

7. Coastal Living 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)

7.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 7.2 and 7.3:

[D]

7.1.1. Residential activity.

[D]

7.1.2. Home occupation.

[D]

7.1.3. Homestay.

[D]

7.1.4. Papakāinga.

[D]

7.1.5. Relocated building.

[D]

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

[D]

7.1.7. Grazing of livestock.

[R, D]

7.1.8. Planting of vegetation.

[R, D]

7.1.9. Indigenous vegetation clearance.

[R, D]

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

[R, D]

7.1.11. Excavation or filling.

[D]

7.1.12. Earthworks within the National Grid Yard.

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Royal Forest and Bird Protection Society of New Zealand
Incorporated
ENV-2020-CHC-64
By consent order dated 24 May 2023

Commented [3]: RESOLVED:
Environmental Defence Society
ENV-2020-CHC-67
By consent order dated 31 October 2023

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Commented [5]: RESOLVED:
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ENV-2020-CHC-68
By consent order dated 6 October 2022

[R]

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

[R]

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

[R]

7.1.15. Discharge human effluent into or onto land through any onsite wastewater management system.

[R]

7.1.15A. Discharge of stormwater containing contaminants to land.

Commented [6]: By consent order dated 22 October 2024

[R]

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

[R]

7.1.17. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance, except an enclosed pellet burner.

[R]

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

[R]

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

[D]

7.1.20. Park or reserve.

[D]

7.1.21. Community activity using an existing community facility.

[R]

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

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

[R]

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

[D]

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

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By consent order dated 6 October 2022

[D]

7.1.24A. 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.

Commented [8]: By consent order dated 16 December 2024

Note:

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

Commented [9]: RMA s86B

[R]

7.1.25. Discharge of dust.

[R]

7.1.26. Amateur Radio Configurations**7.2. Standards that apply to all permitted activities****7.2.1. Construction and siting of a building or structure except a temporary building or structure, or unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).**

- 7.2.1.1. No more than one residential dwelling must be constructed or sited per Record of Title.
- 7.2.1.2. A building or structure in which human effluent will be generated must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if there is a Council operated sewerage system within 30m of the property boundary or 60m of the closest building.
- 7.2.1.3. The maximum height of a building or structure must not exceed 7.5m, except that where pole foundations are used, the maximum height must not exceed 10m.
- 7.2.1.4. Permanent buildings must not cover more than 15% of net site area.
- 7.2.1.5. A building must not be constructed or sited within 28m of the Coastal Marine Zone except lawful buildings existing at 9 June 2016 may be extended on properties that do not abut Sounds Foreshore Reserve, but no closer than 20 metres of the coastal marine area.
- 7.2.1.6. On a site smaller than 4,000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the site boundary. The exception to this Standard is where a site boundary abuts the street or road, in that case no part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street or road.
- 7.2.1.7. Notwithstanding Standard 7.2.1.5, on a site larger than 4,000m², a building must not be constructed or sited from within 8m of any site boundary.
- 7.2.1.8. A building or structure must not be constructed or sited in, or within 8m of, a river, Significant Wetland or the landward toe of any stopbank.
- 7.2.1.9. On land within the Marlborough Sounds High Amenity Landscape or any Marlborough Sounds Outstanding Natural Feature and Landscape, 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.
- 7.2.1.10. A building or structure must not be located 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 [10]: Clause 16**Commented [11]:** RESOLVED:
JS Cochran
ENV-2020-CHC-53
By consent order dated 31 January 2023**Commented [12]:** Alignment with Panel decision – Update 8**Commented [13]:** RESOLVED:
KiwiRail Holdings Limited
ENV-2020-CHC-57
By consent order dated 15 February 2023

7.2.2. Noise.

- 7.2.2.1. 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

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

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

7.2.3. Use of external lighting.

- 7.2.3.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical). All external lighting shall be fully shielded to prevent any light spillage above the horizontal plane of the light source.

- 7.2.3.2. 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.

7.2.4. Odour.

- 7.2.4.1. 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.

7.2.5. Smoke.

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

7.2.6. Dust.

- 7.2.6.1. 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.

7.2.7. Particulate from any process vent or stack.

7.2.7.1. 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.

7.2.7.2. 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.

7.3. Standards that apply to specific permitted activities

7.3.1. Home occupation.

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

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

8.00 am to 6.00 pm Monday to Friday

9.00 am to 12.00 pm Saturday

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

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

7.3.2. Homestay.

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

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

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

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

7.3.3. Papakāinga.

7.3.3.1. A maximum of five papakāinga units are permitted on any Record of Title.

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

7.3.3.3. Any setbacks required under Standards 7.2.1.5 to 7.2.1.8 (inclusive) are to the external boundary of the site and do not apply between units on the site.

7.3.4. Relocated building.

7.3.4.1. A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

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ENV-2020-CHC-70
By consent order dated 25 March 2022

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ENV-2020-CHC-70
By consent order dated 25 March 2022

- 7.3.4.2. 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.
- 7.3.4.3. 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.
- 7.3.4.4. All other reinstatement work required by the report referred to in 7.3.4.2 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 7.3.4.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 7.3.4.5. 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.
- 7.3.4.6. The siting of the relocated building must also comply with Standards 7.2.1.1 to 7.2.1.10 (inclusive).

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

- 7.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 7.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.
- 7.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 7.2.1.6 and 7.2.1.7.

7.3.6. Planting of vegetation.

- 7.3.6.1. Only indigenous species may be planted in, or within 8m of, a Significant Wetland.

7.3.7. Indigenous vegetation clearance.

Note:

Where indigenous vegetation clearance is managed under the National Environmental Standards for Commercial Forestry 2017, Standards, 7.3.7.1, 7.3.7.2, 7.3.7.5 and 7.3.7.6 do not apply.

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By consent order dated 31 October 2023

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- 7.3.7.1. Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.12 (inclusive).
- 7.3.7.2. 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) [deleted]
- (ei) 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;
- (fi) where the clearance is associated with the maintenance of existing hydroelectricity activities connected to the National Grid or the distribution network;
- (g) where the clearance is associated with the maintenance of existing fire breaks;
- (h) 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;
- (i) where the clearance is associated with the maintenance of an archaeological site where authority has been obtained from Heritage New Zealand Pouhere Taonga.
- (j) where the clearance associated with the maintenance of existing:
 - (i) farm building 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 width of clearance is no greater than 2 metres at any point.
- (k) 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;
- (l) Clearance of indigenous vegetation that is a danger to human life;
- (m) Clearance of indigenous vegetation that is a material risk to structures or utilities;
- (n) Clearance of indigenous vegetation that cannot reasonably be avoided in the course of destroying pests required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or as 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.
- (o) Where clearance is undertaken to construct a dwelling, but the clearance must be limited to the curtilage of the dwelling and must not involve indigenous vegetation on the properties identified in Appendix 30.

7.3.7.3. [deleted]:

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(a) [deleted]

(b) [deleted].

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7.3.7.4. Clearance of indigenous vegetation permitted by 7.3.7.2(h) 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;

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(d) coastal broadleaved shrubland;

(e) coastal small-leaved shrubland;

(f) coastal salt turf;

(g) coastal speargrass herbfield.

7.3.7.5. [deleted].

7.3.7.6. [deleted]:

(a) [deleted];

(b) [deleted]:

(i) [deleted];

(ii) [deleted].

7.3.7.7. [deleted].

7.3.7.8. [deleted]:

(a) [deleted];

(b) [deleted]:

(i) [deleted];

(ii) [deleted].

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ENV-2020-CHC-64
By consent order dated 24 May 2023

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

Note:

Standards 7.3.8.2, 7.3.8.4, 7.3.8.8, 7.3.8.9 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.

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

7.3.8.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

7.3.8.3. [deleted]

Commented [28]: NES-FW s44A(5)

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

Commented [29]: Clause 16

- 7.3.8.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 7.3.8.6. Notwithstanding 7.3.8.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices
- 7.3.8.7. Except for trees felled in accordance with 7.3.8.6, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 7.3.8.8. Wheeled or tracked machinery must not be operated in, or within 8m of:
- (a) a river (except an ephemeral river or intermittently flowing river, when not flowing);
 - (b) a lake;
 - (c) 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;
 - (d) the coastal marine area.
- 7.3.8.9. 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.
- 7.3.8.10. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 7.3.8.11. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 7.3.8.12. 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.

7.3.9. Excavation or filling.

Note:

Where excavation and filling are managed under the National Environmental Standards for Commercial Forestry 2017 as earthworks, Standards 7.3.9.2 to 7.3.9.6 and 7.3.9.8 to 7.3.9.15 do not apply.

- 7.3.9.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 7.3.9.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.

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- 7.3.9.3. 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.
- 7.3.9.4. 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.
- 7.3.9.5. Excavation must not occur on any land with a slope greater than 25°.
- 7.3.9.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 7.3.9.7. Excavation and filling must not occur in, or within 8m of, a river, drainage channel or Drainage Channel Network and filling must not occur within 20m of the coastal marine area.
- 7.3.9.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 7.3.9.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 7.3.9.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill area must not be less than 300mm.
- 7.3.9.11. Excavation or filling must not occur on a slope greater than 7.5degrees if the activity is within a Soil Sensitive Area identified as loess soils.
- 7.3.9.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated
- 7.3.9.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 7.3.9.14. The fill must not contain any:
- hazardous substances;
 - combustible or organic materials;
 - any other contaminant subject to chemical or biological breakdown;
 - liquids or sludge.
- 7.3.9.15. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

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7.3.10. Earthworks within the National Grid Yard.

- 7.3.10.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:
- Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - 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;
 - Earthworks that are undertaken by a network utility operator.

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ENV-2020-CHC-68
By consent order dated 6 October 2022

- 7.3.10.2. 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.
- 7.3.10.3. 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 .
- 7.3.10.4. The earthworks must not compromise the stability of a National Grid transmission line support structure.
- 7.3.10.5. 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).

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

- 7.3.11.1. 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.
- 7.3.11.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 7.3.11.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 7.3.11.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network.
- 7.3.11.5. All sprays must be applied with hand held equipment.

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 [34]: By consent order dated 31 October 2023

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

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

7.3.13. Discharge human effluent into or onto land through any onsite wastewater management system.

- 7.3.13.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 7.3.13.2. The human effluent must be treated through an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.
- 7.3.13.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 7.3.13.4. There must be:
 - (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 7.3.13.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 7.3.13.6. Effluent must be able to:
 - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 7.3.13.7. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 7.3.13.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

7.3.13A. Discharge of stormwater containing contaminants to land.

- 7.3.13A.1. The discharge must not cause erosion of land.
- 7.3.13A.2. The discharge must not cause flooding of land on any other property.
- 7.3.13A.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.
- 7.3.13A.4. The discharge must not occur within a Groundwater Protection Area.
- 7.3.13A.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 [35]: By consent order dated 22 October 2024

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

- 7.3.14.1. Only material generated on the same property or a property under the same ownership can be burned.
- 7.3.14.2. The total volume of material being burned must not exceed 2m³.

7.3.15. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance, except an enclosed pellet burner.

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

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

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

7.3.17. Park or reserve.

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

7.3.18. 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.

- 7.3.18.1 The Council must be notified at least 5 working days prior to the burning activity commencing.

- 7.3.18.2 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.

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

- 7.3.19.1. 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.

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

- 7.3.20.1. 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.

- 7.3.20.2. Buildings and structures must not be located within the National Grid Yard unless they are:

- (a) a fence not exceeding 2.5m in height;
- (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)); or
- (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.

- 7.3.20.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:

Commented [36]: Clause 16

- (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).
- 7.3.20.4. 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 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.

7.3.20A. 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.

- 7.3.20A.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.
- 7.3.20A.2. A report must be submitted to the Council demonstrating compliance with 7.3.20A.1(a) or (b) (as relevant) prior to:

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 By consent order dated 6 October 2022

- (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.

7.3.20A.3. Mechanical ventilation: If windows must be closed to achieve the design noise levels in Permitted Activity Standards 7.3.20A.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 7.3.20A.3(a)(ii) an acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data.

7.3.20A.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 7.3.20A.3.

Commented [38]: By consent order dated 16 December 2024

7.3.21. Amateur Radio Configurations

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

- (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.
- 7.3.21.5. The maximum number of antennas on a site shall not exceed 12.
- 7.3.21.6. For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 7.3.21.7. 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.

7.3A. Restricted Discretionary Activities

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

[R]

7.3A.1. Discharge of stormwater containing contaminants to land where Standards 7.3.13A.4 or 7.3.13A.5 are unable to be met.

Matters over which the Council has restricted its discretion:

- 7.3A.1.1. The effects on groundwater quality, particularly effects on potable supplies.

Commented [39]: By consent order dated 22October 2024

[D]

7.3A.2. Noise sensitive activities within the State Highway Noise Boundary and Rail Noise Boundary that are unable to meet the Permitted Activity Standards in X.3.20A.

Matters over which the Council has restricted its discretion:

- 7.3A.2.1. Whether the activity sensitive to noise could be located further from the state highway or rail corridor.
- 7.3A.2.2. The extent to which the noise criteria are achieved and the effects of any non-compliance.
- 7.3A.2.3. The character of, and degree of, amenity provided by the existing environment and proposed activity.
- 7.3A.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.
- 7.3A.2.5. Special topographical, building features or ground conditions which will mitigate vibration impacts.
- 7.3A.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.

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7.4. Discretionary Activities

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

[R, D]

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

[D]

- 7.4.2. Commercial Activity.**

[D]

- 7.4.3. Visitor accommodation.**

[R]

- 7.4.4. Discharge human effluent into or onto land through an onsite wastewater management system.**

[D]

- 7.4.5. Community facility.**

[D]

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

[R]

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

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New non-complying rule: Any activity that does not meet the Standard in 7.3.20 or Standard 7.3.10.

7.5. Prohibited Activities

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

[R, D]

- 7.5.1. Plantation forestry afforestation, exotic continuous-cover forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, exotic continuous-cover, carbon sequestration or woodlot forestry.**

[R]

- 7.5.2. Discharge of human effluent into or onto land through a soak pit established after 9 June 2016.**

[R]

Commented [42]: NES-CF s44A(5)

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

[R]

- 7.5.4. 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]

- 7.5.5. 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.

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