

## 8. Rural 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)

### 8.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 8.2 and 8.3:

[D]

**8.1.1. Residential activity.**

[D]

**8.1.2. Home occupation.**

[D]

**8.1.3. Homestay.**

[R, D]

**8.1.4. Papakāinga**

[D]

**8.1.5. Relocated building.**

[D]

**8.1.6. Temporary building or structure, or unmodified shipping container.**

[D]

**8.1.6A. 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 [ 2]:** By consent order dated 16 December 2024

**Note:**

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

**Commented [ 3]:** RMA s86B

[D]

**8.1.7. Farming.**

**Note:**

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

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

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

- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

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

[R, D]

**8.1.8. Woodlot forestry planting.**

[R]

**8.1.9. Woodlot forestry harvesting.**

[R, D]

**8.1.10. Conservation planting.**

[R]

**8.1.11. Removal of vegetation.**

[R, D]

**8.1.12. Excavation or filling**

[R]

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

[R]

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

[R]

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

[R]

**8.1.15A. Discharge of stormwater containing contaminants to land.**

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

[R]

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

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

[R]

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

[R]

**8.1.18. Discharge of contaminants to air from the burning of solid fuel in an indoor open fire.**

[R]

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

[R]

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

[D]

**8.1.21. Park or reserve.**

[D]

**8.1.22. Community activity using an existing community facility.**

[R]

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

[R]

**8.1.24. Discharge of dust.**

[R]

**8.1.25 Amateur Radio Configurations**

## **8.2. Standards that apply to all permitted activities**

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

8.2.1.1. No more than one residential dwelling must be constructed or sited per Record of Title.

8.2.1.2. The maximum height of a building or structure must not exceed 7.5m.

8.2.1.3. Permanent buildings must not cover more than 15% of net site area.

8.2.1.4. The minimum setbacks from site boundaries must be:

- (a) 6m for a building that is a dwelling;
- (b) 3m for a building (except a dwelling) that has a gross floor area greater than 15m<sup>2</sup>;
- (c) 1.5m for a building (except a dwelling) has a gross floor area less than 15m<sup>2</sup>.

8.2.1.5. A building or structure must not be sited in, or within 8m of a river, Significant Wetland, or the landward toe of any stopbank.

8.2.1.6. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

**Commented [ 6]:** Clause 16  
MEP Update 7 – 04/11/20

8.2.1.7. The minimum setback from the site boundaries for a building used for the housing of the following animals must be:

- (a) 4.5m for poultry and other birds;
- (b) 4.5m for dogs;
- (c) 50m for pigs;
- (d) 30m for other animals associated with farming.

8.2.1.8. On land within the Wairau Dry Hills High Amenity Landscape:

- (a) a building platform must be located at least 20m vertically below any Significant Ridgeline, except for a building or structure with a total area not exceeding 10m<sup>2</sup>;
- (b) the exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

8.2.1.9. [deleted]

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

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

## 8.2.2. Noise.

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

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

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

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

## 8.2.3. Noise sensitive activities in the context of frost fans.

8.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same single land holding must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2013 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan.  $DnT,w + Ctr50-3150 \geq 27dB$

Dwellings located less than 200m and more than 100m from the nearest frost fan.  $DnT,w + Ctr50-3150 \geq 32dB$

Dwellings located less than 100m from the nearest frost fan.  $DnT,w + Ctr50-3150 \geq 37dB$

- 8.2.3.2. For the purposes of Standard 8.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of a building, normally the cladding and roof.
- 8.2.3.3. Standards 8.2.3.1 and 8.2.3.2 also apply to an alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 8.2.3.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 8.2.3.1 and 8.2.3.2.
- 8.2.3.4. For the purposes of Standards 8.2.3.1, 8.2.3.2 and 8.2.3.3, "frost fan" includes a lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted.

**8.2.4. Use of external lighting.**

- 8.2.4.1. Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).
- 8.2.4.2. 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.

**8.2.5. Odour.**

- 8.2.5.1. 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.

**8.2.6. Smoke.**

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

**8.2.7. Dust.**

- 8.2.7.1. 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.

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

- 8.2.8.1. 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.
- 8.2.8.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m<sup>3</sup> at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

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

**8.3. Standards that apply to specific permitted activities****8.3.1. Home occupation.**

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

**8.3.2. Homestay.**

- 8.3.2.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.
- 8.3.2.2. The homestay must be operated by a person residing in the dwelling on the property.
- 8.3.2.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 8.3.2.4. The homestay must not accommodate more than 5 guests at any time.

**8.3.3. Papakāinga.**

- 8.3.3.1. A maximum of five papakāinga units are permitted on any Record of Title.
- 8.3.3.2. A minimum land area of 80m<sup>2</sup> must be provided for each papakāinga unit.
- 8.3.3.3. Any setbacks required under Standards 8.2.1.4, 8.2.1.5, 8.2.1.7 or 8.2.1.8 are to the external boundary of the site and do not apply between units on the site.

**8.3.4. Relocated building.**

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

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Te Runanga o Ngati Kuia Trust  
ENV-2020-CHC-70  
By consent order dated 25 March 2022

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By consent order dated 25 March 2022

- 8.3.4.2 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.
- 8.3.4.3 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.
- 8.3.4.4 All other reinstatement work required by the report referred to in 8.3.4.2 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 8.3.4.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 8.3.4.5 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.
- 8.3.4.6 The siting of the relocated building must also comply with Standards 8.2.1.1 to 8.2.1.10 (inclusive).

Commented [ 10]: Clause 16

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#### 8.3.5. Temporary building or structure, or unmodified shipping container.

- 8.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m<sup>2</sup> in area;
  - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 8.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.
- 8.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 8.2.1.4.

#### 8.3.6. Farming.

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

#### 8.3.7. Woodlot forestry planting.

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

- (g) Corsican pine (*Pinus nigra*).

8.3.7.2. Planting must not be in, or within:

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

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

Commented [ 12]: Clause 16

**8.3.8. Woodlot forestry harvesting.**

8.3.8.1. Harvesting must not be in, or within:

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

Commented [ 13]: NES-FW s44A(5)

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

Commented [ 14]: Clause 16

8.3.8.3. No excavation or filling in excess of 1000m<sup>3</sup> must occur on any land with a slope greater than 20° within any 24 month period.

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

8.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

8.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.

8.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.

8.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

8.3.8.9. Trees, slash or soil debris must:

- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;



- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

8.3.8.10. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

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

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

#### 8.3.9. Conservation planting.

8.3.9.1. The following species must not be planted:

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

8.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

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

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

#### 8.3.10. [deleted]

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#### 8.3.11. Excavation or filling.

Note:

Where excavation or filling are managed under the National Environmental Standards for Commercial Forestry 2017 as earthworks, Standards 8.3.11.3 to 8.3.11.6 and 8.3.11.8 to 8.3.11.14 do not apply.

Commented [ 16]: NES-FW s44A(5)

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

8.3.11.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.

8.3.11.2. Excavation or filling must not be within a Level 2 Flood Hazard Area.

8.3.11.3. The maximum volume of excavation must not exceed 50m<sup>3</sup> per Record of Title must occur within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.

8.3.11.4. The maximum volume of filling must not exceed 50m<sup>3</sup> per Record of Title must occur within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.

- 8.3.11.5. No excavation or filling must occur on any land with a slope greater than 10°.
- 8.3.11.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 8.3.11.7. Excavation or filling must not occur in, or within 8m of, a river, drainage channel or Drainage Channel Network.
- 8.3.11.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 8.3.11.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 8.3.11.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill areas must not be less than 300mm.
- 8.3.11.11. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 8.3.11.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 8.3.11.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 8.3.11.14. The fill must not contain any:
- (a) hazardous substances;
  - (b) combustible or organic materials;
  - (c) any other contaminant subject to chemical or biological breakdown;
  - (d) liquids or sludge.
- 8.3.11.15. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

Commented [ 18]: NES-FW s44A(5)

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

- 8.3.12.1. 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.
- 8.3.12.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 8.3.12.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 8.3.12.4. The application must not result in the agrichemical being deposited in or on a, river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 8.3.12.5. All sprays must be applied with hand held equipment.

## 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 [ 19]:** By consent order dated 31 October 2023

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

- 8.3.13.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 8.3.13.2. The discharge must not occur into or onto a Soil Sensitive Area identified as loess soils.
- 8.3.13.3. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 8.3.13.4. Fourteen days prior to discharging to land, swimming or spa pool water:
  - (a) must be uncovered;
  - (b) must not be treated with any chemicals.

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

- 8.3.14.1. The human effluent must be treated through an on-site wastewater management system, which must be maintained in an efficient operating condition at all times.
- 8.3.14.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 8.3.14.3. There must be:
  - (a) no ponding of effluent;
  - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 8.3.14.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 8.3.14.5. Effluent must be able to:
  - (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
  - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 8.3.14.6. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 8.3.14.7. The discharge must not be within a Level 2 Flood Hazard Area.
- 8.3.14.8. The discharge must not be in a Soil Sensitive Area.

**8.3.14A. Discharge of stormwater containing contaminants to land.**

- 8.3. 14A.1. The discharge must not cause erosion of land.
- 8.3. 14A.2. The discharge must not cause flooding of land on any other property.
- 8.3. 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.
- 8.3. 14A.4. The discharge must not occur within a Groundwater Protection Area.
- 8.3. 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.
- 8.3. 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 [ 20]: By consent order dated 22 October 2024

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

- (a) training people to put out fires;
  - (b) creating special smoke and fire effects for the purposes of producing films;
  - (c) fireworks display or other temporary event involving the use of fireworks.
- 8.3.15.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
  - 8.3.15.2. If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.
  - 8.3.15.3. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 8.3.16.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 8.3.16.2. Only material generated on the same property or a property under the same ownership can be burned.
- 8.3.16.3. The total volume of material being burned must not exceed 2m<sup>3</sup>.

**8.3.17. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet fire.**

- 8.3.17.1. The appliance must only burn fuels approved for use in the appliance.
- 8.3.17.2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

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

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

**8.3.19. Park or reserve.**

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

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

8.3.20.1. 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.

**8.3.20A. 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.**

8.3.20A.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.

8.3.20A.2. A report must be submitted to the Council demonstrating compliance with 8.3.20A.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.

8.3.20A.3. Mechanical ventilation: If windows must be closed to achieve the design noise levels in Permitted Activity Standards 8.3.20A.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 8.3.20A.3(a)(ii) an acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data.

8.3.20A.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 8.3.20A.3.

**Commented [ 21]:** By consent order dated 16 December 2024

### 8.3.21 Amateur Radio Configurations

- 8.3.21.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.
- 8.3.21.2 Any part of an antenna or support structure must not overhang property boundaries.
- 8.3.21.3 Any of the elements making up an antenna must not exceed 80mm in diameter.
- 8.3.21.4 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.
- 8.3.21.5 The maximum number of antennas on a site shall not exceed 12.
- 8.3.21.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 8.3.21.7 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.

### 8.3A. Restricted Discretionary Activities

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

[R]

**8.3A.1. Discharge of stormwater containing contaminants to land where Standards 8.3.14A.4 or 8.3.14A.5 are unable to be met.**

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

- 8.3A.1.1. The effects on groundwater quality, particularly effects on potable supplies.

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

[D]

**8.3A.2. Noise sensitive activities within the State Highway Noise Boundary and Rail Noise Boundary that are unable to meet the Permitted Activity Standards in 8.3.20A.**

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

- 8.3A.2.1. Whether the activity sensitive to noise could be located further from the state highway or rail corridor.
- 8.3A.2.2. The extent to which the noise criteria are achieved and the effects of any non-compliance.
- 8.3A.2.3. The character of, and degree of, amenity provided by the existing environment and proposed activity.
- 8.3A.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.
- 8.3A.2.5. Special topographical, building features or ground conditions which will mitigate vibration impacts.
- 8.3A.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.

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

### 8.4. Discretionary Activities

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

[R, D]

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

Note:

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

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

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

[D]

**8.4.2. Commercial activity.**

[D]

**8.4.3. Visitor accommodation.**

[D]

**8.4.4. Professional offices.**

[D]

**8.4.5. Community facility.**

[D]

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

[R]

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

[R]

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

Commented [ 25]: Clause 16

## 8.5. Prohibited Activities

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

[R]

**8.5.1. The harvesting of woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.**

[R]

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



[R]

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

[R]

- 8.5.4. 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]

- 8.5.5. 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.