



Proposed Marlborough Environment Plan

Topic 15: Transportation and Signage

- Hearing dates:** 21 – 23 May 2018
- S42A Report Writer:** Paul Whyte
- Conflicts of Interest:** Commissioners Shenfield and Hook
- Interim decision:** None

(Note: A list of conflicts of interest which arose during the process are available to view on the Marlborough District Council Website)

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List of Abbreviations

GRP Act	Government Roding Powers Act 1989
LAR	Limited Access Road
MDC	Marlborough District Council
ONRC	One Network Road Classification
PMEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
S42A Report	Section 42A Report
WARMP	Wairau/Awatere Resource Management Plan

Submitter abbreviations

Aero Club	Marlborough Aero Club Incorporated
Bike Walk	Bike Walk Marlborough Trust
FENZ	Fire and Emergency New Zealand
NZTA	New Zealand Transport Agency
PMNZ	Port Marlborough New Zealand Limited
Oil Companies	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited
Te Ātiawa	Te Ātiawa o Te Waka-a-Māui Trust

Structure of Decisions

1. It is important that the topic decision is read as a whole together with the tracked change version of the Plan. The decision on each topic contains the reasons for the Panel's decisions. These comprise either adoption of the reasoning and recommendations of the original Section 42A Report or the replies to evidence, or a specific reasoning by the Panel¹.
2. The tracked change version of the relevant PMEP provisions forms an integral part of the decision. The source of the change in terms of the topic that the subject matter was dealt with is clearly identified in the track changes version of the plan. This records all amendments (additions and deletions) to the notified PMEP provisions made by the Panel.
3. Where the PMEP provisions **remain as notified**, it is because:
 - (a) The Panel has decided to retain the provision as notified for reasons set out in this decision; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to retain the provision as notified as recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report to retain the provision as notified in the original Section 42A report.
4. Where there is a **change to a provision** within the plan it is because:
 - (a) The Panel has amended a provision for reasons set out in this decision in response to a submission point which the Section 42A report writer(s) does not recommend in their reports; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the original Section 42A report;
or

¹ (The only exception to that approach relates to the Noise section of the Nuisance topic where the reasoning and recommendations in the responses to Minutes 54 and 59 may have been adopted, rather than the reasoning and recommendations in the Section 42A Report or the Reply to Evidence report. The reasons for that difference in that topic are dealt with in detail at the commencement of the Noise section of the Nuisance topic decision. In respect of that topic the approach to understanding of the individual submission point decisions addressed in paragraphs 13.3 to 13.5 below should be adjusted accordingly to apply references to the Section 42A Report and/or Reply to Evidence in those paragraphs as being references to the responses to Minutes 54 & 59 for that Nuisance topic.)

- (d) A consequential change has been necessary following on from a decision in either a), b) or c).
5. Where there is a **different recommendation** between the Section 42A Report and the Reply to Evidence (i.e., the recommendation by the Section 42A report writer(s) has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
 6. There are limited circumstances where the Panel has taken the opportunity to give effect to national policy statements or implement national environmental standards. Where this occurs the relevant decision clearly sets out the nature of the change and the reason for the change.
 7. Finally, there are limited circumstances where the Panel has decided that **alternative relief** is more appropriate than that requested by the submitters, but still within the scope of the relief sought. This is recorded in the Panel's decision.

Air Transportation

New rule – Subdivision

Omaka Airfield

8. The Marlborough Aero Club Incorporated (the Aero Club) made submissions on Planning Maps 18, 19, 24 and 25 in which it submits that the ‘Runway Protection Area’s’ shown on the respective maps should be shaped differently with an amended plan attached to its submission, given that noise effects will be experienced over a broad area. A ‘noise contour plan’ is attached which demonstrates a much broader area than the existing runway protection areas and the existing planning maps.²
9. The contour proposed is one of the options put forward in a 2015 report considered by the MDC (the Zomac Report). Evidence clarified the Aero Club considers a new rule should be inserted requiring noise sensitive activities within a ‘Noise Control Boundary’ to be prohibited unless specifically addressed elsewhere. This is opposed by Colonial Vineyards Limited (Colonial).³
10. A subdivision rule is also sought to include a no complaints covenant covered for Omaka Landing. The Aero Club also requests that visitor and caretaker accommodation which is a permitted activity in the Airport Zone (Rule 23.1.12) should only be when the airfield operator consents.
11. The Section 42A Report gives the background to the submissions including: the existence of Rules 3.7.13 and 23.5.3 (which relate to Omaka Airport and Picton (Koromiko Airport)) in the Rural and Airport Zones which are used for noise control.
12. The request for a new rule requires the creation of new titles within the Air Noise Boundary, including Colonial land and the MDC subdivision at Taylor Pass, to trigger a requirement for covenants in future resource consent decisions.

Legal submissions and evidence

13. Legal submissions and evidence of the hearing clarified what the Aero Club is actually seeking. These include:
 - An Outer Control Boundary included as a trigger to notate that properties within an area affected by noise from Omaka Airport are put on the LIMs.
 - Subdivision rules to include a ‘no complaints’ covenant for Omaka Landing as set out in Appendix G, 11.1.3 of the WARMP.

² Noise Contour Plan of submitter, Section 42A Report, paragraph 237 – 239.

³ Section 42A Report Chapter 17, paragraph 239.

- Residential development in the Airport Zone only allowed if the Aero Club gives permission. (The Aero Club does not own all the land zoned Airport.)

Section 42A Report

14. The report writer does not recommend a noise contour plan because:
15. There is still no certainty on boundaries as data from aircraft movements has not yet been collected.⁴ Two relevant reports commissioned indicate that the data identified is less than the standard in the Aero Club evidence.⁵
16. The Environment Court in an earlier plan change hearing did not see the need to impose controls in the short term. There is a significant difference between the Noise Contour Plan suggested and that adopted by the Environment Court.
17. The Council chose not to include the Zomac Plan in Court proceedings.
18. The Taylor River development is almost complete in terms of subdivision consents.
19. A 'no complaints' covenant is in the WARMP (Appendix G.11.1.3) and so it is appropriate it is carried over into the PMP.
20. Residential development (visitor accommodation and caretakers accommodation) is limited because it must be ancillary to airport operations. The request effectively amounts to a veto over the use of the land.⁶
21. The report writer confirms there is still no certainty on boundaries particularly as data from aircraft movements has not been collected (in the standard attached to Mr Sinclair's evidence).⁷

Consideration

22. The Environment Court refused to impose noise contours of 55dB Ldn for 2038 because of insufficient evidence of the future use of the Omaka Airfield. The only mitigation desirable for noise was the 'no complaints covenant' volunteered by the proponents of the plan change to enable residential development on Colonial land.
23. Due to the uncertainty on what basis the noise contour plan provided by the submitter was made, and the lack of discussion with the MDC and Colonial and other difficulties identified, the report writer recommends rejecting this submission.

⁴ Elm Associates Report pages 3-4, Hegley Report 3.1 pages 4-5.

⁵ Marlborough Aero Club, J Sinclair Evidence pages 4-5.

⁶ Section 42A Report Reply to Evidence, page 7.

⁷ Section 42A Report, Reply to Evidence, page 7.

24. Two methods, 17.M.2 District rules, and 17.M.5 Noise Management Plan, currently provide mention of Airport Zone rules and a proposed development of a Noise Management Plan are to be included in the PMP to which there have been no objections.
25. At the time submissions were heard there was no certainty on boundaries as data had not been collected from aircraft movements, the MDC chose not to include a Zomac plan in the PMP, the Taylor River development project is almost complete in terms of subdivision and the appropriate no complaints covenant in the WARMP (Appendix G.11.1.3) is carried over to the PMP.
26. The legal submissions from the Aero Club and the evidence from the submitter clarified what it was proposing, namely that the outer control boundary, included as a trigger to notate that properties within an area affected by noise from the Omaka aerodrome, is put on LIMs. The subdivision rule is to include a no complaints covenant for Omaka Landing.
27. In terms of residential development in the Airport Zone this is only allowed if the Aero Club gives permission, but the Aero Club does not own all the land. Any such request effectively amounts to a veto over the use of land which does not appear to be a RMA reason for inclusion, a view the Panel endorses.⁸
28. Development of Omaka Landing is now well progressed and the parent allotments identified in the WARMP are actively in the course of subdivision. The no complaints covenant is worded to apply to the land in the original allotments.

Decision

29. The Panel adopts the following no complaints covenant as recommended by the report writer⁹.
30. A new rule in Volume 2 Subdivision chapter as follows:

[D]

Omaka Landing

24.1.19

Subdivision to create any new allotment on land previously held in Lot 2 DP 350626 and Lot 1 DP 11019 shall include a legal instrument registered on each title which restricts owners and subsequent owners and occupiers from making, lodging, being party to, financing or contributing to the cost of any complaint, submission, application, proceeding or appeal either

⁸ Section 42A Report, Reply to Evidence page 8.

⁹ Section 42A Report pages 7-8.

pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the following activities:

(a) Aviation activities, aviation events and associated ground operations at Omaka aerodrome;

(b) Activities and events at the Omaka Aviation Heritage Centre.

Rule 23.1.2.

Airport operations, including a freight or passenger facility

31. FENZ opposes the rules to the extent that emergency service facilities are not a permitted activity in the Airport Zone and request that the activity is either a permitted or controlled activity.

Section 42A Report

32. The report writer considers that as the Airport Zone is quite specific relating to aviation activities in three locations only (Koromiko, Omaka and Woodbourne) which are not centrally located, it is not clear whether there is a need for, or likelihood of, these facilities being required in these locations. If the operators identify a need for these facilities, there is benefit in providing a more enabling framework. The report writer assumes that aviation activities and airport operations (permitted in the zone) would provide for firefighting services associated with the airports.¹⁰

Consideration and decision

33. The Panel considers that firefighting should be provided for in the Airport Zone as a permitted activity. Even if it may be assumed that firefighting equipment may be available at airfields it would be limited for a large event. The implications of not having it identified as such in such sensitive locations require the following amendment of the rule:

23.1.2 Airport operations, including a freight, ~~or~~ passenger facility or firefighting facility.

¹⁰ Section 42A Report, pages 42-44.

Land Transportation

Issue 17D

Land use, water and subdivision activities can have adverse effects on the sustainable use of the land transport network.

34. NZTA considers the issue does not give clear direction in regard to the need for a planned and sequential approach to development.¹¹ Poor integrated planning could lead to undesirable impacts. This suggests an amended wording is required.
35. The Panel supports the submitter to extend Issue 17D, but recommends removing the suggested reference to 'region' in order to emphasise the district and ensure consistency with the remainder of the PMEP content.
36. In consideration of Issue 17D, the Panel considered it was necessary to set out in the explanation to the policy what the term 'planned function' meant in practice.

Decision

37. Issue 17D heading is amended as follows:

Land use, water and subdivision activities can have adverse effects on the sustainable ~~use~~ management and planned function of the land transport network and how this network supports the district.¹²

38. Issue 17D explanatory text is amended to set out what a planned function means, as follows:

... for example from Port Underwood to Picton or Elaine Bay to State Highway 6.

Each road contributes to a network that functions as an integrated system for moving people and goods around and through Marlborough. Adverse effects of activities on the efficiency, effectiveness and integrity of individual roads therefore has the potential to lead to cumulative effects on the planned function of the land transport network. This includes reductions in the ability to use the roads safely. Any diminished ability to use the land transport network will have implications for the social and economic wellbeing, and safety, of the community.

It is also important to recognise that the Council has a statutory function under the RMA ...

Objective 17.4, proposed new policies and overlays

Conflict in providing for subdivision, use or development activities and with use of the land transport network is minimised.

39. NZTA sought explicit wording changes for a variety of sensitivity reasons, particularly to reflect Objective 2 of the Transport Agency's reverse sensitivity guide and to reflect the hierarchy of

¹¹ NZTA (1002.89, 1002.101)

¹² NZTA (1002.90): Section 42A Report pages 11-12, Reply to Evidence pages 1-2.

addressing effects in the RMA (being to avoid, remedy and mitigate). NZTA recommends that Objective 17.4 is amended as follows:

*Conflict between new and altered land use and subdivision activities and the land transport network is avoided, remedied or mitigated.*¹³

40. NZTA also proposed two new policies as follows:

Ensure noise sensitive activities are set back a sufficient distance from land transport network boundaries to avoid, remedy and mitigate effects.

Allow noise sensitive activities to be located near land transport networks only where they do not compromise or limit the existing or planned function of the land transport network.

41. As a method to give effect to those policies, NZTA sought either overlay maps or rules.

Section 42A Report

42. NZTA, in evidence, queried why their proposed two new policies identified in Appendix 1 of the Section 42A Report were not discussed and further queried where noise sensitivity effects are addressed.¹⁴ The new objective and policies were described by NZTA as follows:

*A new RPS and regional objective and/or policy that will ensure an integrated planning approach is taken to managing the effects of growth and development on transport infrastructure.*¹⁵

43. The report writer responds under the heading 'Issue 17D'¹⁶ and identifies that they are referred to specifically in the Section 42A Report in which their content was considered to be covered already. Specifically, he considered the existing provisions are generally considered to provide an integrated approach to managing the effects of activities on transport infrastructure as especially referred to in his S42A Report under Issue 17D (including Objective 17.4 and Policies 17.4.1–6).¹⁷ A noise sensitivity effects buffer is addressed in Topic 18 Nuisance Effects (Noise).¹⁸

¹³ Section 42A Report, paragraph 65.

¹⁴ NZTA K Searle Evidence, paragraph 38. NZTA Objective 2 Transport Agency's Resource Sensitivity Guide. September 2015 Version 1.0).

¹⁵ NZTA (1002.89)

¹⁶ Reply to Evidence, page 1

¹⁷ Section 42A Report, paragraphs 57, 62.

¹⁸ Section 42A Report, Reply to Evidence, page 1, and the Panel.

Consideration

44. The Panel considered the objective should be amended to include reference to ‘and subdivision’ as accepted in the Reply to Evidence and to also insert ‘use of the’ before ‘land transport network’.
45. The Panel also consider it is necessary that the explanation acknowledges safety as an important part of the operation of the land transport network and therefore needs to be addressed as part of avoiding, remedying or mitigating effects on the land transport network.
46. As to the overlay buffer request the Panel considers that Marlborough has a relatively low traffic flow incidence. Given that and consideration of NZTA’s website as to buffers the Panel was not satisfied that the request sought was necessary. NZTA did not provide a sufficient evidence base warranting the need for the level of complexity involved in the creation of buffer and effects overlays and the associated rules that would need to be devised to give those effect.

Decision

47. Objective 17.4 is amended for the reasons given as follows:

~~Conflict in providing for subdivision, use or development activities and with~~ between new and altered land use and subdivision activities and with use of the land transport network is avoided, remedied or mitigated is minimised.

48. The explanation to objective 17.4 is amended as follows:

As the land transport network has been identified as a significant resource, it is important that it is able to function without being adversely affected by subdivision, use or development activities. The objective aims to ensure that any conflict arising from these uses is minimised in terms of the impacts on the land transport network. If this is achieved, people and the community will retain the ability to use the roads to move people and goods around and through Marlborough efficiently and safely.

49. The Panel rejected the request for buffer and effect overlays.

Policy 17.6.1

Maintain amenity values in rural and urban areas by encouraging the use of national and arterial routes by high volumes of traffic and heavy vehicles and discouraging high volume and heavy traffic use of collector routes and local routes, particularly where these pass through residential areas.

50. Several submitters request various changes that would recognise primary production activities such as farming and forestry activity which rely on the roading network to transport goods. The submitters identify that there are sometimes no available alternative routes, and operators need to use collector and local roads.¹⁹
51. The report writer recognises there needs to be an exception to be made for some primary production activities to use collector and local routes to transport produce to processing facilities. The provision should be subject to the caveat that no alternative routes or methods of transport are available. The changes recommended are an amalgamation of changes sought by various submitters.²⁰

Consideration

52. The Panel accepts that the emphasis on this policy should be placed on through traffic. Primary production activities rely on the roading network to transport goods. The two aspects 'encouraging' and 'discouraging' of the policy should be split into (a) and (b). The word 'viable' should also be deleted from the suggested addition to the explanation. Whether a route is viable or not may well change from weather events or traffic incidents, which is not what is intended.

Decision

53. Policy 17.6.1 and its explanation is amended as follows:

Policy 17.6.1 - Maintain amenity values in rural and urban areas by:

- (a) encouraging the use of ~~national~~ state highways and arterial routes by high volumes of through traffic and heavy vehicles; and*
- (b) discouraging high volumes of through traffic and heavy vehicle ~~traffic~~ use of collector routes and local routes, particularly where these pass through residential areas.*

The current state of vehicle technology in New Zealand means that noise and vehicle emissions can be expected from the operation of vehicles on roads. There is little the MEP can do to modify those conditions. The Council can control the extent of these effects, however, by adopting a road hierarchy, which encourages higher volumes of traffic and heavy traffic

¹⁹ Federated Farmers (425.340), Clintondale Trust (484.50), K & S Roush (845.7), Nelson Forests Ltd (990.225) and Port Underwood (1042.9).

²⁰ Section 42A Report, paragraphs 137-140.

movements on certain routes and discourages them on others. An exception is made for some primary production activities, which need to use collector and local routes to transport produce to processing facilities where no alternative route or method of transport exists.

Methods of Implementation

A new method for identification of Limited Access Roads

54. NZTA requests a method for identification of Limited Access Roads (LAR) as a Method of Implementation, and an indication on planning maps to signal NZTA's approval is required for new access points.²¹
55. The report writer expresses concern that these roads would change over time and would not provide an accurate expression of the roading network over the life of the plan, and an alternative is suggested which is to refer to the NZTA website for the location of LARs²².
56. At the hearing, the Panel sought further clarification from NZTA about why the authority needed MDC to include LAR provisions in the PMEP given the statutory controls that already apply to LARs.

NZTA Explanation²³

57. An LAR is a state highway or part of a state highway that the NZTA has declared as such in the Gazette under the provisions of the Government Roding Powers Act 1989 (GRP Act). Under this legislation the NZTA has the authority to approve or refuse activities that front or directly access a LAR. The NZTA submits that it is most efficient if this Licensed Crossing Place approval process, is aligned with that of the RMA resource consent process. The response by NZTA included a number of submission points in explanation.
58. The first of the responses to the Panel is to request a provision (a method) in Chapter 17 for Limited Access Road. A method of implementation specific to LARs would support the other requested provisions for LARs regarding the identification of the location of LARs and that the NZTA's approval is required for access to these particular provisions under the GRP Act.
59. The submitter seeks the following relief:

17.M.x Limited access roads

The MEP includes maps showing the location of limited access roads at the time the MEP became operative. Where access is proposed onto a section of the state highway

²¹ NZTA (1002.106). K Searle, Evidence, paragraph 46.

²² Reply to Evidence, Page 5

²³ NZTA letter, Kathryn Barrett Response to Questions Asked, paragraphs 2.1-9.1, 6 August 2018.

which has been declared a Limited Access Road, the approval of the New Zealand NZTA will need to be obtained as described in the Government Rooding Powers Act 1989.

60. The gazetting process for a LAR does not provide for public participation officially under the GRP Act; the declaration and plan must go to the territorial authority once issued under this legislation. The NZTA generally liaises with the territorial authority to ensure the LAR will make sense in terms of the management of the region's roading system.¹

61. The second response seeks a definition for Limited Access Road as follows:

***Limited Access Road** means any road or part of a road which has been declared a 'limited access road' under the Government Rooding Powers Act 1989.*

62. NZTA seeks to use LARs to shape the location, type and design of development in the region by 'using access management tools, such as its statutory powers in relation to these roads, to manage access to and from state highways'.²⁴

63. The NZTA's third submission proposes a new Rule 2.32.4.X be included in the PMEP because the Council has an obligation to consider *all* effects from subdivision, land use and development, including any traffic effects, safety implications and access. The RMA's level of obligation in this respect is seen by NZTA as having a much wider implications than its own legislation. As a minimum, the NZTA would accept limiting the rule to 60 km/h and above.

64. The proposed rule is identified as:

Rule 2.32.4.X Any new or altered vehicle access shall not be formed on a State Highway.

65. Ms Searle considers it is also appropriate in the PMEP that a Restricted Discretionary status is provided to the activity as opposed to discretionary as that would prompt a full discretionary resource consent process which would be unnecessary.

66. The progression of the LAR is included within the Regional Land Transport Plan 2015-2021.

Consideration

67. The Panel decided not to adopt the relief requested in respect of limited access roads, as it does not consider it appropriate to apply the management proposed by the submitter.²⁵ A new rule is not needed because new developments (including roading proposals) require NZTA's approval anyway, under the State Highway Control Statutory Protection provision. It is therefore not efficient to duplicate an existing statutory control. However, the Panel is open

²⁴ Kathryn Barrett, Responses to Questions, paragraphs 4.1-5, 5.1-8.3.

²⁵ Section 42A Report, paragraphs 159, 160-162.

to the provision of an information method to provide information outside of the PMEP as suggested (e.g. via reference to the NZTA website).²⁶ This could be added to 17.M.11 such as ‘... Further information on Limited Access Roads is provided on the NZTA website.’²⁷

Decision

68. The inclusion of a new method as following:

[D]

17.M.X Limited Access Roads

Limited Access Roads are sections of the State Highway identified by the New Zealand Transport Agency that can only be accessed from authorised crossing points. Where access is proposed onto a section of the State Highway which has been declared a Limited Access Road, the approval of the New Zealand Transport Agency is required. Further information on Limited Access Roads is provided via the New Zealand Transport Agency website.

[New] Method 17.M.15

69. In one of its submissions NZTA (1002.177) sought particular provisions be inserted in the Plan to address the issue of the potential damage that might be caused by forestry trucks. The submission’s main thrust in that regard is conveyed by the following passage:

The Transport Agency considers that commercial forestry that directly accesses a State Highway or that accesses a road that intersects a State Highway should be considered by a consent process, so that effects on the State Highway can be fully assessed and the effects appropriately managed.

The carting of loads on unsealed roads after rain can cause significant damage to these roads. A permitted activity standard has been suggested to address this.

Consideration

70. In a number of decisions on similar issues both the report writer and the Panel concluded that it was not appropriate to single out the weights and effects of trucks servicing a single industry. The forestry industry stressed to the Panel that quarry trucks, dairy tankers, stock trucks, grape trucks at vintage, fertiliser trucks and numerous other heavy vehicles service differing industries, and all use the roading network.
71. Whilst the Panel has to accept that that is the case, nonetheless there are other more specific statutory powers to address particular concerns in particular localities where road safety or

²⁶ Section 42A Report, Reply to Evidence, page 5.

²⁷ NZTA (1002.148).

roading structural integrity may be placed at risk by the potential movement of large numbers of heavy vehicles. That can often be exacerbated in wet winter conditions.

72. The Panel decided that the most appropriate response to this type of submission was to insert a new method which drew attention to those powers of more specific targeted controls under the Land Transport Act 1998.

Decision

73. Insert a new method as follows:

[D]

17.M.15 Roading controls under the Land Transport Act 1998

The Council will consider using its powers under the Land Transport Act to manage the potential damage associated with the transportation of heavy loads, including harvested logs and quarried rock, on local roads or state highways, or the imposition of temporary restrictions on heavy traffic under 516A.

This could involve bylaws under section 22AB of the Act. The controls would be used to protect the physical condition and integrity of the road or for reasons of road safety.

General Rules – Transportation

2.31 Permitted Activities

Calcium Manganese Acetate

74. NZTA requests a new permitted activity rule and associated standards that provide for the application of calcium manganese acetate.²⁸ Calcium manganese acetate is a chemical de-icer used to assist in minimising ice formation and to minimise the exposure of road users to an ice hazard with associated runoff to land and water. In the absence of a general rule for the discharge of contaminants to land on the legal road (which is unzoned), such a discharge is not provided for and defaults to a discretionary activity.

Consideration

75. Discharge of calcium magnesium acetate for de-icing purposes should be enabled through permitted activity rules. The application of de-icing materials has safety benefits for the community and does not result in adverse effects on the receiving environment.²⁹

²⁹ Section 42A Report, paragraphs 175-179

76. The proposed standard prevents direct discharges of calcium magnesium acetate to water but the Panel acknowledges that there will be indirect discharges from application of the calcium magnesium acetate through runoff. This requires a rule enabling that indirect discharge.
77. In response to other submissions addressed in other topics the Panel has converted the heading 'Discharge to Air' on page 2-28 to 'Activities in the Road and Railway Corridor'. The Section 42A Report writer recommended inserting the new rule in the Transportation rules³⁰. As calcium magnesium acetate is applied to roads, the Panel considers that the recommended rule is better located in the road section of the PMEP.

Decision

78. As recommended and accepted by the Panel insert new rule:

[D]

Rule 2.21.x Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.

2.22.x Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including in circumstances where the calcium magnesium acetate may enter water by way of indirect discharge.

2.22.x.1 The application of calcium magnesium acetate shall be made by, or on behalf of, the Marlborough District Council or the road controlling authority.

2.22.x.2 There shall be no direct discharge of calcium magnesium acetate to any waterbody or to coastal water.

2.22.x.3 The calcium magnesium acetate shall be applied in accordance with the manufacturer's recommended application rates and standards.

2.22.x.4 Written records shall be kept of all applications of calcium magnesium acetate, including date, time, position and amount applied.

³⁰ Section 42A Report , pages 28-29

Rule 2.32.1

Parking associated with permitted activities in all zones except the Business 1 Zone.

Table 2.1: Parking and Queuing Space Requirements

79. Several submitters sought various changes to Table 2.1 (Parking and Zoning Requirements) which form part of Standard 2.32.1.1.³¹

Visitor accommodation or homestay³²

80. The submitter at Beaver Road Bed and Breakfast requests that parking requirements are amended to provide for homestays – 1 bedroom of the homestay in addition to that required for the dwelling, instead of 2.

81. In evidence the submitter considers an amendment of 1 parking space per bedroom rather than 2 parking spaces in Rule 2.32.1 should be considered. The parking requirement of 2 could be insufficient. The standard should be based on the number of bedrooms.

82. The report writer identifies that accessible carparking required by Standard 2.32.1.11. would have to be provided under 2 space or 1 bedroom scenarios.

83. On the grounds that the submission appeared to be motivated for a disabled carpark to be included, the report writer recommends the standard for homestays be amended ‘1 parking space for each bedroom’ as an equitable solution.³³

Consideration

84. The Panel agreed with the recommendation except that the word ‘guest’ should be added before ‘bedroom’ as reflecting a bed and breakfast facility to further clarify the intention behind what is required.

Decision

85. Table 2.1 is amended in relation to “Visitor Accommodation or Homestay” as follows:

For homestays – 2 1 for each guest bedroom of the homestay in addition to that required for the dwelling.

Marina activities

86. PMNZ consider that there should be specific parking requirements for Port and Marina activities as set out in Rule 33.1.1.3. (relating to Port activities) and Rule 34.1.1.2. (relating to Marina activities) of the operative Marlborough Sounds Resource Management Plan (MSRMP).³⁴

³¹ Ministry of Education (974.14), Marlborough Kindergarten Association (963.1).

³² Beaver Bed and Breakfast (1069.1), Rachel Hopkins, Evidence (2 photographs).

³³ Section 42A Report, Reply to Evidence, page 5.

³⁴ PMNZ (433.90).

87. Rule 2.32.1 of the PMEP is prefaced by the statement that parking spaces must be ‘sufficient to accommodate the number of vehicles for these activities and if an activity is referred to in Table 2.1 then compliance with the relevant table is deemed compliance with the Standards’.
88. Port and Marina activities are not provided for in Table 2.1 despite having been subject to specific rules in the Operative Marlborough Sounds Resource Management Plan. This renders the activity of parking in these areas very uncertain. The report writer recommends that the parking requirement of the Operative Plan will provide certainty when PMNZ and the Council are assessing resource consents or confirming activities are permitted. It is appropriate to include the provisions in Table 2.1.³⁵

Consideration

89. The Panel agrees parking standards for marina and port activities should be included in the PMEP and we considered changes should be made to the recommended provisions for both activities as follows:

Decision

90. Table 2.1 is amended by including the following:

Activity	Minimum Requirements – Number of Spaces
<u>Marina Activities</u>	<u>Retail activities - One for every 25m² of gross floor area of premises and one per two employees.</u> <u>Ship brokering and boat hire/chartering – one for every two employees the operation is designed to cater for.</u> <u>Marina – one for every two berths, 10% of which should be assigned to trailer parking.</u>
<u>Port Activities</u>	<u>Car and ship hire/chartering – one space for every two employees the operation is designed to cater for.</u> <u>Marina – as specified for Marina Activities above.</u>

³⁵ Section 42A Report, paragraphs 181-183.

Rule 2.32.4

Vehicle crossing associated with permitted activities in all zones

Standard 2.32.4.2

91. Table 2.6 and Figure 2.6 have the sentence 'This standard does not apply if a Corridor Access Request has been approved by the Roding Authority'.
92. NZTA say this sentence is not entirely accurate. The following changes are proposed: 'This standard does not apply if an Access Plan has been approved by the Roding Controlling Authority'.
93. This change has been submitted because a Corridor Access Request is to grant approval to work within the corridor. It is not an approval of plans, therefore the change to 'Access Plan' is more appropriate.³⁶

Consideration

94. The Panel accepts the submission made.

Decision

95. Standard 2.32.4.2 be amended as follows.

... This Standard does not apply if an ~~Corridor~~ Access Plan ~~Request~~ has been approved by the ~~Roding~~ Controlling Authority

Figure 2.6

Vehicle Crossing for Residential Use for One User in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone, and;

Figure 2.7

Vehicle Crossing for Residential Use for 2 - 6 Rural Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone

96. NZTA note that Figure 2.6 as presently drafted provides a 6.0m access. It said this should be a 9.0m radius.³⁷
97. NZTA note that Figure 2.7 should also be able to apply for some non-residential activities.

Consideration

98. The Panel considered there will be instances where a site specific solution is required other than crossings required through 2.32.4.3, 2.32.4.6 or 2.32.4.10.

³⁶ NZTA, Kathryn Barrett Evidence, Frank Porter Evidence, paragraph 2.7. Hearing Panel Minute to NZTA and response to questions asked. For Block 6 hearing, 6 August 2018.

³⁷ NZTA, Response to Panel Minute 28, page 2, paragraph 2.6.

99. The Panel did not consider the NZTA wording 'or appropriate non-residential use'³⁸ provided sufficient certainty to the term 'Road Users' in the various zones. This was queried in the context of both Figures 2.6 and 2.7.
100. Figures 2.6 and 2.7 should apply to some non-residential activities by adding 'appropriate non-residential use' to the figures and renaming the term 'Rural' in the Figure headings so that they apply to any residential use only. There is also no clear direction or diagram for activities that are not residential. NZTA seek to add 'and agreed by the Road Controlling Authority' to the end of 2.32.4.3 acknowledging that activities other than residential must be constructed to a commercial standard. This is not accepted by the Panel because it provides discretion to a third party.
101. The removal of the word 'Rural' from the figure 2.6 and 2.7 headings is required so that there is greater certainty as to the activities that the standard applies to. The Panel was concerned that the term rural user was ambiguous.
102. While considering the above matters, the Panel found it difficult to understand the detail in Figure 2.6 and Figure 2.7, particularly the relationship between the radius and the property boundary. In following this matter up with Marlborough Roads it was suggested that an alternative would be to set out a distance along the road frontage in addition to the width of the access.

Decision

103. To assist with understanding figures 2.6 and 2.7, an alteration to the diagrammatic presentation has been made to more clearly demonstrate the setbacks required.
104. The Panel confirmed the amendment of Figure 2.6's radius measurement to state 9.0m rather than the currently stipulated 6.0m.³⁹

³⁸ NZTA, Response to Panel Minute 28, page 2, paragraph 2.5.

³⁹ NZTA and Marlborough Roads, Response to Minute 28, page 2.

105. Figure 2.6 is amended as follows:

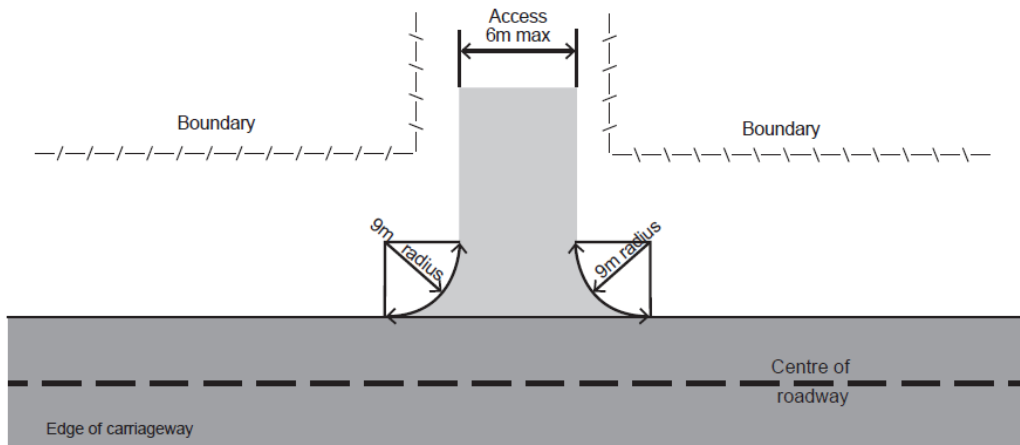


Diagram not to scale

Figure 2.6: Vehicle Crossing for Residential Use for One ~~Rural~~ User in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone.

106. Figure 2.7 is amended as follows:

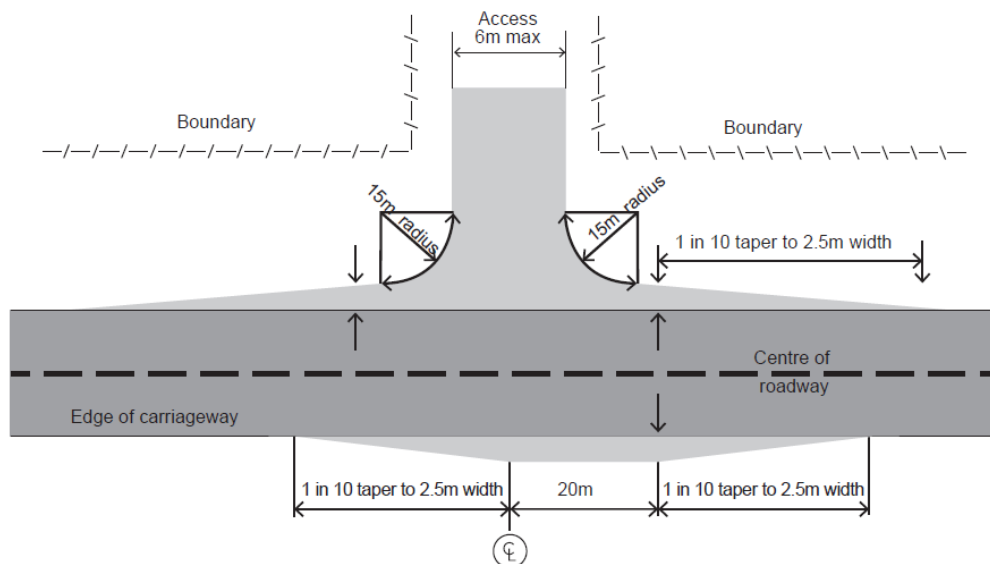


Diagram not to scale

Figure 2.7: Vehicle Crossing for Residential Use for ~~23-~~ 6 ~~Rural~~ Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone

Tables

107. NZTA raised issues with technical requirements for Topic 17 without providing details. The Panel through Minute 28 sought responses requiring more specific information. NZTA responded with the required detail including confirmation with, and agreement from, Marlborough Roads about errors (or matters incorrectly transposed). The relevant tables and figure are identified here.⁴⁰

Table 2.7
Vehicle Crossing Width

108. Table 2.7 has the figures in columns ‘Min. Width’ and ‘Min. Formation Width’ around the wrong way.⁴¹

109. The recommendation is to amend Table 2.7 which the Panel accepts as follows:

No. Units Served	Min. Width	Min. Formation Width	Qualification
1	3.5m NA	NA <u>3.5m</u>	
2-4	3.5m <u>3m</u>	3m <u>3.5m</u>	Sealed.
5-6	6m <u>5m</u>	5m <u>6m</u>	Sealed. Width allows passing

Table 2.9
Maximum Number of Vehicle Crossings

110. Finally in Table 2.9 there is an incorrect figure for the number of vehicles allowed for ‘national and arterial roads <100’. This was advised in 2.2 of NZTA’s response to the Minute, with the correct figure in the second column as follows:

Road Hierarchy (as identified in Appendix 17)	Legal Speed Limit for Road (km/hr)	Frontage Length			
		0-20m	21-60m	61-100m	101+m
Local & Collector	Any	1	2	2	3
National &	<100	2 <u>1</u>	1	2	2

⁴⁰ Section 42A Report, Reply to Evidence, page 13.

⁴¹ NZTA, Response to Panel Minute 28, paragraph 2.4.

Arterial					
National & Arterial	100	1	1	1	2

111. The amendment makes the correction to allow only 1 vehicle crossing per road frontage of the identified length.

Decision

112. The Panel confirmed the requested corrections to tables 2.7 and 2.9.

New Rule – Chapter 2

113. NZTA sought a new Rule 2.32.4.X as follows.

Rule 2.32.4.X Any new or altered vehicle access shall not be formed on a State Highway.

114. The reason for that being sought was that the GRPA requires NZTA approval for accessways onto limited access roads, meaning that permitted activities can otherwise access the State Highway without requiring a resource consent. The S42A report writer accepted that that was the position but did not recommend acceptance of the proposed new standard.

Consideration

115. The Panel is of the view that the NZTA has the ability statutorily to control access to state highways through the GRPA if that is warranted by the utilisation of the limited access road procedure. The Panel’s view is that RMA controls under the PMEP are not required.

Decision

116. No new rule is required.

Appendix 17 Roding Hierarchy

117. NZTA request that the roading hierarchy Appendix 17 be replaced with the One Network Road Classification (ONRC) which divides New Zealand’s roads into six categories based on vehicle movements, whether they connect to important destinations, or are the only route available. This will provide consistency throughout the country to facilitate local authorities working with the NZTA.⁴² A spreadsheet by NZTA was provided to identify within Appendix 17 National Routes, primary and secondary arterial roads collector route and local roads.

Consideration

118. We concluded that although there is merit in using the ONRC for reasons of consistency, the use of Appendix 17’s existing terms in provisions throughout the PMEP is extensive and the implications of substituting these terms needs to be carefully considered. The Panel did not

⁴² NZTA (1002.270).

hear evidence from NZTA or any other submitter regarding the practical implications of substituting the existing roading hierarchy with ONRC. The Panel identified that there were multiple provisions that apply to national routes, and/or primary arterials, and/or secondary arterials and/or collector routes. The status of some roads is considerably different between the notified hierarchy and the ONRC. However, NZTA did not appear to have considered the consequent change in the effect of notified rules. The Panel believes that this evaluation is critical otherwise the substitution of ONRC may have unintended consequences. The Panel considers that changes to align the roading hierarchy with the ONRC would be better dealt with at a later date as a plan change/variation process.

Decision

119. The Panel's decision is to not adopt ONRC due to insufficient evidence on the implications of such a change.

Definitions relating to transportation

120. NZTA seeks amendment to notified definitions of 'land development signage', 'road', and 'limited access road' to be consistent with the rules. ('Limited access road' includes a new definition.)
121. The report writer recommends rewording signage as it is consistent with the rules, the definition of Limited Access Road will assist road users of the plan to understand what they are, and the definition of 'road' reflects changes in legislation. The amendments will provide clarity and ease of reading.
122. Other submissions were recommended to be rejected as unnecessary and in one case redundant.⁴³

Decision

123. The following definition is to be included as follows, in respect of the other two definitions, 'land development signage' and 'road', the Panel adopts the recommendations of the Section 42A Report⁴⁴.

Limited Access Road means a road or part of a road which has been declared a "Limited Access Road" under the Government Roading Powers Act 1989.

⁴³ Section 42A Report, paragraphs 218, 225-226.

⁴⁴ NZTA (1002.239).

Signage

Standard 2.34.12

Traffic or safety sign, or a sign denoting the name of a road or the number of a premise

124. Several submitters seek amendment to the rule or that a new permitted activity be added to the sign rules. The report writer recommends rejection of the need for any change.⁴⁵
125. NZTA considers that there is no resource management reason to impose standards upon official road and traffic signs. NZTA sought either to delete the rule, change the definition of sign or exclude this type of sign.⁴⁶

Consideration

126. There is no resource management reason to impose standards upon official road signs and traffic signs. The Panel considers a change to the definition of 'sign' to exclude this type of sign is the most appropriate decision.

Decision

127. Standard Rule 2.34.12 is excluded from complying with the requirements in 2.35 that apply to all permitted activities and as a consequential amendment 2.34.10 is also excluded from the requirement to comply with the standards in 2.35 by adding an introductory note before Rule 2.35.1 making those exclusions as follows:

The following standards do not apply to signs permitted by Rules 2.34.10 or 2.34.12.

Rule 2.34 - Permitted Activities

128. NZTA seeks that 'signage' be replaced by 'sign' in Standard 2.35.1.1 and all other instances.⁴⁷

Section 42A Report

129. The report writer considers that sign rules are generally structured on the premise that a sign will be located on the same site as the activity. In some circumstances signs will be placed in locations other than where the event is taking place to ensure the event is widely publicised. Rule 2.34.11 provides for temporary signs for special or specific events as permitted activities and the change sought will allow these signs to be placed on the other sites without requiring a resource consent. The amendment is considered appropriate by the report writer.
130. The report writer therefore considers a change in the phraseology from 'signage' to 'sign' will provide consistency throughout the PMEP without altering the meaning or intent of the provisions, and the change is therefore considered appropriate by him.⁴⁸

⁴⁵ Section 42A Report, paragraph 279.

⁴⁶ NZTA (1002.161).

⁴⁷ NZTA (1002.162).

⁴⁸ Section 42A Report, paragraphs 291-294.

Consideration

131. The Panel, however, considers the word 'signage' is still appropriate in some circumstances so only the word 'Signage' in heading to 2.34 Permitted Activities should be replaced by the word 'Sign'.

Decision

132. The heading 'Signage' above 2.34 Permitted Activities is replaced with the word 'Sign'.

Standard 2.35.1.1

The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located.

133. NZTA and MDC sought to exclude temporary signs from complying with the standard. The signs rules are structured on the premise that a sign will generally be located on the same site as the activity it is promoting. However, in some circumstances, signs can be placed in locations other than the site where the event is taking place to ensure the event is widely publicised. Rule 2.34.11 provides for temporary signs for community, special, educational or recreational events as permitted activities, and the change sought by the submitter will allow such signs to be placed on the other sites without requiring a resource consent. This change is considered appropriate.

134. NZTA and MDC request that the standard be amended as follows:

The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located, except for signs subject to Rule 2.34.11.

Decision

135. Standard 2.35.1.1 is amended as follows:

The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located, except for signs subject to Rule 2.34.11.

Standard 2.35.1.3

A sign must not be erected on, or adjacent to, a road reserve, where the sign may: (a) – (f)

136. NZTA⁴⁹ sought the following:

That Rule 2.35.1.3 be amended as follows:

A sign must not be erected on, or adjacent to, a legal road reserve, where the sign may:

- (a) is on or over a State Highway and the prior approval of the New Zealand Transport Agency (under clause 4 of the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010) has not been obtained;

⁴⁹ NZTA (1002.163).

- ~~(a)~~(b) may obstruct the line of sight of any corner, bend, intersection or vehicle access;
- ~~(b)~~(c) may obstruct, obscure or impair the view of any traffic official road sign or signal;
- ~~(c)~~(d) may physically obstruct or impede traffic or pedestrians;
- ~~(d)~~(e) may resemble or be likely to be confused with any traffic official road sign or signal;
- ~~(e)~~(f) uses reflective materials (other than an official road sign or traffic safety and hazard sign) that may interfere with a road user's vision;
- (g) ~~be~~ is within 120 m of any State Highway intersection or bridge, ~~within that has a~~ 100km/hr speed limit of 70km/hr or greater;
- (h) has more than six words and/or symbols of more than 40 characters;
- ~~(f)~~(i) is infrangible.

137. NZTA suggests standard (g) is currently inconsistent with the relevant bylaw and needs to apply to sections of the State Highway with a speed limit of 70km/hr or greater. Standard (h) is unnecessary as Standard 2.35.1.4 already requires messages to be clear and concise with lettering sizes identified so that they do not cause safety issues.

138. Standard (i) relating to the frangibility of signs (i.e. their ability to break upon impact) as proposed by NZTA is considered by the submitter to be necessary to ensure traffic safety in the event of a vehicle colliding with a sign.

Consideration

139. The Panel considers the report writer's recommended (a) should be deleted as a bylaw⁵⁰ will regulate these signs. Otherwise the suggested amendments by the report writer are accepted as providing clarity to the present drafting of the rule.

Decision

140. Standard 2.35.1.3 is amended as follows:⁵¹

A sign must not be erected on, or adjacent to, a legal road reserve, where the sign ~~may~~:

- (a) may obstruct the line of sight of any corner, bend, intersection or vehicle access;*
- (b) may obstruct, obscure or impair the view of any traffic official road sign or signal;*
- (c) may physically obstruct or impede traffic or pedestrians;*
- (d) may resemble or be likely to be confused with any traffic official road sign or signal;*

⁵⁰ Signs on State Highways Bylaw 2010.

⁵¹ Section 42A Report, paragraphs 302-304.

(e) uses reflective materials (other than an official road sign or traffic safety and hazard sign) that may interfere with a road user's vision;

(f) be is within 120m of any State Highway intersection or bridge, within that has a 100km/hr speed limit of 70km/hr or greater;

(g) is infrangible.

Standard 2.35.1.5

A sign must be erected to present an unrestricted view to the motorist for the applicable minimum distance as shown in Table 2.11.

And;

Standard 2.35.1.11

The minimum distance between signs on successive properties, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12.

141. NZTA seeks to include separation between signs and official road signs. It also seeks to change the heading of column two of Table 2.12 to ensure the intent of the standard is clear (in terms of separation distance).⁵²

142. Initially the report writer recommended that the two rules be deleted, because several submitters submitted that the Port Zone and Business 1 Zone should be exempt from their application as they imposed additional restrictions, with other submitters considering any change should be through a plan change process and disputing a second freestanding sign distance from the road boundary.

143. The report writer considered the restrictions imposed by the two tables introduce a relatively complex approach to siting signs and could be confusing. Both tables appear to impose additional restrictions to address matters already addressed in existing standards.⁵³

Consideration

144. In his first recommendation after hearing evidence, the report writer considered there was no change to his opinion that the provisions should be deleted, but that the Panel should give consideration to the NZTA submission as while it was potentially restrictive, the amendment was still worthy of consideration.⁵⁴ He notes that the submissions of those opposing the change did not actually request deletion of the provisions.

145. As to the content of Table 2.12 the Panel agrees with the evidence of Kate Searle as follows:

⁵² NZTA (1002.166).

⁵³ Section 42A Report, pages 51-52.

⁵⁴ Section 42A Report Reply to Evidence, page 10.

This would effectively exclude most areas zones Business, Residential and Port other than in higher speed areas, in which case I understand from the Transport Agency that a minimum distance between signs may be appropriate from a road safety perspective⁵⁵.

Decision

146. The Panel decides Standard 2.35.1.11 is amended as follows:

*The minimum distance between signs on successive properties, and between signs and official road signs, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12.*⁵⁶

147. Table 2.12 has been amended as follows.

Regulatory Speed Limit (kph)	Visibility <u>Minimum</u> Distance Between Signs (m) ⁵⁷
0 - 70	60
71 <u>70</u> – 80	70
81 – 100	80

Standard 2.35.1.6

A sign must comply with the height and, where applicable, recession plane requirements for the zone in which it is located.

148. The Original Section 42A Report for Topic 15 (paragraph 312) included a reference to submission point 1004.47. This reference is incorrect and paragraph 312 should be amended by noting the correct submission point as 1004.46.⁵⁸

149. Submission 1004.46 of the Oil Companies relates to Rule 2.35.1.6 and seeks that the rule be amended to delete the requirement that free standing signs in front yards comply with the height in relation to boundary control.

150. The report writer notes that Rule 2.35.1.7 does not require a sign to comply with road setback requirements. Where the road setback is also the front yard, this could give rise to the situation where a sign may not comply with the recession plane requirement. He also considers that the other General Rules relating to signs, including size restrictions and restrictions on placement, provide sufficient control. He also considers that requiring

⁵⁵ NZTA, K Searle, Evidence, Page 20-21

⁵⁶ Section 42A Report Reply to Evidence, page 10.

⁵⁷ NZTA, K Searle, Evidence

⁵⁸ Section 42A Report, Addendum, 4 May 2018, paragraphs 21-25.

compliance with recession plane will create conflict with other signage standards. He therefore agrees with the submitter that the rule is not necessary.

Consideration

151. The Panel does not agree with Rule 2.35.1.7 being deleted as the intent of 2.35.1.6, as amended below, and Rule 2.35.1.7 is to ensure protection of the amenity of adjoining property owners whilst recognising that factor is not of significance on the road boundary. The protection of residential amenity values is important, as recognised by Section 7 RMA and Objective 12.2 of the PMP.

Decision

152. That Rule 2.35.1.6 is amended as follows:

A sign must comply with the height and, ~~where applicable,~~ except for signs adjacent to road boundaries, must comply with recession plane requirements for the zone in which it is located.

Standard 2.36.2.1

Flashing or revolving lights must not be used on any sign.

153. NZTA requests a number of specific adjustments. This standard relates to flashing or revolving signs. In particular, it seeks to change Standard 2.36.2 Illumination of a sign except where fronting or clearly visible from a state highway.
154. The report writer identifies that the present rule restricts the illumination of signs visible from a state highway and does not relate to other features of signs that may be distracting to visitors to the state highway, creating a safety hazard. The relief sought by NZTA goes considerably beyond this.
155. The report writer considers that of the amendments sought, flashing, rotating, variable or animated parts are appropriate to amend the rule to avoid distraction.
156. The Panel consider a simpler wording will achieve that purpose.

Decision

157. Standard 2.36.2.1 is amended as follows:

Variable, ~~flashing or rotating lights or animated parts~~ revolving lights must not be used on any sign.

Standard 2.36.7.3

Where a pavement sign (except a tear drop banner) is used it must:

(a) not exceed 750mm in height by 600mm in width; ...

158. Jessica Bagge considers that where a pavement sign is used it should be amended to:

(a) not exceed ~~750mm~~ 1100mm in height by 600mm in width.⁵⁹

159. The report writer considered there was no evidence that the present size of pavement signs is inappropriate and the cost of compliance (would be) excessive. An amendment is therefore inappropriate.⁶⁰

160. In evidence Ms Bagge demonstrated that 750mm in height is too restrictive given the size of the ACM panels which the signs are made of. The majority of signs are 1100mm if the base and standard panel are included.⁶¹

161. In reassessing the evidence, the report writer considered the amended size was a reasonable request but pointed out it conflicts with Council bylaw in height⁶².

Consideration

The Panel reviewed the relevant Council bylaw and related policy. The bylaw requires compliance with Council policy. The current policy is a height limit of 750mm. Council policies can change and the Panel has to make an RMA effects decision. The Panel could see no RMA reason why 1100mm caused an amenity issue. The Panel accepted Ms Bagge's evidence that most signs of this nature are 1100mm in height if the base is included.

Decision

162. Standard 2.36.7.3 is amended as follows:

2.36.7.3 Where a pavement sign (except a teardrop banner) is used it must:

(a) not exceed ~~750mm~~ 1100mm in height by 600mm width; ...

Rule 2.34.9 and Rule 2.36.8

Sign on any land zoned Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.

163. NZTA requests clarification as to why the standard is specific to show homes.

⁵⁹ Jessica Bagge (19.1).

⁶⁰ Section 42A Report page 54.

⁶¹ NZTA (1002.170).

⁶² Reply to Evidence page 12

164. The report writer considers that the wording of this standard and its relationship with the Permitted Activity Standard 2.34.9 to which it relates, is confusing and its purpose unclear. Does it apply to show homes in all the listed zones or just those with 'show homes'?⁶³
165. The report writer considers there is no apparent reason why signs for Show Homes would be treated any differently than signs associated with other permitted activities in the zones, including Home Occupations. The General Rules applying to signs provide sufficient control to avoid any adverse effects on traffic and pedestrian safety. The rule is therefore considered unnecessary.⁶⁴

Consideration

166. The standard is confusing as to whether it applies to show homes in all the listed zones or just those with 'show home'.
167. The term 'show home' (and not just for show homes as set out in the Section 42A Report), should be removed from 2.34.9 so it becomes a rule for those identified zones. Rule 2.36.8 should be retained with the equivalent removal of 'show home' so that these become zone standards. Urban Residential 1, 2, 3 should be removed from both 2.34.9 and 2.36.8. It is not appropriate to provide for permitted activity signs in residential environments in order to retain a high standard of amenity as recognised in Objective 12.2.
168. These standards required a site visit for they may replicate 2.36.3.1 which relates to the provision of a land development sign.
169. A site visit was undertaken by the Panel on 8 November 2018 where it was agreed to make explicit provision for show homes and include a new standard to limit the sign to a 2m² area of signage.

Decisions

170. Rule 2.36.8 is amended as follows:
- 2.36.8. Sign on any land zoned ~~Urban Residential 1 (show home), Urban Residential 2 (including Greenfields) (show home), Urban Residential 3, (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.~~*
171. Rule 2.34.9 is amended as follows:

⁶³ NZTA (1002.170).

⁶⁴ Section 42A Report, pages 54-55.

Sign on any land zoned ~~Urban Residential 1 (show home), Urban Residential 2 (including greenfields) (show home), Urban Residential 3 (show home), Rural Environment, Coastal Environment, Rural Living or Coastal Living.~~

172. Insert a new rule and standard as follows:

2.34.X Signs for show homes

2.36.X Signs for show homes

The maximum area of signage shall not exceed 2m² per show home.

New rules

Pouwhenua

173. Te Ātiawa seeks provision for the erection of pou and/or cultural signage.⁶⁵

174. The report writer considers this submission has merit but highlights that no specifics were included in the submission. The Panel however referred back to Te Ātiawa's submission in Marlborough's tangata whenua iwi topic where it sought 'the inclusion of a permitted rule in all Zones of the MEP where a pou or other structure/carving/sign can be erected to identify an area of Māori significance'.⁶⁶

175. To protect amenity and safety the Panel considers the relevant zone standards for structures should apply.

Decision

176. Insert new permitted activity:

2.34.15 Pouwhenua

177. And associated standard:

2.36.12. Pouwhenua

2.36.12.1. The pouwhenua must comply with the permitted activity standards for constructing or siting a building or structure with respect to height and proximity to property boundaries applicable for the zone within which the pouwhenua is to be erected.

⁶⁵ Te Ātiawa (1186.114).

⁶⁶ Te Ātiawa, Evidence Topic 2: Marlborough's Tangata Whenua Iwi.

Supermarket Signage

178. Progressive Enterprises Limited seek a new Rule 2.36.10 for supermarket signage.⁶⁷
179. The report writer considers that because by their nature supermarkets are large buildings, their locations are such that they require signage on more than one location. The reality is that modern supermarkets do have the extent of signage identified in the submission.⁶⁸
180. The Panel undertook a site visit on 8 November 2018 to confirm whether we agreed with recommendations as to supermarket signage in the Section 42A Report.⁶⁹ Presently there are no sign rules for supermarkets. After the site visit we accepted the recommendations in the report.

Decision

181. Insert new Rule 2.36 as follows:

2.36.10 Supermarket Signage

2.36.10.1 The maximum signage including free standing signs per supermarket shall not exceed 80m.²

2.36.10.2 Supermarket free standing signs shall not exceed 9m in height, 3.5m in width and not have a sign face exceeding 30m².

Definitions relating to signs

182. NZTA requests the term 'Official Road Sign' to be used in the PMEP in place of 'traffic or safety sign' and proposed a definition of sign which excluded an 'official road sign' (wording provided).⁷⁰ As will be discussed below, the Panel considered this added unnecessary complexity to the Plan.
183. The report writer considers this definition is appropriate for use of the term 'Official Road Sign' will make it clear when a sign relating to traffic or roading qualifies as a permitted activity and any other sign that falls outside the definition will require consent. This clarification will assist in reducing a proliferation of signs adjacent to roads which in turn will increase the safety of the road network for users.⁷¹

⁶⁷ Progressive Enterprises Limited (1044.9).

⁶⁸ Section 42A Report, paragraph 348.

⁶⁹ Hearing Panel Minute. Section 42A Report, paragraphs 348-349.

⁷⁰ NZTA (1002.246).

⁷¹ Section 42A Report, paragraph 365; Recommendation, page 13.

184. NZTA and the Oil Companies request that a definition be included for sign, as the absence of such a definition makes the application of the signs rules unclear. The NZTA provided their proposed definition.⁷²
185. From his assessment of this amendment the report writer concludes that the definition in the Operative Plan is broad while the wording proposed by the submitter provides greater clarity. He observes in this process that ‘sandwich boards’ in the CBD are controlled through a bylaw and it is therefore appropriate to specifically exclude sandwich boards in the Business 1 Zone.⁷³
186. In evidence the Oil Companies sought to add other signs to the exclusion list relating to regulatory signs which the report writer considered as a reasonable request.⁷⁴

Consideration

187. The Panel agrees that a definition of sign would aid the implementation of the relevant provisions for signs. The Panel agrees with the wording proposed by NZTA with the exception of (d). Traffic or safety signs are signs and should be covered by the definition of signs. If NZTA’s concern is that the PMEP may constrain the use of such signs the Panel notes that these signs are explicitly provided for by Rule 2.34.12. In addition, the Panel decision with respect to both 2.34.10 and 2.34.12 is that there should be an exemption from the standards having to comply with those rules in respect of road signs. This can be achieved by a new standard 2.35.1.1 stating:

The following standards do not apply to signs permitted by Rules 2.34.10 or 2.34.12.

In summary, the result will be traffic and safety signs can be appropriately erected as a permitted activity.

188. Given the above consideration the Panel does not consider it necessary to use the term ‘Official road sign’ and as a result the definition sought by NZTA is not required.
189. There are several consequential amendments resulting from the evidence and tabled statements, as a result of what was now before the Panel:
- the replacement of ‘sandwich boards’ suggested in (c) with ‘pavement signs’;
 - consideration of inserting ‘bylaw’ in Rule 2.34.10.

⁷² Section 42A Report, paragraph 367. Oil Companies (1004.43) tabled letter.

⁷³ Footpaths Policy – Commercial Use (refer Council Minute No W95/96 and P05/06.23.)

⁷⁴ Section 42A Report, Reply to Evidence, Tabled Letter pages 13-14

Decision

190. That the following definition of 'Sign' be included in the PMEP:

Sign means any name, figure, character, outline, display, notice, placard, poster, banner of any kind, advertising device or appliance, or any other thing of a similar nature intended to attract attention; and

(a) includes all materials composing the sign, together with the frame, background, structure and support or anchorage of the sign;

(b) includes any of the above listed things when fixed or mounted on any vehicle that is parked on a State Highway for the purpose of displaying that sign;

(c) includes road safety billboards, pavement signs (except where located in the Business 1 Zone) and temporary local banners.

191. Amend permitted activities:

2.34.10. Sign required for, or established by statute, rule, ~~or~~ regulation or bylaw.

2.34.12. Traffic or safety sign, or a sign denoting the name of a road ~~or the number of a premise~~ installed by the roading authority.

192. Include new permitted activity:

2.34.13 Sign denoting the number of a premise.

193. Insert a new standard:

2.35.1.1 The following standards do not apply to signs permitted by Rules 2.34.10 or 2.34.12.