an existing building that contains a noise sensitive activity; or
 - (b) Any new noise sensitive activity being established in an existing building.
- 5.3.23A.3. Mechanical ventilation: If windows must be closed to achieve the design noise levels in Permitted Activity Standards X.3.X.1(b), the building must be designed, constructed and maintained with a mechanical ventilation system that:
- (a) For habitable rooms located within the State Highway Noise Boundary or Rail Noise Boundary for a residential activity, achieves the following requirements:
 - (i) Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and
 - (ii) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location; and
 - (iii) A Heating, Ventilation and Air Conditioning (HVAC) system installed in compliance with (a)(i) and (ii) above, must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (a)(ii) above, or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
 - (b) Alternatively, in lieu of section (a) above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in (a) above.

Note:

For Permitted Activity Standard 5.3.23A.3(a)(ii) an acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data.

5.3.23A.4 A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 5.3.23A.3.

5.3.24. Amateur Radio Configurations

- 5.3.24.1. Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.
- 5.3.24.2. Any part of an antenna or support structure must not overhang property boundaries.
- 5.3.24.3. Any of the elements making up an antenna must not exceed 80mm in diameter.
- 5.3.24.4. The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:

Commented [20]: By consent order dated 16 December 2024

- (a) one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and
 - (b) any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.
- 5.3.24.5. The maximum number of antennas on a site shall not exceed 12.
- 5.3.24.6. For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 5.3.24.7. Any dish antenna must:
- (a) Be less than 5m in diameter
 - (b) Be pivoted less than 4m above the ground
 - (c) Meet the relevant building setback
 - (d) 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.

5.4. Controlled Activities

[D]

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

Standards and terms:

- 5.4.1.1. 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:

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

5.4A. Restricted Discretionary Activities

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

[R]

5.4A.1. Discharge of stormwater containing contaminants to land where Standards 5.3.14A.4 or 5.3.14A.5 are unable to be met.

Matters over which the Council has restricted its discretion:

- 5.4A.1.1. The effects on groundwater quality, particularly effects on potable supplies.

Commented [LW521]: New Zealand Transport Agency ENV-2020-CHC-56

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

Updated 2 August 2022

Commented [22]: By consent order dated 22.October 2024

[D]

5.4A.2. Noise sensitive activities within the State Highway Noise Boundary and Rail Noise Boundary that are unable to meet the Permitted Activity Standards in 5.3.23A.*Matters over which the Council has restricted its discretion:*

- 5.4A.2.1. Whether the activity sensitive to noise could be located further from the state highway or rail corridor.
- 5.4A.2.2. The extent to which the noise criteria are achieved and the effects of any non-compliance.
- 5.4A.2.3. The character of, and degree of, amenity provided by the existing environment and proposed activity.
- 5.4A.2.4. The reverse sensitivity effects on the state highway or railway network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.
- 5.4A.2.5. Special topographical, building features or ground conditions which will mitigate vibration impacts.
- 5.4A.2.6. The outcome of any consultation with the New Zealand Transport Agency or KiwiRail.

Notification:

Application for resource consent under this rule will be decided without public notification. The New Zealand Transport Agency or KiwiRail (as relevant) are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Commented [23]: RESOLVED:
New Zealand Transport Agency Waka Kotahi
ENV-2020-CHC-56
By consent order dated 16 December 2024

5.5. Discretionary Activities

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

[R, D]

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

[D]

5.5.2. Professional office.

[D]

5.5.3. Community facility.

[D]

5.5.4. Retirement Accommodation.

[D]

- 5.5.5. Any use of land not provided for as a Permitted Activity or a Controlled Activity, or limited as a Prohibited Activity.**

[R]

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

5.6. Prohibited Activities

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

[D]

- 5.6.1. Industrial activity.**

[R, D]

- 5.6.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

- 5.6.3. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes or is a brazier and the discharge does not occur during the months of May, June, July or August and does not involve any fuel prohibited under Rule 5.6.7.**

[R]

- 5.6.4. Discharge of contaminants to air within the Blenheim Airshed from an indoor open fire, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.**

[R]

- 5.6.5. From 9 June 2017 the discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005) that has been installed for more than 15 years.**

[R]

- 5.6.7. 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;
- (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]

5.6.8. 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.