

## 9. Business 1 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.

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### 9.1. 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 9.2 and 9.3:

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[D]

9.1.1. Commercial activity.

[D]

9.1.2. Service activity.

[D]

9.1.3. Vehicle parking lot or parking building.

[D]

9.1.4. Park or reserve.

[D]

9.1.5. Community activity using an existing community facility.

[D]

9.1.6. Emergency services facility.

[D]

9.1.7. Residential activity.

[D]

9.1.8. Visitor accommodation.

[R, D]

9.1.9. Excavation or filling.

[R, D]

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

[R]

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

[R]

9.1.12. Discharge of contaminants to air from dry cleaning.

[R]

9.1.13. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an indoor open fire.

[R]

9.1.14. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.

[R]

9.1.15. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.

[R]

9.1.16. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner or an enclosed woodburner installed after 1 September 2005)

[R]

9.1.17. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed after 1 September 2005.

[R]

9.1.18. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.

[R]

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

[D]

9.1.20 Community corrections activity.

[D]

9.1.21 Service stations established prior to 9 June 2016.

[R]

9.1.22. 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]

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

[R]

9.1.24 Discharge of dust.

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By consent order dated 25 July 2022

[R]

**9.1.25 Amateur Radio Configurations.****9.2. Standards that apply to all permitted activities****9.2.1. Construction and siting of a building or structure.**

- 9.2.1.1. A building must be located on the front boundary of the site with no setback from the street edge except that a recess of up to 0.5m within the façade of the building is permitted.
- 9.2.1.2. The primary customer entrance must be located on, or adjoin, the front boundary of the site, except for service stations where the main entrance to the shop, if setback, faces the street edge or where there is a clear pedestrian connection between the shop entrance and the street edge.
- 9.2.1.3. The entrance to any part of the building or structure used for a residential activity must directly access a street and be separate from the customer entrance to the part of the building or structure operating a commercial activity.
- 9.2.1.4. A building within the area bounded by Market Street, High Street, Queen Street and Maxwell Road in Blenheim, on both sides of the street, must occupy 100% of their street frontage boundary.
- 9.2.1.5. The height of a building or a structure must not exceed—
- 20m, in the Blenheim Business Zone 1; and
  - 12m, in all other areas zoned Business 1 or 2, except that an aerial, plant room, water tank or similar structure occupying not more than 10% of the building roof area may exceed the maximum building height by up to 3m.
- 9.2.1.6. [Deleted]
- 9.2.1.6. Car parking or garaging relating to residential activity occurring on the land must be located away from the building frontage.
- 9.2.1.7. A building or structure must be set back a minimum of 5m from any Urban Residential 1 Zone boundary. The height envelope must have the dimensions specified for the recession plane in the relevant Urban Residential 1 Zone.
- 9.2.1.8. At least 50% of the ground floor walls of a building that fronts a public street, public land or public reserve must be glazed and at all times at least 70% of the glazed area must be visually permeable allowing users of the street sight into the building.
- 9.2.1.9. A building must have a veranda on that part of the building immediately adjoining the road boundary, and the veranda must:
- not extend further than 2m from the front face of a building into the street;
  - not extend closer than 0.5m to the street kerb;
  - be self-supporting.
- Except that a veranda is not required on a service station.
- 9.2.1.10. A building or structure in the Business 1 Zone in Blenheim must landscape and maintain 10% of the road frontage, or that part of the frontage not

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Levide Capital Limited  
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ENV-2020-CHC-65  
By consent order (dismissed) dated 2/12/20

occupied by buildings or vehicle accesses with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof, unless the land adjoins a Landscape Exclusion Street in Appendix 18.

- 9.2.1.11. A building or structure from which stormwater will be created must connect to, and dispose of stormwater into, a Council operated stormwater system designed for that purpose if the system is within 30m of the property boundary or 60m of the closest building.
- 9.2.1.12. A building or structure in which human effluent will be created must connect to, and dispose of the effluent into, a Council operated sewerage system designed for that purpose.
- 9.2.1.13. A dwelling associated with a permitted activity can be constructed or sited where the siting and construction is designed to reduce the exposure of the occupants to external noise, as follows:
- (a) a dwelling must be constructed to achieve an indoor design sound level of 53 dB L<sub>max</sub> in a habitable space based on a designed sound level of 75 dB L<sub>max</sub> at the boundary of the site or 10m from the dwelling, whichever is the closer to the dwelling. The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided.
- 9.2.1.14. A building or structure must not be within a Level 3 Flood Hazard Area.
- 9.2.1.15. 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.

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

## 9.2.2. Noise.

- 9.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3:
- |                     |                       |                         |
|---------------------|-----------------------|-------------------------|
| 7.00 am to 10.00 pm | 60dB L <sub>Aeq</sub> |                         |
| 10.00 pm to 7.00 am | 55dB L <sub>Aeq</sub> | 75dB L <sub>AFmax</sub> |
- 9.2.2.2. An activity must not cause noise that exceeds the following limits at any point within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfield) or Open Space 1:
- |                     |                       |                         |
|---------------------|-----------------------|-------------------------|
| 7.00 am to 10.00 pm | 50dB L <sub>Aeq</sub> |                         |
| 10.00 pm to 7.00 am | 40dB L <sub>Aeq</sub> | 70dB L <sub>AFmax</sub> |
- 9.2.2.3. Sirens and call out sirens associated with the activities of emergency services are excluded from having to comply with the noise limits in Standards 9.2.2.1 and 9.2.2.2.
- 9.2.2.4. 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.
- 9.2.2.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

## 9.2.3. Noise sensitive activity in the context of port activities:

- 9.2.3.1. 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 Business 1 Zone shall be adequately insulated from port noise.

- 9.2.3.2 Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dB Ldn 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.

**Commented [ 8 ]:** Amended to reflect decision . Clause 16.

**9.2.4. Use of external lighting.**

- 9.2.4.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.
- 9.2.4.2. Light spill when measured at the boundary of any adjoining property, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).
- 9.2.4.3. Light spill onto any adjoining property which is zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 must not exceed 2.5 Lux spill (horizontal and vertical).

**9.2.5. Odour.**

- 9.2.5.1. 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.

**9.2.6. Smoke.**

- 9.2.6.1. 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.

**9.2.7. Dust.**

- 9.2.7.1. 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.

**9.2.8. Particulate from any process vent or stack.**

- 9.2.8.1. 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.
- 9.2.8.2. 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.

**9.2.9 Water supply and access for firefighting.**

- 9.2.9.1. 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.
- 9.2.9.2. 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.

**9.3. Standards that apply to specific permitted activities**

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**9.3.1. Commercial Activity.**

- 9.3.1.1. Except for supermarket off-licences, licenced premises must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

**9.3.2. Park or reserve.**

- 9.3.2.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 9.3.2.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

**9.3.3. Residential activity.**

- 9.3.3.1. Other than an entrance or lobby, and vehicle parking, residential activity must not be located on the ground level of a commercial building.

**9.3.4. Excavation or filling.**

- 9.3.4.1. The maximum volume of excavation must not exceed 20m<sup>3</sup> per Record of Title within any 24 month period.
- 9.3.4.2. The maximum volume of filling must not exceed 20m<sup>3</sup> per Record of Title within any 24 month period.
- 9.3.4.3. The volume limits in Standards 9.3.4.1 and 9.3.4.2 do not apply in the following circumstances:
- any excavation or filling associated with the construction of a fence;
  - Any excavation or filling associated with the establishment of the foundation of a building;
  - any excavation or filling carried out in accordance with a subdivision consent.

- 9.3.4.4. There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area.
- 9.3.4.5. Excavation or filling must not be within a Level 2 or 3 Flood Hazard Area.
- 9.3.4.6. 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.
- 9.3.4.7. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

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

- 9.3.5.1. The bore must be drilled by a Recognised Professional.
- 9.3.5.2. 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.
- 9.3.5.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

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

- 9.3.6.1. 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.
- 9.3.6.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 9.3.6.3. 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.
- 9.3.6.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 9.3.6.5. All sprays must be applied with hand held equipment.

**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 [ 9]:** By consent order dated 31 October 2023

**9.3.7. Discharge of contaminants to air from dry cleaning.**

- 9.3.7.1. Chlorofluorocarbon solvents must not be used.
- 9.3.7.2. Where more than 5kg of solvent per day is used in the operation:
- (a) The discharge point must be 2m above the highest point of the building containing the dry cleaning machine;
  - (b) The discharge must be vertical and unimpeded by the immediately adjacent buildings;
  - (c) A record must be kept of the types and quantity of solvent used in the dry cleaning machines each day, to be supplied to the Council on request.
- 9.3.7.3. Any new dry cleaning plant installed after 9 June 2016 must use dry-to-dry technology.

**9.3.8. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance, except an enclosed pellet burner.**

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

**9.3.9. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.**

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

**9.3.10. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner, or an enclosed woodburner installed after 1 September 2005).**

- 9.3.10.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 9.3.10.2. The appliance must only burn fuels approved for use in the appliance.

**9.3.11. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed between 2 September 2005 and 9 June 2016.**

- 9.3.11.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 9.3.11.2. The appliance must only burn fuels approved for use in the appliance.

**9.3.12. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in a small scale solid fuel burning appliance installed after 9 June 2016.**

- 9.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.
- 9.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.
- 9.3.12.3. The appliance must burn only fuels approved for use in the appliance.

**9.3.13. Discharge of heat and water vapour from cooling towers.**

- 9.3.13.1. No more than 5MW of heat per hour must be discharged.



9.3.13.2. 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.

**9.3.14 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.

9.3.14.1 The Council must be notified at least 5 working days prior to the burning activity commencing.

9.3.14.2 If the property is located within the Blenheim Airshed, the discharge, except any discharge under (c), must not occur during the months of May, June, July or August.

9.3.14.3 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.

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

9.3.15.1. 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.

**9.3.16 Amateur Radio Configurations**

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

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

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

9.3.16.4 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.

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

9.3.16.6 For horizontal HF yagi or loop antenna, the maximum element length shall not exceed 14.9m and the boom length must not exceed 13m.

9.3.16.7 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;

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By consent order dated 25 July 2022

- (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.

## 9.4. Discretionary Activities

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

[R, D]

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

[D]

- 9.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[R]

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

## 9.5. Prohibited Activities

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

[D]

- 9.5.1. Heavy industrial activity.**

[R]

- 9.5.2. 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.**

[R, D]

- 9.5.3. The storage, reprocessing or disposal of hazardous waste into or onto land (other than into a lawfully established hazardous waste landfill).**

[R]

- 9.5.4. 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;

**Commented [ 11]:** New Zealand Transport Agency  
ENV-2020-CHC-000056

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

- (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]

9.5.5. 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

