

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I MUA I TE KOTI TAIAO O AOTEAROA
OTAUTAHU ROHE**

ENV

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Act

BETWEEN **Colonial Vineyard Limited**

Appellant

AND **Marlborough District Council**

Respondent

**NOTICE OF APPEAL ON BEHALF OF COLONIAL VINEYARD LIMITED AGAINST
DECISION ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN**

Dated 8 May 2020

SOLICITOR ACTING: **M HARDY-JONES / K M LAWSON**
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NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON A PROPOSED PLAN

To: The Registrar
Environment Court
Christchurch

1. Colonial Vineyard Limited (**CVL**) appeals against part of the decision of the Marlborough District Council (the **Council**) on the following proposed plan:

Proposed Marlborough Environment Plan (the **Proposed MEP**)

2. CVL made a submission on the Proposed MEP.
3. CVL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the **Act**)
4. CVL received notice of the decision on 21 February 2020 and on 3 March 2020.
5. The decision was made by the Council.
6. The parts of the decision that this appeal relates to are:
 - (a) Chapter 12 – Industrial 1 and 2 Zones – Standard 12.2.10;
 - (b) Chapter 12 - Industrial 1 and 2 Zones – Standard 12.2; and
 - (c) Appendix 19 – Schedule 2 Prohibited Area for Habitable Buildings.

Standard 12.2.10 – New Landscape Standard

Reason for appeal

7. In its submission CVL opposed the rezoning of Lot 2 DP 440534 (the **Corlett Block**) from Rural 3 Zone to Industrial 1 Zone. CVL is the developer of the Omaka Landing subdivision, a residential subdivision located adjacent to the Corlett Block. CVL was concerned to avoid cross-boundary effects and sought a buffer between the industrial and residential zones.

8. In its decision, the Hearings Panel concluded the notified provisions of the Proposed MEP did not adequately manage the potential adverse effects that could be generated by industrial activity on adjoining residential land. Unlike other industrial/residential interfaces in Blenheim, the Panel noted that the land adjacent to the CVL site was a greenfield development.
9. In order to remedy the situation, the Panel imposed a 12m setback from the boundary. New permitted standards were included to prohibit buildings from being located within the setback and to prevent light industrial activities from being undertaken.
10. CVL is concerned that the setback by itself is not sufficient to minimise the cross-boundary effects. Other activities, such as service activities, service industries or commercial activities, ancillary to light industrial activities, could be undertaken as of right in the Industrial 1 Zone, and there is potential for grounds or accessways associated with those activities to be located within the setback.
11. CVL therefore proposes the setback be landscaped to ensure cross boundary effects are avoided or mitigated in accordance with Objective 12.7 and Policy 12.7.1. The landscaping would also provide a visual feature within the industrial zone.

Relief Sought

12. Include a new standard 12.2.10.X as follows:

On Lot 2 DP 440534, or any subsequent record of title created through subdivision of this property, the area located within 12m of the property boundary as shown in Appendix 19, must be landscaped and maintained with permanent plantings of grasses (except lawn grasses) shrubs and trees or any combination thereof.

Standard 12.2 – Standards for all permitted activities

Reason for Appeal

13. In the event the Court does not grant the new landscape standard sought by CVL, then CVL seeks new standards requiring no vehicle movements, parking or outdoor storage within the 12m setback.
14. Vehicle accessways or grounds associated with other permitted activities in the Industrial 1 Zone, such as service stations, service industries and service activities, within the 12m setback, would not avoid or mitigate cross-boundary effects. Any such activities should be located outside the 12m setback.

Relief Sought

15. Include a new standard 12.2.4.1(e) as follows:

12.2.4.1. An outdoor storage area must not be located within:

...

(e) 12m of the property boundary on Lot 2 DP 440534, or any subsequent record of title created through subdivision of this property or any record of title derived from that lot, as shown in Appendix 19.

16. Include a new standard 12.2.X as follows:

Roading and parking.

On Lot 2 DP 440534, or any subsequent record of title created through subdivision of this property or any record of title derived from that lot there shall be no vehicle movements or parking within 12m of the property boundary shown in Appendix 19.

Appendix 19 – Schedule 2*Reason for Appeal*

17. In light of the Hearing Panel's decision, the legend for Appendix 19 - Schedule 2 needs to be amended to include the restriction relating to the construction of buildings and light industrial activities.
18. Should the Court grant the second relief sought by CVL, then the legend also needs to specify the restrictions relating to vehicle movements, parking and outdoor storage within the 12m setback.

Relief sought

19. Amendment to Appendix 19 – Schedule 2, legend, as follows:

Appendix 19 Prohibited Area for ~~Habitable~~ Buildings, Light Industrial Activity, Vehicle Movements, Parking and Outdoor Storage.

Relief Sought

20. CVL seeks the following relief from the Court:
 - (a) The relief specified in this notice of appeal under each heading "Relief sought"; or
 - (b) Such further, consequential or alternative relief as may be necessary or appropriate to give effect to the relief sought.
21. CVL attaches the following documents to this notice:
 - (a) A copy of CVL's submission;
 - (b) A copy of the relevant parts of the decision; and

- (c) A list of names and addresses of persons to be served with a copy of this notice.



M Hardy-Jones / K M Lawson
Counsel for Colonial Vineyard Limited

Dated 8 May 2020

Address for service:
Colonial Vineyard Limited
C/- Hardy-Jones Clark
76 High Street
PO Box 646
Blenheim 7201

Attention: Kim Lawson
Telephone: (03) 578 5339
Facsimile: (03) 578 0323
Email: kim@hjc.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal.

The copy of this notice served on you does not attach a copy of the appellant's submission and the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

31 August 2016

Marlborough District Council
P O Box 443
Blenheim 7240

Attn:

Submission – Proposed Marlborough Environment Plan

Name of submitter – Colonial Vineyard Ltd
Address for service – P O Box 554, Blenheim 7240
Email – mark.davis@harcourts.co.nz
Contact details – Mark Davis 0275980752, 5780888

We oppose the rezoning of rural land to industrial land on the Corlett Block (lot 2 DP 440534) to the south of Colonial Vineyard Ltd.

Details of submission –

In recent evidence put to the environment court we established that the Councils view of industrial demand was unrealistic and the suggestion that the Colonial land be used for Employment purposes was a distraction. To continue with this approach is problematic.

Now that the Colonial Vineyard land has been rezoned residential there has been a clear shift in the receiving environment and interface between zones and boundaries that should be reassessed.

It has been accepted that the effects between activities at the aero club and Colonial will be minor and that the distance provides a suitable buffer between activities. It was also established that the residential activity is outside the likely future noise contour planned by the Council.

We are not sure why Council would now want to rezone the Corlett land immediately to the south of the Omaka Landing subdivision into industrial as this will clearly create some adverse effects and conflicts.

There are many adverse effects that come with industrial activities like trucks and service vehicles operating all hours, noise from operations and the visual amenity created. Some of these activities will also potentially be incompatible with airfield further to the south.

The objectives of the plan include community wellbeing and a quality of life and seeks to avoid, remedy or mitigate adverse effects on the health of people and communities – why add an industrial zone next to a residential zone which would have a negative impact.

Access into this proposed industrial zone is not great and passes through residential areas. This industrial zone also could negatively impact on the Heritage museum as a general detraction from the tourist amenity.

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- 1 SEP 2016
MARLBOROUGH
DISTRICT COUNCIL

It is clear in Marlborough also that industrial activities are establishing on the Wairau plains in areas closer to the source of production. Other alternative sites that could be more suitable could include the land to the west of Pac and Save which has far better access and positioning.

There needs to be a clear buffer between residential areas and any proposed industrial/airport zones. This buffer currently exists with the Carlton Corlett Block remaining as a rural block. The plan promotes the creation and maintenance of buffer zones such as greenbelts so this land should remain rural to achieve this objective.

In recent evidence to the Environment Court there was a preference for the establishment of a buffer zone that was planted along with rules for managing any potential effects. This was not considered necessary at the time as the rural/residential interface works with relatively minor concerns.

However, the residential/industrial interface is an entirely different proposition which the Council should avoid.

The reason for this submission is to show our opposition for this industrial rezoning and we would like Council to leave this area as rural land so that any future effects can be managed/mitigated.

We are happy to speak to our submission and wish to be heard.

Your Sincerely



Mark Davis

Chairman

Colonial Vineyard Ltd

writer is unsure what the 'historical error' may be referred to in submissions.²¹ The sites could not be subdivided as a controlled activity because of their substandard area. The sites do not have reticulated sewerage.

58. The report writer also considers that any rezoning should have regard to the objectives and policies of the PMEP, particularly those relating to Coastal Living in terms of landscape, visual amenity, services and the stock existing already on the Coastal Living zoned land. His conclusion is not to recommend rezoning on the site.²²
59. The report writer concluded in his Summary of Evidence after hearing Mr Dew in evidence that it is appropriate to extend the zoning on Lot 1 DP 1083 as the existing dwelling on that site is not covered by zoning. For the rest, there appears to be a mixture of zoning applied to the coastal sites across the PMEP as a whole site/part of site. But the report writer retains his opinion that the whole site should not be rezoned because of the potential further subdivision, notwithstanding the difficulties of developing the physical environment. In that respect, Policy 13.5.3 as notified is particularly relevant.

Consideration

60. The Panel's assessment of these submissions is that the zoning issue should be tidied up. Lot 1 Coastal Living zoning does not currently cover one of the existing houses. We considered both sites should be rezoned, making the sites no longer split into two. We also concluded because of the steepness of the two sites, it is unlikely that they could be further subdivided and consequently developed. We concluded the rezoning does not provide any development advantage in terms of additional dwellings but aligns the zoning treatment of this property in a similar manner to properties adjacent.

Decision

61. Zoning Map 126: The Coastal Living Zone is extended over all of Lot 1 DP 10803 and Lot 2 DP 10803.

Zoning Map 159 – Corlett Block and Others

62. Colonial Vineyards Ltd (Colonial) oppose the proposed industrial zoning of the Corlett Block (Lot 2 DP 440534, property number 536136) to the south of the Colonial site. Instead Colonial seeks rural zoning for that land.
63. Colonial is the developer of the Omaka Landing subdivision located on New Renwick Road between Richardson Avenue and Aerodrome Road. Development is occurring in stages with

²¹ Section 42A Report, paragraph 215.

²² Section 42A Report, Summary of Evidence, page 1.

Stages 1-6 having been completed with 138 sections sold. The next stages total another 88 sections to be completed by the end of 2019.

64. The Corlett Block is a greenfield site for an industrial zone and as such Colonial considers Council should carefully consider the impact this new industrial zone will have for the existing residents of the area. A small textile mill, a trucking company, light manufacturing, servicing and repair could be established on the site. These references were among those mentioned by Mr Mark Davis, witness for Colonial.²³ Reference was also made to a building able to be established with a maximum height of 12 metres and a minimum 6 metre boundary setback on the border with a Residential Zone.
65. The submitter notes the following:
- Council's view of the demand for industrial zoning is unrealistic as accepted in a recent case in the Environment Court affecting Colonial's land²⁴.
 - Now that the Colonial site has been rezoned to Urban Residential, there is a clear need to reassess the Colonial /Corlett Block Rural Zone interface as adverse effects and conflicts will arise including noise and traffic.
 - A buffer zone needs to be put in place between any Industrial/[Omaka] Airport zones. The retention of the Corlett Block in the Rural Zone achieves this.²⁵
66. Colonial Vineyards opposes only the Industrial zoning over the Corlett Block and not the land between the Corlett Block and the Omaka aerodrome. It does not oppose the zoning of land south of Corlett Block for Industrial 1. The submitter also seeks a buffer between Omaka Landing and the proposed Industrial 1 zoning to the south, and 'is open to' this being Open Space 1 as opposed to retention of Rural zoning, which should be zoned 20 metres wide providing it also incorporates an earth bund.

Section 42A Report

67. The report writer identifies the PMEP has provisions recognising the interface between zones so that business and industrial activities are appropriately separated from the boundary of adjoining residential zones (Policy 12.7.1 and relevant rules – indicative sketches of such an arrangement provided by Colonial). He does not agree a buffer is necessarily desirable but, given the fact that an opportunity to provide an enhanced buffer was suggested and not opposed by the landowner, this approach is a possibility. The opportunity arises on the Corlett

²³ Colonial Vineyards Ltd, Mark Davis Evidence, paragraph 11.

²⁴ Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55

²⁵ Section 42A Report, paragraph 245.

Block, given its undeveloped nature at present. The report writer initially considered the Corlett Block should be retained as Industrial, but the Panel recommended consideration be given to a 20 metre wide buffer strip located on the Corlett Block and rezoned Open Space 1.²⁶

68. In his Summary of Evidence the report writer recommends that any bund would have to be incorporated as a rule in the Plan, for example, The Open Space 1 Zone located between Omaka landing and Corlett land shall contain a 3m high bund with a 1:3 slope. The buffer could potentially be extended in width. The alternative could be to insert a rule in the Industrial 1 zone on the Corlett land with a 'no build zone' of say 20-30m.²⁷
69. Mr Davis is supportive of the Section 42A report writer's proposition that there should be a zone between the (new) Light Industrial Zone and the Residential Zone being zoned Open Space 1. This arrangement would have the ability to create and protect amenity values.
70. If the zone is as narrow as 20 metres, Colonial would like to see this to incorporate an earth bund, approximately 3 metres high with a 1:3 slope. This would have very good acoustic deadening qualities, and when planted out would create a visual barrier for incompatible uses.
71. Counsel for Colonial considers the Council has altogether 'dropped the ball' because the PMEP provides no requirement for planting or earth bunds, or to address the visual effects of a potentially 12 metre high building on the boundary between the two sites.²⁸

Consideration

72. Colonial's original submission is that a buffer should be created by retaining the existing Rural Zone.
73. This and several other options were considered by the Panel in order to resolve Colonial's concerns and best provide for a Rural/Industrial development. The Panel undertook a site visit with the permission of the owner. The land in question is in close proximity to Omaka aerodrome and could potentially be used to accommodate its future expansion and related activities. The shortage of land for employment use on the periphery of Blenheim and the aerodrome (which provides opportunities and constraints, depending on the nature of the purposed land use) makes employment use in this area an efficient use of this land.
74. The Panel have come to the conclusion that the notified provisions of the plan do not adequately manage the potential adverse effects that could be generated by industrial activity

²⁶ Section 42A Report, paragraphs 248-253.

²⁷ Section 42A Report, Summary of Evidence.

²⁸ Colonial Vineyards Ltd, Counsel Submissions, paragraph 14.

on adjoining residential land. We note that unlike other industrial/residential interfaces in Blenheim this is a greenfields development.

75. The Panel queried how best to provide for an industrial/rural interface. That included;
- an earth bund running along the boundary of the property with the land developed by Colonial Vineyard Limited;
 - setbacks for industrial activity greater than those already provided for in the notified plan;
 - the use of an alternative zoning such as Open Space 1 which cannot be used or driven on along the boundary of the property with the land developed by Colonial Vineyard Limited;
 - more constraining noise standards than those already provided for in the notified plan.
76. In reaching this conclusion, the Panel also considered the option of increasing the setbacks for buildings associated with industrial activity at the interface with residential zones. However, there was no submission that provided the Panel with scope to implement this response. The only option available to the Panel in these circumstances was site specific.
77. A precedent has previously been set for an increase in the buffer zone between residential and industrial areas at the Tremorne Ave locale. In that instance, a 12 metre buffer excluding habitable buildings has been scheduled in Appendix 19 and associated rule provided at 5.2.1.13. In that locality, the residential activity was proposed next to the existing industrial activity.
78. A similar approach in reverse, where industrial activity is proposed next to existing residential activity, would be effective on the Corlett block as no industrial development has occurred on this site to date. Any industrial development on this site in the future will be able to plan for compliance with any increase setback. At the same time, given the scale of the Corlett block (10.334 ha) the increase in buffer from 6 metres to the 12 metres is not considered to have a significant effect on the ability to develop and use the block for zoned purposes.
79. In addition to an increase setback for buildings, the Panel also had a residual concern about the ability to undertake industrial activity not contained in buildings in close proximity to the adjoining residential land. In order to effectively manage the potential for cross boundary effects the Panel also decided that a setback from the northern boundary of the Corlett block for industrial activity is warranted.

80. It is noted that the Corlett block is proposed to be zoned Industrial 1. That means that heavy industrial activity cannot occur on the land as a permitted activity. The setback set out above only therefore needs to apply to light industrial activity.

81. The PMP has the specific policy that addresses the industrial/residential interface as follows:

Policy 12.7.1 – Business and industrial activities are appropriately separated from the boundary of adjoining residential zones so that any adverse effects on residential activities are avoided, remedied or mitigated through:

- (a) establishing setbacks for industrial activities from a residential boundary;*
- (b) screening of business or industrial outdoor storage areas from a residential boundary;*
- (c) restrictions on light spill;*
- (d) setting more sensitive noise limits at the boundaries between the Industrial 1 Zone and the Urban Residential 1 Zone; and*
- (e) standards for dust and odour.*

Decision

82. The submission from Colonial Vineyard seeking rezoning from Industrial to Rural is rejected.

83. A new standard setting out the revised buffer requirement is inserted in 12.2.1. as follows:

12.2.1.X On Lot 2 DP 440534, or any record of title derived from that lot, a building must not be located within 12 metres of the property boundary as shown in Appendix 19.

84. A new standard setting out the revised buffer requirement is inserted in 12.3 as follows:

12.3.X Light industrial activity in the Industrial 1 Zone

12.3.X.1 Light industrial activity on Lot 2 DP 440534, or any record of title derived from that lot, must not be undertaken within 12 metres of the property boundary as shown in Appendix 19.

Zoning Map 172 – 16th Valley – Levide Capital Limited

85. Levide Capital Limited (Levide) seeks to rezone part of the submitter’s property from Rural Environment Zone to Rural Living, shown on Figure 47 of the Section 42A Report as ‘Proposed Rural Living Zone’. It is over approximately 31 ha consisting of 27 residential sites. The site is located on the 16th Valley Wither Hills and is asserted suitable for its use because it will have limited visual impact and is seen as complementary to the existing rural production values on the land.

12. Industrial 1 and 2 Zones

12.1. 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 12.2 and 12.3:

Comment [1]: Topic 1

[D]

12.1.1. Light or heavy industrial activity within Industrial 2 Zone.

[D]

12.1.2. Light industrial activity within Industrial 1 Zone.

[D]

12.1.3. Commercial activity ancillary to an industrial activity.

[D]

12.1.4. Refuse transfer station within Industrial 2 Zone.

[D]

12.1.5. Truck stop within Industrial 2 Zone, and on Pt Lot 18 of parts of Sections 47 and 48 District of Wairau (corner Grove Road and Budge Street) within the Industrial 1 Zone.

Comment [2]: Topic 10

[D]

12.1.6. Service station.

[D]

12.1.7. Service industry.

[D]

12.1.8. Service activity.

[D]

12.1.9. Warehousing.

[D]

12.1.10. Temporary building or structure, or unmodified shipping container.

[R]

12.1.11. Discharge of contaminants to air that is not specifically provided for by any other rule, arising from:

- (a) Discharge of heat to air;
- (b) Discharge of energy to air, including release of energy from a source of electromagnetic radiation, including a radio transmitter, television or cell phone; or release of x-rays from a radioactive source;
- (c) Discharge for the purposes of ventilation or vapour displacement.

[R]

12.1.12. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e., internal combustion).

[R]

12.1.13. Discharge of contaminants into air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films.
- (c) fireworks display or other temporary event involving the use of fireworks.

Comment [3]: Topic 13

[R]

12.1.14. Discharge of contaminants to air from a printing and publishing operation.

[R]

12.1.15. Discharge of contaminants to air from dry cleaning.

[R]

12.1.16. Discharge of contaminants to air from seed cleaning.

[R]

12.1.17. Discharge of contaminants to air from the spray application of paint or adhesive coating materials onto surfaces not within a spray booth, other than a road.

[R]

12.1.18. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth located in the Industrial 2 Zone.

[R]

12.1.19. Discharge of contaminants to air from the combustion of fuel (i.e., external combustion).

[R]

12.1.20. Discharge of contaminants to air from water blasting and from dry abrasive blasting, other than from the use of a moveable source.

[R]

12.1.21. Discharge of contaminants to air from the production of fibreglass and other composite materials or from the production of plastic products and plastic moulding operations in the Industrial 2 Zone.

[R]

12.1.22. Discharge of contaminants to air outside of the Blenheim Airshed from the burning of solid fuel in a indoor open fire.

[R]

12.1.23. 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]

12.1.24. Discharge of contaminants to air outside the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner.

~~[R]~~

~~12.1.25. 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). (Deleted)~~

Comment [4]: Topic 13

[R]

12.1.26~~25~~. 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 woodburner installed after 1 September 2005), ~~or an enclosed pellet burner of any age installed prior to 9 June 2016.~~

Comment [5]: Topic 13

[R]

12.1.26. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in an enclosed pellet burner installed prior to 9 June 2016, or an enclosed woodburner installed after 1 September 2005.

Comment [6]: Topic 13

[R]

12.1.27. Discharge of contaminants to air within the Blenheim Airshed from the burning of solid fuel in any small scale solid fuel burning appliance installed after 9 June 2016.

[R]

12.1.28. Discharge of heat and water vapour from cooling towers.

[R, D]

12.1.29. Excavation or filling.

[D]

12.1.30. ~~Excavation or filling~~ Earthworks within the National Grid Yard.

Comment [7]: Topic 20

[R, D]

12.1.31. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.

[R]

12.1.32. Application (involving a discharge) of an agrichemical into or onto land.

Comment [8]: Topic 14

[D]

12.1.33. Emergency services facility.

[D]

12.1.34. Park or reserve.

[D]

12.1.35 Community corrections activity.

Comment [9]: Topic 10

[D]

12.1.36 Relocated buildings.

Comment [10]: Topic 10

[D]

12.1.37 Trade supplier within the Industrial 1 Zone.

Comment [11]: Topic 10

[D]

12.1.38 Buildings, structures and activities in the National Grid Yard.

Comment [12]: Topic 20

[D](#)**12.1.39 Discharge of dust.**

Comment [13]: Topic 18

12.2. Standards for all permitted activities**12.2.1. Construction and siting of a building or structure except a temporary building or structure, or an unmodified shipping container (unless any Standards listed below are specified as Standards for those activities).**

- 12.2.1.1. The maximum height of a building or structure must not exceed:
- (a) 12m within the Industrial 1 Zone;
 - (b) 15m within the Industrial 2 Zone.
- 12.2.1.2. A building or structure (except a fence) must be set back a minimum of 3m from a road boundary.
- 12.2.1.3. A building or structure (except a fence) must be set back a minimum of 3m from the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 12.2.1.4. A building or structure (except a fence) must be set back a minimum of 6m from the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, except for Lots 16 to 20 DP 348832 and Lot 2 DP 352510 for which the setback must be a minimum of 3m.
- 12.2.1.5. The height of a fence, or any part of a fence, on land adjoining a property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or fronting Grove Road, Sinclair Street, Main Street, Nelson Street or Middle Renwick Road must not exceed 2m.
- 12.2.1.6. Buildings and structures must be set back a minimum of 8m from a river, drainage channel, Drainage Channel Network or the landward toe of a stopbank.
- 12.2.1.7. 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.
- 12.2.1.8. A building or structure must not be within a Level 3 Flood Hazard Area.
- ~~12.2.1.9. (Deleted) Under the National Grid Conductors (wires) within the National Grid Yard the following apply:~~
- ~~(a) a building alteration or addition must be contained within the original building height and footprint;~~
 - ~~(b) a fence must not exceed 2.5m in height;~~
 - ~~(c) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.~~
- ~~12.2.1.10. (Deleted) Around National Grid Support Structures within the National Grid Yard the following apply:~~

- (a) ~~a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;~~
- (b) ~~a building or structure must not be closer than 12m to a National Grid Support Structure.~~

Comment [14]: Topic 20

12.2.1.11 A building or structure must not be within 1.5m of the legal boundary with the rail corridor of the Main North Line, except for a fence up to 2m in height.

Comment [15]: Topic 10

12.2.1.12 On Lot 2 DP 440534, or any subsequent Record of Title created through subdivision of this property, a building must not be located within 12m of the property boundary as shown in Appendix 19.

Comment [16]: Topic 21

12.2.2. Noise.

Standards for the Industrial 1 Zone only:

12.2.2.1. An activity must not cause noise that exceeds the following limits at any point within the ~~zone~~ boundary ~~or within the zone~~ of any property zoned Industrial 1:

Comment [17]: Topic 18

At any time	70-dBA L_{Aeq}	80dB L_{AFmax}
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Exception: This noise limit does not apply to the operation of helicopters using the established helicopter pad on Pt Sec 24 Blk III Taylor Pass SD.

12.2.2.2. An activity must not cause noise that exceeds the following limits at any point within the boundary ~~with, or within, of~~ any adjacent Business 1 or 2 Zone:

Comment [18]: Topic 18

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}

Standards for the Industrial 2 Zone only:

12.2.2.3. An activity must not cause noise that exceeds the following limits at any point within the ~~zone~~ boundary ~~or within the zone~~ of any other property zoned Industrial 2:

Comment [19]: Topic 18

At any time	75 dBA L_{Aeq}	85dB L_{AFmax}
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Standards for both Industrial 1 and 2 Zones:

12.2.2.4. An activity must not cause noise that exceeds the following limits at any point ~~or~~ within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at any point within the notional boundary of a dwelling on any property zoned Rural Living, Coastal Living or Rural Environment in any adjacent zone ~~(except Industrial 1 or 2 Zones)~~:

Comment [20]: Topic 18

7.00 am to 10.00 pm	50 5 -dBA L_{Aeq}	
10.00 pm to 7.00 am	45 0 -dBA L_{Aeq}	70 5 dB L_{AFmax}

Exception: Where Lots 16 to 20 DP 348832 and Lot 2 DP 352510 adjoin Urban Residential 2 Zone, the noise limits for Industrial 1 in 12.2.2.1 and 12.2.2.2 apply.

12.2.2.5. Noise must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and

assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

- 12.2.2.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

12.2.3. Use of external lighting.

- 12.2.3.1. 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.
- 12.2.3.2. Light spill onto an adjoining property within the same Industrial Zone, measured 2m inside the boundary of the adjoining property, must not exceed 10 Lux spill (horizontal and vertical).
- 12.2.3.3. Light spill onto an adjoining site that is zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, ~~Industrial 1 or Industrial 2~~ must not exceed 2.5 Lux spill (horizontal and vertical).

Comment [21]: Topic 18

12.2.4. Storage of goods outdoors.

- 12.2.4.1. An outdoor storage area must not be located within:
- 3m of a road boundary;
 - 3m of the boundary of any property within a different zone, unless the other zone is Industrial 1, Industrial 2, Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3;
 - 3m of the boundary of Lots 16 to 20 DP 348832 and Lot 2 DP 352510;
 - 6m of the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.
- 12.2.4.2. An outdoor storage area must be screened from public view and must be screened from any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 by a solid wall or close boarded fence with a minimum height of 2m, except that this standard does not apply to the storage of goods outdoors on Lots 16 to 20 DP 348832 and Lot 2 DP 352510.

12.2.5. Odour.

- 12.2.5.1. ~~There must be no~~ ~~The odour must not be~~ objectionable or offensive odour to the extent that it causes an adverse effect, ~~as detected~~ at or beyond the legal boundary of the ~~site~~ area of land on which the permitted activity is occurring.

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

Comment [22]: Topic 18

12.2.6. Smoke.

- 12.2.6.1. 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.

12.2.7. Dust.

- 12.2.7.1. ~~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. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.~~

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

Comment [23]: Topic 18

12.2.8. Particulate Dust from any process vent or stack.

- 12.2.8.1. The particulate dust must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.
- 12.2.8.2. The concentration of particulate discharged ~~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.

This standard does not apply to discharges to air which are subject to "Standards for specific permitted activities.

- ~~12.2.8.3. — Dust particles must not exceed 0.05mm size in any direction (Deleted).~~

Comment [24]: Topic 18

12.2.9 Water supply and access for firefighting.

- 12.2.9.1. New buildings (excluding accessory buildings that are not habitable) shall have direct access to a Council reticulated water supply with fire fighting capability including hydrants.
- 12.2.9.2. Where a building (excluding accessory buildings that are not habitable) is located more than 75m from the nearest road that has reticulated water supply (including hydrants) access must have a minimum formed width of 4m, a height clearance of 4m and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

Comment [25]: Topic 10

12.2.10 Landscaping.

- 12.2.10.1 At least 10% of the road frontage, or that part of the frontage not occupied by buildings or vehicle accesses must be landscaped and maintained with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof.

Comment [26]: Topic 10

12.3. Standards for specific permitted activities**12.3.1 Light Industrial activity in the Industrial 1 Zone.**

- 12.3.1.1 Light industrial activity on Lot 2 DP 440534, or any subsequent Record of Title created through subdivision of this property, or any record of title

derived from that lot, must not be undertaken within 12m of the property boundary as shown in Appendix 19.

Comment [27]: Topic 21

12.3.12. Temporary building or structure, or unmodified shipping container.

12.3.12.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

12.3.12.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 12.3.4.1 (such as the storage of goods or materials) must not remain on site longer than 1 month.

12.3.23. Discharge of contaminants to air from combustion within a stationary internal combustion engine (i.e., internal combustion).

12.3.23.1. The fuel used in the engine must be gas, LPG, petrol, diesel, vegetable oils or alcohol.

12.3.23.2. Fuel containing sulphur at levels greater than 10ppm (or 0.001%)~~0.05%~~ by weight must not be burned.

12.3.23.3. The ~~net energy~~~~power~~ output of the engine must not exceed 400kW, this limit applies to the total heat output from a site.

12.3.23.4. If the ~~net energy~~~~power~~ output of the engine is between 30kW and 400kW:

- (a) the engine must not be operated for a total of greater than 5 hours in any 24-hour period; and
- (b) if the engine is in a fixed location, the stack must comply with the requirements of Appendix 8 – Schedule 5.

~~12.3.2.5. Where more than one fuel type is used on the property, the combined heat output must not exceed the lowest MW or kW threshold of any of the fuel types used. (Deleted)~~

Exception: The above standards 12.3.2.3 and 12.3.2.4 do not apply to combustion to provide emergency power generation provided for within the General Rules.

Comment [28]: Topic 13

12.3.34. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films.
- (c) fireworks display or other temporary event involving the use of fireworks.

Comment [29]: Topic 13

12.3.34.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

12.3.34.2. If the property is located within the Blenheim Airshed, the discharge except any discharge under (c) must not occur during the months of May, June, July or August.

12.3.34.3. Any discharges for purposes of training people to put out fires must take place under the control of ~~the NZ Fire Service~~Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

Comment [30]: Topic 13

Address for Service of Persons to be Served

Name/Organisation	Contact	Address for Service
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