

## 7. Coastal Living Zone

### 7.1. 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 7.2 and 7.3:

[D]

**7.1.1. Residential activity.**

[D]

**7.1.2. Home occupation.**

[D]

**7.1.3. Homestay.**

[D]

**7.1.4. Papakāinga.**

[D]

**7.1.5. Relocated building.**

[D]

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

[D]

**7.1.7. Grazing of livestock.**

[R, D]

**7.1.8. Planting of vegetation.**

[R, D]

**7.1.9. Indigenous vegetation clearance.**

[R, D]

**7.1.10. Non-indigenous vegetation clearance.**

[R, D]

**7.1.11. Excavation or filling.**

[D]

**7.1.12. Excavation or filling within a National Grid Yard.**

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

**7.1.20. Park or reserve.**

[D]

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

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

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

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

7.2.1.2. A building or structure in which human effluent will be generated must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if there is a Council operated sewerage system within 30m of the property boundary or 60m of the closest building.

7.2.1.3. The maximum height of a building or structure must not exceed 7.5m, except that where pole foundations are used, the maximum height must not exceed 10m.

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

7.2.1.5. A building must not be constructed or sited within 28m of the Coastal Marine Zone.

7.2.1.6. On a site smaller than 4,000m<sup>2</sup>, no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary. The exception to this Standard is where a site boundary abuts the street or road, in that case no part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street or road.

- 7.2.1.7. Notwithstanding Standard 7.2.1.5, on a site larger than 4,000m<sup>2</sup>, a building must not be constructed or sited from within 8m of any boundary.
- 7.2.1.8. A building or structure must not be constructed or sited in, or within 8m of, a river, Significant Wetland or the landward toe of any stopbank.
- 7.2.1.9. On land within the Marlborough Sounds Coastal Landscape or any Marlborough Sounds Outstanding Natural Feature and Landscape, any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 7.2.1.10. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) an accessory building for a sensitive activity must not have a height greater than 2.5m and an area greater than 10m<sup>2</sup>;
  - (b) a building alteration or addition must be contained within the original building height and footprint;
  - (c) a fence must not exceed 2.5m in height;
  - (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.
- 7.2.1.11. 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 any National Grid support structure;
  - (b) a building or structure must not be closer than 12m to a National Grid support structure.

### **7.2.2. Noise.**

- 7.2.2.1. 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 | 50 dBA L <sub>Aeq</sub> |                         |
| 10.00 pm to 7.00 am | 40 dBA L <sub>Aeq</sub> | 70dB L <sub>AFmax</sub> |
- 7.2.2.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.
- 7.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

### **7.2.3. Use of external lighting.**

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

### **7.2.4. Odour.**

- 7.2.4.1. 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.

### **7.2.5. Smoke.**

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

**7.2.6. Dust.**

- 7.2.6.1. 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.

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

- 7.2.7.1. The dust must not contain hazardous substances.
- 7.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed  $250\text{mg/m}^3$  at any time, corrected to  $0^\circ\text{C}$ , 1 atmosphere pressure, dry gas basis.
- 7.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

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

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**7.3.1. Home occupation.**

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

**7.3.2. Homestay.**

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

**7.3.3. Papakāinga.**

- 7.3.3.1. A maximum of five papakāinga units are permitted on any Computer Register.
- 7.3.3.2. A minimum land area of  $80\text{m}^2$  must be provided for each papakāinga unit.
- 7.3.3.3. Any setbacks required under Standards 7.2.1.5 to 7.2.1.8 (inclusive) are to the external boundary of the property and do not apply between units on the site.

**7.3.4. Relocated building.**

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

7.3.4.2. All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site and is to include connections to all infrastructure services and closing in and ventilation of the foundations. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 6 month period.

7.3.4.3. The siting of the relocated building must also comply with Standards 7.2.1.1 to 7.2.1.11 (inclusive).

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

7.3.5.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 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.

7.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

7.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 7.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 7.2.1.6 and 7.2.1.7.

**7.3.6. Planting of vegetation.**

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

**7.3.7. Indigenous vegetation clearance.**

7.3.7.1. Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.11 (inclusive).

7.3.7.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 7.3.7.3 to 7.3.7.6 (inclusive):

- (a) indigenous vegetation under or within 50m of commercial 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 that clearance is within the curtilage of a dwelling.

7.3.7.3. 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.

7.3.7.4. 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.

7.3.7.5. Clearance of indigenous forest must not exceed 1,000m<sup>2</sup> per Computer Register in any 5 year period.

7.3.7.6. 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*.

### 7.3.8. Non-indigenous vegetation clearance.

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

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

7.3.8.3. Within, or within 8 metres of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be removed. Any vegetation removed under this standard must only be done by non-mechanical means.

7.3.8.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

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

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

- 7.3.8.7. 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.
- 7.3.8.8. 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.
- 7.3.8.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 7.3.8.10. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
  - (a) 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;
  - (b) be stored on stable ground;
  - (c) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 7.3.8.11. 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%.

### **7.3.9. Excavation or filling.**

- 7.3.9.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 7.3.9.2. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 7.3.9.3. 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 permitted in this zone.
- 7.3.9.4. 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 permitted in this zone.
- 7.3.9.5. Excavation must not occur on any land with a slope greater than 10°.
- 7.3.9.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 7.3.9.7. Excavation and filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 7.3.9.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

- 7.3.9.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 7.3.9.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill area must not be less than 300mm.
- 7.3.9.11. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 7.3.9.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 7.3.9.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 7.3.9.14. The fill must not contain any:
  - (a) hazardous substances;
  - (b) combustible or organic materials;
  - (c) any other contaminant subject to chemical or biological breakdown;
  - (d) liquids or sludge.

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

- 7.3.10.1. Excavation within the National Grid Yard in the following circumstances is exempt from the remaining standards under this rule:
  - (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 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 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.
- 7.3.10.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
- 7.3.10.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a transmission tower support structure.
- 7.3.10.4. The excavation must not compromise the stability of a National Grid support structure.
- 7.3.10.5. 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).

#### **7.3.11. Application of an agrichemical into or onto land.**

- 7.3.11.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 7.3.11.2. 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.



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

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

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

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

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

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

- 7.3.14.1. Only material generated on the same property or a property under the same ownership can be burned.

7.3.14.2. The total volume of material being burned must not exceed 2m<sup>3</sup>.

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

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

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

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

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

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

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

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

**7.3.17. Park or reserve.**

7.3.17.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.

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

## **7.4. Discretionary Activities**

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

[R, D]

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

[D]

**7.4.2. Commercial Activity.**

[D]

**7.4.3. Visitor accommodation.**

[R]

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

[D]

**7.4.5. Community facility.**

[D]

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

[R]

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

## 7.5. Prohibited Activities

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

[R, D]

- 7.5.1. 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]

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

[D]

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

[R]

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

[R]

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

[R]

- 7.5.6. 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.**