

35.0 Central Business Zone

35.1 Permitted Activities

35.1.1 Unless expressly limited elsewhere and subject to compliance with the conditions applying to Permitted Activities the activities listed below together shall be permitted without a resource consent.

- Commercial activities.
- Service activities.
- Vehicle oriented activities
- Visitor accommodation.
- Community facilities.
- Motor vehicle parking lots and car parking buildings.
- Parks and reserves.
- Hazardous facilities.
- Discharges.
- Emergency service activities on sites listed in Appendix G.

Conditions for Permitted Activities

35.1.2 Infrastructure and Services

35.1.2.1 Parking

35.1.2.1.1 Refer to rules relating to Vehicle Parking (Rule 27.2.3).

35.1.2.1.2 Where any on-site car parking is required under this Plan, the Council may accept payment of a sum of money in lieu of parking spaces, within the Central Business Zone. All properties zoned as primary shopping areas within the Central Business zone, shown on the Maps 161 and 162, shall be exempt from all carparking requirements.

The sum payable shall not exceed the value of land equivalent to 24 square metres per required car parking space not provided for on-site.

35.1.2.2 Loading

35.1.2.2.1 General rules relating to loading (Rule 27.2.2) apply except where properties are included in the primary shopping area shown on the Maps 161 and 162. In all cases provision must be made for loading into premises from rear access lanes where they exist. In cases where rear access lanes do not exist, loading into premises must be carried out in a manner that vehicle and pedestrian traffic is not unduly interrupted and in any event must not be carried out between the hours of 1030 hrs till 1730 hrs, Monday to Friday.

35.1.3 Amenities

35.1.3.1 Lighting

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

35.1.3.1.2 No activity shall result in greater than a 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2 metres inside the boundary of any adjoining property.

35.1.3.1.3 No activity shall result in a greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential.

35.1.3.2 Noise

All activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at or within the boundary of any other site zoned Central Business:

65 dBA L ₁₀	0700 hrs - 2300-hrs
60 dBA L ₁₀	At all other times
75 dBA L _{max}	On any day between 2200 hrs - 0700 hrs the following day

Provided noise arising from activities shall not exceed the following noise limits at or within the boundary of any land zoned Urban Residential:

55 dBA L ₁₀	0700 hrs - 2200 hrs Monday to Friday and 0700 hrs - 1200 hrs Saturday
45 dBA L ₁₀	At all other times including any public holiday
75 dBA L _{max}	On any day between 2200 hrs - 0700 hrs the following day

Provided on any day between 0700 hrs - 2200 hrs the L_{max} limit shall not apply.

35.1.3.3 Streetscape

35.1.3.3.1 The maximum height of a building or structure shall not:

- a) In the primary shopping area exceed 20 metres.
- b) Elsewhere 12 metres.

35.1.3.3.2 Subject to other conditions for Permitted Activities being met, up to 100% of the site may be covered in building.

35.1.3.3.3 No part of any building shall protrude over any street except for a verandah, a sign, or a minor decorative feature (which may protrude up to 400 mm).

35.1.3.3.4 Every building in the primary shopping area, shown on the Maps 161 and 162, and fronting a formed legal road shall, on its erection, reconstruction, or alteration, provide pedestrian shelter, in the form of verandahs for footpaths along that frontage. Any other building may be provided with a verandah.

- a) Each verandah shall, as far as is practicable, conform with adjoining verandahs in regard to height, width, and depth of fascia.
- b) Every such verandah, or part of a verandah shall be erected to a height of not less than 2.9 metres or more than 3.5 metres above the level of the kerb of the footway. It shall extend from the supporting building to a distance of 0.45 metres inside a vertical line drawn from the face of the kerb.
- c) No verandah may be supported by posts which are structural.

35.1.3.3.5 For properties which adjoin an Urban Residential Zone all buildings shall be set back a minimum of 5 metres from the zone boundary and be confined within a height envelope in respect of the common boundary. The height envelope shall have the dimensions specified for recession planes in the relevant Urban Residential Zone.

35.1.3.3.6 For all streets, other than those within the primary shopping area, a building setback (which may be landscaped) of 1.5 metres for 33% of street frontage and 3 metres for 66% of street frontage from the road boundary shall be provided.

35.1.3.3.7 For all sites, other than those within the primary shopping area, 10% of the site shall be the subject of landscape treatment. For the purposes of this rule, landscape treatment means an area in permanent planting which may comprise grasses, shrubs and trees or any combination thereof.

35.1.3.4 Outdoor Advertising

Refer Rule 27.4.

35.1.3.5 Heritage Resources

Refer to Rule 27.3.

35.1.4 Hazardous Facilities (District Function)

35.1.4.1 Effects Ratio

Any activity having an 'effects ratio' no greater than 0.5 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

35.1.4.2 Site Design

35.1.4.2.1 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s).

35.1.4.2.2 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and bunded so that the equivalent of the maximum of the largest container within the bunded area can be contained and excluded from the stormwater system when a spill occurs. In areas where drums are stored, the bunded area shall be able to contain half of the maximum amount of the material stored.

35.1.4.2.3 Any bunds shall be constructed from materials which are resistant to the substance that the bund is designed to contain, so as to prevent the substance entering the soil.

35.1.4.2.4 All stormwater grates shall be clearly marked.

35.1.4.2.5 Storage of petroleum products in underground tanks shall comply with the most recent version of the Code of Practice for 'Design, Installation and Operation of Underground Petroleum Systems'.

35.1.4.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, banded, and drained to the satisfaction of the Council.

35.1.4.2.7 All vehicle accessways onto that part of a hazardous facility site where hazardous and environmentally damaging substances are loaded or unloaded shall have cut-off drains installed which are not directly connected to the stormwater system.

35.1.4.2.8 Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous or environmentally damaging substances are washed, shall be sealed, banded and drained so that process effluent (run-off) from the washdown area is discharged into the foulwater system, or collected and stored in tanks for removal by a suitable trade waste contractor.

35.1.4.3 Waste Management

35.1.4.3.1 The storage of waste on the site shall be in suitable containers that are either sited to the rear of buildings and/or screened from public view by a solid wall or close boarded fence with a minimum height of 2 metres.

35.1.4.3.2 A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6 m³/week.

35.1.4.3.3 A record will be kept of the quantities of hazardous wastes stored on the site, or taken away to disposal.

35.1.4.4 Fire Safety

All hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment.

35.1.4.5 Signage

All hazardous facilities shall be adequately signposted according to the most recent version of the Code of Practice for 'Warning Signs for Premises Storing Hazardous Substances of the New Zealand Chemical Industry Council'.

35.1.4.6 Emergency and Evacuation Plan

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the Plan shall be lodged with the Council.

35.1.5 Discharges

35.1.5.1 Effluent

The discharge of effluent, greywater and stormwater is a Permitted Activity where it is connected to a public system expressly designed for this purpose.

35.1.5.2. Discharges to Air

35.1.5.2.1 Discharge of Electro Magnetic Radiation (EMR)

The discharge of EMR (Electric Magnetic Radiation) is a Permitted Activity, provided the level of discharge meets the requirement/limitations of NZS 6609.

35.1.5.2.2 Application of Agrichemicals

The discharge of a contaminant or contaminants onto land or into air in connection with the spray application of agrichemicals on domestic or residential properties or in domestic quantities on industrial and trade premises is permitted provided that the person responsible for the activity shall:

- a) Apply sprays strictly in accordance with the manufacturers instructions.
- b) Notify the Council immediately in the case of accidental discharge into a water body.
- c) Take all reasonable steps to ensure that no spray drift occurs beyond the boundary of the property.
- d) Apply sprays in a manner which does not cause or is not likely to cause deposition into surface waters.
- e) Apply sprays with hand held equipment only.

35.1.5.2.3 Discharges of Water Vapour

Any discharge into air of condensed water vapour, including steam shall be a permitted activity provided that:

- a) Any plume does not impair visibility on any road or in any aircraft flight path; and
- b) There is no drift of an objectionable plume onto an adjacent property; and
- c) There is no venting of steam or water vapour directly above footpaths or onto other properties.

35.1.5.2.4 Discharge From Small Scale Fuel Burning Equipment

The discharge into air from an industrial trade premise, or from a non-moving source that is not an industrial or trade premise, of

- a) Products of combustion from fuel burning equipment using coal, oil, or untreated wood at a rate not exceeding 40 kilowatts, or
- b) Methane, or natural or liquefied petroleum gas at a rate not exceeding 5 Megawatts

shall be a Permitted Activity provided that:

- c) The discharge is from a chimney or exhaust flue; and
- d) There is no objectionable smoke at or beyond the property boundary; and
- e) Smoke does not adversely affect visibility on any road; and
- f) There is no objectionable odour at or beyond the property boundary; and
- g) There is no objectionable deposition of particulate matter from smoke onto any land or structure at or beyond the property boundary.

35.1.5.2.5 Discharge for the Purpose of Ventilation

The discharge from any premise for the purpose of ventilation or from a fume cupboard shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from any point of discharge when it is sited on public land.

35.1.5.2.6 Discharges of Displaced Air

The discharge into air of any contaminant from tanks used for the storage of liquids (including petrol and diesel oil) or from the venting of gas pipelines, pumps, compressors or tanks shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from the point of discharge whichever distance is less.

35.1.5.2.7 Discharges from Particular Industrial or Trade Premises

The discharges of contaminants into air from:

- a) Premises used for the retail and wholesale distribution of automotive fuels, oils, liquefied gases and gases;
- b) Premises used for the retail and wholesale distribution of fuels used for industrial processing and home heating;
- c) Premises used as or associated with funeral parlours, chapels, stonemasons;
- d) Premises used for the application of surface coating, including printing or manufacture of packaging materials, and printing of paper;
- e) Premises used for the sale, servicing or repairs to motor vehicles, trailers, boats or like equipment;
- f) Premises used for the operation of dry cleaning, dyeing, laundering and cleaning facilities;
- g) Premises of less than 100 m² used for food processing by deep fat frying or oil frying of any animal or vegetable matter;
- h) Premises used for the processing of food including baking, cooking, freezing and canning, but excluding the production of milk powders;
- i) Premises used for the storage of food in refrigerated units;

is a Permitted Activity provided that:

- j) There is no objectionable odour at or beyond the property boundary; and
- k) There is no objectionable deposition of dust at or beyond the property boundary.

35.1.6 Earthworks

35.1.6.1 Excavation

- 35.1.6.1.1 The maximum volume for either excavation or filling shall not exceed 20 m³.

35.1.6.1.2 The time period applicable to filling and excavation in terms of volume shall mean the volume specified may not be exceeded within any continuous period of two years.

35.1.6.1.3 **Exemptions**

- a) Filling or excavation associated with the construction or maintenance of flood protection works, including stopbanks or retention basins constructed by or on behalf of the Council.
- b) Any works involving the installation, repair or replacement of any network utility structure.
- c) Any earthworks associated with the construction of a fence.
- d) Any earthworks carried out in accordance with an approved subdivision.

35.1.6.2 **Content**

35.1.6.2.1 Material other than rubble, ballast, stones, soily material and demolition material shall not be used as fill or for the filling of land or depressions.

35.1.6.2.2 Fill material shall not contain any putrecible, inflammable or hazardous components.

35.1.6.2.3 Fill material shall contain no more than 5% vegetative material which is not incidental to the cleaning of sites.

35.1.6.3 **General**

That natural clarity of any permanently flowing river, lake, wetland or the sea shall not be conspicuously reduced due to sediment laden discharge originating from any earthworks.

35.2 Controlled Activities

35.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Residential Activity.

35.2.2 All Controlled Activities shall be subject to the general conditions applicable to Permitted Activities. In addition the following shall apply to specified activities. An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with Section 94(1)(b) of the Resource Management Act 1991.

35.2.3 **Residential Activity**

35.2.3.1 Residential activity is a Controlled Activity provided that the activity conforms to the following Standards and Terms:

35.2.3.2 Standards and Terms

35.2.3.2.1 No residential activity shall take place on the ground floor of any building.

35.2.3.2.2 Every residential unit shall be provided with an outdoor living court having a minimum area of 15 m² and with a minimum dimension in one direction of 3 metres.

35.2.3.2.3 Every residential unit shall be sited and constructed so as to achieve an indoor design sound level of 53 dBA L_{max} in any habitable room based on a design sound level of 70 dBA L_{max} at the boundary of the site, or 10 metres from the dwelling whichever is the closer to the dwelling. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.

35.2.3.3 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) The protection of the Central Business Zone environment from the imposition of residential zone values.
- b) Parking requirements.
- c) Noise (eg. the degree of insulation required to minimise noise nuisance from Central Business Zone noise standards).
- d) Admission of daylight and retention of privacy to residential units.

35.3 Limited Discretionary Activities

35.3.1 Minor non-compliance with the standards for Permitted Activities may be allowed to the extent specified below. Application must be made for a resource consent for a Limited Discretionary Activity for the following:

- Parking requirements.
- Buildings or structures exceeding the maximum height of 20% of the specified standard.
- Verandah requirements.

- Buildings encroaching the height envelope created by the recession plane angles by a maximum of 1 metre in any direction.
- Building setback requirements.
- Landscape requirements.

35.3.2 Limits to the Council's Discretion

35.3.2.1 In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 35.3.3 below as are relevant to the non-compliance.

35.3.2.2 All applications shall be non-notified.

35.3.3 Matters to which the Council has Restricted the Exercise of its Discretion.

35.3.3.1 In considering any application for minor non-compliance the Council will in the exercise of its discretion have regard to the following matters:

- a) The impact on the overall character of the locality.
- b) In the case of a verandah whether it will in the circumstances existing serve a useful function for providing pedestrian shelter.
- c) Whether or not the landscape treatment would contribute to the visual quality of the central business area.
- d) The non-compliance should not adversely affect privacy enjoyed on adjoining residential properties.
- e) The non-compliance should not significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas, service courts, open space or habitable rooms on adjoining properties.
- f) The non-compliance should not have an actual or potential adverse affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.
- g) Whether or not it is physically practicable to provide the required parking on the site in terms of the existing location of buildings, availability of access to the road, and other similar matters.
- h) Whether there is an adequate alternative supply of parking in the vicinity eg; public carpark, formed angle road parking. In general on-street parallel parking, particularly in residential roads is not considered a viable alternative.
- i) Whether there is another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity.
- j) Whether a demonstrably less than normal incidence of parking will be generated by the proposal eg; due to specific business practice, operating method, type of customer.

35.3.4 Conditions

Any resource consent may include conditions relating to one or more of the following, in addition to those matters contained in Section 108 of the Act:

- a) Restrictions on intensity and scale of activity so as to keep traffic generation in the vicinity within the capacity and safety limits of the adjoining roading system.
- b) A financial contribution (not exceeding the total land value; a capitalised sum for future maintenance and formation of the parking spaces concerned) may be required by the Council, to be used for the purchase, provision and maintenance of a public carpark in the near vicinity of the site or centre or to be used to undertake road works which improve the on-street parking capacity of the centre.
- c) Where there is an existing public parking area in the vicinity, the Council may impose a condition requiring the applicant to lease a certain number of parking spaces within it, so as to mitigate the effects of the lack of parking provision on the applicant's site.
- d) The bulk and location of buildings and structures.
- e) The protection of public and private amenity values.
- f) The design and appearance of any buildings.
- g) Landscape design and appearance and site layout.
- h) Bonds or covenants to secure the performance of consent conditions.
- i) The terms of consent.
- j) Additional landscape treatment.

35.4 Discretionary Activities

35.4.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- Activities listed as Permitted or Controlled which do not comply with standards and/or conditions or with the provisions for minor non-compliance dealt with as Limited Discretionary Activities. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.
- Licensed premises adjoining residential zones.
- Emergency service activities.

35.4.2 General Assessment Criteria

(Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

Any application for a Discretionary or Non-Complying Activity shall generally comply with the standards and conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria.

35.4.2.1 Matters the Subject of Assessment

- 35.4.2.1.1 Any relevant objectives, policies and rules of this Plan.
- 35.4.2.1.2 Any relevant objectives, policies and methods of implementation of the Marlborough Regional Policy Statement.
- 35.4.2.1.3 The effect of the proposal on the visual quality of the central business area.
- 35.4.2.1.4 Any impact on surrounding residential areas.
- 35.4.2.1.5 The provision of continuous pedestrian shelter within the central business area.
- 35.4.2.1.6 The design and appearance of the proposal.
- 35.4.2.1.7 The privacy and residential amenities enjoyed on nearby residential properties and on the applicant's own site.
- 35.4.2.1.8 Daylight and shading of adjoining properties.
- 35.4.2.1.9 The usual background noise characteristics of the locality and the likely extent and significance of any increase in noise.
- 35.4.2.1.10 The safety and convenience of vehicle, cycle and pedestrian traffic on adjacent roads; and the adequate provision for safe on-site provision for vehicle access servicing, loading and parking.
- 35.4.2.1.11 The need for on-site landscaping of grounds surrounding buildings or of car parking areas or for fencing and other site works.
- 35.4.2.1.12 The effect of the proposal on the safety, convenience, and vitality of the central business area.

35.4.3 Resource Consent Conditions

Any resource consent may include conditions relating to any one or more of the following in addition to those matters contained in Section 108 of the Act:

- a) The bulk and location of buildings.
- b) The protection or enhancement of amenity values.
- c) The protection of any significant environmental feature.
- d) The design and appearance of any buildings.
- e) Landscape design and appearance, and site layout.
- f) The protection of future roading options and the management of traffic impacts.
- g) Financial contributions in accordance with the requirements of the Plan.
- h) Bonds or covenants to secure the performance of consent conditions.

35.5 Non-Complying Activities

35.5.1 Application must be made for a resource consent for a Non-Complying activity for the following:

- Any activity not provided for as a Permitted, Controlled, Limited Discretionary, Discretionary or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Within any area identified as a Flood Hazard on the Planning Maps the following are Non-Complying Activities:
 - Any building.
 - Construction of stopbanks, modification of existing stopbanks or deposition of material in ephemeral channels.
 - Construction of impermeable walls, fences or similar structures which would divert water.
 - Any excavation.

35.6 Prohibited Activities

35.6.1 The following are Prohibited Activities for which no resource consent shall be granted:

- The disposal of hazardous waste substances to land or water.
- The combustion of:
 - Materials associated with the recovery of metals from insulated electrical cables in the open; or
 - Materials and metals used in motor vehicles in the open; or
 - Any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

In the open means other than in an enclosed incineration device with a chimney.