

12. Industrial 1 and 2 Zones

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)

12.1. 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 12.2 and 12.3:

[D]

12.1.1. Light or heavy industrial activity within Industrial 2 Zone.

[D]

12.1.2. Light industrial activity within Industrial 1 Zone.

[D]

12.1.3. Commercial activity ancillary to an industrial activity.

[D]

12.1.4. Refuse transfer station within Industrial 2 Zone.

[D]

12.1.5. Truck stop within Industrial 2 Zone, and on Pt Lot 18 of parts of Sections 47 and 48 District of Wairau (corner Grove Road and Budge Street) within the Industrial 1 Zone.

[D]

12.1.6. Service station.

[D]

12.1.7. Service industry.

[D]

12.1.8. Service activity.

[D]

12.1.9. Warehousing.

[D]

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

[R]

12.1.11. Discharge of contaminants to air that is not specifically provided for by any other rule, arising from:

- (a) Discharge of heat to air;
- (b) Discharge of energy to air, including release of energy from a source of electromagnetic radiation, including a radio transmitter, television or cell phone; or release of x-rays from a radioactive source;
- (c) Discharge for the purposes of ventilation or vapour displacement.

[R]

12.1.12. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e., internal combustion).

[R]

12.1.13. Discharge of contaminants into air arising from the burning of materials for any of the following purposes:

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

[R]

12.1.14. Discharge of contaminants to air from a printing and publishing operation.

[R]

12.1.15. Discharge of contaminants to air from dry cleaning.

[R]

12.1.16. Discharge of contaminants to air from seed cleaning.

[R]

12.1.17. Discharge of contaminants to air from the spray application of paint or adhesive coating materials onto surfaces not within a spray booth, other than a road.

[R]

12.1.18. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth located in the Industrial 2 Zone.

[R]

12.1.19. Discharge of contaminants to air from the combustion of fuel (i.e., external combustion).

[R]

12.1.20. Discharge of contaminants to air from water blasting and from dry abrasive blasting, other than from the use of a moveable source.

[R]

12.1.21. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations in the Industrial 2 Zone.

[R]

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

Commented [2]: RESOLVED:
The Minister of Defence
ENV-2020-CHC-76
By consent order dated 25 July 2022

Commented [3]: WITHDRAWN
Timberlink New Zealand Limited
ENV-2020-CHC-30
By memorandum dated 20 November 2021

[R]

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

[R]

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

[R]

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

[R]

12.1.26. 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]

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

[R]

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

Commented [4]: RESOLVED:
The Minister of Defence
ENV-2020-CHC-76
By consent order dated 25 July 2022

[R, D]

12.1.29. Excavation or filling.

[D]

12.1.30. Earthworks within the National Grid Yard.

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

[R, D]

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

[R]

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

[D]

12.1.33. Emergency services facility.

[D]

12.1.34. Park or reserve.

[D]

12.1.35. Community corrections activity.

[D]

12.1.36. Relocated buildings.

[D]

12.1.37. Trade supplier within the Industrial 1 Zone.

[D]

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

[R]

12.1.39 Discharge of dust.

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

Commented [7]: Clause 16

12.2. Standards for all permitted activities

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

- 12.2.1.1. The maximum height of a building or structure must not exceed:
 - (a) 12m within the Industrial 1 Zone;
 - (b) 15m within the Industrial 2 Zone.
- 12.2.1.2. A building or structure (except a fence) must be set back a minimum of 3m from a road boundary.
- 12.2.1.3. A building or structure (except a fence) must be set back a minimum of 3m from the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 12.2.1.4. A building or structure (except a fence) must be set back a minimum of 6m from the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, except for Lots 16 to 20 DP 348832 and Lot 2 DP 352510 for which the setback must be a minimum of 3m.
- 12.2.1.5. The height of a fence, or any part of a fence, on land adjoining a property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or fronting Grove Road, Sinclair Street, Main Street, Nelson Street or Middle Renwick Road must not exceed 2m.
- 12.2.1.6. Buildings and structures must be set back a minimum of 8m from a river, drainage channel, Drainage Channel Network or the landward toe of a stopbank.
- 12.2.1.7. A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.
- 12.2.1.8. A building or structure must not be within a Level 3 Flood Hazard Area.
- 12.2.1.9. 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.
- 12.2.1.10. On Lot 2 DP 440534, or any subsequent Record of Title created through subdivision of this property, a building must not be located within 12m of the property boundary as shown in Appendix 19.

Commented [8]: Clause 16

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KiwiRail Holdings Limited
ENV-2020-CHC-57
By consent order dated 15 February 2023

Commented [10]: Clause 16

12.2.2. Noise.

Standards for the Industrial 1 Zone only:

- 12.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Industrial 1:

Commented [11]: Errata 22. Clause 16.

At any time 70dB L_{Aeq} 80dB L_{AFmax}

Exception: This noise limit does not apply to the operation of helicopters using the established helicopter pad on Pt Sec 24 Blk III Taylor Pass SD.

12.2.2.2. An activity must not cause noise that exceeds the following limits at any point within the boundary of any adjacent Business 1 or 2 Zone:

7.00 am to 10.00 pm 60dB L_{Aeq}
10.00 pm to 7.00 am 55dB L_{Aeq} 75dB L_{AFmax}

Standards for the Industrial 2 Zone only:

12.2.2.3. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Industrial 2:

At any time 75 dB L_{Aeq} 85dB L_{AFmax}

Standards for both Industrial 1 and 2 Zones:

12.2.2.4. An activity must not cause noise that exceeds the following limits at any point within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at any point within the notional boundary of a dwelling on any property zoned Rural Living, Coastal Living or Rural Environment in any adjacent zone:

7.00 am to 10.00 pm 55dB L_{Aeq}
10.00 pm to 7.00 am 45dB L_{Aeq} 75dB L_{AFmax}

Exception: Where Lots 16 to 20 DP 348832 and Lot 2 DP 352510 adjoin Urban Residential 2 Zone, the noise limits for Industrial 1 in 12.2.2.1 and 12.2.2.2 apply.

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

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

12.2.3. Use of external lighting.

12.2.3.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.

12.2.3.2. Light spill onto an adjoining property within the same Industrial Zone, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).

12.2.3.3. Light spill onto an adjoining site that is zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, must not exceed 2.5 Lux spill (horizontal and vertical).

12.2.4. Storage of goods outdoors.

12.2.4.1. An outdoor storage area must not be located within:

- (a) 3m of a road boundary;

Commented [12]: Clause 16

- (b) 3m of the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3;
- (c) 3m of the boundary of Lots 16 to 20 DP 348832 and Lot 2 DP 352510;
- (d) 6m of the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

12.2.4.2. An outdoor storage area must be screened from public view and must be screened from any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 by a solid wall or close boarded fence with a minimum height of 2m, except that this standard does not apply to the storage of goods outdoors on Lots 16 to 20 DP 348832 and Lot 2 DP 352510.

12.2.5. Odour.

12.2.5.1. 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.

12.2.6. Smoke.

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

12.2.7. Dust.

12.2.7.1. 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.

12.2.8. Particulate from any process vent or stack.

12.2.8.1. 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.

12.2.8.2. 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.

12.2.9 Water supply and access for firefighting.

12.2.9.1. 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.

12.2.9.2. 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.

12.2.10 Landscaping.

12.2.10.1. At least 10% of the road frontage, or that part of the frontage not occupied by buildings or vehicle accesses must be landscaped and maintained with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof.

Commented [13]: WITHDRAWN:
Colonial Vineyard Limited
ENV-2020-CHC-59
By memorandum dated 24 March 2022

12.3. Standards for specific permitted activities

12.3.1 Light industrial activity in the Industrial 1 Zone.

12.3.1.1. Light industrial activity on Lot 2 DP 440534, or any subsequent Record of Title created through subdivision of this property, or any record of title derived from that lot, must not be undertaken within 12m of the property boundary as shown in Appendix 19.

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

12.3.2.1. 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.

12.3.2.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 12.3.2.1 (such as the storage of goods or materials) must not remain on site longer than 1 month.

Commented [14]: Clause 16 – Update 8

12.3.2A. Discharge of contaminants to air that is not specifically provided for by any other rule, arising from:

- (a) Discharge of heat to air;
- (b) Discharge of energy to air, including release of energy from a source of electromagnetic radiation, including a radio transmitter, television or cell phone; or release of x-rays from a radioactive source;
- (c) Discharge for the purposes of ventilation or vapour displacement.

12.3.2A.1. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

Commented [15]: RESOLVED:
Minister of Defence
ENV- 2020-CHC-76
By consent order dated 25 July 2022

12.3.3. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e., internal combustion).

- 12.3.3.1. The fuel used in the engine must be gas, LPG, petrol, diesel, vegetable oils or alcohol.
- 12.3.3.2. Fuel containing sulphur at levels greater than 10ppm (or 0.001%) by weight must not be burned.
- 12.3.3.3. The net energy output of the engine must not exceed 400kW, this limit applies to the total heat output from a site.
- 12.3.3.4. If the net energy output of the engine is between 30kW and 400kW:
 - (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period; and
 - (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 4.

Exception: The above standards 12.3.3.3 and 12.3.3.4 do not apply to combustion to provide emergency power generation provided for within the General Rules.

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12.3.4. 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.

- 12.3.4.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
- 12.3.4.2. 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.
- 12.3.4.3. 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.

12.3.5. Discharge of contaminants to air from a printing and publishing operation.

- 12.3.5.1. The total amount of solvents discharged to air on the site must not exceed 5kg per day.
- 12.3.5.2. A point of discharge to air must be 2m above the highest point of the building containing the operation.
- 12.3.5.3. The discharge must be vertical and unimpeded by any immediately adjacent buildings.

12.3.6. Discharge of contaminants to air from dry cleaning.

- 12.3.6.1. Chlorofluorocarbon solvents must not be used.
- 12.3.6.2. Where more than 5kg of solvent per day is used on the site:
 - (a) A point of discharge must be at least 2m above the highest point of the building containing the dry cleaning machine;
 - (b) The discharge must be vertical and unimpeded by the immediately adjacent buildings;

- (c) A record must be kept of the types and quantity of solvent used in the dry cleaning machines each day, to be supplied to the Council on request.

12.3.6.3. Any new dry cleaning plant installed after 9 June 2016 must use dry-to-dry technology.

12.3.7. Discharge of contaminants to air from seed cleaning.

- 12.3.7.1. The seed cleaning operation must be contained within a building.
- 12.3.7.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.
- 12.3.7.3. There must be no dispersal or deposition of contaminants beyond the boundary of the property where the discharge originates.

12.3.8. Discharge of contaminants to air from the spray application of paint or adhesive coating materials onto surfaces not within a spray booth, other than a road.

- 12.3.8.1. There must not be more than 5 litres of coating material applied per hour and not more than 20 litres of coating material applied per month.
- 12.3.8.2. Where there is a sensitive receptor on another property within 100m of where the spray coating is to occur, there must not be more than 0.5 litre of coating material applied per hour and not more than 5 litres of coating material applied per month.
- 12.3.8.3. Spray coating must not occur on surfaces of fixed structures that can be dismantled and transported to a spray booth.
- 12.3.8.4. The coating material must not contain di-isocyanates or organic plasticisers.
- 12.3.8.5. The discharge must occur at least 10m from a sensitive receptor beyond the boundary of the property where spray coating is undertaken.
- 12.3.8.6. There must be no dispersal or deposition of contaminants beyond the boundary of the property.

12.3.9. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth located in the Industrial 2 Zone.

- 12.3.9.1. The coating material must not contain any di-isocyanates.
- 12.3.9.2. The total amount of coating material sprayed on the property must not exceed 10 litres per hour.
- 12.3.9.3. The spray booth must be fitted with an air extraction system which vertically discharges all contaminants and exhaust air through an emission stack.
- 12.3.9.4. The emission stack must be a height of at least 2m above the ridgeline of the roof of a building, land or other substantial structure within a radius, from the stack, of 35m.
- 12.3.9.5. The discharge must be directed vertically into the air and must not be impeded by an obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 12.3.9.6. The discharge must not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, ash, or visible emissions to the extent that it causes an adverse effect at or beyond the boundary of the premises where the activity takes place.

Commented [18]: WITHDRAWN:
Timberlink New Zealand Limited
ENV-2020-CHC-30
By memorandum dated 20 November 2021

12.3.10. Discharge of contaminants to air from the combustion of fuel (i.e., external combustion).

- 12.3.10.1. The net energy output capacity of the fuel burning device must not exceed:
- (a) 10MW for natural or liquefied petroleum gas;
 - (b) 40kW for untreated wood;
 - (c) 100kW for coal;
 - (d) 200kW for light fuel oil or re-refined oil;
 - (e) 1.0MW for pellet fuel when burnt in a custom designed pellet boiler;
 - (f) 400kW for pellet fuel when burnt in a standard boiler converted for pellet fuel use;
 - (g) 10MW for diesel;
 - (h) 2MW for kerosene.
- 12.3.10.2. The limits in Standard 12.3.10.1 for any fuel type apply to the combined net energy output capacity from all the devices burning fuel on the site.
- 12.3.10.3. The fuel must be burned using fuel burning equipment, and the discharge must be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards.
- 12.3.10.4. The opacity of the discharge when measured at the point of entry to the atmosphere must not exceed 20%, except that a discharge in excess of this is allowed for a period of not more than 2 minutes continuously, or for an aggregate of 4 minutes, in any 60 minute period.
- 12.3.10.5. The fuel burning equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment. A log recording all maintenance must be made available to the Council on request.
- 12.3.10.6. The stack height must comply with the higher of:
- (a) the requirements in Appendix 8 – Schedule 5; or
 - (b) 2.5m higher than the apex of any building, tree, slope or structure within a horizontal radius of 2.5 times the stack height.
- 12.3.10.7. The sulphur content of any coal burnt must be less than 2%.
- 12.3.10.8. Material listed in Rule 12.5.8 (b) to (m) must not be burnt.

12.3.11. Discharge of contaminants to air from water blasting and from dry abrasive blasting, other than from the use of a moveable source.

- 12.3.11.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.
- 12.3.11.2. Where the discharge occurs from public land there must be no discharge of water spray, dust or other contaminant beyond 50m from the discharge point or beyond the boundary of the public land, whichever is the lesser.
- 12.3.11.3. There must be no discharge of water spray, dust or other contaminant into the coastal marine area.
- 12.3.11.4. The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.

- 12.3.11.5. For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 12.3.11.6. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.
- 12.3.12. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations in the Industrial 2 Zone.**
- 12.3.12.1. The fibre glassing must be undertaken inside a booth equipped with filtration, extraction and dispersion mechanisms to ensure 95% particulate removal.
- 12.3.12.2. The total amount of plastics moulded on the site must be less than 500kg per hour.
- 12.3.12.3. The total amount of fibreglass and resin used on the site must not exceed 50kg per hour.
- 12.3.12.4. The total mass of organic material discharges from the site must be less than 5kg per day.
- 12.3.12.5. Any point of discharge to air must be at least 2m above the highest point of the building containing the operation or a building located within a radius of 2.5 times the height of the discharge.
- 12.3.12.6. The air discharge must be vertical.
- 12.3.13. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet fire.**
- 12.3.13. 1. The appliance must only burn fuels approved for use in the appliance.
- 12.3.13. 2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.
- 12.3.14. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.**
- 12.3.14.1. The burner must only burn fuels approved for use in the device.
- 12.3.15. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005).**
- 12.3.15.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.15.2. The appliance must only burn fuels approved for use in the appliance.
- 12.3.16. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed between 2 September 2005 and 9 June 2016.**
- 12.3.16.1 The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 12.3.16.2 The appliance must only burn fuels approved for use in the appliance.

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

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

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

- 12.3.18.1. No more than 5MW of heat per hour must be discharged.
- 12.3.18.2. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

12.3.19. Excavation or filling.

- 12.3.19.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 12.3.19.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 12.3.19.3. 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.
- 12.3.19.4. 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.
- 12.3.19.5. Excavation or filling must not occur on land with a slope greater than 10°.
- 12.3.19.6. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 12.3.19.7. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 12.3.19.8. Excavation or filling must not occur in, or within 8m of, a river, drainage channel or Drainage Channel Network.
- 12.3.19.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 12.3.19.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 12.3.19.11. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain excavation or filled area must not be less than 300mm.
- 12.3.19.12. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 12.3.19.13. 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.

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12.3.19.14. Where the excavation or filling results in areas of exposed soil those areas must be re-vegetated within 12 months of the completion of the excavation or filling.

12.3.19.15. The fill must not contain any:

- (a) hazardous substances;
- (b) combustible or organic materials;
- (c) any other contaminant subject to chemical or biological breakdown;
- (d) liquids or sludge.

12.3.19.16. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

12.3.20. Earthworks within the National Grid Yard.

12.3.20.1. Earthworks within the National Grid Yard in the following circumstances are exempt from the remaining standards under this rule:

- (a) Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
- (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
- (c) Earthworks that are undertaken by a network utility operator.

12.3.20.2. 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.

12.3.20.3. 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.

12.3.20.4. The earthworks must not compromise the stability of a National Grid Support transmission line Structure.

12.3.20.5. 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).

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

12.3.21.1. The bore must be drilled by a Recognised Professional.

12.3.21.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.

12.3.21.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

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

12.3.22.1. The application must be undertaken in accordance either:

- (a) with the most recent product label; or

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- (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.

- 12.3.22.2 All spills of agrichemicals above the application rate must be notified to Council immediately.
- 12.3.22.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 12.3.22.4. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 12.3.22.5. 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.

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12.3.23. Park or reserve.

- 12.3.23.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 12.3.23.2 All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

12.3.24 Relocated building.

- 12.3.24.1 Any relocated building intended for use as a dwelling must have resource consent and have previously been designed, built and used as a dwelling.
- 12.3.24.2 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.
- 12.3.24.3 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.
- 12.3.24.4 All other reinstatement work required by the report referred to in 12.3.24.2 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 12.3.24.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 12.3.24.5 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.
- 12.3.24.6 The siting of the relocated building must also comply with Standard 12.2.1.

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

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- 12.3.25.1. 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.
- 12.3.25.2. Buildings and structures must not be located within the National Grid Yard unless they are:
 - (a) a fence not exceeding 2.5m in height; or
 - (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
 - (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;
- 12.3.25.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:
 - (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
 - (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
 - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
 - (c) located within 12 metres of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).
- 12.3.25.4. 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.

12.4. Discretionary Activities

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

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New non-complying rule: Any activity that does not meet the Standard in 12.3.25 or Standard 12.3.20.

Commented [27]: New Zealand Transport Agency ENV-2020-CHC-000056

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

[R, D]

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

[D]

12.4.2. Commercial activity not provided for as a Permitted Activity.

[D]

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

[R]

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

12.5. Prohibited Activities

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

[R]

12.5.1. Discharge of industrial process waste to stormwater.

[R, D]

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

[R]

12.5.3. From 9 June 2017 the discharge of contaminants into air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance (except an enclosed pellet burner) that has been installed for more than 15 years.

[R]

12.5.4. Discharge of contaminants into air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes.

[R]

12.5.5. Discharge of contaminants into air within the Blenheim Airshed after 9 June 2016 from an existing indoor open fire, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.

[R]

12.5.6. Discharge of contaminants into air within the Blenheim Airshed from an indoor open fire installed after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.

[R]

12.5.7. Discharge of contaminants into air arising from the burning 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]

12.5.8. 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.

Appeals Version