

9. Business 1 Zone

9.1. Permitted Activities

Unless expressly limited elsewhere by a rule on 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:

[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 service activities of the New Zealand Fire Service on Sec 2 SO 443127 and Sec 7 SO 7431 (Blenheim Fire Station) and Lot 1 DP 9780 and Pt Sec 254 and 261 TN of Picton (Picton Fire Station).

[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 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 15 years of age or older (except an enclosed pellet burner).

[R]

9.1.17. 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 pellet burner of any age installed prior to 9 June 2016.

[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.

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.

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 12m.

9.2.1.6. A building must only differ by one storey in height from immediately neighbouring buildings, unless additional storeys are set back from the front boundary by at least 3m.

9.2.1.7. Car parking or garaging relating to residential activity occurring on the land must be located away from the building frontage.

9.2.1.8. A building or structure must be setback 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.

- 9.2.1.9. At least 50% of the ground floor walls of a building that fronts a public street, public land or public reserve must be glazed.
- 9.2.1.10. A veranda must:
- (a) not extend further than 2m from the front face of a building into the street;
 - (b) not extend closer than 0.5m to the street kerb;
 - (c) be self-supporting.
- 9.2.1.11. A building or structure in the Business 1 Zone in Blenheim must landscape 10% of the site 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.
- 9.2.1.12. 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.
- 9.2.1.13. 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.
- 9.2.1.14. 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 dBA L_{max} in a habitable space based on a designed sound level of 75 dBA L_{max} 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.
- 9.2.1.15. A building or structure must not be within a Level 3 Flood Hazard Area.

9.2.2. Noise.

- 9.2.2.1. An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 60 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 55 dBA L_{Aeq} | 75dB L_{AFmax} |
- 9.2.2.2. An activity must not cause noise that exceeds the following limits at the boundary of, or within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfield) or Open Space 1:
- | | | |
|---------------------|------------------|------------------|
| 7.00 am to 10.00 pm | 50 dBA L_{Aeq} | |
| 10.00 pm to 7.00 am | 40 dBA L_{Aeq} | 70dB L_{AFmax} |
- 9.2.2.3. Sirens and call out sirens associated with the activities of the New Zealand Fire Service 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. Use of external lighting.

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

9.2.3.2. 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).

9.2.3.3. 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).

9.2.4. Odour.

9.2.4.1. The odour 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.

9.2.5. Smoke.

9.2.5.1. 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.

9.2.6. Dust.

9.2.6.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

9.2.7. Dust from any process vent or stack.

9.2.7.1. The dust must not contain hazardous substances.

9.2.7.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

9.2.7.3. Dust particles must not exceed 0.05mm size in any direction.

9.3. Standards that apply to specific permitted activities

9.3.1. Commercial Activity.

9.3.1.1. A licenced premise 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 20m³ per Computer Register within any 24 month period.
- 9.3.4.2. The maximum volume of filling must not exceed 20m³ per Computer Register 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:
- (a) any excavation or filling associated with the construction of a fence;
 - (b) Any excavation or filling associated with the establishment of the foundation of a building;
 - (c) any excavation or filling carried out in accordance with a subdivision consent.
- 9.3.4.4. There must be no excavation in excess of 10m³ 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.

9.3.5. 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 of an agrichemical into or onto land.

- 9.3.6.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 9.3.6.2. The application must be undertaken in accordance with the most recent product label. 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.

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

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

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

9.3.8.4. 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 comply with the stack requirements of Appendix 8 – Schedule 2.

9.3.9.2. 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 15 years of age or older (except an enclosed pellet burner).

9.3.10.1. The continued use of the specified appliance is only permitted until 9 June 2017.

9.3.10.2. The appliance must burn only 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 a small scale solid fuel burning appliance that is up to 15 years of age (except an enclosed pellet burner), or an enclosed pellet burner of any age installed prior to 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.

9.4. 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 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;
- (d) pellets containing greater than 10 mg/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;
- (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.