

## **6A. Urban Residential 4 Zone**

Note:

Vegetation clearance, earthworks or 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.

### **6A.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 6A.2 and 6A.3:

[D]

**6A.1.1. Residential activity.**

[D]

**6A.1.2. Home occupation.**

[D]

**6A.1.3. Community housing.**

[D]

**6A.1.4. Homestay.**

[D]

**6A.1.5. Garden Maintenance.**

[D]

**6A.1.6. Temporary building or structure, or unmodified shipping container.**

[D]

**6A.1.7. Park or reserve.**

[R,D]

**6A.1.8. Excavation or filling.**

[R, D]

**6A.1.9. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

[R]

**6A.1.10. Application (involving a discharge) of an agrichemical into or onto land.**

[R]

**6A.1.11. Discharge of swimming or spa pool water into or onto land.**

[R]

**6A.1.12. Discharge of dust.**

[R]

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

**6A.2. Standards that apply to all permitted activities**

**6A.2.1. Construction and siting of a building or structure except a temporary building or structure, or an unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).**

6A.2.1.1 The maximum number of dwellings as part of two storied terraced housing shall be six dwellings, after which there shall be separation by:

- (a) a single-storey building or building element (including a garage) provided the maximum height of the building is 3.5m or;
- (b) the minimum setback requirements under Rule 6A.2.1.6

6A.2.1.2. Every dwelling shall have at least one ground floor habitable room (living room, dining room, or kitchen) facing the street with one or more windows. Single-storey dwellings with the street located to the south of the dwelling are exempt from this standard.

6A.2.1.3 The minimum combined area of a ground floor window/s facing the street shall be 1.5m<sup>2</sup>.

6A.2.1.4 The maximum height of a building or structure must not exceed 7.5m plus an additional 1m for roof form and may include a gable or another part of an elevation integral to the roof form.

6A.2.1.5 On a site, no part of a building must exceed a height equal to the recession plane angle determined by the following:

- (a) above a side boundary a height of 6.0m then 45 degrees recession plane angle;
- (b) above a rear boundary a height of 3.0m then 45 degrees recession plane angle;
- (c) boundary setbacks and recession plane rules do not apply where a building wall is on common boundary.

The recession plane angle must be measured at the site boundary from a starting point identified above ground level in (a) and (b) above.

6A.2.1.6 Any part of a wall of a dwelling must be set back by at least:

- (a) 3m from the front boundary provided that on corner sites any part of a wall of a dwelling must be set back at least 3m from one front boundary and set back at least 2m from the other front boundary;
- (b) 1m from the side boundary, unless attached;
- (c) 1m from the rear boundary.

6A.2.1.7 Garages must be set back a minimum of:

- (a) 5m from the front boundary; and;
- (b) 1m behind the main frontage of the dwelling.

6A.2.1.8 Each dwelling must provide an outdoor amenity area that:

- (a) has a minimum area of 50m<sup>2</sup>.

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(b) is able to accommodate a circle of 4m in diameter;

**Commented [ 5]:** Clause 16

(c) is not orientated to the south of the dwelling;

**Commented [ 6]:** Clause 16

(d) has direct contact with the main indoor living area through an external door(s);

**Commented [ 7]:** Clause 16

(e) does not include driveways, parking spaces or buildings but may include decking, or areas covered by an eave, awning, pergola or similar;

**Commented [ 8]:** Clause 16

(f) has a slope of no more than 5 degrees in any direction;

**Commented [ 9]:** Clause 16

(g) is entirely located at ground level.

**Commented [ 10]:** Clause 16

6A.2.1.9 The minimum width of a dwelling facing onto a street shall be 4.5m (this width excludes a garage).

6A.2.1.10 A building or structure must be set back a minimum of 8m from a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank.

6A.2.1.11 The height of a fence or part of a fence:

(a) located forward of a dwelling on the front and side boundaries must not exceed 0.9m or 1.2m if the fence is at least 50% visually permeable;

(b) located on a boundary with Open Space 1 or 2 must not exceed 1.2m;

(c) located along other boundaries must not exceed 2m.

6A.2.1.12 Outlook spaces must be provided for each residential unit from the glazed areas of the following habitable rooms (centred on the largest glazed area in that room) over a public road, public open space or the lot that the dwelling is located on with the following minimum dimensions (also refer to Outlook Spaces Diagram in Appendix 26):

(a) living room, kitchen or dining room: depth of 6m and width of 4m for any one of these habitable rooms;

(b) at least one bedroom: depth of 3m and width of 3m;

(c) other bedrooms: depth of 1m and width of 1m;

Provided that:

(d) Outlook spaces may be over driveways and footpaths within the site;

(e) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;

(f) Outlook spaces may be under or over a balcony or over a roof on the same site.

(g) Outlook spaces required from different rooms within the same building may overlap.

(h) Outlook spaces must:

(i) be clear and unobstructed by buildings; and

(ii) not extend over an outlook space or outdoor living space required by another dwelling.

6A.2.1.13 A building or structure in which human effluent will be created must connect to and dispose of its effluent into a Council operated sewerage system designed for that purpose, if the system is within 30m of the property boundary or 60m of the closest building.

6A.2.1.14 A building or structure must not be constructed or sited within 20m of a Riparian Natural Character Management Area.

6A.2.1.15 A building or structure must not be within 3m of the legal boundary with the rail corridor of the Main North Line, except for a fence up to 2m in height.

6A.2.1.16 A minimum 25% of the site shall be in soft landscape (includes grass/artificial lawn, and vegetable/ornamental gardens and similar).

#### 6A.2.2. Noise.

6A.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property within the zone:

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

This standard does not apply to sirens and call out sirens associated with the activities of emergency services.

6A.2.2.2 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.

6A.2.2.3 Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

#### 6A.2.3. Use of external lighting.

6A.2.3.1 Light spill onto an adjoining residential site must not exceed 2.5 Lux spill (horizontal and vertical).

6A.2.3.2 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.

#### 6A.2.4. Odour.

6A.2.4.1 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.

#### 6A.2.5. Smoke.

6A.2.5.1 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.

#### 6A.2.6. Dust.

6A.2.6.1 There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

##### Note 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.

**6A.2.7. Particulate from any process vent or stack.**

6A.2.7.1 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.

6A.2.7.2 The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m<sup>3</sup> 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.

**6A.2.8. Water supply and access for firefighting.**

6A.2.8.1 New buildings (excluding accessory buildings that are not habitable) shall have direct access to a Council reticulated water supply with fire fighting capability including hydrants.

6A.2.8.2 Where a building (excluding accessory buildings that are not habitable) is located more than 75m from the nearest road that has reticulated water supply (Including hydrants) access must have a minimum formed width of 4m, a height clearance of 4m and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

**6A.3. Standards that apply to specific permitted activities**

**6A.3.1 Home occupation.**

6A.3.1.1 The home occupation must be undertaken by a person(s) residing on the site and employ/contract no more than 1 additional person.

6A.3.1.2 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.

6A.3.1.3 The home occupation must be carried out wholly within the dwelling or within an accessory building.

6A.3.1.4 Only goods produced, repaired, renovated or restored on the site may be retailed from the site.

**6A.3.2. Homestay.**

6A.3.2.1 The homestay must be operated within a dwelling that is a Permitted Activity in the Plan.

6A.3.2.2 The homestay must be operated by a person residing in the dwelling on the property.

6A.3.2.3 The homestay must be incidental and secondary to the use of the dwelling for residential purposes.

6A.3.2.4 The homestay must not accommodate more than 5 guests at any time.

#### **6A.3.3. Temporary building or structure, or unmodified shipping container.**

6A.3.3.1 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 40m<sup>2</sup> in area;

(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

6A.3.3.2 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.8.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

6A.3.3.3 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 6.3.8.1 must not be located between the front boundary and the dwelling, and must also comply with Standard 6.2.1.6.

#### **6A.3.4. Park or reserve.**

6A.3.4.1 All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

#### **6A.3.5. Excavation or filling.**

6A.3.5.1 Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of any excavation must not exceed 20% of the distance from landward toe of the stopbank.

6A.3.5.2 The maximum volume for excavation must not exceed 50m<sup>3</sup> per Record of Title within any 12-month period, unless the excavation is to establish the foundation for a building permitted in this zone.

6A.3.5.3 The maximum volume for filling must not exceed 50m<sup>3</sup> per Record of Title within any 12-month period, unless the filling is to establish the foundation for a building permitted in this zone.

6A.3.5.4 Excavation must not occur on land with a slope greater than 10°.

6A.3.5.5 There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area, unless the excavation is to establish a foundation for a building or a swimming pool permitted in this zone.

6A.3.5.6 Excavation must not intercept groundwater, and filling must not cause any ponding of surface run-off.

6A.3.5.7 Excavation or filling must not occur in, or within 8m of a river, drainage channel or Drainage Channel Network.

6A.3.5.8 Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

6A.3.5.9 A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

6A.3.5.10 Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed by any excavation or filling, such that the areas are stable and the measures remain effective after completion of the excavation or filling. No culvert size less than 300mm may be used to drain any excavation or fill areas.

6A.3.5.11 Excavation or filling must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.

6A.3.5.12 For staged excavation or filling, any part of the excavation or fill area that has not been further developed within 12 months must be re-vegetated.

6A.3.5.13 Where the excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of the excavation or filling.

6A.3.5.14 The fill must not contain any:

(a) hazardous substances;

(b) combustible or organic materials;

(c) any other contaminant subject to chemical or biological breakdown;

(d) liquids or sludge.

6A.3.5.15 Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

#### **6A.3.6. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

6A.3.6.1 The bore must be drilled by a Recognised Professional.

6A.3.6.2 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 drilling of the bore.

6A.3.6.3 On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

#### **6A.3.7. Application (involving a discharge) of an agrichemical into or onto land.**

6A.3.7.1. 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.

6A.3.7.2 All spills of agrichemicals above the application rate must be notified to Council immediately.

6A.3.7.3 All reasonable care must be exercised in the application to ensure that the agrichemical must not pass beyond the legal boundary of the area of land on which the agrichemical is being applied.

6A.3.7.4 The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

6A.3.7.5 All sprays must be applied with hand held equipment.

#### **6A.3.8. Discharge of swimming or spa pool water into or onto land.**

6A.3.8.1 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.

6A.3.8.2 The discharge must not occur within 10m of the boundary of any adjacent land in different ownership.

6A.3.8.3 Fourteen days prior to discharging to land, swimming or spa pool water:

(a) must be uncovered;

(b) must not be treated with any chemicals.

#### **6A.3.9. Discharge of contaminants to air arising from burning in the open.**

6A.3.9.1 The property where the burning is to occur must be located outside of the Blenheim Airshed.

6A.3.9.2 Only material generated on the same property or a property under the same ownership can be burned.

6A.3.9.3 The total volume of material being burned must not exceed 2m<sup>3</sup>.

### **6A.4. Discretionary Activities**

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

[R, D]

**6A.4.1 Any activity provided for as a Permitted Activity or Controlled Activity that does not meet the applicable standards.**

[D]

**6A.4.2. Professional office.**

[D]

**6A.4.3. Community facility.**

[D]

**6A.4.4. Retirement Accommodation.**

[D]

**6A.4.5. Any use of land not provided for as a Permitted Activity or a Controlled Activity, or limited as a Prohibited Activity.**

[R]

**6A.4.6. Any discharge of contaminants into or onto land, or to air, not provided for as a Permitted Activity or a Controlled Activity, or limited as a Prohibited Activity.**

### **6A.5. Prohibited Activities**

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

[D]

**6A.5.1. Industrial activity.**

[R, D]

**6A.5.2. The storage or reprocessing of hazardous waste, or the disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]



6A.5.3. Discharge of contaminants to air from outdoor burning within the Blenheim Airshed, after 9 June 2016, unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes or is a brazier and the discharge does not occur during the months of May, June, July or August and does not involve any fuel prohibited under Rule 5.6.7.

[R]

6A.5.4. Discharge of contaminants to air within the Blenheim Airshed from an indoor open fire, unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale.

[R]

6A.5.5. From 9 June 2017 the discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005) that has been installed for more than 15 years.

[R]

6A.5.6. 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;
- (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]

6A.5.8. 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.

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