

36.0 Neighbourhood Business Zone

36.1 Permitted Activities

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

- Commercial activities, (other than activities which require a licence under the Sale of Liquor Act 1989).
- In the Neighbourhood Business Zone at Springlands, the sale of liquor from a supermarket.
- Community facilities.
- Vehicle oriented activities.
- Motor vehicle parking lots and car parking buildings.
- Parks and reserves owned and administered by public authorities.
- Hazardous facilities.
- Discharges.

Conditions for Permitted Activities

36.1.2 Infrastructure and Services

36.1.2.1 Parking

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

In addition for the Neighbourhood Business Zone at Springlands, wheel stops or other suitable barriers shall be positioned in front of boundary fences adjoining Urban Residential Zones.

36.1.2.2 Loading

Refer to rules relating to Loading (Rule 27.2.2).

36.1.3 Amenities

36.1.3.1 Lighting

36.1.3.1.1 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.

36.1.3.1.2 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.

36.1.3.1.3 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.

36.1.3.2 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 Neighbourhood Business:

55 dBA L10	0700 hrs - 2200 hrs Monday to Friday and 0700 hrs - 1200 hrs Saturday
45 dBA L10 , and 70 dBA Lmax	At all other times including any public holiday

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

In addition, for the Neighbourhood Business Zone in Springlands, fences shall be erected along boundaries adjoining Urban Residential Zones. These fences must be at least 1.8m high above ground level, be constructed from timber, be continuous and free from holes or gaps. The minimum mass of the fence shall be no less than 7kg/m^2 .

36.1.3.3 Streetscape

36.1.3.3.1 The maximum height of a building or structure shall not exceed 10 metres.

36.1.3.3.2 The maximum percentage of net site area which may be covered by buildings shall be 65%.

36.1.3.3.3 The following building setbacks shall apply:

- a) Buildings may be built up to the road boundary, except that on corner sections buildings shall be setback from the road boundaries at the corner behind a diagonal line joining point on the road boundaries at least 3 metres from the corner.
- b) Where a property adjoins a site with a Residential or Recreation zoning, all buildings shall be set back a minimum of 5 metres from the zone boundary.

36.1.3.3.4 For properties which adjoin an Urban Residential Zone all buildings shall 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.

36.1.3.3.5 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).

36.1.3.3.6 Any building may be provided with a verandah.

- a) Each verandah shall as far as 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, either structural or decorative.

36.1.3.4 Area to be Landscaped

36.1.3.4.1 A minimum of 5% of the site shall be set aside and landscaped.

36.1.3.4.2 All required landscaped areas shall be located between the road frontage and front of buildings on the site, subject to the following exceptions:

- Rear sites (i.e. those not having road frontage).
- Sites abutting an Urban Residential Zone, where at least half the required landscaped area shall be located between the building and abutting zone boundary.

Areas within the Neighbourhood Business Zone at Springlands, where a landscape strip, with a minimum width of 1.5 metres, shall be planted and maintained to a minimum height of 1.5 metres on boundaries abutting an Urban Residential Zone and of no greater than the maximum height within the dimensions specified for recession planes in the relevant Urban Residential Zone.

36.1.3.4.3 Any landscaped areas shall include a landscape strip of a minimum average width of 1.5 metres and a minimum width of 0.6 metres, adjacent to the road frontage, except across entranceways.

36.1.3.4.4 Landscaping strips or planting protection areas shall not be covered with any impervious surfaces. Where adjacent to or within carparks, landscape strips shall be protected by wheel stop barriers to prevent damage from motor vehicles.

36.1.3.5 Outdoor Storage

Any outdoor storage of goods, other than the goods displayed for sale, shall be sited to the rear of any building and screened from public view.

36.1.4 Heritage

Refer to Rule 27.3.

36.1.5 Flood Protection/Riparian Management

36.1.5.1 All buildings and structures shall be set back a minimum of at least 8 metres from the top of any natural river or stream bank, or wetland, or any stopbank.

36.1.5.2 No building activity or earthworks shall take place as a Permitted Activity within any area identified as a flood hazard by this Plan.

36.1.6 Hazardous Facilities (District Function)

36.1.6.1 Effects Ratio

Any activity having an 'effects ratio' no greater than 0.2 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

36.1.6.2 Site Design

36.1.6.2.1 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).

36.1.6.2.2 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.

36.1.6.2.3 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.

36.1.6.2.4 All stormwater grates shall be clearly marked.

36.1.6.2.5 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'.

36.1.6.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, bunded, and drained.

36.1.6.2.7 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.

36.1.6.2.8 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, bunded 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.

36.1.6.3 Waste Management

36.1.6.3.1 The storage of waste on the site shall be in suitable containers (i.e. containers for putrecible material shall be vermin and odour proof and all containers shall be resistant to chemical leaching) 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.

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

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

36.1.6.4 Fire Safety

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

36.1.6.5 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'.

36.1.6.6 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.

36.1.7 Discharges

36.1.7.1 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.

36.1.7.2 Discharges to Air

36.1.7.2.1 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.

36.1.7.2.2 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.

36.1.7.2.3 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.

36.1.7.2.4 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.

36.1.7.2.5 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 409 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.

36.1.7.2.6 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.

36.1.8. Neighbourhood Business Zone at Springlands

36.1.8.1 Commercial Activity

The hours of operation of commercial activities shall be restricted to the hours 0700 hrs - 2200 hours Monday-Sunday.

36.1.8.2 Deliveries

All deliveries shall be between 0600-2200 hrs Monday - Friday 0600-2000 hrs Saturday, 0700-2000 Sunday and public holidays.

For the avoidance of doubt, delivery vehicles may not park up on site outside of the above delivery times.

36.1.8.3 Maximum Area for Commercial Activities as a Permitted Activity

Commercial activity may take place as a permitted activity up to a maximum total gross floor area of 5700m² (includes 660m² of garden centre, covered/uncovered space).

36.2 Controlled Activities

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

- Residential activity (except in the case of the site scheduled in Appendix G).
- Relocated buildings.

36.2.2 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(1A) of the Resource Management Act 1991.

36.2.3 Residential Activity

36.2.3.1 Residential activity is a Controlled Activity provided that the activity conforms to the following Standards and Terms.

36.2.3.2 Standards and Terms

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

36.2.3.2.2 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.

36.2.3.3 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 Neighbourhood Business Zone environment from the imposition of residential zone values.
- b) Parking requirements.
- c) Access to residential units.
- d) Admission of daylight and retention of privacy to residential units.

36.2.4 Relocated Buildings

36.2.4.1 The relocation of any building is a Controlled Activity provided that the activity conforms to the following Standards and Terms:

36.2.4.2 Standards and Terms

All relocated buildings must comply fully with the rules for permitted activities for the zone and all other relevant rules.

36.2.4.3 Information Requirements

The application is to be accompanied by an assessment of effects that address the Fourth Schedule of the Act and the following additional matters:

- a) The age and architectural design.
- b) The external appearance of the building and its compatibility with the standard of other buildings in the vicinity of the proposed site.
- c) The effect on the visual amenities of the area in the vicinity of the proposed site.

36.2.4.4 Matters Over Which the Council Will Exercise Control

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

- a) The external appearance of the building.
- b) Compatibility with buildings in the immediate vicinity.
- c) Reinstatement or restoration works.
- d) Landscaping requirements.
- e) The need for a bond to cover reinstatement work.
- f) A time period for the completion of reinstatement work.

36.3 Limited Discretionary Activities

36.3.1 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:

- Buildings exceeding the maximum permitted site coverage up to a maximum of 20% of the specified standard.
- Buildings encroaching the height envelope created by the recession plane angles by a maximum of 1 metre in any direction.
- Buildings or structures exceeding the maximum height by 20% of the specified standard.
- Parking requirements.

36.3.2 Limits to the Council's Discretion

36.3.2.1 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 36.3.3 below as are relevant to the non-compliance.

36.3.2.2 All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

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

36.3.3.1 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) Whether the proposed building is in keeping with the design, scale and character of other buildings in the locality.

- c) The non-compliance should not adversely affect privacy enjoyed on adjoining residential properties.
- d) 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.
- e) The non-compliance should not adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.
- f) 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.
- g) 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.
- h) 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.
- i) 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.

36.3.4 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) The bulk and location of buildings and structures.
- b) The protection of public and private amenity values.
- c) The design and appearance of any buildings.
- d) Landscape design and appearance and site layout.
- e) 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.
- f) A financial contribution (not exceeding the total land value 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.
- g) 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.
- h) Bonds or covenants to secure the performance of consent conditions.

36.4 Discretionary Activities

36.4.1 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.
- Activities requiring a licence under the Sale of Liquor Act 1989 (excluding the sale of alcohol from the supermarket in the Neighbourhood Business Zone at Springlands).
- Visitor accommodation.
- Carparks, 31 spaces and over.
- Emergency service activities.
- Commercial activities in the Neighbourhood Business Zone at Springlands, where the total gross floor area exceeds 5700m².

36.4.2 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.

36.4.2.1 Matters the Subject of Assessment

- 36.4.2.1.1 Any relevant objectives, policies and rules of this Plan.
- 36.4.2.1.2 Any relevant objectives, policies and methods of implementation of the Marlborough Regional Policy Statement.
- 36.4.2.1.3 The effect of the proposal on the visual quality of the local neighbourhood shopping area.
- 36.4.2.1.4 Any impact on surrounding residential areas.
- 36.4.2.1.5 The design and appearance of the proposal
- 36.4.2.1.6 The privacy and residential amenities enjoyed on nearby residential properties and on the applicant's own site.
- 36.4.2.1.7 Daylight and shading of adjoining properties.
- 36.4.2.1.8 The usual background noise characteristics of the locality and the likely extent and significance of any increase in noise.
- 36.4.2.1.9 The safety and convenience of vehicle, cycle and pedestrian traffic on adjacent roads; and the adequate provision for safe on-site vehicle access servicing, loading and parking.
- 36.4.2.1.10 The need for on-site landscaping of grounds surrounding buildings or of car parking areas or for fencing and other site works.

- 36.4.2.1.11 The effect of the proposal on the safety, convenience, and vitality of the neighbourhood business area.

36.4.3 Particular Standards and Criteria Applicable to Listed Discretionary Activities (Pursuant to Sections 67(1) k and 75(1) k of the Resource Management Act 1991)

The criteria specified for any particular Discretionary Activity as listed below shall be considered in addition to the General Assessment Criteria set out in Rule 36.4.2.

36.4.3.1 Activities Requiring a Liquor License

36.4.3.1.1 Standards

The hours of operation for licensed premises shall be restricted to the hours 0700 hrs - 0200 hrs the following day provided that in the case of such premises adjoining an Urban Residential Zone the hours shall be 0700 hrs - 0100 hrs.

36.4.3.1.2 Assessment Criteria

- a) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods.
- b) The effect on the existing and foreseeable future amenities of the neighbourhood, particularly in relation to noise and traffic generation.
- c) The nature of existing and permitted future uses on nearby sites.
- d) The adequacy of car-parking for the site.
- e) The adequacy of screening and buffer areas between the site and other uses.
- f) The previous history of the site, and the relative impact of adverse effects caused by activities associated with sale of liquor.
- g) The nature of the proposed activity and whether or not the liquor sold will be consumed on site.
- h) The need to impose further restrictions on the hours of operation to mitigate any adverse effects.

36.4.3.2 Visitor Accommodation

36.4.3.2.1 Assessment Criteria

- a) Any adverse effects of the activity in terms of noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.
- b) The extent to which any proposed buildings will be compatible with character and scale of development in the township.
- c) Any adverse effects of the activity in terms of traffic congestion, traffic safety and pedestrian safety.
- d) The ability to provide adequate vehicle parking and manoeuvring space on site.

36.4.3.3 Carparks

36.4.3.3.1 Assessment Criteria

- a) Traffic and pedestrian safety.
- b) The ability of the proposed car park to meet the motor vehicle parking demands of the vicinity.

36.4.3.4 Commercial Activity within the Neighbourhood Business Zone at Springlands

36.4.3.4.1 Assessment Criteria

- Commercial land availability within Blenheim that establishes the need for additional capacity within a Neighbourhood Business Zone.
- Alternative locations for the commercial activity including the potential to locate within the Central Business Zone.
- Potential adverse effects on the vibrancy and vitality of the Central Business Zone.

36.4.4 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) The hours of operation.
- h) Financial contributions in accordance with the requirements of the Plan.
- i) Bonds or covenants to secure the performance of consent conditions.

36.5 Non-Complying Activities

36.5.1 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.

36.6 Prohibited Activities

36.6.1 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.