

4. Coastal Environment Zone

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 [1]: NES-FW s44A(5)

4.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 4.2 and 4.3, except that for commercial forestry activity regulated by Parts 1 to 9 of the NES for Commercial Forestry the standards in 4.2 do not apply.

[D]

4.1.1. Farming.

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlots: Regulations 9, 10 and 11.
- (b) Stockholding areas: Regulations 12, 13 and 14.
- (c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.
- (d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.
- (e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.
- (f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

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4.1.2. Farm airstrip or farm helipad.

[D]

4.1.3. Relocated building.

[D]

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

[D]

4.1.5. Audible bird-scaring device.

[R, D]

4.1.6. Plantation forestry replanting.

[R]

4.1.7. Woodlot forestry planting.

[R, D]

4.1.8. Woodlot forestry harvesting.

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KiwiRail Holdings Limited
ENV-2020-CHC-57
(Appeal on 4.3.6.1)
By memorandum dated 17 August 2022

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Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 12 May 2023

[R, D]

4.1.9. Conservation planting.

[R, D]

4.1.10. Indigenous vegetation clearance.

[R, D]

4.1.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Commercial Forestry 2017.

[R, D]

4.1.12. Cultivation.

Note:

Where cultivation is managed under the National Environmental Standards for Commercial Forestry 2017, Rule 4.1.12 does not apply.

[R, D]

4.1.13. Excavation.

[D]

4.1.14. Earthworks within the National Grid Yard.

[R, D]

4.1.15. Filling of land with clean fill.

[R, D]

4.1.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

[R, D]

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

[R, D]

4.1.18. Construction of an off-river dam.

[R, D]

4.1.19. Land disturbance to create and maintain a fire break.

[R]

4.1.20. Livestock entering onto, or passing across, the bed of any 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.

[R]

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

[R]

4.1.22. Storage and application (involving a discharge) of fertiliser or lime into or onto land.

Note:

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Environmental Defence Society
ENV-2020-CHC-67
By consent order dated 31 October 2023

Commented [8]: RESOLVED:
Royal Forest and Bird Protection Society of New Zealand
Incorporated
ENV-2020-CHC-64
By consent order dated 24 May 2023

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By consent order dated 12 May 2023

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Commented [12]: RESOLVED:
Transpower New Zealand Limited
ENV-2020-CHC-68
By consent order dated 6 October 2022

Commented [13]: By consent order dated 1 November 2023

Commented [14]: RESOLVED:
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ENV-2020-CHC-58
By consent order dated 5 July 2023

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard 3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

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4.1.23. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air on private land.

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

[R]

4.1.24. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.

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By consent order dated 31 January 2023**Commented [17]:** NES-FW s44A(5)

4.1.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.

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4.1.27. Discharge of dairy farm effluent into or onto land.

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

- (a) Feedlot: Regulations 9, 10 and 11.
- (b) Stockholding area: Regulations 12, 13 and 14.

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4.1.28. Discharge of swimming or spa pool water onto land.

[R]

4.1.29. Discharge of human effluent into or onto land through an onsite management system.

[R]

4.1.30. Disposal of farm rubbish into a pit.

[R]

4.1.31. Disposal of offal or a carcass into an offal pit.

[R]

4.1.32. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

[R]

4.1.33. Storage of compost not in a pit or stack.

[R]

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

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

[R]

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

[R]

4.1.36. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

[R]

4.1.37. Discharge of contaminants to air from seed cleaning.

[R]

4.1.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.

[R]

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

[R]

4.1.40. Discharge of contaminants to air from the burning of solid fuel in any indoor open fire.

[R]

4.1.41. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.

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4.1.42. Discharge of heat and water vapour from cooling towers.

[D]

4.1.43. Residential activity.

[D]

4.1.44. Home occupation.

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ENV-2020-CHC-76
By consent order dated 25 July 2022

[D]

4.1.45. Homestay.

[D]

4.1.46. Keeping of domestic livestock.

[D]

4.1.47. Marae activity on Sec 1 SO 313389.

[D]

4.1.48. Papakāinga.

[D]

4.1.49. Community activity using an existing community facility.

[D]

4.1.50. Passive recreation.

[D]

4.1.51. Recreational event or special event.

[D]

4.1.52. Veterinary clinic.

[D]

4.1.53. Golf course.

[D]

4.1.54. Racing stable or trotting ground.

[D]

4.1.55. Cattery or kennel.

[D]

4.1.56. Worker accommodation.

[R]

4.1.57 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

[D]

4.1.58 Buildings, structures and activities in the National Grid Yard.

[R]

4.1.59 Discharge of dust.

[R]

4.1.60 Amateur Radio Configurations

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By Consent order dated 6 October 2022

4.2. Standards that apply to all permitted activities

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

- 4.2.1.1. No more than one residential dwelling must be constructed or sited per Record of Title, unless the site is over 60ha, in which case one additional residential dwelling is permitted.
- 4.2.1.2. The maximum height of a building or structure must not exceed 10m.
- 4.2.1.3. On a site smaller than 4000m² the minimum setbacks from site boundaries must be:
- 6m for a building that is a dwelling;
 - 3m for a building (except a dwelling) that has a gross floor area greater than 15m²;
 - 1.5m for a building (except a dwelling) that has a gross floor area less than 15m².
- 4.2.1.4. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
- 4.2.1.5. A dwelling must not be sited closer than:
- 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works; or
 - 150m from a building or an associated waste storage facility that is used for intensive farming.
- 4.2.1.6. The following fire safety setbacks shall apply:
- A habitable structure, or accessory building that contains a small scale solid fuel burning appliance, must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership, or
 - An accessory building, other than a pump shed, that does not contain a small scale solid fuel burning appliance must have a fire safety setback of at least 40m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 4.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.
- 4.2.1.8. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.
- 4.2.1.9. Permanent buildings must not cover more than 15% of the net site area within a Record of Title. The net site area does not include any greenhouse utilising the soils of the site.
- 4.2.1.10. For a site larger than 4000m², the following minimum setbacks must be provided:
- 8m for the front boundary;
 - 5m for the rear boundary;
 - 5m for a side boundary.

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By consent order dated 31 January 2023

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By consent order dated 31 January 2023

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4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:

- (a) a building or structure must not exceed 10m²;
- (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of 35% or less;

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4.2.1.12. On land within the Marlborough Sounds High Amenity Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less;

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By consent order dated 25 March 2022 (Landscape)

4.2.1.13. A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt:

- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level;
- (d) viticultural support structures.

(e) except that this standard does not apply to the properties identified in Appendix 22A.

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4.2.1.14. A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt:

- (a) post and wire stock and boundary fences;
- (b) structures which are both less than 6m² in area and less than 2m in height;
- (c) masts, poles, radio and telephone aerials less than 6m above mean ground level.

4.2.1.15. A building or structure must not be located within 3m of the legal boundary with the rail corridor of the Main North Line except for a fence up to 2m in height.

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KiwiRail Holdings Limited
ENV-2020-CHC-57
By consent order dated 15 February 2023

4.2.2. Noise.

4.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the notional boundary of any dwelling in the Coastal Environment Zone (other than on a property on which the activity occurs):

7.00 am to 10.00 pm	65dB LAeq	
10.00 pm to 7.00 am	65dB LAeq	75dB LAFmax

4.2.2.2. An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or at any point within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50dB LAeq
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10.00 pm to 7.00 am 40dB LAeq 70dB LAFmax

- 4.2.2.3. The following activities are excluded from having to comply with the noise limits:
- (a) sirens and call out sirens associated with the activities of emergency services;
 - (b) mobile machinery used for a limited duration as part of agricultural, horticultural activities occurring in the Coastal Environment Zone
 - (c) application of agrichemicals undertaken between the hours of 7.00 am and 10.00 pm associated with plantation forestry activities.
- 4.2.2.4 Noise emissions from any generator used for electricity generation must be operated so that noise emissions at any point within the notional boundary of any dwelling in any zone must not at any time exceed 55 dB LAeq(15 min) when measured and assessed in accordance with Rule 4.2.2.5.
- 4.2.2.5 Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential dwelling must not exceed 40 dB LA90(10min) or the background sound level LA90(10 min) plus 5dB, whichever is higher.
- 4.2.2.6. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 4.2.2.7. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.
- 4.2.2.8. The noise from wind turbines shall be designed and operated to comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

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By consent order dated 6 October 2022

4.2.3 Noise sensitive activity in the context of port activities.

- 4.2.3.1. Any new noise sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity within the Outer Noise Control Boundary at the port in the Coastal Environment Zone shall be adequately insulated from port noise.
- 4.2.3.2 Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA L_{dn} in all new habitable spaces and buildings used for noise sensitive activities. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.

4.2.4. Noise sensitive activity in the context of frost fans.

- 4.2.4.1. Any new noise sensitive activity located within 300m of any frost fan not within the same single land holding must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2013 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and $DnT,w + Ctr_{50-3150} \geq 27dB$

more than 200m from the nearest frost fan

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

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

- 4.2.4.2. For the purposes of Standard 4.2.4.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.
- 4.2.4.3. Standards 4.2.4.1 and 4.2.4.2 also apply to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 300m of the closest frost fan selected for the purpose of Standard 4.2.3.1, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with Standards 4.2.4.1 and 4.2.4.2.
- 4.2.4.4. For the purposes of Standards 4.2.4.1, 4.2.4.2 and 4.2.4.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted.

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4.2.5. Odour.

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

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.

4.2.6. Smoke.

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

4.2.7. Dust.

- 4.2.7.1. There must be no objectionable or offence 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.

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OneFortyOne
ENV-2020-CHC-54
By consent order dated 6 October 2022

Note 1:

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.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

4.2.8. Particulate from any process vent or stack.

- 4.2.8.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 4.2.8.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to standards for specific permitted activities

4.2.9. Use of external lighting

- 4.2.9.1. All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

4.3. Standards that apply to specific permitted activities**4.3.1. Farming.**

- 4.3.1.1. The farming must not include:
- (a) a dairy farm established after 9 June 2016; or
 - (b) the expansion of an existing dairy farm where there is an increase in the area or intensity of the farming operation resulting in an additional area of dairy shed.

4.3.2. Farm airstrip or farm helipad.

- 4.3.2.1. The airstrip or helipad must be ancillary to the use of the land on which the airstrip or helipad is located for farming.

4.3.3. Relocated building.

- 4.3.3.1. A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- 4.3.3.2. A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.
- 4.3.3.3. The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.
- 4.3.3.4. All other reinstatement work required by the report referred to in 4.3.3.2 and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 4.3.3.5, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- 4.3.3.5. The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.
- 4.3.3.6. The siting of the relocated building must also comply with Standards 4.2.1.1 to 4.2.1.15 (inclusive).

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ENV-2020-CHC-54
By consent order dated 31 January 2023

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

- 4.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:
- (a) exceed 40m² in area;
 - (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.
- 4.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.
- 4.3.4.3. A temporary building or structure, or unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 4.2.1.3 and 4.2.1.10.

4.3.5. Audible bird-scaring device.

- 4.3.5.1. A Category A or Category B device must not be operated:
- (a) between sunset and sunrise if the device is within 2km of a noise sensitive activity;
 - (b) within 800m of any rest home, public or private hospital;
 - (c) such that sound is emitted at a level greater than 65dB LAE, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building on land in different ownership;
 - (d) closer than 250m to any other audible bird-scaring device.
- 4.3.5.2. A Category A device must not be operated:
- (a) within 100m of a public road;
 - (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
 - (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.
- 4.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour for each 5ha block that the device is being operated over.
- 4.3.5.4. The device must only be operated where a crop is at risk from bird damage.
- 4.3.5.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- 4.3.6. Plantation forestry replanting.**
- 4.3.6.1. Replanting must not be in, or within:
- (a) [deleted]

- (b) 8m of a Significant Wetland;
- (c) 200m of the coastal marine area.

4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

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KiwiRail Holdings Limited
ENV-2020-CHC-57
By memorandum dated 17 August 2022

Commented [47]: RESOLVED:
Environmental Defence Society
ENV-2020-CHC-67
By consent order dated 31 January 2023

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4.3.7. Woodlot forestry planting.

4.3.7.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

4.3.7.2. Planting must not be in, or within:

- (a) 30m of a formed and sealed public road;
- (ai) 10m of the rail corridor of the Main North Line;
- (b) 8m of a river (except an ephemeral river) or lake;
- (c) 8m of a Significant Wetland;
- (d) 200m of the coastal marine area;
- (e) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

4.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

Commented [49]: RESOLVED:
KiwiRail Holdings Limited
ENV-2020-CHC-57
Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 12 May 2023

Commented [50]: Clause 16

4.3.8. Woodlot forestry harvesting.

4.3.8.1. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
- (b) [deleted];
- (c) 200m of the coastal marine area.

Commented [51]: NES-FW s44A(5)

4.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

Commented [52]: Clause 16

4.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

4.3.8.4. No excavation must occur on any land with a slope greater than 35°.

4.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

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

4.3.9. Conservation planting.

- 4.3.9.1. The following species must not be planted:
- (a) Douglas fir (*Pseudotsuga Menziesii*);
 - (b) Lodgepole pine (*Pinus contorta*);
 - (c) Muricata pine (*Pinus muricata*);
 - (d) European larch (*Larix decidua*);
 - (e) Scots pine (*Pinus sylvestris*);
 - (f) Mountain or dwarf pine (*Pinus mugo*);
 - (g) Corsican pine (*Pinus nigra*).
- 4.3.9.2. That the planting of vegetation must not occur where that vegetation, when fully grown, could shade a formed and sealed road between 10.00 am and 2.00 pm on the shortest day of the year except where the topography already causes shading.
- 4.3.9.3. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

4.3.10. Indigenous vegetation clearance.

Note:

Permitted Activity standards 4.3.10.1, and 4.3.10.2 do not apply to indigenous vegetation clearance managed under the National Environmental Standards for Commercial Forestry 2017.

4.3.10.1. Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.12 (inclusive).

4.3.10.2. The clearance of indigenous vegetation can only occur in the following circumstances:

- (a) where the clearance is of indigenous vegetation under woodlot forest or shelter belt;
- (b) [deleted]
- (c) [deleted]
- (d) where the clearance is associated with the maintenance of existing signs, roads, forestry roads, harvesting tracks, farm tracks, fence lines, cycling tracks or walking tracks;
- (e) where the clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;
- (fi) where the clearance is associated with the maintenance of existing hydro-electricity generation activities connected to the national grid or the distribution network;
- (g) where the clearance is associated with the maintenance of existing fire breaks;
- (h) where the clearance is within existing crop or pasture and is for the purpose of cultivation or pasture maintenance where the indigenous vegetation has grown from a previous lawful clearance carried out under the RMA and the indigenous vegetation is less than 10 years in age;
- (i) where the clearance is associated with the maintenance of an archaeological site where an authority has been obtained from Heritage New Zealand Pouhere Taonga.
- (j) where the clearance is associated with the maintenance of existing:
 - (i) farm buildings, where the clearance is no further than 2 metres of the exterior wall of the existing building; or
 - (ii) farm water supply pipelines, where the total width of clearance is no greater than 2 metres at any point.
- (k) clearance of indigenous vegetation where it has been planted as part of a domestic or public garden; or has been planted for amenity purposes; or planted as a shelterbelt;
- (l) clearance of indigenous vegetation that is a danger to human life;

Commented [53]: RESOLVED:
Environmental Defence Society
ENV-2020-CHC-67
By consent order dated 31 October 2023

Commented [54]: Clause 16

Commented [55]: NES-CF s44A(5)

Commented [56]: Clause 16

- (m) Clearance of indigenous vegetation that is a material risk to structures or utilities;
- (n) clearance of indigenous vegetation that cannot be reasonably avoided in the course of destroying pests required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or as a result of a biosecurity response activity under the direction of an Authorised Person appointed in accordance with Section 103 of the Biosecurity Act 1993

4.3.10.3. [deleted]

- (a) [deleted]
- (b) [deleted].

4.3.10.4. Clearance of indigenous vegetation permitted by 4.3.10.2(h) within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- (c) coastal vegetation dominated by (making up >50% of the canopy cover) *Phormium sp*;
- (d) coastal broadleaved shrubland;
- (e) coastal small-leaved shrubland;
- (f) coastal salt turf;
- (g) coastal speargrass herbfield.

4.3.10.5. [deleted]

4.3.10.6. [deleted]

4.3.10.7. [deleted]

4.3.10.8. [deleted]

- (a) [deleted]
- (b) [deleted]
 - (i) [deleted]
 - (ii) [deleted].

4.3.10.9 Clearance of indigenous vegetation must not be within 20m of a Riparian Natural Character Management Area.

4.3.11. Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Commercial Forestry 2017.

Note:

Standards 4.3.11.2, 4.3.11.4, 4.3.11.8 and 4.3.11.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.

4.3.11.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.

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Commented [59]: RESOLVED:
Royal Forest and Bird Protection Society of New Zealand
Incorporated
ENV-2020-CHC-64
By consent order dated 24 May 2023

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- 4.3.11.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 4.3.11.3. [deleted]
- 4.3.11.4. Vegetation clearance must not be 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.
- 4.3.11.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.11.6. Notwithstanding 4.3.11.5, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 4.3.11.7. Except for trees felled in accordance with 4.3.11.6, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.11.8. Wheeled or tracked machinery must not be operated in or within 8m of:
- (a) a river (except an ephemeral river or intermittently flowing river, when not flowing);
 - (b) a lake;
 - (c) a Significant Wetland except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary; or
 - (d) the coastal marine area.
- 4.3.11.9. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 4.3.11.10. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 4.3.11.11. Woody material greater than 100mm in diameter and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.11.12. 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 Significant Wetland, lake or the coastal marine area.
- 4.3.11.13. Standards 4.3.11.2 and 4.3.11.8 do not apply to:

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

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- (a) Harvesting of agricultural, pastoral, viticultural or horticultural crops (including arable crops, hay and winter fodder crops), provided that harvesting is not undertaken within 3m of a river, lake or the coastal marine area;
- (b) cultivation undertaken in accordance with Standard 4.3.12.3;
- (c) vegetation clearance for the purpose of establishing a line of 1m width for the installation or maintenance of a fence, provided that the vegetation clearance is not undertaken within 3m of a river, lake or the coastal marine area; or
- (d) in the case of 3.3.13.8 only, spraying of agricultural and pastoral crops, provided that no spraying is undertaken within 3m of a river, lake or the coastal marine area.

4.3.12. Cultivation.

Note:

[deleted]

- 4.3.12.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.4. [deleted]
- 4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 4.3.12.6. Cultivation must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area.

4.3.13. Excavation.

Note:

Where excavation is managed under the National Environmental Standards for Commercial Forestry 2017 as earthworks, Standards 4.3.13.1, 4.3.13.2, 4.3.13.3(a), 4.3.13.8, 4.3.13.9 and 4.3.13.10 do not apply, and Standard 4.3.13.7 only applies to the extent that it relates to Significant Wetlands smaller than 0.25ha in area.

- 4.3.13.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period. This standard excludes;
 - (a) excavation undertaken for the maintenance of farm tracks; or
 - (b) digging of postholes for the construction of fences.
- 4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.
- 4.3.13.3. Excavation must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (ai) 20m of a Riparian Natural Character Management Area.

Commented [64]: RESOLVED:
Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 12 May 2023

Commented [65]: NES-CF s44A(5)

Commented [66]: NES-FW s44A(5)

Commented [67]: NES-FW s44A(5)

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Commented [69]: By consent order dated 24 May 2023

(b) [deleted]

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(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.

Commented [71]: Clause 16

4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.

4.3.13.6. There must be no excavation in excess of 500m³ per Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.

4.3.13.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

4.3.13.7A Standards 4.3.13.3. and 4.3.13.7 do not apply to excavation of a line of 1m width for the installation or maintenance of a fence, provided that excavation is not undertaken within 3m of a river, lake, or the coastal marine area.

Commented [72]: By consent order dated 12 May 2023

4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.

4.3.13.10. Excavation must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area.

4.3.13.11. Where the excavation results in areas of exposed soil, those areas must be revegetated within 12 months of the completion of the excavation.

4.3.13.12. Excavation must not cause water to enter onto any adjacent land under different ownership.

4.3.13.13 Excavation must not be associated with the construction or upgrading of forestry roads, forestry tracks, or skid sites.

Commented [73]: RESOLVED:
OneFortyOne (previously Nelson Forests)
ENV-2020-CHC-54
By consent order 31 January 2023

Commented [74]: RESOLVED:
Transpower New Zealand Limited
ENV-2020-CHC-68
By consent order dated 6 October 2022

4.3.14. Earthworks within the National Grid Yard.

4.3.14.1. Earthworks within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):

(a) Earthworks undertaken as part of agricultural, horticultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;

(b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

(c) Earthworks that are undertaken by a network utility operator.

- 4.3.14.2. The earthworks must be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line support structure.
- 4.3.14.3. The earthworks must be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a National Grid transmission line support structure.
- 4.3.14.4. The earthworks must not compromise the stability of a National Grid transmission line support structure.
- 4.3.14.5. The earthworks must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

4.3.15. Filling of land with clean fill.

- 4.3.15.1. Filling in excess of 1000m³ must not occur within any 24 month period.
- 4.3.15.2. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 4.3.15.3. Fill must not be within a Level 2 or 3 Flood Hazard Area.
- 4.3.15.4. There must be no filling in excess of 500m³ per Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.
- 4.3.15.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 4.3.15.6. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 4.3.15.7. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 4.3.15.8. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing) or lake;
 - (ai) 20m of a Riparian Natural Character Management Area;
 - (b) [deleted];
 - (c) 8m of the landward toe of a stopbank;
 - (d) 20m of the coastal marine area.
- 4.3.15.9. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 55 of the Water Services Act 2021 as to cause contamination of that water supply.
- 4.3.15.10. Filling must not cause any conspicuous change in the colour or natural clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area.
- 4.3.15.11. Filling must not cause water to enter onto any adjacent land under different ownership.
- 4.3.15.12. Filling must not be associated with the construction or upgrading of forestry roads, forestry tracks or skid sites.

Commented [75]: By consent order dated 24 May 2023

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OneFortyOne (previously Nelson Forests)
ENV-2020-CHC-54
By consent order dated 31 January 2023

4.3.16. Construction or alteration of a bore except a geotechnical bore constructed for the investigation of sub-surface conditions.

The construction or alteration of a bore does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 4.3.16.1. The bore must not be located:
- (a) within the bed of a river;
 - (b) within 8m of the landward toe of a stopbank;
 - (c) within 50m of the land application area of any on-site wastewater management system or an offall pit;
 - (d) within 50m of the boundary of a property in which the discharge of dairy effluent to land occurs;
 - (c) [deleted]
- 4.3.16.2. The bore casing must contain only one screen, which must not exceed 10m in length.
- 4.3.16.3. The bore must be capped at all times.
- 4.3.16.4. The bore must be constructed by a Recognised Professional.
- 4.3.16.5. 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 construction or alteration of the bore.

Commented [79]: NES-FW s44A(5)

Additional Standards for bores to be used for domestic purposes:

- 4.3.16.6. The bore must not be located within 10m of an existing bore used for domestic purposes on an adjacent property in different ownership.

Additional Standards for bores to be used for irrigation purposes:

- 4.3.16.7. The bore must not be located within 50m of an existing bore on an adjacent property in different ownership.

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

- 4.3.17.1. The bore must be drilled by a Recognised Professional.
- 4.3.17.2. 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.
- 4.3.17.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

4.3.18. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

- 4.3.18.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.
- 4.3.18.2. The dam must not intersect the groundwater.
- 4.3.18.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 4.3.18.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.

4.3.18.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Coastal Environment Zone.

4.3.18.6. The dam walls must comply with the setbacks for buildings in Standards 4.2.1.3 and 4.2.1.10.

4.3.19. Land disturbance to create and maintain a fire break.

4.3.19.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

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

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

4.3.20.2. 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 a flowing river due to sediment or sediment laden discharge originating from the activity site.

4.3.20.3. After reasonable mixing, the entering onto or passing across the bed of a river by 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 BOD₅;
- (b) 260 Escherichia coli (E. coli)/100ml.

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

4.3.21.1. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

4.3.21.2. The application must be undertaken either:

- (a) in accordance with the most recent product label; or
- (b) if the agrichemical is approved for use under the Hazardous Substances and New Organisms Act 1996, the discharge shall be in accordance with all conditions of the approval.

4.3.21.3. All spills of agrichemicals above the application rate must be notified to Council immediately.

4.3.21.4. 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.

Commented [80]: RESOLVED:
Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 1 November 2023

Commented [81]: By consent order dated 31 October 2023

4.3.22. Storage and application (involving a discharge) of fertiliser or lime into or onto land.

- 4.3.22.1. Fertiliser must be stored on an impermeable surface, bunded and covered at all times, except when fertiliser is being applied.
- 4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.22.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200kg N/ha/year (excluding N from direct animal inputs).
- 4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.
- 4.3.22.5. All reasonable care must be exercised with the application of fertiliser, including compliance with Sections 5.2 and 5.3 of the Fertiliser Association of New Zealand's Code of Practice for Nutrient Management 2013 to ensure that the fertiliser does not pass beyond the legal boundary of the area of land on which the fertiliser is being applied.
- 4.3.22.6. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.

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Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 5 July 2023

4.3.23. Application (involving a discharge) of a vertebrate toxic agent by hand into or onto all land, or application (involving a discharge) of a vertebrate toxic agent by air on private land.

This rule does not apply to the application of sodium fluoroacetate or brodifacoum (on land that is protected by predator-proof fencing or an island of New Zealand other than the North and South Island) where the application complies with the conditions for exemptions stated in the Resource Management (Exemption) Regulations 2017.

- 4.3.23.1. The agent must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 4.3.23.2. All reasonable care must be exercised in the discharge so as to ensure that the vertebrate toxic agent must not pass beyond the legal boundary of the area of land on which the vertebrate toxic agent is being applied.

4.3.24. Application (involving a discharge) of compost or solid agricultural waste into or onto land.

- 4.3.24.1. The application must not occur within:
 - (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel, or mean high water springs;
 - (c) 10m of a dwelling on any adjacent land in different ownership.
- 4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).
- 4.3.24.3. The application must not occur within a Groundwater Protection Area.

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Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 31 January 2023

4.3.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

- 4.3.25.1. The discharge must not occur within:
 - (a) 50m of a bore;

- (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.25.4. The discharge must not result in the ponding of effluent. 4.3.25.5. The discharge must not result in anaerobic soil conditions.
- 4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 4.3.25.8. Records of pH levels must be kept and available upon request by the Council.
- 4.3.25.9. The discharge must not occur within a Groundwater Protection Area.
- 4.3.26. [deleted]**
- 4.3.27. Discharge of dairy farm effluent into or onto land.**
- 4.3.27.1. The discharge must not occur within:
- (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
 - (c) 10m of the boundary of any adjacent land in different ownership.
- 4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 4.3.27.3. The discharge must not result in the ponding of effluent.
- 4.3.27.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.27.5. The discharge must not result in anaerobic soil conditions.
- 4.3.27.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.27.7. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.
- 4.3.27.8. For a new dairy farm established after 9 June 2016, the effluent collection and storage system must at all times be sealed to prevent leakage with an impermeable material and the integrity of the system and impermeable

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material to prevent leakage is certified at the time of construction and upon request by Council by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer.

- 4.3.27.9. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- (a) 20m of a river, lake, Significant Wetland, or drainage channel or mean high water springs;
 - (b) 20m of the boundary of any adjacent land in different ownership;
 - (c) a Flood Hazard Area.
- 4.3.27.10. 24 months after the plan becomes operative, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016.
- 4.3.27.11. The discharge must not occur within a Groundwater Protection Area.

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4.3.28. Discharge of swimming or spa pool water onto land.

- 4.3.28.1. If a public sewer is located within 30m of the lot boundary or 60m of the pool discharge point, the discharge must be through a connection to the sewer.
- 4.3.28.2. The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.
- 4.3.28.3. Fourteen days prior to discharging to land, swimming or spa pool water:
- (a) must be uncovered;
 - (b) must not be treated with any chemicals.

4.3.29. Discharge of human effluent into or onto land through an onsite management system.

- 4.3.29.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 4.3.29.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 4.3.29.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 4.3.29.4. There must be:
- (a) no ponding of effluent;
 - (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, groundwater or coastal water.
- 4.3.29.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 4.3.29.6. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or
 - (b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.
- 4.3.29.7. The discharge must not occur within 50m of a bore.

4.3.29.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

4.3.30. Disposal of farm rubbish into a pit.

4.3.30.1. Only biodegradable material (including offal or carcasses not from intensive farming) may be disposed of to a farm rubbish pit.

4.3.30.2. Only farm rubbish sourced from the same property, or a property held in the same ownership, may be disposed of to a farm rubbish pit.

4.3.30.3. The farm rubbish pit must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

4.3.30.4. Surface run-off must not enter the pit.

4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

4.3.30.6. The farm rubbish pit must be located above the natural ground water level at all times.

4.3.31. Disposal of offal or a carcass into an offal pit.

4.3.31.1. Only offal, or carcasses (except those from intensive farming) sourced from the same property, or a property held in the same ownership may be disposed of to an offal pit.

4.3.31.2. Only offal, carcasses or biodegradable material may be disposed of to an offal pit.

4.3.31.3. The offal pit must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
- (c) 50m of any boundary of the property or a dwelling.

4.3.31.4. The offal pit must be located above the natural ground water level at all times.

4.3.31.5. When not in use, the offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface.

4.3.31.6. The disposal must not occur within a Groundwater Protection Area.

4.3.32. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

4.3.32.1. The pit, stack or stockpile must not be located within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
- (c) 10m of any boundary of any adjacent land in different ownership.

- 4.3.32.2. The pit or stack must be completely covered by an impermeable material when the pit or stack is not being accessed to add or remove compost or silage.
- 4.3.32.3. There must be no run-off of leachate from the pit, stack or stockpile or infiltration of leachate into groundwater.
- 4.3.32.4. Stormwater must not enter the pit, stack or stockpile.
- 4.3.32.5. The pit, stack or stockpile must not occur within a Groundwater Protection Area.
- 4.3.32.6. The total area of any compost in a stack(s) or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.
- 4.3.32.7. Stock must not be able to directly access the pit or stack.

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4.3.33. Storage of compost not in a pit or stack.

- 4.3.33.1. The storage of compost must not occur within:
 - (a) 50m of a bore;
 - (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs;
 - (c) 10m of any dwelling on any adjacent land in different ownership.
- 4.3.33.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.
- 4.3.33.3. The storage of compost must not occur within a Groundwater Protection Area.
- 4.3.33.4. The total area of any compost stored on a single land holding is less than 500m² in area.

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

- (a) training people to put out fires;
 - (b) creating special smoke and fire effects for the purposes of producing films;
 - (c) fireworks display or other temporary event involving the use of fireworks.
- 4.3.34.1. The Council must be notified at least 5 working days prior to the burning activity commencing.
 - 4.3.34.2. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

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

- 4.3.35.1. Only material generated on the same property or a property under the same ownership must be burned.

4.3.36. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

- 4.3.36.1. Burning must not be carried out on Land Use Capability Class 7e or Class 8 land, as shown as the 'LUC' category on the New Zealand Land Resource Inventory database, when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Fire and Emergency New Zealand Act 2017) for the burn are:

- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.

4.3.37. Discharge of contaminants to air from seed cleaning.

- 4.3.37.1. The seed cleaning operation must be contained within a building.
- 4.3.37.2. Any new seed cleaning operation commenced after 9 June 2016 must not be located within 100m of any sensitive receptor.

4.3.38. Discharge of contaminants to air from the burning of oil in a frost protection heater.

- 4.3.38.1. The discharge must only take place for the purpose of preventing frost damage to crops.
- 4.3.38.2. The burning of oil must only take place in fuel burning equipment that operates with a stack or chimney, is purpose built, maintained and has double burning.
- 4.3.38.3. No waste oil is burnt, excluding re-refined oil.

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

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

4.3.40. Discharge of contaminants to air from the burning of solid fuel in any small scale solid fuel burning appliance.

- 4.3.40.1. The appliance must only burn fuels approved for use in the appliance.
- 4.3.40.2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

4.3.41. Discharge of heat and water vapour from cooling towers.

- 4.3.41.1. No more than 5MW of heat per hour must be discharged.
- 4.3.41.2. A discharge velocity that exceeds 4.3m/s through an obstacle limitation surface of an aerodrome, or at a height over 60m above ground level, must be advised to the Director of Civil Aviation Authority in accordance with Civil Aviation Authority Rule 77.13.

4.3.42. Home occupation.

- 4.3.42.1. The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.
- 4.3.42.2. For home occupation activities that generate traffic, hours of operation must only occur during the following hours:
 - 8.00 am – 6.00 pm Monday to Friday
 - 9.00 am – 12.00 pm Saturday
- 4.3.42.3. The home occupation must be carried out wholly within the dwelling or within an accessory building.
- 4.3.42.4. Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

4.3.43. Homestay.

- 4.3. 43.1. The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

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By consent order dated 25 July 2022

- 4.3.43.2. The homestay must be operated by a person residing in the dwelling on the property.
- 4.3.43.3. The homestay must be incidental and secondary to the use of the dwelling for residential purposes.
- 4.3.43.4. The homestay must not accommodate more than 5 guests at any time.

4.3.44. Marae activity on Sec 1 SO 313389.

- 4.3.44.1. A maximum of five papakāinga units are permitted on the marae.
- 4.3.44.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 4.3.44.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the site and do not apply between buildings on the site.

4.3.45. Papakāinga.

- 4.3.45.1. A maximum of five papakāinga units are permitted on a Record of Title.
- 4.3.45.2. A minimum land area of 80m² must be provided for each papakāinga unit.
- 4.3.45.3. Any setbacks required under Standards 4.2.1.3 to 4.2.1.8 (inclusive) or 4.2.1.10 are to the external boundary of the site and do not apply between units on the site.

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4.3.46. Recreational event or special event.

- 4.3.46.1. The event must not exceed seven consecutive days duration.
- 4.3.46.2. Where a site immediately adjoins or is located across a road from any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, the activity must not be conducted on the site between the hours of midnight and 7am.
- 4.3.46.3. All structures and other works accessory to the event must be removed and the site returned to its original condition within 5 working days after the activity has ceased.
- 4.3.46.4. If access is to be directly off a State Highway, approval from the Road Controlling Authority must be provided to the Council.

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By consent order dated 25 March 2022

Note:

Event organisers are encouraged to consider fire risk to the event and the surrounding community/environment. Fire and Emergency New Zealand controls outdoor fires and activities that may cause unwanted fires. Refer to the Fire and Emergency New Zealand website for any restrictions on activities and/or lighting fires.

4.3.47. Worker accommodation.

- 4.3.47.1. The worker accommodation must be located within a Worker Accommodation Area as identified in Appendix 24.

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By consent order dated 10 November 2021

4.3.48. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.

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

4.3.49. Buildings, structures and activities in the National Grid Yard

- 4.3.49.1. Sensitive activities and buildings for the handling or storage of hazardous substances with explosive or flammable intrinsic properties must not be located within the National Grid Yard.

4.3.49.2. Buildings and structures must not be located within the National Grid Yard unless they are:

- (a) a fence not exceeding 2.5m in height; or
- (b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms));
- (c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct vehicular access to a National Grid support structure;

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By consent order dated 6 October 2022

4.3.49.3. Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:

- (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or
- (b) artificial crop protection structures or crop support structures not more than 2.5m in height and located at least 8m from a National Grid pi-pole structure (but not a tower) and are:
 - (i) removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
 - (ii) all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
- (c) located within 12m of a National Grid transmission line support structure that meets the requirements of clause 2.4.1 of the New Zealand Electrical Code of Practice (NZECP34:2001).

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4.3.49.4. All buildings and structures must have a minimum vertical clearance of 10m below the lowest point of a conductor under all transmission lines and building operating conditions or otherwise 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.

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Transpower New Zealand Limited
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By consent order dated 6 October 2022

4.3.50 Amateur Radio Configurations

4.3.50.1 Except as specified below, the Recession Plane and Height Controls do not apply to any antenna or support structure.

4.3.50.2 Any part of an antenna or support structure must not overhang property boundaries.

4.3.50.3 Any of the elements making up an antenna must not exceed 80mm in diameter.

4.3.50.4 The maximum height of any support structure (including antenna) shall not exceed the height limit otherwise applicable to structures, except that:

- (a) one free standing support structure (including antenna) per site may exceed the maximum height for a structure, up to a maximum of 20m; and
- (b) any support structure (including antenna) attached to a building may exceed the height of the building by no more than 7m.

4.3.50.5 The maximum number of antennas on a site shall not exceed 12.

- 4.3.50.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.
- 4.3.50.7 Any dish antenna must:
- (a) Be less than 5m in diameter;
 - (b) Be pivoted less than 4m above the ground;
 - (c) Meet the relevant building setback;
 - (d) At any point in its possible rotation, not exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

4.4. Controlled Activities

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

[D]

4.4.1. Erection and use of a frost fan.

Standards and terms:

- 4.4.1.1. Noise from a frost fan shall not exceed 55dB L_{Aeq} (15min):
- (a) at a distance of 300m from the device;
 - (b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);
- whichever is the least distance.
- 4.4.1.2. Subject to Standard 4.4.1.3, sound levels must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802: 2008 Acoustics – Environmental Noise.
- 4.4.1.3. Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5dB penalty added to the measured level before compliance with Standard 4.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1dB to 6.0dB as determined by that method.
- 4.4.1.4. The frost fan must only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:
- (a) for the purposes of maintenance and testing, limited to operation between 8.00 am to 5.00 pm on any day; or
 - (b) for compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.
- 4.4.1.5. When protecting crops from potential frost damage, a frost fan must only be operated in wind speeds not greater than 8km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this Standard, temperature must be measured within the property to be protected, for vineyards at the lowest fruiting wire and for

other crops at the lowest point of the bud height (above ground level) of the plants being protected.

4.4.1.6. The frost fan must not be located within 500m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 or within 300m of any land zoned Rural Living or Coastal Living.

4.4.1.7. An application to erect a frost fan must include the following information:

- (a) details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades;
- (b) a plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover;
- (c) a plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 2 Zone, Rural Living or Coastal Living Zone, and the distance to it;
- (d) detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8km per hour;
- (e) a report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
 - (i) a full and detailed description of the proposed frost fan;
 - (ii) prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification.

Matters over which the Council has reserved control:

4.4.1.8. Operational requirements of the frost fan.

4.4.1.9. Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.

4.4.1.10. Operation of the frost fan for maintenance purposes.

4.4.1.11. Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.

4.4.1.12. Monitoring and reporting.

4.4.1.13. The provision of contact details for the property owner/manager.

4.4.1.14. Review of conditions.

[D]

4.4.2. Sale of farm produce from a rural selling place.

Standards and terms:

4.4.2.1. The place must not be served by vehicular access from a State Highway.

- 4.4.2.2. No vegetative produce that has been processed beyond cutting, cleaning, chilling, freezing, grading and packaging may be sold, except that unprocessed extracted juices may be sold.
- 4.4.2.3. The farm produce offered or displayed for sale must be;
 - (a) grown on a farming unit owned or leased by the seller of the produce; and
 - (b) must be contained within a structure within an area of less than 10m².
- 4.4.2.4. At least 1 parking space per 5m² of gross floor area of the selling place must be provided.
- 4.4.2.5. The parking area must be laid out in a manner such that vehicles do not reverse off the property.

Matters over which the Council has reserved control:

- 4.4.2.6. The design and appearance of the selling place.
- 4.4.2.7. The location of the selling place.
- 4.4.2.8. The safety of the access.

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4.5. Restricted Discretionary Activities

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

[D]

4.5.1. Construction and siting of a building or structure exceeding 10m² on land within the Marlborough Sounds Outstanding Natural Feature and Landscape.

Matters over which the Council will exercise discretion:

- 4.5.1.1. The effects of the building or structure on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.

[R]

4.5.2. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.

Matters over which the Council has restricted its discretion

- 4.5.2.1. The effects on water quality, aquatic ecosystems and soil conservation from the excavation.

[R, D]

4.5.3. Plantation forestry afforestation, or plantation forestry replanting that is not provided for as a Permitted Activity.

Matters over which the Council has restricted its discretion:

- 4.5.3.1. Effects on Significant Wetlands.
- 4.5.3.2. Effects of sedimentation.
- 4.5.3.3. The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.

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ENV-2020-CHC-000056

New restricted discretionary rule and standards in relation to noise sensitive activities (See appendix B of appeal)

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ENV-2020-CHC-58
By consent order dated 12 May 2023

4.5.3.4. Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.

[R, D]

4.5.4. Plantation forestry harvesting

Matters over which the Council has restricted its discretion:

4.5.4.1. Effects on Significant Wetlands.

4.5.4.2. Effects of sedimentation.

4.5.4.3. The effects on the values of the Marlborough Sounds High Amenity Landscape and the Marlborough Sounds Outstanding Natural Feature and Landscape.

4.5.4.4. Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.

[R]

4.5.5. Excavation and filling to construct or upgrade forestry roads, forestry tracks or skid sites.

Matters over which the Council has restricted its discretion:

4.5.5.1 Effects of sedimentation.

4.5.5.2 Reduction of sediment loadings in run-off.

4.5.5.3 Effects on the values of Outstanding Natural Features and Landscapes.

4.5.5.4 Effects on Significant Wetlands.

4.5.5.5 Effects on any drinking water supply registered under section 55 of the Water Services Act 2021.

[R]

4.5.6. Livestock entering onto or passing across the bed of a river that does not comply with 4.3.20.2 or 4.3.20.3.

Matters over which the Council has restricted its discretion:

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

4.6. Discretionary Activities

Note:

The following farming activities are managed under the relevant Regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 in addition to this rule:

(a) Feedlots: Regulations 9, 10 and 11.

(b) Stockholding areas: Regulations 12, 13 and 14.

(c) Land converted to dairy farm land after 2 September 2020: Regulations 18 and 19.

(d) Unirrigated dairy farm land irrigated after 2 September 2020: Regulations 20 and 21.

(e) Land used as dairy support land after 2 September 2020: Regulations 22 and 23.

(f) Intensive winter grazing: Regulations 26, 27, 29 and 30.

Note:

Where the application of fertiliser includes synthetic nitrogen fertiliser, the discharge activity is managed by Regulations 33 or 34 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, in addition to this rule. Regulation 33 limits the rate

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OneFortyOne (previously Nelson Forests)
ENV-2020-CHC-54
By consent order dated 31 January 2023

Commented [108]: RESOLVED:
OneFortyOne (previously Nelson Forests)
ENV-2020-CHC-54
By consent order dated 31 January 2023

Commented [109]: Clause 16

Commented [110]: By consent order dated 1 November 2023

Commented [111]: NES-FW s44A(5)

of application of synthetic nitrogen (N) fertiliser to pastoral land to 190 kg N/ha/year. Standard 3.3.24.3 of Rule 3.1.24 limits the cumulative N loading from all discharges to land to 200 kg N/ha/year, regardless of source (i.e., it includes synthetic nitrogen fertiliser, but also nitrogen from other sources such as agricultural liquid and solid waste, dairy effluent and compost). For the avoidance of doubt, both nitrogen limits must be complied with.

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

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

Commented [113]: Transpower New Zealand Limited ENV-2020-CHC-68

[R, D]

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

New non-complying rule: Any activity that does not meet the Standard in 4.3.49 or Standard 4.3.14.

[D]

4.6.2. Visitor accommodation.

[D]

4.6.5. Community facility.

[R, D]

4.6.6. Quarrying and mining.

Note:

Where quarrying is managed under the National Environmental Standards for Commercial Forestry 2017 Rule 4.6.6 does not apply.

Commented [114]: NES-CF s44A(5)

[D]

4.6.7. Rural industry.

[R]

4.6.8. Dairy farm established after 9 June 2016.

[R, D]

4.6.9. Commercial clean fill operation.

[D]

4.6.10. Commercial activity.

[R]

4.6.11. Discharge human effluent into or onto land through an onsite wastewater management system.

[D]

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

[R]

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

[R]

4.6.14 Other than stock exclusion required by the Resource Management (Stock Exclusion) Regulations 2020, livestock entering into or passing across a Significant Wetland.

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4.7. Prohibited Activities

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

[R]

4.7.1. **Plantation forestry afforestation, exotic continuous-cover forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, exotic continuous-cover, carbon sequestration or woodlot forestry.**

4.7.2. – 4.7.3.

[R]

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

- (a) onto the bed of a lake;
- (b) into a Significant Wetland; or
- (c) onto 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]

4.7.5. **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;
- (b) a Significant Wetland; or
- (c) 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]

4.7.6. **Disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

4.7.7. **Discharge of human effluent through a soak pit established after 9 June 2016.**

[R]

4.7.8. **Drainage of Kauauroa Bay Significant Wetland – W1026.**

[R]

4.7.9. **Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:**

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;

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By consent order dated 12 May 2023

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ENV-2020-CHC-58
By consent order dated 1 November 2023

- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil (excluding re-refined oil);
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

4.7.10. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Appeals Version