

20. Open Space 4 Zone

20.1. Permitted Activities

Unless expressly limited elsewhere by rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without a resource consent where they comply with the applicable standards in 20.2 and 20.3:

[D]

20.1.1. Skifield activity, including the use of a building or structure, existing at 9 June 2016.

[R, D]

20.1.2. Avalanche control works.

[D]

20.1.3. Helicopter landing area.

[D]

20.1.4. Use of an existing building for staff accommodation.

[R, D]

20.1.5. Excavation or filling.

[R, D]

20.1.6. Planting of vegetation.

[R, D]

20.1.7. Removal of vegetation.

[R]

20.1.8. Application of a vertebrate toxic agent into or onto land.

[R]

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

[R]

20.1.10. Discharge of contaminants to air from the burning of solid fuel in a indoor open fire.

[R]

20.1.11. 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]

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

20.2. Standards that apply to all permitted activities

20.2.1. Noise.

20.2.1.1. 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}

20.2.1.2. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.

20.2.1.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS6803:1999 Acoustics – Construction Noise.

20.2.2. Odour.

20.2.2.1. 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.

20.2.3. Smoke.

20.2.3.1. 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.

20.2.4. Dust.

20.2.4.1. 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.

20.2.5. Dust from any process vent or stack.

20.2.5.1. The dust must not contain hazardous substances.

20.2.5.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed $250\text{mg}/\text{m}^3$ at any time, corrected to 0°C , 1 atmosphere pressure, dry gas basis.

20.2.5.3. Dust particles must not exceed 0.05mm size in any direction.

20.3. Standards that apply to specific permitted activities

20.3.1. Avalanche control works.

20.3.1.1. Control works must only be undertaken to the extent that is required to provide for a safe environment for skifield activity.

20.3.1.2. Any control works that have an adverse effect on a river, lake or Significant Wetland must be reported to the Council within 24 hours of the works being conducted.

20.3.2. Use of an existing building for staff accommodation.

20.3.2.1. The on-site accommodation must be for staff of the skifield and be necessary for the operation of the skifield.

20.3.3. Excavation or filling.

- 20.3.3.1. No excavation in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.
- 20.3.3.2. No filling in excess of 1000m³ must occur within any 24 month period.
- 20.3.3.3. Excavation or fill must not be in, or within 8m of, a Significant Wetland.
- 20.3.3.4. Excavation must not be within 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.
- 20.3.3.5. 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), lake or Significant Wetland.
- 20.3.3.6. Batters must be designed to be stable and remain effective after completion of excavation.
- 20.3.3.7. Water control measures and sediment control measures must be designed, constructed and maintained around all areas disturbed by excavation, such that the areas are stable and remain effective after completion of excavation or filling.
- 20.3.3.8. Excavation or 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 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 excavation or filling site;
 - (c) the change in reflectance must be <50%.
- 20.3.3.9. The diameter of any culvert used to drain any excavation or fill area must not be less than 300mm.
- 20.3.3.10. 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.

20.3.4. Planting of vegetation.

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

20.3.5. Vegetation Clearance.

- 20.3.5.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 20.3.5.2. Woody vegetation must not be removed by fire or mechanical means within 8 metres of a river (except an ephemeral river) or lake.
- 20.3.5.3. In, 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. Any vegetation removed under this Standard must only be cleared by non-mechanical means.

- 20.3.5.4. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or Significant Wetland.
- 20.3.5.5. 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.
- 20.3.5.6. 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 or Significant Wetland.
- 20.3.5.7. Within 6 months of completion of vegetation clearance, a suitable vegetative cover that will mitigate soil loss must be restored over 80% of the clearance site.
- 20.3.5.8. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 20.3.5.9. No woody material of greater than 100mm diameter must be left in a river, lake or Significant Wetland.
- 20.3.5.10. 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 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%.
- 20.3.5.11. If the clearance is of indigenous vegetation, the following also applies:
 - (a) no more than 500m² of indigenous sub-alpine vegetation must be cleared in any 5 year period;
 - (b) no more than 100m² of tall tussock of the genus *Chinochloa* must be cleared in any 5 year period.

20.3.6. Application of a vertebrate toxic agent into or onto land.

- 20.3.6.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.
- 20.3.6.2. The discharge must be by the administering agency, or by any person authorised by the administering agency to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity.
- 20.3.6.3. 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 discharged.
- 20.3.6.4. The discharge must not result in the vertebrate toxic agent being deposited on any roof or structure used as a catchment for water supply.

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

- 20.3.7.1. Only material generated on the same property must be burned.

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

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

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

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

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

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

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

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

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

20.4. Restricted Discretionary Activities

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

[R]

20.4.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period.

Matters over which the Council has restricted its discretion:

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

20.5. Discretionary Activities

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

[R, D]

20.5.1. Any activity provided for as a Permitted Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[D]

20.5.2. Skifield facility, including a ski lift or a building.

[D]

20.5.3. Any use of land not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[R]

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

20.6. Prohibited Activities

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

[R]

20.6.1. 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.

[R]

20.6.2. Disposal of any solid waste material to land.

[R, D]

20.6.3. 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).

[D]

20.6.4. Industrial activity.