

17. Open Space 1 Zone

17.1. 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 17.2 and 17.3:

[D]

17.1.1. Passive recreation.

[D]

17.1.2. Routes for pedestrians and cyclists.

[R, D]

17.1.3. Planting of vegetation.

[R, D]

17.1.4. Indigenous vegetation clearance.

[R, D]

17.1.5. Non-indigenous vegetation clearance.

[R, D]

17.1.6. Excavation.

[R, D]

17.1.7. Filling of land with clean fill.

[R]

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

[R]

17.1.9. Application of an agrichemical into or onto land.

[R]

17.1.10. Application of fertiliser or lime into or onto land.

[R]

17.1.11. Discharge of human effluent into or onto land.

[R, D]

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

17.2. Standards that apply to all permitted activities

17.2.1. Construction and siting of a building or structure.

17.2.1.1. A building or structure (except a bridge) must be set back a minimum of 4.5m from road boundaries, or any land zoned Urban Residential 1, Urban

Residential 2 (including Greenfields), Urban Residential 3, Rural Environment or Coastal Environment.

- 17.2.1.2. A building or structure (except a bridge) must not be constructed or sited closer than 8m to a river, lake, drainage channel, Drainage Channel Network, landward toe of stopbank or the sea.
- 17.2.1.3. The height of a fence or, any part of a fence, on a boundary to any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 1.2m.
- 17.2.1.4. The maximum height of a building or structure must not exceed 7.5m.
- 17.2.1.5. 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.
- 17.2.1.6. A building or structure must not be sited within a Flood Hazard Area.

17.2.2. Noise.

- 17.2.2.1. 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}
- 17.2.2.2. Noise must be measured in accordance with the provisions of NZS 6801:2008 – Measurement of Environmental Sound, and assessed on accordance with NZS 6802:2008 – Environmental Noise.
- 17.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

17.2.3. Outdoor lighting.

- 17.2.3.1. The maximum height of any poles, support structures or fixtures associated with artificial lighting must not exceed of 20m.
- 17.2.3.2. The lighting level at any point on the ground 2m inside the boundary of the Zone must not exceed 10 lux (lumens per square metre) measured horizontally and vertically.
- 17.2.3.3. There must be no greater than 2.5 lux spill (horizontal and vertical) of light onto any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, measured at any point more than 2m inside the boundary of the property.

17.2.4. Odour.

- 17.2.4.1. 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.

17.2.5. Smoke.

- 17.2.5.1. 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.

17.2.6. Dust.

- 17.2.6.1. 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.

17.2.7. Dust from any process vent or stack.

- 17.2.7.1. The dust must not contain hazardous substances.
- 17.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.
- 17.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

17.3. Standards that apply to specific permitted activities

17.3.1. Planting of vegetation.

- 17.3.1.1. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

17.3.2. Indigenous vegetation clearance.

- 17.3.2.1. Indigenous vegetation clearance must comply with Standards 17.3.3.1 to 17.3.3.4 (inclusive).
- 17.3.2.2. The clearance of indigenous vegetation in the following circumstances is exempt from the Standards 17.3.2.3 and 17.3.2.4:
 - (a) 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;
 - (b) 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;
 - (c) where the clearance is associated with the maintenance of an existing road or track.
- 17.3.2.3. Clearance of indigenous vegetation must not occur on a Threatened Environments – Indigenous Vegetation Site.
- 17.3.2.4. Clearance must not exceed 2000m² per Computer Register in any 5 year period.

17.3.3. Non-indigenous vegetation clearance.

- 17.3.3.1. 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, Significant Wetland or the coastal marine area.
- 17.3.3.2. 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.
- 17.3.3.3. 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 cleared by non-mechanical means.
- 17.3.3.4. 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.

17.3.4. Excavation.

- 17.3.4.1. Excavation must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance between the landward toe of the stopbank and the excavation;
 - (c) a Soil Sensitive Area identified as loess soils.
- 17.3.4.2. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.
- 17.3.4.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 17.3.4.4. Water control measures and sediment control measures must be designed, constructed and maintained in an 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.
- 17.3.4.5. 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) or the coastal marine area.

17.3.5. Filling of land with clean fill.

- 17.3.5.1. The filling must not use commercial clean fill.
- 17.3.5.2. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing);
 - (b) 8m of the landward toe of a stopbank;
 - (c) a Soil Sensitive Area identified as loess soils.
- 17.3.5.3. A filled area must be designed, constructed and maintained so it is stable and remains effective after completion of filling.
- 17.3.5.4. 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 a fill area must not be less than 300mm.
- 17.3.5.5. 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) or the coastal marine area.

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

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

- 17.3.6.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.
- 17.3.6.3. The material being burned must not exceed 2m³.

17.3.7. Application of an agrichemical into or onto land.

- 17.3.7.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 17.3.7.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.7.3. 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.
- 17.3.7.4. 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.
- 17.3.7.5. 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.

17.3.8. Application of fertiliser or lime into or onto land.

- 17.3.8.1. Fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.
- 17.3.8.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.
- 17.3.8.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 17.3.8.4. The application must not occur when the soil moisture exceeds field capacity.
- 17.3.8.5. Total cumulative nitrogen (N) loading on the land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 17.3.8.6. 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.

17.3.9. Discharge of human effluent into or onto land.

- 17.3.9.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the Zone boundary or 60m of the closest building.
- 17.3.9.2. 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.
- 17.3.9.3. There must be no increase in the rate of discharge due to an increased occupancy of any building(s).
- 17.3.9.4. No objectionable odours must be able to be detected.
- 17.3.9.5. 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.

17.3.9.6. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.

17.3.9.7. Effluent must be able to:

- (a) infiltrate through at least 600 mm of unsaturated soil following primary treatment; or
- (b) infiltrate through at least 300 mm of unsaturated soil following secondary treatment.

17.3.9.8. The discharge must not occur within a Groundwater Protection Area.

17.3.9.9. 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.

17.3.9.10. The discharge must not occur on a Soil Sensitive Area.

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

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

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

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

17.4. Discretionary Activities

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

[R, D]

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

[D]

17.4.2. Community facility.

[D]

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

[R]

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

17.5. Prohibited Activities

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

[R]

17.5.1. Discharge of contaminants to air arising from the burning 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 (CCA);
- (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 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.

[R]

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

[R]

17.5.3. 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]

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