

## 2. General Rules

**Commented [ 1 ]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 12 May 2023

### Water Take, Use, Damming or Diversion

The following rules apply to the take, use, damming or diversion of freshwater. Any take, use, damming or diversion of coastal water is provided for in the Zone rules.

Note:

The taking, use, damming, diversion or discharge of water within, or within a 100 m setback from, a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

**Commented [ 2 ]:** NES-FW s44A(5)

#### 2.1. Environmental Flows and Levels

[R]

**2.1.1. Environmental flows and levels, as specified in Appendix 6, control the quantity, level, and flow of water.**

2.1.1.1. The environmental flows and levels, as specified in Appendix 6, do not apply to the Permitted Activities in 2.2.

2.1.1.2. The environmental flows and levels, as specified in Appendix 6, do not apply to a take, use, damming or diversion of water controlled by Rule 2.5.1, as it relates to not meeting the applicable Standards of a Permitted Activity in 2.2.

#### 2.2. 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 2.3:

[R]

**2.2.1. Take and use of water for an individual's reasonable domestic needs up to 5m<sup>3</sup> per day per dwelling.**

**Commented [ 3 ]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

[R]

**2.2.2. Take and use of water for domestic needs for a papakāinga unit up to 5m<sup>3</sup> per day.**

[R]

**2.2.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m<sup>3</sup> per year.**

[R]

**2.2.4. Take and use of water for the reasonable drinking water needs of a person's animals.**

[R]

2.2.5. Take and use of water for incidental use associated with farming or intensive farming up to 5m<sup>3</sup> per day per Record of Title.

[R]

2.2.6. Take and use of water for dairy shed wash down or ancillary milk cooling up to 15m<sup>3</sup> per day per dairy shed.

[R]

2.2.7. Take and use water for the purposes of dust suppression on gravel roads up to 20m<sup>3</sup> per water body per day.

[R]

2.2.8. Take and use of water for fire-fighting purposes and firefighting training by Fire and Emergency New Zealand and the New Zealand Defence Force.

[R]

2.2.9. Take of water for the purposes of calibrating a water meter.

[R]

2.2.10. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users.

[R]

2.2.11. Take and use of water for road, rail or river control construction, maintenance, repair or upgrade works up to 50m<sup>3</sup> per day per construction site.

[R]

2.2.12. Take of water for dewatering of a trench by a network utility operator or for regionally significant infrastructure.

[R]

2.2.12A Take of water for dewatering of a tank pit associated with underground fuel infrastructure.

[R]

2.2.13. [deleted]

[R]

2.2.14. Take and use of water for a recreational hut up to 1m<sup>3</sup> per day per hut.

[R]

2.2.15. Take, use and discharge of surface water for non-consumptive use.

[R]

2.2.16. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.

[R]

2.2.17. Damming water and the subsequent use of that water.

[R]

2.2.18. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016, and permitted activities in the Floodway Zone.

**Commented [ 4 ]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 4 December 2020

**Commented [ 5 ]:** RESOLVED:  
BP Oil New Zealand Limited and others  
ENV-2020-CHC-72  
By consent order dated 4 December 2020

**Commented [ 6 ]:** NES-FW s44A(5)

**Commented [ 7 ]:** RESOLVED:  
Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35  
By consent order dated 3 November 2022

[R]

**2.2.19. Diversion and discharge of water by pumping or floodgated gravity outfalls associated with the operation of the Drainage Channel Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.**

**Commented [ 8 ]:** RESOLVED:  
Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35  
By consent order dated 3 November 2022

[R]

**2.2.20. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection.**

[R]

**2.2.21. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection.**

[R]

**2.2.22. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control.**

[R]

**2.2.23. [deleted]**

**Commented [ 9 ]:** NES-FW s44A(5)

[R]

**2.2.24. Diversion of water in the Floodway Zone.**

[R]

**2.2.25. Temporary damming and diversion of water associated with the operation and maintenance of artificial roadside drainage channels.**

**Commented [ 10 ]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 31 October 2023

[R]

**2.2.26. The take, use and discharge to land of surface water for the use of water treatment units.**

[R]

**2.2.27. The take and use of water for weed or pest control.**

[R]

**2.2.28. Use of water from the Barnes Dam on a tributary of the Waitohi Stream by the Marlborough District Council for municipal supply purposes.**

**2.2.29. Take and use of water for domestic needs for worker accommodation up to 5m<sup>3</sup> per day per worker accommodation facility.**

**Commented [ 11 ]:** By consent order dated 31 October 2023

**2.2.30. Temporary damming and diversion of water associated with the alteration, repair or maintenance of an existing structure in, on or over the bed of a river.**

**Commented [ 12 ]:** By consent order dated 31 October 2023

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

**2.3.1. Take and use of water for an individual's reasonable domestic needs up to 5m<sup>3</sup> per day per dwelling.**

2.3.1.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.

2.3.1.2. The take is limited to one dwelling per take point except where multiple dwellings exist on a single Computer Register or on contiguous Computer

Registers under the same ownership, in which case there may be up to three dwellings per take point.

- 2.3.1.3. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.1.4. There must not be a municipal water supply available to the property boundary.
- 2.3.1.5. The take must not be otherwise provided for by a resource consent.

Commented [ 13]: NES-FW s44A(5)

**2.3.2. Take and use of water for domestic needs for a papakāinga unit up to 5m<sup>3</sup> per day.**

- 2.3.2.1. Papakāinga units must be lawfully established.
- 2.3.2.2. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.2.3. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.2.4. There must not be a municipal water supply available to the property boundary.
- 2.3.2.5. The take must not be otherwise provided for by a resource consent.

Commented [ 14]: NES-FW s44A(5)

**2.3.3. Take and use of water for needs for marae activities, except papakāinga units, up to 1825m<sup>3</sup> per year.**

- 2.3.3.1. The take and use of water must be for marae activities on Sec 1 SO 313389, that part of Pt Te Hora Sec 32A4 located between State Highway 6 and Te Hore Pa Road, Wairau Sec 23, Wairau 2 ML 6729, Sec 1 ML 6729, Sec 2 & 3 Blk XI Cloudy Bay SD, Sec 1 SO 6002, Sec 23, 40, 43 and 46 Blk III Taylor Pass SD, Sec 3 SO 6922, Lot 1 & 2 DP 11713, Waikawa West 6 & 7 ML 6923 or Sec 47 Blk XII Linkwater SD.
- 2.3.3.2. The daily maximum take must not exceed 30m<sup>3</sup>.
- 2.3.3.3. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.3.4. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.3.5. There must not be a municipal water supply available to the property boundary.
- 2.3.3.6. The take must not be otherwise provided for by a resource consent.

Commented [ 15]: NES-FW s44A(5)

**2.3.4. Take and use of water for the reasonable drinking water needs of a person's animals.**

- 2.3.4.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.4.2. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.4.3. The take must not be otherwise provided for by a resource consent.

Commented [ 16]: NES-FW s44A(5)

**2.3.5. Take and use of water for incidental use associated with farming or intensive farming up to 5m<sup>3</sup> per day per Computer Register.**

- 2.3.5.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.5.2. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.5.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

Commented [ 17]: NES-FW s44A(5)

**2.3.6. Take and use of water for dairy shed wash down or ancillary milk cooling up to 15m<sup>3</sup> per day per dairy shed.**

- 2.3.6.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.6.2. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.6.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

Commented [ 18]: NES-FW s44A(5)

**2.3.7. Take and use water for the purposes of dust suppression on gravel roads up to 20m<sup>3</sup> per water body per day.**

- 2.3.7.1. The take must not occur on more than 90 days within any 12 month period.
- 2.3.7.2. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.7.3. Dust suppression on gravel roads must be undertaken by, or on behalf of the Marlborough District Council or the road controlling authority.

Commented [ 19]: NES-FW s44A(5)

**2.3.8. Take of water for the purposes of calibrating a water meter.**

- 2.3.8.1. The meter calibration must relate to an active water permit to take water.
- 2.3.8.2. Water must be taken from the lawful take point of the water permit associated with the meter.
- 2.3.8.3. The instantaneous rate of the take must not exceed a rate 10% greater than that authorised by the associated water permit.
- 2.3.8.4. The period in which water can be taken for this purpose must not exceed 120 minutes.
- 2.3.8.5. Water must not be taken during any restriction that applies to the associated water permit.
- 2.3.8.6. The calibration must be carried out by a recognised professional and full test results must be supplied to the Council within 10 working days.

**2.3.9. Take of water for the purposes of completing a bore test required to determine the yield of a bore and interference effects on other users.**

- 2.3.9.1. The instantaneous rate of the take must not exceed 100l/s.
- 2.3.9.2. The total take must not occur for greater than 168 hours within any 30 day period.
- 2.3.9.3. The take must not be from a Water Resource Unit with a Natural State water quality classification.

Commented [ 20]: NES-FW s44A(5)

**2.3.10. Take and use of water for road, rail or river control construction, maintenance, repair or upgrade works up to 50m<sup>3</sup> per day per construction site.**

- 2.3.10.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.
- 2.3.10.2. The take must not occur on more than 90 days within any 12 month period.
- 2.3.10.3. The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.10.4. Road, rail or river control construction works must be undertaken by, or on behalf of, the Marlborough District Council, the rail network operator or the road controlling authority.

**Commented [ 21]:** NES-FW s44A(5)

**2.3.11. Take of water for dewatering of a trench by a network utility operator or for regionally significant infrastructure.**

- 2.3.11.1. The take must not be within a Groundwater Protection Area.
- 2.3.11.2. The take must relate to a temporary trench excavated for the purposes of the installation or maintenance of infrastructure or geotechnical testing.

**Commented [ 22]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 4 Dec 20

**2.3.11A. Take of water for dewatering of a tank pit associated with underground fuel infrastructure.**

- 2.3.11A.1. The take must not be within a Groundwater Protection Area.
- 2.3.11A.2. The take must relate to a temporary excavation for the purposes of the installation, replacement or maintenance of an underground fuel infrastructure.

**Commented [ 23]:** RESOLVED:  
BP Oil New Zealand Limited and others  
ENV-2020-CHC-72  
By consent order dated 4 December 20

**2.3.12. [deleted]****2.3.13. Take and use of water for a recreational hut up to 1m<sup>3</sup> per day per hut.**

- 2.3.13.1. The recreational hut must be in the Open Space 3 Zone.
- 2.3.13.2. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.13.3. [deleted]
- 2.3.13.4. The take must not be otherwise provided for by a permitted activity or a resource consent.

**Commented [ 24]:** NES-FW s44A(5)

**Commented [ 25]:** NES-FW s44A(5)

**2.3.14. Take, use and discharge of surface water for non-consumptive use.**

- 2.3.14.1. The instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.14.2. The take and discharge must not be from or into a Water Resource Unit with a Natural State water quality classification.
- 2.3.14.3. The water must be returned into the same surface waterbody from which it was taken, at the same or similar rate and in the same or better quality.
- 2.3.14.4. The water taken must be discharged back into the same surface waterbody within 250m of the point of take.

**Commented [ 26]:** NES-FW s44A(5)

**2.3.15. Take and discharge of water to land for the purposes of purging water supply infrastructure or in emergency circumstances.**

- 2.3.15.1. The take and discharge must be conducted by the Marlborough District Council.

**2.3.16. Damming water and the subsequent use of that water.**

*The damming and subsequent use of water does not authorise the construction of a dam, which is governed by provisions in the Zone rules, or where the dam is in the bed of a lake or river, the rules in 2.7.*

- 2.3.16.1. No more than 5,000m<sup>3</sup> of water is dammed at any time.
- 2.3.16.2. The damming and water use must not be otherwise provided for by a resource consent.
- 2.3.16.3. The damming of water and operation of the associated reticulation lines shall not occur within the National Grid Yard if it permanently impedes access to National Grid structures.

**Commented [ 27 ]:** Clause 16

**2.3.17. Diversion of water associated with the operation of the Drainage Channel Network existing on 9 June 2016, and permitted activities in the Floodway Zone.**

- 2.3.17.1. [deleted]
- 2.3.17.2. The diversion must be managed by the Marlborough District Council.

**Commented [ 28 ]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 6 October 2022

**Commented [ 29 ]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 October 2023

**2.3.18. Diversion and discharge of water by pumping or floodgated gravity outfalls associated with the operation of the Drainage Channel Network existing on 9 June 2016, and rivers within the Floodway Zone, including the partial control of water levels and flow rates.**

- 2.3.18.1. [deleted]
- 2.3.18.2. The diversion and discharge must be managed by the Marlborough District Council.

**Commented [ 30 ]:** NES-FW s44A(5)

**2.3.19. Diversion of up to 200l/s of water from the Wairau River into Gibson's Creek for the purposes of instream protection.**

- 2.3.19.1. The diversion must be managed by the Marlborough District Council.

**2.3.20. Diversion of up to 500l/s of water from the Waihopai River into Gibson's Creek for the purposes of instream protection.**

- 2.3.20.1. The diversion must be managed by the Marlborough District Council.

**2.3.21. Diversion of water from the Ōpaoa Loop into Roses Overflow for the purposes of river control.**

- 2.3.21.1. The diversion must be managed by the Marlborough District Council.

**2.3.22. [deleted]**

**Commented [ 31 ]:** NES-FW s44A(5)

**2.3.23. Diversion of water in the Floodway Zone.**

- 2.3.23.1. The diversion is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.
- 2.3.23.2. The works must only be carried out working in an upstream direction.
- 2.3.23.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
- 2.3.23.4. The full length of the redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.

**Commented [ 32 ]:** NES-FW s44A(5)

- 2.3.23.5. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to works commencing.
- 2.3.23.6. The diversion must be necessary for maintaining the stability of the riverbank in the vicinity or for facilitating the removal of gravel or sediment for river control purposes.
- 2.3.23.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a conspicuous change in colour or clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.

**2.3.24. Temporary damming and diversion of water associated with the operation and maintenance of artificial roadside drainage channels.**

- 2.3.24.1 The temporary damming or diversion must be managed by the Road Controlling Authority.
- 2.3.24.2 [deleted]
- 2.3.24.3 The temporary damming or diversion must only be for the purposes of the maintenance works required at the location of the works.
- 2.3.24.4 The temporary damming or diversion must not cause flooding or erosion of private land.

**Commented [ 33]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 31 October 2023

**Commented [ 34]:** NES-FW s44A(5)

**2.3.25. The take, use and discharge to land of surface water for the use of water treatment units.**

- 2.3.25.1 The instantaneous take rate must not exceed 5% of the river flow at the point of take at any time.
- 2.3.25.2 The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.25.3 The take, use and discharge must be conducted by the New Zealand Defence Force.
- 2.3.25.4 The take must not occur for more than five consecutive days.

**Commented [ 35]:** NES-FW s44A(5)

**2.3.26. Take and use of water for weed or pest control.**

- 2.3.26.1 Water must only be used in Open Space 1, 2, 3 and 4 Zones.
- 2.3.26.2 The take shall not exceed 5l/s and 5m<sup>3</sup>/day.
- 2.3.26.3 Where the take is from a river, the instantaneous take rate must not exceed 5% of the river flow at the point of take at any time.

**2.3.27 Take and use of water for domestic needs for worker accommodation up to 5m<sup>3</sup> per day per worker accommodation facility.**

- 2.3.27.1 Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at the point of take at any time.
- 2.3.27.2 The take must not be from a Water Resource Unit with a Natural State water quality classification.
- 2.3.27.3 There must not be a municipal water supply available to the property boundary.
- 2.3.27.4 The take must not be otherwise provided for by a resource consent.



2.3.27.5 When more than 20 workers are accommodated in the worker accommodation facility, the take must be measured by a meter that is able to provide data in a form suitable for electronic storage.

**Commented [ 36]:** By consent order dated 31 October 2023

**2.3.28. Temporary damming and diversion of water associated with the alteration, repair and maintenance of existing structures in, on or over the bed of a river.**

2.3.28.1 The temporary damming or diversion must be undertaken by an operator of Regionally Significant Infrastructure.

2.3.28.2 The temporary damming or diversion must only be for the purposes of the alteration, repair and/or maintenance works required at the location of the works.

2.3.28.3 The temporary damming or diversion must not cause flooding or erosion of private land.

2.3.28.4 The temporary damming or diversion must cease no later than 14 days after the start of the maintenance activity.

**Commented [ 37]:** By consent order dated 31 October 2023

## 2.4. Controlled Activities

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

[R]

**2.4.1. Take and damming C Class water for the purpose of retaining water in storage for subsequent use.**

*Standards and terms:*

2.4.1.1. The application must be for an allocation of C Class water from a FMU with a C Class water quantity allocation limit specified in Appendix 6.

2.4.1.1a. The annual volume of water taken for storage for irrigation purposes shall not exceed a volume equivalent to the authorised rate of take for irrigation purposes for two irrigation seasons for the property or properties to be served by the stored water.

*Matters over which the Council has reserved control:*

2.4.1.2. Allocation limits.

2.4.1.3. Interference effects on other water users.

2.4.1.4. Permit terms and review periods.

2.4.1.5. Monitoring requirements.

2.4.1.6. Rationing requirements.

**Note:**

This rule only applies to the take and subsequent storage of Class C water. For clarity, the rule requires both the take of Class C water and subsequent storage of that water. The damming of water or the construction of a dam necessary to store the water may require other resource consents.

**Commented [ 38]:** RESOLVED:  
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu  
ENV-2020-CHC-46  
By consent order dated 31 October 2023

[R]

**2.4.2. The lawfully established damming and diversion of water, and the lawfully established take and use of water, associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative, except where already provided for in 2.2.**

*Standards and terms:*

2.4.2.1. The consent application(s) replace existing resource consents: and

2.4.2.2 There must be no increase in the existing volume or rate of take or diversion.

*Matters over which the Council has reserved control:*

2.4.2.3 The volume and rate of water taken or diverted, and the timing of the take or diversion;

2.4.2.4 Intake velocities and measures to avoid or mitigate fish entrainment;

2.4.2.5 Water levels;

2.4.2.6 Compliance with environmental flow and allocation limits;

2.4.2.7 Measures to avoid, remedy or mitigate any adverse effects on the following:

(a) cultural values;

(b) lawfully established users of the lake or river;

(c) downstream sediment transport processes;

(d) aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;

(e) outstanding natural features and outstanding natural landscapes, and natural character;

(f) amenity values (including recreation), and existing public access to and along the margins of lakes and rivers;

2.4.2.8 Fish passage;

2.4.2.9 Measures to manage land stability and erosion;

2.4.2.10 Measures to control flooding;

2.4.2.11 Maintenance and contingency requirements;

2.4.2.12 Monitoring and information requirements;

2.3.2.13 Duration of consent;

2.4.2.14 Review of consent conditions; and

2.4.2.15 Compliance monitoring.

**Commented [ 39]:** RESOLVED:  
Manawa Energy Ltd (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 14 October 2022

## 2.5. Discretionary Activities

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

[R]

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

[R]

2.5.2. Any take of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.3. Any use of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

2.5.4. Any damming of water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.

[R]

2.5.5. Any diversion of water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[R]

2.5.6. Any take of groundwater not provided for as a Permitted Activity or Controlled Activity from the Wairau Aquifer Urban Springs, Wairau Aquifer Central Springs or Wairau Aquifer North Springs FMUs.

Commented [ 40]: By consent order dated 31 October 2023

## 2.6. Prohibited Activities

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

[R]

2.6.1. Take of water that would cause the water quantity allocation limit for the relevant Freshwater Management Unit to be exceeded, unless the take is:

- (a) provided for as a Permitted Activity;
- (b) provided for as a Permitted Activity but does not meet the applicable standards, and therefore an application must be made under Rule 2.5.1;
- (c) the subject of a resource consent application affected by section 124 of the RMA.

[R]

2.6.2. Take of water from the Omaka Aquifer Freshwater Management Unit, Benmorven Freshwater Management Unit or the Brancott Freshwater Management Unit for use on land in another Freshwater Management Unit.

Commented [ 41]: RESOLVED:  
BP Oil New Zealand Limited and others  
ENV-2020-CHC-72  
By consent order dated 4 December 2020

[R]

2.6.3. Take of water for frost fighting purposes between 1 January and 30 April in each calendar year.

[R]

2.6.4. Take, use, permanent damming, or diversion of water from the following waterbodies, including their tributaries:

- (a) Acheron River;
- (b) Branch River, upstream of a line measured 150 metres upstream from the hydro-electricity generation weir on the Branch River;
- (c) Chaytor Significant Wetlands - W127, W128 and W129;

- (d) Goulter River;
- (e) Goulter Significant Wetland - W35;
- (f) Kauauroa Bay Significant Wetland - W1026;
- (g) Lake Alexander;
- (h) Lake Chalice;
- (i) Lake Elterwater (not including its tributaries);
- (j) Lake McRae;
- (k) Te Hoiere/Pelorus River upstream of confluence with the Scott Creek;
- (l) Pipitea Significant Wetland - W55;
- (m) Possum Swamp Stream Significant Wetland - W116;
- (n) Rainbow River;
- (o) Rarangi Wetland Complex – Significant Wetlands W128, W129, W130, W131 and W139;
- (p) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake;
- (q) Upper Wairau Significant Wetland - W580;
- (r) Wairau Lagoons Significant Wetland - W1076;
- (s) Wairau River upstream of the Hamilton River confluence.

This rule does not apply to:

- (t) the take, use, damming, or diversion of water lawfully established prior to 19 July 2023, including the taking, use, permanent damming, or diversion of water for the purpose of maintenance and repair of existing structures;
- (u) the take and use of water for a person's reasonable domestic needs;
- (v) the take and use of water for the reasonable drinking water needs of a person's animals;
- (w) the take, use, damming or diversion of water for firefighting purposes and firefighting training by Fire and Emergency New Zealand and the New Zealand Defence Force permitted by Rule 2.2.8;
- (x) the temporary damming and diversion of water permitted by Rule 2.42.2;
- (y) The temporary damming and diversion of water permitted by Rule 2.2.30.

**Commented [ 42]:** Clause 16

**Commented [ 43]:** Clause 16

**Commented [ 44]:** By consent order dated 22 February 2023

**Commented [ 45]:** RESOLVED:  
Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 31 October 2023

[R]

**2.6.5. Permanent damming of water in the following waterbodies, including their tributaries:**

- (a) Awatere River (excluding ephemeral or intermittent tributaries, or the Black Birch Stream where the damming is undertaken by the Marlborough District Council for municipal water supply purposes);
- (b) Waiau-toa/ Clarence River;
- (c) [deleted];
- (d) [deleted];
- (e) Waima River above Box Stream;
- (f) [deleted].

**This rule does not apply to a damming of water lawfully established prior to 19 July 2023 including damming of water for the purpose of maintenance and repair of existing structures.**

**Note:**

Any application for resource consent for the damming of water in the Black Birch Stream for municipal water supply purposes will require public notice to Marlborough's tangata whenua iwi.

**Commented [ 46]:** RESOLVED:  
Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35  
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu  
ENV-2020-CHC-46  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 31 October 2023

## Activity In, On, Over or Under the Bed of a Lake or River

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA.

**Commented [ 47]:** RESOLVED:  
OneFortyOne (Previously Nelson Forests)  
ENV-2020-CHC-54  
Establish new controlled activity rules for minor non-compliance with permitted activity standards  
By consent order dated 31 January 2023

Rules 2.7 – 2.11 do not apply to the Floodway Zone.

The associated disturbance deposition, and discharges ancillary to the permitted activities in Rule 2.7 are permitted subject to compliance with Rules 2.8 and 2.9.

**Note:**

The following activities are managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan:

- Earthworks or land disturbance within or within a 10 m setback from a natural wetland; and
- The damming of water within or within a 100 m setback from a natural wetland.

**Note:**

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

**Commented [ 48]:** NES-FW s44A(5)

## 2.7. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities, including the associated discharge of sediment, shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9:

[R]

### 2.7.1. Alteration, repair or maintenance of an existing structure, including any associated release of detritus, in, on or over the bed of a lake or river.

Note:

Rule 2.7.1 does not apply to river crossings that are managed under the National Environmental Standards for Commercial Forestry 2017.

[R]

### 2.7.2. Protection works (including gravel removal) in, on or over the bed of a lake or river for existing structures.

[R]

### 2.7.3. Suction hose intake placement over the bed of a lake or river.

[R]

### 2.7.4. Construction of a dam on an ephemeral river.

[R]

### 2.7.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.

Note:

Rule 2.7.5 does not apply to river crossings that are managed under the National Environmental Standards for Commercial Forestry 2017.

[R]

### 2.7.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.

[R]

### 2.7.7. Culvert installation and replacement in, on, under, or over the bed of a river.

Note:

Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Commercial Forestry 2017, Rule 2.7.7 does not apply.

Note:

For the placement, use, alteration, extension or reconstruction of a culvert in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020, Regulation 70 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 applies in addition to this rule.

**Commented [ 49]:** WITHDRAWN:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By memorandum dated 13 March 2023

**Commented [ 50]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
New permitted activity rules for a biosecurity response  
By consent order dated 12 May 2023

**Commented [ 51]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 31 October 2023

**Commented [ 52]:** RESOLVED:  
Minister of Conservation  
ENV-2020-CHC-42  
By consent order dated 3 November 2022

**Commented [ 53]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 22 February 2023

**Commented [ 54]:** NES-CF s44A(5)

**Commented [ 55]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 6 October 2022

**Commented [ 56]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 31 October 2023

**Commented [ 57]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 3 November 2022

**Commented [ 58]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

**Commented [ 59]:** NES-CF s44A(5)

**Commented [ 60]:** Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35

**Commented [ 61]:** NES-CF s44A(5)

**Commented [ 62]:** NES-FW s44A(5)

[R]

**2.7.8. Maintenance, replacement and minor upgrading in, on, or under the bed of a lake or river of the following utilities:**

- (a) electricity lines and associated cables;
- (b) telecommunication or radio communication facility.

**Commented [ 63]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 6 October 2022

[R]

**2.7.9. Livestock entering onto, or passing across, the bed of a river.**

Note:

The Resource management (Stock Exclusion) Regulations 2020 require dairy cattle, pigs, dairy support cattle, intensively grazed beef cattle and deer, and beef cattle and deer on low slopes to be excluded from wide rivers.

**Commented [ 64]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

[R, D]

**2.7.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.**

[R]

**2.7.11 Removal or demolition of structures from river beds.**

Note:

Rule 2.7.11 does not apply to the removal of river crossings that are managed under the National Environmental Standards for Commercial Forestry 2017.

**Commented [ 65]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

[R]

**2.7.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions.**

**Commented [ 66]:** NES-CF s44A(5)

[R]

**2.7.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.**

[R]

**2.7.14 Telecommunication line or electricity line or cable in, on, under or over the bed of a lake or river.**

**Commented [ 67]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 6 October 2022

[R]

**2.7.15 Removal or control of terrestrial vegetation in a riverbed by mechanical or other physical means where the removal or control is associated with the maintenance replacement or minor upgrading of existing hydro-electricity generation activities connected to the distribution network.**

**Commented [ 68]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
New permitted activity rule: Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of any lawfully established renewable electricity generation activity  
By consent order dated 12 May 2023

[R]

**2.7.16 Non-indigenous vegetation clearance required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or under direction of an Authorised Person appointed in accordance with section 103 of the Biosecurity Act 1993.**

**Commented [ 69]:** By consent order dated 12 May 2023

[R]

**2.7.17 Construction of a temporary dam for the purposes identified in Rule 2.7.1 and Rule 2.2.30.**

**Commented [ 70]:** By consent order dated 31 October 2023

## 2.8. Standards that apply to all permitted activities

### 2.8.1. General.

- 2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of surface water.
- 2.8.1.2. The activity must not cause flooding or erosion of private land.
- 2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.
- 2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a conspicuous change in colour or clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 2.8.1.5. During the period of 1 September to 31 January in any year no activity must occur within 50m of an indigenous nesting bird in a lakebed or riverbed.
- 2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April in any year.
- 2.8.1.7. The works or structures do not prevent any existing fish passage except on a temporary basis that does not exceed 48 hours for essential maintenance works.

**Commented [ 71]:** RESOLVED:  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
By consent order dated 3 November 2022

**Commented [ 72]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 3 November 2022

### 2.8.2. Removal and control of terrestrial vegetation.

- 2.8.2.1. Removal and control must be done by mechanical or other physical means.
- 2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river.
- 2.8.2.3. Machinery must not be operated in flowing water.
- 2.8.2.4. Removal of trees overhanging or partially in water must be by machinery operated on the lake or river bank or mounted on boats or barges.

### 2.8.3. Dust.

- 2.8.3.1. 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.

**Commented [ 73]:** RESOLVED:  
OneFortyOne (Previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 6 October 2022

## 2.9. Standards that apply to specific permitted activities

### 2.9.1. Alteration, repair or maintenance of an existing structure, including any associated temporary damming of water or release of detritus, in, on or over the bed of a lake or river.

- 2.9.1.1. The structure must have been lawfully established.
- 2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.
- 2.9.1.3. There must be no significant change to the external appearance of the structure to the extent that the basic character and integrity of the structure

**Commented [ 74]:** RESOLVED:  
Minister of Conservation  
ENV-2020-CHC-42  
By consent order dated 3 November 2022



is affected. Painting a structure is not a significant change for the purposes of this Standard.

- 2.9.1.4. With the exception of culverts, no greater than 10% of the cross-sectional area of the lakebed must be disturbed and no greater than 10% of the cross-sectional area in the active channel of a river at the time that the works are undertaken must be disturbed.

**2.9.2. Protection works (including gravel removal) in, on or over the bed of a lake or river for existing structures.**

- 2.9.2.1. The structure must have been lawfully established.
- 2.9.2.2. There must be no reduction in the capacity of the river at the structure.
- 2.9.2.3. Rock is permitted in the protection of existing structures.
- 2.9.2.4. Rock from damaged or redundant structures is permitted to be recovered from the lakebed or riverbed.
- 2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.
- 2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.
- 2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.
- 2.9.2.8. The volume of gravel removed shall be limited to the volume required to undertake protection of the structure.

**2.9.3. Suction hose intake placement over the bed of a lake or river.**

- 2.9.3.1. The take and use of water must be authorised as a permitted activity or by a resource consent.
- 2.9.3.2. The intake must be screened to prevent fish from passing into the intake at all times.
- 2.9.3.3. A grid reference and details of the intake must be supplied to the Council within 10 working days of placement.

**2.9.4. Construction of a dam on an ephemeral river.**

- 2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.4.2. The dam must not intersect groundwater.
- 2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.

**2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.**

Note:

[deleted].

**Commented [ 75]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 6 October 2022

**Commented [ 76]:** NES-CF s44A(5)

- 2.9.5.1. With the exception of post and wire fences and any attached pipeline, the structure must not be within 8m of a perennially flowing or intermittently flowing river.
- 2.9.5.2. The structure must not divert any groundwater.
- 2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.
- 2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.

**Commented [ 77]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 3 November 2022

**Commented [ 78]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 3 November 2022

**2.9.6. Construction or placement of a temporary maimai or whitebait stand in, on or over the bed of a lake or river.**

- 2.9.6.1. No more than 1m<sup>3</sup> of lakebed or riverbed must be disturbed.
- 2.9.6.2. The maimai or stand must be open piled.
- 2.9.6.3. The maimai or stand must be located at least 50m from any other structure.
- 2.9.6.4. A maimai must be no more than 9m<sup>2</sup>.
- 2.9.6.5. The maimai or stand must be constructed or placed and subsequently removed within the following periods:
- (a) a maimai must only be constructed or placed up to one week before, and removed no later than one week after, the official duck shooting season of the year of use;
- (b) a whitebait stand must only be constructed or placed after 1 August, and must be removed no later than 15 December, within any year.

**Commented [ 79]:** Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35

**Commented [ 80]:** Nelson-Marlborough Fish and Game Council  
ENV-2020-CHC-35

**2.9.7. Culvert installation and replacement in, on, under, or over the bed of a river.**

- 2.9.7.1. A secondary flow path must be provided which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to any person's property not undertaking the culvert installation.
- 2.9.7.2. [deleted]
- 2.9.7.3. [deleted]
- 2.9.7.4. The total length of the culvert must not exceed 12m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed the length necessary to pass beneath the legal road in that location.
- 2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

**Commented [ 81]:** NES-FW s44A(5)

**Commented [ 82]:** NES-FW s44A(5)

**2.9.8. Maintenance, replacement and minor upgrading in, on, or under the bed of a lake or river of the following utilities:**

- (a) **electricity lines and associated cables;**
- (b) **telecommunication or radio communication facility.**
- 2.9.8.1. The utility must have been lawfully established.
- 2.9.8.2. The activity must not increase the plan or cross-sectional area of the utility by any more than 5% of the original utility, except that this standard does not apply to works that do not affect the hydraulic efficiency of the river, such as poles and lattice towers.
- 2.9.8.3. There must be no significant change to the external appearance of the utility. Painting a structure is not a significant change for the purposes of this Standard.

**Commented [ 83]:** By consent order dated 6 October 2022

**Commented [ 84]:** Clause 16

2.9.8.4. With the exception of culverts, no greater than 10% of the cross-sectional area of the bed of a lake must be disturbed and no greater than 10% of the cross-sectional area in the active channel of a river at the time that the works are undertaken must be disturbed.

**2.9.9. Livestock entering onto, or passing across, the bed of a river.**

2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.

2.9.9.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or natural clarity of any flowing river due to sediment or sediment laden discharge originating from the activity site.

2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock (except sheep being supervised and actively driven across the bed of the river) must not result in the water quality of the river exceeding the following:

- (a) 2mg/l carbonaceous BOD<sub>5</sub>;
- (b) 260 Escherichia coli (E. coli)/100ml.

**2.9.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.**

2.9.10.1. Powered watercraft must be fitted with effective mufflers during all movement on water and must not exceed the following noise limits at any point within the notional boundary of any dwelling or within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3:

- (a) 7.00 am to 9.00 pm - Sound Exposure Level (SEL) 85 dBA;
- (b) 9.00 pm to 7.00 am the following day - Sound Exposure Level (SEL) 78 dBA;
- (c) no moving craft must emit noise in excess of a Sound Exposure Level (SEL) of 90 dBA in any single driveby measured at any stationary point more than 25m from the line of travel of the craft;
- (d) sound exposure levels must be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound.

Note: Assessment of powered watercraft noise is not within the scope of NZS 6802:2008.

2.9.10.2. On four occasions in any 12 month period, the noise limits in Standard 2.9.10.1 do not apply for any portion of lake or river used for the purposes of a special event approved by a resource consent.

**2.9.11 Removal or demolition of structures from river beds.**

2.9.11.1. The activity disturbs less than 10m<sup>3</sup> of the bed.

2.9.11.2. It results in the complete removal of the structure from the bed, or the complete removal of that part of the structure requiring removal from the bed.

2.9.11.3. No explosives shall be used in the demolition of the structure.

**2.9.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions.**

2.9.12.1. The bore must be drilled by a recognised professional.

**Commented [ 85]:** WITHDRAWN:  
Environmental Defence Society  
ENV-2020-CHC-67  
By memorandum dated 10 September 2020

**Commented [ 86]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

**Commented [ 87]:** RESOLVED:  
OneFortyOne (previously Nelson Forests)  
ENV-2020-CHC-54  
By consent order dated 31 January 2023

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

**2.9.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.**

- 2.9.13.1 That the installation or maintenance must be undertaken by Marlborough District Council officers or persons acting on their behalf.
- 2.9.13.2 The equipment shall not obstruct river flows to the extent that water levels are changed.

**2.9.14 Non-indigenous vegetation clearance required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or under direction of an Authorised Person appointed in accordance with section 103 of the Biosecurity Act 1993.**

- 2.9.14.1 Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 2.9.14.2 All trees must be felled away from a river (excluding an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 2.9.14.3 Notwithstanding 2.9.12.2, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 2.9.14.4 Except for trees felled in accordance with 2.9.14.3, no tree or log may be dragged through the bed of a river (excluding an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 2.9.14.5 All cut or felled vegetation and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (excluding 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 (excluding 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.
- 2.9.14.6 The depth of topsoil removed must not exceed more than 20mm over more than 14% of any vegetation clearance site.
- 2.9.14.7 Vegetation clearance must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a lake, or a Significant Wetland, or the coastal marine area.

Commented [ 88]: By consent order dated 12 May 2023

**2.9.15 Construction of a temporary dam for the purposes identified in Rule 2.7.1 and Rule 2.2.30**

- 2.9.15.1. The construction of a temporary dam must be undertaken by an operator of Regionally Significant Infrastructure.
- 2.9.15.2. The temporary dam must be for diverting river flow around works in the bed of a river.

- 2.9.15.3. Provision must be made for river flows up to and including the 20-year average rain index (ARI) event to bypass the temporary dam with the bypass flow being returned to the bed of the river downstream of the dam.
- 2.9.15.4. The dam structure must be no greater than 4m high when measured vertically from the downstream toe of the dam embankment to the highest point of the dam crest.
- 2.9.15.5. The temporary dam must be constructed in accordance with best practice methods.
- 2.9.15.6. The temporary dam must be removed as soon as is practicable and no later than 14 days after the start of the maintenance activity.
- 2.9.15.7. The dam must not be located in, or within 8m of, a Significant Wetland.

**Commented [ 89]:** By consent order dated 31 October 2023

## 2.9A. Controlled Activities

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

[R]

**2.9A.1. The lawfully established use of structure in the bed of a lake or river associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative, except where already provided for in 2.7.**

*Standards and terms:*

2.9A.1.1 The consent application(s) replace existing resource consents; and

*Matters over which the Council has reserved control:*

2.9A.1.2 Measures to avoid, remedy or mitigate any adverse effects on the following:

- (a) cultural values;
- (b) lawfully established users of the lake or river;
- (c) downstream sediment transport processes;
- (d) aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
- (e) outstanding natural features and outstanding natural landscapes, and natural character;
- (f) amenity values (including recreation), and existing public access to and along the margins of lakes and rivers;

2.9A.1.3 Maintenance and contingency requirements;

2.9A.1.4 Monitoring and information requirements;

2.9A.1.5 Duration of consent;

2.9A.1.6 Review of consent conditions; and

2.9A.1.7 Compliance monitoring.

**Commented [ 90]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 14 October 2022

## 2.9B. Restricted Discretionary Activities

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

[R]

### 2.9.B1 Livestock entering onto or passing across the bed of a river that does not comply with 2.9.9.2 or 2.9.9.3

*Matters over which the Council has restricted its discretion:*

- 2.9B.1.1 The effects on the freshwater values of Marlborough's tangata whenua iwi (including mahinga kai), water quality, and aquatic and riparian ecosystems.

**Commented [ 91]:** By consent order dated 1 November 2023

## 2.10. Discretionary Activities

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

[R, D]

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

**Commented [ 92]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 3 November 2022

[R, D]

### 2.10.2. Any activity in, on, under or over the bed of a lake or river not provided for as a Permitted Activity, Controlled Activity or limited as a Prohibited Activity.

**Commented [ 93]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
By consent order dated 14 October 2022

Note:

The placement, use, alteration, extension or reconstruction of a new weir in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020, is managed under Regulations 72 and 73 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

**Commented [ 94]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 3 November 2022

Note:

The placement, use, alteration, extension or reconstruction of a passive flap gate in, on, over or under the bed of any river or connected area that was not existing at the close of 2 September 2020, is managed under Regulation 74 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

**Commented [ 95]:** NES-FW s44A(5)

[R]

### 2.10.3. Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, livestock entering onto or passing across the bed of a lake.

Note:

The Resource Management (Stock Exclusion) Regulations 2020 require dairy cattle, pigs, dairy support cattle, intensively grazed beef cattle and deer, and beef cattle and deer on low slopes to be excluded from lakes.

**Commented [ 96]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

## 2.11. Prohibited Activities

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

[R]

**2.11.1. Construction of a permanent dam on the following lakes and rivers, including their tributaries unless otherwise stipulated:**

- (a) Acheron River;
- (b) Awatere River (excluding ephemeral or intermittent tributaries, or the Black Birch Stream where the damming is undertaken by the Marlborough District Council for municipal water supply purposes);
- (c) Branch River, upstream of a line measured 150 metres upstream from the hydro-electricity generation weir on the Branch River;
- (d) Waiau-toa/ Clarence River;
- (e) Goulter River;
- (f) [deleted];
- (g) [deleted];
- (h) Lake Alexander;
- (i) Lake Chalice;
- (j) Lake McRae;
- (k) Te Hoiere/ Pelorus River above the Rai River confluence;
- (l) Rainbow River;
- (m) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere;
- (n) Waima River above Box Stream;
- (o) Wairau River upstream of the Hamilton River confluence;
- (p) [deleted].

Note:

Any application for resource consent for the construction of a dam in the Black Birch Stream for municipal water supply purposes will require public notice to Marlborough's tangata whenua iwi.

[R, D]

**2.11.2. Construction or alteration of a bore excluding bores constructed for the purposes of geotechnical investigation or installation of piezometers by a utility or electricity generation asset owner, within the bed of the following lakes and rivers, including tributaries:**

- (a) Acheron River;
- (b) Branch River (including downstream of weir to the Wairau River confluence);
- (c) Goulter River;
- (d) Lake Alexander;
- (e) Lake Chalice;
- (f) Lake McRae;
- (g) Pelorus River upstream of confluence with the Scott Creek;
- (h) Rainbow River;
- (i) Tarndale Lakes including Bowscale Lake, Fish Lake, Lake Sedgemere and Island Lake;
- (j) Wairau River upstream of the Hamilton River confluence.

**Commented [ 97]:** RESOLVED:  
 Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu  
 ENV-2020-CHC-46  
 Manawa Energy Limited (Previously Trustpower)  
 ENV-2020-CHC-50  
 Waka Kotahi NZ Transport Agency  
 ENV-2020-CHC-56  
 By consent order dated 31 October 2023

[R]

2.11.3. Placement of a suction hose intake over the bed of the following lakes:

- (a) Lake Chalice;
- (b) Lake McRae;
- (c) Tarndale Lakes.

[R]

2.11.4. Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, permitting intensively farmed livestock to enter onto:

- (a) the bed of a lake; or
- (b) the bed of a river when there is water flowing in the river, unless the stock are supervised and actively driven across the river, and do not cross the same river more than twice in any month.

[R]

2.11.5. Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, permitting intensively farmed livestock to pass across:

- (a) the bed of a lake; or
- (b) the bed of a river when there is water flowing in the river, unless the stock are supervised and actively driven across the river, and do not cross the same river more than twice in any month.

**Commented [ 98]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

**Commented [ 99]:** WITHDRAWN:  
Environmental Defence Society  
ENV-2020-CHC-67  
By memorandum dated 10 September 2020

**Commented [ 100]:** RESOLVED:  
Federated Farmers of New Zealand  
ENV-2020-CHC-58  
By consent order dated 1 November 2023

**Commented [ 101]:** WITHDRAWN:  
Environmental Defence Society  
ENV-2020-CHC-67  
By memorandum dated 10 September 2020

## Drainage Channel Network Activity

These rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance with the Marlborough District Council Rivers and Drainage Asset Management Plan.

Note:

Vegetation clearance, earthworks and land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

**Commented [ 102]:** NES-FW s44A(5)

## 2.12. 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 2.13 and 2.14:



[R, D]

**2.12.1. Rock, concrete block or gabion structural bank protection works.**

[R]

**2.12.2. Driving and construction of a piled retard.**

[R, D]

**2.12.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.**

[R, D]

**2.12.4. Maintenance of a culvert or floodgate.**

[R, D]

**2.12.5. Land disturbance activity for the purposes of diverting water.**

[R, D]

**2.12.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.**

[R]

**2.12.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.**

[R]

**2.12.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).**

[R]

**2.12.9. Removal and control of terrestrial vegetation by mechanical or other physical means.**

[R, D]

**2.12.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.**

[R, D]

**2.12.11. [Deleted]**

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

### **2.13.1. General.**

2.13.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of surface water.

2.13.1.2. The activity must not cause flooding or erosion of private land.

2.13.1.3. The activity must not be in, or within 10m of, a Significant Wetland.

### **2.13.2. Electrical Safe Distances**

2.13.2.1 Any land disturbance activity must comply with section 2.2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances

**Commented [ 103]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

**Commented [ 104]:** NES-FW s44A(5)

- (NZECP34:2001) that relates to setbacks from overhead electric line supports at all times.
- 2.13.2.2 Any building or structure must comply with section 2.4 of the NZECP34:2001 that relates to setbacks from overhead electric line supports at all times.
  - 2.13.2.3 Any building or structure must comply with setbacks from conductors in section 3.3 or section 3.4 of the NZECP34:2001, following the process set out in section 3.2.1 of the NZECP34:2001, at all times.
  - 2.13.2.4 Any material deposited under or near an overhead electric line must comply with section 4.3.1 of the NZECP34:2001 at all times.
  - 2.13.2.5 The operation of mobile plant near conductors must comply with section 5 of the NZECP34:2001 at all times.
  - 2.13.2.6 Work undertaken near exposed live parts must comply with Section 9 of the NZECP34:2001 at all times.

**Commented [ 105]:** RESOLVED:  
 Transpower New Zealand Limited  
 ENV-2020-CHC-68  
 By consent order dated 6 October 2022

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

### **2.14.1. Rock, concrete block or gabion structural bank protection works.**

- 2.14.1.1. Rock may be used for protecting drainage channel banks.
- 2.14.1.2. Rock from damaged or redundant structures may be recovered from a drainage channel.
- 2.14.1.3. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.
- 2.14.1.4. Placement of rock rip-rap in a tidal area must not take place between 1 August and 30 November in any year.

### **2.14.2. Driving and construction of a piled retard.**

- 2.14.2.1. A piled retard may be used in conjunction with tree planting as bank edge protection.
- 2.14.2.2. A piled retard must only be used where there is adequate channel width and the retards are likely to aggrade with sediment to form a new drainage channel bank.
- 2.14.2.3. A piled retard may be used as a debris arrestor in front of a culvert provided that fish passage is not obstructed.

### **2.14.3. Lining of a drainage channel with timber or concrete for hydraulic efficiency or bank structural stability reasons where the channel is of limited width.**

- 2.14.3.1. Concrete lining must not be constructed when there is water flowing in the channel.

### **2.14.4. Maintenance of a culvert or floodgate.**

- 2.14.4.1. A temporary coffer dam constructed for the purpose of maintenance must be removed at the completion of the maintenance.

### **2.14.5. Land disturbance activity for the purposes of diverting water.**

*Works undertaken for the purposes of creating a diversion, do not cover the diversion of water controlled under Section 14 of the RMA.*

- 2.14.5.1. The diversion of water must be a Permitted Activity.

- 2.14.5.2. The works must only be carried out working in an upstream direction.
  - 2.14.5.3. Redundant channels must be left open at the downstream end in a manner that ensures that fish stocks are not entrapped.
  - 2.14.5.4. The full length of the redundant channel must be surveyed for stranded fish. Any stranded fish found must be relocated to the same river immediately upstream of the diversion.
  - 2.14.5.5. The Nelson Marlborough Fish and Game Council and the Department of Conservation must be informed of the proposed works at least 5 working days prior to works commencing.
  - 2.14.5.6. The diversion must be necessary for the maintenance and operation of the Drainage Channel Network.
  - 2.14.5.7. Any discharge of sediment into water associated with the activity must not, after reasonable mixing, cause a conspicuous change in colour or clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 2.14.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.**
- 2.14.6.1. When vegetation is planted for the purposes of aquatic habitat protection, and/or prevention of bank erosion, native plant species shall be utilised in the first instance except in those circumstances where non native species will achieve better edge and aquatic habitat protection and/or prevention of bank erosion.
- 2.14.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.**
- 2.14.7.1. Cutting must not be carried out more than once in any 12 month period on any section of drainage channel.
  - 2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April in any year.
  - 2.14.7.3. The excavator must not enter flowing water.
  - 2.14.7.4. For drainage channels with a width greater than 2m, the cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
  - 2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.
- 2.14.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).**
- 2.14.8.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any section of drainage channel.
  - 2.14.8.2. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
  - 2.14.8.3. The removal and control must not be carried out in a tidal reach between 1 February and 30 April in any year.

**2.14.9. Removal and control of terrestrial vegetation by mechanical or other physical means.**

- 2.14.9.1. The cut or felled vegetation must be removed from a drainage channel less than 3m in width.
- 2.14.9.2. Vegetation greater than 100mm in diameter must be removed from a drainage channel wider than 3m.
- 2.14.9.3. Machinery must not be operated in flowing water.
- 2.14.9.4. Removal of trees overhanging or partially in water must be by machinery operated on the drainage channel bank or mounted on boats or barges.
- 2.14.9.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to removal or control vegetation.

**2.14.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.**

- 2.14.10.1. The discharge must be undertaken in accordance with the most recent product label.
- 2.14.10.2. The agrichemical 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.
- 2.14.10.3. The agrichemical must not enter water.
- 2.14.10.4. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision on vegetation removal.
- 2.14.10.5. 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.

**Note:**

The Hazardous Substances (Hazardous Property Controls) Notice 2017 (EPA Consolidation 30 April 2021) sets out the qualifications required for use of certain substances in any place that is not a workplace, unless otherwise specified. The Health and Safety at Work (Hazardous Substances) Regulations 2017 sets out the competency requirements for the use of substances in a workplace and the duty of a PCBU to provide information, training, supervision, and instruction. Together these Regulations stipulate training and competency requirements based on the substance used and risk to the environment. A summary of these requirements is also set out in NZS 8409:2021 Management of Agrichemicals, Appendix D.

**Commented [ 106]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

**2.15. Discretionary Activities**

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

[R, D]

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

[D]

**2.15.2. Any land use activity not provided for as a Permitted Activity.**

[R]

**2.15.3. Any discharge of contaminants to land not provided for as a Permitted Activity.**

**Commented [ 107]:** Transpower New Zealand Limited  
ENV-2020-CHC-68

New non-complying rule: Any activity that does not meet  
Standard 2.13.1.x.

Appeals Version

## Discharge to Water

### Note:

The following activities are managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan:

- Vegetation clearance, within or within a 10 m setback from a natural wetland; and
- The discharge of water within or within a 100 m setback from a natural wetland.

### Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

Commented [ 108]: NES-FW s44A(5)

## 2.16. 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 2.17:

[R]

### 2.16.1. Discharge of water to surface water.

[R]

### 2.16.2. Discharge of an aquatic agrichemical into a waterbody.

[R]

### 2.16.3. Discharge of stormwater to water.

#### Note 1:

Where the discharge of stormwater to water is managed by the National Environmental Standards for Commercial Forestry 2017, Rule 2.16.3 does not apply.

Commented [ 109]: NES-CF s44A(5)

#### Note 2:

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

Commented [ 110]: Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
(Updated 2 Jul 20)

[R]

### 2.16.4. Discharge of stormwater to coastal water from roads and the Port, Port Landing Area and Marina Zones.

[C]

### 2.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.

[R]

### 2.16.6. Discharge of stormwater to water from Lot 1 DP 8762, Lot 2 DP 427791, Lots 1 & 5 DP 414053 and Lots 1, 2, 3, 4, 5, 8, 22 & 23 DP 421549, and Lot 1 DP 511773 Riverlands Industrial 2.

Commented [ 111]: Clause 16

[R]

**2.16.7. Discharge of swimming or spa pool water to water.**

[R]

**2.16.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.**

[R]

**2.16.9. Discharge of tracer dye to water.**

[R]

**2.16.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.**

[R]

**2.16.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.**

## 2.17. Standards that apply to specific permitted activities

### 2.17.1. Discharge of water to surface water.

2.17.1.1. The discharge must not cause erosion at, or downstream of, the discharge point.

2.17.1.2. The discharge must not alter the natural course of the receiving water.

2.17.1.3. The discharge must not cause flooding on land other than land within the Floodway Zone.

2.17.1.4. The discharge point and any associated structure must be maintained in a condition such that it is clear of debris and structurally sound.

2.17.1.5. After reasonable mixing, the discharge must not cause any conspicuous change in the colour or visual clarity of any waterbody, measured as follows:

(a) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the discharge;

(b) the change in reflectance must be <50%.

2.17.1.6 [deleted]

Commented [ 112]: NES-FW s44A(5)

### 2.17.2. Discharge of an aquatic agrichemical into a waterbody.

2.17.2.1. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.

2.17.2.2. The aquatic agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

2.17.2.3. The application must be undertaken in accordance with the most recent product label.

2.17.2.4. At least one week before commencing the application, the applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:

(a) every person taking water for domestic supply within 1km downstream of the proposed discharge;

- (b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge;
- (c) the Council.

**Commented [ 113]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

### 2.17.3. Discharge of stormwater to water.

- 2.17.3.1. For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.
- 2.17.3.2. For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.
- 2.17.3.3. For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.
- 2.17.3.4. The discharge must not have, after reasonable mixing, any of the following effects on water quality:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odours to the extent that it causes an adverse effect;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals;
  - (e) any significant adverse effects on aquatic life.
- 2.17.3.5. The discharge must not cause flooding on land other than land within the Floodway Zone.
- 2.17.3.6. The discharge must not cause erosion at, or downstream of, the discharge point.
- 2.17.3.7. The discharge must not alter the natural course of the receiving water.
- 2.17.3.8. The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.
- 2.17.3.9. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
  - (a) the hazardous substance cannot enter the stormwater system. This does not apply to petroleum hydrocarbons where the total petroleum hydrocarbon concentration does not exceed 15mg/l;
  - (b) there is an interceptor system in place to ensure that total petroleum hydrocarbons entering the stormwater system must not exceed 15mg/l; or
  - (c) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.
- 2.17.3.10. If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2.
- 2.17.3.11. The discharge must not be into a Significant Wetland.

**Commented [ 114]:** Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
(Updated 2 Jul 20)



**2.17.4. Discharge of stormwater to coastal water from roads and the Port, Port Landing Area and Marina Zones.**

- 2.17.4.1. After reasonable mixing and disregarding any natural variations, the receiving coastal water quality must meet the following criteria:
- (a) The natural temperature of the receiving water must not be changed by more than 3°C;
  - (b) The concentration of dissolved oxygen in the stormwater being discharged must not exceed 80% of the saturation concentration;
  - (c) There must be no undesirable biological growth as a result of any discharge of a contaminant into the coastal water;
  - (d) Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants;
  - (e) Any pH change or increase in the deposition of matter on the foreshore or seabed on discharge of contaminant into the coastal water must not have any adverse effect on aquatic life.

**2.17.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.**

- 2.17.5.1. The natural temperature of the receiving water must not be changed by more than 3°C within 10m from the discharge point.
- 2.17.5.2. The concentration of dissolved oxygen in the water being discharge must exceed 80% of the saturation concentration or 6mg/l (whichever is the greater) within 10m from the discharge point.
- 2.17.5.3. Aquatic organisms must not be rendered unsuitable for human consumption by the discharge.
- 2.17.5.4. The discharge must not contain any marine risk organism.
- 2.17.5.5. There must be no emission of objectionable odour to the extent that it causes an adverse effect.
- 2.17.5.6. Any pH change or increase in the deposition of matter on the foreshore must not have any significant adverse effect on aquatic life.

**2.17.6. Discharge of stormwater to water from Lot 1 DP 8762, Lot 2 DP 427791, Lots 1 & 5 DP 414053 and Lots 1, 2, 3, 4, 5, 8, 22 & 23 DP 421549, and Lot 1 DP 511773 Riverlands Industrial 2.**

- 2.17.6.1. Unsealed downpipe roof water must be disposed of into a Council operated stormwater system expressly designed for this purpose.
- 2.17.6.2. Sealed down pipe roof water must be discharged into the Co-op Drain.

**2.17.7. Discharge of swimming or spa pool water to water.**

- 2.17.7.1. A public sewer is not located within 30m of the lot boundary or 60m of the pool discharge point.
- 2.17.7.2. Filter backwash water must not enter any stormwater system.
- 2.17.7.3. Fourteen days prior to discharging to land, swimming or spa pool water:
- (a) must be uncovered;
  - (b) must not be treated with any chemicals.
- 2.17.7.4. The temperature of the discharge water must be ambient.

Commented [ 115]: Clause 16

2.17.7.5. The discharge must not contain residual chlorine or bromine above detection levels.

2.17.7.6 The discharge must not be into a Significant Wetland.

**2.17.8. Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances.**

2.17.8.1. The discharge must be conducted by the Marlborough District Council.

**2.17.9. Discharge of tracer dye to water.**

2.17.9.1. The discharge must be conducted by the Marlborough District Council or by the operator of regionally significant infrastructure.

**2.17.10. Discharge of water to water in Open Space 4 Zone for the purposes of snow making.**

2.17.10.1. The discharge of water must only be from the snow making process.

2.17.10.2. The artificial snow discharged must only consist of water.

**2.17.11. Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone.**

2.17.11.1. The discharge is only permitted when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance the Marlborough District Council Rivers and Drainage Asset Management Plan, and the Marlborough District Council Marlborough Rivers Gravel Extraction Strategy.

2.17.11.2. The agrichemical must be undertaken in accordance with the most recent product label.

2.17.11.3. The agrichemical 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.

2.17.11.4. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.

2.17.11.5. The discharge must not be for the purposes of disposing of the agrichemical to water.

2.17.11.6. At least one week before commencing the application, the applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:

- (a) Every person taking water for domestic supply within 1km downstream of the proposed discharge;
- (b) Every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge.

2.17.11.7. Where the discharge is undertaken in a publicly accessible location, appropriate notification signage must be erected and remain in place for at least 7 days after the discharge has occurred.

2.17.11.8. The discharge must not be applied aerially.

**Commented [ 116]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

## 2.18. Controlled Activities

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

[R]

**2.18.1. The discharge of stormwater to water from a Council operated stormwater system that services land in Blenheim, Picton, Havelock or the Industrial 2 Zone in Riverlands as at 9 June 2016.**

Note:

The rule above regulates stormwater discharges at the point of entry into the environment. Managing inputs into the Council's stormwater infrastructure is still a function of the Council, but under other legislation. For this reason, this Plan does not regulate individual stormwater inputs into the infrastructure. However, the Council can exercise its enforcement powers when contaminants (as opposed to stormwater) are discharged into the stormwater infrastructure and subsequently contaminate a water body.

*Standards and terms:*

- 2.18.1.1. The resource consent application required must be received by the Council by 9 June 2021.
- 2.18.1.2. In Blenheim, Picton and Havelock this rule applies when there is land zoned Business 1, Business 3, or Industrial 1 in the catchment served by the Council operated stormwater system.

*Matters over which the Council has reserved control:*

- 2.18.1.3. The duration of the consent.
- 2.18.1.4. Monitoring and reporting on the quality of stormwater discharges and the effect on the receiving environment.
- 2.18.1.5. The effect of the discharge on water quality, relative to the Water Quality Classification Standards in Appendix 5.
- 2.18.1.6. Timeframes for the development of a stormwater management strategy to reduce the level of contaminants present in the stormwater.

[R]

**2.18.2. The lawfully established discharge of water to water, and the lawfully established discharge of contaminants to water, associated with the operation and maintenance of a hydro-electric power scheme that existed on the date this plan becomes operative, except where already provided for in 2.16.**

*Standards and terms:*

- 2.18.2.1 The consent application(s) replace existing resource consents; and
- 2.18.2.2 There must be no increase in the existing volume of discharge or the nature of contaminants being discharged; and
- 2.18.2.3 The discharge must result from the activities provided for in Rules 2.4.2 and/or 2.9A.1.

*Matters over which the Council has reserved control:*

- 2.18.2.4 Measures to avoid, remedy or mitigate any adverse effects on the following:
  - (a) cultural values;
  - (b) lawfully established users of the lake or river;

- (c) downstream sediment transport processes;
  - (d) aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
  - (e) outstanding natural features and outstanding natural landscapes, and natural character;
  - (f) amenity values (including recreation), and existing public access to and along the margins of lakes and rivers;
- 2.18.2.5 Measures to manage land stability and erosion;
- 2.18.2.6 Measures to control flooding;
- 2.18.2.7 Measures required to comply with Section 107(1) of the RMA;
- 2.18.2.8 Maintenance and contingency requirements;
- 2.18.2.9 Monitoring and information requirements;
- 2.18.2.10 Duration of consent;
- 2.18.2.11 Review of consent conditions; and
- 2.18.2.12 Compliance monitoring.

**Commented [ 117]:** RESOLVED:  
 Manawa Energy Limited (Previously Trustpower)  
 ENV-2020-CHC-50  
 By consent order dated 14 October 2022

## 2.19. Discretionary Activities

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

[R]

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

[R]

**2.19.2. Any discharge to water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.**

## 2.20. Prohibited Activities

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

[R]

**2.20.1. Discharge of dairy farm effluent to water.**

[R]

**2.20.2. Disposal of hazardous waste into water, except discharges from salt production processes in Lake Grassmere Salt Works Zone.**

[R]

**2.20.3. Disposal of any solid waste material to water in Open Space 4 Zone.**

[R]

**2.20.4. Discharge of untreated human effluent to water within rivers, lakes or Significant Wetlands.**

## Activities Within the Road and Rail Corridors

These rules apply to roads and railway corridors identified on the zoning maps.

Note:

Vegetation clearance, earthworks and land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

Commented [ 118]: NES-FW s44A(5)

### 2.21. 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 2.22:

[R]

**2.21.1. Application (involving a discharge) of an agrichemical into or onto land.**

[R]

**2.21.2 Discharge of contaminants to air from the burning of fuel in a motor vehicle, train or other mobile source.**

Commented [ 119]: RESOLVED:  
Waka Kotahi New Zealand Transport Agency  
ENV-2020-CHC56  
By consent order dated 25 July 2022

[R]

**2.21.3 Discharge of contaminants into air from water blasting and dry abrasive blasting, including any associated discharge onto land or into water.**

Commented [ 120]: By consent order dated 25 July 2022

[R]

**2.21.4 Discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.**

[R]

**2.21.5 Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.**

[R]

**2.21.6 Discharge of dust.**

[R, D]

**2.21.7. Excavation and filling within the legal road by Road Controlling Authority.**

### 2.22. Standards that apply to specific permitted activities

[R]

**2.22.1. Application (involving a discharge) of an agrichemical into or onto land.**

Commented [ 121]: Clause 16

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

- 2.22.1.2. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 2.22.1.3. 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
- 2.22.1.4. 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.

## Note:

The Hazardous Substances (Hazardous Property Controls) Notice 2017 (EPA Consolidation 30 April 2021) sets out the qualifications required for use of certain substances in any place that is not a workplace, unless otherwise specified. The Health and Safety at Work (Hazardous Substances) Regulations 2017 sets out the competency requirements for the use of substances in a workplace and the duty of a PCBU to provide information, training, supervision, and instruction. Together these Regulations stipulate training and competency requirements based on the substance used and risk to the environment. A summary of these requirements is also set out in NZS 8409:2021 Management of Agrichemicals, Appendix D.

### 2.22.2 Discharge of contaminants into air from abrasive blasting and water blasting, including any associated discharge onto land or into water.

- 2.22.2.1 Any sand or other material used for abrasive blasting must contain less than 5% free silica on a dry weight basis.
- 2.22.2.2 Any discharge of particulate matter must not be offensive or objectionable as detected at or beyond the legal boundary of the area of land on which the activity is occurring.
- 2.22.2.3 Any abrasive media not in use must be kept covered and protected from erosion.
- 2.22.2.4 All material that is discharged to land from the blasting must be collected and removed from the site to the extent practicable after blasting has been completed. The material must be disposed of to a facility that has authorisation to accept the contaminants in the material.
- 2.22.2.5 Any discharge of contaminants to water must be limited to those activities enabled by Rule 2.7.1, and in all other circumstances there must not be any deposition of contaminants from the activity into or within 10 metres of a waterbody or the coastal marine area.
- 2.22.2.5A When undertaking the activity enabled by Rule 2.7.1, all reasonable care must be exercised to limit the discharge of contaminants to water.
- 2.22.2.6 The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, or other heavy metals including anti foul paint containing these substances.
- 2.22.2.7 For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.

### 2.22.3 Discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

- 2.22.3.1 There shall be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the boundary of the site.

**Commented [ 122]:** RESOLVED:  
Horticulture New Zealand  
ENV-2020-CHC-71  
By consent order dated 31 October 2023

**Commented [ 123]:** By consent order dated 25 July 2022

**Commented [ 124]:** RESOLVED:  
Waka Kotahi New Zealand Transport Agency  
ENV-2020-CHC-56  
By consent order dated 25 July 2022

**Commented [ 125]:** RESOLVED:  
Waka Kotahi New Zealand Transport Agency  
ENV-2020-CHC-56  
By consent order dated 25 July 2022

**Commented [ 126]:** RESOLVED:  
Waka Kotahi New Zealand Transport Agency  
ENV-2020-CHC-56  
By consent order dated 25 July 2022

**Note:**

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the 'FIDOL' factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the 'site' comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

**2.22.4 Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.**

- 2.22.4.1 The application of calcium magnesium acetate shall be made by, or on behalf of, the Council or the road controlling authority.
- 2.22.4.2 There shall be no direct discharge of calcium magnesium acetate to any waterbody or to coastal water.
- 2.22.4.3 The calcium magnesium acetate shall be applied in accordance with the manufacturer's recommended application rates and standards.
- 2.22.4.4 Written records shall be kept of all applications of calcium magnesium acetate, including date, time, position and amount applied.

**2.22.5 Discharge of Dust**

- 2.22.5.1 There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

**Note:**

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

**2.22.6 Excavation and filling within the legal road by Road Controlling Authority.**

- 2.22.6.1. Excavation and filling must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (b) any conspicuous change in colour or visual clarity, or
  - (c) any emission of objectionable odour, or
  - (d) the rendering of fresh water unsuitable for consumption by animals, or
  - (e) any significant adverse effect on aquatic life.

## 2.23. Discretionary Activities

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

[R, D]

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

[D]

2.23.2 Any use of land not provided for as a Permitted Activity.

[R]

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

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## Heritage Resources

### 2.24. 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 2.25:

[R, C, D]

#### 2.24.1. Repair or maintenance of a Heritage Resource identified in Appendix 13.

[R, C, D]

#### 2.24.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

[R, C, D]

#### 2.24.3. Maintenance of a site of significance to Marlborough's tangata whenua iwi identified in Schedule 3 of Appendix 13, where that maintenance includes:

- (a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;
- (b) land disturbance by cultivation or fencing that does not extend beyond the area or depth previously disturbed;
- (c) maintenance and upgrading of a paved road, modified berm or path provided that the land disturbance does not extend beyond the area or depth previously disturbed.

[R, C, D]

#### 2.24.4. Erection of one sign within the site of a Heritage Resource included in Appendix 13 for the purposes of:

- (a) setting out information relating directly to the onsite activities or uses; or
- (b) interpretative material on the historic heritage values of the place.

### 2.25. Standards that apply to specific permitted activities

#### 2.25.1. Repair or maintenance of a Heritage Resource.

- 2.25.1.1. The repair or maintenance must involve stabilisation or preservation of an existing Heritage Resource, or any part of an existing Heritage Resource.
- 2.25.1.2. The repair or maintenance must not involve an alteration, addition, relocation, partial demolition or whole demolition of the Heritage Resource.
- 2.25.1.3. The repair or maintenance must not change the character, scale or intensity of the Heritage Resource.
- 2.25.1.4. The repair or maintenance must not result in any increase in the area of land occupied by the Heritage Resource.
- 2.25.1.5. The repair or maintenance carried out on the Heritage Resource must generally match the original in terms of quality, materials or detailing.

**Commented [ 127]:** RESOLVED:  
Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark)  
ENV-2020-CHC-37  
By consent order dated 5 February 2021

**Commented [ 128]:** RESOLVED:  
Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

**Commented [ 133]:** RESOLVED:  
Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

- 2.25.1.6. The repair or maintenance of a Heritage Resource identified in Appendix 13 can include the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures.
- 2.25.1.7. Any repair or maintenance which involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings must not compromise, damage or impair the appreciation of the heritage values being repaired or maintained.
- 2.25.1.8. Paint must not be applied to any previously unpainted surface, nor render to previously unplastered surfaces.

**2.25.2. Internal or external safety alteration of a Heritage Resource, necessary for the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.**

- 2.25.2.1. For the purposes of improving structural performance, a structural engineering assessment by a Chartered Professional Engineer who has knowledge of the structural characteristics and earthquake performance of the type of Heritage Resource being assessed, must be obtained and provided to the Council.
- 2.25.2.2. Alterations must not change the character, scale or intensity of the Heritage Resource.

**2.25.3. Erection of one sign within the site of a Heritage Resource included in Appendix 13 for the purposes of:**

- (a) setting out information relating directly to the onsite activities or uses; or
- (b) interpretative material on the historic heritage values of the place.

- 2.25.3.1. The sign must not be fixed to a heritage building or structure.
- 2.25.3.2. The maximum area of the sign must not exceed 2m<sup>2</sup>.
- 2.25.3.3. The sign is not flashing or illuminated.

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

## 2.25A Controlled Activities

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

[D]

**2.25A.1. A new customer connection to a Heritage Resource from an adjacent utility network.**

*Matters over which the Council has reserved control:*

- 2.25A.1.1 The design and external appearance of the customer connection.

**Commented [ 135]:** RESOLVED:  
Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark)  
ENV-2020-CHC-37  
By consent order dated 5 February 2021

## 2.26. Discretionary Activities

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

[R, C, D]

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

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

[R, C, D]

**2.26.1A. The whole or partial demolition, or removal, of a Category A resource in Schedule 1 of Appendix 13, or the whole or partial destruction of a resource in Schedule 3 of Appendix 13, where required for the operation, maintenance, upgrade and development of the National Grid.**

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

[R, C, D]

**2.26.2. Any land use activity that relates to a Heritage Resource identified in Appendix 13 not provided for as a Permitted Activity or limited as a Prohibited Activity.**

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

**2.27. Prohibited Activities**

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

[R, C, D]

**2.27.1. Except as provided for by Rule 2.26.1A, the whole or partial demolition or removal of a Category A Heritage Resource identified in Schedule 1 of Appendix 13, except for a dangerous building under the Building Act 2004.**

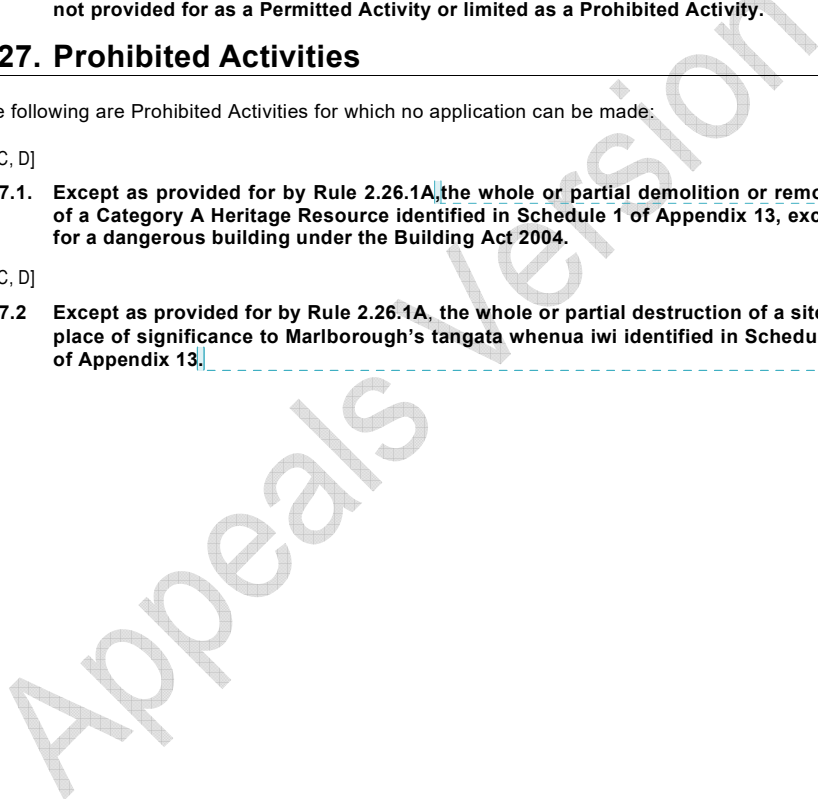
**Commented [ 139]:** RESOLVED:  
Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022

[R, C, D]

**2.27.2. Except as provided for by Rule 2.26.1A, the whole or partial destruction of a site or place of significance to Marlborough’s tangata whenua iwi identified in Schedule 3 of Appendix 13.**

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 March 2022

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Heritage NZ Pouhere Taonga  
ENV-2020-CHC-36  
By consent order dated 25 July 2022



## Notable Trees

Note:

Vegetation clearance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

Commented [ 142]: NES-FW s44A(5)

### 2.28. 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 2.29:

[D]

**2.28.1. Minor trimming or pruning of a Notable Tree.**

[D]

**2.28.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.**

[D]

**2.28.3. Emergency works to a Notable Tree.**

[D]

**2.28.4. Fixing a sign to a Notable Tree identifying the species and its classification.**

[D]

**2.28.5. Trimming, pruning and other works to ensure that a Notable Tree complies with the Electricity (Hazard from Trees) Regulations 2003.**

### 2.29. Standards that apply to specific permitted activities

**2.29.1. Minor trimming or pruning of a Notable Tree.**

2.29.1.1. The trimming or pruning must only be:

- (a) crown clearing, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown;
- (b) canopy lifting, being the balanced removal of lower branches from a tree;
- (c) minor clearing of light branches (less than 50mm in diameter) from proximity to existing power and telecommunication lines;
- (d) done in accordance with accepted arboricultural practices.

**2.29.2. The use of the land immediately surrounding a Notable Tree, and activity within the Tree Protection Zone for that tree.**

- 2.29.2.1. Above ground level there must be no installation of any overhead utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.2. The construction, addition or replacement of any structure must be set back at least 10m from the base of the tree or not within the Tree Protection Zone, whichever is the greater.
- 2.29.2.3. There must be no new impervious surfacing, sealing or paving, within 10m from the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.4. There must be no storage or deposition of any chemical or substance, including preparation of cement products, within 10m of the base of the tree or within the Tree Protection Zone.
- 2.29.2.5. Below ground level there must be no laying or installation of an underground utility service within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.6. There must be no excavation within 10m of the base of the tree or within the Tree Protection Zone, whichever is the greater.
- 2.29.2.7. Mulching of a tree within its Tree Protection Zone must not exceed a depth of 100mm.

**2.29.3. Emergency works to a Notable Tree.**

- 2.29.3.1. Where there is an existing or imminent threat to life, property, a utility or a service, or to the safe operation of a road, by a Notable Tree or any part thereof, immediate action can be taken to eliminate or abate the hazard by any safe means.
- 2.29.3.2. Only work which is necessary to remove the imminent threat must be undertaken.
- 2.29.3.3. Within 5 working days of the emergency works being taken, the Council must be notified in writing of the action taken and be provided with evidence of the urgency (including photographs).

**2.30. Restricted Discretionary Activities**

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

[D]

**2.30.1. Trimming, pruning or felling of a Notable Tree associated with the operation, maintenance, upgrade or development of the National Grid that is not provided for as a permitted activity.**

*Matters over which the Council has restricted its discretion:*

- 2.30.1.1. Where a Notable Tree is trimmed or pruned, the impact on the health, integrity and values that make the tree significant.
- 2.30.1.2. Impact on landscape, ecological, cultural, heritage and amenity values.
- 2.30.1.3. Whether any replanting is proposed.
- 2.30.1.4. The benefit of the work to the safety and efficiency of the National Grid.

### **2.31. Discretionary Activities**

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

[D]

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

[D]

**2.31.2. Any land use activity involving a Notable Tree not provided for as a Permitted Activity.**

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## Transportation

The following rules apply to all zones, roads and rail corridors, unless the transportation aspect of a permitted activity is specifically provided for in the zone rules.

### 2.32. 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 2.33.

[D]

**2.32.1. Parking associated with permitted activities in all zones except the Business 1 Zone.**

[D]

**2.32.2. Onsite manoeuvring associated with permitted activities in all zones.**

[D]

**2.32.3. Loading facility associated with permitted activities in all zones.**

[D]

**2.32.4. Vehicle crossing associated with permitted activities in all zones.**

### 2.33. Standards that apply to specific permitted activities

**2.33.1. Parking associated with permitted activities in all zones except the Business 1 Zone.**

2.33.1.1. [Deleted]

Table 2.1: [Deleted]

2.33.1.2. [Deleted]

2.33.1.3. [Deleted]

2.33.1.4. [Deleted]

2.33.1.5. [Deleted]

2.33.1.6. [Deleted]

2.33.1.7. A land use activity must not exceed a maximum of 75 parking spaces.

2.33.1.8. [Deleted]

2.33.1.9. [Deleted]

2.33.1.10. [Deleted]

2.33.1.11. [Deleted]

#### Design and Formation Standards for a Parking Space

2.33.1.12. A parking space must be formed to an all-weather standard and must be clearly identified by marking on the ground or other signal to avoid inefficient

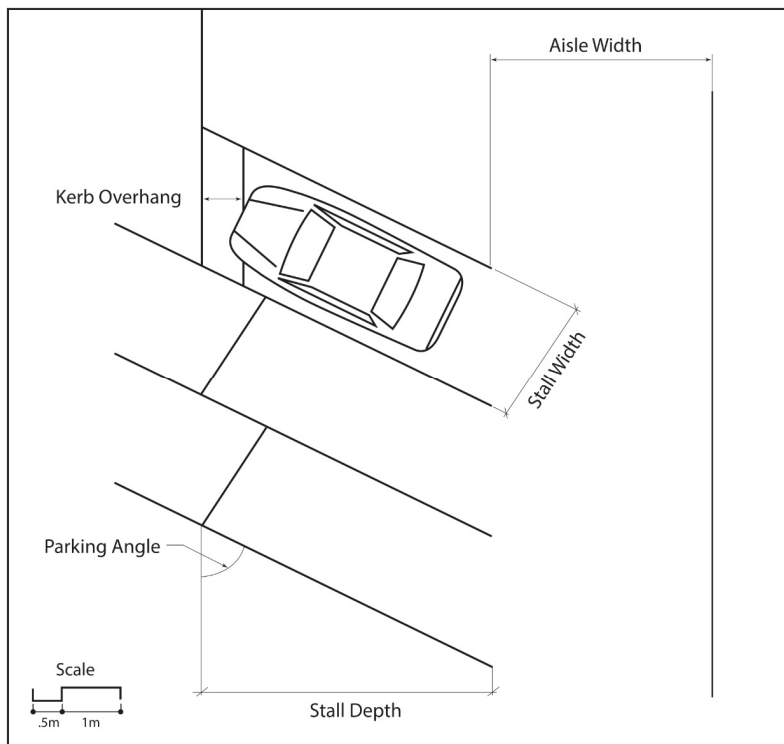
**Commented [ 143]:** WITHDRAWN:  
Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By memorandum dated 17 December 2020

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NPSUD - MEP Update 7 – 04 Nov 20

**Commented [ 145]:** Clause 16  
NPSUD - MEP Update 7 – 04 Nov 20

parking of vehicles within the allocated space. Staff parking spaces must be marked as being for use by staff.

- 2.33.1.13. The first 3m of the parking space (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.33.1.14. The parking space must be of useable shape, with a gradient of not more than 1 in 20 in any direction, and together with their entrance and manoeuvring aisles, must be designed and formed to comply with the layout shown in Figure 2.1.



**Figure 2.1: Parking Layouts**

- 2.33.1.15. On any property fronting a national or arterial route (as identified in Appendix 17) where parking spaces are provided, or where the provided spaces are at a distance of greater than 30m from the road boundary, the parking spaces must be configured such that vehicles are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.33.1.16. Parking spaces on rear sites must be configured such that vehicles using the spaces are able to enter and leave the site in a forward direction without reversing onto the road.
- 2.33.1.17. Where parking spaces are expected to be used at night, overhead lighting sufficient to illuminate the parking area must be installed and they must comply with any zone standards with respect to light spill.

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MEP Update 7 – 04 Nov 20



- 2.33.1.18. Where multiple parking spaces are provided, there must be sufficient queuing space to prevent conflict between vehicles entering and leaving the property.
- 2.33.1.19. Parking spaces and loading facilities may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.33.1.20. A parking space, other than for a dwelling, must be designed to accommodate a 90 percentile design car (refer to Figure 2.2) and must be laid out in accordance with the minimum dimensions specified with Table 2.3.
- 2.33.1.21. Stall depth may be reduced by 600mm where there is sufficient kerb overhang in front of the parking space, provided it is not required for another parking space, pedestrian path or similar purpose.
- 2.33.1.22. Spaces adjacent to walls or columns must be 300mm wider than specified in Table 2.3.

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MEP Update 7 – 04 Nov 20

**Table 2.3: Minimum Parking Space Dimensions**

Type of User	Parking Angle	Stall Width	Aisle Width	Stall Depth <sup>(5)</sup>	Kerb Overhang
Class 1 <sup>(1)</sup>	90°	2.5m	6.2m	5.0m	1.0m
Class 2 <sup>(2)</sup>	90°	2.6m	7.0m	5.0m	1.0m
Accessible parking	90°	3.6m	6.2m	5.0m	1.0m
All	0° (parallel)	2.1m	3.3m <sup>(3)</sup> 6.5m <sup>(4)</sup>	6.1m	0 0
All	30°	2.5m	3.5m	4.4m	0.6m
All	45°	2.6m	4.2m	5.2m	0.8m
All	60°	2.6m	5.1m	5.7m	1.0m

**Notes for Table 2.3:**

- (1) *Class 1: medium to long term parking including areas such as employee or commuter parking, long term town centre parking, a sporting facility, entertainment centre or hotel/motel.*
- (2) *Class 2: short term, high turnover parking at a retail/commercial activity and where goods can be expected to be loaded into vehicles.*
- (3) *One way aisle only.*
- (4) *Two way aisle.*

Queuing Length Associated with Vehicle Parking

- 2.33.1.23. Where parking is provided within a property, a minimum queuing length must be provided for vehicles entering the property in accordance with the Table 2.4.

Table 2.4: Queuing Length

Number of parking spaces	Minimum queuing length
Less than 20	5.5m
21-50	10.5m
51-75	15.5m

- 2.33.1.24. The queuing length must be measured from the road boundary at the parking entrance to the nearest vehicle control point or the point where entering vehicles could conflict with vehicles already on site.
- 2.33.1.25. Where more than one vehicle crossing is provided to a site, the required queuing length must be assessed for each access point individually, with each parking space allocated to the nearest entry vehicle crossing for the purpose of the assessment.
- 2.33.1.26. In the case of a drive-on or drive-through facility, sufficient queuing space must be provided on the property such that there is no spill-over of waiting vehicles onto a public street.

Landscaping Requirements for Parking Spaces

- 2.33.1.27. A group of five or more parking spaces on a property within or adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must be screened from view from an adjoining residential property by a fence or vegetation, or other means of screening.
- 2.33.1.28. A wheel stop or other suitable barrier must be positioned in front of a boundary fence within a parking area adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

**2.33.2. Onsite manoeuvring associated with permitted activities in all zones.**

- 2.33.2.1. The manoeuvring area from the road boundary to any parking space must be designed to accommodate a 90 percentile car or truck (refer Figure 2.2 and 2.3).
- 2.33.2.2. Onsite manoeuvring for a 90 percentile car or truck must be provided to ensure that no vehicle is required to reverse either onto, or off a property where:
- an activity has vehicle access and/or a vehicle crossing to an arterial road (as identified in Appendix 17);
  - an activity provides 4 or more parking spaces having vehicle access and/or a vehicle crossing onto a principal or collector road (as identified in Appendix 17);
  - an activity provides 10 or more parking spaces;
  - three or more dwellings share a common access.
- 2.33.2.3. Apply tracking curves as follows in (a), (b) and (c), and illustrated in Figures 2.2 and 2.3:
- where vehicles normally manoeuvre at speeds of less than 10km per hour a minimum clearance of 300mm must be maintained between the vehicle tracking area curve and any fixed object;

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- (b) where vehicles normally manoeuvre at speeds greater than 10km per hour a minimum clearance of 600mm must be maintained between the vehicle tracking curve and any fixed object;
- (c) for public and customer car parking, the 90 percentile tracking curves apply as shown in Figure 2.2.

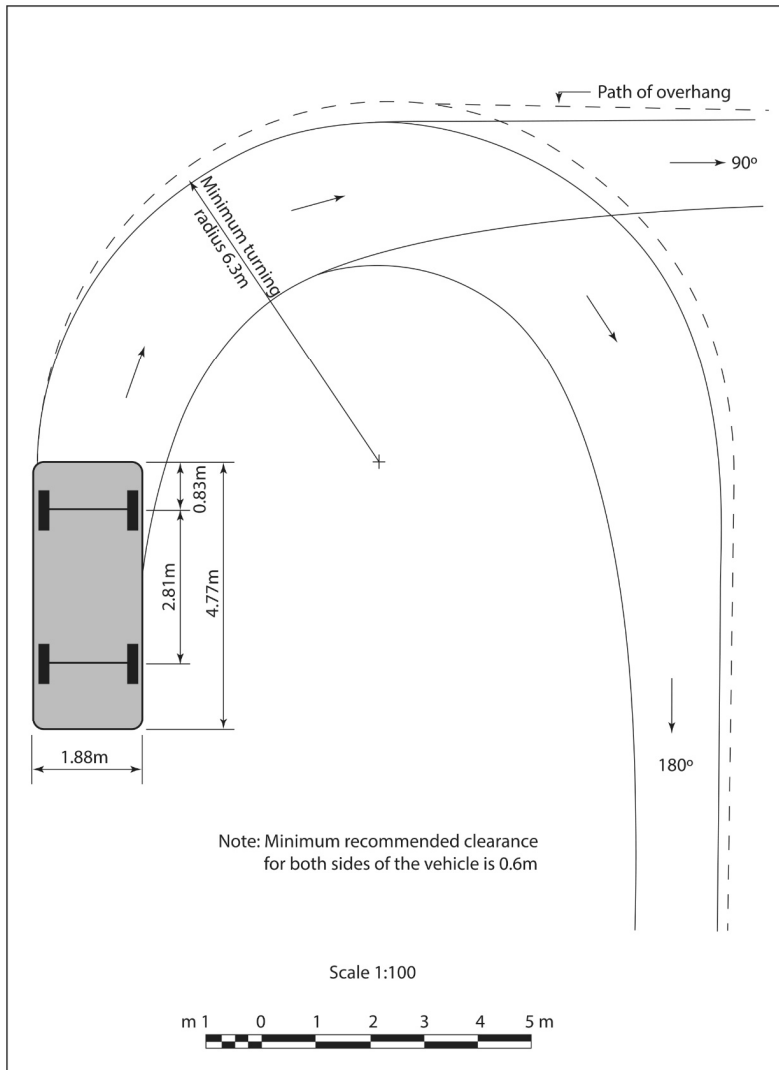


Figure 2.2: Vehicle Tracking Curve: 90 Percentile Car

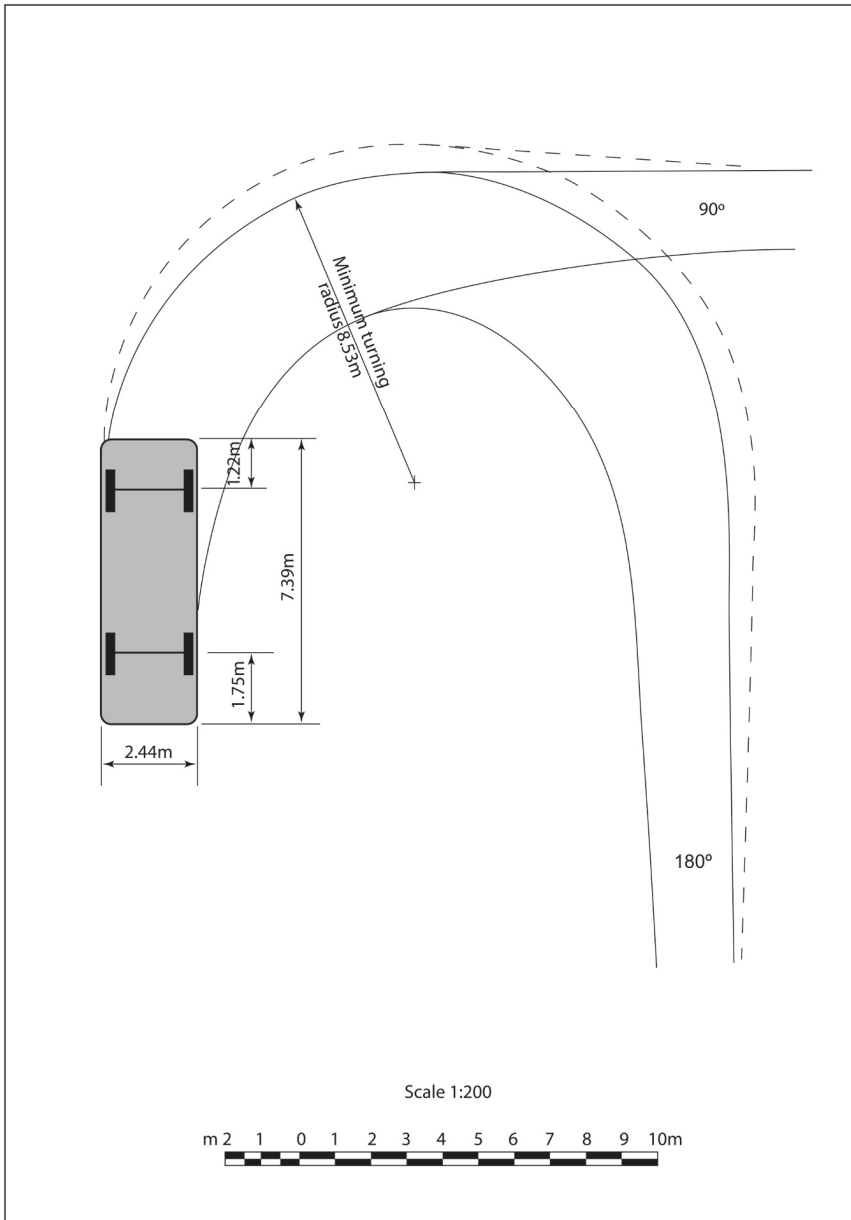


Figure 2.3: Vehicle Tracking Curve: 90 Percentile Truck

**2.33.3. Loading facility associated with permitted activities in all zones.**

2.33.3.1. An activity which involves the delivery or collection of goods using heavy vehicles must provide a loading facility able to accommodate expected demand

for loading deliveries, and in accordance with the dimensions set out in Table 2.5.

- 2.33.3.2. If an activity is not represented in Table 2.5, the facility dimensions in the table for the activity closest in nature to the new activity must be used, or where there are two or more similar activities the activity with the larger facility dimensions must apply.

**Table 2.5: Loading Facilities**

Activity	Minimum Size
Transport depot or similar.	9m length 3.5m wide 3.8m high
Retail premise, office, warehouse, bulk store, industry, service industry or similar.	8m length 3.5m wide 3.8m high
Offices and other non-goods handling activity, where the gross floor area is not greater than 1500m <sup>2</sup> , and where on-street space is available for occasional servicing by larger vehicles.	6m length 3m wide 2.6m high
Notwithstanding anything to the contrary in the foregoing Standards, where articulated vehicles are used or are intended to be used in connection with any site.	20m length 3.5m wide

Design and Formation Standards for a Loading Facility

- 2.33.3.3. The manoeuvring area from the road boundary to the loading facility must be designed to accommodate a 90 percentile two axle truck (refer Figure 2.3).
- 2.33.3.4. The loading facility must be located on the same property as the activity to which it relates, and must be formed and finished to an all-weather, dust-free surface.
- 2.33.3.5. The first 3m of the loading facility (as measured from the road boundary) must be formed and sealed for the full width of the vehicle crossing.
- 2.33.3.6. A loading facility accessing directly onto a national or primary arterial route (as identified in Appendix 17) must be sealed for a minimum of 20m as measured from the road boundary.
- 2.33.3.7. A loading facility must have useable access to the activity or building to which it relates, and must adjoin an adequate area for goods handling and be convenient to any service area or service lift.
- 2.33.3.8. A loading facility must be available for loading purposes at all times.
- 2.33.3.9. A loading facility must be provided in a location that does not impede through traffic, a manoeuvring area, or a pedestrian or cycle access, and must have unobstructed vehicular access to a road or service lane.

- 2.33.3.10. A loading facility must be designed and located to avoid vehicle parking queuing, or standing on the carriageway of a state highway (as identified in Appendix 17).
- 2.33.3.11. A loading facility must be designed to ensure that vehicles are not required to reverse either onto or off the site, except a loading facility with access to a collector or local route (as identified in Appendix 17) or services lane where a loading dock may be provided.
- 2.33.3.12. A loading facility on a rear site must be configured such that a vehicle using the facility is able to enter and leave the site in a forward direction without reversing onto the road.
- 2.33.3.13. A loading facility and parking spaces may be served in whole or in part by a common manoeuvre area which must remain unobstructed.
- 2.33.3.14. Loading and manoeuvring must, as dictated by the circumstances, accommodate the minimum appropriate tracking curve shown in Figures 2.2 - 2.5.

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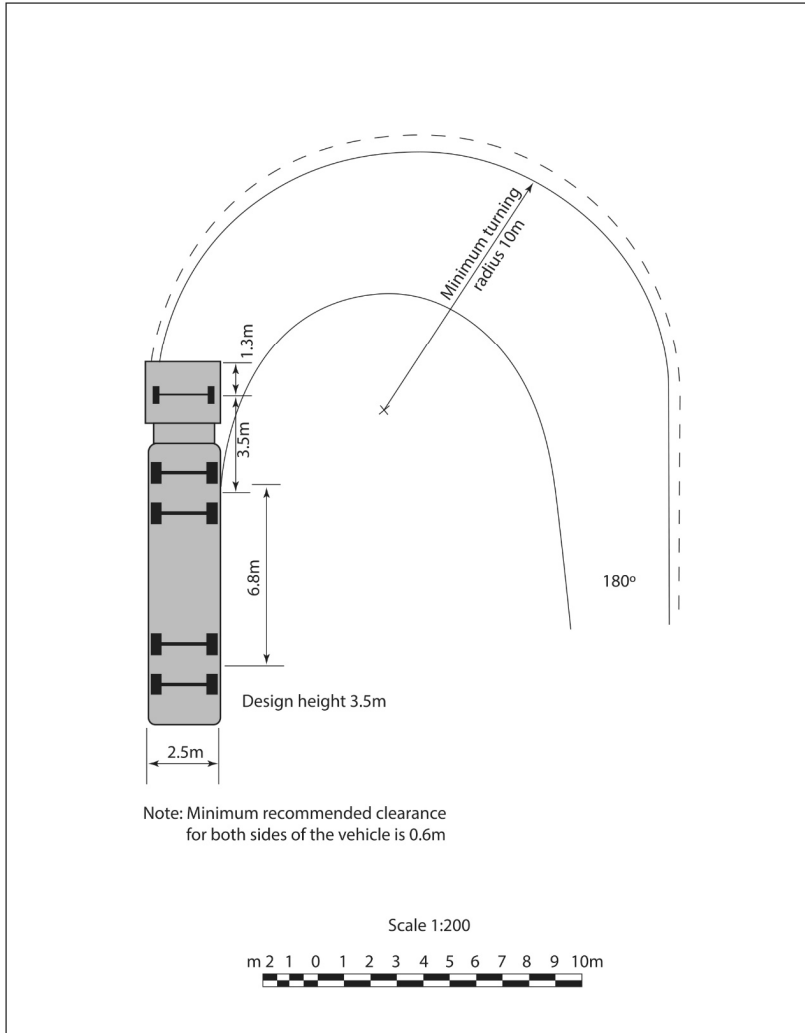


Figure 2.4: Vehicle Tracking Curve: Articulated Truck

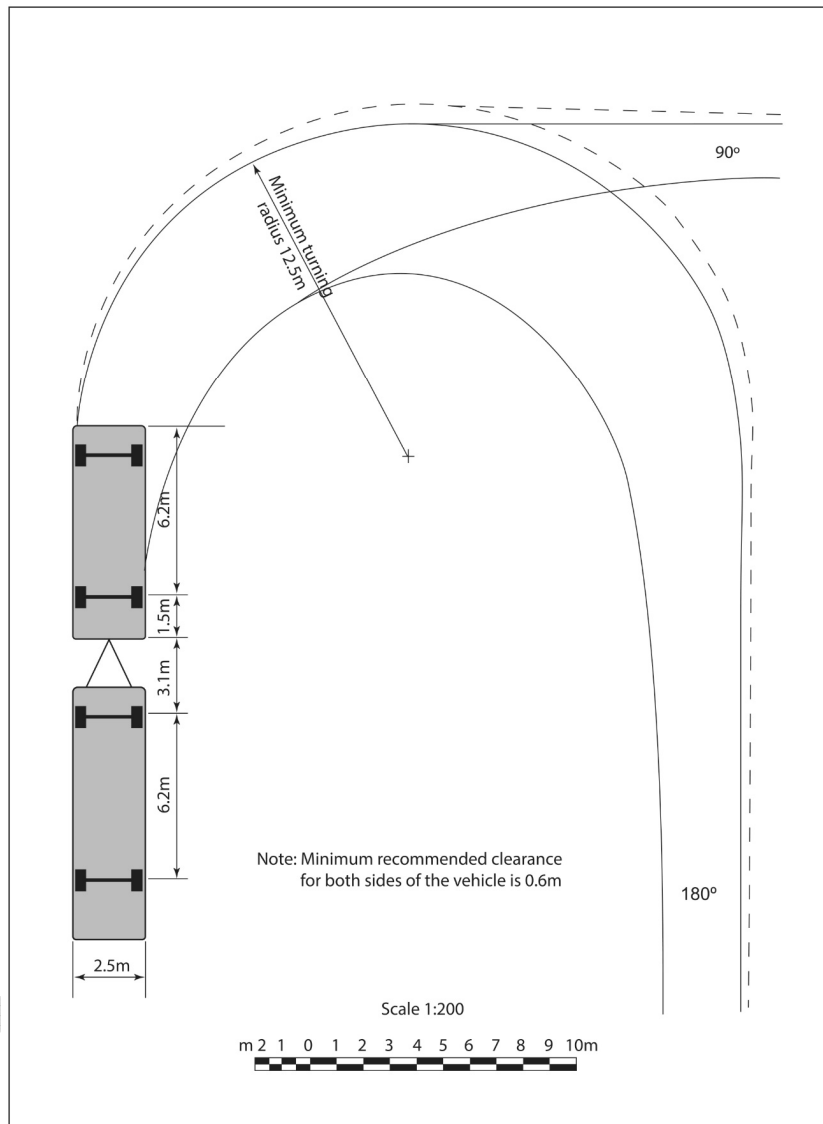


Figure 2.5: Vehicle Tracking Curve: Truck and Trailer

2.33.4. Vehicle crossing associated with permitted activities in all zones.

Note:

Any direct access to the State Highway corridor will require permissions from Waka Kotahi NZ Transport Agency under the Government Roding Powers Act and Section 176 of the RMA.

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By consent order dated 6 October 2022



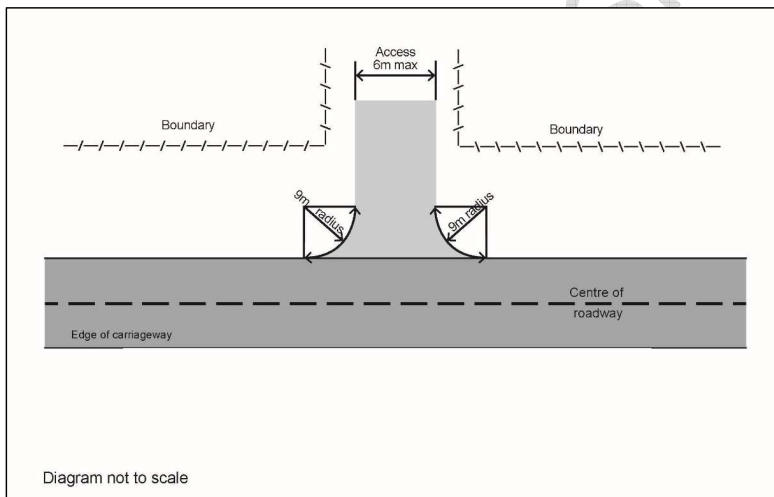
2.33.4.1. Vehicle access to a property from a road or service lane must be by way of a vehicle crossing constructed, from the roadway to the road or service lane boundary of the property at the owners or developers expense.

2.33.4.2. The design for a new or altered vehicle crossing, an existing vehicle crossing where there is a change of land use activity, or a crossing where a new land use activity is to be established, must be in accordance with Table 2.6 and Figure 2.6. This Standard does not apply if an Access Plan has been approved by the Road Controlling Authority.

**Table 2.6: Vehicle Crossing Width**

Activity	Minimum	Maximum
Residential (car traffic)	3.5 m	6 m
Non-residential (heavier traffic)	4 m	9 m

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**Figure 2.6: Vehicle Crossing for Residential Use for One User in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone.**

2.33.4.3. Where vehicle access is required to properties with other than residential activity, the access must be by means of channel and crossing constructed to a commercial standard, and in accordance with Table 2.6.

2.33.4.4. A vehicle crossing to a dwelling must be formed in accordance with Table 2.6, and 2.7 and Figures 2.6 and 2.7.

Table 2.7: Vehicle Crossing Width

No. Units Served	Min. Width	Min. Formation Width	Qualification
1	NA	3.5m	
2-4	3m	3.5m	Sealed
5-6	5m	6m	Sealed. Width allows passing.

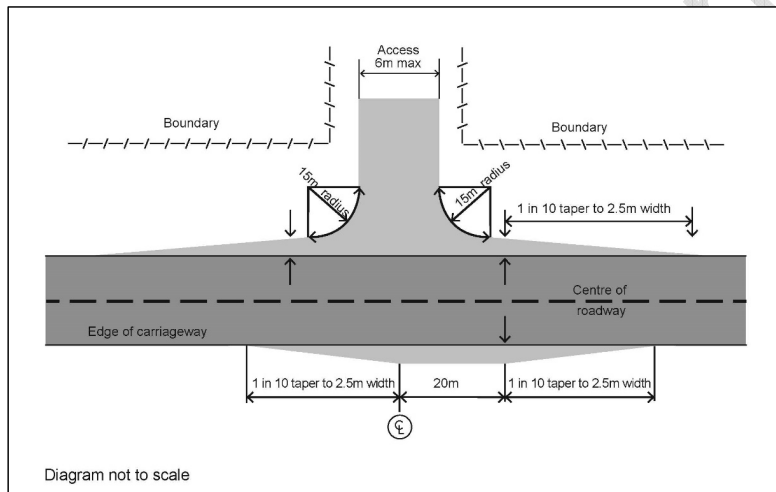


Figure 2.7: Vehicle Crossing for Residential Use for 2-6 Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone

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- 2.33.4.5. The width of a vehicle crossing must be measured as the actual length of channel covered or the length of the fully dropped kerb.
- 2.33.4.6. A vehicle crossing used by a heavy vehicle must be designed and constructed so that a heavy vehicle does not have to cross the road centre line when making a left turn.
- 2.33.4.7. The minimum height clearance for the vehicle crossing must be 4.5m.
- 2.33.4.8. Where the frontage to a site is to an unformed legal road, the vehicle crossing to the site is where the unformed legal road intersects with a formed legal road. The design requirements are to be met at the intersection of the unformed legal road and the formed legal road.
- 2.33.4.9. A new vehicle crossing must be located a minimum of 30m from a railway level crossing, measured from the closest rail track to the edge of seal of the proposed vehicle crossing.
- 2.33.4.10. A standard vehicle crossing must be provided to a property capable of containing no more than four dwellings. A heavy duty vehicle crossing must be provided for all other properties.

2.33.4.11. A rural vehicle crossing must be constructed to an all-weather standard, to the same standard as the adjoining road. In urban areas any vehicle crossing must be constructed in permanent materials, consistent with the standard in the immediate locality.

Distances of a Vehicle Crossing From an Intersection

2.33.4.12. No part of a vehicle crossing must be located closer, on either side of the road to the intersection of any roads, than the minimum distance specified in Table 2.8.

**Table 2.8: Intersecting Road Type**

Frontage Road (as identified in Appendix 17)	Urban (all roads other than Rural)				Rural (roads where speed limit is 100k/hr)			
	Primary Arterial	Secondary Arterial	Collector	Local & Service	Primary Arterial	Secondary Arterial	Collector	Local & Service
Primary Arterial & National	70m	55m	40m	35m	275m	275m	180m	180m
Secondary Arterial	55m	55m	40m	35m	180m	180m	90m	90m
Collector	40m	40m	40m	20m	90m	90m	60m	60m
Local & Service Roads	25m	25m	25m	20m	90m	90m	60m	60m

2.33.4.13. The distance must be measured from the point at which the legal boundary lines of the two road frontages intersect.

Distance Between Vehicle Crossings

2.33.4.14. On a national or arterial road (as identified in Appendix 17) where the speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 200m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.

2.33.4.15. On a collector route or a local route (as identified in Appendix 17) where the legal speed limit is 100km/hr, the minimum distance between successive vehicle crossings (regardless of the side of the road on which they are located) must not be less than 60m. Provided that two vehicle crossings may adjoin one another with a maximum separation of 4m.

2.33.4.16. On a road where the speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, must not be less than 15m, with the exception of vehicle crossings which serve dwellings in which case it must not be less than 7.5m.

2.33.4.17. The separation distance must be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the road.

Maximum Number of Vehicle Crossings

2.33.4.18. The maximum number of vehicle crossings to a property per road frontage must be in accordance with Table 2.9.

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**Table 2.9: Maximum Number of Vehicle Crossings**

Road Hierarchy (as identified in Appendix 17)	Legal Speed Limit for Road (km/hr)	Frontage Length			
		0-20m	21-60m	61-100m	101+m
Local & Collector	Any	1	2	2	3
National & Arterial	<100	1	1	2	2
National & Arterial	100	1	1	1	2

Sight Distance from a Vehicle Crossing

- 2.33.4.19. Unobstructed sight distances must be provided from a new or altered vehicle crossing, existing vehicle crossing where there is a change of land use activity, or a crossing for a new land use activity. Sight distance from the vehicle crossings must be in accordance with Table 2.10 and Figure 2.8.

**Table 2.10: Minimum Sight Distances from a Vehicle Crossing**

Legal Speed Limit for Road (km/hr)	Minimum Sight Distance	
	Residential	Non Residential Use
0-50	45m	80m
51-60	65m	105m
61-70	85m	140m
71-80	115m	175m
81-100	160m	210m

2.33.4.20. Where the frontage to a property is to an unformed legal road, the vehicle crossing to the property is where the unformed legal road intersects with the formed legal road. The design requirements, including minimum sight distances from the vehicle crossing must be met at the intersection of the unformed legal road and the formed legal road.

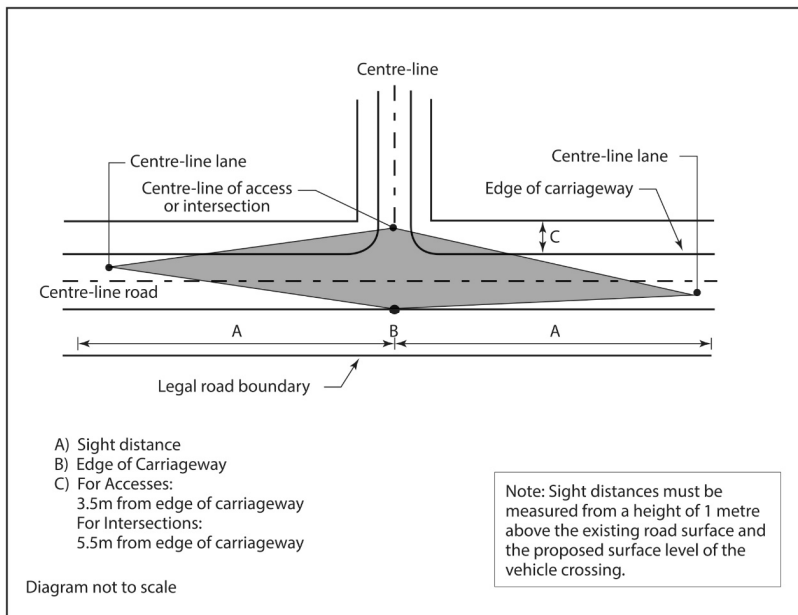
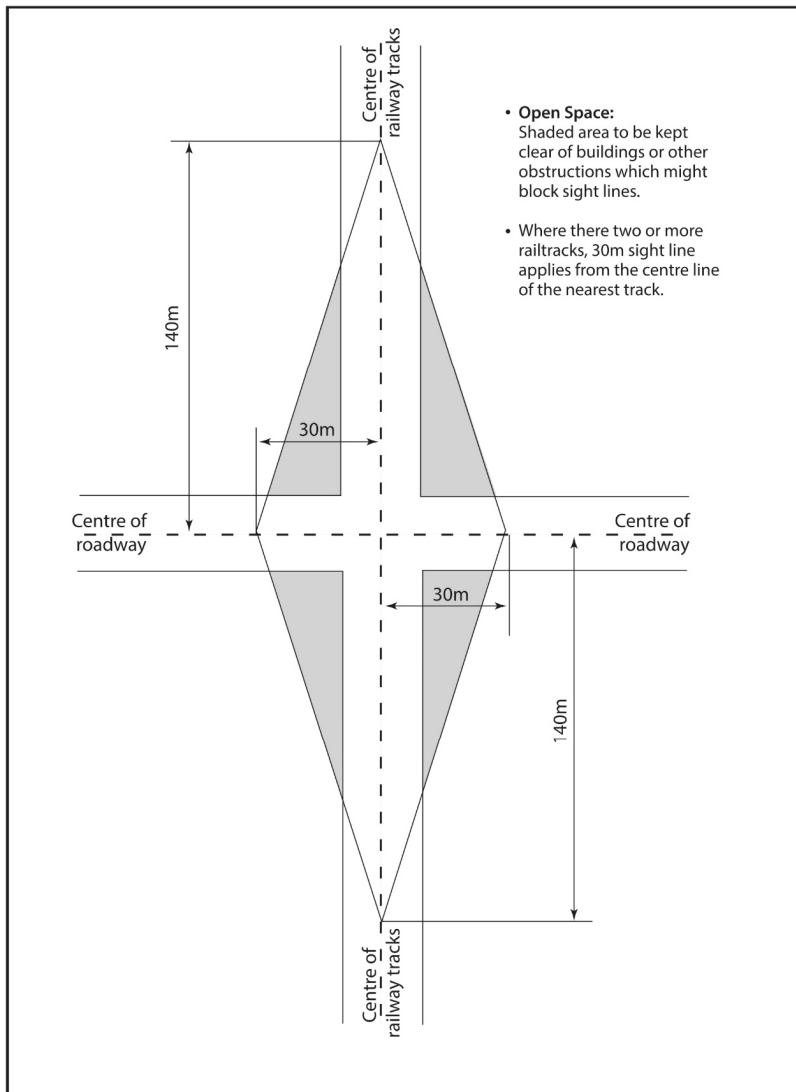


Figure 2.8: Sight Distance Measurements

Railway level crossings – minimum sight distances.

2.33.4.21. The sight distances shown in Figure 2.9 in relation to a railway level crossing must be kept clear of all obstructions including buildings, fences and vegetation.



**Figure 2.9: Railway Crossing Sightlines**

2.33.4.22. Where a new vehicle crossing is to be formed to a national route (as identified in Appendix 17) and the access crosses a railway and there is less than 25m separation between the national route and the railway the sight distance must be measured from a point:

- (a) at a height of 1.15m above the proposed surface level of the access;
- (b) on the access;
- (c) 5m back from the side of the railway furthest from the national route.

Vehicle Oriented Activity

- 2.33.4.23. A canopy must be set back 2m from the road boundary.
- 2.33.4.24. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from intersections measured from the start of corner construction:
- (a) if a national route (as identified in Appendix 17) is one of the roads of the intersection the separation distance must be 15m;
  - (b) otherwise the separation distance must be 10m.
- 2.33.4.25. A vehicle crossing into a vehicle oriented activity must comply with the following minimum separation distances from other vehicle crossings:
- (a) between vehicle crossings for residential activities the separation distance must be 7m;
  - (b) between vehicle crossings for other activities the separation distance must be 15m.
- 2.33.4.26. The width of a vehicle crossing into a vehicle oriented activity must comply with the following:
- (a) where there are no tanker movements associated with the activity, the one way width must be a minimum of 4.5m and maximum of 6m;
  - (b) two way, and one way (with tanker movements) width must be a minimum of 6m and maximum of 9m.
- 2.33.4.27. The layout of the property must be such that a vehicle can enter and leave the property in a forward direction without any need for additional onsite manoeuvring or manoeuvring on the frontage road.
- 2.33.4.28. For a vehicle crossing from a national or arterial route (as identified in Appendix 17) to be used by heavy vehicles, the first 20m of the vehicle crossing must be generally at the same level as the frontage road itself.
- 2.33.4.29. An area, not closer than 9m to the road boundary, must be provided for onsite queuing between the property boundary and:
- (a) fuel dispensers;
  - (b) ticket vending machines;
  - (c) remote ordering facilities and devices;
  - (d) entrance control mechanisms;
  - (e) point where conflict with vehicles already on site may occur.
- 2.33.4.30. Site size must be sufficient to ensure that no vehicles being serviced; entering a carpark, awaiting service; or servicing the establishment require to be parked on the road or in such a location that impedes entry, exit and visibility to or from the entranceway.
- 2.33.4.31. Parking and vehicle manoeuvring must be designed and constructed in accordance with the requirements of the activity and must not impact on the adjacent road network.
- 2.33.4.32. The road boundary of the property must be bordered by a nib wall (or other device) to control traffic flows and to clearly define entrance and exit points.
- 2.33.4.33. The design of the vehicle crossing and the minimum sight distance from the vehicle crossings must be provided in accordance with Rule 2.31.4.

- 2.33.4.34. Provision on the property must be made for service vehicles and for goods loading and unloading. The area set aside for these activities must not encroach onto an area set aside for vehicle access, maneuvering or a storage facility or pedestrian movement. The area set aside must be sufficiently dimensioned for the largest expected vehicle, and maneuvering space and the number of those vehicles expected to be at the property at any one time.
- 2.33.4.35. The design and site layout of a vehicle oriented activity must make provision for the safe movement of pedestrians about the property, at the vehicle crossings, and for their safe movement across roads in the vicinity of the property without an adverse effect on the operation of the frontage road.
- 2.33.4.36. A one way entrance or exit must be signposted as such.
- 2.33.4.37. For a service station, pumps must be located a minimum of 4.5m from the road boundary and a minimum of 12m from the midpoint of any vehicle crossing at the road boundary. Vehicles must be clear of the footpath and vehicle crossings when stopped for refueling.
- 2.33.4.38. For service stations, a minimum path width of 4.5m must be provided for vehicles through the forecourt.
- 2.33.4.39. The minimum path and loading bay widths for tankers must be 4.5m with a minimum inside turning radius of 7.5m.
- 2.33.4.40. For a service station, a tanker discharging must not obstruct the footpath or any part of the property intended for use by vehicles being served at refueling positions or waiting for service.
- 2.33.4.41. A vehicle oriented activity containing a total gross floor area of more than 500m<sup>2</sup>, must:
- (a) not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 60m to the departure side of any intersection;
  - (b) not have any part of a vehicle crossing on to an arterial road (as identified in Appendix 17) located closer than 30m to the approach side of any intersection;
  - (c) distance must be measured from the point at which the legal boundary lines of the two road frontages intersect, and must comply with the minimum distance of a vehicle crossing from an intersection as set out in Table 2.8;
  - (d) unobstructed sight distances must be available from all vehicle crossings and intersections in accordance with the minimum sight distances specified in Table 2.8, and Figure 2.8.

## 2.34. Discretionary Activities

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

[D]

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

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Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By memorandum dated 28 May 2021



## Signs

### 2.35. Permitted Activities

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Unless expressly limited elsewhere by a rule in the MEP, the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.36 and 2.37:

[D]

**2.35.1. Sign for a home occupation.**

[D]

**2.35.2. Illumination of a sign.**

[D]

**2.35.3. Land development sign.**

[D]

**2.35.4. Real estate sign (professional or private).**

[D]

**2.35.5. Sign attached to a tree identifying the species and classification of a Notable Tree in terms of Schedule 3 in Appendix 13.**

[D]

**2.35.6. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.**

[D]

**2.35.7. Sign displayed on a utility, utility site, or public park or reserve.**

[D]

**2.35.8. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.**

[D]

**2.35.9. Sign on any land zoned Rural Environment, Coastal Environment, Rural Living or Coastal Living.**

[D]

**2.35.10. Sign required for, or established by statute, rule, regulation or bylaw.**

[D]

**2.35.11. Temporary sign for a community (including electoral), special, educational or recreational event.**

[D]

**2.35.12. Traffic, directional or safety sign, or a sign denoting the name of a road installed by the roading authority.**

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[D]

**2.35.13. Sign denoting the number of a premise.**

[D]

**2.35.14. Signs for show homes.**

[D]

**2.35.15 Supermarket signage.**

[D]

**2.35.16 Pouwhenua.****2.36. Standards that apply to all permitted activities****2.36.1. General.**

- 2.36.1.1. The following standards do not apply to signs permitted by Rules 2.35.10 and 2.35.12.
- 2.36.1.2. The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located except for signs subject to Rule 2.35.11.
- 2.36.1.3. Only one sign is permitted per site unless otherwise provided for in the Standards in 2.37.
- 2.36.1.4. A sign must not be erected on, or adjacent to, a legal road, where the sign:
- may obstruct the line of sight of any corner, bend, intersection or vehicle access;
  - may obstruct, obscure or impair the view of any official road sign or signal;
  - may physically obstruct or impede traffic or pedestrians;
  - may resemble or be likely to be confused with any official road sign or signal;
  - uses reflective materials (other than an official road sign or safety and hazard sign) that may interfere with a road user's vision;
  - is within 120m of any State Highway intersection or bridge, that has a speed limit of 70 km/hr or greater;
  - is infrangible.

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Note:

In addition to the above provisions, persons must also comply with the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010.

- 2.36.1.5. The sign message must be clear and concise. Lettering sizes on signage must be such that it does not cause any safety issue for motorists.
- 2.36.1.6. A sign (except any sign within the Port Zone) must be erected to present an unrestricted view to the motorist for the applicable minimum distance shown in Table 2.11.

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Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 6 October 2022

Table 2.11: Minimum Visibility Distance to Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0-50	80
51-70	130
71-80	175
81-100	250

- 2.36.1.7. A sign must comply with the height and, except for signs adjacent to road boundaries, must comply with recession plane requirements for the zone in which it is located.
- 2.36.1.8. A sign is not required to comply with rules relating to setbacks from road boundaries in each of the respective zones.
- 2.36.1.9. A sign attached to a building must not exceed the highest point of the roof.
- 2.36.1.10. A sign must be constructed, fixed and placed in a manner so it does not pose a danger to property or people.
- 2.36.1.11. A removable panel within the permitted area of a sign may be provided indicating whether a premise is open or closed.
- 2.36.1.12. The minimum distance between signs on successive properties, and between signs and official road signs, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12:

Table 2.12: Minimum Distance Between Signs

Regulatory Speed Limit (kph)	Minimum Distance Between Signs (m)
70-80	70
81-100	80

- 2.36.1.13 A sign (except for signs erected by Transpower NZ Ltd) exceeding 2.5m in height;
- must not be located within the National Grid Yard; and
  - must not restrict or prevent access to the National Grid.

## 2.37. Standards that apply to specific permitted activities

### 2.37.1. Sign for a home occupation.

- 2.37.1.1. The maximum area of the sign per dwelling must not exceed 0.25m<sup>2</sup> and may consist of either a sign attached to a building or fence, or a freestanding sign.
- 2.37.1.2. A sign attached to a boundary wall or fence must be parallel to the plane of the wall or fence and not project at an angle.
- 2.37.1.3. A sign must not be placed on a roof.
- 2.37.1.4. A free standing sign must not exceed 2m in height.

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**2.37.2. Illumination of a sign.**

- 2.37.2.1. Variable, flashing or rotating lights or animated parts must not be used on any sign.
- 2.37.2.2. A sign intended to be read by a motorist on the State Highway in an area where the speed limit is greater than 70km/hr must not be illuminated unless the premises the sign relates to is open for business.
- 2.37.2.3. A temporary sign must not be illuminated, either from within the sign itself or externally through a floodlight or similar method of illumination.
- 2.37.2.4. The illumination must not result in greater than 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property, in all zones other than the Port Zone. For the Port Zone, illumination must not result in greater than 10 Lux spill (horizontal and vertical) of light onto any property outside of the zone, measured 2m from the zone boundary.
- 2.37.2.5. The illumination must not result in greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 or Business 1 or 2.

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**2.37.3. Land development sign.**

- 2.37.3.1. A maximum of 6m<sup>2</sup> of signage can be attached to the site frontage for the duration of the development phase. The maximum can be comprised of a single sign or a combination of smaller signs.
- 2.37.3.2. Land development signs must be removed within one week of unconditional agreements for sale and purchase being made by the vendor with respect to all allotments or units in the development.

**2.37.4. Real estate sign (professional or private).**

- 2.37.4.1. To cater for a multiagency listing, a maximum of three real estate signs are permitted per site at any one time.
- 2.37.4.2. The maximum area per real estate sign must not exceed 1m<sup>2</sup>.
- 2.37.4.3. The sign must be located within the boundary of the site; or if in the legal road, they must not be further than 150mm from, and must be parallel to, the boundary of the site being advertised.
- 2.37.4.4. The real estate sign must be displayed only while the property or building is for sale or lease, but must be removed within one week of the property being sold, leased or withdrawn from the market.

**Commented [ 165]:** RESOLVED:  
Waka Kotahi NZ Transport Agency  
ENV-2020-CHC-56  
By consent order dated 6 October 2022

**2.37.5. Sign displayed on a construction site denoting the owner and, professional and construction firms associated with an active building project.**

- 2.37.5.1. A maximum of 6m<sup>2</sup> of signage can be attached to the site frontage for the duration of the construction phase. The maximum can be comprised of a single sign or a combination of smaller signs.
- 2.37.5.2. Safety and hazard signs are exempt from Standards 2.36.1.3 and 2.37.5.1.

**2.37.6. Sign displayed on a utility site, or public park or reserve.**

- 2.37.6.1. The sign must be limited to that necessary for giving direction, identifying the site or facility, identifying a utility operator, displaying public information or assisting public safety.
- 2.37.6.2. For a utility, a sign must not exceed 1.2m<sup>2</sup> in area.

2.37.6.3. A sign for the purpose of identifying a reserve, conservation area, recreational track or public land, shall not exceed 3m<sup>2</sup> in area and 3m in height.

**2.37.7. Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.**

2.37.7.A The following standards do not apply to signs permitted by Rules 2.35.10 and 2.35.12.

2.37.7.1. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 6m<sup>2</sup> on any land zoned Business 1, Industrial 1, Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

2.37.7.2. The maximum total area of a sign on any site (not including any that are painted or fixed directly onto a building that do not alter the existing profile of the building) must not exceed 3m<sup>2</sup> on any land zoned Business 2.

2.37.7.3. Where a pavement sign (except a teardrop banner) is used it must:

- (a) not exceed 1100mm in height by 600mm width;
- (b) be located directly adjacent to the business or activity to which it relates;
- (c) maintain a 2.5m wide pedestrian access way;
- (d) not exceed one pavement sign per business.

2.37.7.4. Only one teardrop banner is permitted per business.

2.37.7.5. A sign attached to, but under, a street veranda must be:

- (a) no closer than 2.5m to the footpath below;
- (b) set back at least 500mm from the kerb of the road;
- (c) be at least 3m away from any other under veranda sign.

2.37.7.6. A street veranda fascia sign must be contained within the area of the veranda fascia for the subject premise.

2.37.7.7. A sign above a veranda, but attached to the veranda, must not exceed 1.2m in height above the top of the veranda, and must be set back at least 500mm from the fascia line.

2.37.7.8 Notwithstanding Standards 2.37.7.1 and 2.37.7.2, the maximum area of signs at service station sites shall not exceed the following:

- (a) One freestanding primary identification sign adjacent the road boundary with a maximum area of 14m<sup>2</sup>;
- (b) One promotional sign per street frontage with a maximum area of 2.5m<sup>2</sup>; and
- (c) Signage attached or mounted to buildings or structures, signage at the pump and signage indicating additional services available within the site to a cumulative total area of 10m<sup>2</sup>.

**2.37.8. Sign on any land zoned Rural Environment, Coastal Environment, Rural Living or Coastal Living.**

2.37.8.1. A sign must be located immediately adjacent to the access to the property to which it relates.

**Commented [ 166]:** RESOLVED:  
Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 6 October 2022

**Commented [ 167]:** Clause 16

2.37.8.2. A sign must be erected generally at right angles to the road frontage but be angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting back into the motorist's vision.

**2.37.9. Temporary sign for a community (including electoral), special, educational or recreational event.**

2.37.9.1. A temporary sign must not be erected for more than a maximum of three months, including the time during which the activity is taking place.

2.37.9.2. A temporary sign need not relate to an activity in the district or on the site on which it is located.

2.37.9.3. The maximum area of a temporary sign must not exceed 2m<sup>2</sup> in area.

2.37.9.4. A temporary sign on any land zoned Open Space 1, Open Space 2, Open Space 3 or Open Space 4 must not exceed 3m<sup>2</sup> in area, with a maximum height of 3m above ground level.

2.37.9.5. A banner sign must not exceed 4m<sup>2</sup> in area.

2.37.9.6. The name and phone number of the person or group responsible for the sign must be provided on the sign.

2.37.9.7. Only one temporary sign (except an electoral sign) per property at any time.

2.37.9.8. A safety and hazard sign is exempt from Standards 2.36.1.3 and 2.37.9.1 to 2.37.9.7 (inclusive).

**2.37.10. Signs for show homes**

2.37.10.1. The maximum area of signage shall not exceed 2m<sup>2</sup> per show home.

**2.37.11 Supermarket Signage**

2.37.11.1. The maximum signage including free standing signs per supermarket shall not exceed 80m<sup>2</sup>.

2.37.11.2. Supermarket free standing signs shall not exceed 9m in height, 3.5m in width and not have a sign face exceeding 30m<sup>2</sup>.

**2.37.12 Pouwhenua.**

2.37.12.1. The pouwhenua must comply with the permitted activity standards for constructing or siting a building or structure with respect to height and proximity to property boundaries applicable for the zone within which the pouwhenua is to be erected.

## **2.38. Discretionary Activities**

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

[D]

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

[D]

**2.38.2. Any land use activity relating to the placement of signage not provided for as a Permitted Activity.**

## Network Utilities

The district plan zone rules do not apply to network utilities, except where referenced in the following rules. Other General Rules contained in Chapter 2 regional plan zone rules and coastal plan zone rules may also apply to network utilities.

Note:

Vegetation clearance, earthworks and land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

**Commented [ 168 ]:** NES-FW s44A(5)

### 2.39. 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 2.40:

**Commented [ 169 ]:** Clause 16  
MEP Update 7 – 04 Dec 20

[D]

#### 2.39.1. Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouses or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) a water or sewerage treatment facility, underground pipe network for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) a telecommunication kiosk or the erection and use of a postal box.

**Commented [ 170 ]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 6 October 2022

[D]

#### 2.39.2. Trenching or undergrounding of network utility lines.

**Commented [ 171 ]:** RESOLVED:  
Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark)  
ENV-2020-CHC-37  
By consent order dated 5/2/21

[D]

#### 2.39.3. Maintenance and replacement of the following network utility infrastructure:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication facility;
- (d) a meteorological service apparatus or facility.

Note:

Except that this rule does not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Electricity Transmission Activities or the National Environmental Standards for Telecommunication Facilities 2016.

[D]

**2.39.4. Minor upgrading of the following network utility infrastructure:**

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication facility;
- (d) a meteorological service apparatus or facility.

Note:

Except that this rule does not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Electricity Transmission Activities or the National Environmental Standards for Telecommunication Facilities 2016.

[D]

**2.39.5. Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility.**

[D]

**2.39.6. Network utilities within the National Grid Yard.**

**Commented [ 172]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 6 October 2022

**Commented [ 173]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 6 October 2022

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

**2.40.1. Network utility infrastructure listed as follows:**

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouse or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) water and sewerage treatment facilities, underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) a telecommunication kiosk or the erection and use of a postal box.

2.40.1.1. The utility must not be in the Coastal Marine Zone.

2.40.1.2. The utility must not be in the White Bluffs Outstanding Feature and Landscape.

2.40.1.3. The maximum height of a building must not exceed 5m.

2.40.1.4. The maximum gross floor area of a building must not exceed 65m<sup>2</sup>.

**Commented [ 174]:** Clause 16

**Commented [ 175]:** RESOLVED:  
KiwiRail Holdings Limited  
ENV-2020-CHC-57  
By consent order dated 6 October 2022



- 2.40.1.5. The maximum height of a facility or network utility structure, aerial or antenna for a telecommunication, radiocommunication or meteorological facility must not exceed 25m above ground level, except that where a telecommunication facility is used by two or more providers, this height may be exceeded by up to 5m.
- 2.40.1.6. On land within the Wairau Dry Hills High Amenity Landscape the maximum height of a utility structure (including any associated aerial, antennae mounting or aerial antennae, mast tower, pole cable or line) must not exceed 15m above the associated building platform.
- 2.40.1.7. The maximum height of any antenna or support structure attached to the top of a building must not exceed the height of the building by more than 3m, except for the Rural Zone and the Industrial 1 and 2 Zone, where the maximum exceedance must not be more than 5m.
- 2.40.1.8. The maximum diameter of a dish antenna must not exceed 3m and the maximum width of a non-dish antenna must not exceed 0.7m.
- 2.40.1.9. A new line, including a cable television line, must be located underground within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 1, Business 2, Industrial 1, Industrial 2, Open Space 1 or Open Space 2.
- 2.40.1.10. A building larger than 15m<sup>2</sup> in ground floor area or over 2m in height must be set back from the road boundary by a distance of not less than half the height of the building.
- 2.40.1.11. On any site zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building larger than 1m<sup>2</sup> in ground floor area or 2m in height must be set back from the property boundaries by a distance of not less than half the height of the structure.
- 2.40.1.12. Excavation, filling, earthworks within the National Grid Yard, vegetation clearance (indigenous and non-indigenous) and noise rules for the relevant zone in which the network utility is located must be complied with (except where those activities are managed under the National Environmental Standards for Telecommunication Facilities 2016).
- 2.40.1.13. A line or network utility structure (except the National Grid), or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located:
- (a) in, or within 8m of, a Significant Wetland;
  - (b) within 8m of a river or the Drainage Channel Network.
- These setbacks do not apply to a line or network utility structure, or telecommunication, radio communication or meteorological facility that is located within formed legal road.
- 2.40.1.14. Any GPS unit associated with the network utility infrastructure must not exceed 300mm in height or 130mm in diameter.
- 2.40.1.15. Any lightning rod associated with the network utility infrastructure must not exceed:
- (a) In residential zones, 650mm in height or 60mm in diameter; or
  - (b) In all other zones, 1500mm in height and 60mm in diameter.

**Note:**

Standards 2.40.1.5, 2.40.1.7, 2.40.1.8, 2.40.1.11 and 2.40.1.13(b) do not apply to activities, or those aspects of activities, that are provided for under the National Environmental Standards for Telecommunication Facilities 2016.

Commented [ 176]: Clause 16

**2.40.2. Trenching and undergrounding of network utility lines.**

- 2.40.2.1. Any earth moved in the process of trenching or undergrounding must be re-located in a stable location.
- 2.40.2.2. Trenching or undergrounding must not occur in, or within 8m of, a Significant Wetland or Water Resource Unit with a Natural State water quality classification. The 8m setback does not apply to undergrounding which is undertaken within formed legal road.
- 2.40.2.3. Trenching or undergrounding at a depth greater than 1.5m below the natural ground level must not occur within such proximity to any abstraction point for a community drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 2.40.2.4. Any vegetation cover affected by the trenching or undergrounding must be restored within 6 months of the end of the operation.
- 2.40.2.5. Woody material greater than 100mm in diameter or soil debris must:
- not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;
  - not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), lake, Significant Wetland or the coastal marine area;
  - be stored on stable ground;
  - be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 2.40.2.6. Trenching or undergrounding must not cause any conspicuous change in the colour or natural clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area.

**Commented [ 177]:** RESOLVED: Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark) ENV-2020-CHC-37 By consent order dated 5/2/21

**Commented [ 178]:** Amended to reflect MEP Hearing Panel decision (Updated 04 Nov 20)

**Commented [ 179]:** Amended to reflect MEP Hearing Panel decision (Updated 04 Nov 20)

**Commented [ 180]:** Clause 16

**Commented [ 181]:** RESOLVED: Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark) ENV-2020-CHC-37 By consent order dated 5 February 2021

**Commented [ 182]:** Amended to reflect MEP Hearing Panel decision (Updated 04 Nov 20)

**Commented [ 183]:** Amended to reflect MEP Hearing Panel decision (Updated 04 Nov 20)

**2.40.3. Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network.**

- 2.40.3.1. Vegetation (except noxious plants under the Noxious Plants Act) must not be removed by chemical, fire or mechanical means within 8m of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 2.40.3.2. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 2.40.3.3. All trees must be felled away from a river (excluding an ephemeral river, or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.
- 2.40.3.4. Notwithstanding 2.40.3.3, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 2.40.3.5. Except for trees felled in accordance with 2.40.3.4, no tree or log may be dragged through the bed of a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area.
- 2.40.3.6. Wheeled or tracked machinery must not be operated in or within 8m of a river (excluding an ephemeral river or intermittently flowing river, when not flowing), Significant Wetland or the coastal marine area.

**Commented [ 184]:** Clause 16 MEP Update 7 – 04 Nov 20

**Commented [ 185]:** WITHDRAWN: Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark) ENV-2020-CHC-37 By memorandum dated 22 December 2020

**Commented [ 186]:** Clause 16

**Commented [ 187]:** Clause 16

- 2.40.3.7. Woody material greater than 100mm in diameter or soil debris must:
- (a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area;
  - (b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), 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.

## 2.41. Discretionary Activities

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

[R, D]

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

[R, D]

- 2.41.2. Any land use activity involving a network utility not provided for as a Permitted Activity.**

**Commented [ 188]:** RESOLVED:  
Transpower New Zealand Limited  
ENV-2020-CHC-68  
By consent order dated 6 October 2022

**Commented [ 189]:** Transpower New Zealand Limited  
ENV-2020-CHC-68

New non-complying rule: 2.x.1 Any activity that does not meet Standard 2.40.x.1 or 2.40.x.2.

## Temporary Military Training Activity

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

### 2.42. 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 2.43

[D]

#### 2.42.1. Temporary military training activity.

[R]

#### 2.42.2 Temporary damming and diversion of water in association with temporary military training activities.

[R]

#### 2.42.3 Construction of a temporary dam for the purposes identified in Rule 2.42.2.

[R]

#### 2.42.4 Construction or placement of a temporary bridge in, on, or over the bed of a lake or river in association with temporary military training activities.

**Commented [ 190]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 22 February 2023

### 2.43. Standards that apply to specific permitted activities

#### 2.43.1. Temporary military training activity.

2.43.1.1. The activity must be limited to a period not exceeding 31 days.

2.43.1.2. Permanent structures must not be constructed.

2.43.1.3. Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:

Weapon Noise: The activity must comply with the following peak sound pressure level when measured at any point within the notional boundary of any building housing a noise sensitive activity:

- (a) 7.00 am to 7.00 pm: 95dBC
- (b) 7.00 pm to 7.00 am: 85dBC

Fixed (stationary) and mobile noise sources: The activity must comply with the noise limits set out in the table below when measured at any point within the notional boundary of any building housing a noise sensitive activity.

Time	Limits (DBA)	
	Leq(15min) <sub>10</sub>	LAFmax
Monday to Sunday		
7.00 am - 7:00 pm	55dB	n.a.
7:00 pm – 10.00 pm	50dB	n.a.

**Commented [ 191]:** Amended to accurately reflect decision. Clause 16.

**Commented [ 192]:** RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 6 October 2022

10.00 pm – 7.00 am                      45dB                      75dB

Note:

Fixed (stationary) and mobile noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air condition systems, or water or waste water pumping/treating systems, personnel light and heavy vehicles, self-propelled equipment and earthmoving equipment.

Helicopter landing areas: Noise from helicopters must comply with the requirements of NZS 6807:1994 Noise Management and Landing Use Planning for Helicopter Landing Areas.

2.43.1.4. Subject to the above, the noise shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance of the requirements of NZS 6802:2008 Acoustics – Environmental Noise.

Commented [ 193]: Clause 16

2.43.1.5. Within the National Grid Yard no explosives may be used.

Commented [ 194]: Clause 16

**2.43.2 Temporary damming and diversion of water in association with temporary military activities.**

2.43.2.1 The temporary damming or diversion must only be for the purposes of facilitating temporary military training activities.

2.43.2.2 The temporary damming or diversion must not cause flooding or erosion of private land.

**2.43.3 Construction of a temporary dam for the purposes identified in Rule 2.42.2.**

2.43.3.1 The temporary dam must be removed as soon as practicable and no later than one day following cessation of temporary military training activities.

2.43.3.2 The temporary dam shall comply with Standards 2.8.1 – 2.8.1.7.

2.43.3.3 Provision must be made for flow to bypass the temporary dam with the flow being returned to the bed of the river downstream of the dam.

2.43.3.4 The temporary dam must not be located in, or within 8m of, a Significant Wetland.

**2.43.4 Construction or placement of a temporary bridge in, on, or over the bed of a lake or river in association with temporary military training activities.**

2.43.4.1 The temporary bridge or diversion must only be for the purposes of facilitating temporary military training activities.

2.43.4.2 The temporary bridge shall comply with Standards 2.8.1 – 2.8.1.7.

2.43.4.3 No more than 2m<sup>3</sup> of riverbed must be disturbed.

2.43.4.4 The temporary bridge must not be located in, or within 8m of, a Significant Wetland.

2.43.4.5 The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.

Commented [ 195]: RESOLVED:  
Minister of Defence  
ENV-2020-CHC-76  
By consent order dated 22 February 2023

## **2.44. Discretionary Activities**

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

[D]

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

[D]

**2.44.2. Any land use activity involving a temporary military training activity not provided for as a Permitted Activity.**

Appeals Version

## Operation, maintenance, replacement or minor upgrading of renewable electricity generation activities and associated activities

### 2.44A. 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 2.44B:

[D]

**2.44A.1 The operation, maintenance, replacement or minor upgrading of any lawfully established renewable electricity generation structure.**

### 2.44B. Standards that apply to specific permitted activities

**2.44B.1. The operation, maintenance, replacement or minor upgrading of any lawfully established renewable electricity generation structure.**

- 2.44B.1.1 The maximum height of a building must not exceed 5m.
- 2.44B.1.2 The maximum gross floor area of a building must not exceed 65m<sup>2</sup>.
- 2.44B.1.3 In the case of replacement, there must not be any increase in scale of the structure.
- 2.44B.1.4 A building must not be sited in, or within 8m of, a river, lake (with the exception of lake Argyle), drainage channel, Drainage Channel Network, the landward toe of any stopbank, or the sea.
- 2.44B.1.5 All buildings must be setback 8m from the front boundary.
- 2.44B.1.6 Excavation, filling, vegetation clearance (indigenous and non-indigenous), noise and discharge rules for the relevant zone in which the renewable electricity generation activity is located must be complied with.

### 2.44C. Discretionary Activities

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

[D]

**2.44C.1 The operation, maintenance, replacement or minor upgrading of any lawfully established renewable electricity generation structure that does not meet the applicable permitted activity standards.**

**Commented [ 196]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
New permitted activity rule.  
By consent order dated 14 October 2022

**Commented [ 197]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
New permitted activity standard  
By consent order dated 14 October 2022

**Commented [ 198]:** RESOLVED:  
Manawa Energy Limited (Previously Trustpower)  
ENV-2020-CHC-50  
New Discretionary Activity rule.  
By consent order dated 14 October 2022

## Emergency Generation

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

### 2.45. 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 2.46:

[R]

**2.45.1. Discharge of contaminants to air from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable.**

[D]

**2.45.2 Non-indigenous vegetation clearance by mechanical or other physical means where the removal is associated with the maintenance, replacement or minor upgrading of existing hydro-electricity generation activities connected to the distribution network.**

Commented [ 199]: Clause 16

### 2.46. Standards that apply to specific permitted activities

**2.46.1. Discharge of contaminants to air from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable.**

- 2.46.1.1 The maximum generating capacity of the combustion equipment is less than 1 MW; and
- 2.46.1.2 The discharge shall not cause noxious, dangerous, offensive or objectionable odour, particulate or smoke as detected at or beyond the legal boundary of the area of land on which the discharge is occurring.

**2.46.2 Non-indigenous vegetation clearance by mechanical or other physical means where the removal is associated with the maintenance, replacement or minor upgrading of existing hydro-electricity generation activities connected to the distribution network.**

- 2.46.2.1 Vegetation (except noxious plants under the Noxious Plants Act) must not be removed by chemical, fire or mechanical means within 8m of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 2.46.2.2 Where clearance is by hand or mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 2.46.2.3 All tress must be felled away from a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 2.46.2.4 no tree or log may be dragged through the bed of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 2.46.2.5 Wheeled or tracked machinery must not be operated in or within 8m of a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.

Commented [ 200]: By consent order dated 12 May 2023



- 2.46.2.6 All cut or felled vegetation and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area;
  - (b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river) 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.
- 2.46.2.7 Vegetation clearance must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a lake or the coastal marine area.

Commented [ 201]: By consent order dated 12 May 2023

## 2.47 Discretionary Activities

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

[R]

- 2.50.1. **The discharge of contaminants from combustion of fuel within an internal combustion engine used to provide back-up power generation when an electricity connection is disrupted or unavailable that does not meet the applicable permitted activity standards.**

Appeals Version