

8. Rural Living Zone

8.1. Permitted Activities

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

[D]

8.1.1. Residential activity.

[D]

8.1.2. Home occupation.

[D]

8.1.3. Homestay.

[R, D]

8.1.4. Papakāinga

[D]

8.1.5. Relocated building.

[D]

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

[D]

8.1.7. Farming.

[R, D]

8.1.8. Woodlot forestry planting.

[R]

8.1.9. Woodlot forestry harvesting.

[R, D]

8.1.10. Conservation planting.

[R]

8.1.11. Removal of vegetation.

[R, D]

8.1.12. Excavation or filling.

[R]

8.1.13. Application of an agrichemical into or onto land.

[R]

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

[R]

8.1.15. Discharge of human effluent into or onto land.

[R]

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

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

[R]

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

[R]

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

[R]

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

[R]

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

[D]

8.1.21. Park or reserve.

[D]

8.1.22. Community activity using an existing community facility.

8.2. Standards that apply to all permitted activities

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

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

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

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

8.2.1.4. The minimum setbacks from property boundaries must be:

- (a) 6m for a building that is a dwelling;
- (b) 3m for a building (except a dwelling) that has a gross floor area greater than 15m²;

- (c) 1.5m for a building (except a dwelling) has a gross floor area less than 15m².

- 8.2.1.5. A building or structure must not be sited in, or within 8m of a river, Significant Wetland, or the landward toe of any stopbank.
- 8.2.1.6. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 8.2.1.7. The minimum setback from the property boundaries for a building used for the housing of the following animals must be:
- (a) 4.5m for poultry and other birds;
- (b) 4.5m for dogs;
- (c) 50m for pigs;
- (d) 30m for other animals associated with farming.
- 8.2.1.8. On land within the Wairau Dry Hills Landscape:
- (a) a building platform must be located at least 20m vertically below any Significant Ridgeline, except for a building or structure with a total area not exceeding 10m²;
- (b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

8.2.2. Noise.

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

8.2.3. Noise sensitive activities.

- 8.2.3.1. 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. $DnT,w + Ctr50-3150 \geq 27$ dB
- Dwellings located less than 200m and more than 100m from the nearest frost fan. $DnT,w + Ctr50-3150 \geq 32$ dB
- Dwellings located less than 100m from the nearest frost fan. $DnT,w + Ctr50-3150 \geq 37$ dB

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

8.2.4. Use of external lighting.

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

8.2.5. Odour.

- 8.2.5.1. 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.

8.2.6. Smoke.

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

8.2.7. Dust.

- 8.2.7.1. 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.

8.2.8. Dust from any process vent or stack.

- 8.2.8.1. The dust must not contain hazardous substances.
- 8.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m^3 at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.
- 8.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

8.3. Standards that apply to specific permitted activities

8.3.1. Home occupation.

- 8.3.1.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 8.3.1.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
- | | |
|---------------------|------------------|
| 8.00 am to 6.00 pm | Monday to Friday |
| 9.00 am to 12.00 pm | Saturday |

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

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

8.3.2. Homestay.

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

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

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

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

8.3.3. Papakāinga.

8.3.3.1. A maximum of five papakāinga units are permitted on any Computer Register.

8.3.3.2. A minimum land area of 80m² must be provided for each papakāinga unit.

8.3.3.3. Any setbacks required under Standards 8.2.1.4, 8.2.1.5, 8.2.1.7 or 8.2.1.8 are to the external boundary of the property and do not apply between units on the site.

8.3.4. Relocated building.

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

8.3.4.2. 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.

8.3.4.3. The siting of the relocated building must also comply with Standards 8.2.1.1 to 8.2.1.8 (inclusive).

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

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

(a) exceed 40m² in area;

(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

8.3.5.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 (such as the storage of goods or materials, a gala, market or public meeting) must not remain on site longer than 1 month.

8.3.5.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 8.3.5.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 8.2.1.4.

8.3.6. Farming.

- 8.3.6.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

8.3.7. Woodlot forestry planting.

- 8.3.7.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 8.3.7.2. Planting must not be in, or within:
- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3;
 - (b) 30m of a formed and sealed public road;
 - (c) 8m of a river (except an ephemeral river) or lake;
 - (d) 8m of a Significant Wetland;
 - (e) 200m of the coastal marine area;
 - (f) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.
- 8.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

8.3.8. Woodlot forestry harvesting.

- 8.3.8.1. Harvesting must not be in, or within:
- (a) 8m of a river (except an ephemeral river, when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
 - (b) 8m of a Significant Wetland;
 - (c) 200m of the coastal marine area.
- 8.3.8.2. 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.
- 8.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 8.3.8.4. No excavation must occur on any land with a slope greater than 35°.
- 8.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

- 8.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 8.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 8.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 8.3.8.9. Trees, slash or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 8.3.8.10. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 8.3.8.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water within 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%.
- 8.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

8.3.9. Conservation planting.

- 8.3.9.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 8.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

- 8.3.9.3. There must be no planting within the Wairau Dry Hills Landscape.
- 8.3.9.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

8.3.10. Removal of vegetation.

- 8.3.10.1. Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

8.3.11. Excavation or filling.

- 8.3.11.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 8.3.11.2. Excavation or filling must not be within a Level 2 Flood Hazard Area.
- 8.3.11.3. The maximum volume of excavation must not exceed 50m³ per Computer Register must occur within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
- 8.3.11.4. The maximum volume of filling must not exceed 50m³ per Computer Register must occur within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
- 8.3.11.5. No excavation or filling must occur on any land with a slope greater than 10°.
- 8.3.11.6. Excavation must not intercept groundwater or cause any ponding of surface run-off.
- 8.3.11.7. Excavation or filling must not occur in, or within 8m of, a river, Significant Wetland, drainage channel or Drainage Channel Network.
- 8.3.11.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 8.3.11.9. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 8.3.11.10. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. The diameter of a culvert used to drain excavation or fill areas must not be less than 300mm.
- 8.3.11.11. Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.
- 8.3.11.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 8.3.11.13. Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.
- 8.3.11.14. The fill must not contain any:
 - (a) hazardous substances;
 - (b) combustible or organic materials;
 - (c) any other contaminant subject to chemical or biological breakdown;

- (d) liquids or sludge.

8.3.12. Application of an agrichemical into or onto land.

- 8.3.12.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 8.3.12.2. 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.
- 8.3.12.3. All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.
- 8.3.12.4. The application must not result in the agrichemical being deposited in or on a, river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 8.3.12.5. All sprays must be applied with hand held equipment.

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

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

8.3.14. Discharge of human effluent into or onto land.

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

8.3.14.6. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.

8.3.14.7. The discharge must not be within a Level 2 Flood Hazard Area.

8.3.14.8. The discharge must not be in a Soil Sensitive Area.

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

(a) training people to put out fires;

(b) creating special smoke and fire effects for the purposes of producing films;

(c) fireworks display or other temporary event involving the use of fireworks.

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

8.3.15.2. If the property is located within the Blenheim Airshed, the discharge must not occur during the months of May, June, July or August.

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

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

8.3.16.1. The property where the burning is to occur must be located outside of the Blenheim Airshed.

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

8.3.16.3. The total volume of material being burned must not exceed 2m³.

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

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

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

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

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

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

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

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

8.3.19. Park or reserve.

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

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

8.4. Discretionary Activities

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

[R, D]

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

[D]

- 8.4.2. Commercial activity.**

[D]

- 8.4.3. Visitor accommodation.**

[D]

- 8.4.4. Professional offices.**

[D]

- 8.4.5. Community facility.**

[D]

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

[R]

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

8.5. Prohibited Activities

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

[R, D]

- 8.5.1. 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]

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

[D]

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

[R]

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

[R]

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

[R]

8.5.6. 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.**