

## 10. Business 2 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.

**Commented [ 1]:** NES-FW s44A(5)

### 10.1. 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 10.2 and 10.3:

[D]

#### 10.1.1. Commercial activity.

[D]

#### 10.1.2. Vehicle parking lot or parking building.

[D]

#### 10.1.3. Park or reserve.

[D]

#### 10.1.4. Community activity using an existing community facility.

[D]

#### 10.1.5. Emergency service activities of the New Zealand Fire Service on Sec 15 Blk II Heringa SD (Rai Valley Fire Station).

[D]

#### 10.1.6. Residential activity on Lot 4 DP 3279.

[D]

10.1.6A. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.

**Commented [ 2]:** By consent order dated 16 December 2024

### Note:

This rule has legal effect from the date that the PMEP is made operative.

**Commented [ 3]:** RMA s86B

[R, D]

#### 10.1.7. Excavation or filling.

[R, D]

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

[R]

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

[R]

**10.1.10. Discharge of human effluent into or onto land.**

[R]

**10.1.10A. Discharge of stormwater containing contaminants to land.**

**Commented [ 4]:** By consent order dated 22 October 2024

[R]

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

[R]

**10.1.12. 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]

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

[R]

**10.1.14. 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), or an enclosed pellet burner of any age installed prior to 9 June 2016.**

[R]

**10.1.15. 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]

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

[R]

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

**Commented [ 5]:** RESOLVED:  
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ENV-2020-CHC-76  
By consent order dated 25 July 2022

[D]

**10.1.18. Service stations established prior to 9 June 2016.**

[R]

**10.1.19. 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]

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

[R]

**10.1.21. Discharge of dust.**

## 10.2. Standards that Apply to all Permitted Activities

### 10.2.1. Construction and siting of a building or structure.

- 10.2.1.1. The height of a building or a structure must not exceed 10m.
- 10.2.1.2. In the Business 2 Zone in Blenheim and Picton, permanent buildings must not cover more than 65% of the net site area.
- 10.2.1.3. For a property that adjoins any land zoned Urban Residential Zone 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building must be confined within a height envelope in respect of the common boundary. The height envelope must have the dimensions specified for recession planes in the relevant adjoining Urban Residential Zone.
- 10.2.1.4. A building in the Business 2 Zone in Blenheim, must have a veranda on that part of the building immediately adjoining the road boundary, and the veranda must:
  - (a) be self-supporting;
  - (b) not extend further than 2m from the front face of a building into the street;
  - (c) not extend closer than 0.5m to the street kerb;
  - (d) generally conform with adjoining verandas in regards to height, width, and depth of fascia.
- 10.2.1.5. No part of a building must protrude over a street except for a sign or minor decorative feature (which may protrude up to 400mm), or a veranda.
- 10.2.1.6. The height of a fence, or any part of a fence, must not exceed 2m.
- 10.2.1.7. The following setbacks apply:
  - (a) a building located on a corner section must, as a minimum, be set back from the road boundaries at the corner behind a diagonal line joining points on the road boundaries 3m from the corner;
  - (b) a building not located on a corner section may be built up to the road boundary;
  - (c) where a property adjoins any land that is zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living, Coastal Living, Open Space 1, Open Space 2 or Open Space 3, a building must be set back a minimum of 5m from the zone boundary.
- 10.2.1.8. A building or structure must be set back a minimum of 8m from a river, drainage channel, Drainage Channel Network or the landward toe of a stopbank.

Commented [ 6]: Clause 16

- 10.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 10.2.1.10. 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.
- 10.2.1.11. 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.

**10.2.2. Noise.**

- 10.2.2.1. 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> |
- 10.2.2.2. 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 Greenfields), Urban Residential 3 or at any point within the notional boundary of a dwelling within any other zone:
- |                     |                        |                         |
|---------------------|------------------------|-------------------------|
| 7.00 am to 10.00 pm | 50 dB L <sub>Aeq</sub> |                         |
| 10.00 pm to 7.00 am | 40 dB L <sub>Aeq</sub> | 70dB L <sub>AFmax</sub> |
- 10.2.2.3. Sirens and call out sirens associated with the activities of emergency services are excluded from having to comply with the noise standards.
- 10.2.2.4. Noise must be measured in accordance with NZS 6801:2008 – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 – Environmental Noise.
- 10.2.2.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

**10.2.3. Use of external lighting.**

- 10.2.3.1. All exterior lighting must be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood or traffic safety.
- 10.2.3.2. 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).
- 10.2.3.3. 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).

**10.2.4. Landscaping in the Business 2 Zone in Blenheim.**

- 10.2.4.1. A minimum of 5% of the site must be set aside and landscaped.
- 10.2.4.2. All required landscaped areas must be located between the road frontage and front of buildings on the site, subject to the following exceptions:
- (a) rear sites that do not have road frontage;

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By consent order dated 15 February 2023

- (b) sites adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, where at least 50% of the required landscaped area must be located between the building and adjoining land.

- 10.2.4.3. Any landscaped areas must include a landscape strip of a minimum average width of 1.5m and a minimum width of 0.6m, adjacent to the road frontage, except across entranceways.
- 10.2.4.4. Landscaping strips must not be covered with any impervious surfaces. Where adjacent to or within carparks, landscape strips must be protected by wheel stop barriers to prevent damage from motor vehicles.
- 10.2.4.5. For the Business 2 Zone in Springlands only, a landscape strip with a minimum width of 1.5m must be planted and maintained to a minimum height of 1.5m on boundaries adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 and of no greater than the maximum height within the dimensions specified for recession planes in the relevant adjoining Urban Residential Zone.

#### 10.2.5. Odour.

- 10.2.5.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect, as detected 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.

#### 10.2.6. Smoke.

- 10.2.6.1. 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.

#### 10.2.7. Dust.

- 10.2.7.1. 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.

#### 10.2.8. Particulate from any process vent or stack.

- 10.2.8.1. 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.

- 10.2.8.2. 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.

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

- 10.2.9.1. 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.
- 10.2.9.2. 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.

### 10.3. Standards that Apply to Specific Permitted Activities

**10.3.1. Commercial activity.**

- 10.3.1.1. 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.
- 10.3.1.2. Other than goods displayed for sale, the storage of goods outdoors must be at the rear of any building and must be screened from public view.
- 10.3.1.3. For a commercial activity in the Business 2 Zone in Springlands, the following also apply:
- (a) The hours of operation for a commercial activity must be restricted to the hours 7.00am – 10.00pm Monday to Sunday (inclusive).
  - (b) All deliveries must be between:
    - 6.00 am and 10.00 pm Monday to Friday (inclusive);
    - 6.00 am and 8.00 pm Saturday;
    - 7.00 am and 8.00 pm Sunday or a public holiday.
  - (c) Delivery vehicles must not park on site outside of the delivery times set out in Standard 10.3.1.3(b).
  - (d) Commercial activity in the Business 2 Zone in Springlands, must not exceed a maximum total gross floor area of 6000m<sup>2</sup>.

**10.3.2. Park or reserve.**

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

**10.3.3. Residential activity on Lot 4 DP 3279.**

- 10.3.3.1. While Lot 4 DP 3279 is used exclusively for residential activity its use and development is subject to the rules for the Urban Residential 2 Zone.

- 10.3.3.2. When Lot 4 DP 3279 is used in whole or in part for a commercial activity, the use and development of the property will be subject to the rules for the Business 2 Zone.

**10.3.4. Excavation or filling.**

- 10.3.4.1. Excavation or filling must not occur within 8m of the landward toe of a stopbank and the depth of excavation must not exceed 20% of the distance between the landward toe of the stopbank and the excavation.
- 10.3.4.2. Excavation or filling must not be within a Level 2 Flood Hazard Area.
- 10.3.4.3. The maximum volume of 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.
- 10.3.4.4. The maximum volume of filling must not exceed 50m<sup>3</sup> per Record of Title within any 12 month period, unless the filling is associated with the establishment of the foundation for a building permitted.
- 10.3.4.5. Excavation or filling must not occur on land with a slope greater than 10°.
- 10.3.4.6. There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area.
- 10.3.4.7. Excavation must not intercept groundwater or cause ponding of surface run-off.
- 10.3.4.8. Excavation or filling must not occur in, or within 8m of, a river, drainage channel or Drainage Channel Network.
- 10.3.4.9. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 10.3.4.10. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 10.3.4.11. 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. The diameter of any culvert used to drain excavation or fill areas must not be less than 300mm.
- 10.3.4.12. For staged excavation or filling, any part of the excavation or filled area that has not been further developed within 12 months must be re-vegetated.
- 10.3.4.13. 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.
- 10.3.4.14. 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.
- 10.3.4.15. Excavation or filling must not cause water to enter onto any adjacent land under different ownership.

Commented [ 8]: NES-FW s44A(5)

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

- 10.3.5.1. The bore must be drilled by a Recognised Professional.
- 10.3.5.2. 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.
- 10.3.5.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

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

- 10.3.6.1. 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.
- 10.3.6.2. All spills of agrichemicals above the application rate must be notified to Council immediately.
- 10.3.6.3. 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.
- 10.3.6.4. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 10.3.6.5. 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

**10.3.7. Discharge of human effluent into or onto land.**

- 10.3.7.1. There must not be a Council operated sewerage system designed for that purpose within 30m of the property boundary or 60m of the closest building
- 10.3.7.2. The human effluent must be treated via on-site wastewater management system must be maintained in an efficient operating condition at all times.
- 10.3.7.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 10.3.7.4. 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, Drainage Channel Network, groundwater or coastal water.



- 10.3.7.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 10.3.7.6. 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.
- 10.3.7.7. The discharge must not occur within a Groundwater Protection Area.
- 10.3.7.8. The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 10.3.7.9. The discharge must not be within a Level 2 Flood Hazard Area.

**10.3.7A. Discharge of stormwater containing contaminants to land.**

- 10.3.7A.1. The discharge must not cause erosion of land.
- 10.3.7A.2. The discharge must not cause flooding of land on any other property.
- 10.3.7A.3. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:
  - (a) The hazardous substance cannot enter stormwater; or
  - (b) There is an interceptor system in place to collect any hazardous substance and divert contaminated stormwater to a trade waste system.
- 10.3.7A.4. The discharge must not occur within a Groundwater Protection Area.
- 10.3.7A.5. The discharge must not occur within 50m of a bore used for water abstraction for potable supply unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- 10.3.7A.6. For any discharge onto land in circumstances which may result in a contaminant entering water the discharge must comply with Rules 2.16.3, 2.16.4 or 2.16.6.

Commented [ 10]: By consent order dated 22 October 2024

**10.3.8. 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.**

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

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

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

**10.3.10. 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)**

- 10.3.10.1. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

10.3.10.2. The appliance must only burn fuels approved for use in the appliance.

**10.3.11 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.**

10.3.11.1 The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

10.3.11.2 The appliance must only burn fuels approved for use in the appliance.

**10.3.12. 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.**

10.3.12.1. The appliance must comply with the emission, operational and other requirements of Appendix 8 – Schedule 1.

10.3.12.2. The appliance must comply with the stack requirements of Appendix 8 – Schedule 2.

10.3.12.3. The appliance must burn only fuels approved for use in the appliance.

**10.3.13. Discharge of heat and water vapour from cooling.**

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

10.3.13.2. 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.

**10.3.14. 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.

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

10.3.14.2. 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.

10.3.14.3. 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.

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

10.3.15.1. 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.

**10.3.16. Any new building, or external addition to an existing building, that contains a noise sensitive activity, or any new noise sensitive activity in an existing building, within the State Highway Noise Boundary or Rail Noise Boundary.**

10.3.16.1. Any new building or external addition to an existing building that contains a noise sensitive activity, or any existing building that contains a new noise sensitive activity, within the State Highway Noise Boundary or Rail Noise Boundary, must comply with one of the following standards:

**Commented [ 11]:** RESOLVED:  
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ENV-2020-CHC-76  
By consent order dated 25 July 2022

- (a) The building is a framed residential building with habitable rooms, is designed, constructed, and maintained in accordance with the construction schedule for indoor noise control in Appendix 31, Schedule 1; or
  - (b) The new building or external addition to an existing building, or in the case of a new noise sensitive activity in an existing building, the existing building, is designed, constructed, and maintained to achieve indoor design noise levels (determined on the basis set out in Appendix 31, Schedule 2) resulting from the road or railway not exceeding the maximum values in Appendix 31, Schedule 2; or
  - (c) The new building or external addition to an existing building, or in the case of a new noise sensitive activity, the existing building, is at least 50 metres from the carriageway of any state highway or 50 metres from the rail corridor, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to the road surface and to all points 3.8 metres above railway tracks; or
  - (d) In the case of an external addition to an existing building, the addition does not increase the gross floor area of an activity listed in Appendix 31, Schedule 2.
- 10.3.16.2. A report must be submitted to the Council demonstrating compliance with 10.3.16.1(a) or (b) (as relevant) prior to:
- (a) The construction of any new building, or external addition to an existing building that contains a noise sensitive activity; or
  - (b) Any new noise sensitive activity being established in an existing building.
- 10.3.16.3. Mechanical ventilation: If windows must be closed to achieve the design noise levels in Permitted Activity Standards 10.3.16.1(b), the building must be designed, constructed and maintained with a mechanical ventilation system that:
- (a) For habitable rooms located within the State Highway Noise Boundary or Rail Noise Boundary for a residential activity, achieves the following requirements:
    - (i) Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and
    - (ii) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location; and
    - (iii) A Heating, Ventilation and Air Conditioning (HVAC) system installed in compliance with (a)(i) and (ii) above, must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (a)(ii) above, or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
  - (b) Alternatively, in lieu of section (a) above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will

provide ventilation and internal space temperature controls to meet or exceed the outcomes described in (a) above.

Note:

For Permitted Activity Standard 10.3.16.3(a)(ii) an acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data.

10.3.16.4. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 10.3.16.3.

**Commented [ 12]:** By consent order dated 16 December 2024

### 10.3A.Restricted Discretionary Activities

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

[R]

**10.3A.1. Discharge of stormwater containing contaminants to land where Standards 10.3.7A.4 or 10.3.7A.5 are unable to be met.**

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

10.3A.1.1. The effects on groundwater quality, particularly effects on potable supplies.

**Commented [ 13]:** By consent order dated 22 October 2024

[D]

**10.3A.2. Noise sensitive activities within the State Highway Noise Boundary and Rail Noise Boundary that are unable to meet the Permitted Activity Standards in 10.3.16.**

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

10.3A.2.1. Whether the activity sensitive to noise could be located further from the state highway or rail corridor.

10.3A.2.2. The extent to which the noise criteria are achieved and the effects of any non-compliance.

10.3A.2.3. The character of, and degree of, amenity provided by the existing environment and proposed activity.

10.3A.2.4. The reverse sensitivity effects on the state highway or railway network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.

10.3A.2.5. Special topographical, building features or ground conditions which will mitigate vibration impacts.

10.3A.2.6. The outcome of any consultation with the New Zealand Transport Agency or KiwiRail.

Notification:

Application for resource consent under this rule will be decided without public notification. The New Zealand Transport Agency or KiwiRail (as relevant) are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

**Commented [ 14]:** RESOLVED:  
New Zealand Transport Agency Waka Kotahi  
ENV-2020-CHC-56  
By consent order dated 16 December 2024

## 10.4. Discretionary Activities

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

[R, D]

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

[D]

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

[R]

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

## 10.5. Prohibited Activities

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

[R]

- 10.5.1. Discharge of contaminants into 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]

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

[R]

- 10.5.3. Discharge of contaminants into 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]

10.5.4. 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