

38.0 Rural Township Zone

38.1 Permitted Activities

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

- Commercial activities, including activities requiring a licence under the Sale of Liquor Act 1989.
- Community facilities.
- Vehicle oriented activities.
- Motor vehicle parking lots and car parking buildings.
- Parks and reserves owned and administered by public authorities.
- Hazardous facilities.
- Discharges.

Conditions for Permitted Activities

38.1.2 Infrastructure and Services

38.1.2.1 Parking

Refer to rules relating to Vehicle Parking (Rule 27.2.3).

38.1.2.2 Loading

Refer to rules relating to Loading (Rule 27.2.2).

38.1.3 Amenities

38.1.3.1 Lighting

38.1.3.1.1 All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and on traffic safety.

38.1.3.1.2 No activity shall result in greater than a 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2 metres inside the boundary of any adjoining property.

38.1.3.1.3 No activity shall result in a greater than 2.5 Lux spill (horizontal and vertical).

38.1.3.2 Noise

All activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at or within the boundary of any other site zoned Rural Township:

65 dBA L_{10}	At any time
75 dBA L_{max}	On any day between 2200 hrs - 0700 hrs the following day

Provided that noise arising from activities shall not exceed the following noise limits at or within the boundary of any land zoned Rural, Rural Residential or Township Residential:

55 dBA L_{10}	0700 hrs - 2200 hrs Monday to Friday and 0700 hrs - 1200 hrs Saturday
45 dBA L_{10} , and 70 dBA L_{max}	At all other times including any public holiday

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

38.1.3.3 Streetscape

- 38.1.3.3.1 The maximum height of a building or structure shall not exceed 10 metres.
- 38.1.3.3.2 For properties which adjoin the Township Residential Zone all buildings shall be confined within a height envelope in respect of the common boundary. The height envelope shall have the dimensions specified for recession planes in the Township Residential Zone.
- 38.1.3.3.3 All buildings shall be set back a minimum of 3 metres from any road boundary.
- 38.1.3.3.4 For properties which adjoin the Township Residential Zone, all buildings shall be set back a minimum of 5 metres in respect of the common boundary.

38.1.4 Heritage

38.1.4.1 Scheduled Heritage Resources

Refer to Rule 27.3.

38.1.4.2 Other sites of Historical, Archaeological or Iwi Significance

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

38.1.5 Flood Protection/Riparian Management

- 38.1.5.1 All buildings, structures and trees shall be set back a minimum of at least 8 metres from the top of any natural river or stream bank, or wetland, or any stopbank.

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

38.1.6 Earthworks

38.1.6.1 Content

- 38.1.6.1.1 Material other than rubble, ballast, stones, soily material and demolition material shall not be used as fill or for the filling of land or depressions.
- 38.1.6.1.2 Fill material shall not contain any putrecible, inflammable or hazardous components.
- 38.1.6.1.3 Fill material shall contain no more than 5% vegetative material which is not incidental to the cleaning of sites.

38.1.6.2 General

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

38.1.7 Hazardous Facilities (District Function)

38.1.7.1 Effects Ratio

Any activity having an 'effects ratio' no greater than 0.2 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

38.1.7.2 Site Design

- 38.1.7.2.1 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s).
- 38.1.7.2.2 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and bunded so that the equivalent of the maximum of the largest container within the bunded area can be contained and excluded from the stormwater system when a spill occurs. In areas where drums are stored, the bunded area shall be able to contain half of the maximum amount of the material stored.
- 38.1.7.2.3 Any bunds shall be constructed from materials which are resistant to the substance that the bund is designed to contain, so as to prevent the substance entering the soil.
- 38.1.7.2.4 All stormwater grates shall be clearly marked.

38.1.7.2.5 Storage of petroleum products in underground tanks shall comply with the most recent version of the Code of Practice for 'Design, Installation and Operation of Underground Petroleum Systems'.

38.1.7.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, bunded, and drained to the satisfaction of the Council.

38.1.7.2.7 All vehicle accessways onto that part of a hazardous facility site where hazardous and environmentally damaging substances are loaded or unloaded shall have cut-off drains installed which are not directly connected to the stormwater system.

38.1.7.2.8 Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous or environmentally damaging substances are washed, shall be sealed, bunded and drained so that process effluent (run-off) from the washdown area is discharged into the foulwater system, or collected and stored in tanks for removal by a suitable trade waste contractor.

38.1.7.2.9 A record will be kept of the quantities of hazardous wastes stored on-site, or taken away for disposal.

38.1.7.3 Waste Management

38.1.7.3.1 The storage of waste on the site shall be in suitable containers that are either covered or located in a roofed area.

38.1.7.3.2 A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6 m³/week.

38.1.7.3.3 A record will be kept of the quantities of hazardous wastes stored on the site, or taken away to disposal.

38.1.7.4 Fire Safety

All hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment in place.

38.1.7.5 Signage

All hazardous facilities shall be adequately signposted according to the most recent version of the Code of Practice for 'Warning Signs for Premises Storing Hazardous Substances of the New Zealand Chemical Industry Council'.

38.1.7.6 Emergency and Evacuation Plan

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the Plan shall be lodged with the Council.

38.1.8 Discharges

38.1.8.1 Domestic Effluent Disposal

Provision must be made for the satisfactory disposal of all effluent and greywater in accordance with the requirements of this Plan. The requirements of this Plan are deemed to have been met where all domestic effluent and greywater is connected to

a public system expressly designed for this purpose or the standards for on-site sewage disposal Rule 38.1.8.2 are met.

38.1.8.2 On Site Sewage Disposal

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

- 38.1.8.2.1 A public sewer is not located within 60 metres of the lot boundary.
- 38.1.8.2.2 A public sewer does not exist within 60 metres of the closest building on the lot to be serviced.
- 38.1.8.2.3 The discharge is not within any catchment classed NS as defined in Appendix J.
- 38.1.8.2.4 Where discharges are to soil absorption systems (drainage fields) these shall include the following functions:
- a) The effluent must be able to infiltrate the soil.
 - b) The effluent must be able to percolate through a sufficient distance of soil such that it is 'renovated' to have no measurable impact on any surface or ground water body, or any coastal water.
 - c) Any effluent directed to the drainage fields should be of a consistent high quality and meet the following standards:

Faecal coliforms	< 10,000/100 ml
BOD ₅	< 100 g/m ³
Suspended solids	< 60 g/m ³

And not be subject to episodic high values of suspended solids and BOD.
 - d) No stormwater shall enter the treatment system.
 - e) The system shall be maintained in a functional condition at all times.
 - f) The rate of discharge shall not exceed 2 m³/d, averaged over any one week period.
 - g) The discharge shall not be within 30 metres of any surface water body or drainage channel.
 - h) There shall be no surface ponding of any effluent, nor runoff of any contaminant either directly or indirectly into a surface water body.
 - i) The discharge shall be no less than 600 mm above the ground water table at all times.
 - j) The discharge shall not be within 30 m of any bore drawing ground water from an unconfined aquifer.
 - k) No objectionable odours shall be able to be detected at or beyond the legal boundary of the area of land on which the contaminants are discharged.
 - l) The effluent treatment unit shall be located in a manner that can be readily accessed for periodic servicing.
- 38.1.8.2.4.1 In the case of a septic tank being utilised that it:
- a) Shall have a minimum design life of fifteen years. (Note: The Building Act 1991 deals with other matters relating to construction and performance.)

- b) The septic tank shall have provisions for 24 hour minimum retention time of average daily flow after three years sludge/scum accumulation at full loading, i.e. sludge/scum accumulation at a rate of 80 litres per person per year as a three year average.

Note:

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

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

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

38.1.8.3 Discharges to Air

38.1.8.3.1 Discharge of Electro Magnetic Radiation (EMR)

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

38.1.8.3.2 Application of Agrichemicals

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

- a) Apply sprays strictly in accordance with the manufacturers instructions.
- b) Notify the Council immediately in the case of accidental discharge into a water body.
- c) Take all reasonable steps to ensure that no spray drift occurs beyond the boundary of the property.
- d) Apply sprays in a manner which does not cause or is not likely to cause deposition into surface waters.
- e) Apply sprays with hand held equipment only.

38.1.8.3.3 Discharges from Particular Industrial or Trade Premises

The discharges of contaminants into air from:

- a) Premises used for the retail and wholesale distribution of automotive fuels, oils, liquefied gases and gases;
- b) Premises used for the retail and wholesale distribution of fuels used for industrial processing and home heating;
- c) Premises used as or associated with funeral parlours, chapels, stonemasons;
- d) Premises used as or associated with the manufacture of household, industrial, electrical and garden equipment and appliances, excluding the manufacture of concrete products, rubber goods, processes involving the galvanising of steel;
- e) Premises used for the application of surface coating, including printing or manufacture of packaging materials, and printing of paper;
- f) Premises used for the manufacture of furnishings, clothing, carpets, but excluding rubber underlay;
- g) Premises used for the sale, servicing or repairs to motor vehicles, trains, trailers, boats or like equipment, including body and engine repairs, panel beating, fibre-glassing, and painting, when carried out in a booth or enclosure that has been designed to contain any emission of paint overspray;
- h) Premises used for joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making;
- i) Premises used for the operation of dry cleaning, dyeing, laundering and cleaning facilities;
- j) Premises for the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits, and alcoholic beverages;
- k) Premises used for food processing by deep fat frying or oil frying of any animal or vegetable matter where the processes have either singly or together a raw material capacity of less than five tonnes an hour;
- l) Premises used for the processing of food including baking, cooking, freezing and canning, but excluding the production of milk powders;
- m) Premises used for the storage, blending and distribution of bulk products, including fertiliser, animal feeds, roading materials, gardening materials, and concrete processing materials;
- n) Premises used solely for animal slaughtering;
- o) Premises used for the drying of grain and vegetable matter;
- p) Premises used for powder coating and spray painting;
- q) Premises used for the storage of food in refrigerated units;

is a Permitted Activity provided that:

- r) There is no objectionable odour at or beyond the property boundary; and
- s) There is no objectionable deposition of dust at or beyond the property boundary; and

- t) The concentration of any contaminant in the discharge does not exceed the Workplace Exposure Standard(s) (Occupational Safety and Health Service, Department of Labour, 1994), time weighted average for short term exposure, at the point of discharge.

38.1.8.3.4 Discharge for the Purpose of Ventilation

The discharge from any premise for the purpose of ventilation or from a fume cupboard shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from any point of discharge when it is sited on public land; and
- b) The concentration of any contaminant in the discharge does not exceed the Workplace Exposure Standard(s) (Occupational Safety and Health Service, Department of Labour, 1994), time weighted average for short term exposure, at the point of discharge; and
- c) Any fume cupboard installed prior to 1 October 1993 shall have existing rights of operation, provided it complies with the Building Act 1991, and the Health and Safety in Employment Act 1992. New fume cupboards in buildings undergoing significant building alteration, shall comply with New Zealand Standard 7203:1992.

38.1.8.3.5 Discharges of Displaced Air

The discharge into air of any contaminant from tanks used for the storage of liquids (including petrol and diesel oil) or from the venting of gas pipelines, pumps, compressors or tanks shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from the point of discharge whichever distance is less.

38.1.8.3.6 Discharge From Small Scale Fuel Burning Equipment

The discharge into air from an industrial trade premise, or from a non-moving source that is not an industrial or trade premise, of

- a) Products of combustion from fuel burning equipment using coal, oil, or untreated wood at a rate not exceeding 40 kilowatts, or
- b) Methane, or natural or liquefied petroleum gas at a rate not exceeding 5 Megawatts

shall be a Permitted Activity provided that:

- c) The discharge is from a chimney or exhaust flue; and
- d) There is no objectionable smoke at or beyond the property boundary; and
- e) Smoke does not adversely affect visibility on any road; and
- f) There is no objectionable odour at or beyond the property boundary; and
- g) There is no objectionable deposition of particulate matter from smoke onto any land or structure at or beyond the property boundary.

38.2 Controlled Activities

38.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Residential activity.
- Relocated buildings.

38.2.2 All Controlled Activities shall be subject to the general conditions applicable to Permitted Activities. In addition the following shall apply to specified activities. An application for resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with Section 94(1A) of the Resource Management Act 1991.

38.2.3 Residential Activity

38.2.3.1 Residential activity is a Controlled Activity provided that the activity conforms to the following Standards and Terms:

38.2.3.2 Standards and Terms

38.2.3.2.1 No residential activity shall take place on the ground floor of any building.

38.2.3.2.2 Every residential unit shall be provided with an outdoor living court having a minimum area of 15 m² and with a minimum dimension in one direction of 3 metres.

38.2.3.3 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) The protection of the Neighbourhood Business Zone environment from the imposition of residential zone values.
- b) Parking requirements.
- c) Access to residential units.
- d) Admission of daylight and retention of privacy to residential units.

38.2.4 Relocated Buildings

38.2.4.1 The relocation of any building is a Controlled Activity provided that the activity conforms to the following Standards and Terms:

38.2.4.2 Standards and Terms

All relocated buildings must comply fully with the rules for permitted activities for the zone and all other relevant rules.

38.2.4.3 Information Requirements

The application is to be accompanied by an assessment of effects that address the Fourth Schedule of the Act and the following additional matters:

- a) The age and architectural design.
- b) The external appearance of the building and its compatibility with the standard of other buildings in the vicinity of the proposed site.
- c) The effect on the visual amenities of the area in the vicinity of the proposed site.

38.2.4.4 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) The external appearance of the building.
- b) Compatibility with buildings in the immediate vicinity.
- c) Reinstatement or restoration works.
- d) Landscaping requirements.
- e) The need for a bond to cover reinstatement work.
- f) A time period for the completion of reinstatement work.

38.3 Limited Discretionary Activities

38.3.1

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

- Buildings and structures exceeding the maximum permitted height up to a maximum of 20% of the specified standard.
- Buildings encroaching the height envelope created by the recession plane angles by a maximum of 1 metre in any direction.

- Buildings encroaching on setback requirements up to a maximum of 20% of the specified standard.
- Parking requirements by up to a maximum of 50%.
- Buildings, structures and trees within 8 metres of a drainage channel or landward toe of a stopbank - up to 100% dispensation.

38.3.2 Limits to the Council's Discretion

38.3.2.1 In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 38.3.3 below as are relevant to the non-compliance.

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

38.3.3 Matters to which the Council has Restricted the Exercise of its Discretion

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

- a) The impact on the overall small rural township character of the locality.
- b) The non-compliance should not adversely affect privacy enjoyed on any adjoining residential properties.
- c) The non-compliance should not significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas, service courts, open space or habitable rooms on adjoining properties.
- d) The non-compliance should not adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.
- e) Whether or not it is physically practicable to provide the required parking on the site in terms of the existing location of buildings, availability of access to the road, and other similar matters.
- f) Whether there is an adequate alternative supply of parking in the vicinity eg; public carpark, formed angle road parking. In general on-street parallel parking, particularly in residential roads is not considered a viable alternative.
- g) Whether there is another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity.
- h) Whether a demonstrably less than normal incidence of parking will be generated by the proposal e.g. due to specific business practice, operating method, type of customer.

38.3.4 Conditions

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

- a) The bulk and location of buildings and structures.
- b) The protection of public and private amenity values.
- c) The design and appearance of any buildings.
- d) Landscape design and appearance and site layout.
- e) The protection of the roading network and any traffic impacts.
- f) Restrictions on intensity and scale of activity so as to keep traffic generation in the vicinity within the capacity and safety limits of the adjoining roading system.
- g) Bonds or covenants to secure the performance of consent conditions.

38.4 Discretionary Activities

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

- Activities listed as Permitted Activities which do not comply with standards and/or conditions or with the provisions for minor compliance dealt with as Limited Discretionary Activities. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.
- Visitor Accommodation including camping grounds.
- Discharge of effluent to land or water other than domestic sewage effluent.
- Any industrial activity.
- Emergency service activities.

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

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

38.4.2.2 Matters the Subject of Assessment

38.4.2.2.1 Any relevant objective, policies and rules of this Plan.

38.4.2.2.2 Any relevant objectives, policies and methods of implementation of the Marlborough Regional Policy Statement.

38.4.2.2.3 The effect of the proposal on integrity of the Rural Township Zone's rural character.

38.4.2.2.4 The actual or potential adverse effect of the proposal on the proper functioning of the State Highway system.

- 38.4.2.2.5 The extent and nature of any discharges to land, air or water and the extent to which their effects have been avoided or mitigated.

38.4.3 Particular Standards and Criteria Applicable to Listed Discretionary Activities

The criteria specified for any particular Discretionary Activity as listed below shall be considered in addition to the General Assessment Criteria set out in Rule 38.4.2.

38.4.3.1 Hazardous Facilities

38.4.3.1.1 Assessment Criteria

- a) The location of any special natural features, or other environmentally sensitive areas to be protected.
- b) The possibility of exposure to natural hazards.
- c) The density of surrounding development.
- d) The availability of and access to suitable transport routes.
- e) The risks associated with transportation to or from the site.
- f) Compliance with any relevant codes of practices or guidelines.
- g) Specific requirements may be imposed to ensure that any undue risk posed by the facility is avoided or mitigated. Particular regard will be given to site layout, site management and emergency procedures and monitoring systems.
- h) Provision for the site management (operational plans and emergency plans).
- i) Proposals for monitoring storage, use and transportation of hazardous substances.
- j) Consideration of practicable alternative operating methods or sites.

38.4.4 Resource Consent Conditions

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

- a) The bulk and location of buildings.
- b) The protection or enhancement of amenity values.
- c) The protection or enhancement of the quality and quantity of natural waters or water systems.
- d) The protection of any significant environmental feature.
- e) The design and appearance of any buildings.
- f) Landscape design and appearance, and site layout.
- g) The protection of future roading options and the management of traffic impacts.
- h) Financial contributions in accordance with the requirements of the Plan.
- i) Bonds or covenants to secure the performance of consent conditions.

38.5 Non-Complying Activities

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

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

38.6 Prohibited Activities

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

- The disposal of hazardous waste substances to land or water.
- The combustion of:
 - Materials associated with the recovery of metals from insulated electrical cables in the open; or
 - Materials and metals used in motor vehicles in the open; or
 - Any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

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