

10. Business 2 Zone

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.

[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 of an agrichemical into or onto land.

[R]

10.1.10. Discharge of human effluent into or onto land.

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

[R]

10.1.15. 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]

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.

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, 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 setback 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.
- 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.

10.2.2. Noise.

- 10.2.2.1. 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}
- 10.2.2.2. 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 Greenfields), Urban Residential 3 or within the notional boundary of a dwelling within any other zone:

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}
- 10.2.2.3. Sirens and call out sirens associated with the activities of the New Zealand Fire Service are excluded from having to comply with the noise 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;
 - (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. 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.

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. 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.

10.2.8. Dust from any process vent or stack.

- 10.2.8.1. The dust must not contain hazardous substances.
- 10.2.8.2. 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.
- 10.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

10.3. Standards that Apply to Specific Permitted Activities

10.3.1. Commercial activity.

- 10.3.1.1. A licenced premise must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 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, excluding Lot 4 DP 3279, must not exceed a maximum total gross floor area of 5700m².
 - (e) Commercial activity on Lot 4 DP 3279 must not exceed a gross floor area of 300m².

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 50m³ per Computer Register 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 50m³ per Computer Register 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 10m³ 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, Significant Wetland, 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.

10.3.5. 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 of an agrichemical into or onto land.

- 10.3.6.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 10.3.6.2. 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.

- 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.

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.

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

10.3.9.2. 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 15 years of age or older (except an enclosed pellet burner).

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

10.3.10.2. The appliance must burn only 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 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.

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.

10.4. Discretionary Activities

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

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 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.