

## 4. Coastal Environment Zone

### 4.1. Permitted Activities

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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 4.2 and 4.3:

[D]

**4.1.1. Farming.**

[D]

**4.1.2. Farm airstrip or farm helipad.**

[D]

**4.1.3. Relocated building.**

[D]

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

[D]

**4.1.5. Audible bird-scaring device.**

[R, D]

**4.1.6. Commercial forestry replanting.**

[R]

**4.1.7. Woodlot forestry planting.**

[R, D]

**4.1.8. Woodlot forestry harvesting.**

[R, D]

**4.1.9. Conservation planting.**

[R, D]

**4.1.10. Indigenous vegetation clearance.**

[R, D]

**4.1.11. Non-indigenous vegetation clearance.**

[R, D]

**4.1.12. Cultivation.**

[R, D]

**4.1.13. Excavation.**

[D]

**4.1.14. Excavation or filling within the National Grid Yard.**

[R, D]

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

[R, D]

**4.1.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.**

[R, D]

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

[R, D]

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

[R, D]

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

[R]

**4.1.20. Livestock entering onto, or passing across, the bed of any river.**

[R]

**4.1.21. Application of an agrichemical into or onto land.**

[R]

**4.1.22. Application of fertiliser or lime into or onto land.**

[R]

**4.1.23. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air on private land.**

[R]

**4.1.24. Application of compost or solid agricultural waste into or onto land.**

[R]

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

[R]

**4.1.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.**

[R]

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

[R]

**4.1.28. Discharge of swimming or spa pool water onto land.**

[R]

**4.1.29. Discharge of human effluent into or onto land through an onsite management system.**

[R]

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

[R]

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

[R]

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

[R]

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

[R]

**4.1.34. 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]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

**4.1.41. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.**

[R]

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

[D]

**4.1.43. Residential activity.**

[D]

**4.1.44. Home occupation.**

[D]

**4.1.45. Homestay.**

[D]

**4.1.46. Keeping of domestic livestock.**

[D]

**4.1.47. Marae activity on Sec 1 SO 313389.**

[D]

**4.1.48. Papakāinga.**

[D]

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

[D]

**4.1.50. Passive recreation.**

[D]

**4.1.51. Recreational event or special event.**

[D]

**4.1.52. Veterinary clinic.**

[D]

**4.1.53. Golf course.**

[D]

**4.1.54. Racing stable or trotting ground.**

[D]

**4.1.55. Cattery or kennel.**

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

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

4.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register.

4.2.1.2. The maximum height of a building or structure must not exceed 10m.

4.2.1.3. On a site smaller than 4000m<sup>2</sup>, no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.

4.2.1.4. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.

4.2.1.5. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.

4.2.1.6. A habitable structure or accessory building 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.

- 4.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 4.2.1.8. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.
- 4.2.1.9. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. The net site area does not include any greenhouse utilising the soils of the site.
- 4.2.1.10. For a site larger than 4000m<sup>2</sup>, the following minimum setbacks must be provided:
- (a) 8m for the front boundary;
  - (b) 8m for the rear boundary;
  - (c) 5m for a side boundary.
- 4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:
- (a) a building or structure must not exceed 10m<sup>2</sup>;
  - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.12. On land within the Marlborough Sounds Coastal Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.13. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 4.2.1.14. A building or structure must not be within a Level 3 Flood Hazard Area.
- 4.2.1.15. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
  - (b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;
  - (c) building alterations and additions must be contained within the original building height and footprint;
  - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 4.2.1.16. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
  - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

#### **4.2.2. Noise.**

- 4.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	65 dBA $L_{Aeq}$	
10.00 pm to 7.00 am	65 dBA $L_{Aeq}$	75dB $L_{AFmax}$

- 4.2.2.2. An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA $L_{Aeq}$	
10.00 pm to 7.00 am	40 dBA $L_{Aeq}$	70dB $L_{AFmax}$

- 4.2.2.3. The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Coastal Environment Zone;
- (b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

- 4.2.2.4. Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA  $L_{Aeq}$ (15 min) at all times.

- 4.2.2.5. 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.

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

#### 4.2.3. Noise sensitive activity.

- 4.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site 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 717.1:2004 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan  $DnT,w + Ctr_{50-3150} \geq 27$  dB

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

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

- 4.2.3.2. For the purposes of Standard 4.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.

- 4.2.3.3. Standards 4.2.3.1 and 4.2.3.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 4.2.3.1, 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 4.2.3.1 and 4.2.3.2.
- 4.2.3.4. For the purposes of Standards 4.2.3.1, 4.2.3.2 and 4.2.3.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".
- 4.2.4. Odour.**
- 4.2.4.1. The odour 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.
- 4.2.5. Smoke.**
- 4.2.5.1. 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.
- 4.2.6. Dust.**
- 4.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.
- 4.2.7. Dust from any process vent or stack.**
- 4.2.7.1. The dust must not contain hazardous substances.
- 4.2.7.2. The particulate discharge rate 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.
- 4.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

### **4.3. Standards that apply to specific permitted activities**

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- 4.3.1. Farming.**
- 4.3.1.1. The farming must not include a dairy farm established after 9 June 2016.
- 4.3.2. Farm airstrip or farm helipad.**
- 4.3.2.1. The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.
- 4.3.3. Relocated building.**
- 4.3.3.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 4.3.3.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the relocated building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 4.3.3.3. The siting of the relocated building must also comply with Standards 4.2.1.1 to 4.2.1.16 (inclusive).

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

- 4.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m<sup>2</sup> in area;
  - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 4.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.
- 4.3.4.3. A temporary building or structure, or unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 4.2.1.3 and 4.2.1.10.

**4.3.5. Audible bird-scaring device.**

- 4.3.5.1. A Category A or Category B device must not be operated:
- (a) between 8.00 pm and 7.00 am the following day if the device is within 2km of a noise sensitive activity;
  - (b) within 800m of any rest home, public or private hospital;
  - (c) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
  - (d) such that sound is emitted at a level greater than 65 dB LAE, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
  - (e) closer than 250m to any other audible bird-scaring device.
- 4.3.5.2. A Category A device must not be operated:
- (a) within 100m of a public road;
  - (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
  - (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.
- 4.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour.
- 4.3.5.4. The device must only be operated where a crop is at risk from bird damage.
- 4.3.5.5. 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.



**4.3.6. Commercial forestry replanting.**

- 4.3.6.1. Replanting must not be in, or within:
- (a) 8 metres of a river (except an ephemeral river) or lake;
  - (b) 8m of a Significant Wetland;
  - (c) 30 metres of the coastal marine area.
- 4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

**4.3.7. Woodlot forestry planting.**

- 4.3.7.1. 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*).
- 4.3.7.2. Planting must not be in, or within:
- (a) 30m of a formed and sealed public road;
  - (b) 8m of a river (except an ephemeral river) or lake;
  - (c) 8m of a Significant Wetland;
  - (d) 200m of the coastal marine area;
  - (e) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.
- 4.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

**4.3.8. Woodlot forestry harvesting.**

- 4.3.8.1. 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) 8m of a Significant Wetland;
  - (c) 200m of the coastal marine area.
- 4.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.8.3. 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.
- 4.3.8.4. No excavation must occur on any land with a slope greater than 35°.

- 4.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.
- 4.3.8.6. 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.
- 4.3.8.7. 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.
- 4.3.8.8. 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.
- 4.3.8.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
  - (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.
- 4.3.8.10. 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.
- 4.3.8.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
  - (c) the change in reflectance must be <50%.
- 4.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

#### **4.3.9. Conservation planting.**

- 4.3.9.1. 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*).

- 4.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.
- 4.3.9.3. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

**4.3.10. Indigenous vegetation clearance.**

- 4.3.10.1. Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).
- 4.3.10.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):
- (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
  - (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
  - (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
  - (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
  - (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.
- 4.3.10.3. Clearance of indigenous vegetation must not occur:
- (a) on a Threatened Environments – Indigenous Vegetation Site;
  - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 4.3.10.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
- (a) duneland vegetation;
  - (b) coastal grassland;
  - (c) coastal flaxlands;
  - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
  - (e) coastal broadleaved shrubland;
  - (f) coastal small-leaved shrubland;
  - (g) coastal salt turf;
  - (h) coastal speargrass herbfield.
- 4.3.10.5. Clearance of indigenous forest must not exceed 1,000m<sup>2</sup> per Computer Register in any 5 year period.
- 4.3.10.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:
- (a) 2,000m<sup>2</sup> in any 5 year period where the average canopy height is between 3m and 6m;

- (b) 10,000m<sup>2</sup> in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
  - (i) 500m<sup>2</sup> of indigenous sub-alpine vegetation;
  - (ii) 100m<sup>2</sup> of tall tussock of the genus *Chinochloa*.

#### 4.3.11. Non-indigenous vegetation clearance.

- 4.3.11.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 4.3.11.2. 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.
- 4.3.11.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland.
- 4.3.11.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.11.5. 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.
- 4.3.11.6. 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.
- 4.3.11.7. 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.
- 4.3.11.8. 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.
- 4.3.11.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 4.3.11.10. Woody material greater than 100mm in diameter and soil debris must:
  - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
  - (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.
- 4.3.11.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
  - (a) hue must not be changed by more than 10 points on the Munsell scale;

- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
- (c) the change in reflectance must be <50%.

#### 4.3.12. Cultivation.

- 4.3.12.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must 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 cultivation taking place.
- 4.3.12.6. Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:
  - (a) hue must not be changed by more than 10 points on the Munsell scale;
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;
  - (c) the change in reflectance must be <50%.

#### 4.3.13. Excavation.

- 4.3.13.1. Excavation in excess of 1000m<sup>3</sup> must not occur on any land with a slope greater than 20° within any 24 month period.
- 4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.
- 4.3.13.3. Excavation must not be in, or within:
  - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
  - (b) 8m of a Significant Wetland;
  - (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.
- 4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.

- 4.3.13.6. There must be no excavation in excess of 500m<sup>3</sup> per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.13.7. 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.
- 4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in a area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 4.3.13.10. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
  - (a) hue must not be changed by more than 10 points on the Munsell scale;
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
  - (c) the change in reflectance must be <50%.

#### **4.3.14. Excavation or filling within the National Grid Yard.**

- 4.3.14.1. Excavation within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):
  - (a) Excavation that is undertaken as part of agricultural 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) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.
- 4.3.14.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 4.3.14.5. The filling 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).

#### **4.3.15. Filling of land with clean fill.**

- 4.3.15.1. The filling must not use commercial clean fill.
- 4.3.15.2. Filling in excess of 1000m<sup>3</sup> must not occur within any 24 month period.

- 4.3.15.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 4.3.15.4. Fill must not be within a Level 2 or 3 Flood Hazard Area.
- 4.3.15.5. There must be no filling in excess of 500m<sup>3</sup> per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.15.6. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 4.3.15.7. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 4.3.15.8. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 4.3.15.9. Filling must not be in, or within:
  - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
  - (b) 8m of, a Significant Wetland;
  - (c) 8m of the landward toe of a stopbank.
- 4.3.15.10. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.15.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
  - (a) hue must not be changed by more than 10 points on the Munsell scale;
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
  - (c) the change in reflectance must be <50%.

**4.3.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.**

*The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.*

- 4.3.16.1. The bore must not be located:
  - (a) within the bed of a river;
  - (b) within 8m of the landward toe of a stopbank;
  - (c) within 50m of the land application area of any on-site wastewater management system or an offal pit;
  - (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs;
  - (e) in, or within 8m of, a Significant Wetland;

- 4.3.16.2. The bore casing must contain only one screen, which must not exceed 10m in length.
- 4.3.16.3. The bore must be capped at all times.
- 4.3.16.4. The bore must be constructed by a Recognised Professional.
- 4.3.16.5. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of construction or alteration of the bore.

*Additional Standards for bores to be used for domestic purposes:*

- 4.3.16.6. The bore must not be located within 10m of an existing bore used for domestic purposes on an adjacent property in different ownership.

*Additional Standards for bores to be used for irrigation purposes:*

- 4.3.16.7. The bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

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

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

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

*The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.*

- 4.3.18.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 4.3.18.2. The dam must not intersect the groundwater.
- 4.3.18.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 4.3.18.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 4.3.18.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Coastal Environment Zone.
- 4.3.18.6. The dam walls must comply with the setbacks for buildings in Standards 4.2.1.3 and 4.2.1.10.

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

- 4.3.19.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

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

- 4.3.20.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.



- 4.3.20.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
  - (c) the change in reflectance must be <50%.
- 4.3.20.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:
- (a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);
  - (b) dissolved reactive phosphorus;
  - (c) dissolved inorganic nitrogen;
  - (d) Escherichia coli (E. coli).

**4.3.21. Application of an agrichemical into or onto land.**

- 4.3.21.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 4.3.21.2. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.21.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 4.3.21.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

**4.3.22. Application of fertiliser or lime into or onto land.**

- 4.3.22.1. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.22.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.
- 4.3.22.5. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

**4.3.23. Application of a vertebrate toxic agent by hand into or onto all land, or application of a vertebrate toxic agent by air on private land.**

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

- 4.3.23.2. All reasonable care must be exercised in the discharge so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

**4.3.24. Application of compost or solid agricultural waste into or onto land.**

- 4.3.24.1. The application must not occur within:
- (a) 50m of a bore;
  - (b) 20m of a river, lake, Significant Wetland or drainage channel;
  - (c) 10m of a dwelling on any adjacent land in different ownership.
- 4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

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

- 4.3.25.1. The discharge must not occur within:
- (a) 50m of a bore;
  - (b) 20m of a river, lake, Significant Wetland or drainage channel;
  - (c) 10m of the boundary of any adjacent land in different ownership.
- 4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.25.4. Ponding must not be detectable beyond 24 hours after the discharge.
- 4.3.25.5. The discharge must not result in anaerobic soil conditions.
- 4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 4.3.25.8. Records of pH levels must be kept and available upon request by the Council.

**4.3.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.**

- 4.3.26.1. Pest Plants identified in the Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.
- 4.3.26.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.
- 4.3.26.3. The application must be undertaken in accordance with the manufacturer's instructions.
- 4.3.26.4. The application rate must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

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

- 4.3.27.1. The discharge must not occur within:
- (a) 50m of a bore;

- (b) 20m of a river, lake, Significant Wetland or drainage channel;
    - (c) 10m of the boundary of any adjacent land in different ownership.
  - 4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
  - 4.3.27.3. The discharge must not occur when the soil moisture exceeds field capacity.
  - 4.3.27.4. Ponding must not be detectable beyond 24 hours after the discharge.
  - 4.3.27.5. The discharge must not result in anaerobic soil conditions.
  - 4.3.27.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
  - 4.3.27.7. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system.
  - 4.3.27.8. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
  - 4.3.27.9. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
    - (a) 20m of a river, lake, Significant Wetland or drainage channel;
    - (b) 20m of the boundary of any adjacent land in different ownership;
    - (c) a Flood Hazard Area.
  - 4.3.27.10. From 9 June 2019, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.
- 4.3.28. Discharge of swimming or spa pool water onto land.**
- 4.3.28.1. 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.
  - 4.3.28.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
  - 4.3.28.3. Fourteen days prior to discharging to land, swimming or spa pool water:
    - (a) must be uncovered;
    - (b) must not be treated with any chemicals.
- 4.3.29. Discharge of human effluent into or onto land through an onsite management system.**
- 4.3.29.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
  - 4.3.29.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.

- 4.3.29.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 4.3.29.4. 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, groundwater or coastal water.
- 4.3.29.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 4.3.29.6. 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.
- 4.3.29.7. The discharge must not occur within 50m of a bore.
- 4.3.29.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

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

- 4.3.30.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.
- 4.3.30.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.
- 4.3.30.3. The farm rubbish pit must not be located within:
- (a) 50m of a bore;
  - (b) 20m of a river, lake, Significant Wetland or drainage channel;
  - (c) 50m of any boundary of the property or a dwelling.
- 4.3.30.4. Surface run-off must not enter the pit.
- 4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

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

- 4.3.31.1. The offal or carcass must be sourced from pastoral agriculture (except intensive farming) undertaken on the same property.
- 4.3.31.2. Only offal or a carcass may be disposed of to an offal pit.
- 4.3.31.3. The offal pit must not be located within:
- (a) 50m of a bore;
  - (b) 20m of a river, lake, Significant Wetland or drainage channel;
  - (c) 50m of any boundary of the property or a dwelling.
- 4.3.31.4. The offal pit must be located above the natural ground water level at all times.
- 4.3.31.5. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

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

4.3.32.1. The pit, stack or stockpile must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland or drainage channel;
- (c) 10m of any boundary of any adjacent land in different ownership.

4.3.32.2. The pit or stack must be completely covered by an impermeable material when not in use.

4.3.32.3. There must be no runoff of leachate from the pit, stack or stockpile.

4.3.32.4. Stormwater must not enter the pit, stack or stockpile.

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

4.3.33.1. The storage of compost must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, or drainage channel;
- (c) 10m of any dwelling on any adjacent land in different ownership.

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

**4.3.34. 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.**

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

4.3.34.2. Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

4.3.35.1. Only material generated on the same property or a property under the same ownership must be burned.

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

4.3.36.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:

- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.

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

4.3.37.1. The seed cleaning operation must be contained within a building.

4.3.37.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.

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

4.3.38.1. The discharge must only take place for the purpose of preventing frost damage to crops.

4.3.38.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.

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

4.3.39.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.

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

**4.3.40. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.**

4.3.40.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

4.3.40.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

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

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

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

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

**4.3.42. Home occupation.**

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

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

8.00 am – 6.00 pm      Monday to Friday

9.00 am – 12.00 pm      Saturday

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

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

**4.3.43. Homestay.**

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

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

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

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

**4.3.44. Marae activity on Sec 1 SO 313389.**

4.3.44.1. A maximum of five papakāinga units are permitted on the marae.

4.3.44.2. A minimum land area of 80m<sup>2</sup> must be provided for each papakāinga unit.

4.3.44.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the property and do not apply between buildings on the site.

**4.3.45. Papakāinga.**

4.3.45.1. A maximum of five papakāinga units are permitted on a Computer Register.

4.3.45.2. A minimum land area of 80m<sup>2</sup> must be provided for each papakāinga unit.

4.3.45.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the property and do not apply between units on the site.

**4.3.46. Recreational event or special event.**

4.3.46.1. The event must not exceed seven consecutive days duration.

4.3.46.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.

4.3.46.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.

4.3.46.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

## 4.4. Controlled Activities

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

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**4.4.1. Erection and use of a frost fan.**

*Standards and terms:*

4.4.1.1. Noise from a frost fan shall not exceed 55 dB LAeq (15min):

(a) at a distance of 300m from the device;

(b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);

whichever is the least distance.

4.4.1.2. Subject to Standard 4.4.1.3, sound levels must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802: 2008 Acoustics – Environmental Noise.

- 4.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5 dB penalty added to the measured level before compliance with Standard 4.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1 dB to 6.0 dB as determined by that method.
- 4.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day; or
  - (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 4.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.
- 4.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of any land zoned Rural Living or Coastal Living.
- 4.4.1.7. An application to erect a frost fan must include the following information:
- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
  - (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
  - (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 Zone, Rural Living or Coastal Living Zone, and the distance to it;
  - (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
  - (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
    - (i) a full and detailed description of the proposed frost fan;
    - (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification.



*Matters over which the Council has reserved control:*

- 4.4.1.8. Operational requirements of the frost fan.
- 4.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- 4.4.1.10. Operation of the frost fan for maintenance purposes.
- 4.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- 4.4.1.12. Monitoring and reporting.
- 4.4.1.13. The provision of contact details for the property owner/manager.
- 4.4.1.14. Review of conditions.

[D]

#### **4.4.2. Sale of farm produce from a rural selling place.**

*Standards and terms:*

- 4.4.2.1. The place must not be served by vehicular access from a State Highway.
- 4.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 4.4.2.3. The farm produce offered or displayed for sale must be grown on a farming unit owned or leased by the seller of the produce.
- 4.4.2.4. At least 1 parking space per 5m<sup>2</sup> of gross floor area of the selling place must be provided.
- 4.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

*Matters over which the Council has reserved control:*

- 4.4.2.6. The design and appearance of the selling place.
- 4.4.2.7. The location of the selling place.

## **4.5. Restricted Discretionary Activities**

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

[D]

#### **4.5.1. Construction and siting of a building or structure exceeding 10m<sup>2</sup> on land within the Marlborough Sounds Outstanding Natural Feature and Landscape.**

*Matters over which the Council will exercise discretion:*

- 4.5.1.1. The effects of the building or structure on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.

[R]

- 4.5.2. Excavation in excess of 1000m<sup>3</sup> on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.**

*Matters over which the Council has restricted its discretion*

- 4.5.2.1. The effects on water quality and soil conservation from the excavation.

## **4.6. Discretionary Activities**

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

[R, D]

- 4.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.**

[D]

- 4.6.2. Visitor accommodation.**

[R, D]

- 4.6.3. Commercial forestry planting.**

[R, D]

- 4.6.4. Commercial forestry harvesting.**

[D]

- 4.6.5. Community facility.**

[R, D]

- 4.6.6. Quarrying and mineral extraction.**

[D]

- 4.6.7. Rural industry.**

[R]

- 4.6.8. Dairy farm established after 9 June 2016.**

[R, D]

- 4.6.9. Commercial clean fill operation.**

[D]

- 4.6.10. Commercial activity.**

[R]

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

[D]

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

[R]

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

## 4.7. Prohibited Activities

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

[R]

- 4.7.1. **Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.**

[R]

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

[D]

- 4.7.3. **Planting Lodgepole pine (*Pinus contorta*).**

[R]

- 4.7.4. **From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.**

[R]

- 4.7.5. **From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.**

[R]

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

[R]

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

[R]

- 4.7.8. **Drainage of Kauauroa Bay Significant Wetland – W1026.**

[R]

- 4.7.9. **Discharge of contaminants to air arising from the burning 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;**
- (d) **pellets containing greater than 10 mg/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;**
- (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.**