

31.0 Rural Residential Zone

31.1 Permitted Activities

31.1.1 Unless expressly limited elsewhere and subject to compliance with the conditions applying to Permitted Activities the activities listed below shall be permitted without a resource consent:

- Residential activity
 - provided that only one dwelling house per allotment Certificate of Title is allowed as a permitted activity.
- Home occupations, professional offices and veterinary clinics.
- Farming, other than the breeding, rearing and/or keeping of pigs.
- Commercial activities limited to retail sales of:
 - farm and garden produce grown, reared or produced on the site.
 - handicrafts produced on the site.
- Protection and conservation forestry.
- Hazardous facilities.

Conditions for Permitted Activities

31.1.2 Site Standards

31.1.2.1 Parking and Access

Refer to Rule 27.2.3.

31.1.2.2 Building Coverage

The maximum percentage of net site area which may be covered by buildings shall be 15%.

31.1.2.3 Height of Building/Structure

The maximum height of any building or structure may not exceed 10 metres.

31.1.2.4 Yards

Minimum setback of buildings from boundaries shall be:

- | | | |
|----|---------------------------------------------------------------------------------------------------------------------------|------------|
| a) | For residential units | 6 metres |
| b) | For buildings, other than principal residential buildings, designed and/or used for the housing of the following animals: | |
| | Poultry and other birds | 4.5 metres |
| | Dogs | 4.5 metres |

	Pigs	50 metres
	Other animals associated with farming	30 metres
c)	For other buildings greater than 15 m ² in gross floor area	3 metres
d)	For other buildings less than 15 m ² in gross floor area	1.5 metres
e)	For woodlot, conservation forestry planting	8 metres

31.1.2.5 Retail Sales

- 31.1.2.5.1 The sale of any produce or handicraft is not permitted from any location served by direct vehicular access from any State Highway.
- 31.1.2.5.2 Parking shall be provided in accordance with the requirements set out in Rule 27.2.3
- 31.1.2.5.3 Parking shall be provided in such a manner that vehicles do not need to reverse off the property.

31.1.3 Discharges

31.1.3.1 Domestic Effluent Disposal

Provision must be made for the satisfactory disposal of all effluent and greywater in accordance with the requirements of this Plan. The requirements of this Plan are deemed to have been met where all domestic effluent and greywater is connected to a public system expressly designed for this purpose or the standards for on-site sewage disposal (Rule 31.1.3.2) are met.

31.1.3.2 On Site Sewage Disposal

The discharge of any contaminant from any domestic on-site wastewater treatment system onto or into land is a permitted activity subject to the following conditions:

- 31.1.3.2.1 A public sewer is not located within 60 metres of the lot boundary.
- 31.1.3.2.2 A public sewer does not exist within 60 metres of the closest building on the lot to be serviced.
- 31.1.3.2.3 The discharge is not within any catchment classed NS as defined in Appendix J.
- 31.1.3.2.4 Where discharges are to soil absorption systems (drainage fields) these shall include the following functions:
- The effluent must be able to infiltrate the soil.
 - The effluent must be able to percolate through a sufficient distance of soil such that it is 'renovated' to have no measurable impact on any surface or ground water body, or any coastal water.
 - Any effluent directed to the drainage fields should be of a consistent high quality and meet the following standards:
 - Faecal coliforms < 10,000/100 ml
 - BOD₅ < 100 g/m³
 - Suspended solids < 60 g/m³
- and not be subject to episodic high values of suspended solids and BOD.

- d) No stormwater shall enter the treatment system.
- e) The system shall be maintained in a functional condition at all times.
- f) The rate of discharge shall not exceed 2 m³/d, averaged over any one week period.
- g) The discharge shall not be within 30 metres of any surface water body or drainage channel.
- h) There shall be no surface ponding of any effluent, nor runoff of any contaminant either directly or indirectly into a surface water body.
- i) The discharge shall be no less than 600 mm above the ground water table at all times.
- j) The discharge shall not be within 30 metres of any bore drawing ground water from an unconfined aquifer.
- k) No objectionable odours shall be able to be detected at or beyond the legal boundary of the area of land on which the contaminants are discharged.
- l) The effluent treatment unit shall be located in a manner that can be readily accessed for periodic servicing.

31.1.3.2.4.1 In the case of a septic tank being utilised that it:

- a) Shall have a minimum design life of fifteen years. (Note: The Building Act 1991 deals with other matters relating to construction and performance.)
- b) The septic tank shall have provisions for 24 hour minimum retention time of average daily flow after three years sludge/scum accumulation at full loading, i.e. sludge/scum accumulation at a rate of 80 litres per person per year as a three year average.

Note:

Sludge accumulation during the first year of operation will be at a higher rate as the biomass of digesting sludge establishes.

31.1.3.2.4.2 Where discharges are to a surface field (e.g. an irrigation system) the field:

- a) Must not be located in a catchment used for collecting drinking water.
- b) Must be fenced off in a manner to preclude accidental access.
- c) The effluent being discharged shall comply with the standards set out for effluent quality suitable for surface irrigation contained in Appendix O.
- d) The area of the irrigation field shall comply with the manufacturers specifications.
- e) The discharge shall not be within 30 metres of any surface water body or drainage channel.
- f) There shall be no surface ponding of any effluent, nor runoff of any contaminant either directly or indirectly into any surface water body.
- g) The discharge shall not be within 30 metres of any bore drawing ground water from an unconfined aquifer.
- h) No objectionable odours shall be able to be detected at or beyond the legal boundary of the area of land on which the contaminants are discharged.
- i) The effluent treatment unit shall be located in a manner that can be readily accessed for periodic servicing.

31.1.3.3 Stormwater Drainage

The collection of water for the purpose of the disposal of stormwater and land drainage water, and the discharge by gravity into any natural water of that stormwater and land drainage water, consequent upon the construction of a drain or a drainage system, shall be a Permitted Activity provided that:

- 31.1.3.3.1 The discharge shall not worsen or cause any significant erosion or inundation of land.
- 31.1.3.3.2 The discharge shall not have any adverse effect on water quality.
- 31.1.3.3.3 The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody.
- 31.1.3.3.4 The above provisions do not apply to the drainage of naturally occurring bodies of standing water, including swamps, bogs, marshes, ponds and lakes.
- 31.1.3.3.5 The maximum discharge does not exceed 50 litres/second.

31.1.3.4 Swimming Pool

The discharge of swimming pool waste water into natural water is permitted subject to the following:

- 31.1.3.4.1 The discharge shall contain no algaecides.
- 31.1.3.4.2 That:
 - a) The rate of discharge shall not exceed 5 litres per second.
 - b) The discharge shall not have an adverse effect on the water quality of the receiving environment.
 - c) The discharge of swimming pool waste water shall not have any effect on fisheries, wildlife habitats, or recreational values of any water body.
 - d) The total residual chlorine should not exceed 2.0 micrograms per litre (0.002 gm³)

31.1.3.5 Incineration

The discharge of contaminants to air from incineration of untreated wood, vegetation, newspapers, magazines and cardboard shall be a Permitted Activity provided that:

- 31.1.3.5.1 The waste is generated on the property where incineration occurs.
- 31.1.3.5.2 Any vegetative matter is dry.
- 31.1.3.5.3 The waste being incinerated shall not include:
 - a) Car tyres;
 - b) Plastic agrichemical containers;
 - c) Hazardous substances or containers of hazardous substances;
 - d) Oil based products;
 - e) Food scraps;
 - f) Aerosol cans;
 - g) Foam products;

h) Paper, unless there is a fly ash guard.

31.1.3.5.4 Weather conditions are such that any nuisance effects from smoke are minimised.

31.1.3.6 Discharge of Electro Magnetic Radiation (EMR)

The discharge of EMR (Electric Magnetic Radiation) is a Permitted Activity, provided the level of discharge meets the requirement/limitations of NZS 6609.

31.1.3.7 Application of Agrichemicals

The discharge of a contaminant or contaminants onto land or into air in connection with the spray application of agrichemicals on domestic or residential properties or in domestic quantities on industrial and trade premises is permitted provided that the person responsible for the activity shall:

31.1.3.7.1 Apply sprays strictly in accordance with the manufacturers instructions.

31.1.3.7.2 Notify the Council immediately in the case of accidental discharge into a water body.

31.1.3.7.3 Take all reasonable steps to ensure that no spray drift occurs beyond the boundary of the property.

31.1.3.7.4 Apply sprays in a manner which does not cause or is not likely to cause deposition into surface waters.

31.1.3.7.5 Apply sprays with hand held equipment only.

31.1.4 Hazardous Facilities (District Function)

The rules for the establishment of any hazardous facility shall be the same as for the Rural Zones. Refer Rule 30.1.11.

31.1.5 Noise

All activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at or within the boundary of any other site zoned Urban Residential or within the notional boundary of any dwelling or another site on land zoned Rural:

a) 50 dBA L_{10} 0700 hrs - 2200 hrs Monday to Friday
and
0700 hrs - 1200 hrs Saturday

b) 40 dBA L_{10} , and 70 dBA L_{max} At all other times including any public holidays

Provided on any day between 0700 hrs - 2200 hrs the L_{max} limit shall not apply; and

Provided that the above noise limits shall not apply to activities of limited duration required by normal agricultural practice such as harvesting and the activity is no louder than necessary, (and shall comply with the requirements of Section 16 of the Resource Management Act).

31.1.5.1 Noise Sensitive Activities

- a) Any new dwelling house, visitor accommodation or other habitable building located within 300 metres of any frost fan not within the same site shall 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 | $D_{nT,w} + C_{tr50-3150} \geq 27$ dB |
| Dwellings located less than 200m and more than 100m from the nearest frost fan | $D_{nT,w} + C_{tr50-3150} \geq 32$ dB |
| Dwellings located less than 100m from the nearest frost fan | $D_{nT,w} + C_{tr50-3150} \geq 37$ dB |
- (b) For the purposes of this rule, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.
- (c) Sub-clauses a) and b) of this rule shall also apply to any alteration of an existing dwelling house, visitor accommodation or other habitable building located within 300 metres of the closest frost fan selected for the purpose of sub-clause a) of this rule, 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 paragraphs a) and b) of this rule.
- (d) For the purpose of this rule, "frost fan" includes any 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".

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31.1.6 Flood Protection/Riparian Management

31.1.6.1 All buildings and structures shall be set back a minimum of at least 8 metres from the outside edge of any natural river or stream bank, or wetland, or landward toe of any stopbank.

31.1.6.2 No building activity or earthworks shall take place as a Permitted Activity within any area identified as a flood hazard by this Plan.

31.1.7 Earthworks

31.1.7.1 Volume

31.1.7.1.1 The maximum volume for either excavation or filling shall not exceed 20 m³.

31.1.7.1.2 The time period applicable to filling and excavation in terms of volume shall mean the volume specified may not be exceeded within any continuous period of two years.

31.1.7.1.3 Exemptions

- a) Filling or excavation associated with the construction or maintenance of flood protection works, including stopbanks or retention basins constructed by or on behalf of the Council.
- b) Any works involving the installation, repair or replacement of any network utility structure.
- c) Any earthworks associated with the construction of a fence.
- d) Any earthworks carried out in accordance with an approved subdivision.

31.1.7.2 Content

31.1.7.2.1 Material other than rubble, ballast, stones, soily material and demolition material shall not be used as fill or for the filling of land or depressions.

31.1.7.2.2 Fill material shall not contain any putrecible, inflammable or hazardous components.

31.1.7.2.3 Fill material shall contain no more than 5% vegetative material which is not incidental to the cleaning of sites.

31.1.7.3 General

31.1.7.3.1 No woody material of greater than 100 mm diameter shall be left in any permanently flowing river, lake, wetland or the sea as a result of any earthworks.

31.1.7.3.2 All sites subject to excavation or fill are to be stable when subject to a storm event of return frequency of 1 in 10 years or less.

31.1.8 Heritage

31.1.8.1 Scheduled Heritage Resources

Refer to Rule 27.3.

31.1.8.2 Other sites of Historical, Archaeological or Iwi Significance

Note:

Notwithstanding any permitted activity status herein, an authorisation from the New Zealand Historic Places Trust is required before any person may destroy, damage or modify the whole or part of any historical, cultural or archaeological site.

31.2 Limited Discretionary Activities

31.2.1 Minor non-compliance with the conditions for Permitted Activities may be allowed to the extent specified below. Application must be made for a resource consent for a Limited Discretionary Activity for the following:

- Buildings exceeding the maximum permitted site coverage up to a maximum of 20% of the specified standard.
- Buildings exceeding the maximum permitted height up to a maximum of 20% of the specified standard.
- Any yard encroachment, up to 100% of the specified standard.
- Parking requirements where site circumstances make it impracticable to comply with standards.

31.2.2 Limits to the Council's Discretion

31.2.2.1 In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 31.2.3 below as are relevant to the non-compliance.

- 31.2.2.2** All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

31.2.3 Matters to which the Council has restricted the exercise of its discretion

In considering any application for minor non-compliance the Council will in the exercise of its discretion have regard to the following matters:

- a) The non-compliance should not diminish the overall rural character of the locality.
- b) The non-compliance should not have any significant effect on the rural landscape.
- c) The non-compliance should not have any adverse effect on adjoining properties.
- d) The non-compliance should not have an actual or potential adverse effect on the safety of adjoining roads.

31.2.4 Conditions

Any resource consent may include conditions relating to any one or more of the following, in addition to those matters contained in Section 108 of the Act:

- a) The bulk and location of buildings and structures, including fences.
- b) The protection of public and private amenity values.
- c) The design and appearance of any buildings.
- d) Landscape design and appearance and site layout.
- e) The protection of the roading network and any traffic impacts.
- f) Bonds or covenants to secure the performance of consent conditions.

31.3 Discretionary Activities

31.3.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- Activities listed as Permitted Activities which do not comply with standards and/or conditions or with the provisions for minor non-compliance dealt

with as Limited Discretionary Activities. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.

- Farming involving the breeding, rearing and/or keeping of pigs.
- Visitor Accommodation.
- Commercial Activities, except where listed as a Permitted Activity.
- Emergency service activities.

31.3.2 General Assessment Criteria (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria. For some activities specific standards and criteria also apply.

31.3.2.1 Matters the Subject of Assessment

- 31.3.2.1.1 Any relevant objectives, policies and rules of this Plan.
- 31.3.2.1.2 Any relevant policies of the New Zealand Coastal Policy Statement.
- 31.3.2.1.3 Any relevant objectives, policies and methods of the Marlborough Regional Policy Statement.
- 31.3.2.1.4 The assessment criteria for activities in the Rural Zone where relevant.

31.3.3 Particular Criteria Applicable to Listed Discretionary Activities

The criteria specified for any particular discretionary activity as listed below shall be considered in addition to the General Assessment Criteria set out in Rule 31.3.2.

31.3.3.1 The Breeding, Rearing and Keeping of Pigs

- 31.3.3.1.1 The number of pigs to be kept on a site and the extent to which they may detract from the quality and amenity of the surrounding environment and in particular, in terms of smell, noise and outlook.
- 31.3.3.1.2 The extent to which the animals will be housed within buildings and the proximity of those buildings to adjoining properties. Where animals are free ranging the means of separating them from boundary fences and other property in separate ownership.
- 31.3.3.1.3 The volume and type of traffic which may be generated to the site in relation to the activity and the ability of the site to accommodate parking, loading, manoeuvring and access requirements.
- 31.3.3.1.4 The frequency with which vehicles may visit the site in relation to the activity, the hours within which they arrive and depart and the degree of impact this will have on the amenity and privacy of surrounding rural residential sites.
- 31.3.3.1.5 The nature of activities on adjacent sites and the extent to and manner in which the commercial keeping of animals and/or pigs may impact upon these activities.

31.3.3.1.6 The method of effluent disposal and the effect of this on the environment.

31.3.3.2 Visitor Accommodation

31.3.3.2.1 Any adverse effects of the likely traffic generation from the proposed visitor accommodation in terms of:

- a) Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density rural residential environment.
- b) Loss of privacy and remoteness.
- c) Levels of traffic congestion and reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road, in terms of the transportation hierarchy.
- d) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

31.3.3.2.2 The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation.

31.3.3.2.3 The extent to which the activity will impact on the amenity of adjoining properties.

31.3.3.3 Commercial Activities

31.3.3.3.1 The nature of the activity, the hours of operation and the frequency with which the activity will take place and the extent to which these factors may affect the amenity and quality of the surrounding rural residential environment and the privacy of adjoining residences.

31.3.3.3.2 The extent of traffic that will be attracted to the activity and the ability of the site to accommodate parking, loading, manoeuvring and access requirements without adversely affecting the quality and amenity of the residential or rural environment or the safety and efficiency of the road network.

31.3.3.3.3 The impact of noise and lighting that will be generated by the commercial activity, the location of the activity either indoors or outdoors and the extent to which this will affect the quality and amenity of the environment.

31.3.4 Resource Consent Conditions

Any resource consent may include conditions relating to one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) The bulk and location of buildings;
- b) The protection or enhancement of amenity values;
- c) The protection or enhancement of the quality and quantity of natural waters or water systems;
- d) The protection of any significant environmental feature;
- e) The design and appearance of any buildings;

- f) Landscape design and appearance, and site layout;
- g) The protection of future roading options and the management of traffic impacts;
- h) Financial contributions in accordance with the requirements of the Plan;
- i) Bonds or covenants to secure the performance of consent conditions.

31.4 Non-Complying Activities

31.4.1 Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any activity not provided for as a Permitted, Limited Discretionary, Discretionary or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Within any area identified as a Flood Hazard on the Planning Maps the following are Non-Complying Activities:
 - Any building.
 - Construction of stopbanks, modification or existing stopbanks or deposition of material in ephemeral channels.
 - Construction of impermeable walls, fences or similar structures which would divert water.
 - Any excavation.

31.5 Prohibited Activities

31.5.1 The following are Prohibited Activities for which no resource consent shall be granted:

- The disposal of hazardous waste substances to land (other than into an approved hazardous waste landfill) or water.
- The combustion of:
 - materials associated with the recovery of metals from insulated electrical cables in the open; or
 - materials and metals used in motor vehicles in the open; or
 - any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

In the open means other than in an enclosed incineration device with a chimney.

