

## 6. Urban Residential 3 Zone

### 6.1. 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 6.2 and 6.3.

[D]

**6.1.1. Residential activity.**

[D]

**6.1.2. Home occupation.**

[D]

**6.1.3. Garden maintenance.**

[D]

**6.1.4. Relocated building.**

[D]

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

[D]

**6.1.6. Community activity using a community facility.**

[D]

**6.1.7. Park or reserve.**

[R, D]

**6.1.8. Excavation or filling.**

[R]

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

[R]

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

[R]

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

[R]

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

[R]

- 6.1.13. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in any indoor open fire.**

[R]

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

[R]

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

[R]

- 6.1.16. 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 15 years of age or older (except a pellet burner).**

[R]

- 6.1.17. 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 a pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**

[R]

- 6.1.18. 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.**

[D]

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

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

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- 6.2.1. 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).**

6.2.1.1. No more than one residential dwelling must be construction or sited per Computer Register.

6.2.1.2. Permanent buildings must not cover more than 30% of the net site area.

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

6.2.1.4. 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 at the property boundary.

6.2.1.5. Any part of a wall of a dwelling must be setback a minimum of 1m from the property boundary.

6.2.1.6. Height recession and boundary setbacks do not apply where a building shares a party wall.

6.2.1.7. The outdoor amenity area for the dwelling must:

- (a) not be orientated to the south of the dwelling;

- (b) have direct contact with the main indoor living area through an external door;
- (c) not include driveways, parking spaces or buildings but may include decking;
- (d) have a slope of no more than 5 degrees in any direction.

- 6.2.1.8. A front entrance garage or other non-habitable accessory building must be setback a minimum of 1m behind the main face of the dwelling; except where the dwelling is setback 10m or more from the road frontage.
- 6.2.1.9. Notwithstanding Standard 6.2.1.8, a garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.
- 6.2.1.10. The height of a fence or part of a fence must not exceed 2m.
- 6.2.1.11. The height of a fence or any part of a fence on a boundary between the Urban Residential 3 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.
- 6.2.1.12. A building or structure constructed or sited, or any trees planted, must be set back a minimum of 8m from the bank of a river, Drainage Channel Network or the landward toe of a stopbank.
- 6.2.1.13. 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.

#### **6.2.2. Noise.**

- 6.2.2.1. The 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 | 50 dBA $L_{Aeq}$ |                  |
| 10.00 pm to 7.00 am | 40 dBA $L_{Aeq}$ | 70dB $L_{AFmax}$ |
- 6.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 6.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

#### **6.2.3. Use of external lighting.**

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

#### **6.2.4. Odour.**

- 6.2.4.1. 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.

#### **6.2.5. Smoke.**

- 6.2.5.1. 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.

**6.2.6. Dust.**

- 6.2.6.1. 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.

**6.2.7. Dust from any process vent or stack.**

- 6.2.7.1. The dust must not contain hazardous substances.
- 6.2.7.2. 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.
- 6.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

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

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**6.3.1. Home occupation.**

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

**6.3.2. Relocated building.**

- 6.3.2.1. A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 6.3.2.2. 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 building is to be relocated must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.
- 6.3.2.3. The siting of the relocated building must also comply with Standard 6.2.1.4.

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

- 6.3.3.1. 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:
- exceed 40m<sup>2</sup> in area;
  - remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 6.3.3.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.1.1 (such as

the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

- 6.3.3.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.1.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 6.2.1.4.

**6.3.4. Park or reserve.**

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

**6.3.5. Excavation or filling.**

- 6.3.5.1. 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.
- 6.3.5.2. The maximum volume for excavation must not exceed 50m<sup>3</sup> per Computer Register within any 12 month period, unless the excavation is to establish the foundation for a building.
- 6.3.5.3. The maximum volume for filling must not exceed 50m<sup>3</sup> per Computer Register within any 12 month period, unless the filling is to establish the foundation for a building.
- 6.3.5.4. No excavation or filling must occur on land with a slope greater than 10°.
- 6.3.5.5. There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area.
- 6.3.5.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 6.3.5.7. Excavation or filling must not occur in, or within, 8m of a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 6.3.5.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 6.3.5.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 6.3.5.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or a fill area must not be less than 300mm.
- 6.3.5.11. 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.
- 6.3.5.12. 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.
- 6.3.5.13. 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.

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

- 6.3.6.1. 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.
- 6.3.6.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 6.3.6.3. Fourteen days prior to discharging to land, swimming or spa pool water:
  - (a) must be uncovered;
  - (b) must not be treated with any chemicals.

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

- 6.3.7.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building.
- 6.3.7.2. 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.
- 6.3.7.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 6.3.7.4. There must be:
  - (a) no ponding of effluent;
  - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 6.3.7.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 6.3.7.6. 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.
- 6.3.7.7. The discharge must not occur within a Groundwater Protection Area.
- 6.3.7.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

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

- 6.3.8.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 6.3.8.2. 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.

- 6.3.8.3. 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.
- 6.3.8.4. 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.
- 6.3.8.5. All sprays must be applied with hand held equipment.
- 6.3.9. Discharge of contaminants to air arising from burning in the open.**
  - 6.3.9.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.
  - 6.3.9.2. Only material generated on the same property or a property under the same ownership can be burned.
  - 6.3.9.3. The total volume of material being burned must not exceed 2m<sup>3</sup>.
- 6.3.10. 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.**
  - 6.3.10.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
  - 6.3.10.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
  - 6.3.10.3. The appliance must only burn fuels approved for use in the appliance.
  - 6.3.10.4. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.
- 6.3.11. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.**
  - 6.3.11.1. The burner must comply with the stack requirements of Appendix 8 – Schedule 2.
  - 6.3.11.2. The burner must only burn fuels approved for use in the burner.
- 6.3.12. 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 15 years of age or older (except a pellet burner).**
  - 6.3.12.1. The continued use of the specified appliance is only permitted until 9 June 2017.
  - 6.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
  - 6.3.12.3. The appliance must burn only fuels approved for use in the device.
- 6.3.13. 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 a pellet burner), or an enclosed pellet burner of any age installed prior to 9 June 2016.**
  - 6.3.13.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
  - 6.3.13.2. The appliance must only burn fuels approved for use in the device.

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

- 6.3.14.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 6.3.14.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 8.
- 6.3.14.3. The appliance must burn only fuels approved for use in the device.

## **6.4. Discretionary Activities**

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

[R, D]

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

[D]

**6.4.2. Visitor accommodation.**

[D]

**6.4.3. Professional office.**

[D]

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

[R]

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

## **6.5. Prohibited Activities**

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

[D]

**6.5.1. Industrial activity.**

[R, D]

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

[R]

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



[R]

- 6.5.4. 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.**

