

BEFORE THE HEARING PANEL

Under the Resource Management Act 1991

In the matter of Topic 3 (Natural and Physical Resources) of the Proposed Marlborough Environment Plan

Between

Port Marlborough New Zealand Limited

Submitter

and

Marlborough District Council

Local Authority

Memorandum of Counsel on behalf of Port Marlborough New Zealand Limited – Topic 3:UDC NPS

1 December 2017

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BARRISTERS AND SOLICITORS

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Introduction

1. This memorandum responds to the Panel's request for further consideration of the implications of the National Policy Statement on Urban Development Capacity 2016 (**UDC- NPS**).

Topic 3 – Further Information Request

2. At the hearing for Topic 3 the Panel sought further information regarding the National Policy Statement on Urban Development Capacity 2016 (**NPS**). In particular, the Panel asked whether the NPS applies to Port land.
3. As noted in our legal submissions, the NPS specifically identifies the importance of the on-going development of infrastructure, and local authorities are required to ensure that there is sufficient infrastructure available to support urban development.
4. The NPS applies to housing and business land. Business land is defined in the NPS to mean:

land that is zoned for business uses in urban environments, including but not limited to land in the following examples of zones:

- industrial
 - commercial
 - retail
 - business and business parks
 - centres (to the extent that this zone allows business uses)
 - mixed use (to the extent that this zone allows business uses).
5. The definition of business land is broad and the examples provided are non-exclusive. We submit that it should be relatively non-contentious that business uses are undertaken in the Port Zone.

6. Although PMNZ's port land is not in an urban environment as defined by the NPS,¹ Marlborough is a 'medium-growth district' under the NPS. As noted in Ms Taylor's evidence, this means that local authorities must ensure there is sufficient land available for development that is serviced, or that funding is available to service the land.² Further, local authorities must satisfy themselves that other infrastructure (other than development infrastructure such as water services and roading) required to support urban development is likely to be available.³
7. Port infrastructure is an example of such other infrastructure. PMNZ is a significant employer in the Marlborough region and has facilities that enable significant economic activity and support urban development.
8. Accordingly, we respectfully submit that the NPS applies to Port land to extent the Port (and its development) supports wider urban development. In any event, the on-going development of Port infrastructure properly needs to be considered and provided for during environmental planning.



AJL Beatson
Counsel for Port Marlborough New Zealand Limited

1 December 2017

¹ Urban Environment is defined in the NPS to mean "an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries".

² Evidence of Louise Taylor dated 6 November 2017 at [95].

³ Evidence of Louise Taylor dated 6 November 2017 at [95].