Proposed Marlborough Environment Plan

Section 42A Hearings Report for Hearing Commencing

30 April 2018

Report dated 28 March 2017

Report on submissions and further submissions Topic 10:

Urban Environments

Report prepared by

David Jackson

Principal Consultant Planner

Contents

List of Abbreviations

CBD	Central Business District
MSRMP	Marlborough Sounds Resource Management Plan
MDC	Marlborough District Council
MEP	Proposed Marlborough Environment Plan
MfE	Ministry for the Environment
NZCPS	New Zealand Coastal Policy Statement 2010
RMA	Resource Management Act 1991
WARMP	Wairau Awatere Resource Management Plan

Submitter Abbreviations

Submitter Number	Submitter Abbreviation	Full Submitter Name
280	NMDHB	Nelson Marlborough District Health Board
401	Aquaculture NZ	Aquaculture New Zealand
425	Federated Farmers	Federated Farmers of New Zealand
426	MFA	Marine Farming Association Incorporated
433	Port Marlborough	Port Marlborough New Zealand Limited
464	Chorus	Chorus New Zealand Limited
460	Timberlink	Timberlink New Zealand Limited
501	Ngati Kuia	Te Runanga o Ngati Kuia
713	Fletchers	Fletcher Distribution Limited (trading as 'Placemakers') and Mico New Zealand Limited (trading as 'Mico')
715	Forest and Bird	Royal Forest and Bird Protection Society
716	Friends of NH and TB	Friends of Nelson Haven and Tasman Bay Incorporated
766	Harvey Norman	Harvey Norman Property (NZ) Limited
873	KiwiRail	KiwiRail Holdings Limited
961	Chamber of Commerce	Marlborough Chamber of Commerce
962	MFIA	Marlborough Forest Industry Association
990	Nelson Forests	Nelson Forests Limited
993	FENZ	Fire and Emergency New Zealand (incorporating the former New Zealand Fire Service Commission)
996	Institute of Surveyors	New Zealand Institute of Surveyors
1002	Transport Agency	New Zealand Transport Agency
1158	Spark	Spark New Zealand Trading Limited
1186	Te Ātiawa	Te Ātiawa o Te Waka-a-Maui
1201	Trustpower	Trustpower Limited
1251	Fonterra	Fonterra Co-operative Group Limited
1284	Port Marlborough	Port Marlborough New Zealand Limited

Introduction

1. My name is David Jackson. I am a Principal Planner from Opus International Consultants, based in Nelson. My qualifications and experience are as follows.

2. I have a BSc Honours in Botany and a PhD in Plant Physiology, both from the University of Canterbury. I am a full member of the New Zealand Planning Institute (NZPI).

3. I have worked in the resource management field for over 32 years, including for the Commission for the Environment, the Ministry for the Environment, the Nelson City Council, and since 2014 for Opus. During my 19 years at Nelson City Council I held various senior policy planning roles, with my final position being Principal Adviser, City Development. At the Commission for the Environment I specialised in energy and environmental economics.

4. I was one of the principal authors, and in the latter stages Project Leader, for the development of the proposed Nelson Resource Management Plan (NRMP), which received the NZPI Nancy Northcroft Award for planning excellence. The NRMP is a combined district, regional and regional coastal plan. In addition to preparing the residential, industrial, inner city and commercial zone chapters, I prepared the landscape and the historic heritage provisions for the proposed NRMP.

5. I also led the preparation of the Nelson Air Quality Plan.

6. I prepared Section 42A reports for both the above plans, and as well have been involved in the preparation and processing of more than a dozen variations and plan changes. With these proposed plans and plan changes I have been involved through the hearings and appeals processes.

7. I was not involved with the preparation of the proposed Marlborough Environment Plan (MEP). I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section42A report.

8. I have read Council's Section 32 reports.

Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.

10. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

11. I am authorised to give this evidence on the Council's behalf.

Conflict of Interest

12. Opus International Consultants Ltd prepared original submissions to the MEP on behalf of the Ministry of Education (974). I supervised staff in the Opus Nelson office who inputted into the preparation of that submission. Subsequently, I was engaged by Marlborough District Council as an officer preparing s42A reports, analysing and recommending to the Hearing Panel on submissions. At that point, all further work for the Ministry of Education in relation to the MEP was transferred out of the Nelson Office, to Opus Invercargill. That included any work on the preparation of the MOE further submission, and any evidence they might prepare. A 'Chinese Wall' has been erected between the two Opus offices with respect to involvement on the MEP. In addition, to avoid any perception of conflict I have not made any recommendation on a submission or further submission made by the Ministry of Education (other than where they support a provision and seek its retention without amendment). Liz White of Incite Ltd has recommended on the submissions 974.17 and 974.18, where the Ministry of Education is seeking a new permitted status for early childhood and day-care centres.

Scope of Hearings Report

13. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).

14. In this report, I assess and provide recommendations to the Hearing Panel on submissions made on Urban Environments chapters of the MEP, being Volume 1 Chapter 12, and Volume 2 Chapters 5, 6, 9, 10, 11 and 12, and related appendices and definitions. Some submitters made multiple submission points seeking the same or similar provisions across a number of chapters. Generally, I have addressed these submissions under the relevant topic in each chapter, so it is clear where any change is proposed to occur, and to provide for specific numbering or cross referencing that may be particular in each case. To reduce repetition, I refer back to the submission and reasons in the first topic under which it was discussed.

15. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.

16. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

17. The provisions in this hearing report address the following:

Volume Chapter	Activity	Description	Provisions
Volume 1 - Issues, Objectives, Policies and Methods			
Vol 1 Ch 12	Residential environments	• Blenheim, Picton/Waikawa, Havelock, Renwick, Seddon • Smaller towns (e.g. Ward, Wairau Valley, Spring Creek, Grovetown, Rarangi, Rai Valley) It excludes coastal Marlborough Sounds settlements, and clusters of lifestyle living scattered throughout the District	• Issue • Objectives • Policies • Methods of implementation, and • Anticipated environmental results
	Business environments	• Business activity, and • Industrial activity	
Volume 2 - Rules			
Ch 5	Urban Residential 1 and 2 Zones	Residential 1 is higher density and located close to the CBD, and at corner of New Renwick Rd/Aerodrome Rd. Residential 2 is most of Blenheim outside the Residential 1 Zone, and applies to all other towns in the District.	Rules
	Urban Residential 2 Greenfields	New housing areas zoned to the west and the north of central Blenheim	
Ch 6	Urban Residential 3 Zone	SW and southern edge of Blenheim - lower density buffer between Urban Residential 2 and the Rural Environment Zone. An area within Rai Valley.	
Ch 9	Business 1 Zone	CBD of Blenheim, Renwick, Picton and Havelock.	
Ch 10	Business 2 Zone	Suburban areas, including in Blenheim, supermarket-based centres at Redwoodtown and Springlands, plus smaller areas such as Moran St, Alana Pl and Budge St.	

		In Picton – smaller pockets within residential areas. Core business areas in Ward, Seddon, Wairau Valley and Rai Valley.	
Ch 11	Business 3 Zone	Large format retail in Blenheim – Westwood at western entrance, and Mitre 10 on Alabama Rd.	
Ch 12	Industrial 1 and 2 Zones	Industrial 1 – 'light' industrial areas in Blenheim, Picton and Seddon. Industrial 2 – only in or close to Blenheim. Existing activities at Burleigh and Redwood Streets, and Alabama corner; outside Blenheim – CMP Marlborough, Riverlands and Cloudy Bay Industrial Park.	
Volume 3 - Appendices			
App 16	Scheduled Sites 1, 2, 3 & 4	1. Nelson Marlborough Institute of Technology 2. Wairau Hospital 3. Richmond View School 4. Specifically identified Urban Residential 2 Zone properties	Rules
Definitions – Chapter 25			

18. The analysis of submissions follows the order in the above table, and submissions that are general in nature, apply to a whole chapter or seek the addition of new provisions, are dealt with at the end of the report. If it is more appropriate, a submission seeking a new provision, is sometimes dealt with under a particular topic (Objective 12.7, for example).

19. It should be noted that submission relating to subdivision are being addressed in a separate report (Topic 17) as part of Hearing Block 5. The issues, objectives, policies and methods relating to subdivision are also included in Volume 1, Chapter 12 of the MEP, and rules in Volume 2, Chapter 24,

Statutory Documents

20. The following statutory documents are relevant to the provisions and/or submissions within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in the actual assessment.

Resource Management Act 1991

National Policy Statements

New Zealand Coastal Policy Statement 2010 (NZCPS)

21. The NZCPS sets out national policy direction to achieve the purpose of the RMA in relation to the coastal environment. It is the only mandatory national policy statement under the RMA. It contains seven objectives and 29 related policies. The NZCPS provides direction to local authorities in relation to how the coastal environment is to be managed, consistent with the functions given to regional councils and district councils under the RMA. The NZCPS must be given effect to in regional policy statements, regional plans and district plans.

Other Documents

22. The following non-statutory documents are considered relevant to the provisions and/or submissions in this report.

Growing Marlborough: A Strategy for the Future, 2013

23. The Growing Marlborough strategy aimed to plan for Marlborough's urban growth for the 25-year period from the 2006 census through to 2031. Growing Marlborough covered three sub-strategies, each tailored to specific issues and opportunities facing different parts of the District: the Blenheim Town Centre Revitalisation Strategy; settlements in south Marlborough; and settlements in Picton, Havelock and the inner Sounds. In considering options for growth, the following approach was adopted in the Strategy:

    - enhancing existing settlements rather than establishing new ones (unless the more affordable and sustainable growth or intensification options in existing settlements are exhausted or unachievable);
    - supporting strongly defined communities with unique identities;
    - minimising the impact of towns and settlements on the environment, landscape and versatile soils;
    - focussing new growth where it can best leverage from existing community infrastructure (especially where new growth will not be of a scale that would bring new facilities with it);
    - providing for logical urban expansion in areas where it will be affordable from a total lifecycle infrastructure perspective;
    - encouraging urban intensification where it is feasible, i.e. when privacy and local character can be maintained, and if supported by conveniently located amenities; and
    - supporting lifestyles that are less energy intensive, in particular where people may choose how they meet their daily needs other than by full reliance on private automobiles.

24. Development of the Strategy involved extensive consultation throughout the District, including focus group meetings and public meeting, and two 'Inquiry-by-Design' workshops over multiple days. Following the development of a draft strategy, a series of report back presentations, attended by over 400 people, were held, after which the Strategy was refined for presentation to Council.

25. Following the investigation of liquefaction risk, Blenheim's urban growth strategy, *Revised Strategy for Blenheim's Urban Growth (2012)*, was reviewed. This revealed some areas were unsuitable for development, and additional growth areas were identified on the western and northern edges of Blenheim.

26. This strategy for Blenheim's town centre identified themes of action for the town's centre, including encouraging good design through non-statutory mechanisms as this was considered the most relevant in reflecting Blenheim's built character. The aim of the project was to increase wellbeing in a social, environmental, cultural and economic sense by growing community cohesion, local pride and business vitality. The Strategy anticipates that revitalisation of the town centre will have a positive effect for the wider Blenheim urban area, with flow-on effects for the District.

27. The Growing Marlborough strategy was completed in March 2013. Some of the outcomes from the three stages of the strategy have been included in the reviewed resource management framework, while other aspects were implemented ahead of the review (for example, the rezoning of several areas of rural land on the periphery of Blenheim to residential zoning through Plan Changes 64-71 of the WARMP (Wairau Awatere Resource Management Plan)).

Blenheim Town Centre: A Vision for the Future, 2009

28. Part of the district-wide Growing Marlborough strategy, the Blenheim Town Centre Strategy sets out a vision for the CBD, and sets direction for the statutory planning, non-statutory approaches and Council's future infrastructure and amenity investment.

Analysis of submissions

29. There were 283 submission points received on provisions relevant to the Urban Environments topic. None of these were in common formats.

30. Of these submission points, several were in common formats:

    - A number of building companies, including GJ Gardner Homes, Mainland Residential Homes Limited, Peter Ray Homes Blenheim Limited, and Andrew Pope Homes Limited have lodged similar submissions in relation to bulk and location controls, and allotment and access sizes for the Urban Residential Zone.

Key Matters

31. I have set out my analysis of the submissions points by issue and then by respective components of the topic, under the following headings. The first two relate to the two issues within the chapter. The final two matters relate submissions on the chapter as a whole or which raise additional matters not covered in the other topics.

Residential

a. Matter 1: Residential – Issue, objectives, policies and methods (Volume 1)

b. Matter 2: Residential 1 and 2 Zone rules (Volume 2)

c. Matter 3: Residential 3 Zone rules

d. Matter 4: Scheduled sites (Volume 3)

Business Environments

e. Matter 5: Business environment (Business & Industrial)– Issue, objectives, policies and methods

f. Matter 6: Business 1 Zones rules

g. Matter 7: Business 2 Zones rules

h. Matter 8: Business 3 Zones rules

i. Matter 9: Industrial Zones rules

General

j. Matter 10: Definitions

k. Matter 11: Additional provisions sought to be included

l. Matter 12: General submissions

Pre-hearing Meetings

32. There have been no pre-hearing meetings for this topic.

Matter 1 - Residential – Issue, Objectives, Policies and Methods

Overview of Provisions

33. This assessment relates to Issue 12A, Objective 12.1 and Policies 12.1.1 to 12.1.6; Objective 12.2 and Policies 12.2.1 to 12.2.8; Objective 12.3 and Policies 12.3.1 to 12.3.5; and Methods 12.M.1 to 12.M.3.

34. The package of provisions relates to the residential living areas within towns in Marlborough. It includes Picton/Waikawa but excludes the coastal settlements with the Marlborough Sounds, and various clusters of lifestyle living throughout the District.

35. The single issue (12A) relates to meeting the residential needs of the District's urban population, while ensuring that residential activity does not have adverse effects on the environment.

36. There are three objectives responding to the issue.

37. Objective 12.1 seeks that residential zones are primarily used for residential activities, and that there is a range of opportunities for different forms and densities of residential living. The objective is supported by six policies that establish that different areas will be identified for residential activities, and that set the parameters and characteristics for the different zones (Urban Residential 1, 2 and 3).

38. Objective 12.2 seeks a high standard of residential amenity, and the eight policies elaborate on the various aspects of amenity, including urban design and streetscape, noise, signage, as well as specific guidance in relation to development of the Urban Greenfields areas.

39. Objective 12.3 requires that non-residential activities are appropriately located, and are of a scale and nature so that there are no adverse effects on the character of residential environments. There are five policies under the objective that provide guidance on home-based activities; on community-based activities that may be appropriate in the residential zones; the limited circumstances when business activity may be appropriate; the avoidance of industrial or rural activities (with some exceptions); and for other activities not compatible with residential zones.

40. There are submissions on the following matters and the assessment below has been undertaken as follows:

- Issue 12A
- Objective 12.1
- Policy 12.1.1
- Policy 12.1.3
- Policy 12.1.4

- Objective 12.2
- Policy 12.2.1
- Policy 12.2.2
- Policy 12.2.3
- Policy 12.2.4
- Policy 12.2.5
- Policy 12.2.6
- Policy 12.2.7

- Objective 12.3
- Policy 12.3.2
- Policy 12.3.3
- Policy 12.3.4
- Policy 12.3.5

Issue 12A - Submissions and Assessment

41. Issue 12A is:

> *Meeting the residential needs of Marlborough's urban population whilst ensuring residential activity does not have adverse effects on the environment.*

42. The explanation to the issue notes that Marlborough's residential environments are diverse in character, with a range of housing types, but with a predominance of stand-alone dwellings. Much of this is a result of previous zoning. A key aspect discussed is meeting people's needs while maintaining and improving people's enjoyment of residential amenity. In appropriate land use, subdivision and development is seen as a major concern as they can adversely affect residential character and amenity. Also, commercial activities that do not support the day-to-day living of residents, and which detract from residential character and amenity, are seen as important to avoid.

43. One submitter supports the issue, while two support the issue in part.

44. **KiwiRail** (873.37) supports the issue statement and seek its retention, and is supported by the further submission of Te Ātiawa.

45. **Federated Farmers** (425.203) supports the issue in part. They want assurance that meeting the needs of Marlborough's urban population will not adversely affect the continued operation of legitimate primary production activities. They seek that the following is added at the end of the issues statement *"Reverse sensitivity is identified as a potential issue to address, where residential activity expands or abuts the rural areas of the District"*. Te Atiawa's further submission opposes this change. Reverse sensitivity potentially arising from residential development getting close to existing rural or industrial development is recognised in Policy 12.2.5.

46. It clearly is recognised in the MEP as an issue to be addressed. However, I do not support such a specific statement, focussed only on rural activity, being added to the issue statement itself. That would not take account of the issue of reverse sensitivity on established industrial activities. Also, in my view, it would give a disproportionate emphasis to that particular effect within the issue. It is already encapsulated at a higher level within the part of the issues statement about *"ensuring that residential activity does not have adverse effects on the environment"*. Having said that, I do support a more generic statement about reserve sensitivity, not just rural reserve sensitivity, being added to the explanation accompanying the issue statement.

47. The **Institute of Surveyors** (996.2) supports the issue in part. However, they consider it is silent on other aspects such as retirement village, seasonal worker accommodation, affordable accommodation across all groups, and 'higher low-level density housing' (the meaning of the last statement is it not clear to me).

48. The **Chamber of Commerce** (961.25, 27, 28 and 29) supports Chapter 12 in part. They seek the addition of the following new issues:

    a) Issue 12D- The Marlborough District is recognised as an area with an aging population growth, and a desirable place to retire to and live. Meeting the needs of the elderly and supporting their well-being needs to be considered to allow the integration and assimilation in both terms of housing and support services.

    b) Issue12E- There is an increasing reliance on seasonal workers and migrants to provide the work force in the Marlborough District. This will be across the vineyards, wineries, home and elderly person care. Accommodation in non-traditional or conventional housing needs to be evaluated to be able to assimilate this into the Urban Environment.

    c) Issue 12F - The provision of affordable housing in Marlborough needs to be addressed through Council and private developers, together with Central Government incentives for infrastructure.

49. The explanation of the issue, in the second paragraph refers to *"changing demographics, including the aging population".* In my view, that includes the potential for retirement villages, as well as other housing solutions that might assist older people. The explanation also refers to meeting people's *"social, economic and cultural wellbeing"* and residential developments that *"meet the needs of*

Marlborough's urban population". I consider this includes providing across all needs – including affordable options, and housing that can be rented by seasonal and other workers. I do not recommend adding to the issue or its explanation in respect of those matters. The same paragraph of the explanation also refers to *'a greater need for flexibility in the size and type of dwelling options available'.* I consider that statement also relates to and impacts on affordability, but I support making this explicit. I note that the Chamber has also submitted on Policy 12.1.3, and I recommend additional relief there.

Recommendation

50. I recommend that the last sentence of the second paragraph of the explanatory text under Issue 12A be amended as follows:

> *Also, changing demographics, including an aging population and an increase in single person households, have led to a greater need for flexibility in the size, ~~and~~ type and affordability of dwelling options available.*[1]

51. I recommend that the following be added at the end of third paragraph of the explanatory text under Issue 12A (after the sentence ending *"…viability of established business zones"*):

> *'Reverse sensitivity' can also be an issue – when residential development comes closer to existing rural or industrial development, and the amenity expectations of the new residential uses can limit the operation of the established rural or industrial activities*[2]*.*

Objective 12.1 - Submissions and Assessment

52. Objective 12.1 reads:

> *Residential zones are primarily utilised for residential activities and a range of opportunities for different forms and densities of residential activity are available in Marlborough's urban environments.*

53. One submitter supports the objective, and seeks its retention, one supports it in part with an amendment, and one submitter opposes the objective but the relief they seek is not clear.

54. The **Transport Agency** (1002.49) supports the objective, and seeks its retention.

55. **NMDHB** (280.18) supports in part the objective and its explanation. It is concerned about the degree of focus on the potential adverse effects of non-residential activities. NMDHB considers the objective should recognise and provide for compatible and appropriately managed mixed use within residential zones. It considers this can create increased character and amenity, provide greater connectivity with goods and services, create employment and encourage greater social and economic exchange without detracting from business centres being the main focal point. In my view, this matter is better considered under Objective 12.3, which together with its policies, addresses non-residential activities. I consider that Objective 12.1 provides scope for appropriate non-residential activities – it refers to *"Residential zones that are primarily utilised for residential activities…"* . This, combined with Objective 12.3 and the policies supporting it, recognises that other uses in the residential zones may be acceptable under certain circumstances. Under those provisions later in the report, I consider whether amendments to them are appropriate to better define when other uses could occur within the residential zones.

56. **Phil Muir** (1021.1) opposes the objective. His submission, however, in terms of amendments to objectives and policies in Chapter 12, is very generic with no specific wording changes being included. On careful reading of his submission, it is clear that his relief sought relates principally to changes to the rules and consent status involving outdoor amenity and the location of garages, and the filling and excavation of sites. The submission also seeks *"That relevant objectives and policies should be amended to reflect the intent of these changes".* Objective 12.1 is concerned with residential zones being primarily used for residential activities, and providing a range of housing opportunities. In my

[1] 961.25, 27, 28 and 29 – Chamber of Commerce; 996.2 – Institute of Surveyors.
[2] 425.203 – Federated Farmers

view, this objective does not limit the matters in the submission, and no change to the objective is recommended.

Recommendation

57. I recommend that Objective 12.1 is retained without change.

Policy 12.1.1 - Submissions and Assessment

58. Policy 12.1.1 reads:

Specific areas are identified for residential activities within Marlborough's urban environments.

59. **Paul Selwyn and Barbara Ann Vercoe** (441.1) support in part the policy. They are concerned about the existing Seaview Rest Home operating in the Urban Residential 2 Zone in Picton. Their relief is not specific, but they want to ensure that the MEP requires that any significant changes to the activity necessitates resource consent and consultation with neighbours. The same submission is made against various parts of the MEP. Policy 12.1.1 is very high level, and simply says that areas (zones) will be identified for residential activities. Amendment to this policy would not give the relief the submitters are seeking. I consider the issues they raise are better addressed at the rule level, rather than via the objectives of the MEP. The matter is considered later under Policy 12.3.2 and Rule 5.1.9. I recommend under rule 5.1.9 that 'retirement accommodation' be added to the list for which Discretionary Activity resource consent is required.

60. **Phil Muir** (1021.2) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, and insofar as it requires consequential changes to policies, would not require changes to this policy.

61. I consider the policy should remain unchanged.

Recommendation

62. I recommend that Policy 12.1.1 is retained as notified.

Policy 12.1.3 - Submissions and Assessment

63. Policy 12.1.3 reads:

Maintain the following characteristics within the residential environment of the Urban Residential 2 Zone, including within the Urban Residential 2 Greenfields Zone:

(a) some connection to the central business areas, recreational, social and health facilities;

(b) often located in close proximity to suburban businesses in the Business 2 Zone;

(c) catering for a lower population density;

(d) intensification development rather than infill development;

(e) located within reasonable proximity to schools, kindergartens and shopping;

(f) located closer to open space areas;

(g) larger lot sizes;

(h) lower density living;

(i) greater privacy between individual properties;

(j) areas surrounded by lower building form, i.e. fewer multi-level storied buildings or apartments;

(k) generally lower traffic volumes; and

(l) access to infrastructure and other services (stormwater, sewerage and kerbside rubbish and recycling) may be limited in smaller settlements.

64. One submitter supports the policy but wants an addition, two support it in part, and two oppose it.

65. **NMDHB** (280.19) are concerned about the policy favouring intensification and opposing infill development (clause (d)). They understand intensification to mean comprehensive redevelopment of a property, usually involving demolition and removal of an existing dwelling. With infill, they understand the existing house is usually retained with a new dwelling built on the new lot created. They are concerned this restrictive approach will lead to urban spread rather than consolidated more walkable neighbourhoods. They request a re-consideration of the potential policy outcomes of not providing for infill development, smaller lot sizes and greater density in the Urban Residential 2 Zone (in addition to providing for intensification) in addressing Issue 12A, including flexibility in housing options, and providing for an aging population and increase in single person households.

66. **Tony Hawke** (369.3) has a similar concern. He opposes the clause (d) of the policy. He asks what the difference is between 'intensification' and 'infill' development, and are they not the same thing? He seeks that infill subdivision be allowed in the Residential 2 Zone.

67. There are varying definitions of 'intensification' and 'infill' development. The MEP does not define them. Some people use intensification as a generic term for all increase in housing density, with infill being one aspect involving building and/or subdividing around existing dwellings. The NMDHB interpretation follows the approach used in the Bay of Plenty Smart Growth Strategy. From the use of the terms in Policies 12.1.2 and 12.1.3, I consider that was the intended use in the MEP, is as explained by NMDHB. In my view. the meaning of the terms used in the policies needs to be explained. This could be done in the explanation, and not necessarily in the definitions.

68. Infill development is provided for in Urban Residential 1 Zone. This is a reasonably large zone around the Blenheim CBD, and the Omaka Landing area on the corner of Aerodrome and New Renwick Roads. This provides for higher density development. The Urban Residential 2 zone is the more traditional residential zoning and applies in the rest of Blenheim and the other towns throughout the District. Infill development in more traditional residential areas can have adverse effects. It can be difficult to do without compromising amenity. Existing housing has generally been laid with visual and aural privacy in mind, as well as street amenity. Putting more houses in generally involves a new dwelling(s) in the front yard, or behind the existing dwelling (the latter usually involving a vehicle access to the site). This can affect the relationship of existing buildings to the street, and result in houses with cramped up boundaries sometimes with loss of outdoor space or separation from neighbours.

69. Comprehensive new developments with similar or higher densities can also face these issues, but it is easier to address and design for these effects in a new development, particularly if several dwellings are being planned at one time. 'Retrofitting' density by infill is harder to achieve well in more traditional neighbourhoods. It is for that reason that 'intensification' is generally a better option, in my view. I believe intensification can achieve the objectives the submitters are seeking (range of housing sizes and types, catering for changing demographics, and affordability) as well as, if not better, than infill – and with better environmental outcomes. For those reasons, I support the focus on intensification over infill in the Urban Residential 2 Zone. Having said that, I recognise that infill can sometimes be appropriate in this zone, provided streetscape and neighbours' amenity is addressed. I support a change to the policy to this effect.

70. **Paul Selwyn and Barbara Ann Vercoe** (441.2) support in part the policy. As discussed under Policy 12.1.1, they are concerned about the existing Seaview Rest Home operating in the Urban Residential 2 Zone in Picton. Amendment to this policy would not give the relief the submitters are seeking. The matter is considered later under Policy 12.3.2 and Rule 5.1.9. I recommend under rule 5.1.9 that 'retirement accommodation' be added to the list for which Discretionary Activity resource consent is required, as I consider the issues they raise are better addressed at the rule level, rather than through the policies or objectives of the MEP.

71. The **Chamber of Commerce** (961.26) supports the policy but wants a new clause added "*Retirement villages, worker accommodation, medium low rise density housing"*. I don't see that adding such a clause is appropriate. The policy describes desired characteristics for the zone – it does not describe the uses or activities that should occur within it. Adding a clause that is principally about particular uses does not fit well with the policy in my opinion. In my view, worker accommodation in the Urban Residential zones does not need special policy consideration. Worker accommodation fits within residential activity, and is permitted like any other residential activity, providing it complies with the

relevant permitted activity standards ('worker accommodation', as a defined term only applies in relation to farming activity).

72. I do agree that retirement villages need more consideration in the MEP, but in my opinion Policy 12.1.3 is not the place to do that. I think there is a need for a new policy, under Objective 12.3 (Activities that are non-residential in character). 'Retirement accommodation' is defined in the Plan. It is not 'residential activity' because residential activity is linked to use of 'dwellings', and 'dwellings' in the MEP excludes 'retirement accommodation'. Retirement accommodation therefore is a Discretionary Activity (it is not named as such in the Plan, but under rule 5.1.9 I recommend it is listed as such for clarity. As well as defaulting to discretionary on activity status, most retirement villages would be discretionary activities because of non-compliance with bulk and locational controls in the residential zones.

73. There is no policy guidance, other than the catchall Policy 12.3.5 (non-residential in character, not otherwise provided for) by which to assess applications for retirement villages. The appropriate zones for retirement accommodation in my view clearly are the Urban Residential Zones. The occupants need the amenity provided by residential zoning. The issue with retirement accommodation is largely with scale, and how the number, size and design of the buildings fit within the residential character of the zone, as well as traffic and related effects. Given that retirement living is appropriate within a residential zone, I think retirement village should not just be treated like other non-residential activities, like a business activity or even a childcare facility. I note that community facilities and parks have their own policy (12.3.2) and consider it appropriate that retirement accommodation does as well. I propose a new policy, modelled on the wording used in 12.3.2. A new policy is not what the submitter requested, but I consider it within the general scope of the submission, and for the reasons outlined above, adding a clause to Policy 12.1.3 is not appropriate.

74. **Phil Muir** (1021.3) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, and insofar as it requires consequential changes to policies, would not require changes to this particular policy.

Recommendation

75. I recommend that clause (d) of Policy 12.1.3 is amended as follows:

> *(d) intensification development rather than infill, except where infill can provide high levels of on-site and off-site amenity in keeping with the expected residential character and amenity values for Urban Residential Zones[3].*

76. I recommend that a new Policy 12.3.X (and explanation) be added (after Policy 12.3.2, and other policies be renumbered) as follows:

> *Provide for appropriate retirement accommodation to locate within residential environments where they meet a need and are in keeping with the expected residential character and amenity values for Urban Residential Zones.[4]*

77. I recommend that an explanation to the new 12.3.X be added as follows:

> *The Urban Residential Zones are the appropriate environment for retirement living. However, retirement accommodation complexes can be large in scale, and their bulk, location and design, traffic, delivery and other impacts can affect residential character and amenity. Retirement accommodation complexes require resource consent, and careful consideration to ensure they can be appropriately established, or not, within the residential environments. [5]*

[3] 280.19 – NMDHB; 369.3 – Tony Hawke
[4] 961.26 – Chamber of Commerce.
[5] 961.26 – Chamber of Commerce.

Policy 12.1.4 - Submissions and Assessment

78. Policy 12.1.4 reads:

In addition to the characteristics listed in Policy 12.1.3, the following additional characteristics are to be maintained and apply to:

(a) the Urban Residential 2 Greenfields Zone, where:

(i) there is a stronger connection with the Rural Environment Zone; and

(ii) farming is enabled prior to residential development;

(b) allotments located in Brilyn Crescent, Glenhill Drive, Hospital Road, Wither Road and as scheduled in Appendix 16, where:

(i) there are larger allotment sizes with a minimum of 3,000m^2;

(ii) a lower density living environment is evident;

(iii) a lifestyle option within the urban environment of Blenheim with a high level of amenity (including privacy, large trees and extensive landscaping) is provided; and

(iv) a transition between urban and rural environments is provided;

(c) allotments located in Redwood Street and as scheduled in Appendix 16, where:

(i) there are larger allotment sizes with a minimum of 1,200m^2;

(ii) there is a high level of rural amenity within this area; and

(iii) a high amenity, low density living environment on the periphery of the urban area is provided;

(d) the subdivision of Lot 2 DP 350626 and Lot 1 DP 11019 on the corner of New Renwick Road and Aerodrome Road, where:

(i) lot sizes will be larger along and near the western and southern boundaries;

(ii) at least one but not more than two internal roads are to give direct access from the internal road network to New Renwick Road;

(iii) walking linkages are to be provided to give access to New Renwick Road;

(iv) a pedestrian-cycle link is to be provided to connect the internal road network to the Taylor River floodway reserve;

(v) at least two neighbourhood reserves, bounded by roads on at least two sides of its perimeter, are to be located within walking distance of all residential lots; and

(vi) optimised solar access to main living room windows or main private open spaces is sought throughout the development.

79. **Federated Farmers** (425.204) support in part the policy as it enables farming to continue as a legitimate activity prior to residential development occurring in the zone. They seek however that a reverse sensitivity clause is added under clause (a) which relates to the Residential 2 Greenfields Zone - *"(iii) the potential for reverse sensitivity is addressed".* The submission is supported by the further submission of the Transport Agency and Pernod Ricard Winemakers, and opposed by Te Ātiawa.

80. Reverse sensitivity relating to the development of the Residential 2 Greenfields is specifically addressed in Policy 12.2.4, which considers amenity issues. This is the appropriate place to deal with reverse sensitivity. It is not necessary nor appropriate to address it in Policy 12.1.4, which relates to the general character being sought for certain zones, and I do not support the change sought.

Recommendation

81. I recommend that Policy 12.1.4 is retained without change.

Objective 12.2 - Submissions and Assessment

82. Objective 12.2 reads:

> *A high standard of amenity for residential development and attractive residential areas makes the urban environment a place where people want to live.*

83. **Timberlink** (460.15) submits in opposition, and seeks a new policy to address effects from sensitive activities locating near established activities. The MEP as notified, includes a number of provisions relating to reverse sensitivity. Policy 12.2.4 addresses reverse sensitivity for existing uses as subdivision and new land uses occur with development of the Residential 2 Greenfields land on the outskirts of Blenheim, while Objective 12.7 and Policy 12.7.1 establish setbacks and other amenity standards or business and industrial activities so that opportunities for reverse sensitivity conflicts are reduced. I recommend later in my report, under those topics, changes to improve their effectiveness. Under Policy 12.8.4 (relating to residential development on industrial land north of Park Terrace) the explanation also considers reverse sensitivity. Finally, method 12.M.6 states that rules will developed with more stringent standards at the boundary of zones to 'avoid reverse sensitivity issues'.

84. **Phil Muir** (1021.4) opposes the objective. As discussed under Objective 12.1 above, his submission is focussed at the rule level, and insofar as it requires consequential changes to objectives would not require changes to this one.

85. In my opinion, the objective should remain unchanged, and an additional policy is not warranted.

Recommendation

86. I recommend that Objective 12.2 is retained without change (and a new policy is not added).

Policy 12.2.1 - Submissions and Assessment

87. Policy 12.2.1 reads:

> *The character and amenity of residential areas within Marlborough's urban environments will be maintained and enhanced by:*
>
> *(a) providing for a range of areas with different residential densities and lot sizes, including for infill, greenfield and large lot developments;*
>
> *(b) ensuring there are residential areas within walkable distance to community, social and business facilities;*
>
> *(c) providing for sufficient and integrated open spaces and parks to meet people's recreational needs;*
>
> *(d) higher standards of visual interest and amenity;*
>
> *(e) ensuring people's health and wellbeing through good building design, including energy efficiency and the provision of natural light; and*
>
> *(f) effective and efficient use of existing and new infrastructure networks.*

88. Three submissions support the policy, one supports in part, and one opposes it.

89. **Chorus** (464.16), **KiwiRail** (873.38) and **Spark** (1158.14) support the policy and want it retained.

90. **NMDHB** (280.20) supports in part the policy. It wants the policy amended to make provision for walking and cycling linkages, and for open spaces and parks, as well as the consideration of public security and safety, as follows (and consequential changes to the explanation):

> *(c) providing for sufficient open spaces and parks that are equitably distributed, ~~and~~ integrated, accessible and safe, and vary in size, form and their use including through incorporating diverse aspects such as streets, walkways, vegetation and views ~~open spaces and parks to meet people's recreational needs~~;*

(d) providing for walking and cycling linkages to support connected neighbourhoods and communities, active transport options, and recreational opportunities;

(~~d~~ e) high~~er~~ standards of urban design that positively contributes to public space amenity and safety, visual interest and ~~amenity~~ activity;

91. I generally support the changes proposed by NMDHB, although I think the suggested wording for clause (c) could be simplified. The changes reflect best practice urban design in terms of good connectivity within residential areas, particularly to enable walking, cycling and recreational use. To make parks and pathways safe and comfortable for people to use, public security needs to be addressed, which is what the new clause (e) proposes. I generally support the changes to clause (c) but I consider the last line, relating to streets, walkways, vegetations and views, is unnecessarily specific and directive. Without that phrase, I consider the existing last part of the clause should be retained and not deleted as proposed ('*to meet people's recreational needs').*

92. **Phil Muir** (1021.5) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, but he also seeks amendment to relevant objectives and policies where they relate to those rules. Of relevance to this policy, he is opposed to the residential provisions relating to outdoor amenity, the location of garages, and increases in lots sizes compared to the operative plan. Policy 12.2.1 sets the framework for the amenity in the residential zones, in which the zone rules are based. I consider the policy as notified is a minimum for accepted urban design and residential amenity, and as noted above, I believe the policy guidance ought to be further strengthened.

Recommendation

93. I recommend that Policy 12.2.1 amended[6] as follows:

The character and amenity of residential areas within Marlborough's urban environments will be maintained and enhanced by:

(a) providing for a range of areas with different residential densities and lot sizes, including for infill, greenfield and large lot developments;

(b) ensuring there are residential areas within walkable distance to community, social and business facilities;

(c) providing for sufficient open spaces and parks that are equitably distributed, ~~and~~ integrated, accessible and safe, and vary in size, form and purpose ~~open spaces and parks~~ to meet people's recreational needs;

(d) providing for walking and cycling linkages to support connected neighbourhoods and communities, active transport options, and recreational opportunities;

(~~d~~ e) higher standards of urban design that positively contributes to public space amenity and safety, and visual interest ~~and amenity~~;

(~~e~~ f) ensuring people's health and wellbeing through good building design, including energy efficiency and the provision of natural light; and

(~~f~~ g) effective and efficient use of existing and new infrastructure networks.

[Note under Matter 11 *New Objective and Policy (Landscape)* I also recommend a new clause is added to this policy]

Policy 12.2.2 - Submissions and Assessment

94. Policy 12.2.2 reads:

Protect and enhance the character and amenity values of residential environments for individual allotments by:

[6] 280.20 - NMDHB

(a) *controlling the height of buildings to avoid shading of adjoining properties and to maintain privacy;*

(b) *ensuring that buildings located close to property boundaries do not unreasonably shade adjoining properties;*

(c) *requiring functional, sunny and accessible outdoor living spaces within individual allotments; and*

(d) *retaining adequate open space free of buildings and having adequate space available for service areas.*

95. Three submissions oppose the policy.

96. The **FENZ** (993.62) submission concerns noise, and the need to make provision for sirens from their emergency vehicles and activities. They seek specific wording to be added to exempt sirens. Policy 12.2.2 does not relate to noise. Policy 12.2.7 does, but the wording of the submission indicates the intended target of this submission point is likely to be the noise rules. I propose to address it under rule 5.2.2 (and 6.2.2).

97. **Aitken Taylor Limited** (266.3) is concerned the policy is not explicit enough. They submit that there should be a specified percentage of a site left permeable, citing concern that new subdivisions in particular will become concrete jungles. The inferred decision sought is to introduce a requirement for minimum permeable area to allow for soakage of rainwater. Rule 5.2.1.4 in the Residential 2 (including Greenfields) Zone limits building coverage to a maximum of 45% of the site. That leaves up to 55% free from buildings. Some of that will be paved by driveways, paths or brick-work, reducing the area, but on most sites a substantial area will not be covered and will be permeable. In my view, it is not necessary to add a new permeability provision (which would require a rule to give effect to it), as the current rules mean that almost all sites will have a substantial area that is permeable to rainwater. There may be a few sites where a homeowner paves all or most of their site. But they are going to be the exception, and I do not think a policy provision (and rule) is necessary nor appropriate to regulate that from happening. Another factor is that the impermeability of some soils, and high water tables in other locations, means that a permeability area rule which encouraged soakage would not be desirable across the board.

98. **Phil Muir** (1021.6) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, but he also seeks amendment to relevant objectives and policies where they relate to those rules. Of relevance to this policy, he wants the rules relating to outdoor amenity areas amended (in other submission points) to make the amenity area smaller. Policy 12.2.2 (c) seeks outdoor living spaces that are "functional, sunny and accessible". This is very general and in my view no consequential change to the policy would be needed, even if the rules were changed in response latter submission points.

Recommendation

99. I recommend that Policy 12.2.2 is retained as notified.

Policy 12.2.3 - Submissions and Assessment

100. Policy 12.2.3 reads:

Require development to maintain or enhance streetscape amenity by ensuring:

(a) *garages, carports and car parking do not dominate the street;*

(b) *there are adequate areas free from buildings;*

(c) *building height, proximity to street boundaries and scale reflect the existing or intended future residential character;*

(d) *shared service areas are not visible from ground level outside the site; and*

(e) *outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or the creation of nuisance effects.*

101. There are two submissions opposing the policy.

102. **Aitken Taylor Ltd** (266.4) wants the policy strengthened. They want the words "maintain or enhance" changed to "enhance" as they consider aim should be residential development that improves the streetscape rather than simply maintaining it. I support the intent of the submission, but I believe the better way to give effect to it is to change the word "or" to "and", so that the first line of the policy reads "*Require development to maintain and enhance streetscape amenity".* This would follow the wording in RMA section 7 (c) *"the maintenance and enhancement of amenity values".*

103. **Phil Muir** (1021.7) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, but he also seeks amendment to relevant objectives and policies where they relate to those rules. Of relevance to this policy, he wants the rules relating to the location of garages made less restrictive. Policy 12.2.3 (a) seeks to ensure that *"garages, carports and car parking do not dominate the street".* This is a policy direction not a rule, and requires the exercise of judgement of when domination of the street is occurring. It provides some direction for the rules, but in my view, is not so specific that it directs the detail of the rule. Also, under the current proposed rules, side-on garages are permitted close to the street. This indicates there is some flexibility within the policy. I don't consider a change is necessary, nor warranted.

Recommendation

104. I recommend that Policy 12.2.3 is amended as follows:

Require development to maintain ~~or~~ and[7] enhance streetscape amenity by ensuring:

(a) garages, carports and car parking do not dominate the street;

(b) there are adequate areas free from buildings;

(c) building height, proximity to street boundaries and scale reflect the existing or intended future residential character;

(d) shared service areas are not visible from ground level outside the site; and

(e) outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or the creation of nuisance effects.

(f) subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes;

(g) allotment sizes greater than 800m^2 are discouraged, other than at the boundary of the Urban Residential 2 Greenfields Zone and any non-residential zone, and then only for the purposes of managing reverse sensitivity effects from activities in adjoining zones;

(h) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities;

(i) where indicative roading layouts are shown on the Marlborough Environment Plan maps for the Zone, the roading network proposed at the time of subdivision and development must be in general accordance with the indicative layout;

(j) contaminated sites must be identified and contamination mitigated or remediated so that land is suitable for residential development;

Specific Matter Applicable to Area 2:

(k) activities within Area 2 in proximity to the National Grid Blenheim Substation must not compromise the operation and function of the substation;

Specific Matter Applicable to Area 3:

(l) the indicative roading layout in Area 3 will be dependent upon and enhanced by connections to existing public or private roads over land outside Area 3;

Specific Matter Applicable to Areas 3 and 5:

[7] 266.4 – Aitken Taylor Limited

(m) subdivision design within Areas 3 and 5 must have particular regard to activities within the adjoining Business 2 and 3 Zones and Industrial 1 Zone at Westwood to mitigate reverse sensitivity effects from noise, truck movements and light spill; and

Specific Matter Applicable to Areas 1, 2, 4 and 5:

(n) subdivision design in Areas 1, 2, 4 and 5 must have particular regard to farming activities on the northern boundary of the areas and on the western boundary of Areas 4 and 5 in terms of the potential for spray drift, noise and traffic movements.

Policy 12.2.4 - Submissions and Assessment

105. Policy 12.2.4 reads:

In relation to five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:

(a) farming activities are permitted to continue until residential development of the land occurs;

(b) subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes;

(c) allotment sizes greater than 800m^2 are discouraged, other than at the boundary of the Urban Residential 2 Greenfields Zone and any non-residential zone, and then only for the purposes of managing reverse sensitivity effects from activities in adjoining zones;

(d) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities;

(e) where indicative roading layouts are shown on the Marlborough Environment Plan maps for the Zone, the roading network proposed at the time of subdivision and development must be in general accordance with the indicative layout;

(f) contaminated sites must be identified and contamination mitigated or remediated so that land is suitable for residential development;

Specific Matter Applicable to Area 2:

(g) activities within Area 2 in proximity to the National Grid Blenheim Substation must not compromise the operation and function of the substation;

Specific Matter Applicable to Area 3:

(h) the indicative roading layout in Area 3 will be dependent upon and enhanced by connections to existing public or private roads over land outside Area 3;

Specific Matter Applicable to Areas 3 and 5:

(i) subdivision design within Areas 3 and 5 must have particular regard to activities within the adjoining Business 2 and 3 Zones and Industrial 1 Zone at Westwood to mitigate reverse sensitivity effects from noise, truck movements and light spill; and

Specific Matter Applicable to Areas 1, 2, 4 and 5:

(j) subdivision design in Areas 1, 2, 4 and 5 must have particular regard to farming activities on the northern boundary of the areas and on the western boundary of Areas 4 and 5 in terms of the potential for spray drift, noise and traffic movements.

106. There is one submission in support and one support in part.

107. **Federated Farmers** (425.205) supports the policy as it addresses their concerns around greenfield development by providing for farming as a permitted activity prior to development, and it considers reverse sensitivity issues. They want the policy retained.

108. The **Transport Agency** (1002.50) supports the policy in part. They note that one edge of the Urban Residential Greenfields Zone to the north and west of Blenheim abuts State Highway 6 (Middle Renwick Road). The Transport Agency proposes wording changes to Policy 12.2.4, as set out below:

In relation to five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:
(d) subdivision design and land use activities shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities, including State Highways and land designated for State Highway purposes.
(e) subdivision design and land use activities shall have regard to cumulative effects on the ~~State Highway~~ road network, and the ~~Transport Agency~~ road controlling authority may be considered an affected party where these effects cannot be avoided.

109. There is an issue with the relief sought by the Transport Agency. The clause (e) that they show amendments on above does not exist in Policy 12.2.4. I discussed this with Kathryn Barrett from the Transport Agency, who confirmed to me that there is a problem with submission 1002.50 and that the Agency withdraws that part of submission point 1002.50 referring to clause (e). The Transport Agency confirms its general support for the policy as well as the amendment sought for clause (d). Ms Barrett indicated that she will also confirm this in her evidence.

110. I see merit in clause (d) also applying to the State Highways or land designated for State Highways, as requested. In my view, considering potential reverse sensitivity issues in relation to the State Highway is best done at the time of subdivision. The Transport Agency submission also seeks that, in clause (d), reverse sensitivity issues are to be had regard to when considering land use activities. I do not support that addition as most residential activity, when the land is zoned for residential purposes, is a permitted activity, subject to standards. I cannot see what trigger would be to give effect to this policy regarding 'land uses'. I believe that consideration of reverse sensitivity at the time of subdivision is the most effective way of addressing potential impacts on the State Highways, remembering that this policy relates to the Greenfields zone where there is largely a blank slate from which to get good environmental outcomes.

Recommendation

111. I recommend that clause (d) of Policy 12.2.4 is amended as follows[8]:

(d) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities, including State Highways and land designated for State Highway purposes.

Policy 12.2.5 - Submissions and Assessment

112. Policy 12.2.5 reads:

Where resource consent is required, ensure that subdivision and/or residential development within Urban Residential Zones is undertaken in a manner that:

(k) provides for the maintenance of those attributes contributing to the residential character of the locality, as expressed in Policies 12.1.2 to 12.1.4, Policy 12.1.6 and Policies 12.2.1 to 12.2.3;

(l) maintains and/or enhances the residential environment of the area for the wider community;

(m) ensures that the site can be adequately serviced (stormwater, sewer and water), accessed and/or otherwise adequately managed; and

(n) ensures that the effects of any natural hazards are able to be avoided, remedied or mitigated.

113. Two submissions in support in part the policy and three oppose it.

114. **Te Runanga o Toa Rangatira** (166.33 and 166.48) supports in part the policy. While they appreciate having a dedicated chapter relating to tangata whenua iwi, they would like the issues to be visible throughout the whole plan. They suggest referencing the tangata whenua chapter under this policy. Te Ātiawa and Te Runanga o Kaikoura and Te Runanga o Ngai Tahu further submit in support. This is an issue that affects all chapters and hearing topics. I support adding a reference at the end of the

[8] 1002.50 – Transport Agency

policy's explanation, where the last sentence already says, *'Other matters concerning the discharge of domestic waste water are equally important and regard is to be had to the policies of Chapter 16 – Waste to assist in giving effect to this policy".*

115. The **Aitken Taylor Ltd** (266.5) oppose the policy. They oppose the word 'maintain' in clause (b) *'maintains and/or enhances the residential environment of the area for the wider community'*. They believe that the requirement should only be 'to enhance, and/or better the environment'. I don't support removing the word 'maintain'. But as in my assessment and recommendation under Policy 12.2.3 for the same submitter, I do support having the word 'and' between 'maintain' and 'enhance', following the format used in RMA section 7 (c) for amenity matters. That still gives the outcome the submitter is seeking.

116. **Heritage NZ** (768.47) oppose in part the policy. It is concerned that inappropriate subdivision and development have the potential to adversely affect historic heritage buildings that require protection e.g. subdivision of a site with a heritage building could affect values originating from the relationship of the building with its surroundings. Subdivision can also affect archaeological sites, including wahi tapu. Heritage NZ submit that if subdivisions are not properly planned, it can lead to considerable additional cost to developers in obtaining an archaeological authority, and if the authority is declined, the land may not able to be developed. The submitter seeks the addition of a new clause to the policy – '*(e) protects the historic heritage values of heritage resources identified in Appendix 13'.* I support the change. The protection of historic heritage from inappropriate subdivision and development is a matter of national importance under RMA section 6 (f) which all persons exercising functions and powers under the Act must 'recognise and provide for'. As a consequential change, I support an addition to the explanation to the policy.

117. **Phil Muir** (1021.8) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, but he also seeks amendment to relevant objectives and policies where they relate to those rules. Of relevance to this policy, he wants the rules relating to the location of garages made less restrictive. Policy 12.2.3 (a), which is referenced in this Policy 12.2.5 seeks to ensure that *"garages, carports and car parking do not dominate the street".* This is a policy direction not a rule, and requires the exercise of judgement of when domination of the street is occurring. It provides some direction for the rules, but in my view, is not so specific that it directs the detail of the rule. I don't consider a change is necessary, nor warranted.

Recommendation

118. I recommend that Policy 12.2.5 is amended as follows:

Where resource consent is required, ensure that subdivision and/or residential development within Urban Residential Zones is undertaken in a manner that:

(a) provides for the maintenance of those attributes contributing to the residential character of the locality, as expressed in Policies 12.1.2 to 12.1.4, Policy 12.1.6 and Policies 12.2.1 to 12.2.3;

(b) maintains and~~/or~~[9] enhances the residential environment of the area for the wider community;

(c) ensures that the site can be adequately serviced (stormwater, sewer and water), accessed and/or otherwise adequately managed; and

(d) ensures that the effects of any natural hazards are able to be avoided, remedied or mitigated; and

(e) protects the historic heritage values of heritage resources identified in Appendix 13[10].

119. I recommend that the explanation to the policy is amended as follows:

Where resource consent is required for subdivision or development within the Urban Residential Zones, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, matters concerning the character of the locality and urban amenity values

[9] 266.5 – Aitken Taylor Ltd
[10] 768.47 – Heritage NZ Poutere Taonga

are important in regard to 7(c) and (f) of the RMA, and historic heritage in regard to 6(f)[11]. Other matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy. Similarly, the objectives and policies in Chapter 3 – Marlborough's tangata whenua iwi must also be had regard to[12].

Policy 12.2.6 - Submissions and Assessment

120. Policy 12.2.6 reads:

Establish minimum allotment standards for the subdivision of land for residential purposes to ensure the outcomes in Policy 12.2.5 are met.

121. **Phil Muir** (1021.9) opposes the policy. As discussed under Objective 12.1 above, his submission is focussed at the rule level, but he also seeks amendment to relevant objectives and policies where they relate to those rules. This policy relates to minimum allotments sizes, which I do not consider forms part of his submission regarding the plan rules. But even if he was concerned about lot sizes, I do not think this policy is determinative as to size. It simply says minimums will be established. No change is needed in my view.

Recommendation

122. I recommend that Policy 12.2.6 is retained without change.

Policy 12.2.7 - Submissions and Assessment

123. Policy 12.2.7 reads:

To provide for the protection of community health and wellbeing, noise limits have been established that are consistent with the character and amenity of the residential areas.

124. **NMDHB** (280.51) supports in part the policy. However, it wants the 'noise levels' changed to 'sound levels'. It says the term used can convey a different meaning to that intended and uses inappropriate terminology inconsistent with the measurement and assessment standards for noise referenced in the MEP. They also submit that 'noise levels' can be interpreted as promoting high sound levels contrary to the intention of the policy wording. I don't support the change sought. While technically correct (in terms of the NZ Standard for measuring and assessing noise), noise levels and noise limits are commonly understood terms within the community, whereas the technical term used in the Standards are not. Moreover, noise is a defined term in the RMA (Part 1) and has wide legal and accepted usage. Changing the reference to 'sound' in the policy and the explanation would make the policy and its supporting text less comprehensible to the public and other non-technical users of the plan. Also, I not accept that 'noise levels' can be interpreted as promoting high sound levels, contrary to the intent of the policy.

125. In my view, there is no issue in using noise in the commonly understood sense at the policy, explanation and heading level (e.g. heading rules as 'Noise') since that is what people generally understand. Heading noise rules as 'Sound' in my opinion would be confusing for the public and users of the plan. Also, I see no issue with the specifics of the standard, by which 'noise' is measured in rules, using the more technically correct term 'sound'. The two terms can sit comfortably beside one another. An amendment is not warranted in my opinion.

Recommendation

126. I recommend that Policy 12.2.7 is retained without change.

[11] 768.47 – Heritage NZ Poutere Taonga

[12] 166.33 and 166.48 – Te Runanga o Toa Rangatira

Objective 12.3 - Submissions and Assessment

127. Objective 12.3 reads:

> *Activities that are non-residential in character are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments.*

128. Two submissions support the objective and two support it in part.

129. **NMDHB** (280.52) supports it, and seeks it retention.

130. **Wairau Valley Ratepayers and Residents' Association** (1235.6) support the objective, insofar as it will support a buffer (at least where land has not already been developed for vineyards) around Wairau Valley Township which is necessary as newly zoned Urban Residential 2 property will be closer to viticulture activity.

131. **Federated Farmers** (425.206) support in part the objective. They seek rewording to specifically provide for farming activities in greenfield development areas. Otherwise, they consider the objective may conflict with the earlier policies in the chapter relating to development. They propose the objective be reworded as *'Activities that are non-residential in character<u>, with the exception of existing farming activities,</u> are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments'.* I do not think the addition requested is needed. Objective 12.3 deals with incompatible <u>new</u> activities establishing, rather than existing activities which are the subject of Policies 12.1.4 and 12.2.4. Policy 12.3.4, under Objective 12.3, recognises rural activities 'expressly provided for' i.e. those existing farming activities in Policies 12.1.4 and 12.2.4, and seeks to avoid new industrial or rural activities establishing in residential zones. The plan needs to be read as a whole, and in my view, it is clear that farming continues to be provided for in the Greenfields zone, and there is no conflict between Objective 12.3 and the earlier policies.

132. **Paul Selwyn and Barbara Ann Vercoe** (441.3) support the objective in part. They are concerned about the existing Seaview Rest Home operating in the Urban Residential 2 Zone in Picton. Their relief is not specific, but they want to ensure that the MEP requires that any significant changes to the activity necessitates resource consent and consultation with neighbours. The matter is considered later under Policy 12.3.2 and Rule 5.1.9. I recommend under rule 5.1.9 that 'retirement accommodation' be added to the list for which Discretionary Activity resource consent is required, as I consider the issues they raise are better addressed at the rule level, rather than via the objectives of the Plan.

Recommendation

133. I recommend that Objective 12.3 is retained as notified.

Policy 12.3.2 - Submissions and Assessment

134. Policy 12.3.2 reads:

> *Provide for appropriate community-based facilities to locate within residential environments where they meet a community need and are in keeping with the expected residential character and amenity values for Urban Residential Zones.*

135. There is one submission in support, and two supporting in part.

136. The **Ministry of Education** (974.5) supports the policy, as it provides for community-based facilities in residential environments where they meet a community need. Although schools are designated, the Ministry submits they still get evaluated against the policies in the plan. Moreover, pre-school and other non-designated facilities need the benefit of such policies if they are to be accommodated within the residential zone by resource consent, rather than having to locate in less favourable zoning locations, such as industrial. The Ministry supports the policy as notified.

137. **FENZ** (993.10) support in part the policy. They are concerned that the policy may not apply to emergency service facilities that need to be in residential areas to provide effective and efficient emergency response. They seek that the policy be amended to read *"Provide for appropriate community-based facilities and emergency service facilities .."*. Like the Fire Service it replaces, FENZ is not a requiring authority and therefore cannot designate its premises. If they require a residential location that then can make getting planning permission more difficult, including for changing an existing facility. Some existing premises are already within residential zones e.g. the Seddon Fire Station. I therefore support giving some policy direction for such facilities. However, I do not think adding to the policy the words sought is the most appropriate way to do that. The explanation to the policy indicates that 'community-based facilities' includes community facilities (as well as recreational activities. 'Community facilities' is a defined term in the MEP. It means '*land and buildings established to support community activity'*. 'Community activity' in turn is defined as 'the use of land and buildings for the purpose of supporting the health, welfare, education, culture and spiritual well-being of the community including not for profit childcare facilities, active and passive recreation'.

138. I think the better approach to give effect to FENZ's submission would be to make it clearer in the definition, and in the explanation, that emergency facilities are accommodated within 'community facilities. Since the term 'community facilities' is used throughout the plan, this would avoid the need to make a specific reference to emergency facilities in each case. I note that in the Urban Residential 1 and 2 Zones, community activity within an existing community facility is a permitted activity (rule 5.1.13). Having the definition of community activity made clearer would also help with interpretation of this rule, and clarify the status of existing fire stations within the Residential Zones. In that context, I consider the term 'safety' would be more appropriate than 'emergency', and the context could be elaborated in the explanation to the policy.

139. **Paul Selwyn and Barbara Ann Vercoe** (441.3) support the provision in part. They are concerned about the existing Seaview Rest Home operating in the Urban Residential 2 Zone in Picton. Their relief is not specific. They say they do not have the experience to propose how the MEP should be amended. They suggest that protection could take the form of specifically referring to the Seaview Rest Home, or other similar facilities/activities of a certain size, as a "non-complying activity" and hence no significant changes can be made to the building or activities without prior consultation with owners of nearby residential properties. This consultation must be before any significant planning or approval from Council is undertaken. The Ministry of Education's further submission opposes this, particularly the possible classification of community facilities as non-complying.

140. In my view, an activity such the rest home in Picton is not a 'community-based facility' (via the definition of 'community activity' and 'community facility') and is not within the scope of this policy. 'Retirement accommodation' is separately defined in the MEP and means *'accommodation purposefully developed for retirement housing'*. 'Retirement accommodation' is not a 'residential activity', however. As defined by the Plan, residential activity involves the use of land and dwellings, but 'dwelling' as defined excludes 'retirement accommodation'. I make a recommendation under rule 5.1.9 later in my report that 'retirement accommodation' be named as a Discretionary Activity, and this, if adopted, would give relief to Mr Selwyn and Ms Vercoe.

Recommendation

141. I recommend that Policy 12.3.2 remain as notified, but that:

    a. The definition of 'Community activity' be amended as follows[13]:

        means the use of land and buildings for the purpose of supporting the health, welfare, safety, education, culture and spiritual well-being of the community including not for profit childcare facilities, active and passive recreation'

    b. The first sentence of the explanation to Policy 12.3.2 be amended as follows[14]:

[13] 993.10 - FENZ
[14] 993.10 - FENZ

Community-based activities, including both community facilities (e.g. health, education, and spiritual and emergency services) and recreational activities (e.g. playgrounds) play an important role in providing for the day-to-day needs of residents.

Policy 12.3.3 - Submissions and Assessment

142. Policy 12.3.3 reads:

Avoid business activities other than those expressly provided for from locating in Urban Residential Zones, unless:

(a) the activity will not detract from the vibrancy and function of the hierarchy for Business Zones set out in Policy 12.4.4;

(b) the site is adjacent to a Business Zone and provides a logical extension to the Zone;

(c) the development maximises opportunities for integration with a Business Zone; or

(d) the site is in the Urban Residential 2 Zone in Havelock, Rai Valley, Renwick, Ward or Seddon and:

(i) the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area;

(ii) the activity is unable to be located in or adjacent to the nearest Business 2 Zone, or no Business 2 Zone exists within the towns identified;

(iii) the location is appropriate for the proposed activity; and

(iv) any adverse effects from noise, vehicle movements and on-street parking supply can be avoided or, if avoidance is not possible, adequately mitigated.

143. **Z Energy, Mobil Oil & BP Oil** (1004.8) support the policy, and seeks its retention. They consider it provides for business activities in the residential zones in certain instances, including where proposals are adjacent to a business zone and provide a logical extension to an existing business zone.

144. **NMDHB** (280.21) support in part the policy. Te Ātiawa in its further submission, gave support insofar as the submission supports 'the inclusion of cultural values'. As under Objective 12.1, the NMDHB consider the policy should be amended to explicitly recognise and provide for the benefits of compatible and appropriately managed mixed-use developments within all residential zones. They submit that the current criteria are focused around avoiding effects on Business Zones and is only supportive of business activities in a few select areas. They consider that Policy 12.3.3 also appears inconsistent with Policy 12.5.2, with the latter being generally supportive of localised shopping and service functions in meeting the needs of surrounding residential areas.

145. I don't see any inconsistency between Policy 12.3.3 and Policy 12.5.2. Policy 12.5.2 deals with the established suburban business areas in Blenheim and Picton (i.e. areas outside the CBD). It supports business locating in those established small to medium-sized groupings within the suburban areas, to meet the day-to-day needs of the surrounding areas. Policy 12.3.3 complements Policy 12.5.2 and the residential amenity policies under Objective 12.2. Policy 12.3.3 seeks to avoid business activities setting up in the residential areas outside the business zones (except in the defined circumstances), for the protection of residential amenity as well as protecting the vibrancy of the established business zones. I consider these policies, combined with the business zone policies under Objective 12.4 (vitality and vibrancy of business areas), provide an appropriate framework to manage effects within both the residential zones and the business zones.

146. I now consider **NMDHB**'s request to provide for more mixed-use in Policy 12.3.3. Mixed-use is generally considered to mean development that blends two or more of residential, business, community/entertainment and/or industrial uses into an integrated development. Most of Marlborough's towns are small enough that the business zones and other facilities such as community facilities are close at hand to people living in residential areas. The need to mixed-use, in my view, is not pressing in these towns, even in the largest of the small towns, Picton. Even in Blenheim, business zones (and industrial zones, some of which contain shops or other facilities) are reasonably well distributed and across the urban area. The Business 1 Zone (the CBD) provides for mixed use, in that a range of activities can establish in the zone, including residential activity provided it is not on the ground floor (to encourage 'active' uses at street level, in particular retail and other commercial

activity). In addition, mixed use is provided for in the Park Terrace Industrial Area (refer Policy 12.8.2 and Appendix 20). However, allowing mixed-use in the suburban residential areas, even if carefully controlled, would almost inevitably result in a reduction in residential amenity, and also in some leakage / loss of vitality and vibrancy from the existing business zones.

147. In my opinion, the MEP provides for a reasonable amount of mixed use, and an appropriate balance between providing a high level of residential amenity, business and other facilities reasonably accessible to residential neighbours, while trying to ensure that the CBD and the suburban business nodes remain viable and vibrant (recognising the important social and economic role these business areas provide to residents and visitors). I note from the section 32 report for Urban Environments that consultation during development of the MEP indicated a concern about 'commercialisation' of residentially zoned land and the impacts this can have on residential amenity values. I could see no feedback seeking relaxation of control to allow more mixed-use, and I note there are no other submissions to the MEP seeking that mixed-use in residential zones across the district. I do not support the change sought.

148. **Aitken Taylor Ltd** (266.6) oppose the wording in clause (a) of the policy. They seek the wording be changed to *'the activity will add to/ not detract from the vibrancy and function of the hierarchy for Business Zones set out in Policy 12.4.4'.* I do not support the change being requested. The clause is about business activities proposing to establish in the residential zones, and whether the establishment of the activity there – instead of in one the Business Zones – would have adverse effects (detract from) on the Business Zones. In other words, would allowing the business to establish outside the zone set aside for that activity negatively affect the vibrancy of the Business Zones and the MEP's hierarchy of the Business Zones. A business setting up in the residential zone will not 'add to' the vibrancy of the Business Zones. This is not an appropriate or relevant test to add into the policy, and I cannot support it.

Recommendation

149. I recommend that Policy 12.3.3 is retained as notified[15].

Policy 12.3.4 - Submissions and Assessment

150. Policy 12.3.4 reads:

> *Avoid industrial and rural activities (other than those expressly provided for), sport and recreation activities that involve motor vehicles and any other activities not compatible with the character and amenity of Urban Residential Zones.*

151. **Z Energy, Mobil Oil & BP Oil** (1004.9) and **NMDHB** (280.53) both support the policy, and seeks its retention. There are no submissions in opposition or seeking amendment, therefore the policy therefore must remain unchanged.

Recommendation

152. That Policy 12.3.4 is retained as notified[16].

Policy 12.3.5 - Submissions and Assessment

153. Policy 12.3.5 reads:

> *Where an activity is proposed that is non-residential in character and is not otherwise provided for, resource consent will be required and the following matters must be determined by decision makers in assessing the adverse effects on residential activities before any assessment of other effects is undertaken:*

[15] 280.21 – NMDHB; 1004.8 - Z Energy, Mobil Oil & BP Oil; 266.6 – Aitken Taylor Ltd
[16] 280.53 – NMDHB; 1004.9 - Z Energy, Mobil Oil & BP Oil

(a) *the extent to which the activity is related to residential activities occurring at the site;*

(b) *the functional need for the activity to be located within a residential zone and why it is not more appropriately located within another zone;*

(c) *whether the proposed activity will result in a loss of land with residential potential and the extent of this loss when considered in combination with other non-residential based activities; and*

(d) *the extent to which the proposed activity will have an adverse effect on the residential environment.*

154. One submission supports the policy, and two support it in part.

155. The **Ministry of Education** (974.6) supports the policy as it provides clear criteria for the establishment of non-residential activities, such as schools, in residential zones. The inferred decision sought is that the Ministry seeks retention of the policy without amendment.

156. **Z Energy, Mobil Oil & BP Oil** (1004.10) support in part the policy as it provides for non-residential activities in residential zones where there is a functional need for such activities with residential zones. That said, they want the phrase "not otherwise provided for" deleted, to clarify that Policy 12.3.5 applies in addition to, and not instead of, Policies 12.3.3 and 12.3.4. I don't support taking out the phrase, as there are some non-residential activities that are permitted in some or all of the Residential Zones e.g. home occupations, community activities, parks and reserves, and visitor accommodation. If the phrase were removed, the policy would then read as if these non-residential activities would require resource consent, which is not the case. Moreover, I do not consider that the relationship of Policies 12.3.3, 12.3.4 and 12.3.5 to one another is unclear. However, for the avoidance of doubt, a statement could be added to explanation to Policy 12.3.5 such as *'For business activities requiring resource consent to establish in residential zones, Policy 12.3.3 also must be considered, and for industrial or rural activities, Policy 12.3.4'.*

157. **Paul Selwyn and Barbara Ann Vercoe** (441.6) support the policy in part. As discussed earlier, I consider the issues they raise are better addressed at the rule level, and I recommend under rule 5.1.9 that 'retirement accommodation' be added to list of Discretionary Activities.

Recommendation

158. I recommend that the following is added to the end of the explanation to Policy 12.3.5:

For business activities requiring resource consent to establish in residential zones, Policy 12.3.3 also must be considered, and for industrial or rural activities, Policy 12.3.4[17]*.*

[17] 1004.10 - Z Energy, Mobil Oil & BP Oil

Matter 2 – Residential Rules - Urban Residential 1 and 2 (including Greenfields) Zone (Volume 2, Chapter 5)

Overview of Provisions

This assessment relates to the residential rules in Volume 2 of the MEP, Chapter 5 - rules for the Urban Residential 1 and 2 Zones, including the Urban Residential 2 Greenfields Zone.

Permitted Rule 5.1.1 - Submissions and Assessment

159. Rule 5.1 contains the list of named permitted activities in the Urban Residential 1 and 2 Zone, that are allowed without resource consent where they comply with the applicable standards in 5.2 and 5.3. Requirement 5.1.1 is 'residential activity', 5.1.2 is 'home occupation', 5.1.3 is 'marae activity' while 5.1.4 is 'papakainga', and so forth.

160. **Phil Muir** (1021.10) is opposed to rule 5.1.1, but does not specify what decision he is seeking. Residential activity is the pre-eminent activity within the Urban Residential Zones. It would make no sense to delete it or change it from the list of permitted activities. I consider the rule should remain unchanged.

Recommendation

161. I recommend that rule 5.1.1 is retained as notified[18].

Permitted Rule 5.1.9 - Submissions and Assessment

162. Similar to the discussion under Rule 5.1.1 above, Rule 5.1.9 relates to 'Specifically identified activities listed as permitted on sites schedule in Appendix 16'. Appendix 16 contains a register of scheduled sites, all of which are located within the Urban Residential Zones but for one reason or another do not 'fit' within the normal residential rules and therefore have their own specific rule. There are four schedules within Appendix 16, containing their own list of permitted activities, and standards specific to those activities (the 'normal' residential zone rules apply where the schedule does not otherwise provide for or limit the residential rules):

    Schedule 1: Nelson Marlborough Institute of Technology (NMIT)

    Schedule 2: Wairau Hospital

    Schedule 3: Richmond View School (Blenheim Elim Church Trust)

    Schedule 4: Specifically identified Urban Residential 2 Zone properties (these are identified sites, in two groupings).

163. **NMDHB** (280.49) supports in part rule 5.1.9 and Appendix 19, Schedule 2. Schedule 2 contains one permitted activity:

    2.1.1 Health services, including a service relating to a physical or mental health needs, an ancillary service including a laundry facility, laboratory facility, pharmaceutical supply, counselling or other health support, and buildings associated with the a [sic] *service.*

164. Under section 2.2 of Appendix 16 there are various standards that apply to the hospital site, including a 20m height limit, building setbacks, the number of parking spaces to be provided, and regulation of landscaping and outdoor storage.

165. **NMDHB** submits that other activities not covered by the rules would need to gain resource consent, with the uncertainty and potential for notification that might involve. The decision the DHB seeks is discussion with the Council to explore the options and merits of expanding the provisions in Appendix 16, including providing a specific zone and associated provisions for the hospital and associated

[18] 1021.10 – Phil Muir.

facilities and services. They did not provide details on what activities, facilities or services would not be provided for by Schedule 2, nor specific suggestions on how it could be improved in their view. In light of that, it is very difficult for me to make a recommendation on relief for the submission. The NMDHB might give more detail and suggestions for improvement at the hearing.

166. **Paul Selwyn and Barbara Ann Vercoe** (441.5) support the provision in part. They are concerned about the Seaview Rest Home that adjoins them (and other similar rest homes) and adverse effects on residential neighbours. They say that whilst a community activity using an existing facility is a permitted activity under rule 5.1.13, that does not mean that any additions are a permitted activity. They suggest Seaview Rest Home, other similar rest homes and possibly similar facilities, located in the Urban Residential 2 Zone could be included in Appendix 16.

167. I do not think that rest homes fit within the definition of 'community activity', as discussed under Policy 12.3.2. 'Retirement accommodation' is not listed as a permitted activity under Rule 5.1. Under rule 5.4.4 it would be a Discretionary Activity as '*Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity'*. I can see how the situation could be confusing for readers of the plan. Rather than schedule all retirement homes in Appendix 16 as Mr Selwyn and Ms Vercoe seek, I think a better outcome, in keeping with the intent their submission, would be to clarify under the list of Discretionary Activities in Rule 5.4, that 'retirement accommodation' is a Discretionary Activity. That would give the submitters the certainty that they are seeking - that nearby residents would have to be consulted prior to any significant alterations or additions to existing retirement home occurring. As a consequential amendment, a similar change should be made under rule 6.4 in Chapter 6 (Urban Residential 3 rules).

Recommendation

168. I recommend that under rule 5.4, Discretionary Activities, the following is inserted, and the existing rules are re-number accordingly:

5.4.X Retirement accommodation[19]

169. I recommend that as a consequential change, and to ensure consistency across the MEP, the same change be made to Chapter 6, rule 6.4.

170. That no recommendation is made in terms of the decision sought by **NMDHB**, seeking further information from them at the hearing.

171. I recommend that the typographical error at the end of rule 2.1.1 be amended as follows:

2.1.1 Health services, including a service relating to a physical or mental health needs, an ancillary service including a laundry facility, laboratory facility, pharmaceutical supply, counselling or other health support, and buildings associated with ~~the~~ a service.

Permitted Rule 5.1.11 - Submissions and Assessment

172. Rule 5.1.11 lists relocated buildings as permitted activities in the Urban Residential 1 and 2 Zones, subject to compliance with specific standards for such buildings in rule 5.3.7.

173. **House Movers Section of NZ Heavy Haulage (770.3)** support rule 5.1.11 and seek its retention. There are no other submissions and the rule therefore cannot be changed.

Recommendation

174. I recommend that under rule 5.1.11 remain as notified.

[19] 441.5 – Paul Selwyn and Barbara Ann Vercoe

Permitted Rule 5.1.29 - Submissions and Assessment

175. Rule 5.1.29 lists farming on Urban Residential 2 Greenfields Zone land as a permitted activity prior to part of full development of the site for residential activity.

176. **Federated Farmers** (425.705) supports the rule and seeks its retention as notified. There were three submissions in opposition (Te Ātiawa (twice) and RFBPS) and Pernod Ricard Winemakers supporting in part. But as the original submission sought no change to the provisions, it must remain as notified.

Recommendation

That rule 5.1.29 be retained as notified.

Permitted Rule 5.1.30 - Submissions and Assessment

177. Rule 5.1.30 lists emergence services activities of the New Zealand Fire Service on identified allotments at Seddon, Ward and Havelock as permitted activities in the Urban Residential 2.

178. **FENZ** (993.37) supports the rule as it provides for its existing fire stations, and seeks retention of the rule as notified. FENZ notes that the proposed MEP includes a designation over the site of the Seddon Fire Station, and seeks that this designation be removed. I have checked with legal counsel at the new FENZ organisation who have confirmed that FENZ, like the Fire Service Commission before it, is not a requiring authority with the ability to designate.

179. There are no other submissions on the rule and therefore it cannot be changed. However, I consider that the reference to the 'New Zealand Fire Service' in the rule should be change to Fire and Emergency New Zealand to reflect the new organisation that came into being after the MEP was notified.

Recommendation

180. I recommend that rule 5.1.30 be retained but with the following amendment:

Emergency service activities of ~~the~~ Fire and Emergency New Zealand ~~Fire Service~~ on Secs 10 and 12 Blk XIV TN of Seddon (Seddon Fire Station), Lot 1 DP 5124 (Ward Fire Station) and Sec 234 Town of Havelock (Havelock Fire Station)[20].

181. [I understand that another Hearing Topic will consider the removal of the Seddon Fire Station designation from the Planning Maps.]

Rule 5.2 – Standards that apply to all permitted activities

182. Rule 5.2 contains a list of standards that apply to all permitted activities.

183. **FENZ** (993.39) opposes the permitted activity standards in rule 5.2, as they do not include a requirement to provide a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and access to that water supply. They want to ensure that there is sufficient supply of water for firefighting purposes, and for buildings on long driveways there is adequate access for fire appliances, including width, clearance and gradient. They propose the following new rule be added under 5.2:

5.2.x Water supply and access for firefighting

5.2.x.1 New buildings (excluding accessory buildings that are not habitable) shall have sufficient water supply for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

[20] 993.37 - FENZ

5.2.x.2 Where a building is located more than 135m from the nearest road that has reticulated water supply (including hydrants) access shall have a minimum formed width of 4m, a height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8).

184. **FENZ** has also made submissions relating to supply of water and access for appliances under Chapter 24, Subdivision. Those matters will also be considered as part of Hearing Block Five, under Topic 17. In preparing my report I have liaised with my colleague, Ian Sutherland, who is preparing the officer's report on Subdivision. I am aware that if the supply of water for firefighting and access for appliances is adequately addressed at the time of subdivision design and approval (as Mr Sutherland is recommending), then the need to address this later when a building is constructed can be avoided (or minimised). However, there will be sites within Blenheim and all the other towns which can be built on without subdivision – or in some instances where subdivision may follow construction of a habitable building. In those cases, the issues being raised by FENZ will not be able to be addressed as part of the subdivision process. I therefore support inclusion of a rule along the lines of that proposed by FENZ.

185. I note, however, that Mr Sutherland in preparing his officer's report for Topic 17 has had discussions with Ainsley McLeod (Technical Director- Planning and Design) at FENZ to clarify the access requirements for fire appliances. She advised that the Christchurch District Plan contains access design and gradient requirements[21] that address FENZ requirements. She refers to clause (g) (see below) and advises that FENZ would support a similar approach being taken in Marlborough.

g. For the purposes of access for firefighting, where a building is either:

i. located in an area where no fully reticulated water supply system is available; or

ii. located further than 75 metres from the nearest road that has a fully reticulated water supply system including hydrants (as required by NZS 4509:2008),

vehicle access shall have a minimum formed width of 3.5 metres and a height clearance of 4 metres. Such vehicle access shall be designed to be free of obstacles that could hinder access for emergency service vehicles.

186. Therefore, I would support amending the proposed rule wording of 5.2.x.2 in the original submission, to reflect the figure of 75 metres in length compared to 135m, and the access widths of 4m. This would be consistent with what Mr Sutherland is recommending in his report on Topic 17.

187. I have concerns with FENZ's request for habitable buildings to have access to water supply for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. As discussed in Mr Sutherland's report under Method of Implementation 12.M.9, Stephen Rooney (Councils Operations and Maintenance Engineer) has advised by e-mail (Appendix 2) that the MDC Assets and Services Department can show compliance for urban firefighting supplies, except for much of Renwick, and all of Wairau Valley. There are also small pockets within some of the other urban areas, but that they are working towards compliance through network upgrades. (There are also other areas, such as Dry Hills, Fairbourne Drive, Wither Road Extension, Oakwood Lane and David Streets that to not have any form of firefighting supply, but these are in the Rural Living Zone, and not within the Urban Environments)

188. This information from Mr Rooney is important and highlights that Assets &Services may not be able to confirm the water supply to SNZ PAS 4509:2008 in those existing older areas, including Renwick. The issue of fire fighting water supply will mostly be addressed at the time of subdivision, and Mr Sutherland's recommendation reflect this as the primary focus.

189. There will be very few houses being built in the residential zones where the land has not already gone through a subdivision process. For those few houses, I can see little point in putting them through a resource consent process if the Council water supply at the street does not meet SNZ PAS 4509:2008. The effects are minor compared to existing houses that may not have water complying with the Fire Fighting Water Supply Code of Practice. I believe the matter is best addressed via the Council's infrastructure upgrade process, its review of the Code of Practice for Subdivision and Land Development, and through liaison with FENZ. I do not think that requiring individual property owners

[21] Appendix 7.5.7 Christchurch District Plan

to apply for resource consents will achieve a better outcome. For this reason, I support the proposed new rule referencing a 'Council reticulated water supply', but not that it meets SNZ PAS 4509:2008. In this I follow the wording recommended by Mr Sutherland under Rule 24.3.1.3.

190. I note that the above issue does not apply to greenfield subdivision, where I understand that the infrastructure to the correct standard for firefighting capability is being installed.

191. The **NZ Pork Industry Board** (998.66) opposes the permitted standard in rule 5.2. It is concerned about what they see as the lack of development standards on the rural urban interface to recognise and protect the adjoining rural production system. They request that the plan development methods such as setback, planting buffers, fencing, and non-compliance covenants. The submission however does not include details of any of the methods suggested.

192. The MEP includes a number of rules to address rural-urban interface issues:

Rule	Coverage
24.4.1.13	Provides the following matters of control when Urban Residential 2 Greenfields land is subdivided: *The proximity of existing lawfully established rural and non-residential activities and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:* *(a) insulation of dwellings for noise purposes;* *(b) setbacks of dwellings from boundaries including Zone boundaries;* *(c) imposition of consent notices in respect of the above matters; and* *(d) location of allotments between 1,000m2 and 4,000m2 adjoining land on which non-residential activities occur to provide a buffer.*
3.2.3.2	Sets limits on noise generated within the Rural Zone and received in the Urban Residential Zones (including Greenfields)
3.3.6.2 & 3.3.8.2	Establishes 100m setback from of commercial forestry and woodlots from Urban Residential land (including Greenfields)
3.4.1.6	Frost fans must not be located within 500m of Urban Residential land (including Greenfields)
3.6.3	Intensive Farming (which includes pig and other farming not relying on the soils on the site) requires a Discretionary Activity resource consent to establish in the Rural Zone.

193. In addition, there are objectives and policies in the MEP that address reverse sensitive effects – Objective 14.4 and Policies 14.4.3 to 14.4.7 in the Rural Environment, and Policy 12.2.4 in the Urban Environments. The Urban Residential 3 Zone also establishes larger residential sites on the periphery of Blenheim (and Rai Valley). This zone provided a transition between higher density urban housing and the rural environment.

194. In my opinion these provisions, including the rules appropriately address rural-urban interface issues. I do not support the relief sought by the NZ Pork Industry Board.

Recommendation

195. I recommend that a new rule 5.2.8 be inserted on page 5-5, after rule 5.2.7, as follows:

5.2.8 Water supply and access for firefighting

5.2.8.1 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.

5.2.8.2 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 be 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.[22]

Standards applying to all permitted activities - 5.2.1 - Submissions and Assessment

196. Rule 5.2.1 concerns construction or site of a building or structure and reads:

5.2.1 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).

5.2.1.1 Within the Urban Residential 1 Zone, the construction or siting of a dwelling must be on a Computer Register with a net site area no less than 290m².

5.2.1.2 Within the Urban Residential 1 Zone, the construction or siting of a dwelling on land must meet the following access requirements:

- *(a) access for one dwelling must be a minimum width of 3.0m;*
- *(b) access for two to four dwellings must be a minimum width of 3.5m and a minimum sealed width of 3.0m;*
- *(c) access for five to six dwellings must be a minimum width of 6.0m and a minimum sealed width of 5.0m.*

5.2.1.3 No more than one residential dwelling must be construction or sited per Computer Register within the Urban Residential 2 Zone.

5.2.1.4 In the Urban Residential 2 Zone, permanent buildings must not cover more than 45% of the net site area.

5.2.1.5 The maximum height of a building or structure must not exceed 7.5m.

5.2.1.6 No part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.

5.2.1.7 Any part of a wall of a dwelling must be setback a minimum of 1m from the property boundary.

5.2.1.8 Height recession and boundary setbacks do not apply where a building shares a party wall.

5.2.1.9 The minimum outdoor amenity area of a dwelling must be:

- *(a) 50m² within the Urban Residential 1 Zone;*
- *(b) 70m² within the Urban Residential 2 Zone.*

5.2.1.10 The outdoor amenity area for a dwelling must:

- *(a) be able to accommodate a circle of 5m in diameter;*
- *(b) not be orientated to the south of the dwelling;*
- *(c) have direct contact with the main indoor living area through an external door;*
- *(d) not include driveways, parking spaces or buildings but may include decking;*
- *(e) have a slope of no more than 5 degrees in any direction.*

5.2.1.11 A front entrance garage or other non-habitable accessory building must be setback a minimum of 1m behind the main face of the dwelling; except where the dwelling is setback 10m or more from the road frontage.

5.2.1.12 Notwithstanding Standard 5.2.1.11, a garage must be set back a minimum of 5m from any road frontage; except that a side entrance garage with a window on the wall facing the road must be set back a minimum of 2m from the road frontage.

[22] 993.39 - FENZ

5.2.1.13 On Lot 15 DP 395434 dwellings or habitable buildings must not be located within 12m of the property boundary as shown in Appendix 19.

5.2.1.14 A building or structure must be set back a minimum of 8m from a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank.

5.2.1.15 The height of a fence or part of a fence must not exceed 2m.

5.2.1.16 The height of a fence or any part of a fence on a boundary between the Urban Residential 2 Zone and any land zoned Open Space 1 or Open Space 2 must not exceed 1.2m.

5.2.1.17 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.

5.2.1.18 A building or structure must not be constructed or sited within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.

5.2.1.19 A building or structure must not be within a Level 3 Flood Hazard Area.

5.2.1.20 A building or structure must not be constructed or sited within 20m of a Riparian Natural Character Management Area.

197. **Crail Bay Aquaculture Ltd** (635.1) supports the rule and seek its retention.

198. **KiwiRail** (873.130) supports in part the rule, and seeks an additional clause. KiwiRail submits that, for safety reasons, the rail corridor is not publicly accessible. Therefore, to ensure that access to all buildings can be provided without the need for occupiers to access the rail network, buildings need to be setback from the rail corridor boundary to ensuring people's health and wellbeing. Given the consequence of an incident in the event of a neighbour accessing the rail corridor without the necessary safety permits in place, KiwiRail seek a setback for new structures from the rail corridor, as follows: *A buildings or structure must not be within 5m of the rail corridor*. Te Ātiawa submitted in opposition.

199. I support the general intent of the submission, but I consider the setback requested is excessive for the purpose stated. A 5m setback would impose a large restriction on the use of a person's property, and to me seems disproportionate for achieving the desired outcome. The outcome KiwiRail seem to be wanting is sufficient space for property owners to be able to construct and maintain their buildings without having to go into the rail corridor. That is to be commended. But in my view a 1.5m setback would be sufficient. It would allow space for people to get around buildings to work on them, and space to erect scaffolding if needed (which typically is 850mm wide). I am also concerned about the words 'any structure' as that would require any fence to be setback 5m into a person's property, effectively nullify use of a significant portion of a person's property (say 100m^3 out of a 600m^3 allotment). Again, I consider that this is an unreasonable control to achieve the stated outcome. I suggest excluding fences from the setback, providing the palings or main fence elements can be replaced from within owner's property).

200. As a consequential amendment, I consider it would assist with interpretation of the proposed rule if 'rail corridor' were defined. The term is proposed in the KiwRail submission to be used in a number of provisions throughout the MEP. Submission point 159 in the KiwiRail submission, in relation to its Designation K1, indicates the rail corridor consists of the Main North Line. I suggest this term, linked to the designation, is used.

Recommendation

201. I recommend that a new standard be added to rule 5.2.1, as follows:

5.2.1.21 <u>A building or structure must not be within 1.5m of the rail corridor, except for a fence provided the fence is constructed, and palings or main fencing elements are able to be replaced, from within the site and without accessing the rail corridor[23]</u>.

[23] 873.130 - KiwiRail

202. I recommend that a new definition of 'rail corridor' be added to Chapter 25, as follows:

> ***Rail corridor*** *means the land designated as K1 for railway purposes for the Main North Line*[24]*.*

Standards applying to all permitted activities - 5.2.1.2 - Submissions and Assessment

203. Rule 5.2.1.2 sets access standards for new dwellings in the Urban Residential 1 Zone, as follows:

> *5.2.1.2 Within the Urban Residential 1 Zone, the construction or siting of a dwelling on land must meet the following access requirements:*
>
> *(a) access for one dwelling must be a minimum width of 3.0m;*
>
> *(b) access for two to four dwellings must be a minimum width of 3.5m and a minimum sealed width of 3.0m;*
>
> *(c) access for five to six dwellings must be a minimum width of 6.0m and a minimum sealed width of 5.0m.*

204. **Crail Bay Aquaculture** (635.2) supports the rule and seeks its retention.

205. **GJ Gardner Homes** (99.1), **Mainland Residential Homes** (506.1)**, Peter Ray Homes** (507.1) and **Andrew Pope Homes** (508.1) made identical submissions opposing the standard. They submit that increasing minimum access widths (compared to the current plan), combined with larger minimum lot sizes and other proposed controls, will make subdivision very difficult. Even with the current rules, they say it is hard to find a site that can meet all the Plan requirements. They submit that the changes in the MEP will reduce housing choice, promote inefficient use of expensive land, and reduce the stock of available housing particularly affordable housing. The seek reinstatement of the old access standards. For the WARMP (rule 32.1.2.1.7) these are:

No. Units Served	Min. Width (m)	Min. Formation Width (m)	Qualification
1	3	NA	
2 - 4	3	2.5	Sealed.
5 - 6	6	5	Sealed. Width allows passing.

206. I have read Mr Sutherland's recommendation in his Subdivision s42A report (Topic 17) in relation to subdivision access standards, under rule 24.3.1.3. I agree with his recommendation, which in essence is that narrower access standards are appropriate for Blenheim, where sites are mostly flat. I support aligning the widths in rule 5.2.1.2 with those proposed by him for rule 24.3.1.3.

Recommendation

I recommend that rule 5.2.1.2 be amended as follows[25]:

> *Within the Urban Residential 1 Zone, the construction or siting of a dwelling on land must meet the following access requirements:*
>
> *(a) access for one dwelling must be a minimum width of 3.0m;*

[24] 873.130 - KiwiRail

[25] 99.1 – GJ Gardner Homes; 506.1 – Mainland Residential Homes; 507.1 – Peter Ray Homes; 508.1 - Andrew Pope Homes.

(b) *access for two to four dwellings must be a minimum width of 3.0 ~~3.5~~m and a minimum sealed width of 2.5 ~~3.0~~m;*

(c) *access for five to six dwellings must be a minimum width of 6.0m and a minimum sealed width of 5.0m.*

Standards applying to all permitted activities - 5.2.1.3 - Submissions and Assessment

207. Rule 5.2.1.3 states that *"No more than one residential dwelling must be construction* [sic] *or sited per Computer Register within the Urban Residential 2 Zone".*

208. **Perry Mason Gilbert** (192.2) opposes the standard and wants it deleted. He says there is no practical reason why more than one rental property could be built on a section if the density and access requirements could be met, as at present. **Tony Hawke** (369.7) also opposed the provision, for similar reasons, and his inferred decision sought is to allow for two residential dwellings on one site, provided the area and access requirements in the Residential 2 Zone are met. Provision is made in the Urban Residential 1 Zone for more than one dwelling on an allotment. That is because that is a higher density zone where multi-unit and multi-level development is enabled (Policy 12.1.2 and rules 5.2). However, the characteristics sought in the MEP for the Urban Residential 2 Zone (under Policy 12.1.3) are for lower density and lower building form development on larger lot sizes. In my view, the characteristics of the Residential 2 Zone as set in the policy are inconsistent with multiple units on an allotment. The submitters have not requested amendments to Policy 12.1.3. The change requested by the submitters to standard 5.2.1.3 would create an inconsistency between the policy and the rule. Moreover, if more than one dwelling were allowed on an allotment, then other rules would be needed to regulate bulk and location and other matters, since the existing rules rely on allotment boundaries and sizes established at the time of subdivision. For these reasons, I do not support the change sought.

209. **GJ Gardner Homes** (99.7), **Mainland Residential Homes** (506.7)**, Peter Ray Homes** (507.7) and **Andrew Pope Homes** (508.7) made identical submissions opposing the standard. Their submission (which is the same across all the plan provisions they submitted on) does not appear to address the matter covered in this permitted activity standard – namely that within the Urban Residential 2 Zone only one dwelling can be built on an allotment. The relief they seek in their submission ask the Council to *'revisit building control rules to ensure the recession planes, boundary setbacks and all bulk and location rules promote efficient use of space and maximise the area available for outdoor living. Reinstate the old subdivision lot and access minimum'.* In my view, these submitters do not seek changes to the requirement for there to be one house per lot in the Urban Residential 2 Zone, but rather focus on lot size, access width and bulk and locational matters. I do not consider that the standard should be changed.

Recommendation

210. I recommend that 5.2.1.3 is retained as notified.

211. I recommend that the typographical error in the standard be corrected, as follows: *No more than one residential dwelling must be ~~construction~~ constructed or sited per Computer Register within the Urban Residential 2 Zone.*

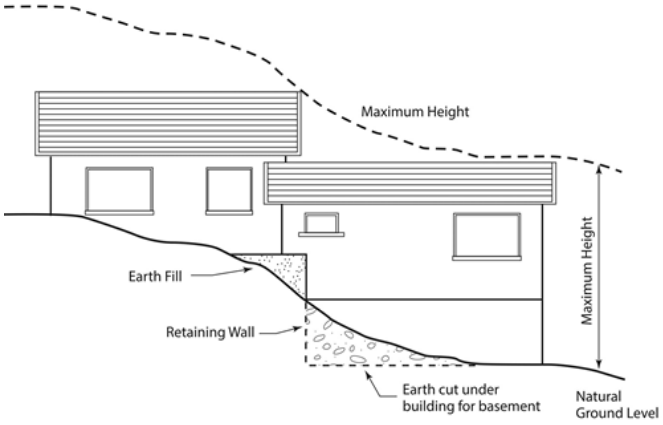
Standards applying to all permitted activities - 5.2.1.5 - Submissions and Assessment

212. Rule 5.2.1.5 states that *"The maximum height of a building or structure must not exceed 7.5m."*

213. **Tony Hawke** (369.8) supports in part the standard. He submits that the contour of some of the sites in the old Marlborough Ridge Zone means that it may be hard to comply with 7.5m on some sites, and that landowners have purchased with an expectation of being able to build to 10m as a permitted activity. He seeks the following decision *"retain the maximum height of 10 metres in this area (Appendix K, rule 2.2.7, WARMP)".*

214. The WARMP does not have a 10m height limit for the Marlborough Ridge area. Appendix K was deleted from the WARMP by Plan Change 72, made operative 25/5/2015. The area in the WARMP is Township Residential Zone, and a 7.5m height limit applies. Currently there can be no expectation from owners of building to 10m.

215. The definition of height in the MEP provides for buildings to follow the contour of the site, as in the following diagram from MEP Appendix 26:



216. This, with a height of 7.5m, makes adequate provision for buildings, and encourages a built form that follows the contour of a site, rather than dominating it. This is particularly important for prominent sites such as ridgelines.

217. I support the current height limit of 7.5m.

Recommendation

218. I recommend that 5.2.1.5 remain as notified.

Standards applying to all permitted activities - 5.2.1.6 - Submissions and Assessment

219. Rule 5.2.1.6 states that:

> *No part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.*

220. **Tony Hawke** (369.9) supports in part the standard. He submits that the contour of some of the sites in the old Marlborough Ridge Zone means that a more generous recession plane is required. He said owners purchased properties with the expectation of being able to build under the less onerous recession plane. He seeks retention of the requirements under Appendix K, rule 2.2.7, bullet point 3 in the WARMP, which states "*Height: All buildings shall be contained within a building envelope extending from 3 metres above the boundary into the site at an angle of 45 degrees".*

221. The WARMP does not have such a recession plane rule for the Marlborough Ridge area, as Appendix K was deleted from the WARMP by Plan Change 72 (operative 25/5/2015). The area in the WARMP is Township Residential Zone, and identical recession plane angles to the MEP Appendix 26 currently apply, but from a boundary height of 1.8m as opposed to 2m in the MEP (where the zone is Urban Residential 2). Therefore, the recession plane in the MEP is more generous than currently applies, since the recession angles start at the higher height. It is more restrictive, however, in that partial exemptions for garages are not included in the MEP. The garage exemption is discussed further below. I do not support a recession plane as proposed by the submitter. It has a single recession angle (45 degrees) which does not provide good daylight amenity to properties to the south of a site,

and equally may penalise building developers themselves on their northern boundary, where the MEP gives a more favourable recession plane of 55 degrees (albeit from 2m rather than 3m).

222. **Tony Hawke** (369.10) supports in part the standard, but wants the provision from the WARMP restored (in the recession plane rules) that allowed a garage to be sited up against a side or rear boundary and to intrude into the recession plane a certain amount. He says the same rule provided that a length of up to 9m of garage could be sited on or near to the boundary and intrude into the recession plane.

223. I consider that such a change could have a significant impact on a neighbour's daylight amenity. This would be more so if the garage were on a southern boundary, where a length of building up to 9m long, intruding 50% above the boundary recession plane height, could have a significant impact winter sun to the neighbour located to the south. Even on eastern and western boundaries, I consider the impact would be significant. I do not support the change sought. In my view, daylight amenity should not be influenced by the use of the structure located next door – it is the impact of the structure, irrespective of use, and the effect on daylight amenity on neighbouring sites that is important.

224. I appreciate that remaining with the MEP rule as notified can have an impact on what the property owner considers an efficient use of their site. However, the RMA now provides for a simpler 'consenting' process for 'boundary activities'. This includes breaches of recession plane rules applying at the property boundary. If the neighbour's written approval can be obtained (for instance, if they think the proposal will not adversely affect them) then the Council within 10 working days will issue a permission known as a 'deemed permitted activity', meaning resource consent is not required. This is a simpler, quicker and cheaper process for dealing with exceptions to rules in a plan than applied prior to the 2017 amendment to the RMA. In my opinion, it is better to have the default position as amenity benefit to the neighbours since there is now an easier process to gain approval for exemptions, where the neighbours are comfortable with the likely effects on their property.

225. **GJ Gardner Homes** (99.6), **Mainland Residential Homes** (506.6)**, Peter Ray Homes** (507.6) and **Andrew Pope Homes** (508.6) made identical submissions opposing the standard. They are concerned at changes in lot size, bulk and location controls, setback and recession planes that they consider compromise the efficient use of a site, reducing housing choice and affordability. They seek that the building controls be revisited to ensure the recession planes promote efficient use of space and maximise the area available for outdoor living. They do not put forward specific amendments to the standard in the MEP.

226. I note that the recession plan rule for the Urban Residential 2 Zone in the MEP is the same as in the WARMP and the MSRMP, but with two exceptions. The first is the garage exemption discussed above. The second is that in the current operative plans, a standard 55-degree recession plan applies on the road boundary of a site, inclined into the site. In the MEP the angle applying on the road boundary varies with the orientation of the site – a road to the south of a site will get more daylight amenity than one to the north. While ensuring a reasonable degree of amenity to the road and footpath is desirable, in my view an angle that changes depending on the orientation of the site boundary is excessive and unnecessary. In my experience, a set angle is sufficient to ensure adequate amenity to the road and footpath, and that roads do not require the same level of daylight access as dwellings and residential outdoor living areas. Moreover, a low recession plane inclined into the front yard of a property can be unnecessarily restrictive on building development. I therefore support introducing a fixed angle to apply on the road boundary of a site. This gives part relief to the above submitters, since it gives more flexibility as to the location and size of buildings on a site.

227. **Marlborough District Council** (91.198) supports the standard, but seeks an amendment to link it to the definition of site in Chapter 25, which makes it clear that setbacks cannot include right of way areas. They seek that 5.2.1.6 be amended as follows: *<u>On a site, no</u> ~~No~~ part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary."* Timberlink support the amendment, and Te Ātiawa oppose but their submission relates to works in riverbeds and on the banks of rivers, and does not seem to relate to the subject matter of the original submission.

228. There are three definitions of site in the MEP, but the one applicable in this instance is:

in relation to a building or structure, means any area of land/volume of space of sufficient dimensions to accommodate any complying activity provided for by a rule in the Plan:

(a) Corner site - will be deemed to be a 'front site';

(b) Front site - means a site having one frontage of not less than the minimum prescribed by the Plan for the particular zone in which the site is situated to a road, private road, or the sea; and

(d) Rear site - means a site that is situated generally to the rear of another site and that has not the frontage required for a front site for that use in the zone.

Where a right of way is employed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings.

229. The last sentence of the definition states that bulk and location controls for buildings are determined from the lines defining the right of way. 'Bulk and location controls' are not defined in the plan, but the inclusion of the proposed new words in standard 5.2.1.6 it will remove any doubt as to whether this includes recession planes. I therefore support the change. As a consequential change, the reference in the rule to 'property boundary' should be changed to 'site boundary'. For consistency across the MEP, where rules refer to bulk and locational controls, references to 'land'. 'property' or the location of recession plane measures, all should be clarified to apply to 'site' as in rule 5.2.1.6.

Recommendation

230. I recommend that 5.2.1.6 is amended as follows:

On a site, no ~~No~~[26] part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26, except that a recession plane angle of 55 degrees, inclined into the site, applies in all cases on a road/street boundary[27]. The recession plane angle must be measured from a starting point 2m above ground level at the ~~property~~ site[28] boundary.

231. I recommend that, as a consequential change to ensure consistency across the Plan, the below rules are also amended as follows:

Chapter 2 – Rule 2.39.1.12	*On any l~~and~~ site zoned …*
Chapter 3 – Rule 3.2.1.4	*..above ground level at the site boundary.*
Chapter 3 – Rule 3.3.46.3	*..boundary of the ~~property~~ site and …*
Chapter 3 – Rule 3.3.47.3	*..external boundary of the ~~property~~ site and ..*
Chapter 3 – Rules 4.2.1.3	*..above ground level at the site boundary.*
Chapter 4 – Rules 4.3.44.3 and 4.3.45.3	*..boundary of the ~~property~~ site and …*
Chapter 5 – Rule 5.2.1.7	*.. the ~~property~~ site boundary.*
Chapter 5 – Rules 5.3.2.3 and 5.3.3.3	*..external boundary of the ~~property~~ site and ..*
Chapter 6 – Rule 6.2.1.4 and 6.2.1.5	*.. the ~~property~~ site boundary.*
Chapter 7 – Rule 7.2.1.6	*..above ground level at the ~~property~~ site boundary.*
Chapter 7 – Rule 7.2.1.7	*..of any site boundary.*
Chapter 7 – Rule 7.3.3.3	*..external boundary of the ~~property~~ site and ..*

[26] 91.198 – MDC

[27] 99.6 – GJ Gardner Homes; 369.9 and 10 – Tony Hawke; 506.6 – Mainland Residential Homes; 507.6 – Peter Ray Homes; 508.6 - Andrew Pope Homes.

[28] 91.198 – MDC

Chapter 8 – Rules 8.2.1.4 and 8.2.1.7	*.. from the ~~property~~ site boundaries ..*
Chapter 8 – Rule 8.3.3.3	*..external boundary of the ~~property~~ site and ..*

Standards applying to all permitted activities - 5.2.1.7 - Submissions and Assessment

232. Rule 5.2.1.7 states that:

> *Any part of a wall of a dwelling must be setback a minimum of 1m from the property boundary.*

233. **GJ Gardner Homes** (99.5), **Mainland Residential Homes** (506.5)**, Peter Ray Homes** (507.5) and **Andrew Pope Homes** (508.5) made identical submissions opposing the standard. That submission to the MEP covers a number of concerns relating to impacts on building costs and efficient use of the site. In relation to this setback standard they seek revision of the boundary setbacks to promote efficient use of the space and to maximise the area available for outdoor living.

234. The setback in the notified standard is 1 metre. I note it applies to dwellings, not accessory buildings (separate detached buildings incidental to the principal building on the site), and it applies to the front yard too (which is my view is very liberal compared to other district plans). The setback is small, and it is measured from the walls of the dwelling so that a soffit overhang (which can typically be up to 600mm) means that there is very little room for cleaning gutters, and that the roofs on adjoining houses could be as close as 800mm to each other. The potential minimum distance between two dwellings wall could be as little as 2m. Reducing this setback would reduce privacy between buildings, affect fire separations and make maintenance more difficult. I do not support a reduction.

235. Accessory buildings, such as sheds and standalone garages are not covered by that set back, so could be constructed on or close to the boundary, subject to complying with the Building Act.

236. I also note that setback (and recession planes) do not apply where a building shares a party wall (rule 5.2.1.8).

Recommendation

237. I recommend that 5.2.1.7 remain as notified.

Standards applying to all permitted activities - 5.2.1.9 - Submissions and Assessment

238. Rule 5.2.1.9 states that:

> *The minimum outdoor amenity area of a dwelling must be:*
>
> *(a) 50m² within the Urban Residential 1 Zone;*
>
> *(b) 70m² within the Urban Residential 2 Zone.*

239. **Phil Muir** (1021.11) opposes the standard. He submits that residential dwellings are getting larger and section sizes smaller, with many people no longer wanting large outdoor spaces to maintain. The proposed standards for outdoor amenity will unduly restrict the ability to develop sites in the Urban 2 zone in a practical and appropriate manner. He seeks that the standard relating to outdoor amenity be amended to reflect actual demand. He seeks smaller outdoor amenity areas and dimensions, but does not provide specific changes.

240. Mr Muir's submission appears to relate to the Urban Residential 2 Zone. In this zone, the minimum site area as notified is 450m^2 (although I understand Mr Sutherland in his report on Subdivision is recommending the minimum area be reduced to 400m$^{2)}$. The building coverage for the Urban Residential 2 Zone is 45%, but even if the Panel opted of a 400m^2 minimum section size, 220m^2 would have to be left free from buildings.

241. Standard 5.2.1.10 sets the parameters for an outdoor amenity area, which must:

(a) be able to accommodate a circle of 5m in diameter;

(b) not be orientated to the south of the dwelling;

(c) have direct contact with the main indoor living area through an external door;

(d) not include driveways, parking spaces or buildings but may include decking;

(e) have a slope of no more than 5 degrees in any direction.

242. As section sizes get smaller, and dwellings larger, the importance of a minimum area for outdoor living and amenity becomes more important. The area needs to be of a usable dimension and location. Beyond those specifications, the rule provides flexibility for the person developing the site on how the house is designed and located to provide for the outdoor area, and to comply with the other bulk and locational requirements.

243. The outdoor amenity area cannot include driveways and parking spaces, but even on a very small site, if those areas are factored out, there is still a lot of site within which an outdoor amenity area can be located. In actual fact, most sites are larger than 400m^2 or whatever site minimum is set. In the Urban Greenfields Zone in the WARMP, the minimum site area is 400m^2, but new sections created off Old Renwick Road in this area range from 590m^2 to 850m^2. I do not see provision of a 70m^2 outdoor amenity area on such sites as being overly onerous or restrictive. I note that in the recently operative Christchurch District Plan the minimum outdoor living space required is 90m^2, nearly 29% larger than in the proposed MEP. I consider the outdoor amenity requirements are necessary, and that the dimensions are reasonable. I do not support changing them.

Recommendation

244. I recommend that 5.2.1.9 remains as notified.

Standards applying to all permitted activities - 5.2.1.10 - Submissions and Assessment

245. Rule 5.2.1.10 is reproduced above, under the assessment of standard 5.2.1.9.

246. **Phil Muir** (1021.12) opposes the standard, and as under 5.2.1.9, he seeks that the standard relating to outdoor amenity be amended to reflect actual demand. He seeks smaller outdoor amenity dimensions, but does not provide specific changes.

247. Similar to my comments under 5.2.1.9, I do not see the parameters applying to the outdoor amenity area as being particularly restrictive. For example, it can include a deck, and the minimum dimension of 5m is smaller than the 6m used in the Christchurch District Plan. It could spill around various sides of the dwelling (but not on the southern side), with the main requirements being that it connects directly to a door to the main living area of the dwelling, and that part it is usable (can accommodate a circle with a 5m diameter). I do not support changing 5.2.1.10.

Recommendation

248. I recommend that 5.2.1.10 remains as notified.

Standards applying to all permitted activities - 5.2.1.11 - Submissions and Assessment

249. Rule 5.2.1.11 states:

A front entrance garage or other non-habitable accessory building must be setback a minimum of 1m behind the main face of the dwelling; except where the dwelling is setback 10m or more from the road frontage.

250. **GJ Gardner Homes** (99.4), **Mainland Residential Homes** (506.4)**, Peter Ray Homes** (507.4) and **Andrew Pope Homes** (508.4) in their identical submissions oppose the standard. They are concerned about planning controls that waste space on a site. They want a revisiting of setback and bulk and location rules to promote efficient use of the space and to maximise the area available for outdoor living.

251. **Phil Muir** (1021.13) opposes the standard. He seeks that the standard relating to the location of garages be removed to enable individual landowners the discretion where to place garages. **Tony Hawke** (369.11) similarly opposes the rule and seeks its deletion. He is concerned it places undue restrictions on north/south oriented allotments trying to make the best of their available living space.

252. **Perry Mason Gilbert** (192.10) supports in part the rule. He considers that new attached garages have character closely in keeping with the main dwelling and that there are numerous excellent examples in modern subdivisions that have garages at least equal with the dwelling and have good amenity outcomes. He seeks that the word 'detached' be added to the standard, so that it would apply only to garages not attached to the dwelling.

253. There are no further submissions.

254. Having garages stepped back slightly from the face of the dwelling is an amenity provision, partly streetscape amenity. Modern houses can have large double or triple garage doors facing and dominating the streetscape. Sometimes the garages are set forward of main dwelling, which further reinforces the visual dominance of the garage over the house itself. The latter tend to include windows and other elements of more aesthetic value. Modern subdivisions with whole streets of such houses can have lower aesthetic and streetscape value. Also, the visual dominance of the garage fronts can give a blank de-populated feel to the street. This can lower the vitality of the street and affect feelings of public safety in users of the public space, as there is less interaction and surveillance from the house.

255. I do not consider the provision is particularly onerous, or that a 1m setback would have a significant effect of the efficient use of the site – especially because, as noted under 5.2.1.11, the setback for dwellings from the front fence in the MEP is only 1m. In my experience, this front yard setback is very generous and provides a lot of flexibility in the use of a site. In terms of the change Mr Gilbert is seeking, it should be apparent from my discussion above that the issue is not about detached versus attached garage – it is about the dominance of both on the streetscape. Therefore, I do not support his proposal for the standard to refer only to detached garages.

Recommendation

256. I recommend that 5.2.1.11 remains as notified.

Standards applying to specific permitted activities - 5.3.1 - Submissions and Assessment

257. Rule 5.3.1 contains four standards relating to home occupations.

258. Steve McKenzie (1124.34) supports the provision and seeks it retention.

Recommendation

259. That rule 5.3.1 remains as notified.

Standards applying to specific permitted activities - 5.3.7 - Submissions and Assessment

260. Rule 5.3.7 relates to relocated buildings, and reads:

> *5.3.7.1 A building intended for use as a dwelling must have previously been designed, built and used as a dwelling.*
>
> *5.3.7.2 All work required to reinstate the exterior must be completed within 6 months of the building being delivered to the site. This includes providing connections to all infrastructure services and closing in and ventilation of the foundations. The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 6 month period.*
>
> *5.3.7.3 The siting of the relocated building must also comply with Standard 5.2.1.6.*

261. **Coffey House Removals** (365.3 and 365.4) support in part standard 5.3.7.2, but want the first sentence changed to *'All work required to reinstate the exterior must be completed within ~~6~~ 12 months of the building being delivered to the site.* They don't give any reasons for their proposed amendment, or explain why 12 months is necessary.

262. **House Movers** (770.9) support the rule in part. They do not provide reasons but request that standards 5.3.7.1 and 5.3.7.2 [and inferred 5.3.7.3 also] are deleted, and replaced with:

> *5.3.7.a Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.*
>
> *5.3.7.b A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. A suggested pre-inspection report is attached as Schedule 2 in the submission.*
>
> *5.3.7.c The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
>
> *5.3.7.d All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting 5.3.7.c reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
>
> *5.3.7.e. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
>
> *5.3.7.3f The siting of the relocated building must also comply with Standard 5.2.1.6.*

263. I generally support the amendment proposed by House Movers. The 12 month period to reinstatement I consider is reasonable, and would also meet the request of Coffey House Removals.

264. The suggestion of a report accompanying the building consent I consider is a useful initiative. However, it should not be called a pre-inspection report to avoid potential confusion with reports and processes under the Building Act 2004. In their 5.3.7.e, they have the proposed owner of the relocated building certifying to the Council that reinstatement work will be completed within the required 12 month period. The MEP as notified has this being the owner of the land on which the house be will relocated. This is preferable in my view. A 'proposed owner' is nebulous, hard to identify and may change. However, the owner of the land can easily be established. Moreover, land use resource consents attach to a site, not to people.

265. I note the 5.3.7.3 as notified states that siting must comply with Standard 5.2.1.6. I wonder if that is a typographical error. Standard 5.2.1.6 requires compliance with the recession plane rules. A relocated building would have to comply with more than just the recession planes; it would have to comply with setbacks, access requirements and a number of other rules in the MEP. Notwithstanding what 5.2.1.6 says, a relocated building needs to comply with all other permitted standards under 5.2.1. To name just one standard however could wrongly suggest to users of the plan that other standards are not relevant. Options are either removing the standard referring to 5.2.1.6 completely, or changing the

reference in it to rule 5.2.1, which would then reference all the building location standards. I prefer the latter, as it avoids house movers overlooking these provisions.

266. I therefore support replacement with the rule with that proposed by House Movers, with minor changes to reflect my above comments.

Recommendation

267. I recommend that rules 5.3.7.1, 5.3.7.2 and 5.3.7.3 be deleted, and replaced with the following[29]:

5.3.7.1 Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

5.3.7.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

5.3.7.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

5.3.7.4 All other reinstatement work required by the report referred to in 5.3.7.2 and the building consent to reinstate the exterior of any relocated building must be completed within 12[30] months of the building being delivered to the site. Without limiting 5.3.7.3, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

5.3.7.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

5.3.7.6 The siting of the relocated building must also comply with Rule 5.2.1.

Standards applying to specific permitted activities - 5.3.9.1 - Submissions and Assessment

268. Standard 5.3.9.1 relates to parks or reserves, and states:

The park or reserve must be owned, managed or administered by the Marlborough District Council.

269. **The Queen Elizabeth the Second National Trust** (1265.10), **Chris Shaw** (423.33) and **Thomas Stein** (1179.32) oppose the rule. They say the rule excludes land that may be operated as a park or reserve by other organisations, such as the Queen Elizabeth the Second National Trust , Department of Conservation or a private trust. They request the rule be deleted.

270. I support the request. There seems no resource management reason to restrict the provision only to MDC parks and reserves.

Recommendation

271. I recommend that 5.3.9.1 is deleted[31].

Standards applying to specific permitted activities - 5.4.1 - Submissions and Assessment

272. Rule 5.4.1 (under Discretionary Activities) states an application must be made for a Discretionary Activity for:

[29] 770.9 – House Movers
[30] 365.3 and 365.4 – Coffey House Removal

[31] 423.33 – Chris Shaw; 1179.32 – Thomas Robert Stein; 1265.10 – QEII National Trust

Any activity provided for as a Permitted Activity that does not meet the applicable standards.

273. **House Movers** (770.15) oppose the provision. Their submission refers to general rule 2.5.1, but it is inferred they mean 5.4.1. The submission relates to relocated buildings, and if they do not comply with the permitted standards, they trigger the need for discretionary resource consent. House Movers propose:

That the default activity classification for any activity provided for as a Permitted Activity that does not meet the applicable standards is non-notified restricted discretionary activity subject to the following assessment criteria (or to the same or similar effect):

Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:

i) proposed landscaping;

ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;

iii) the appearance of the building following reinstatement.

274. The **Transport Agency** in a further submission supports the House Movers submission in part. The Agency says any consent application should include consideration of the effects on the safe and efficient operation on the land transport network (and the transport provisions in Volume 2, Chapter 2).

275. **Phil Muir** (1021.16) opposes rule 5.4.1. He states that any breach of these standards [inferred to be 5.2.1.9, 5.2.1.10, 5.2.1.11, 5.3.10.4 and 5.3.10.5] will result in a resource consent for a discretionary activity. This allows for council to consider any matter when deciding on these issues. Given the proposed standards have been designed to manage a specific amenity effect, he considers it is more appropriate that a breach of any standard is either a controlled activity or restricted discretionary activity. The decision he requests is to provide a restricted discretionary activity status for minor non-compliances relating to potential amenity effects, including non-compliance with outdoor amenity, building locations and excavation and filling of residential sites.

276. I do not consider it necessary for relocated houses, or for the circumstances raised by Mr Muir, to have their own separate controlled or restricted discretionary rule. If the non-compliance is minor, and no parties are adversely affected, then a discretionary activity can be processed simply and without notification. Also, minor boundary breaches, with the neighbours approval no longer need resource consent under the 2017 amendment to the Act, and under the simpler process can be a 'deemed permitted activity'. On the other hand, if there are likely to more significant adverse effects – for example, an un-reinstated house affecting the amenity of a street, or a development proposal has wider effects - then public notification may be warranted.

Recommendation

277. I recommend that 5.4.1 is retained as notified.

Standards applying to specific permitted activities - 5.4.3 - Submissions and Assessment

278. Rule 5.4.3 (under Discretionary Activities) states an application must be made for a Discretionary Activity for a 'Community facility'.

279. **Accolade Wines NZ Ltd** (457.18) support the provision and seek its retention.

280.. Recommendation

281. That rule 5.4.3 is retained as notified.

Matter 3 – Residential Rules - Urban Residential 3 Zone (Volume 2, Chapter 6)

Overview of Provisions

This assessment relates to the residential rules in Volume 2 of the MEP, Chapter 6 is the rule for the Urban Residential 3 Zone.

Permitted Rule 6.1 - Submissions and Assessment

282. Rule 6.1 lists the activities that are permitted in the Urban Residential 3 Zone, if they comply with the standards in 6.2 and 6.3.

283. **FENZ** (993.41) opposes the rule. It seeks addition of a new permitted activity to the list *'Emergency Service Facility'.* FENZ is concerned that the activity status of emergency service facilities is not sufficiently clear. In their view, it is not certain if emergency service facilities fall within the definition of 'community facility' and are permitted by rule 6.1.6. My earlier recommendation under Policy 12.3.2 is to amend the definition of 'community activity' (which involved 'community facilities') to add the word 'emergency' into the list of activity types encompassed within 'community activity'. In my view that amendment, if adopted, would give effect to FENZ's submission. I do not support creating a new permitted activity just for emergency service facilities. Incorporating those within 'community activities' and community facilities' is a better way of addressing the issue, since there is then a policy (12.3.2) that provides support for the rule, or any resource consent that might be needed if the permitted standards cannot be complied with.

Recommendation

284. I recommend that that Rule 6.1 remains as notified.

Permitted Rule 6.1.4 - Submissions and Assessment

285. Rule 6.1.4 provides for relocated buildings to be a permitted activity, subject to compliance with the various permitted standards.

286. **House Movers NZ** (770.4) supports the rule, and seeks its retention.

Recommendation

287. That rule 6.1.4 is retained as notified.

Permitted Rule 6.2 - Submissions and Assessment

288. Rule 6.2 includes the standards that apply to all permitted activities.

289. **FENZ** (993.44) opposes the rule, and seeks a new standard to address water supply and access for firefighting.

290. FENZ made a similar submission under rule 5.2 (Chapter 5). I refer to that for their reasons and my assessment of the submission.

291. The **NZ Pork Industry Board** (998.67) opposes the permitted standard in rule 6.2. It is concerned about what they see as the lack of development standards on the rural urban interface to recognise and protect the adjoining rural production system. They request that the MEP develop methods such as setback, planting buffers, fencing, and non-compliance covenants. The submission however does not include details of any of the methods suggested. The Board made a similar submission under rule 5.2 above. I do not support the submission, for the reasons given under rule 5.2.

Recommendation

292. I recommend that a new rule 6.2.8 be inserted on page 6-4, after rule 6.2.7, as follows:

> ***6.2.8 Water supply and access for firefighting***
>
> *6.2.8.1 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.*
>
> *6.2.8.2 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 be 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.* [32]

Standards applying to all permitted activities - 6.2.1.4 - Submissions and Assessment

293. Rule 6.2.1.4 states that:

> *No part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level at the property boundary.*

294. **Marlborough District Council** (91.209) supports the standard, but seeks an amendment to link it to the definition of site in Chapter 25. This is to make it clear that setbacks (and other bulk and location controls) exclude right of way areas.

295. A similar submission was made in relation to identical rule in Chapter 5 under 5.2.1.6. I refer to that for their reasons and my assessment of the submission.

296. Under 5.2.1.6 an amendment was also made to the measurement of recession planes on the street boundary of a property. For consistency across the plan I recommend that a consequential amendment be also made below to this rule 6.2.1.4.

Recommendation

297. I recommend that 6.2.1.4 be amended as follows:

> *On a site, no* ~~*No*~~[33] *part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26, except that a recession plane angle of 55 degrees, inclined into the site, applies in all cases on a road/street boundary*[34]*. The recession plane angle must be measured from a starting point 2m above ground level at the* ~~*property*~~ *site*[35] *boundary.*

Standards applying to all permitted activities - 6.3.2 - Submissions and Assessment

298. Rule 6.3 2 contains three permitted activity standards relating to relocated buildings.

299. **House Movers NZ** (770.10) support the rule in part, seeking replacement of existing standards with their proposed wording. **Coffey House Removals** (365.5) support in part standard 6.3.2.2, seeking a 12-month term rather than 6 months to reinstate the relocated building.

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[32] 993.44 - FENZ
[33] 91.209 – MDC
[34] 99.6 – GJ Gardner Homes; 369.9 and 10 – Tony Hawke; 506.6 – Mainland Residential Homes; 507.6 – Peter Ray Homes; 508.6 - Andrew Pope Homes.
[35] 91.209 – MDC

300. They made a similar submission under rule 5.3.7 above. My assessment and recommendation from 5.3.7 applies.

301. I note that there is are errors in the numbering of the standards under rule 6.3. After 6.3.1 and 6.3.2 the numbers repeat again (re-starts at 6.3.1 again). Therefore, the standards starting at 'Temporary building or structure..' need to be renumbered by adding 2 to the last digit. That is, the 'Temporary building..' standard becomes 6.3.3, 'Park or Reserve' becomes 6.3.4 and so on to the end of 6.3 (with the last heading becoming 6.3.14). The numbering within the standards under each heading similarly need changing.

Recommendation

302. I recommend that 6.3.2.1, 6.3.2.2 and 6.3.2.3 be deleted, and replaced with the following[36]:

6.3.2.1 Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

6.3.2.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

6.3.2.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

6.3.2.4 All other reinstatement work required by the report referred to in 6.3.2.2 and the building consent to reinstate the exterior of any relocated building must be completed within 12[37] months of the building being delivered to the site. Without limiting 6.3.2.3, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

6.3.2.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

6.3.2.6 The siting of the relocated building must also comply with Rule 6.2.1.

Standards applying to all permitted activities - 6.3.4.1 (Park or Reserve) - Submissions and Assessment

303. Rule 6.3 4.1 (as correctly numbered; currently 6.3.2.1) relates to parks or reserves. The standard states that a park or reserve to be a permitted activity must be owned, managed or administered by MDC.

304. **The Queen Elizabeth the Second National Trust** (1265.11), **Chris Shaw** (423.38) and **Thomas Stein** (1179.33) oppose the rule. They say the rule excludes land that may be run as a park or reserve by other organisations, such as the Queen Elizabeth the Second National Trust, Department of Conservation or a private trust. They request the rule be deleted.

305. As with rule 5.3.9.1 above, I support the request.

Recommendation

306. I recommend that 6.3.2.1 (or correctly numbered 6.3.4.1) "*The park of reserve …"* is deleted[38].

[36] 770.10 – House Movers
[37] 365.5 – Coffey House Removal
[38] 423.38 – Chris Shaw; 1179.33 – Thomas Robert Stein; 1265.11 – QEII National Trust

Standards applying to specific permitted activities - 6.4.1 - Submissions and Assessment

307. Rule 6.4.1 (under Discretionary Activities) states an application must be made for a Discretionary Activity for:

> *Any activity provided for as a Permitted Activity that does not meet the applicable standards.*

308. **House Movers** (770.16) oppose the provision. Their submission refers to general rule 2.5.1, but it is inferred they mean 6.4.1. The submission relates to relocated buildings, and that if they do not comply with the permitted standards, it triggers the need for discretionary resource consent. They propose:

> *That the default activity classification for any activity provided for as a Permitted Activity that does not meet the applicable standards is non-notified restricted discretionary activity subject to the following assessment criteria (or to the same or similar effect):*
>
> *Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:*
>
> *i) proposed landscaping;*
>
> *ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;*
>
> *iii) the appearance of the building following reinstatement.*

309. The **Transport Agency** in a further submission supports the House Movers submission in part. The Agency says any consent application should include consideration of the effects on the safe and efficient operation on the land transport network (and the transport provisions in Volume 2, Chapter 2).

310. For the reasons discussed earlier under rule 5.4.1, I do not consider it necessary for relocated houses to have a separate restricted discretionary rule.

Recommendation

311. I recommend that 6.4.1 remains as notified.

Matter 4 – Business Environments – Issue, Objective, Policies and Methods

Overview of Provisions

312. This assessment relates to Issue 12B, Objective 12.4 and Policies 12.4.1 to 12.4.4; Objective 12.5 and Policies 12.5.1 to 12.5.6; Objective 12.6 and Policies 12.6.1 to 12.6.7; Objective 12.7 and Policy 12.7.1; Objective 12.8 and Policies 12.8.1 to 12.8.5, and Methods 12.M.5 and 12.M.6. **Note: there is numbering error in Chapter 12 – there is no 12.M.4.**

313. The package of provisions relates to the Business Zones and the Industrial Zones within towns in Marlborough. It includes Picton/Waikawa but excludes the coastal settlements within the Marlborough Sounds, and various clusters of lifestyle living throughout the district.

314. The single issue (12B) concerns potential loss of vitality, viability and/or identity of Marlborough's business environments, arising from fragmentation (business and industrial activities locating in other zones) or from inappropriate activities setting up within the Business or Industrial Zones.

315. There are five objectives responding to the issue.

316. Objective 12.4 is to have a well-structured and economically and socially successful range of business environments, where their vitality, viability and identity is retained or enhanced. The objective is supported by four policies that establish that different areas will be identified for business and industrial activity; that identify the central business areas of Blenheim and Picton as being focal areas in terms of retail, commercial business, employment, leisure, visitor accommodation and cultural activities; that define the role of suburban business areas; and that establishes a retail hierarchy with the CBD at the top.

317. Objective 12.5 seeks a range of opportunities are available for different business and industrial activities. Six policies set the characteristic for different business and industrial areas throughout the district.

318. Objective 12.6 seeks maintenance and enhancement the character and amenity of business and industrial areas. There are seven policies under the objective that provide guidance on streetscape amenity, building design (visual amenity and noise, dust and other nuisance), building height and shading, connectivity of the Blenheim CBD to the Taylor River and the Picton CBD to the waterfront activities, signage, and resource consenting.

319. Objective 12.7 concerns the interface of industrial and business zones with residential zones. A single policy deals with setbacks, screening of storage areas, light spill and standards for odour and dust.

320. Objective 12.8 addresses non-business and non-industrial activities establishing in these zones. There are five policies that provide guidance on when non-business or non-industrial activities might be appropriate in the zones, including one policy that provides for high-density residential activity on industrially-zoned land north of Park Terrace, and another that provides for commercial and residential activity on industrial land adjoining Boyce St, Nelson St and Middle Renwick Rd in Springlands.

321. There are submissions on the following matters and the assessment below has been undertaken as follows:

- Issue 12B
- Objective 12.4
- Policy 12.4.1
- Policy 12.4.2
- Policy 12.4.3
- Policy 12.4.4
- Objective 12.5
- Policy 12.5.1
- Policy 12.5.2

- Policy 12.5.3
- Policy 12.5.5
- Policy 12.5.6

- Objective 12.6
- Policy 12.6.1
- Policy 12.6.2
- Policy 12.6.3
- Policy 12.6.5
- Policy 12.6.6
- Policy 12.6.7

- Objective 12.7
- Policy 12.7.1
- Policy 12.8.1
- Policy 12.8.2
- Policy 12.8.3.

Issue 12B - Submissions and Assessment

322. Issue 12B is:

> *A loss in the vitality, viability and/or identity of Marlborough's business environments may result either where inappropriate activities are located within these environments or when the fragmentation of business areas occurs.*

323. The **Chamber of Commerce** (961.30) supports in part Issue 12B, but makes no comment on it. I have inferred that they in fact support the issue and seek no changes to it. I note in separate submission points they propose three new issues, and these were addressed under Issue 12A above).

324. The **Institute of Surveyors** (996.3) supports the issue in part. However, they consider it is silent on other aspects such as retirement villages, seasonal worker accommodation, affordable accommodation across all groups, and 'higher low level density housing' (the meaning of the last statement is it not clear to me). I consider this submission (996.3) relates more to Issue 12A, and I have addressed it earlier under that topic heading. I do not consider any change to Issue 12B is warranted in response to 996.3.

Recommendation

325. I recommend that Issue 12B is retained as notified.

Objective 12.4 - Submissions and Assessment

326. **Federated Farmers** (425.209) and **Levide Capital Ltd** (907.17) both support the objective and seek its retention. Te Ātiawa opposes the Federated Farmers submission, but since there is no original submission seeking a change to the objective, it must remain unchanged.

Recommendation

327. That Objective 12.4 is retained as notified.

Policy 12.4.1 - Submissions and Assessment

328. Policy 12.4.1 is:

> *Provide for a wide range of commercial and industrial activities in a variety of zones to encourage vibrant and viable business centres.*

329. **Levide Capital Ltd** (907.18) supports the policy and seeks its retention.

330. **The Department of Corrections** (681.3) opposes the policy. It submits that the policies under Objective 12.4 do not recognise and provide for community activities as an important part of social infrastructure, which are essential to ensuring the safety and well-being of people and the community. Therefore, the policies do not achieve the sustainable management purpose of the RMA. Policy 12.4.1 relates to activities that are enabled within the business areas of the District. The department says it has operated community corrections facilities within business areas in both Blenheim and Picton. In their view, such facilities are suited to these areas as they are accessible to the communities they serve. Further, locating community corrections facilities in business areas mean that they have good accessibility to other government social agencies, such as the courts, Police and Work and Income. Corrections submit that community corrections activities are part of a wider suite of community activities which should be provided for in the policies. The Department seeks the following amendment to Policy 12.4.1:

Provide for a wide range of commercial, community and industrial activities in a variety of zones to encourage vibrant and viable business centres.

And the following amendment to the explanation to the policy:

The use of zones enables activities to occur in specified and established areas of Marlborough's urban environments. Areas zoned as Business and Industrial are based in part on the nature of commercial, community and industrial activities that have existed for some time with largely known effects. Some areas have been zoned specifically for large retail format in recognition of the need to provide for retailing that requires large areas of associated car-parking or outdoor space. The variety of business environments within Marlborough's towns is reflected in the differences in zoning approach.

331. The policies under Objective 12.4 set up the broad framework (zones) to allow for the establishment of a wide range of industrial and business activities, and give a broad purpose to some of those zones. Other objectives and policies in this part of Chapter 12 elaborate on what activities may be appropriate in particular zones (depending on the characteristics and amenity being sought for each area). Also, Objective 12.8 allows for appropriate non-business and non-industrial activities to be undertaken, with policies to guide this. At the rule level, some non-business or non-industrial activity may be permitted. In other cases, they require a resource consent application, and if their effects are consistent with characteristics and policies for the particular area, then they are likely to be able to establish.

332. In my view, Policy 12.4.1 is not the place to address the provision of community corrections centres. The policies under Objective 12.4 are about establishing the framework for the principal activities in the Business and Industrial Zones. The provision for other activities, if it is to be made at all, comes under Objective 12.5 and Objective 12.8.

333. I do not support the amendment proposed.

Recommendation

334. I recommend that Policy 12.4.1 is retained as notified.

Policy 12.4.2 - Submissions and Assessment

335. Policy 12.4.2 is:

The central business areas of Blenheim and Picton provide a focus for retail, commercial business, employment, leisure, visitor accommodation and cultural activities.

336. **The Department of Corrections** (681.4) opposes the policy, for reasons similar to under Policy 12.4.1 above. It seeks addition of the word *'community'* after *'accommodation'* and before *'and cultural activities'.*

337. **NMDHB** (280.22) supports in part the policy. They say that residential housing in and around the business environments should also be explicitly enabled, provided that it is managed in a way that

does not undermine the efficient and effective operation of business. They submit that allowing the residential development can offer a greater range of housing types, support business and employment opportunities. The NMDHB requested the policy be amended to recognise residential living as an accepted activity within the CBDs of Blenheim and Picton.

338. I do not think the amendment the NMDHB seeks is necessary. Policy 12.5.1 goes into more detail about the central business areas (Business 1 Zone) of Blenheim, Picton, Renwick and Havelock. Clause (g) of that policy provides for apartment living above businesses, and rule 9.1.7 makes residential activity a permitted activity (subject to rule 9.3.3 which requires the activity not to be on the ground level of a commercial building).

339. Similarly, I do not support the **Department of Corrections** request. Policy 12.5.1 (b) already includes 'community facilities' among the 'wide variety of activities' that the policy supports in the CBDs.

Recommendation

340. I recommend that Policy 12.4.2 is retained as notified.

Policy 12.4.3 - Submissions and Assessment

341. **Progressive Enterprises** (1044.1) support the policy and seeks its retention. There being no opposing submissions therefore the policy cannot change.

Recommendation

342. That Policy 12.4.3 is retained as notified.

Policy 12.4.4 - Submissions and Assessment

343. Policy 12.4.4 is:

Ensure a sequential approach is taken to manage the location of commercial activity within Blenheim and Picton using the following retail hierarchy:

Tier	***Zone***	***Preference***
1	*Business 1 Zone*	
2	*Business 2 Zone*	
3	*Business 3 Zone*	

344. The **Blenheim Business Association** (286.2), the **Transport Agency** (1002.51) and **Progressive Enterprises** (1044.2) all support the policy and seek its retention.

345. **Aitken Taylor Ltd** (266.7) supports in part the policy. They want it retained. It in inferred from their submission that they want the Council to also consider providing incentives to encourage development in the Business 1 Zones. The provision of incentives is a non-regulatory matter with financial implications for the Council lying outside this RMA process, and it is not something I am able to recommend on.

346. **Harvey Norman** (766.3) supports in part the policy and supports in principle the hierarchical approach to retail and business activities. The submitter notes that in the Blenheim context the MEP adopts a simple two-tier structure with a centre "core", which is to remain as the focal point of the District's retail, commercial and social activities (Business 1), and neighbourhood centres (Business 2). A separate zone (Business 3) is applied to the Westwood Business Park and the Mitre 10 Mega store.

Both sites occupy urban fringe locations. The MEP restricts activities within these sites (and therefore the Business 3 Zone) to large scale, single purpose stores to prevent dispersal of retail activities and therefore any distraction from the role and function of the Business 1 zone. The submitter says it supports the "two-tier plus a special zone" approach to managing retail activities, subject to the relief sought in the decision requested (correction of a typographical error).

347. The Submitter points out a typographical error on page 12-14 of Volume 1 (1st sentence of the 4th paragraph of the explanation of Policy 12.4.4). In their relief requested they seek it be amended as follows *'The third tier, Business ~~1~~ 3 Zone, also provides the community with a localised shopping and service function, but at a much larger scale for the large format operations'.*

348. Harvey Norman are correct in noting the error, and I support the amendment they propose.

Recommendation

349. I recommend that Policy 12.4.4 is retained as notified.

350. I recommend that the first sentence of the fourth paragraph of the explanation of Policy 12.4.4, on page 12-14 be amended as follows:

The third tier, Business ~~1~~ 3 Zone, also provides the community with a localised shopping and service function, but at a much larger scale for the large format operations[39].

351. No recommend regarding **Aitken Taylor Ltd** (266.7).

Objective 12.5 - Submissions and Assessment

352. Objective 12.5 is:

A range of opportunities for different business and industrial activities are available.

353. **Progressive Enterprises** (1044.3) **and Levide Capital** (907.19) both support the objective and seek its retention.

354. **The Department of Corrections** (681.5) opposes the objective. The Departments says it fails to recognise the importance of community activities within the urban environment which, together with business and industrial activities, act as a mechanism to meet the needs of people and the community. They want the word 'community' added after 'business' in the objective, and reference to community added to the first and last sentence of the explanation.

355. Community activities are recognised explicitly in Policy 15.5.1(b), as are civic facilities, emergency service activities, public open space and other activities. Other non-business and non-industrial activities are also listed in the policy including higher density living and apartment living. None of these other activities are detailed in the objective. I consider that appropriate as the objective sits above a number of zones including the light and heavy industrial zones where community-facilities, as of right at least, may not be appropriate. Moreover, adding just 'community' into the objective would be suggest that community activities were favoured, but that other activities listed in Policy 12.5.1, such as residential living or public open space, were not. I do not support the amendment sought.

Recommendation

356. I recommend that Objective 12.5 is retained as notified.

[39] 766.3 – Harvey Norman

Policy 12.5.1 - Submissions and Assessment

357. Policy12.5.1 is:

Maintain the following characteristics within the central business areas of Blenheim, Renwick, Picton and Havelock:

(a) the core of the urban town, usually anchored around a 'main street' of retail and premier business;

(b) a wide variety of activities, including retail shops, professional and administrative offices, civic and community facilities, emergency service activities, personal and household services, entertainment, restaurants, bars and public open space;

(c) the function of the town in serving the needs of residents and visitors;

(d) higher density living within or near town centres;

(e) flexibility in allotment sizes to cater for a wide range of business activities;

(f) provision of public parking;

(g) apartments above businesses;

(h) car-orientated areas, with roads allowing traffic to flow through and around the town centre; and

(i) considerable public and private investment in the form of roading, car parking, street lighting, street furniture, open space and other infrastructure.

358. **Progressive Enterprises** (1044.4) supports the policy and seeks its retention without change.

359. **Levide Capital** (907.29) support in part the policy. They say that the policy makes no mention of - multi-level apartments above businesses, and seek an amendment to that effect. Policy 12.5.1 at clause (g), however, does specifically refer to 'apartments above businesses'. It does not refer to 'multi-level' as that is unnecessary and in my view inappropriate. On some occasions, the building may be two storeys, so there would only be a single level of apartments above. The permitted height level in the Business 1 Zone (CBD) is 12m, so that provides for up to 4 storeys, which would allow for multiple levels of apartments above the ground floor retail or business activity. In my view, the policy already provides for what the submitter is seeking, and I do not think an amendment is warranted.

360. **Aitken Taylor Ltd** (266.8) opposes the policy. They submit that there needs to be specific mention of pedestrians and cyclists, and reference to non-permeable facades (I infer this to be mean blank facades), and creating open view shafts into retail and other businesses, and along streetscapes. They submit that a key characteristic of central business area is people, who need to be prioritised. It is inferred they seek that the policy be amended to reflect the above.

361. I generally support the concerns raised by the submitter. The Business 1 Zone contains a number of rules that support use of the central business areas by people. These include specifications for verandas, requirements for 50% of ground floor walls to be glazed (for visual interest / amenity), residential activity not to be at ground level (for similar reasons), location of customer entrances on the street, and buildings in the Blenheim 'core' CBD must occupy 100% of the street frontage. These all seek to provide a level of protection for pedestrians from weather, and activities in buildings at street level that create visual interest for pedestrians, and encourage circulation. Areas with blank walls for example can 'sterilise' main street areas and discourage pedestrians from venturing past these areas. There is, however, no policy that supports and directs these rules, or that can guide any application for resource consent to depart from these rules. Therefore, I support adding a new clause to the policy, as recommended below.

Recommendation

362. I recommend that Policy 12.5.1 is amended by adding a new clause (after the existing clause (h)) as follows (and that existing clause (i) be renumbered accordingly):

(i) *buildings and streetscapes that provide an attractive environment for pedestrians, particularly at ground floor levels to provide visual interest that promotes, and does not inhibit, the flow of pedestrian traffic*[40].

Policy 12.5.2 - Submissions and Assessment

363. Policy 12.5.2 sets the characteristics sought for the suburban areas of Blenheim and Picton.

364. **Progressive Enterprises** (1044.5) supports the policy and seek its retention without change. There were no further submissions. The provision must therefore remain unchanged.

Recommendation

365. That Policy 12.5 .2 is retained as notified.

Policy 12.5.3 - Submissions and Assessment

366. Policy 12.5.3 sets the characteristics sought for the business areas within the rural towns of Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley.

367. **Z Energy, Mobil Oil and BP** (1004.13) support the policy and seek its retention as notified. Timberlink supported the submission and Te Ātiawa opposed it (as a general further submission about consultation and consideration of cultural values).

368. There is no scope in the original submission for any change to the provision.

Recommendation

369. That Policy 12.5.3 is retained as notified.

Policy 12.5.5 - Submissions and Assessment

370. Policy 12.5.5 concerns the characteristics sought for areas zoned light industrial of Blenheim, Picton and Seddon and reads:

Maintain the following characteristics within areas zoned for light industrial activities in Blenheim, Picton and Seddon:

(a) a range of light service industries and ancillary activities (light manufacturing, logistics, storage, warehousing, transport and distribution are anticipated);

(b) commercial activities peripheral to and complementing those of the Business 1 Zone;

(c) activities that do not place substantial demands on the natural and physical resources of Marlborough;

(d) activities that do not require the disposal of large quantities of liquid trade wastes;

(e) smaller, localised activities in which standards protect the environment, e.g. building height; and

(f) high volumes of traffic.

371. The **Department of Corrections** (681.6) opposes the policy. The Department submits that it operates a community corrections facility within the light industrial in Blenheim, and it is an activity appropriately suited to the area. They consider that light industrial zone provide suitable sites for community corrections activities, in particular the community work components, where large sites with yard based activities and large equipment and/or vehicle storage are often required. On this basis, the policy should refer to community corrections activities as being appropriate within these areas. The Department seeks that clause (a) be amended as follows: *a range of light service industries,*

[40] 266.8 – Aitken Taylor Ltd

community corrections activity and ancillary activities (light manufacturing, logistics, storage, warehousing, transport and distribution are anticipated). There are no further submissions.

372. I note elsewhere in its submission the Department explains that its community corrections facilities are non-custodial, and includes administrative services, and the activity may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices.

373. I note also that Policy 12.5.1(b) includes reference to 'emergency service activities', presumably to allow for existing facilities within the Business 1 Zone, such as the fire station in central Blenheim. I accept that non-custodial corrections facilities are appropriate activities within the light industrial zones, particularly when a yard and area for equipment storage is considered. I think it is reasonable that the existing facility in Blenheim is recognised in the policy, as has been done for emergency service facilities in Policy 12.5.1. Rather than insert the words in clause (a) as the submitter requests, I think it is better to add a separate clause, and moreover to restrict this to the larger of the three settlements – Blenheim and Picton, where the need is most likely.

Recommendation

374. That Policy 12.5 .5 is amended by inserting a new clause (c) as follows (and that the existing clause (c) and subsequent clauses be renumbered accordingly):

community corrections activity in the Business 1 Zones in Blenheim and Picton;[41]

Policy 12.5.6 - Submissions and Assessment

375. Policy 12.5.6 concerns the characteristics for areas zoned heavy industrial near Blenheim (at Burleigh, CMP Marlborough, Riverland and Cloudy Bay Industrial Estate). The policy reads:

Maintain the following characteristics within areas zoned for heavier industrial activities located near Blenheim:

(a) location outside the urban area of Blenheim;

(b) often surrounded by larger lot residential or rural areas;

(c) a range of heavy industrial activities;

(d) non-industrial activities ancillary to industrial activities;

(e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;

(f) activities placing substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services);

(g) activities requiring disposal of large quantities of liquid trade wastes; and

(h) higher volumes of large vehicle traffic.

376. **Levide Capital Ltd** (907.20) supports the policy. I infer for their submission that they want it retained, including the explanation (in particular paragraph 2).

377. **Fonterra** (1251.93) opposes in part the policy. It submits that the policy should be clear as to which industrial zone it applies to (i.e. Industrial 2). In their view, the wording in this policy creates confusion about the location of the Industrial 2 zone, when quite simply is it located outside the urban area of Blenheim on land identified as Industrial 2. Fonterra also says that it is also important that the policy is very clear that activities not anticipated in the zone are very limited and that avoiding reverse sensitivity effects is a key consideration of the zone. Finally, Fonterra notes that points (f) – (h) appropriately recognise the resource demand and level of effects anticipated in this zone. Fonterra seeks the following amendments to the policy:

Maintain the following characteristics within areas zoned ~~for heavier industrial activities~~ Industrial 2 located near Blenheim:

[41] 681.6 – Department of Corrections

(*a) a range of heavy industrial activities located ~~location~~ outside the urban area of Blenheim;*

~~(b) often surrounded by larger lot residential or rural areas;~~

~~(c) a range of heavy industrial activities;~~

(d) only very limited commercial ~~non-industrial~~ activities ancillary to heavy industrial activities, while activities that may compromise the efficiency and functionality of the zone for heavy industrial activities are avoided;

~~(e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;~~

(f) activities that place~~ing~~ substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services);

(g) activities requiring disposal of large quantities of liquid trade wastes; and

(h) higher volumes of large vehicle traffic.

378. **Timberlink** (460.16) oppose the policy. It submits that clause (c) [sic clause (a)] *'Location outside the urban area of Blenheim'* is not realistic for the sawmill (which is located at Burleigh, adjacent to the Taylor River, between new Renwick Road and Waters Avenue). Timberlink submits that prescribing characteristics that do not match reality, potentially creates a conflict between the policy, the zoning and what is established. Second, Timberlink is concerned about reverse sensitivity from activities in 'sensitive zones' extended towards the Industrial 2 Zone and affecting the permitted industrial activities. The submitter seeks: a) an additional clause or other modification with the effect of recognising existing areas zoned for heavier industry are historically located within or close to Blenheim; and b) a new reverse sensitivity policy that is concerned with recognising the effects of extending or providing for extension of sensitive activities (subdivision, zoning, resource consents) towards areas with relatively high levels of effects.

379. I support the intent of the changes proposed by **Fonterra**.

380. I support **Timberlink's** submission insofar as making it clear that not all the Industrial 2 areas are outside Blenheim. I recommend an amendment to clause (a) to give effect to this. The reverse sensitivity issues relating to activities outside the zone I believe are best addressed under Objective 12.7 or Policy 12.7.1 as the current policy (12.5.6) deals with matters within the Industrial 2 Zone. Later in this report, under Policy 12.7.1, I make a recommendation that gives some relief to Timberlink's submission 460.16.

Recommendation

381. That Policy 12.5.6 is amended as follows (and that the existing clauses be renumbered accordingly):

Maintain the following characteristics within areas zoned ~~for heavier industrial activities~~ Industrial 2 located near Blenheim:

(*a) a range of heavy industrial activities located*[42] *~~location~~ outside the urban area of Blenheim, with the exception of the area at Burleigh*[43]*;*

~~(b) often surrounded by larger lot residential or rural areas;~~ [44]

~~(c) a range of heavy industrial activities;~~ [45]

(~~d~~b) only very limited commercial ~~non-industrial~~ activities ancillary to heavy industrial activities, while activities that may compromise the efficiency and functionality of the zone for heavy industrial activities are avoided; [46]

~~(e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;~~ [47]

[42] 1251.93 – Fonterra
[43] 460.16 - Timberlink
[44] 1251.93 – Fonterra
[45] 1251.93 – Fonterra
[46] 1251.93 – Fonterra
[47] 1251.93 – Fonterra

(~~f~~c) activities that place~~ing~~ substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services); [48]

(~~g~~d) activities requiring disposal of large quantities of liquid trade wastes; and

(~~h~~e) higher volumes of large vehicle traffic.

382. I note a typographical error for correction in the Explanation to Policy 12.5.6 – paragraph 3, third last line: *'accept that they will be ~~nosier~~ noisier, dustier…'*

Objective 12.6 - Submissions and Assessment

383. Objective 12.6 is:

The maintenance and enhancement of the character and amenities of business and industrial areas make these environments places where people want to work, visit and invest.

384. **NMDHB** (280.54) supports the objective, and seeks its retention.

385. The **Blenheim Business Association** (286.3) supports the objective in part. They would like to see an independent urban design panel at a non-regulatory level. The design panel would make recommendations to developers and Council as to the design and form of proposed buildings/capital works within Business Zone 1. This, they submit, would have the effect of improving the standard of design or by being able to eliminate poorly designed proposals from further consideration. They consider it would also improve the quality of applications subsequently received, and raise the profile and importance of urban design issues in the development community. both support the objective and seek its retention. It is inferred that they seek a new method to be added on page 12-24 to this effect.

386. I am familiar with Urban Design Panels, having experienced a non-regulatory (i.e. advisory) design panel operating in Nelson City. However, to be effective they need a trigger to encourage their use. Lodgement of the building consent is generally too late, as the design is largely finalised then. It is best applied when a building needs resource consent, and the applicant sees an advantage to them of putting their proposal to the Urban Design Panel at the concept stage, even if the process is non-regulatory. But most buildings in the Blenheim CBD usually will not require resource consent, and therefore there is little incentive to use a Design Panel. It would be expensive and inefficient to maintain and run with few proposals using it, and the majority of developments would not benefit from its input.

387. The Council has prepared building development guidelines for the Blenheim town centre to communicate key design considerations to land owners and developers contemplating alterations or new developments. I consider this would be more effective and more likely to be used than an Urban Design Panel, and I recommend a new method for the Council to promote use of the guidelines.

388. **Fonterra** (1251.94) opposes in part the objective. Fonterra submits that amenity expectations for industrial zones, and in particular heavy industrial zones (i.e. Industrial 2), should be lower than those associated with light industrial areas. These areas need to allow for higher odour, noise, traffic and discharge effects to ensure that industrial activities can operate effectively and efficiently without being unduly constrained. They seek that Objective 12.6 and related policies be amended to ensure that amenity requirements are reasonable in the industrial zones. I agree that the amenity of business and industrial zones will vary depending on the nature of the area, and that 'heavier' industrial areas will have different amenity effects. I do not think that difference needs to be reflected in Objective 12.6. The policies under Objective 12.5, which set the characteristics for each zone, already establish that different outcomes are expected for different areas dependent in part on the nature of the activity occurring. The provision of the Chapter need to be read as a whole, and the policies under Objective 12.5 help inform those under Objective 12.6.

[48] 1251.93 – Fonterra

Recommendation

389. I recommend that a new method be considered for page 12-24:

12.M.X Design Guidance

Promote use, among landowners, designers and developers, of the 'Blenheim Town Centre Building Design – a guide for property owners and developers'.[49]

Policy 12.6.1 - Submissions and Assessment

390. Policy 12.6.1 is:

Require development to maintain or enhance streetscape amenity in business zones by ensuring:

(a) an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;

(b) service and outdoor storage areas are not visible from ground level of a public place;

(c) architecturally-interesting façades are presented through variation in building design, scale and the use of glazing;

(d) a continual frontage of buildings is provided along the street, apart from pedestrian alleyways;

(e) clear and direct visual connection is provided between the street and the building interior;

(f) direct physical connection is provided to the building interior through clearly identified pedestrian entrances;

(g) shelter is provided for pedestrians on footpaths in the form of a veranda; and

(h) buildings are designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities.

391. **Aitken Taylor Ltd** (266.9) opposes the policy. Similar to its submission points elsewhere in this report, it seeks deletion of the word 'maintain'. As I discussed under Policy 12.2.3, I do not support removing the word, but I do support changing 'or' to 'and' to reflect the wording used in RMA section 7 (c) [*"the maintenance and enhancement of amenity values"*].

392. **Aitken Taylor Ltd** is also concerned about the permeability of all facades i.e. a maximum of 10% of all facades should be blocked. They want to minimise or have no 'dead' street frontages as there is then no 'activation' between the facades and the street frontage. The policy in clause (e) already addresses the issue of 'active frontages' - '*clear and direct visual connection is provided between the street and the building interior'.* I do not consider any other change is needed. Later, under 9.2.1.9, I do support an Aitken Taylor submission to specify a minimum glazed area to be left 'permeable'.

393. **Z Energy, Mobil and BP** (1004.14) oppose the policy. They are concerned it does not recognise that, for certain land uses including service stations and truck stops, it is inappropriate to provide continuous building frontages along the adjoining street, or for verandas. The policy requires amendment to recognise the functional requirements of such activities, and that the form and function of those developments may not fit neatly into the form and type of development that is envisaged by this policy. The submitter seeks the following amendment to the policy:

Require, except where the functional design requirements of the activity mean that it is impracticable to do so, development to maintain or enhance streetscape amenity in business zones by ensuring to the extent:

(a) an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;

(b) service and outdoor storage areas are not visible from ground level of a public place;

(c) architecturally-interesting façades are presented through variation in building design, scale and the use of glazing;

[49] 286.3 – Blenheim Business Assoc

(d) *a continual frontage of buildings is provided along the street, where practicable, apart from pedestrian alleyways;*

(e) *clear and direct visual connection is provided between the street and the building interior;*

(f) *direct physical connection is provided to the building interior through clearly identified pedestrian entrances;*

(g) *shelter is provided for pedestrians on footpaths in the form of a veranda, where practicable; and*

(h) *buildings are designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities.*

Where functional design requirements mean that one or more of the above criteria are not met, require development to positively contribute to the streetscape.

394. I support some amendment to the policy, as I accept that some activities have operational requirements that mean they cannot comply with all parts of the policy. However, I do not support the extent of the changes proposed by the submitter. I do not favour the blanket exemption being in the lead-in clause, as it then potentially applies to all the subordinate clauses, not just the ones where the submitter had concerns (clauses (d) and (g)). In my view, it would be more appropriate to provide a more targeted exemption within the clauses where the problem has been identified. That would still resolve the issue that the submitter has raised. I believe it would be helpful to users of the plan to also make an addition to the Explanation to explain way the exemptions have been provided for.

Recommendation

395. I recommend that Policy 12.6.1 is amended as follows:

Require development to maintain ~~or~~ and[50] enhance streetscape amenity in business zones by ensuring:

(a) *an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;*

(b) *service and outdoor storage areas are not visible from ground level of a public place;*

(c) *architecturally-interesting façades are presented through variation in building design, scale and the use of glazing;*

(d) *a continual frontage of buildings is provided along the street, apart from pedestrian alleyways or where the functional design requirements of the activity mean that it is impracticable to do so[51];*

(e) *clear and direct visual connection is provided between the street and the building interior;*

(f) *direct physical connection is provided to the building interior through clearly identified pedestrian entrances;*

(g) *shelter is provided for pedestrians on footpaths in the form of a veranda, except where the functional design requirements of the activity mean that it is impracticable to do so[52]; and*

(h) *buildings are designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities.*

Where functional design requirements mean that one or more of the above criteria are not met, require development to positively contribute in some other way to the streetscape. [53]

396. I recommend that as a consequential change, the following be added at the end of the Explanation to Policy 12.6.1:

The policy recognises that some activities, such as service stations or truck stops, because of their function design requirements have to be setback from the street frontage, meaning there cannot be

[50] 266.9 – Aitken Taylor Ltd
[51] 1004.14 – Z Energy, Mobil and BP
[52] 1004.14 – Z Energy, Mobil and BP
[53] 1004.14 – Z Energy, Mobil and BP

continuity of building frontage, including provision of verandas. In such instances, there is a requirement for the developments to provide some other additional benefit to the streetscape.[54]

Policy 12.6.2 - Submissions and Assessment

397. Policy 12.6.2 is:

> *Development of activities in business or industrial zones will provide good amenity outcomes through the following:*
>
> *(a) ensuring people's health and wellbeing are maintained and enhanced through good building design;*
>
> *(b) requiring a high standard of visual interest and amenity qualities (noise levels, minimal dust and odour, privacy, overall volumes of traffic movements, building bulk and density and access to daylight);*
>
> *(c) providing planting on road reserve; and*
>
> *(d) requiring integration of landscaping on individual allotments to soften the appearance of buildings fronting the road in areas outside of the streets identified in Appendix 18.*

398. **NMDHB** (280.23) supports in part the policy. It submits that business and industrial zones are very different environments with different levels of public activity and expected amenity values, and therefore that the amenity outcomes sought for business and industrial zones should be divided into separate policies which achieve different outcomes reflective of each zone. For example, development within business zones should consider factors such as public safety and impacts on pedestrians, cyclists and people with disabilities. I observe that the Business zones also have to comply with Policy 12.6.1. That policy imposes additional design and amenity requirements on those areas, meaning that industrial zones and business zones do not have the same amenity expectations. Therefore, I do not support the change requested as I believe the existing policies already provide for different characteristics for business and industrial zones.

399. **NMDHB** (280.55) supports in part the policy. As in an earlier submission, the DHB seeks replacement with the word 'noise levels' with 'sound levels' in clause (b). For the reasons given under Policy 12.2.7 I do not support the amendment sought as I consider 'noise' a term more relevant to most users of the plan.

Recommendation

400. I recommend that Policy 12.6.2 is retained as notified.

Policy 12.6.3 - Submissions and Assessment

401. Policy 12.6.3 addresses amenity effects such as shading and control of noise levels.

402. **NMDHB** (280.56) supports in part the policy. As under Policy 12.6.2 above, the DHB seeks replacement with the word 'noise levels' with 'sound levels'. For similar reasons, I do not support the amendment sought.

Recommendation

403. I recommend that Policy 12.6.3 is retained as notified.

[54] 1004.14 – Z Energy, Mobil and BP

Policy 12.6.5 - Submissions and Assessment

404. Policy 12.6.5 is:

> *Noise limits have been established to provide for the protection of community health and welfare. These limits are consistent with the character and amenity of the business and industrial zones.*

405. **NMDHB** (280.57) supports the policy and seeks its retention.

406. **Fonterra** (1251.95) support it in part. It submits that noise limits are set to protect the community's health and welfare, but also to enable business and industrial activities. Fonterra seeks that the policy is amended to clearly articulate the enabling nature of higher noise limits in business and industrial zones, as follows:

> *Noise limits have been established to provide for the protection of community health and welfare. Higher noise ~~These~~ limits (and associated lower amenity) are imposed in ~~consistent with the character and amenity of~~ the business and industrial zones to meet the operational requirements of the activities that are anticipated to establish in these zones.*

407. I do not support the change sought by Fonterra. In my view, the amenity differences within different zones is already acknowledged in the policy with the phrase '*consistent with the character and amenity of the business and industrial zones'.* It becomes too difficult and cumbersome to attempt to recognise the different noise amenities within the policy, as the Fonterra submission seeks to do. The Business 1, 2 and 3 zone each have the same noise limits in their rules. The industrial zones have higher noise levels set than the business zones, with the Industrial 2 (heavier industry) zone having the highest level. But all industrial and business zones have to meet residential standards of amenity within any adjoining residential zone. In view of this complexity, I consider it more appropriate to remain with the more generic wording in the current policy.

Recommendation

408. I recommend that Policy 12.6.5 is retained as notified.

Policy 12.6.6 - Submissions and Assessment

409. Policy 12.6.6 concerned with limiting the size and number of signs.

410. The **Transport Agency** (1002.52) supports the policy and seeks its retention. There are no further submitters. The provision cannot be changed.

Recommendation

411. That Policy 12.6.6 is retained as notified.

Policy 12.6.7 - Submissions and Assessment

412. Policy 12.6.7 is:

> *Where resource consent is required, ensure that development within the business or industrial zones is undertaken in a manner that:*
>
> *(a) provides for the maintenance of those attributes contributing to the business character of the locality, as expressed in Policies 12.5.1 to 12.5.4;*
>
> *(b) provides for the maintenance of those attributes contributing to the industrial character of the locality, as expressed in Policies 12.5.5 and 12.5.6;*
>
> *(c) maintains and/or enhances the business and industrial environments of the area for the wider community;*
>
> *(d) ensures the site can be adequately serviced (stormwater, sewer and water); and*
>
> *(e) ensures that the effects of any natural hazards can be avoided, remedied or mitigated.*

413. **Heritage NZ** (768.48) opposes the policy. As under Policy 12.2.5, it submits that inappropriate subdivision and development has the potential to adversely affect historic heritage values that require protection and seeks that a new clause be added to the policy – *(f) protects the historic heritage values of heritage resources identified in Appendix 13.* As with Policy 12.2.5, I support the change. The protection of historic heritage from inappropriate subdivision and development is a matter of national importance under RMA section 6 (f) which all persons exercising functions and powers under the Act must 'recognise and provide for'. As a consequential change, I support an addition to the explanation to the policy.

Recommendation

414. I recommend that Policy 12.6.7 is amended by adding the following new clause:

(f) protects the historic heritage values of heritage resources identified in Appendix 13. [55]

415. I recommend that the explanation to the policy is amended as follows:

Where resource consent is required for subdivision or development within the business or industrial zones, the matters in this policy will help to determine whether the development is appropriate. In particular, matters concerning the character of the locality and urban amenity values are important in regard to 7(c) and (f) of the RMA, and historic heritage in regard to 6(f)[56]*. Other matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.*

Objective 12.7 - Submissions and Assessment

416. Objective 12.7 is:

Reverse sensitivity effects on adjoining residential zones from activities within business and industrial zones are avoided.

417. **NMDHB** (280.58) supports the objective and seeks its retention.

418. **KiwiRail** (873.39) supports in part the objective. KiwiRail recognises reverse sensitivity effects and that these need to be managed. However, the objective, as currently worded, addresses effects from industrial or business zoned development on nearby residential activity, and does not recognise reverse sensitivity effects generated from new residential activity. In doing so, KiwiRail notes that the objective is cast much more narrowly than the overarching Issue, which also includes consideration of the "siting of appropriate activities", their "design, location and scale", and the "avoidance of certain activities in sensitive locations and impacts on the efficiency and affordability of infrastructure, services and the transport network". That broader description is consistent with the commonly understood meaning of reverse sensitivity, being "the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in carrying on of those other activities". KiwiRail notes that the commentary under the Objective appears to be addressing the interface between zones, rather than managing reverse sensitivity effects. The rail corridor in Marlborough dates from 1875, and has existed before many of the residential units that adjoin it were established. To that end, KiwiRail proposes wording changes to the Objective to reflect reverse sensitivity effects, as follows:

Reverse sensitivity effects on ~~adjoining residential zones from~~ existing activities ~~within business and industrial zones~~ are avoided.

419. **Fonterra** (1251.96) opposes the objective. They submit that the concept of reverse sensitivity stems from the need to ensure that the operational requirements of business and industrial activities are not unduly impinged by the encroachment of sensitive activities. In their view, the objective has confused the concept of reverse sensitivity, where reverse sensitivity effects on business and industrial activities

[55] 768.48 – Heritage NZ Poutere Taonga
[56] 768.48 – Heritage NZ Poutere Taonga

should be avoided (rather than reverse sensitivity effects on residential properties being avoided). Fonterra seek the following amendment to the Objective:

~~*Reverse sensitivity effects on adjoining residential zones from activities within business and industrial zones are avoided.*~~

Reverse sensitivity effects on business and industrial activities will be avoided by:

(*a) Recognising and providing for the benefits of business and industrial activities, while also managing adverse effects on human health, property and the environment.*

(b) The operational requirements of heavy industry, other location specific industry and significant industry are recognised and provided for.

(c) Incompatible land uses and activities are adequately separated to avoid, remedy or mitigate the adverse effects arising from business and industrial activities, and avoiding reverse sensitivity effects on business and industrial activities.

420. **Mark Batchelor** (278.1) (submitting under Issue 12B) opposes Issue 12B and seeks the addition of a new Objective and policies relating to the interface of residential and business zones. In my view, his submission is best addressed in this area of the plan. There are no further submissions. He seeks the following (or to like effect):

Objective 12*.....*

To provide opportunity for business development within Business zones adjoining residential areas while protecting the amenities of residential properties and zones adjoining, facing, opposite to and adjacent to areas of Business Zone or on sites that Business activities may be permitted to be established on within an Urban Residential zone.

Policy 12

Consideration of the design and appearance, scale, intensity and character of any business development and activity shall be concerned with protecting the existing amenities and amenities that may be expected from the Permitted Activity standards of the surrounding Urban Residential zone.

Policy *.....*

Combination of the development and performance standards of the surrounding Urban Residential zone and existing development in the immediately surrounding area shall be used to determine the appropriateness of the scale, intensity and character of building and site development for the business activity.

Policy *.....*

The scale, intensity and character of buildings and site development and effects shall be similar or be designed to appear similar to and have effects similar to the scale, intensity and character of development that may be expected from the Permitted Activity standards applicable to the surrounding Urban Residential zone or alternatively that exist in the immediate locality.

Policy *.....*

Operational effects will comply with the performance standards applicable to the surrounding Urban Residential Area. In circumstances where the ambient conditions applicable to those matters in regard to which performance standards are prescribed are less than the maximums prescribed by those standards or have variable characteristics resulting from the residential nature of the locality, the operational effects of the business activity in these regards shall be no greater than those ambient levels and characteristics.

421. I agree with KiwiRail and Fonterra that the objective as written has confused the concept to reverse sensitivity. Reverse sensitivity arises when sensitive activities have effects on other nearby activities, and can lead to constraints on those other activities, even where they are lawfully established. The explanation to the objective does not talk about reverse sensitivity, rather it indicates that the objective is concerned with *'protection of the amenity along the interface of business and industrial areas with adjoining areas'.* This is the issue that Mr Batchelor has raised – residential-business/industrial interface issues.

422. Moreover, Policy 12.7.1 - the single policy that gives effect to the objective - largely does not relate to reverse sensitivity (as Fonterra in their submission 1251.97 below, under that policy, indicate).

423. In my view, the wider matter to be addressed (by the objective) is the potential zone interface effects between residential zones and business/industrial zones. There are two aspects to managing this in my opinion:

a) managing reverse sensitivity (the potential for residential activities to impact on lawful business and industrial activities), and

b) business and industrial activities properly managing their effects, so as to minimise adverse effects outside their sites, and their zones.

At present the MEP does not address both of those. I consider the objective needs to be re-focused to match the apparent intent in the explanation, and so that it can accommodate both reverse sensitivity, and adverse effects from business and industrial activities.

424. The wording suggested by Fonterra is more suited to a policy than an objective, and I note Fonterra proposes somewhat similar wording below under Policy 12.7.1, to amend that single policy. KiwiRail's proposed wording would resolve the confused approach to reverse sensitivity, but would not resolve the issue of the objective not providing appropriate guidance to the policy, nor the other matters I discussed above. I therefore have relied more on Mr Batchelor's submission to amend Objective 12.7 and to provide policy support to it, while also seeking to reduce the confusion in the objective, as identified by Fonterra and KiwiRail.

425. I do not support the level of detail Mr Batchelor is proposing in terms of policies to address boundary interface issues. I consider that working with the wording of the existing objective and policy, and adding a new policy below, appropriately addresses the matters raised by all the submitters, and that the provisions will be the better as a result.

Recommendation

426. I recommend that Objective 12.7 is amended as follows.

> ~~*Reverse sensitivity*~~ *Adverse effects* ~~*on adjoining*~~ *across zone boundaries between residential zones,* ~~*from activities within*~~ *and business and industrial zones, are minimised, and avoided where possible.*[57]

Policy 12.7.1 - Submissions and Assessment

427. Policy 12.7.1 is:

> *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.*

428. **NMDHB** (280.59) and the **Ministry of Education** (974.7) both support the policy and seek its retention.

429. **Wairau Valley Ratepayers** (1235.7) supports the policy. They note that Wairau Valley Township is mainly residential in character, and does not have the benefit of a light industrial or other zone as a

[57] 278.1 - Mark Batchelor; 873.39 – KiwiRail; 1251.96 – Fonterra.

buffer against viticulture which is encroaching on the township. The adverse effects of viticulture include noise, spray drift, dust and heavy traffic, some at night-time as well as during the day. In terms of relief, they seek consideration of the reverse sensitivity effects of the encroachment of viticulture, and that noise limits, especially frost machines, are definitely monitored. Policy 12.7.1 relates to effects occurring in the Urban Environment – specifically effects in the Urban Residential Zones, the Business and the Industrial Zones. The issues raised in submission relate to activities in the Rural Environment Zone and any resolution in terms of policies or rules need to come about in that zone. I am unable to provide the relief they seek under the Urban Environment provisions.

430. **Fonterra** (1251.97) opposes the policy. It submits that the existing policy does not give effect to Objective 12.7. It says that reverse sensitivity can be managed in a number of ways, including the provision of appropriate separation distance between conflicting zones, and ensuring that activities establish in zones appropriate to their amenity requirements. Fonterra requests the policy is replaced with the following:

Manage reverse sensitivity effects by:

(*a) encouraging new business and industrial activities to locate in an appropriate zone;*

(b) not allowing new business and industrial activities that are likely to have adverse effects to locate in residential zones where sensitive activities are permitted

(c) discouraging sensitive activities from locating in zones where reduced amenity is recognised and provided for.

(d) ensure adequate separation distances between sensitive activities and business and industrial activities.

431. **Timberlink** (460.16), under Policy 12.5.6 above, was concerned about reverse sensitivity from activities in 'sensitive zones' extended towards the Industrial 2 Zone and affecting the permitted industrial activities. The submitter seeks a new reverse sensitivity policy that is concerned with recognising the effects of extending or providing for extension of sensitive activities (subdivision, zoning, resource consents) towards areas with relatively high levels of effects. Under that policy I proposed addressing the relief sought under Policy 12.7.1.

432. **Mark Batchelor (**278.1), in the same submission discussed under Objective 12.7, seeks the inclusion of various new policies to address residential and business/industrial interface issues. The policies sought are set out under Objective 12.7.

433. In my view, the preferred approach given the range of approaches sought - which range from seeking new policies to replacing the existing policy - is to amend the existing policy to better focus on the management of external or 'spill over' effects from business and industrial activities, and to include a new policy focussed on management of reverse sensitivity along the lines proposed by Fonterra. This is considered further in my assessment under Objective 12.7.

434. I also note a typographical error in the explanation to the Policy (*another zones)* and suggest amending this to '*other zones'.*

Recommendation

435. I recommend that Policy 12.7.1 is amended as follows[58]:

Business and industrial activities are <u>managed</u> ~~appropriately separated from the boundary of adjoining residential zones~~ so that any adverse effects on ~~residential activities~~ adjoining residential zones 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~~

[58] 278.1 – Mark Batchelor

(e) standards for dust and odour;

(f) standards for vehicle parking; and

(g) requirements for landscaping.

436. I recommend that as a consequential amendment that the explanation to Policy 12.7.1 is amended as follows[59]:

This policy recognises that some activities may result ~~in reverse sensitivity~~ conflicts at the boundary of some zones. The inherent nature of industrial activities means that, for example, higher noise levels will be produced intermittently through the use of machinery related to light manufacturing and production, or that there may be increases in traffic generation. This policy describes a range of matters for which standards will be applied to business or industrial activities located immediately adjacent to ~~an~~other zones, such as Open Space Zones or Urban Residential Zones. These standards will be more stringent to ensure that ~~reverse sensitivity effects do not occur and that~~ the quality of residential environments is not lowered.

437. I recommend that a new Policy 12.7.2 is added, after Policy 12.7.1, as follows[60]:

Manage reverse sensitivity effects by:

(a) encouraging new business and industrial activities to locate in an appropriate zone;

(b) not allowing new business and industrial activities that are likely to have adverse effects to locate in residential zones;

(c) discouraging residential activities (other than those provided for elsewhere) or sensitive receptors from locating in Industrial Zones where reduced amenity is recognised and provided for, or close to such zones;

(d) avoiding subdivision, rezoning or resource consents that bring residential activities or sensitive receptors close to Industrial Zones such that there may be adverse reverse sensitivity effects, unless those adverse effects can be avoided, remedied or mitigated;

(d) ensure adequate separation distances between residential activities and sensitive receptors and business and industrial activities; and

(e) ensure that the adverse effects of industrial and business activities are adequately regulated.

438. I recommend as a consequential amendment that the explanation to the Policy is amended as follows:

This policy recognises that some activities may result in reverse sensitivity conflicts, and sets out a range of approaches to manage this. Part of the solution is industrial and business activities managing their adverse effects to minimise the degree they spill over onto other sites, and particularly into other zones. For some industries in particular, it is not possible to manage the effects within the site, and zones with appropriate industrial amenity have been established to allow these activities to operate. In those instances, it is important to provide separation distances between more sensitive activities and the industry or business, or to use other techniques (for example noise bunds) to manage any conflict. Sensitive activities are residential activities, and 'sensitive receptors' which are defined in Chapter 25 and include schools, daycare centres, hospitals and elder care facilities. Where industrial activities have been provided for and are lawfully established, it is important that their activities are not compromised by the encroachment of sensitive activities, or the establishment of such activities within the business and industrial zones, so that a new reverse sensitivity conflict arises.

[59] 278.1 – Mark Batchelor

[60] 1251.97 – Fonterra; 460.16 – Timberlink; 278.1 – Mark Batchelor.

Policy 12.8.1 - Submissions and Assessment

439. Policy 12.8.1 is:

> *Enable non-business activities in the business areas where the adverse effects on the environment do not detract from the character or quality of the business environment.*

440. **Levide Capital** (907.21) supports the policy and seeks its retention. There are no further submissions.

Recommendation

441. That Policy 12.8.1 is retained as notified.

Policy 12.8.2 - Submissions and Assessment

442. Policy 12.8.1 is:

> *Enable non-industrial related activities to occur in industrial areas where the adverse effects on the environment do not detract from the character or quality of the industrial environment.*

443. **Levide Capital** (907.22) supports the policy and seeks its retention. There are no further submissions.

Recommendation

444. That Policy 12.8.2 is retained as notified.

Policy 12.8.3 - Submissions and Assessment

445. Policy 12.8.3 guides the consideration of consent applications for non-business or non-industrial activities that are not otherwise provided for.

446. **Levide Capital** (907.23) supports the policy and seeks its retention. There are no further submissions.

Recommendation

447. That Policy 12.8.3 is retained as notified.

Matter 5 – Business 1 Zone Rules (Volume 2, Chapter 9)

Overview of Provisions

This assessment relates to the Business 1 Zone rules in Volume 2, Chapter 9 of the MEP. The Business 1 Zone covers the central business districts of Blenheim, Picton, Renwick and Havelock.

Rule 9.1 - Permitted Activities - Submissions and Assessment

448. Rule 9.1 lists activities that are permitted activities where they comply with the applicable standards in in 9.2 and 9.3.

449. The **Department of Corrections** (681.7) opposes the rule. The Department's submission is that community corrections activities are not explicitly provided for in the listed activities, and as a consequence, fall under the default activity status of discretionary under rule 9.4.2. 'Community activities' are permitted, but only in instances where they are within an existing community facility.

450. The Department states that community corrections activities are a compatible and appropriate activity in the zone, exemplified by the existing facilities that were until recently located within the Business 1 Zones within Blenheim and Picton. Such facilities, they consider, are appropriately suited to these areas on the basis that they are easily accessible to the communities they serve. Further, locating community corrections facilities in business areas mean that they are have good accessibility to other government social agencies, such as the courts, Police, and Work and Income. The Department submits that rule 9.1 should provide for community corrections activities, regardless of whether they are located within an existing community facility or not. They seek that the following is added under 9.1: *'9.1.x Community corrections activity'.*

451. I can see no reason why community corrections facilities, which are non-custodial, should have to obtain resource consent in order to establish in the Business 1 Zones. I agree with the submission that having such facilities close to the courts, Policy, WINZ and other services is appropriate. The higher main street rentals of properties will mean that it is unlikely that community correction facilities will be competing with businesses for prime locations. I therefore support the submission and the relief sought.

452. **Z Energy** (1244.7) supports in part Rule 9.1. It submits that additions or alterations to existing service stations should be permitted activities. Z Energy has existing service stations located within the Business 1 and 2 zones. In this regard Z Energy asserts the zoning has already been considered suitable for the service station use and it is unreasonable to require future additions and alterations to be considered as discretionary activities. A more appropriate activity status, in their view, is permitted. In order to provide for alterations and additions, including activities such as tank replacement, to service stations within the Business 1 and 2 zones as a permitted activity, they consider a number of standards require amendment to recognise the functional requirements of service stations in terms of their ongoing operations involving vehicles entering and exiting the site, and directly utilising on site canopies and other facilities.

453. They consider the following Business 1 zone standards require amendment - buildings being located on the road frontage, the location of the main customer entrance and verandas. Z Energy note, with particular regard to verandas, that the explanation to Policy 12.6.1 outlines that the requirements only to apply to new buildings. Thus, Z Energy submits, the standards within the Business 1 and 2 rules relating to verandas require amendment to clarify this position, in particular regarding alterations and amendments to service stations. The relief sought is the addition of the following to the permitted list: *'9.1.## Additions and alterations to existing service stations, including retanking'.* Te Ātiawa further submitted in opposition, concerned at the reduction in community participation for business certainty.

454. I support existing service stations being added to the list of permitted activities. But I consider it should be the activity itself, not the alternation or extension that is permitted. This is in keeping with the way other activities are specified in the list in 9.1. I accept that services stations already exist in the Business 1 zones, and that they have certain functional requirements in terms of vehicle access, canopies, building setback and so forth, such that they will have difficulty in meeting all the permitted activities standards for build form. As I discuss later in my report, I see merit in amending some of

those standards to make provision for service station requirements. But I don't think it is possible make exemptions so that alteration or extensions to service station can in all instances be done without resource consent. There may be some situations where the resource consent process can give a better urban design outcome - for example, where there are options to locate parts of a building up to the street and with active frontage.

455. I would also note that I do not necessarily accept the argument in the Z Energy submission that the presence of existing service stations indicates that they have been considered suitable within the zone. What are acceptable uses in a given zone changes over time (as does zoning). Just because an activity exists in a zone, does not mean it's necessarily suitable.

456. In summary, I support listing existing service stations as permitted activities, but not alterations or extensions to them. In other parts of this report I recommend changes to permitted standards 9.2.1.1 and 9.2.1.10, which, if accepted, would give some other relief to the submitter.

Recommendation

457. I recommend that the following are added to the list of permitted activities under Rule 9.1:

9.1.x Community corrections activity[61].

9.1.y Existing service stations.[62]

Rule 9.1.3 - Permitted Activities - Submissions and Assessment

458. Rule 9.1.3 lists vehicle parking lots or parking building as permitted activities where they comply with the applicable standards in in 9.2 and 9.3.

459. **Harvey Norman** (766.7) supports the rule and seeks its retention. There are no further submissions.

Recommendation

460. That permitted standard 9.1.3 is retained as notified.

Rule 9.1.6 - Permitted Activities - Submissions and Assessment

461. Rule 9.1.6 has the effect of making the existing Blenheim and Picton Fire Stations permitted activities in the Business 1 Zones.

462. **FENZ** (993.52) supports the provision in part. FENZ however seeks that the rule be expanded to also provide for new fire stations in the Business 1 Zone. The actual and potential adverse effects of fire stations it submits are minor in the context of the zone, while fire stations give rise to benefits derived from efficient and effective emergency services. It says a permitted activity approach provides for the locational requirements for fire stations; provides for the health and safety of people and communities; is aligned with the range of permitted activities (and anticipated effects) in the Business 1 Zone; better implements the Objectives and Policies of the MEP (as amended by FENZ's submission); and achieves the purpose of the RMA. It seeks the following relief: *"Emergency service Facility ~~activities of the New Zealand Fire Service on Sec 2 SO 443127 and Sec 7 SO 7431 (Blenheim Fire Station) and Lot 1 DP 9780 and Pt Sec 254 and 261 TN of Picton (Picton Fire Station)~~."*

463. I support the submission. I can see no useful resource management purpose in putting new emergency service facilities through a discretionary resource consent application. The activity will have to comply with the relevant permitted standards in 9.2 and 9.3, and functional requirements for quick access to the road network mean they are unlikely to establish in the main retail streets. I believe the term used should be 'emergency service activity' than 'facility' as that terminology is consistent with other permitted activities in 9.1 such as 'commercial activity' and 'service activity'.

[61] 681.7 – Department of Corrections
[62] 1244.7 – Z Energy

Recommendation

464. I recommend that permitted standard 9.1.3 is amended as follows:

Emergency service activities ~~of the New Zealand Fire Service on Sec 2 SO 443127 and Sec 7 SO 7431 (Blenheim Fire Station) and Lot 1 DP 9780 and Pt Sec 254 and 261 TN of Picton (Picton Fire Station)~~[63].

Rule 9.1.7 - Permitted Activities - Submissions and Assessment

465. Rule 9.1.7 lists 'residential activity' as a permitted activity in the Business 1 Zones.

466. The **Blenheim Business Assoc** (286.8) supports the provision and seeks its retention. There were no further submissions.

Recommendation

467. That permitted standard 9.1.7 is retained as notified.

Rule 9.2 – Standards that apply to all permitted activities - Submissions and Assessment

468. Rule 9.2 includes standards, under a variety of headings, applying to all permitted activities in the Business 1 Zones.

469. **FENZ** (993.55) opposes the permitted activity standards in 9.2, as they do not include a requirement to provide a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and access to that water supply. FENZ seeks insertion of a new rule and standards. For the reasons discussed under Topic 5.2, I support the submission, with some amendment to wording they propose (as in my Topic 5.2 recommendation).

470. **Aitken Taylor Ltd** (266.13) oppose 9.2. They are concerned the provisions do not specify pedestrians as being the priority for streets and public spaces in the CBD, that there is no specific provision to incentivise residential development, there is no support for an Urban Design Panel, and no provision for verandas on all new developments in the CBD. Under Objective 12.6 I recommend a new method relating to use of the Blenheim Town Centre Building Guide. I also recommend under Topic 9.2.1.10 that verandas are mandatory on new buildings, and under Policy 12.5.1 that a new provision be included requiring buildings and streetscapes that provide an attractive environment for pedestrians, particularly at ground floor levels to provide visual interest that promotes, and does not inhibit, the flow of pedestrian traffic.

Recommendation

471. I recommend that a new rule 9.2.8 is inserted on page 9-4, after rule 9.2.7, as follows:

9.2.8 Water supply and access for firefighting

9.2.8.1 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.

9.2.8.2 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 be 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. .[64]

[63] 993.52 - FENZ
[64] 993.55 - FENZ

Rule 9.2.1 – Standards that apply to all permitted activities - Submissions and Assessment

472. Rule 9.2.1 includes standards relating to the construction and siting of buildings or structures in the Business 1 Zones.

473. **Aitken Taylor Ltd** (266.11) oppose 9.2.1. They are concerned about the degree of 'visual permeability' (glazing) on street frontages. They also submit on the specific standard 9.2.1.9 on this matter, and I address that issue there.

474. Aitken Taylor's other concern was usage of buildings –banks or similar activities in the main streets creating dead uninviting streetscapes.

475. I understand the concern being raised, and I support 'active' and vibrant main street environments with high foot traffic, and streets where people want to spend time and will circulate and add vitality. However, I do not favour usage controls as a method. Banks and office can have uninviting street frontages, but many retailers also seek to cover some or all of their windows, depending on their retail model. I consider it better to concentrate on the effect and the outcome, rather than the specific usage occurring in the building. I also do not think town centres can afford to exclude activities such as banks from their main streets. Many town centres are struggling to fill shops with retailers, and banks and other service activities attract people into the CBD to do business, providing vitality and spin-off visits to other establishments. In my view, an empty main street shop creates a deader area than a bank, for example. Having said that, I agree that visual interest in the street window is important.

476. **Harvey Norman** (766.9) neither support nor oppose the provisions. They 'registered an interest' pending seeing what submissions from others might say. They did not further submit on the submission of Aitken Taylor Ltd, and no further submissions where received on the Aitken Taylor or Harvey Norman submissions.

477. **KiwiRail** (873.134) supports the provisions in part, and seeks a new clause added to it. KiwiRail submits that, for safety reasons, the rail corridor is not publicly accessible. Therefore, to ensure that access to all buildings can be provided without the need for occupiers to compromise their safety and access the rail network, buildings being setback from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design. I support the general intent of the submission, but I consider the setback requested to be excessive for purpose stated, for the reasons outlined under Topic 5.2.1.

Recommendation

478. I recommend that 9.2.1 is amended as proposed under Topic 9.2.1.9[65] below.

479. I recommend that a new standard be added to rule 9.2.1, as follows:

> *9.2.1.21 A building or structure must not be within 1.5m of the rail corridor, except for a fence provided the fence is constructed, and palings or main fencing elements are able to be replaced, from within the site and without accessing the rail corridor*[66]*.*

Rule 9.2.1.1 – Standards that apply to all permitted activities - Submissions and Assessment

480. Rule 9.2.1.1 is:

> *A building must be located on the front boundary of the site with no setback from the street edge except that a recess of up to 0.5m within the façade of the building is permitted.*

[65] 266.11 – Aitken Taylor
[66] 873.134 - KiwiRail

481. **Progressive Enterprises** (1044.10) opposes the standard. They say that the Countdown Blenheim site has four road frontages and could not comply in the event of a replacement. They seek that 9.2.1.1 is amended to exempt supermarkets from having to comply.

482. I accept that large buildings like supermarkets can have multiple frontages. However, such large and often utilitarian buildings can potentially create urban design difficulties, particularly with how they relate to the street, whether they have 'active' street frontage, their design and appearance and landscaping. Exempting supermarkets from the frontage requirements would exclude any control over the siting of the building and how it relates to the street. I accept that the functional needs of supermarkets mean that it is likely it could not comply with the standard if retained, and that resource consent would be needed. But the consent process, including early consultation as part of it, gives the opportunity to develop solutions that meet the developer's requirements and the design outcomes favourable to the community. I therefore do not favour exempting supermarkets as sought.

483. **Z Energy** (1244.8) support the standard in part. As discussed under Topic 9.1, Z Energy has existing service stations located within the Business 1 and 2 zones, and the function needs of service stations mean buildings need to be set back from the front boundary (or at least part of the boundary). Z Energy seeks that the standard is amended as follows: *A building must be located on the front boundary of the site with no setback from the street edge except that a recess of up to 0.5m within the façade of the building or a service station shop where the canopy edge is within 2m of the street edge is permitted.* Te Ātiawa further submitted in opposition, concerned at the reduction in community participation for business certainty.

484. For the reasons discussed under Topic 9.1, I do not think it is possible or appropriate to amend all the relevant standards under 9.1.1 to allow as a permitted activity the alteration or extension of existing services stations. Later in the report I do support amending some of these standards. However, this standard is one where, when an alteration or extension is proposed, an outcome better than the status quo may be able to be achieved. I therefore do not support the amendment being sought.

Recommendation

485. I recommend that 9.2.1.1 is retained as notified.

Rule 9.2.1.2 – Standards that apply to all permitted activities - Submissions and Assessment

486. Rule 9.2.1.2 is:

> *The primary customer entrance must be located on, or adjoin, the front boundary of the site.*

487. **Z Energy** (1244.9) support the standard in part. To meet the functional needs of their existing service stations, Z Energy seek addition of the following at the end of the standard: *except for service stations where the main entrance to the shop faces the street edge or where there is a clear pedestrian connection between the shop and the street edge.* Te Ātiawa oppose the original submission for reasons discussed above.

488. I generally support the amendment sought, as the entrance to service station shops primarily service customers on the forecourt, but the amendment also recognises that service station shops serve other customers, some of whom are pedestrians. I propose some minor wording changes to improve the clarity of the provision.

Recommendation

489. I recommend that 9.2.1.1 is amended as follows:

> *The primary customer entrance must be located on, or adjoin, the front boundary of the site, except for service stations where the main entrance to the shop, if setback, faces the street edge or where there is a clear pedestrian connection between the shop entrance and the street edge.*[67]

Rule 9.2.1.5 – Standards that apply to all permitted activities - Submissions and Assessment

490. Rule 9.2.1.5 is:

> *The height of a building or a structure must not exceed 12m.*

491. The **Blenheim Business Assoc** (286.9) support the standard and seek its retention.

492. **Levide Capital Ltd** (907.35) it is inferred from their submission opposes the standard. Their submission is that Blenheim's CBD has not yet transitioned to an environment with inner-city apartment style living. One of the factors influencing this, in their view, has been the lack of available sites in the CBD suitable for apartment development. They want apartment style living supported and encouraged in the MEP, due to the positive spin-off effects that have been witnessed in other towns and cities. These include increased patronage of cafes, restaurants and bars by people living in the CBD. Increased foot traffic and vibrancy of the CBD and associated increased retail spending. They submit that Policy 12.5.1(g) recognises the concept of apartments above businesses, but the rules do not properly support this policy: the MEP has a 12m height limit in the CBD, but WARMP had 20m in the CBD and 12m elsewhere.

493. Levide Capital say that the proposed 12m height limit will limit new buildings to 3 stories. This is likely to reduce efficiencies that could be gained by economies of scale for 4 or 5 story developments that would be possible under the 20m height restriction. They submit this fails to satisfy RMA s5(2)(a) (meeting the reasonably foreseeable needs of future generations). To facilitate population growth in Marlborough, higher density housing opportunities close to the CBD should be enabled to reduce the use of petrol powered vehicles and their $C0_2$ emissions as the MEP should consider under s7(ba) the efficiency of the end use of energy and 7(i) effects of climate change. There are no further submissions.

494. The submitter seeks that the height limit be changed to 20m, and above that *an additional height for plan room and like structures of a further 3m over 10% of the floor area of the building*.

495. The submission appears to relate to the Blenheim CBD, but the rules in the Business 1 Zone also apply to Picton, Havelock and Renwick. I do not consider that a 20m height limit (up to 6 storeys with the exemption for plant rooms) is appropriate or necessary for the either Havelock or Renwick. Turning then to consider Blenheim and Picton, where taller buildings are more likely to be able to be accommodated within the streetscape. I consider four storey buildings as appropriate in those environments, and that 5 to 6 storey buildings would be out of scale to the general form of the CBDs. I appreciate however that the 12m height limit in the MEP as notified, effectively limits buildings to 3 storeys if they have a lift, or even a water tank or air conditioning unit on the roof. I agree being limited to 3 storeys could affect the viability of developments, including apartment and office developments which can inject people and vitality into the CBDs. I therefore support including the plant room exemption proposed by the submitter (as that effectively creates a new floor of development potential) but not also increasing the height limit to 20m.

Recommendation

496. I recommend that 9.2.1.5 is amended as follows:

[67] 1244.9 – Z Energy

The height of a building or a structure must not exceed 12m, except that an aerial, plant room, water tank or similar structure occupying not more than 10% of the building roof area may exceed the maximum building height by up to 3m. [68]

Rule 9.2.1.6 – Standards that apply to all permitted activities - Submissions and Assessment

497. Rule 9.2.1.6 is:

> *A building may only differ by one storey in height from immediately neighbouring buildings, unless additional storeys are set back from the front boundary by at least 3m.*

498. The **Blenheim Business Assoc** (286.10) support the standard and seek its retention.

499. **Levide Capital Ltd** (907.36), it is inferred from their submission, opposes the standard. They seek deletion of the standard, but do not give specific reasons, other than those outlined under 9.2.1.5. There are no further submissions.

500. Without a more detailed submission it is difficult to know what issues the submitter has with the rule, other than presumably that it restricts the development of taller buildings (that could be used for apartment living).

501. There are some problems with the existing standard. I infer that the standard applies when a proposed building is to be taller than the neighbours on either side, but the wording does not specify that. There could be a few instances when a new building is shorter than an existing neighbour e.g. a 1 storey building being constructed next to an existing 3 or 4 storey building, in which case the setback requirement would be nonsensical. The context of 'additional storeys' being set back helps with interpretation, but the rule could be clearer.

502. Another issue is determining the allowable height difference when the proposed building has two neighbours. Is the height difference relative to the shorter neighbour, or the taller neighbour? Thus, if a 3 storey building is proposed, with an existing 1 storey building on one side, and a 3 storey building on the other, does the third storey of the new building have to be stepped back as the building is more than a storey higher than the shorter neighbour? If that were to be the case, then the façade continuity that would have occurred, with the new 3 storey building next to a 3 storey neighbour, would be disrupted with the required setback of the upper floor of the new building.

503. I am not convinced that the standard will deliver the urban design aims that it is meant to achieve, based on the examples discussed above. Moreover, I consider there are problems with the interpretation and application of the standard. Resolving those issues is not within the scope of either of the submissions received. I therefore support removing the standard as sought. In recommending that I am mindful of achieving good urban design outcomes within the Business 1 Zones, but I am not convinced that the standard if it remained would do that.

Recommendation

504. I recommend that 9.2.1.6 is deleted in its entirety, and that subsequent standards be re-numbered accordingly.

Rule 9.2.1.9 – Standards that apply to all permitted activities - Submissions and Assessment

505. Rule 9.2.1.9 is:

> *At least 50% of the ground floor walls of a building that fronts a public street, public land or public reserve must be glazed.*

[68] 907.35 - Levide Capital Ltd

506. The **Blenheim Business Assoc** (286.11) support the standard and seek its retention.

507. **Progressive Enterprises** (1044.11) support in part the standard. They say that Countdown Blenheim has four road frontages and could not comply with the rule in the event of replacement. They submit that supermarkets by their nature need to have at least two solid walls. They seek that 9.2.1.9 is amended to exempt supermarkets from having to comply. I accept that large buildings like supermarkets have functional needs that require some walls to be solid. However, as discussed, such large and often utilitarian buildings can potentially create urban design difficulties, particularly with how they relate to the street. The amount of 'active' street frontage involving glazing can affect this. Exempting supermarkets from the glazing rule would remove any ability to influence how the building addresses the street. I accept that the functional needs of supermarkets, to have reduced glazed areas, mean that resource consent would be needed in some cases. But the consent process, including early consultation as part of it, gives the opportunity to develop solutions that meet the developer's requirements and the design outcomes sought by the community. I therefore do not favour exempting supermarkets as sought.

508. **Aitken Taylor Ltd** (266.12) opposes the standard. They consider the provision does not go far enough. They want it to be explicit that while 50% of the wall must be glazed, it must also be visually permeable - specifically a minimum 70% permeability. Progressive Enterprises in its further submission opposes Aitken Taylor Ltd.

509. I support the Aitken Taylor submission. Many district plans have minimum glazing requirements within CBD areas, but experience shows that many businesses cover the windows in whole or in part. This defeats the purpose of the glazing rules, which is to prevent 'dead' areas of street frontage with little visual appeal and which reduce pedestrian circulation, affecting the economic and social vibrancy of the CBD. It is important to have both glazing and that a proportion of it to be visually permeable.

Recommendation

510. I recommend that 9.2.1.9 is amended as follows:

> *At least 50% of the ground floor walls of a building that fronts a public street, public land or public reserve must be glazed and at all times at least 70% of the glazed area must be visually permeable allowing users of the street sight into the building.*[69]

Rule 9.2.1.10 – Standards that apply to all permitted activities - Submissions and Assessment

511. Rule 9.2.1.10 is:

> *A veranda must:*
>
> *(a) not extend further than 2m from the front face of a building into the street;*
>
> *(b) not extend closer than 0.5m to the street kerb;*
>
> *(c) be self-supporting.*

512. The **Blenheim Business Assoc** (286.12) opposes the standard. They submit that verandas should be mandatory on all new developments in keeping with the existing building landscape of the CBD. They seek that amendment of the standard to make verandas mandatory on new developments. I support the submission. Verandas are important in providing rain and sun protection for people using the CBD areas. Continuity of verandas along streets helps with pedestrian circulation and comfort. People will linger longer, which helps with the vitality and vibrancy of the centres, and their economic and social roles. Without veranda protection, main street environments can be uninviting, affecting the key role the MEP contemplates for these centres. I support making them mandatory, with the exemption discussed below. The wording I recommend uses similar wording to rule 10.2.1.4 in the Business 2 Zone where verandas are compulsory in the Blenheim zones. I note that verandas are currently compulsory in the CBD zones in the WARMP and the MSRMP.

[69] 266.12 – Aitken Taylor Ltd

513. **Z Energy** (1244.10) support in part the standard. As discussed earlier they are concerned that the functional requirements of service stations mean that providing a veranda along the street function is not possible. They seek an exemption sentence be added at the end of 9.2.1.10 as follows: *Except that a service station need not provide a verandah.* The exemption sought by Z Energy is unnecessary in the standard in the MEP as notified. A veranda was not obligatory under the standard, but if one were built it would need to meet the specifications in the Plan. However, with my recommendation to make verandas mandatory in response to the Business Association submission, the issues of the standard's application to service stations comes into consideration. I favour exempting service stations from the rule, as I accept that they have requirements (canopies and mostly setback from the road edge) that mean a veranda over the street is impractical.

Recommendation

514. I recommend that 9.2.1.10 is amended as follows:

A building must have a ~~A~~ veranda, and the veranda must:

(a) not extend further than 2m from the front face of a building into the street;

(b) not extend closer than 0.5m to the street kerb;

(c) be self-supporting.

Except that a veranda is not required on a service station.

Rule 9.2.1.11 – Standards that apply to all permitted activities - Submissions and Assessment

515. Rule 9.2.1.11 concerns landscaping.

516. **Blenheim Business Assoc** (286.13) supports in part the standard, but seeks the requirement to be reduced from 10% to 5% in line with MEP Business 2 Zone. They also seek that the owner regularly maintains the landscaping.

517. **MDC** (91.129) supports the standard but seeks an amendment so that the standard reflects the intended purpose, which is to provide for and maintain the amenity values of the surrounding environment. The change it seeks is:

A building or structure in the Business 1 Zone in Blenheim must landscape 10% of the ~~site~~ road frontage with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof, unless the land adjoins a Landscape Exclusion Street in Appendix 18.

518. **Progressive Enterprises** further submitted in support of both MDC and the Blenheim Business Association's proposed reduction to 5%. Timberlink also submitted in support of the MDC submission.

519. The MDC submission to require the landscaping to be at the street frontage, could potentially clash with standard 9.2.1.1 which requires any building to be located up to the street frontage. I note that 9.2.1.11 contains a landscaping exemption for the main retail streets as defined in Appendix 18. Nevertheless, if the MDC submission were adopted as proposed, the rest of the Blenheim CBD, and the CBDs of Picton, Havelock and Renwick would have in some cases contradictory requirements for both buildings and landscaping to be along the road frontage, albeit only 10% of the frontage. I accept that any part of the road frontage not occupied by a building (or a vehicle access) could be landscaped in accordance with the MDC submission, in which case a figure of up to 10% of the frontage would then be appropriate. In changing from 'site area' to 'road frontage' I consider that the concern about the amount of landscaping required is reduced (10% of a site is much more than 10% of the frontage, although I note that no depth of landscaping has been specified). I support the submission of the Business Association that landscaping should be maintained by the property owner who plants it. Weighing those factors together I make the recommendation for change as set out below.

Recommendation

520. I recommend that 9.2.1.11 is amended as follows:

> *A building or structure in the Business 1 Zone in Blenheim must landscape and maintain[70] 10% of the ~~site~~ road frontage, or that part of the frontage not occupied by buildings or vehicle accesses[71], with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof, unless the land adjoins a Landscape Exclusion Street in Appendix 18.*

Rule 9.3.1.1 – Standards that apply to specific permitted activities - Submissions and Assessment

521. Rule 9.3.1.1 is:

> *A licensed premises must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.*

522. **Progressive Enterprise** (1044.12) opposes the standard. They say a District Plan is not the appropriate place for such a rule, and that if the rule has any merit, it should be in the Local Alcohol Plan. In their view, if this rule is retained, it is very likely that none of Progressive's existing supermarkets would be able to obtain a new liquor licence. In their view, such licencing control is draconian. There are no further submissions.

523. Marlborough District does not have a Local Alcohol Plan (the control mechanism discussed by the submitter). The Council relies on the district plan to regulate potential adverse effects of licensed premises on residential neighbours. I have been advised by the Mike Porter, the District Licensing Secretary, that the Council at times has issues with the effects of licensed premises bordering residential areas, and that the rules in the district plans assist with regulating these effects.

524. Rule 9.3.1.1 applies in the Business 1 Zone. Currently in the WARMP as it applies to the CBD, licensed premises adjoining residential zones require discretionary resource consent. The activity status in Blenheim is the same as applies currently. Consequently, I cannot see why the submitter considers none of its existing supermarkets would be able to obtain a new liquor licence, at least in Blenheim Business 1 Zone, as the district plan environment proposed under the MEP is essentially the same.

525. For Picton, the Marlborough Sounds Resource Management Plan does not require resource consent for licensed premises, but does control hours of operation generally, and has limits on noise received within residentially-zoned land. There would be a change in consent status under the MEP for any licensed premises on a site adjoining the residential zoned land in Picton. However, any existing licensed premises which were lawfully established would have existing use rights under RMA section 10, provided the effects of the activity remained the same or similar in character, intensity and scale to those that existed before any rule in the MEP became operative. MEP rule 9.3.1.1 would only apply to new premises or one expanding, and only if they adjoin the residential zone. Most sites within the Business 1 Zone would not be affected. In my opinion, the additional effects of the rule are very small, and reasonable in terms of controlling the potential adverse effects licensed premises could have on residential neighbours.

Recommendation

526. I recommend that 9.3.1.1 remains as notified.

[70] 286.13 – Blenheim Business Assoc
[71] 91.129 - MDC

Rule 9.3.3.1 – Standards that apply to specific permitted activities - Submissions and Assessment

527. Rule 9.3.3.1 provides for residential activity in the Business 1 Zone, provided it is not located on the ground floor.

528. **Z Energy, Mobil and BP** (1004.73) support the standard and it is inferred seek its retention. In further submissions, Timberlink supports the original submission, and Te Ātiawa opposes it. There being no original submission seeking amendment or deletion of the provision, it must remain as notified.

Recommendation

529. That 9.3.3.1 remains as notified.

Rule 9.4 – Discretionary activities - Submissions and Assessment

530. Rule 9.4 contains three separate standards that define what activities are Discretionary Activities.

531. **Z Energy, Mobil and BP** (1004.81) support 9.4 and seek that it be retained as notified. Timberlink supports the submission, and Te Ātiawa opposes it. There being no original submission seeking amendment or deletion of the provision, it must remain as notified.

Recommendation

532. That Rule 9.4 remains as notified.

Matter 6 – Business 2 Zone Rules (Volume 2, Chapter 10)

Overview of Provisions

This assessment relates to the Business 2 Zone rules in Volume 2, Chapter 10 of the MEP. The Business 2 Zone covers the suburban business areas in Blenheim and Picton, and the business areas in Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley.

Rule 10.1 - Permitted Activities - Submissions and Assessment

533. Rule 10.1 lists activities that are permitted activities where they comply with the applicable standards in 10.2 and 10.3.

534. **Outer Limits** (1007.1) supports the permitted activity list, and seeks its retention.

535. The **Department of Corrections** (681.7) opposes the rule. The Department's submission is that community corrections activities are not explicitly provided for in the listed activities, and as a consequence, fall under the default activity status of discretionary under rule 10.4 .2. They note that 'community activities' are permitted, but only in instances where they are within an existing community facility.

536. The Department states community corrections activities are a compatible and appropriate activity in the zone. Suburban shopping centres, such as those enabled within the Business 2 Zone, provide opportunities to establish community corrections activities in locations that are close to the communities that they serve. In particular, activities such as community corrections service centres are well-suited to the zone, as they are akin to a commercial activity (which is permitted in the zone). They request that rule 10.1 should provide for community corrections activities as permitted in the Business 2 Zone; regardless of whether they are located within an existing community facility or not.

537. I supported a similar submission under Chapter 9 (Topic 9.1) to include community corrections facilities as a permitted activity in the Business 1 Zones. However, I consider the smaller suburban centres in Blenheim and Picton, and the business centres in the rural towns, have a different scale and character, less suited to accommodating such facilities. I have recommended elsewhere that such facilities be permitted in the Business 1 Zone, and in the Industrial 1 Zone, which I consider makes reasonable provision for the facilities. A resource consent application can be made to establish a corrections facility in the Business 2 Zone (or other zones where they are not otherwise provided for), and the application can be assessed on its merits. In conclusion, I do not support the amendment requested.

538. **Z Energy** (1244.11) supports in part Rule 10.1. Similar to its submission under Topic 9,1, it submits that additions or alterations to existing service stations, including tank replacement, should be permitted activities. Z Energy has existing service stations located within the Business 2 zone. For the similar reasons to those in Topic 9.1, I support existing service stations being added to the list of permitted activities. But I consider it should be the activity itself, not the alternation or extension that is permitted. This is in keeping with the way other activities are specified in the list in rule 10.1. I see merit in amending some of the permitted standards service stations must comply with to make better provision for service station requirements. But I don't think it is possible make exemptions so that alteration or extensions to service station can in all instances be done without resource consent. There may be some situations, where a service station retail area is being extended, where by the resource consent process a better urban design outcome can be achieved (for example, by having some building located up to the street and with active frontage). In summary, I support listing existing service stations as permitted activities, but not alterations or extensions to them. Later in this report I recommend changes to permitted standard 10.2.1.4, which, if accepted, would give some other relief to the submitter.

Recommendation

539. I recommend that Rule 10.1 is amended by adding the following new standard:

10.1.x Existing service stations.[72]

Rule 10.1.5 – Permitted Activities - Submissions and Assessment

540. Rule 10.1.5 is:

Emergency service activities of the New Zealand Fire Service on Sec 15 Blk II Heringa SD (Rai Valley Fire Station).

541. **FENZ** (993.56) supports in part Rule 10.1.5 to the extent that the rule provides for the existing Rai Valley Fire Station as a permitted activity. However, FENZ seeks that the rule be expanded to also provide for new fire stations in the Business 2 Zone. The benefits that FENZ sees are as outlined in its submission under Topic 9.1. It seeks that the rule be amended as follows: *Emergency service Facility ~~activities of the New Zealand Fire Service on Sec 2 SO 443127 and Sec 7 SO 7431 (Blenheim Fire Station) and Lot 1 DP 9780 and Pt Sec 254 and 261 TN of Picton (Picton Fire Station)~~*.

542. FENZ wrongly quotes the rule from 9.1, which relates to the Blenheim and Picton Fire Stations, but it is inferred they want similar deletions but in relation to rule 10.1.5 and the Rai Valley station.

543. I do not support the change, as it would allow emergency service facilities to establish on any site in the Business 2 Zone within Rai Valley township. The effects of the fire station on its current site are well understood. It is on a corner site with no close neighbours. Allowing a fire station to set up on other sites within the Rai Valley business zone could create adverse effects. There seems no pressing case for the amendment sought, and if FENZ needed to shift the station, a resource consent process would be my preferred approach, so that any adverse effects could be understood and addressed.

Recommendation

544. I recommend that Rule 10.1.5 remains as notified.

Rule 10.2– Standards that apply to all permitted activities - Submissions and Assessment

545. Rule 10.2 includes standards, under a variety of headings, applying to all permitted activities in the Business 2 Zones.

546. **Te Ātiawa o Te Waka-a-Maui** (1186.149) support in part the standards under 10.2. They seek amendment to the standards to account for cultural matters and protect cultural site, areas and resources. The submission and the relief sought is so general that I am unable understand or recommend changes to the standards. Accordingly, I recommend no change is made.

547. **FENZ** (993.59) opposes the permitted activity standards in 10.2, as they do not include a requirement to provide a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and access to that water supply. FENZ seeks the insertion of a new rule and standards. For the reasons discussed under Topic 5.2, I support the submission, with some amendment to wording they propose (as in my Topic 5.2 recommendation).

Recommendation

548. I recommend that a new rule 10.2.9 is inserted on page 10-4, after rule 10.2.8, as follows:

10.2.9 Water supply and access for firefighting

[72] 1244.11 – Z Energy

10.2.9.1 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.

10.2.9.2 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 be 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. .[73]

Rule 10.2.1 – Standards that apply to all permitted activities - Submissions and Assessment

549. **KiwiRail** (873.137) supports the provisions in part, and seeks a new clause added to it. KiwiRail submits that, for safety reasons, the rail corridor is not publicly accessible. Therefore, to ensure that access to all buildings can be provided without the need for occupiers to compromise their safety and access the rail network, buildings being setback from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design. I support the general intent of the submission, but I consider the setback requested to be excessive for purpose stated, for the reasons outlined under Topic 5.2.1.

Recommendation

550. I recommend that a new standard be added to rule 10.2.1, as follows:

10.2.1.11 A building or structure must not be within 1.5m of the rail corridor, except for a fence provided the fence is constructed, and palings or main fencing elements are able to be replaced, from within the site and without accessing the rail corridor[74]*.*

Rule 10.2.1.4 – Standards that apply to all permitted activities - Submissions and Assessment

551. Rule 10.2.1.4 is:

A building in the Business 2 Zone in Blenheim, must have a veranda, and the veranda must:

(a) be self-supporting;

(b) not extend further than 2m from the front face of a building into the street;

(c) not extend closer than 0.5m to the street kerb;

(d) generally conform with adjoining verandas in regards to height, width, and depth of fascia.

552. **Z Energy** (1244.12) supports in part the standard. It seeks amendment to it to allow for the functional requirements of service stations. It proposes that a new sentence be added at the end of the rule: *Except that a service station need not provide a veranda.* (Note this submission was lodged under 10.1 of the plan). I support the amendment as it is impractical usually for service stations to provide verandas over the street, due the nature of their business and buildings.

553. **Derry Properties Ltd** (682.2) opposes the standard and seeks its deletion. They submit that the standard puts an unnecessary requirement for a specified veranda to be established on all buildings in the zone. I note that buildings without verandas will have existing use rights and will not have to provide one, and it will only apply to new buildings. As discussed earlier, verandas are important for providing a pleasant environment for users of suburban and other small shopping centres, having social and economic benefits. I do not support the submission.

[73] 993.59 - FENZ

[74] 873.137 - KiwiRail

Recommendation

554. I recommend that Rule 10.2.1.4 is amended by adding the following as a new clause (unnumbered) after clause (d):

Except that a veranda is not required on a service station.[75]

Rule 10.3.1.1 – Standards that apply to specific permitted activities - Submissions and Assessment

555. Rule 10.3.1.1 is:

A licenced premises must not be on land adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.

556. **Derry Properties Ltd** (682.1) opposes the standard. They submit that in the current Wairau Awatere Resource Management Plan Rule 36.1.1 states that in the Neighbourhood Business Zone at Springlands, the sale of liquor from a supermarket is a permitted activity. The proposed Standard 10.3.1.1 places a restriction on the Springlands site that they consider unnecessary, and that would make renewal of existing liquor licences unlikely. They seek that the standard is amended to ensure there is certainty for Springlands to operate a licenced premise and continue to obtain a new liquor licence. There is a further submission in support from Progressive Enterprises.

557. **Progressive Enterprises** (1044.15) also opposes the standard and seeks that it be deleted. As under 9.3.1.1, they submit that a District Plan is not the appropriate place for such a rule and, if the rule has any merit, it should be in the Local Alcohol Plan. They say that if this is retained, it is very likely that none of their existing supermarkets would be able to obtain a new liquor licence. Such a licencing control is 'draconian'. There is a further submission in support from Derry Properties.

558. As discussed earlier (9.3.1.1), Marlborough District does not have a Local Alcohol Plan and the Council relies on the district plan to regulate potential adverse effects of licensed premises on residential neighbours.

559. Derry Properties correctly states that Rule 36.1.1 in the WARMP provides that the sale of liquor for a supermarket is a permitted activity within the Springlands Neighbourhood Business Zone. Rule 36.1.1 also makes the sale of liquor from other commercial activities at Springlands a discretionary activity. This is irrespective of whether the site adjoins a Residential Zone. I am aware of two sites that sell alcohol within the Springlands Business 2 Zone. The Speights Ale House has a resource consent to operate, and would be able to continue under that consent. The Countdown Supermarket would have existing use rights if rule 10.3.1.1 of the MEP is confirmed, provided the effects of the activity remain the same or similar in character, intensity and scale to those that existed before any rule in the MEP became operative.

560. The proposed MEP rule is more restrictive for supermarkets, but is less restrictive for other activities selling alcohol in that it applies only to sites adjoining a residential zone, rather than to the entire Springlands area. Because there is no Local Alcohol Plan, I consider that the controls proposed in the MEP are reasonable in terms of controlling the potential adverse effects licensed premises could have on residential neighbours, and I support their retention.

Recommendation

561. I recommend that 10.3.1.1 is retained as notified.

Rule 10.3.1.3 – Standards that apply to specific permitted activities - Submissions and Assessment

562. Rule 10.3.1.3 includes various controls on the Business 2 Zone in Springlands, including:

[75] 1244.12 – Z Energy

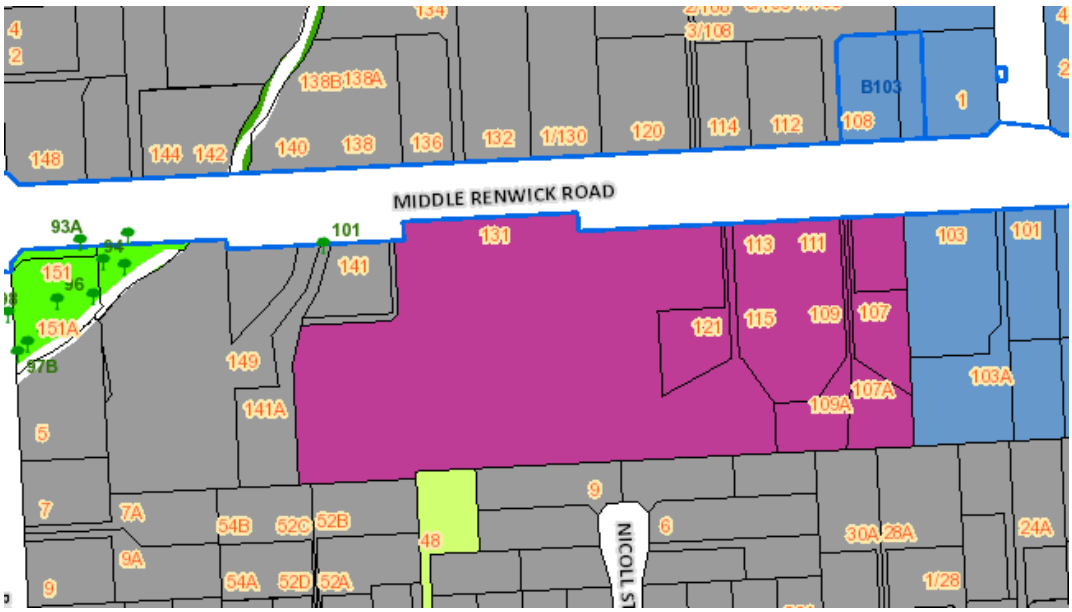
(d) *Commercial activity in the Business 2 Zone in Springlands, excluding Lot 4 DP 3279, must not exceed a maximum total gross floor area of 5700m².*

(e) *Commercial activity on Lot 4 DP 3279 must not exceed a gross floor area of 300m².*

563. **Derry Properties Ltd** (682.3) opposes the standard. They say that the reasons for the maximum floor area (in clause (d)) are historic and are no longer relevant. They argue this cap would also lead to inefficient use of the commercial land resource, and that the restriction is also unnecessary as no adverse effects would arise. They seek deletion of clause (d).

564. **Progressive Enterprises** (1044.16) opposes the standard. They also submit that the reasons for the floor restriction are historic, and predate the trade competition provisions of the RMA, and are a form of retail licensing. They seek deletion of clauses (d) and (e).

565. The Business 2 Zone at Springlands faces Middle Renwick Road, as shown in the extract from the MEP planning maps below. It has Industrial 1 zoning on its eastern flank, and Residential 2 land on its southern and western sides, and across Middle Renwick Road. A retirement village occupies most of the western boundary and part of the southern one. The proposed Business 2 Zone at this locality exactly follows the boundary of the existing Neighbourhood Business Zone in the WARMP.



Extract from MEP Map 7 –Business 2 Zone, Springlands

566. The large site at the western end contains a shopping complex comprising a Countdown supermarket, a pharmacy, post shop, medical centre, café and garden centre. On the largest site at the eastern end is a standalone Speight Ale House (111-113 Middle Renwick Road).

567. The Springlands neighbourhood zone in the WARMP was expanded by Variation 50. The current restriction of 5700m² gross floor area came about as a result of that variation, as did the 300m² restriction on Lot 4 DP 3279 (121 Middle Renwick Road), which is scheduled in Appendix G of the WARMP.

568. I can see no good resource management reason for the 300m² floor area limit in the MEP on 121 Middle Renwick Road. As can be seen from the map above, number 121 is an 'island' in the middle of the zone. I cannot see why the historic restriction should continue to apply to that site. I note that no submissions were received in support of continuing the special treatment of this site.

569. Having said that, I am not supportive of removing the overall floor area limitations for the Springlands area. As discussed, the zone is surrounded on two sides by residential land, with high density retirement village use on the western side. The expansion of the zone in the past, along with the consent application for the Speights Ale House, indicated that cross boundary effects are an issue for residential sites in the area. A floor area restricts the scale of the activity within the zone, and therefore the level of adverse effects on the neighbouring residential areas. In addition, Policy 12.4.4

establishes a retail hierarchy within Blenheim and Picton, with Business 1 Zone at the top of that hierarchy. The floor area limit for the Springlands site is consistent with this hierarchy, ensuring this Business 2 Zone does not grow to a level where it affects the vitality and viability of the Business 1 Zone.

570. In summary, a floor area limit is appropriate, but the limit on Lot 4 DP 3279 should be combined with the 5700m^2 limit, to give a combined floor area maximum of 6000m^2. This provides more flexibility for development of the entire zoned area.

Recommendation

571. I recommend that Rule 10.3.1.3 clause (d) is amended as follows, and clause (e) is deleted:

(d) Commercial activity in the Business 2 Zone in Springlands~~, excluding Lot 4 DP 3279,~~ must not exceed a maximum total gross floor area of ~~5700~~ 6000m^2 [76].

~~(e) Commercial activity on Lot 4 DP 3279 must not exceed a gross floor area of 300m^2.~~[77]

Rule 10.4 – Discretionary activities - Submissions and Assessment

572. Rule 10.4 contains three separate rules that define what activities are Discretionary Activities.

573. **Z Energy, Mobil and BP** (1004.89) support 10.4 and seek that it be retained as notified. Timberlink supports the submission, and Te Ātiawa opposes it. There being no original submission seeking amendment or deletion of the provision, it must remain as notified.

Recommendation

574. That Rule 10.4 remains as notified.

[76] 682.3 – Derry Properties; 1044.16 – Progressive Enterprises.
[77] 1044.16 – Progressive Enterprises.

Matter 7 – Business 3 Zone Rules (Volume 2, Chapter 11)

Overview of Provisions

This assessment relates to the Business 3 Zone rules in Volume 2, Chapter 11 of the MEP. This zone relates to the larger format retail area at Westwood on the western entrance to Blenheim, as well as the Mitre 10 site on Alabama Road.

Rule 11.1 - Permitted Activities - Submissions and Assessment

575. Rule 11.1 lists activities that are permitted activities where they comply with the applicable standards in 11.2 and 11.3.

576. **Outer Limits** (1007.2) supports the permitted activity list, and seeks its retention. There are no other submissions or further submissions. The provisions under 11.1 must remain unchanged.

Recommendation

577. That Rule 11.1 remain as notified.

Rule 11.2.1 – Standards that apply to all permitted activities - Submissions and Assessment

578. Rule 11.2.1 includes standards, under a variety of headings, applying to all permitted activities in the Business 2 Zones.

579. **Te Ātiawa o Te Waka-a-Maui** (1186.149) support in part the standards under 11.2.1. They seek amendment to the standards to account for cultural matters and protect cultural site, areas and resources. The submission and the relief sought is so general that I am unable understand or recommend changes to the standards. Accordingly, I recommend no change is made.

Recommendation

580. I recommend that the rule 11.2.1 remain as notified.

Rule 11.2.3 – Standards that apply to all permitted activities - Submissions and Assessment

581. Rule 11.2.3 relates to external lighting.

582. The **Transport Agency** (1002.197) supports the lighting standards as they recognise the need to protect road users from the potential adverse effects of lighting and glare. The Agency seeks retention of the lighting rules. (This submission was lodged under Chapter 11 as a whole, but has been dealt with here as a more appropriate topic). There are no further submissions.

Recommendation

583. That Rule 11.2.3 remains as notified.

Rule 11.4 – Discretionary activities - Submissions and Assessment

584. Rule 11.4 contains three separate rules that define what activities are Discretionary Activities.

585. **Z Energy, Mobil and BP** (1004.97) support 11.4 and seek that it be retained as notified. Timberlink supports the submission, and Te Ātiawa opposes it. There being no original submission seeking amendment or deletion of the provision, it must remain as notified.

Recommendation

586. That Rule 11.4 remains as notified.

Chapter 11 – General - Submissions and Assessment

587. **The Blenheim Business Assoc** (286.15) supports Chapter 11. They say they support the inclusion of the Business 3 Zone and the geographical area covered with it, and that it provides for Large Format Retail. They seek retention of the Chapter and Zone. The Chapter has not been amended and I recommend the submission is accepted.

Recommendation

588. That Chapter 11 remains as notified, subject to the amendments recommended above to specific provisions within the Chapter.

Matter 8 – Industrial 1 and 2 Zone Rules (Volume 2, Chapter 12)

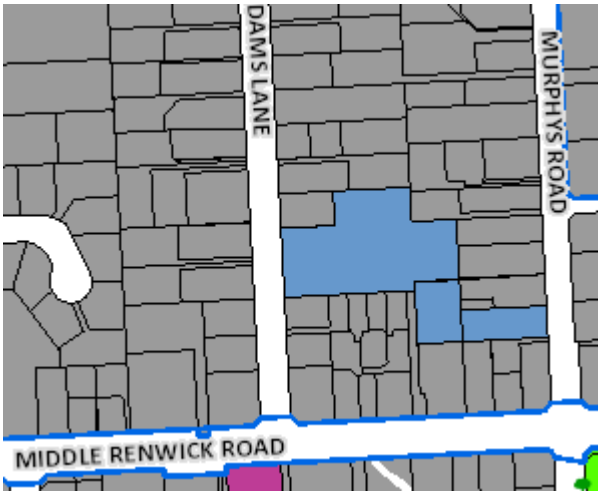
Overview of Provisions

590. This assessment relates to the Industrial 1 and 2 Zone rules in Volume 2, Chapter 12 of the MEP. The Industrial 1 Zone is 'lighter' industrial in Blenheim, Picton, Tuamarina, Woodbourne and Seddon. Industrial 2 is the 'heavier' industrial zones at Burleigh, CMP Marlborough, Riverlands and Cloudy Bay Industrial Estate.

Rule 12.1 - Permitted Activities - Submissions and Assessment

591. Rule 12.1 lists activities that are permitted activities where they comply with the applicable standards in 12.2 and 12.3.

592. **TH Barnes and Co** (160.1) oppose Rule 12.1. Their submission concerns Lot 2 DP8419 at 12 Adams Lane, Lot 4 DP400 at 3 Murphys Road and Lot 1 DP2100 with no street address, that are located within and surrounded by residential properties, and proposed to be zoned Industrial 2. The Industrial 2 Zone land is shown in blue below.



593. They submit that given the property is surrounded entirely by residential properties, provision should be made to use and develop the property in a manner other than for industrial purposes, while retaining the proposed Industrial 2 Zone as a potential resource. In terms of relief, they suggest that residential use on the site be made one of the following: a) permitted activity b) controlled activity c) restricted discretionary activity, or d) discretionary activity. There are no further submissions.

594. While the submission says the land is proposed to be zoned Industrial 1, I note that in the operative WARMP the land is already zoned Industrial One. In my view, if there were future proposal to develop some or all of this land for residential use, this would be best done using the Discretionary Activity provisions in the 12.4. Rule 12.4.3 provides as a discretionary activity - *Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity,* and a residential development would fall under that rule. I support full discretionary activity status (the current default in the MEP) as it provides the ability to consider all matters. If only part of the site were developed as residential, it would give the ability to impose acoustic insulation or other controls to address reverse sensitivity effects on the remaining industrial activity. I do not see the need, or merit, in developing a specific rule for an activity which at this stage is speculative. I note that Policies 12.8.2 and 12.8.3 would provide guidance on the assessment of and application to establish a non-industrial use in Industrial Zone.

595. The **Carlton Corlett Trust** (487.1) support in part the rule. The Trust owns an 8.4ha block of land zoned Industrial 1 in the MEP, to the north of Rosina Corlett Lane and adjacent to the Omaka Airport Zone. The Trust says there have been proposals from time to time to establish museums on the land. The Trust seeks that the MEP be modified to allow, in a suitably limited part of Corlett Trust land, uses such as museums or other public interest facilities which would be compatible with the Omaka Aviation Heritage Centre and the Car Museum. There are no further submissions. In my view the proposal,

and the land on which it might occur is too vague and at this stage, speculative, to warrant modifications to rules to include it in the MEP. As with the submission from TH Barnes and Co above, I consider that if and when a proposal comes to fruition, the discretionary activity consent status, guided by the policies referred to earlier, provides appropriately for the considering of such a proposal, and any adverse or beneficial effects is might have. I do not consider a change to the plan is appropriate.

596. The **Department of Corrections** (681.9) opposes the rule. The Department's submission is that community corrections activities are not explicitly provided for in the listed activities, in the Industrial 1 Zone, and as a consequence, fall under the default activity status of discretionary under rule 12.4 .3. They consider that community corrections activities are a compatible and appropriate activity in the Industrial 1 Zone, exemplified by the existing facility located within the zone in Blenheim. Light industrial zones provide suitable sites for community corrections activities, in particular the community work components, where large sites with yard based activities and large equipment and/or vehicle storage are often required. There are no further submissions. Under Policy 12.5.5, I recommended that community corrections activities be added to those appropriate within the characteristics of the Business 1 Zone. Complementing that, I now support community corrections activities being added to the list of permitted activities in that zone, for the same reasons as under Policy 12.5.5.

597. Related to this, the **Department of Corrections** (681.1) seeks the addition to Chapter of a new definition 'community corrections activity, as follows:

Community corrections activity means the use of land and buildings for correctional administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes and offices may be used for the administration of and a meeting point for community work groups.

598. I support that request.

599. **Fletchers** (713.2) oppose the rule, and the definitions in Chapter 25, respectively. They seek that 'trade supplier' be added to the list of permitted activities. They submit that would enable activities which are most suitability located in industrial areas in terms of their scale, format and loading requirements to be separately identified as 'permitted activities' within the Industrial 1 Zone, while other general 'commercial activities' could remain 'discretionary activities'.

600. **Fletchers** (713.17) also seek a new definition of 'trade supplier' - *Trade supplier means business engaged in sales to businesses, and may include sales to general public, but wholly consists of sales in one or more of the following categories:*

a) Automotive and marine supplies.

b) Buildings supplies, including household fixtures, timber, tools, paint, wallpaper and plumbing supplies.

c) Garden and landscaping supplies.

d) Farming and agricultural supplies.

e) Hire services (excluding hire of books, DVD and video).

601. Fletchers say they have a site is zoned "Industrial One" under the Operative Plan, proposed to be zoned "Industrial 1" under the Proposed Plan. They consider this is a like-for-like transition of the current zoning into the MEP. However, the MEP identifies that the activity status of 'commercial activities' is proposed to change from being a 'permitted activity' to a 'discretionary activity'. They understand the change in activity status is to support the commercial hierarchy approach in the MEP. However, commercial activities such as PlaceMakers and Mico, they submit, are more aligned to industrial areas, which require large areas for display of goods, and loading. They argue that the broad definition of 'commercial activity' causes retail shops of all scales to be captured in a single definition, which limits the MEP's ability to separate the activity status of large-format retail such as PlaceMakers and Mico, from smaller more 'high-street' retail activities.

602. I note that Bunnings and Mitre 10 are located in the MEP Business 3 Zone, which caters for large format retail. However, the other building and fixture suppliers are currently in the Industrial zones, as are most of the automotive and marine suppliers, Hirepool, and a number of viticultural suppliers

(although PGG Wrightson and FruitfedSuppliers are in the Business 3 Zone at Westwood). I accept that a number of activities are not always suited to a MEP Business 1 or 2 Zone because of the nature of the goods they sell, or the scale of the activity, including areas needed for outside display. The difficulty is whether it is possible to provide for such activities in the Industrial 1 Zone, while still achieving Policies 12.4.2 and 12.5.1 (strong CBDs), and especially Policy 12.4.4 (the business zone hierarchy); that is, not promoting retail 'leakage' from the Business 1 and 2 Zones, to the detriment of those policy outcomes.

603. I am inclined to think the risk is not that great with the rule and definition as proposed by Fletchers. Many of the goods listed require collection in a ute or trailer, which is not suitable generally for a CBD or suburban business environment, and the amenity for those areas as sought by the MEP. I therefore support the new rule sought for the Industrial 1 Zone, and the proposed new definition.

604. **House Movers NZ** (770.6) oppose the rule. The House Movers submission refers to rule 2.5.2 making relocated buildings in the Industrial Zones a discretionary activity. Rule 2.5.2 deals with the activity status of water. It is inferred the submission relates to rule 12.1. The relief sought is that relocated buildings in the Industrial 1 and 2 zones is a permitted activity. House Movers also proposes permitted standards to apply to relocated buildings, as discussed under Topic 5.3.7. There are no further submissions. I support the request as such an activity is likely to be needed in the Industrial Zones, and any adverse effects can be addressed through permitted conditions. For consistency across the plan, I recommend adopting the permitted standards proposed under 5.3.7, with a slight modification to clarify that any building to be used as a dwelling requires resource consent for that use.

605. **Z Energy** (1244.13) support the rule in part. They submit that, in Blenheim, the Industrial 1 zone applies to land either side of State Highway 1, and alongside parts of the railway line. Service stations are appropriately provided for as a permitted activity within this zone in the MEP, and this is supported. They submit that the Grove Road service station, located on the corner of Grove Road and Budge Street, in between the road and the railway line, operates as a truck stop as well as a retail service station. The truck stop use is not provided for as a permitted activity within the zone although it is noted that such a use is provided for as a permitted activity within the Industrial 2 zone. The Industrial 1 zoning they consider suitable for the site, for the most part. If any future additions or alterations to the truck stop, including retanking, also incorporates or comprises additions or alterations to the service station, however, then the proposal as a whole would become a discretionary activity. Z Energy consider it unreasonable for future additions and alterations to be discretionary activities. The effects associated with the Grove Road Truck Stop, like the Service Station, can be appropriately managed by compliance with the zone standards. The further submission of Te Ātiawa opposes this, saying the reduction in community participation was to benefit business certainty.

606. Z Energy seeks the following relief:

> *Amend the permitted activity standards to ensure that additions and alterations, including retanking, to existing truck stops within the Industrial 1 zone can be provided for as permitted activities. This can be achieved by making the following changes:*
>
> ***12.1 Permitted Activities***
>
> *Amend 12.1.5 as follows:*
>
> *12.1.5 Truck Stop ~~within industrial 2 zone~~.*
>
> *OR*
>
> *Retain 12.1.5 as notified*
>
> *12.1.5 Truck Stop within industrial 2 zone.*
>
> *AND*
>
> *Insert a new rule providing for truck stops associated with a service station development.*
>
> *12.1.## Truck Stop where it forms part of a service station development in the Industrial 1 zone.*
>
> *OR*
>
> *Insert a new rule providing for alterations and additions, including retanking, to existing truck stops as follows:*
>
> *12.1.## Additions and alterations to truck stops existing as of the date of notification of the Plan, including retanking.*

607. I consider the site on the corner of Grove Road and Budge Street is appropriate for a truck stop, being Industrial 1 zoning and located as it is between the Main Trunk Railway Line and SH1 (Grove Road), both of which have already have higher noise and traffic environments. I support a truck stop on that site as a permitted activity. However, I don't support options that make truck stops in all Industrial 1 areas permitted, whether or not they are co-located with a service station. The coming and going of large trucks, including at night, some of which may be transporting stock, will not be appropriate in all Industrial 1 locations. Since the truck stop already exists, and because it is separated from residential areas by the State Highway and railway, I do not think any loss of community input via the resource consent process is significant, if the activity is made permitted. The activity must comply with the permitted activity standards in 12.2 and 12.3.

608. **Fonterra** (1251.139) supports in part the rule. It considers that commercial activities which are ancillary to an industrial activity (which is the primary use of a site) should be permitted on sites zoned Industrial 2. It seeks insertion of a new rule: *12.1.35 Commercial activities ancillary to industrial activities.* Such a rule is already provided for as 12.1.3. Therefore, no change is needed.

Recommendation

609. I recommend that the following is added to the list of permitted activities under Rule 12.1:

12.1.x Community corrections activity[78].

610. I recommend that the following new definition is added to Chapter 25:

Community corrections *activity means the use of land and buildings for correctional administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.*

611. I recommend that the following is added to the list of permitted activities under Rule 12.1:[79]

12.1.y Relocated building.

And that the following are added under 12.3 (Standards for specific permitted standards):

Relocated building.

12.3.X.1 Any relocated building intended for use as a dwelling must have resource consent and have previously been designed, built and used as a dwelling.

12.3.X.2 A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

12.3.X.3 The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

12.3.X.4 All other reinstatement work required by the report referred to in 12.3.X.2 and the building consent to reinstate the exterior of any relocated building must be completed within 12 months of the building being delivered to the site. Without limiting 12.3.X.3, reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

12.3.X.5 The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

12.3.X.6 The siting of the relocated building must also comply with Rule 12.2.1.

[78] 681.9 – Department of Corrections
[79] 770.6 – House Movers NZ

612. I recommend that Standard 12.1.5 is amended as follows:

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.[80]

613. I recommend that the following is added to the list of permitted activities under Rule 12.1:

12.1.z Trade supplier within the Industrial 1 Zone.[81]

614. I recommend that the following new definition is added to Chapter 25:

Trade supplier means business engaged in sales to businesses, and may include sales to the general public, but wholly consists of sales in one or more of the following categories:

a) Automotive and marine supplies.

b) Buildings supplies, including household fixtures, timber, tools, paint, wallpaper and plumbing supplies.

c) Garden and landscaping supplies.

d) Farming and agricultural supplies.

e) Hire services (excluding hire of books, DVD and video).[82]

Rule 12.1.6 - Permitted Activities - Submissions and Assessment

615. Rule 12.1.6 provides for services stations as permitted activities.

616. **Z Energy. Mobil and BP** (1004.59) support the rule and seek its retention. Timberlink supports the submission and Te Ātiawa opposes it. There is no scope in the original submission for change to the provision.

Recommendation

617. That Rule 12.1.6 is retained as notified.

Rule 12.1.33 - Permitted Activities - Submissions and Assessment

618. Rule 12.1.33 provides for emergency services facilities as permitted activities.

619. **FENZ** (993.61) supports the rule and seek its retention. There are no further submissions.

Recommendation

620. That Rule 12.1.33 is retained as notified.

Rule 12.2 – Standards for all permitted activities - Submissions and Assessment

621. Rule 12.2 includes standards, under a variety of headings, applying to all permitted activities in the Industrial 1 and 2 Zones.

622. **FENZ** (993.63) opposes the permitted activity standards in 12.2, as they do not include a requirement to provide a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and access to that water supply. FENZ seeks insertion of a new rule and standards. For the reasons discussed under Topic 5.2, I support the submission, with some amendment to wording they propose (as in my Topic 5.2 recommendation).

[80] 1244.13 – Z Energy
[81] 713.2 – Fletchers
[82] 713.17 – Fletchers

Recommendation

623. I recommend that a new rule 12.2.9 is inserted on page 12-6, after rule 12.2.8, as follows:

> ***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 be 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.*[83]

Rule 12.2.1 – Standards for all permitted activities - Submissions and Assessment

624. Rule 12.2.1 includes standards relating to the construction and siting of buildings or structures in the Industrial Zones.

625. **MDC** (91.227) supports the rules but seeks addition of a new standard to ensure that the effects of industrial activity on amenity areas visible to the public are minimised. The standard it seeks is – *At least 10% of the road frontage must be landscaped with permanent plantings of grasses (except lawn grasses), shrubs and trees or any combination thereof.* Timberlink's further submissions support the original submission. Te Atiawa's further submission opposes it (but the text refers to works in riverbeds and on the banks of waterways). I generally support the submission. Policy 12.6.2 requires landscaping of industrial sites to soften the appearance of buildings fronting roads. In the MEP as notified there is no rule to give effect to this policy, so I support inclusion of a rule. I propose slightly different wording to that requested, for consistency with the landscape rule recommended under Topic 9.2.1.11 (the Business 1 Zone), which recognises buildings and vehicle accesses can occupy part of site frontages. Rule 9.2.1.11 was also submitted on by MDC (submission 91.129).

626. **KiwiRail** (873.140) supports the provisions in part, and seeks a new clause added to it. KiwiRail submits that, for safety reasons, the rail corridor is not publicly accessible. Therefore, to ensure that access to all buildings can be provided without the need for occupiers to compromise their safety and access the rail network, buildings being setback from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design. I support the general intent of the submission, but I consider the setback requested to be excessive for purpose stated, for the reasons outlined under Topic 5.2.1.

627. **Te Ātiawa o Te Waka-a-Maui** (1186.149) support in part the standards under 12.2.1. They seek amendment to the standards to account for cultural matters and protect cultural site, areas and resources. The submission and the relief sought is so general that I am unable understand or recommend changes to the standards. Accordingly, I recommend no change is made.

Recommendation

628. I recommend that a new rule 12.2.Y is inserted on page 12-6, as follows:

> **Landscaping**
>
> *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.* [84]

629. I recommend that a new standard be added to rule 12.2.1, as follows:

[83] 993.63 - FENZ
[84] 91.227 - MDC

12.2.1.11 A building or structure must not be within 1.5m of the rail corridor, except for a fence provided the fence is constructed, and palings or main fencing elements are able to be replaced, from within the site and without accessing the rail corridor. [85]

Rule 12.2.1.1 – Standards for all permitted activities - Submissions and Assessment

630. Rule 12.2.1.1 specifies a 12m height for buildings in the Industrial 1 Zone and 15m in the Industrial 2 Zone.

631. **Fletchers** (713.3) supports the height of 12m in the Industrial 1 Zone and seeks retention of the standard. There are no further submissions.

Recommendation

632. That standard 12.2.1.1 is retained as notified.

Rule 12.2.1.4 – Standards for all permitted activities - Submissions and Assessment

633. Rule 12.2.1.4 is:

> *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.*

634. **Timberlink** (460.3) opposes the standard. They submit that having to setback a building or structure a minimum of 6m from the boundary with urban residential zones wastes too much valuable space. They say this is the consequence of proposed Urban Residential 3 Zone against the Industrial 2 Zone of their sawmill. They argue that protection can alternatively, and more effectively, be achieved by screening and fencing, rather than setbacks. They seek the setback requirement not apply if a fence, wall or some other form of screening is established along the boundary. There are no further submissions.

635. I do not support the submission. Buildings in the Industrial 2 Zone are permitted to be up to 15m high. There are no rules that require daylight admission to neighbouring Urban Residential Zones (recession planes). The setback rules therefore are important in providing daylight amenity into adjoining residential sites and reducing shading effects. Providing a fence or screening, so that a large building can come closer to the boundary will not ameliorate that adverse effect on the neighbours. It might in some instances assist with reducing noise across the zone boundary. There may be instances where the setback can be reduced without adverse effects on the neighbouring zone – or even positive effects. But in my view, these need to be considered through the resource consent process.

Recommendation

636. I recommend that standard 12.2.1.4 is retained as notified.

[85] 873.140 - KiwiRail

Rule 12.2.1.5 – Standards for all permitted activities - Submissions and Assessment

637. Rule 12.2.1.5 is:

> *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.*

638. **Timberlink** (460.5) opposes the standard. They submit that the requirement for a fence to be no more than 2m high when adjoining urban residential zones does not recognise the effects and difficulties with the proposed Urban Residential 3 Zone coming up against the Industrial 2 zoned site of their sawmill. The 2m fence height is significantly less than the height of the existing walls around the site erected to protect the surrounding properties. They seek abandonment of the proposed Urban Residential Zone on the adjoining land. They say that would also result in no need for the restriction on fence height. There are no further submissions.

639. I understand the concerns the submitter has with the industrial-residential interface on the western boundary of their site at Burleigh. The current zoning in the WARMP of the land to the west is Rural Residential (with a minimum site area of 4500m^2). The proposed MEP Urban Residential 3 zoning would have a lot minimum of 2000 m$^{2.}$ However, the 2013 Marlborough Growth Strategy identified the area for intensification from rural residential to large lot residential, and in 2014 two resource consents were granted to subdivide much of the area with many sites in the 2000-2500 m^2 range. I note that in consent U100791, the sawmill gave written approval to the proposal, while in U130366.1, which created 22 lots, the sawmill did not lodge a submission. Under U130366.1 a 3m high earth bund was created to provide screen between the sawmill and the new development. A bund was also established under U199791.

640. The locations of the two bunds are shown on the aerial photograph below (the relevant zoning maps in the MEP are 13 and 19).

641. The bunds help reduce potential for reverse sensitivity between the residential area and the sawmill. Equally, however, the standards in the Plan and the conditions of the sawmill's resource consents, are designed to ensure that the sawmill's effects are not significantly adverse beyond their site.

642. Changing the MEP zoning of the area to Rural Living (the nearest equivalent to the WARMP Rural Residential Zone) would not undo the subdivision and development that has already occurred. I therefore do not support removing the proposed Urban Residential 3 Zoning on the land, as that zoning is most appropriate to the development that has occurred in this area.

643. Having said that, however, I recommend two options for the Hearing Panel to consider:

    a. Option A: This relates to the 2 larger sites at 30 and 34 Waters Ave (as in the aerial photograph above) They have not been subdivided into small sites, and could be rezoned Rural Living. The minimum lot size for the Rural Living Zone is 7500m^2 which would prevent further subdivision of these two sites, and the potential for more dwellings with boundaries adjoining the sawmill. The sites on the northern side of Waters Avenue have Rural Living zoning in the MEP, so such a zoning for 30 and 34 Waters Road would not be atypical. The owner(s) of numbers 30 and 34 did not lodge further submissions in response to Timberlink's submission to change the proposed zoning, and nor did any of the landowners in the area affected. (Nor have the landowners been consulted.)

    b. Option B is to make provision for taller fences along the boundary between the Industrial 2 Zone and the Urban Residential 3 Zone to reduce reverse sensitivity effects. The restrictions on the fence height were a large part of the submission. Timberlink's submission indicates that the existing fence is taller than the 2m allowed in the proposed standard. It would be helpful if the submitter at the hearing could provide details of the height of the current fence, to assist with consideration of what the height limit of the boundary fence ought to be, if the Hearing Panel is inclined to accept my recommendation.

644. If option (b) were adopted, then a consequential change to the fence height rule in the Urban Residential 3 Zone would also be needed.

645. If option (a) were adopted, and 30 and 34 Waters Avenue became Rural Living Zone, then the height restriction on fences on the zone to zone boundary would not apply. Standard 12.2.1.5 only applies to Urban Residential Zones, and there is no fence rule in the Rural Living Zone.

Recommendation

646. I recommend either:

647. **Option A**:

648. That 30 Waters Avenue (Lot 21 DP 503417) and 34 Waters Avenue (Lot 22 DP 503417) are re-zoned to Rural Living Zone;

OR

649. **Option B**:

650. That standard 12.2.1.5 is amended as follows:[86]

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, except that on the boundary between the Industrial 2 Zone at Burleigh and the Urban Residential 3 Zone the height must not exceed (figure to be inserted)m.

651. That, as a consequential amendment, the following change is made to rule 6.2.1.10 in the Urban Residential 3 Zone rules:

The height of a fence or part of a fence must not exceed 2m except that on the boundary with the Industrial 2 Zone at Burleigh and the Urban Residential 3 Zone the height must not exceed (figure to be inserted)m.

Rule 12.2.1.7 – Standards for all permitted activities - Submissions and Assessment

652. Rule 12.2.1.7 is:

A building or structure in which human effluent will be created must connect to, and dispose of its effluent into, a Council operated sewage system designed for that purpose, if the system is within 30m of the property boundary or 60m or the closest building.

653. **Timberlink** (460.4) supports in part the standard. They submit that the requirement does not provide for large sites where the distances between the frontage or position of the sewer make the connection impractical. They seek an exemption from the requirement for large sites, in recognition that some industrial sites are large enough to accommodate their own treatment in a similar manner to rural properties, and in recognition of the prohibitive cost of connections on some large industrial properties. There are no further submissions.

654. If existing activities are lawfully dealing with their own effluent on site, they will have existing use rights allowing the activity to continue unaffected by this rule, if the effects remain the same or similar in character, intensity and scale to those that existed before any rule in the MEP became operative. If it is a new activity, or a change in an existing activity that triggers this standard, a company always has the right to seek resource consent to do something different. I therefore do not support changing the rule.

Recommendation

655. I recommend that rule 12.2.1.7 remains as notified.

[86] 460.5 - Timberlink

Rule 12.2.4 – Standards for all permitted activities - Submissions and Assessment

656. Rule 12.2.4 is:

Storage of goods outdoors.

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

(a) 3m of a road boundary;

(b) 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;

(c) 3m of the boundary of Lots 16 to 20 DP 348832 and Lot 2 DP 352510;

(d) 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.*

657. **Timberlink** (460.9 and 460.10) opposes the standard. They submit that requiring outdoor storage of materials to be no closer than 3m from the zone boundary, or 6m for an Urban Residential Zone, results in a significant area of a site that is effectively sterilised from use. In their view, setback should not be required if screening is in place as screening makes use possible without adverse effects on adjoining properties. They seek deletion of the standard, or amendment to require screening if storage is proposed to be within 3m of the boundary, and removal of the 6m setback.

658. Outdoor storage areas can be unsightly and can affect the amenity of public and residential areas in particular. Setting the stored items further back from the boundary does not necessarily reduce the visual impact. If there is no screening, items stored 3m away or 10m away (or more) from the boundary will likely be visible, with potential amenity effects. In my view, the screening of outdoor storage area from public view and residentially-zoned properties, as in Standard 12.2.4.2, is necessary, and I do not support any change to that standard. I note that the screening wall or fence does not have to be on the boundary – it can be a wall or fence around the storage area within the site.

659. Turning to 12.2.4.1, the question then is whether a screened storage area could be closer to a boundary than the 6m setback from a residential zone, or the 3m from the road or other zone boundaries. A screened storage area, if compliant, will not be visible from an adjoining residential site. But standard 12.2.4.1 is not necessarily only about controlling visual impacts. The setback distances can have some visual amenity component, but can also address matters such as safety in stacking, noise from moving the goods, potential odour or other effects, possibly even fire and/or ability for access for emergency services. Timberlink in its submissions has been concerned about potential reverse sensitivity effects around its site. Given that concern, it would seem to be moving in the wrong direction to delete or weaken standard 12.2.4.1 as that provision helps manage reverse sensitivity effects. I do not support amendment to the standard.

660. I note that if the Hearing Panel were to adopt Option A under 12.2.1.5 (changing some sites with a boundary with the sawmill to Rural Living) then the submitter would gain some relief under this submission as well. The setback of outdoor storage from a Rural Living Zone would be 3m rather than 6m, and screening would not be mandatory.

Recommendation

661. I recommend that Standard 12.2.4 remains as notified.

Rule 12.4 – Discretionary activities - Submissions and Assessment

662. Rule 12.4 contains four separate rules that define what activities are Discretionary Activities.

663. **Z Energy, Mobil and BP** (1004.72) support the provision and seek that it be retained as notified. Timberlink supports the submission, and Te Ātiawa opposes it. There being no original submission seeking amendment or deletion of the provision, it must remain as notified.

Recommendation

664. That Rule 12.4 remains as notified.

Rule 12.4.2 – Discretionary activities - Submissions and Assessment

665. Rule 12.4.2 lists 'commercial activity' as being a Discretionary Activity.

666. **Fonterra** (1251.147) opposes the provision. Its submission is that commercial activities, such as administrative offices, may be a necessary part of an industrial activity and that some commercial activities may be appropriate in industrial zones where they are ancillary to the primary industrial use of the site. It seeks that 12.4.2 be amended as follows: *Commercial activities not ancillary to an industrial activity.*

667. I support the submission. I note that 'commercial activity ancillary to an industrial activity' is provided as a Permitted Activity in 12.1.3. It is confusing to have 'commercial activity' specified as discretionary in 12.4.2. I agree with the submitter that the wording in 12.4.2 needs amending, but I would suggest the term *'not provided for as a Permitted Activity'* be used, as that follows terminology used elsewhere in the Plan, in particular in 12.4.1.

Recommendation

668. I recommend that Rule 12.4.2 is amended as follows:

Commercial activity not provided for as a Permitted Activity.[87]

[87] 1251.147 - Fonterra

Matter 9 – Definitions (Volume 2, Chapter 25)

Overview of Provisions

This assessment relates to submissions on definitions relevant to the matters assessed in this report, including requests for additional definitions to be included in Chapter 25.

Heavy Industrial Activity - Submissions and Assessment

669. In Chapter 25, page 9, ***'Heavy industrial activity*** *means activities that process raw materials to finished products; materials that have generally been processed at least once; meat processing; heavy fabrication; making and assembling parts that are, in themselves, large and heavy'.*

670. **Z Energy, Mobil and BP** (1004.11) support the definition and seek its retention.

671. **Fonterra** (1251.149) opposes it. In their view, the definition is confusing and does not provide a clear definition for heavy industrial activities. They consider that Policy 12.5.6 provides a clearer steer on the nature of heavy industrial activities and those activities anticipated in the Industrial 2 Zone. They seek deletion of the definition.

672. **Federated Farmers** (425.399) support in part the definition. They are concerned that the definition of heavy industrial activity is not clearly articulated and will capture regular primary production activities. It could capture innovative small producers that are making boutique products from raw materials, for example, small cheese making businesses, and including meat processing will capture homekill operators. Federated Farmers submit that these operators run small businesses on site in the rural environment, and should not be compared to heavy industrial activities in another zone. Federated Farmers also consider the qualifier, that the products are large and heavy, is ambiguous. They note that Industrial or Trade Premises and Industrial Process are defined in the proposed Plan as having the same meaning as Section 2 of the Act. They see that as sufficient and the addition of an imprecise definition for Heavy Industrial Activity is unnecessary. They seek deletion of the definition.

673. Te Ātiawa submitted in opposition to the Z Energy, Mobil & BP submission and the submission of Federated Farmers. The accompanying reason related to changes that reduce iwi consultation and engagement and iwi recognition.

674. A number of submitters are also concerned about the reference to 'meat processing' in the definition of 'heavy industry' and its potential implications for farm homekill activities. I address these separately under the 'Meat processing' definition below.

675. 'Heavy industrial activity' is used in rule 12.1.1, to differentiate between the Industrial 2 Zone (within which both light and heavy industrial activities are permitted) and Industrial 1 (where only light industrial activities are permitted and by default, heavy industrial activities require discretionary activity consent). I do not consider that Policy 12.5.6 provides specific enough guidance to act as a definition, as suggested by Fonterra. Other than rely on the policy, they do not suggest wording to improve the deficiencies they see in the definition. Similarly, Federated Farmers suggest deleting the definition and relying instead on the definition of 'industrial and trade premises' from the Act. However, that definition applies generically to industrial and trade premises, and does not assist in the required differentiation in the rules between 'light industrial' and 'heavy industrial' activities. There are no submissions to amend rule 12.1.1 to remove reference to 'light industrial activities' and 'heavy industrial activities' therefore the definitions of both in Chapter 25 need to remain. There is little scope, other than discussed below, to amend the existing definition.

676. Federated Farmers is concerned also that the definition of 'heavy industrial activity' could capture small rural businesses (e.g. boutique cheese making using raw materials on-site) and that meat processing will capture homekill activity. I am sympathetic to that concern. The term 'heavy industrial activity' is only used in Chapter 12 (Industrial 1 and 2 Rules), and is not used in the Rural Zone rules (Chapter 3) nor the General Rules (Chapter 2). Therefore, in my opinion, the definition of 'heavy industrial activity' has no effect in the Rural Environment Zone. However, to make that abundantly clear, I think this should be stated clearly in the definition.

Recommendation

677. I recommend that the definition of 'Heavy industrial activity' is amended as follows:

> ***Heavy industrial activity***, *as it applies in the Industrial 1 and 2 Zones*[88], *means activities that process raw materials to finished products; materials that have generally been processed at least once; meat processing; heavy fabrication; making and assembling parts that are, in themselves, large and heavy*.

Meat processing - Submissions and Assessment

678. In Chapter 25, page 14, '***Heavy industrial*** *means the use of land and buildings for the yarding and slaughtering of animals; the associated processing of meat including by-product and co-product processing; rendering; fish and shellfish processing; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products'*.

679. **Paul Kemp** (189.1), **James (Jim) Rudd** (292.1), **Steven and Sarah Leov** (326.7), **BL and CF Leov Bulford** (340.8), **Kevin Francis Loe** (454.125), **Mt Zion Charitable Trust** (515.4) **Flaxbourne Settlers Association** (712.22), **Chris Bowron** (88.13), **Steven McKenzie** (1124.21) and **Federated Farmers** (425.410) all either support in part the definition or oppose it. All are concerned that the definition, will encompass the slaughter of animals on farms for home consumption, and that it will also be a 'heavy industry'. Various forms of relief are proposed, but they all seek clarification in the definition that the meat processing definition does not include primary production where farmed or wild animals are slaughtered for home consumption, or words to similar effect.

680. The term 'meat processing' as far as I can determine is only used in the definition of 'heavy industrial activity' in the MEP. It is not used in the Rural Zone rules (Chapter 3), the General Rules (Chapter 2), the Business Zone rules (Chapters 9, 10 & 11) nor in the Industrial 1 and 2 rules (Chapter 12). Therefore, in my opinion the definition of 'meat processing' has no effect in the Rural Environment Zone. To make that clearer, I think the definition should be amended to link it to the definition of 'heavy industrial activity, which if my earlier recommendation is accepted, would in turn clear only apply to the Industrial 1 and 2 Zone. In my view, that resolves the issue raised by the submitters. I do not favour also putting an exclusion in the definition for homekill type activities, as that only reinforces the (wrong) view to readers that the definition might apply outside the Industrial zones, in the Rural Environment Zone for example.

681. **Sanford Ltd** (1140.72) support the definition in part. Their issue is different to the other submitters. They are concerned the definition is uncertain. Their relief it not clear, but they appear to want the yarding of animals excluded from the definition (in their words - *'i.e. aquaculture sorting and washing'* and *'on-water processing'*). If the amendments discussed above (and recommended below) are accepted, that would resolve the issues that appear to concern Sanfords in relation to 'on-water processing', since the amended definitions would only apply to the Industrial Zones, and not on-water.

Recommendation

682. I recommend that the definition of 'Meat processing' is amended as follows[89]:

> ***Meat processing***, *as it applies in the definition of 'Heavy industrial activity',* *means the use of land and buildings for the yarding and slaughtering of animals; the associated processing of meat including by-product and co-product processing; rendering; fish and shellfish processing; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products.*

[88] 425.399 – Federated Farmers

[89] 189.1 - Paul Kemp; 292.1 - James (Jim) Rudd); 326.7 - Steven and Sarah Leov; 340.8 - BL and CF Leov Bulford; 454.125 - Kevin Francis Loe; 515.4 - Mt Zion Charitable Trust; 712.22 - Flaxbourne Settlers Association; 88.13 Chris Bowron; 1124.21 - Steven McKenzie; 425.410 - Federated Farmers; and 1140.72 - Sanford Ltd.

Light Industrial Activity - Submissions and Assessment

683. In Chapter 25, page 13, ***Light industrial activity*** *means activities focussed on design, assembly, finishing and packaging of products. Included are facilities for administration and research, assembly of products, storage and warehousing, shipping and associated parking lots and grounds. Among the industries are research laboratories, small textile mills, electronics firms and trucking companies*.

684. **Z Energy, Mobil and BP** (1004.12) support the light industrial activity definition and seek its retention.

685. **Fonterra** (1251.150) opposes the definition. In their view, the definition is confusing and does not provide a clear definition for light industrial activities. Fonterra consider that Policy 12.5.5 provides a clearer steer on the nature of light industrial activities and those activities anticipated in the Industrial 2 Zone. They seek deletion of the definition.

686. Te Ātiawa submitted in opposition to the Z Energy, Mobil & BP submission and the submission of Federated Farmers. The accompanying reason related to changes that reduce iwi consultation and engagement and iwi recognition.

687. As discussed above in relation to submissions on the heavy industrial activity definition, the definition of 'light industrial activity' (and 'heavy industrial activity') is important to differentiate between the Industrial 2 Zone (within which both light and heavy industrial activities are permitted) and Industrial 1 (where only light industrial activities are permitted and by default, heavy industrial activities require discretionary activity consent). Policy 12.5.5 does not provide specific enough guidance, in my view, to act as a definition, as suggested by Fonterra. Other than rely on the policy, they do not suggest wording to improve the deficiencies they see in the definition. There are no submissions to amend rule 12.1.1 to remove reference to 'light industrial activities' and 'heavy industrial activities'. Therefore, the definitions of both in Chapter 25 need to remain. There is little scope, other than discussed below, to amend the existing definition. I support retention of the definition.

Recommendation

688. I recommend that the definition of 'Light industrial activity' in Chapter 25 is retained as notified.

Net Site Area - Submissions and Assessment

689. The **Transport Agency** (1002.243) supports the 'Net site area' definition and seek its retention. There are no further submissions. The provision cannot be changed.

Recommendation

690. That the definition of 'Net site area' remains as notified.

Service station - Submissions and Assessment

691. **Z Energy, Mobil and BP** (1004.53) support the light industrial activity definition and seek its retention. Te Ātiawa submitted in opposition concerned about reduced iwi consultation and engagement and iwi recognition. The provision cannot be changed.

Recommendation

692. That the definition of 'Service station' remains as notified.

Community activity - Submissions and Assessment

693. The **Department of Corrections** (681.2) opposes the definition of 'Community activity' and seeks its amendment. They submit that community corrections activities do not clearly fall within any of the current activity definitions of the MEP, and consequently are not specifically provided for under the rules of any of the zones. Under the zone rules of the MEP, any activity not provided for falls to a default activity status of discretionary. They seek that the words 'community corrections activity' be

added to the definition of 'community activity'. In a separate submission point (681.1 considered under rule 12.1) they also seek a new definition of 'community corrections activity'. They note it that both changes are made, then 'community corrections activity' will become a subset of 'community corrections activity'.

694. I do not support the change because community activity is permitted within the residential zones if it is within an existing community facility. The change is approved that community corrections activities could set up within churches, halls or other existing community facilities within residential areas. I support elsewhere in the Plan community corrections activities being able to locate in certain zones (e.g. Business 1 and Industrial 1). But I do accept these activities are appropriate, as of right, within residential areas.

Recommendation

695. I recommend that the definition of 'Community activity' remains as notified.

Proposed new definition 'Supermarket' - Submissions and Assessment

696. **Progressive Enterprises** (1044.17) support in part the definitions. They consider the 'commercial activity' definition is too wide; there is a significant difference between supermarket, greengrocer and butchers. They seek inclusion of the following new definition of a 'supermarket':

> *A retail shop where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold for the consumption or use off the premises and includes lotto shops and pharmacies located within such premises and where liquor licences are held for each premise.*

697. Derry Properties in a further submission support the inclusion of a supermarket definition.

698. The term 'supermarket' is not used in the rules in Chapter 2 (general rules), Chapters 9, 10 and 11 (Business 1,2 and 3 rules) or Appendix 16 (Scheduled sites). I can see no reason to define supermarket in the MEP. However, I note that Progressive Enterprises has also submitted on the parking requirements in Table 2.1 in Chapter 2, seeking the listing of 'supermarkets' along with new parking standards for that activity. That submission is being dealt with in a separate hearing. If the Hearing Committee is inclined to support specific parking requirements for supermarkets, then a definition would be needed, and I would support inclusion of the definition the submitter has proposed.

Recommendation

699. I recommend either:

a) Chapter 25 is not amended to include a definition of 'supermarket'; or

b) If the Hearing Panel when considering submissions on Chapter 2, decides to include specific parking requirements for supermarkets in Table 2.1, then that an accompanying definition of supermarket ought to be included in Chapter 25, using the wording proposed in submission 1044.17.

Proposed new definition 'Trade supplier' - Submissions and Assessment

700. **Fletchers** (713.1) oppose the definitions, and seek a new definition of 'Trade supplier'. As discussed under Rule 12.1, the MEP makes commercial activities discretionary in the Industrial 1 zone, affecting the current permitted status of PlaceMakers and Mico. Fletchers submit that these activities are more aligned to industrial zones, which require large areas for display of goods, and loading. They submit that the broad definition of 'commercial activity' causes retail shops of all scales to be captured in a single definition, which limits the MEP's ability to separate the activity status of large-format retail such as PlaceMakers and Mico, from smaller more 'high-street' retail activities.

701. They seek a new definition of 'Trade Supplier' as follows:

Trade supplier means business engaged in sales to businesses, and may include sales to general public, but wholly consists of sales in one or more of the following categories:

a) Automotive and marine supplies.

b) Buildings supplies, including household fixtures, timber, tools, paint, wallpaper and plumbing supplies.

c) Garden and landscaping supplies.

d) Farming and agricultural supplies.

e) Hire services (excluding hire of books, DVD and video).

702. I support a definition of trade supplier to accompany the recommended permitted status of such activity in Rule 12.1, and for the reasons discussed under 12.1.

Recommendation

703. I recommend that a new definition of 'trade supplier' in added to Chapter 25, as follows[90]:

Trade supplier means a business engaged in sales to businesses, and may include sales to general public, but wholly consists of sales in one or more of the following categories:

a) Automotive and marine supplies.

b) Buildings supplies, including household fixtures, timber, tools, paint, wallpaper and plumbing supplies.

c) Garden and landscaping supplies.

d) Farming and agricultural supplies.

e) Hire services (excluding hire of books, DVD and video).

Large format retail - Submissions and Assessment

704. In Chapter 25 *'**Large format retail –** means the use of land and buildings for the sale of goods to the trade and/or general public'.*

705. **Harvey Norman** (766.1) oppose the definition. Their submission is that the large format retail definition does not specify the type of goods sold, or the size of the premises. Under the MEP, the Harvey Norman store is therefore a commercial activity, or a large format retail, or both. They state that large format retail is listed as a permitted activity in the Business 3 zone and is not provided for elsewhere in the MEP. Therefore, outside of the Business 3 zone, it can be argued that any activity that meets the definition of large format retail would require discretionary resource consent (by virtue of the "catch-all" rule used throughout the MEP).

706. The submitter is concerned that the presence of two overlapping definitions could give rise to unintended consequences. For example, if Harvey Norman were to expand its operations, Council officers could elect, arguably, to assess the proposal as a discretionary activity (expansion of a large format retail activity). Within Blenheim, they say, the Harvey Norman store occupies a much smaller floorplate than the likes of Mitre 10 MEGA and Bunnings Warehouse. However, Harvey Norman's operations elsewhere around the country often require large premises. Its brand is therefore synonymous with "bulky goods" and large format retail activities.

707. In the view of the submitter, large format retail has been given a specific meaning in the MEP; it is specific to the Business 3 zone and has no meaning outside of that context. This should be made clear through the definition. Alternatively, a different term should be used to avoid confusion with existing large format stores within the CBD, such as the Harvey Norman store. The relief they seek is that the definition be amended as follows:

***Large format retail** means the use of land and buildings for the sale of goods to the trade and/or general public. Large format retail applies within the Business 3 zone only.*

[90] 713.1 - Fletchers

708. The submitter considers that a minimum floor area threshold should be added to the large format retail definition, but is not interested in setting the level of that threshold, arguing it is the Council's responsibility.

709. There are no further submissions.

710. I appreciate the issue raised by the submitter and support the change they propose.

711. In terms of their submission regarding a minimum floor area within the definition, rule 11.2.1.6, as a permitted standard that must be met, states that *Large format retail tenancy must have a gross floor area greater than 1000m^2.* I consider that standard establishes a minimum floor area limit and that it is appropriate for large format retail activity, and that it is unnecessary to include a floor area minimum in the definition.

Recommendation

712. I recommend that the definition of 'Large format retail' is amended as follows[91]:

> ***Large format retail*** *means the use of land and buildings for the sale of goods to the trade and/or general public. Large format retail applies within the Business 3 zone only.*

Commercial activity - Submissions and Assessment

713. In Chapter 25 ***Commercial activity –****means the use of the land, buildings or space for the display, offering, provision, sale, servicing or hire of goods, services, equipment, and includes shops, markets, showrooms, premises licensed for the sale of liquor, restaurants, takeaway foodbars, professional, commercial and administrative offices, places of assembly, places of recreational activities and facilities, and passenger transport facilities.*

714. **Harvey Norman** (766.2) supports in part the definition. They note the potential overlap between 'commercial activity' and 'large format retail'. They want the definition of 'commercial activity' retained, provided that the definition of 'large format retail' is amended as they seek in their submission 766.1. There are no further submissions.

715. If my recommendation above to amend the definition of 'large format retail' is accepted, then the issue raised by the submitter will be resolved.

Recommendation

716. That the definition of 'Commercial activity' is retained as notified (note this recommendation is linked to the decision under 'Large format retail' above).

[91] 766.1 – Harvey Norman

Matter 10 – Additional provisions sought to be included

717. Matter 10 deals with submission seeking new provisions to be added to the Plan.

New Objective and Policy (Landscape) - Submissions and Assessment

718. **Mark Batchelor** (263.4) and **Helen Mary Ballinger** (351.38) both submit in support of Chapter 12 in part. They seek the addition of a new objective and policy to be applied to the amenity of any road reserve. They submit that landscape quality, urban design and public safety provisions should be included in the matters over which the Council will exercise control and discretion. They propose the following wording (or words to similar effect):

> Objective: *Maintain, preserve and, enhance and increase the amenities of urban environments provided in road environments.*
>
> Policy: *Rules within each zone applying to public roadways and reserves and other areas of public land and thoroughfares shall include requirements for existing trees to be retained and resource consent for their removal, applications for subdivision consent will be required to provide landscape plans, pruning or removal of any trees within street, reserves and other areas of public thoroughfare shall require resource consent and where telecommunication or lines for similar purpose and electricity lines are being installed or replaced these shall be installed underground.*

719. I support having good urban residential amenity, including with the road reserve area. I consider, however, that the relief sought is unnecessarily specific and detailed. Objective 12.2 already includes this *'A high standard of amenity for residential development and attractive residential areas makes the urban environment a place where people want to live'.* Similarly, within the business and industrial areas Objective 12.6 is *'The maintenance and enhancement of the character and amenities of business and industrial areas make these environments places where people want to work, visit and invest'.* There are policies under both objective giving effect to this. Policy 12.6.1 includes: *'(a) an attractive street interface is maintained through landscaping where buildings are not built to the street frontage'* and Policy 12.6.2 (c) refers to planting on road reserves, while Policy 12.6.4 relates to landscape design and enhancement between the Blenheim CBD and the Taylor River, and the Picton town centre and the waterfront. There are rules within the Business 1, 2 and 3 zones that mandate required landscape planting of sites.

720. I accept, however, that the residential policy direction, under Objective 12.2, could benefit from more explicit consideration of the amenity of the road environment. While Policy 12.2.3 does require residential development to maintain and enhance streetscape amenity, that policy focuses on guiding development within the site – matters such as location of buildings, coverage, proximity to the street boundaries, undergrounding of services, and outdoor storage. Policy 12.2.2 is about amenity and character, but also focuses on amenity for the occupants within a site.

721. The policy proposed by the submitter, which seeks rules for the retention of existing trees in all public roadways, reserves and other public areas, and resource consent for their removal and so forth, is a very regulatory approach. In my view, it is not warranted to achieve the amenity outcome desired.

722. I do support a change to the existing policy direction for the residential environments. In my view, an addition to Policy 12.2.1 would be sufficient. Policy 12.2.1 addresses the wider character and amenity in residential environments. At present though it is silent on the street environment. Under Topic 12.2.1 above, I have recommended substantial amendments to this policy in response to a submission from the NMDHB. I consider a further addition to Policy 12.2.1, to specifically address the amenity of streets, is appropriate. The proposed new clause includes trees 'appropriate to the character and amenity of the area' since the width of streets and their orientation will influence the type and size of trees suited to a particular street. For example, in some streets, large trees may shade houses, having positive amenity effects on one hand, and negative shading effects on the other. This can be managed with the appropriate planting selection. There were no further submissions.

Recommendation

723. I recommend that Policy 12.2.1 is amended by the addition of a new clause at the end, as follows:

> *x. street and road reserve areas that are attractively planted and maintained, including trees appropriate to the character and amenity of the area.*[92]

New rules (Landscape) – Submissions and Assessment

724. **Mark Batchelor** (263.2) opposes the MEP. He submits that landscape quality, urban design and public safety provisions should be included in the Plan. He seeks additional rules in each zone as follows:

- *Existing trees within roads shall be retained unless they are replaced within 1 month of their removal.*
- *Pruning or removal of any trees within street, reserves and other areas of public thoroughfare shall require resource consent.*

725. The effect of the first rule would be that within the road reserve, if a tree were not replaced within a 1-month resource consent would be required. But that does not really protect the existing tree, as the resource consent is only triggered once the tree has been removed or cut down. Requiring consent could perhaps favour replacing trees in most cases, but it seems a very high regulatory bar to meet. For example, if a tree blocked motorists' views, then it would require resource consent.

726. Similarly, within streets, parks and other public thoroughfares, even the pruning of a tree would need resource consent. Again, this seems a disproportionate response, and would prevent trimming for CPTED reasons (Crime Prevention through Environmental Design), or to remove diseased or dangerous branches. In my view, it would be an unnecessary restriction of normal parks and reserves activities.

727. I would expect that significant trees would protected by inclusion in the list of Notable Trees in Appendix 13 of the MEP, and that is the appropriate mechanism to regulate the removal and trimming of trees that are important to the community. There were no further submissions.

728. While I support the amenity benefits of trees within streets, parks and other public areas, I think there are other methods by which an attractive arboreal landscape could be achieved. If there is an issue of concern to the community with Council removing trees in public areas, I would think the best approach would be to raise the matter with Council, and with Councillors if necessary, to seek to resolve the matter. Having blanket rules to stop tree removal, and in some cases, pruning, is not something I could recommend.

Recommendation

729. I recommend that the MEP is not amended as sought.

New Rules (Business-Residential interface) - Submissions and Assessment

730. **Mark Batchelor** (278.2, 278.3 and 278.4) opposes Volume 2, Chapter 9, 10 and 11. He submits that standards applying to all Business zones should include standards specifically applicable to non-residential activities, building and site development on sites that adjoin, are adjacent to, face, are opposite to or exposed to properties with residential zoning, that classify the business activities and development on those sites as Controlled Activities and specify matters in regard to which the Council will exercise control. He is concerned with addressing what he sees are significant adverse effects on residential properties from contemporary styles of business development and activities within Business zones. This will allow the relationship and effects of the business development and activities with the

[92] 263.4 – Mark Batchelor; 351.38 - Helen Mary Ballinger.

neighbouring residential properties to be considered and the more sensitive of the two protected. The relief he seeks is that the rules be altered to include the following additional rule or words to a similar effect:

Site adjoining or adjacent or facing residential zoned properties.

Development of the site and buildings, activities and operational characteristics are Controlled Activities.

Assessment of these applications shall include consideration of the objectives and policies relating to properties adjoining or adjacent or facing residential zoned properties.

731. These submissions relate to Mr Batchelor's submission 278.1 under Objective 12.7. I consider under that topic the broader matter of residential-business cross zone effects.

732. There are a number of standards that deal with noise, odour, parking, landscaping, licensed premise and other business effects on the residential zones. I do not consider it necessary to make all business activities adjoining, adjacent or facing residential properties to have to gain controlled activity resource consent.

Recommendation

733. I recommend the proposed controlled rule not be included in the MEP.

New Policy and AER (Fish Passage) - Submissions and Assessment

734. **NZ Fish Passage Advisory Group** (994.4) supports Chapter 12 in part. The group submitting on Chapters 5, 8, 12 and 14 submits that, at the policy level, fish passage only appears to apply to water takes, damming and subdivision. They submit that fish passage should apply to all structures in waterways, no matter what the activity is, or in urban or rural environments. They seek 'add to these policies so they apply more broadly to include all structures in waterways' – 'both consent renewal and delaying the legal effect of rules to allow time to remediate the in-stream structures.'. In their submission on chapters 5, 8, 12 and 14 they suggest a number of new policies.

735. **Fish Passage Advisory Group** (994.8) also seek the addition of a new Anticipated Environmental Result *'Maintenance of fish passage'* along with monitoring *'All structures in waterways shall be assessed for their ability to provide for fish passage'.*

736. I note that the Group has submitted in detail on the General Rules in Volume 2, and also on the policy framework on Chapter 5 (Allocation of Public Resources) and Chapter 8 (Indigenous Biodiversity). Activities that are likely to affect fish passage are not regulated under Chapter 12, nor by the rules in the Urban Environment Zones. The matters relating to fish passage in my view are best addressed in Chapters 5 and 8 and elsewhere, and in those rules that specifically regulate structures or activities in or on the bed of a river. I agree that the provision of fish passage is an important issue, including within urban areas. But Chapter 12 (and the urban environment zone rules) is not the place to address it. Therefore, I do not support the submitter in this instance.

Recommendation

737. I recommend that Chapter 12 is not amended as sought.

New Rule (Chapter 5 – Emergency Service Facilities) - Submissions and Assessment

738. **FENZ** (993.35) oppose Chapter 5 (Urban Residential 1 and 2 Zone rules). It submits that no provision is made for new emergency service facilities, with the default consent status being discretionary activity under rule 5.4.4 or rule 5.4.3. FENZ consider that discretionary activity status is overly restrictive and inappropriate. It seeks a new controlled activity rule as follows:

5.x Controlled Activities

Application must be made for a Controlled Activity for the following:

[D]

5.x.x Emergency Service Facility (including activities in 5.1.30 that do not meet the Standards in 5.2)

Matters over which the Council has reserved control:

5.x.x.1 The design and appearance of the facility.

5.x.x.2 The functional and operational requirements of emergency services.

5.x.x.3 The design of vehicle parking and access.

739. FENZ give the following reasons in support of controlled activity status:

- fire stations must be strategically located within and throughout communities (including in the Urban Residential 1 and 2 Zone) to maximise their coverage and response times;
- the actual or potential effects of fire stations are similar to the effects of a number of permitted activities in the Urban Residential 1 and 2 Zone and can be adequate predicted and subsequently managed by conditions of consent;
- controlled activity status better implements the Objectives and Policies of the MEP (as amended by this submission); and
- controlled activity status better achieves the purpose of the RMA and better enables the FENZ to meet its statutory obligations.
- the proposed matters for control enable the built form of any new fire station to be considered alongside the particular requirements of emergency services facilities. On the basis that the Transportation Standards in 2.32 only apply to permitted activities, a further matter is also included in relation to parking and vehicle access.

740. The **Transport Agency** lodged a further submission in partial support, but wants any consent application to include consideration of effects on the safe and efficient operation of the land transport network.

741. I do not support making emergency service facilities controlled activities within the Urban Residential 1 and 2 Zones. I fully accept that such facilities are very important in providing for the safety and the wellbeing of communities, and in some instances to provide adequate coverage a site within a residential may be required. However, the key issues concerned with locating such facilities within residential areas is not just around the built form of the buildings and how they look. Those are important and could in many instances be dealt with by matters of control and conditions. More significant in my view are issues like the potential for round-the-clock activity on such sites, night activity of emergency vehicles and staff, sirens and 'call-out' sirens, and the vehicle movement on residential streets (which need to consider matters such as the size and function of street, and the nature of other activities nearby e.g. schools).

742. In my view, the key question often will be whether or not the proposed emergency facility is appropriate in the location proposed. That can only be determined, in my opinion, as a discretionary activity. Then the processing planner has wide discretion as to whether neighbours' written approval is needed or it public notification is warranted, and the decision-maker can consider a wide range of matters when determining whether to grant or decline the application. I do not think restricted discretionary activity status is appropriate as it is too difficult to in advance to anticipate and define in the Plan the matters over which discretion needs to be retained.

743. I also note that, under Policy 12.3.2 above, I recommend in response to another FENZ submission, that the definitions make it clearer that emergency service facilities are part of community activities and community facilities. Moreover, I recommend that the explanation to Policy 12.3.2 is amended to clarify that the policy applies to emergency facilities. These changes, if adopted by the Panel, would provide guidance to the consideration of consent application for emergency service facilities within the Urban Residential Zones.

Recommendation

744. I recommend that Chapter 5 is not amended as sought.

New Rule (Chapters 5 & 6) – Early Childhood & Day-care Facilities - Submissions and Assessment

745. The **Ministry of Education** (974.17 and 974.18) request that small Early Childhood and Day-care facilities for up to and including 10 children are permitted in Urban Residential 1, 2 and 3 zones.[1] They consider that an onerous consenting regime, coupled with high parking requirements and unsupportive policies, can push such facilities into "less suitable locations" like business or industrial zones. Their view is that smaller facilities only have minor effects and should be enabled within the community that they serve. I note that the submitter has made separate submissions (addressed elsewhere) relating to parking requirements, and have not requested any changes to policies in Chapter 12 that suggest they find the policies applying to urban environments "unsupportive".

746. I note that Objective 12.1 seeks that residential zones are primarily utilised for residential activities. Objective 12.3 provides for activities that are non-residential in character if they are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments. While Policy 12.3.2 seeks to provide for appropriate community-based facilities, where they meet a community need and are in keeping with the expected character and amenity values for the relevant zone, I note that the definition in the MEP of community activities include the use of land and buildings for the purpose of supporting education, but explicitly includes "not for profit childcare facilities". This indicates that commercial childcare facilities are not considered to be community activities in terms of the MEP (and therefore Policy 12.3.2 only applies to non-profit facilities). Policy 12.3.5 applies to activities that are "non-residential in character" and directs that unless otherwise provided for, resource consent will be required and specified matters determined, which include the functional need for the location of the activity and the extent to which the activity will adversely affect the residential environment. Method 12.M.2 states that residential activities will generally be provided for as permitted activities, and a limited range of non-residential activities, where they have only minor adverse effects on the environment.

747. In line with the above, I note that within the Urban Residential 1, 2 and 3 zones, there are a limited range of non-residential activities that are expressly permitted. While this includes community activities (Rules 5.1.13 and 6.1.6), as noted above, this only applies to not-for-profit childcare centres. Given that the submitter does not find the policy requirements in Chapter 12 unsupportive of early childhood and day care facilities, it is my view that it is appropriate for the specifics of any facility to be considered through a consent process, and against the policy direction. In my view, without this, the rule requested could allow for the development of facilities that may not be appropriately located and may adversely affect the character of residential environments, thus not achieving Objective 12.3. While I accept that facilities that cater for a smaller number of children are likely to have a less adverse effects than bigger facilities (for example, less traffic), as a permitted activity, there is no way to consider or impose conditions to mitigate adverse effects, for example in relation to amenity effects on neighbours, consideration of the appropriateness of the location of the access, or impact of traffic and overflow parking on the network and surrounding areas. In my view, a permitted activity is therefore not appropriate.

Recommendation

748. I recommend that the MEP is not amended as sought.

[1] They make a similar request in relation to the Rural, Rural Living, Coastal Environment and Coastal Living zones, which will be addressed in Topic 12.

Matter 11 – General submissions

749. Matter 11 deals with submissions that cover whole chapters or multiple provisions.

Introduction - Submissions and Assessment

750. **Federated Farmers** (425.202) supports the Introduction to Chapter 12 and seek that it be retained as notified.

Recommendation

751. That the Introduction is retained as notified.

Chapter 12 Policies and Urban Residential 3 rules - Submissions and Assessment

752. **Fiona Leov** (125.1)**, Mike Leov** (126.1)**, Paul Roughan** (194.1) **and Michelle Roughan** (195.1) live in the Urban Residential 2 Zone. They support the policies in the proposed MEP (and it is inferred, Urban Residential 3 rules). It is also inferred they seek retention of the policies and rules.

Recommendation

753. That Chapter 12 (Volume One) and Chapter 6 (Volume Two) are retained, subject to the amendments recommended elsewhere in this report.[93]

Chapter 12 - General - Submissions and Assessment

754. **Levide Capital** (907.37) support in part Chapter 12. The table on p3 of the submission identifies Objectives 12.6 and 12.8, and Policies 11.1.2.1 and 12.6.3. However, these provisions are not referred to in the text of the submission and it is not apparent what points would relate to these provisions. No specific decision is apparent from the submission.

755. **Talley's Group Ltd** (374.2 and 3) supports the policies in Chapter 12 relating to the Industrial 1 Zone and it is inferred they seek their retention.

Recommendation

756. That Chapter 12 (Volume One) is retained, subject to the amendments recommended elsewhere in this report.[94]

Chapter 9 - General - Submissions and Assessment

757. The **Blenheim Business Assoc** (286.7) supports the inclusion of the Business 1 Zone and its boundaries. It seeks its retention. There are no further submissions.

Recommendation

758. That Chapter 9 (Volume Two) is retained, subject to the amendments recommended elsewhere in this report.[95]

[93] 125.1 - Fiona Leov; 126.1 - Mike Leov; 194.1 - Paul Roughan; 195.1 - Michelle Roughan.
[94] 374.2 and 374.3 – Talley's Group; 907.37 - Levide Capital.
[95] 286.7 – Blenheim Business Assoc.

759.

General Submission – Relocated Buildings (Chapters 5, 6 and 12) - Submissions and Assessment

760. **House Movers NZ** (770.19) oppose the approach in the MEP used to control re-located buildings. They seek the deletion of all provisions (objectives, policies, rules, assessment criteria, definitions, methods and reasons) regulating the removal, re-siting and relocation of buildings in the MEP. They seek the re-write of the provisions in accordance with their submissions.

761. I have recommended adoption of some of the submitters proposals, and if these recommendations are accepted by the Panel, this would mean the submission is accepted in part.

Recommendation

762. I have recommended amendments earlier in this report, under Topics 5.3.7, 6.3.2 and 12.1.

Appendix 1: Recommended decisions on Decisions Requested

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
263	4	Mark Batchelor	Volume 1	12 Urban Environments	12.	Accept in part
374	2	Talley's Group Limited (Land Operations)	Volume 1	12 Urban Environments	12.	Accept in part
425	202	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	12.	Accept
907	37	Levide Capital Limited	Volume 1	12 Urban Environments	12.	Accept in part
961	25	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	12.	Accept in part
961	27	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	12.	Accept in part
961	28	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	12.	Accept in part
961	29	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	12.	Accept in part
961	30	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	12.	Accept
994	4	New Zealand Fish Passage Advisory Group	Volume 1	12 Urban Environments	12.	Reject
994	8	New Zealand Fish Passage Advisory Group	Volume 1	12 Urban Environments	12.	Reject
351	38	Helen Mary Ballinger	Volume 1	12 Urban Environments	Issue 12A	Accept in part
425	203	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	Issue 12A	Accept in part
873	37	KiwiRail Holdings Limited	Volume 1	12 Urban Environments	Issue 12A	Accept in part
996	2	New Zealand Institute of Surveyors	Volume 1	12 Urban Environments	Issue 12A	Reject
280	18	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Objective 12.1	Reject
1002	49	New Zealand Transport Agency	Volume 1	12 Urban Environments	Objective 12.1	Accept
1021	1	Phil Muir	Volume 1	12 Urban Environments	Objective 12.1	Reject
441	1	Paul Selwyn and Barbara Ann Vercoe	Volume 1	12 Urban Environments	Policy 12.1.1	Reject
1021	2	Phil Muir	Volume 1	12 Urban Environments	Policy 12.1.1	Reject
280	19	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.1.3	Accept in part
369	3	Tony Hawke	Volume 1	12 Urban Environments	Policy 12.1.3	Accept in part
441	2	Paul Selwyn and Barbara Ann Vercoe	Volume 1	12 Urban Environments	Policy 12.1.3	Reject
961	26	Marlborough Chamber of Commerce	Volume 1	12 Urban Environments	Policy 12.1.3	Accept in part
1021	3	Phil Muir	Volume 1	12 Urban Environments	Policy 12.1.3	Reject
425	204	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	Policy 12.1.4	Reject
460	15	Timberlink New Zealand Limited	Volume 1	12 Urban Environments	Objective 12.2	Reject

1021	4	Phil Muir	Volume 1	12 Urban Environments	Objective 12.2	Reject
263	2	Mark Batchelor	Volume 1	12 Urban Environments	Objective 12.2	Reject
280	20	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.2.1	Accept in part
464	16	Chorus New Zealand limited	Volume 1	12 Urban Environments	Policy 12.2.1	Accept in part
873	38	KiwiRail Holdings Limited	Volume 1	12 Urban Environments	Policy 12.2.1	Accept in part
1021	5	Phil Muir	Volume 1	12 Urban Environments	Policy 12.2.1	Reject
1158	14	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Policy 12.2.1	Accept in part
266	3	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.2.2	Reject
993	62	New Zealand Fire Service Commission	Volume 1	12 Urban Environments	Policy 12.2.2	Reject
1021	6	Phil Muir	Volume 1	12 Urban Environments	Policy 12.2.2	Reject
266	4	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.2.3	Accept in part
1021	7	Phil Muir	Volume 1	12 Urban Environments	Policy 12.2.3	Reject
425	205	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	Policy 12.2.4	Reject
1002	50	New Zealand Transport Agency	Volume 1	12 Urban Environments	Policy 12.2.4	Accept
166	33	Te Runanga o Toa Rangatira	Volume 1	12 Urban Environments	Policy 12.2.5	Accept
166	48	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	3. (Re-coded to Policy 12.2.5)	Accept
266	5	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.2.5	Accept in part
768	47	Heritage New Zealand Pouhere Taonga	Volume 1	12 Urban Environments	Policy 12.2.5	Accept
1021	8	Phil Muir	Volume 1	12 Urban Environments	Policy 12.2.5	Reject
1021	9	Phil Muir	Volume 1	12 Urban Environments	Policy 12.2.6	Reject
280	51	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.2.7	Reject
280	52	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Objective 12.3	Accept in part
425	206	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	Objective 12.3	Accept in part
441	3	Paul Selwyn and Barbara Ann Vercoe	Volume 1	12 Urban Environments	Objective 12.3	Reject
1235	6	Wairau Valley Ratepayers and Residents' Association	Volume 1	12 Urban Environments	Objective 12.3	Accept in part
441	4	Paul Selwyn and Barbara Ann Vercoe	Volume 1	12 Urban Environments	Policy 12.3.2	Reject
974	5	Ministry of Education	Volume 1	12 Urban Environments	Policy 12.3.2	Accept

993	10	New Zealand Fire Service Commission	Volume 1	12 Urban Environments	Policy 12.3.2	Accept in part
266	6	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.3.3	Reject
280	21	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.3.3	Reject
1004	8	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	12 Urban Environments	Policy 12.3.3	Accept
280	53	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.3.4	Accept
1004	9	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	12 Urban Environments	Policy 12.3.4	Accept
441	6	Paul Selwyn and Barbara Ann Vercoe	Volume 1	12 Urban Environments	Policy 12.3.5	Reject
974	6	Ministry of Education	Volume 1	12 Urban Environments	Policy 12.3.5	Accept
1004	10	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	12 Urban Environments	Policy 12.3.5	Accept in part
993	35	New Zealand Fire Service Commission	Volume 2	5 Urban Residential 1 and 2 Zone	5.	Reject
1021	10	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.1.	Reject
280	49	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.9.	No recommendation
441	5	Paul Selwyn and Barbara Ann Vercoe	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.9.	Accept in part
770	3	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.11.	Accept
280	50	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.13.	Accept in part
425	705	Federated Farmers of New Zealand	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.29.	Accept
993	37	New Zealand Fire Service Commission	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.30.	Accept
993	39	New Zealand Fire Service Commission	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.	Accept in part
998	66	New Zealand Pork Industry Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.	Reject

635	1	Crail Bay Aquaculture Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.	Accept in part
873	130	KiwiRail Holdings Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.	Accept in part
99	1	GJ Gardner Homes	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.2.	Accept
506	1	Mainland Residential Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.2.	Accept
507	1	Peter Ray Homes Blenheim Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.2.	Accept
508	1	Andrew Pope Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.2.	Accept
635	2	Crail Bay Aquaculture Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.2.	Accept in part
99	7	GJ Gardner Homes	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
192	2	Perry Mason Gilbert	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
369	7	Tony Hawke	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
506	7	Mainland Residential Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
507	7	Peter Ray Homes Blenheim Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
508	7	Andrew Pope Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.3.	Reject
369	8	Tony Hawke	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.5.	Reject
91	198	Marlborough District Council	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept
99	6	GJ Gardner Homes	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part

369	9	Tony Hawke	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part
369	10	Tony Hawke	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part
506	6	Mainland Residential Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part
507	6	Peter Ray Homes Blenheim Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part
508	6	Andrew Pope Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.6.	Accept in part
99	5	GJ Gardner Homes	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.7.	Reject
506	5	Mainland Residential Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.7.	Reject
507	5	Peter Ray Homes Blenheim Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.7.	Reject
508	5	Andrew Pope Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.7.	Reject
1021	11	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.9.	Reject
1021	12	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.10.	Reject
99	4	GJ Gardner Homes	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
192	10	Perry Mason Gilbert	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
369	11	Tony Hawke	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
506	4	Mainland Residential Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
507	4	Peter Ray Homes Blenheim Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject

508	4	Andrew Pope Homes Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
1021	13	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.1.11.	Reject
1124	34	Steve MacKenzie	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.1.	Accept
770	9	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.7.	Accept in part
365	3	Coffey House Removals 2007 Ltd	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.7.2.	Accept
365	4	Coffey House Removals 2007 Ltd	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.7.2.	Accept
423	33	Chris Shaw	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.9.1.	Accept
1179	32	Thomas Robert Stein	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.9.1.	Accept
1265	10	Queen Elizabeth the Second National Trust	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.9.1.	Accept
770	15	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	5 Urban Residential 1 and 2 Zone	5.4.1.	Reject
1021	16	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.4.1.	Reject
457	18	Accolade Wines New Zealand Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.4.3.	Accept
125	1	Fiona Leov	Volume 2	6 Urban Residential 3 Zone	6.	Accept in part
126	1	Mike Leov	Volume 2	6 Urban Residential 3 Zone	6.	Accept in part
194	1	Paul Roughan	Volume 2	6 Urban Residential 3 Zone	6.	Accept in part
195	1	Michelle Roughan	Volume 2	6 Urban Residential 3 Zone	6.	Accept in part

1002	191	New Zealand Transport Agency	Volume 2	6 Urban Residential 3 Zone	6.	Accept
974	17	Ministry of Education	Volume 2	~~6 Urban Residential 3 Zone~~ 5 Urban Residential 1 & 2 Zones	~~6.1.~~ 5.1	Reject
974	18	Ministry of Education	Volume 2	6 Urban Residential 3 Zone	6.1.	Reject
993	41	New Zealand Fire Service Commission	Volume 2	6 Urban Residential 3 Zone	6.1.	Reject
993	42	New Zealand Fire Service Commission	Volume 2	6 Urban Residential 3 Zone	6.1.	Reject
770	4	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	6 Urban Residential 3 Zone	6.1.4.	Accept
993	44	New Zealand Fire Service Commission	Volume 2	6 Urban Residential 3 Zone	6.2.	Accept in part
998	67	New Zealand Pork Industry Board	Volume 2	6 Urban Residential 3 Zone	6.2.	Reject
91	209	Marlborough District Council	Volume 2	6 Urban Residential 3 Zone	6.2.1.4.	Accept
770	10	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	6 Urban Residential 3 Zone	6.3.2.	Accept in part
365	5	Coffey House Removals 2007 Ltd	Volume 2	6 Urban Residential 3 Zone	6.3.2.2.	Accept
423	38	Chris Shaw	Volume 2	6 Urban Residential 3 Zone	6.3.4.1.	Accept
1179	33	Thomas Robert Stein	Volume 2	6 Urban Residential 3 Zone	6.3.4.1.	Accept
1265	11	Queen Elizabeth the Second National Trust	Volume 2	6 Urban Residential 3 Zone	6.3.4.1.	Accept
770	16	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	6 Urban Residential 3 Zone	6.4.1.	Reject
770	19	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 1	All		Accept in part

278	1	Mark Batchelor	Volume 1	12 Urban Environments	Issue 12B	Accept in part Dealt with under Obj 12.7 and Pol 12.7.1
996	3	New Zealand Institute of Surveyors	Volume 1	12 Urban Environments	Issue 12B	Reject
425	209	Federated Farmers of New Zealand	Volume 1	12 Urban Environments	Objective 12.4	Accept
907	17	Levide Capital Limited	Volume 1	12 Urban Environments	Objective 12.4	Accept
681	3	Department of Corrections	Volume 1	12 Urban Environments	Policy 12.4.1	Reject
907	18	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.4.1	Accept
280	22	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.4.2	Reject
681	4	Department of Corrections	Volume 1	12 Urban Environments	Policy 12.4.2	Reject
1044	1	Progressive Enterprises Limited	Volume 1	12 Urban Environments	Policy 12.4.3	Accept
266	7	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.4.4	No recommendation
286	2	Blenheim Business Association Inc	Volume 1	12 Urban Environments	Policy 12.4.4	Accept
766	3	Harvey Norman Properties (N.Z.) Limited	Volume 1	12 Urban Environments	Policy 12.4.4	Accept
1002	51	New Zealand Transport Agency	Volume 1	12 Urban Environments	Policy 12.4.4	Accept
1044	2	Progressive Enterprises Limited	Volume 1	12 Urban Environments	Policy 12.4.4	Accept
681	5	Department of Corrections	Volume 1	12 Urban Environments	Objective 12.5	Reject
907	19	Levide Capital Limited	Volume 1	12 Urban Environments	Objective 12.5	Accept
1044	3	Progressive Enterprises Limited	Volume 1	12 Urban Environments	Objective 12.5	Accept
266	8	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.5.1	Accept in part
907	29	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.5.1	Reject
1044	4	Progressive Enterprises Limited	Volume 1	12 Urban Environments	Policy 12.5.1	Accept in part
1044	5	Progressive Enterprises Limited	Volume 1	12 Urban Environments	Policy 12.5.2	Accept
1004	13	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	12 Urban Environments	Policy 12.5.3	Accept
681	6	Department of Corrections	Volume 1	12 Urban Environments	Policy 12.5.5	Accept in part
460	16	Timberlink New Zealand Limited	Volume 1	12 Urban Environments	Policy 12.5.6	Accept in part
907	20	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.5.6	Accept in part
1251	93	Fonterra Co-operative Group Limited	Volume 1	12 Urban Environments	Policy 12.5.6	Accept

280	54	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Objective 12.6	Accept
286	3	Blenheim Business Association Inc	Volume 1	12 Urban Environments	Objective 12.6	Accept
1251	94	Fonterra Co-operative Group Limited	Volume 1	12 Urban Environments	Objective 12.6	Reject
266	9	Aitken Taylor Limited	Volume 1	12 Urban Environments	Policy 12.6.1	Accept in part
1004	14	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	12 Urban Environments	Policy 12.6.1	Accept in part
280	23	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.6.2	Reject
280	55	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.6.2	Reject
280	56	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.6.3	Reject
280	57	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.6.5	Accept
1251	95	Fonterra Co-operative Group Limited	Volume 1	12 Urban Environments	Policy 12.6.5	Reject
1002	52	New Zealand Transport Agency	Volume 1	12 Urban Environments	Policy 12.6.6	Accept
768	48	Heritage New Zealand Pouhere Taonga	Volume 1	12 Urban Environments	Policy 12.6.7	Accept
280	58	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Objective 12.7	Accept in part
873	39	KiwiRail Holdings Limited	Volume 1	12 Urban Environments	Objective 12.7	Accept in part
1251	96	Fonterra Co-operative Group Limited	Volume 1	12 Urban Environments	Objective 12.7	Accept in part
280	59	Nelson Marlborough District Health Board	Volume 1	12 Urban Environments	Policy 12.7.1	Accept in part
974	7	Ministry of Education	Volume 1	12 Urban Environments	Policy 12.7.1	Accept in part
1235	7	Wairau Valley Ratepayers and Residents' Association	Volume 1	12 Urban Environments	Policy 12.7.1	Reject
1251	97	Fonterra Co-operative Group Limited	Volume 1	12 Urban Environments	Policy 12.7.1	Accept in part
907	21	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.8.1	Accept
907	22	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.8.2	Accept
907	23	Levide Capital Limited	Volume 1	12 Urban Environments	Policy 12.8.3	Accept
278	2	Mark Batchelor	Volume 2	9 Business 1 Zone	9.	Reject
286	7	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.	Accept in part
681	7	Department of Corrections	Volume 2	9 Business 1 Zone	9.1.	Accept
1244	7	Z Energy Limited	Volume 2	9 Business 1 Zone	9.1.	Accept
766	7	Harvey Norman Properties (N.Z.) Limited	Volume 2	9 Business 1 Zone	9.1.3.	Accept
993	52	New Zealand Fire Service Commission	Volume 2	9 Business 1 Zone	9.1.6.	Accept in part

286	8	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.1.7.	Accept
266	13	Aitken Taylor Limited	Volume 2	9 Business 1 Zone	9.2.	Accept in part
993	55	New Zealand Fire Service Commission	Volume 2	9 Business 1 Zone	9.2.	Accept in part
~~1284~~	~~12~~	~~Port Marlborough New Zealand Limited~~	~~Volume 2~~	~~9 Business 1 Zone~~	~~9.2.~~	~~Accept~~
266	11	Aitken Taylor Limited	Volume 2	9 Business 1 Zone	9.2.1.	Accept in part
766	9	Harvey Norman Properties (N.Z.) Limited	Volume 2	9 Business 1 Zone	9.2.1.	Accept
873	134	KiwiRail Holdings Limited	Volume 2	9 Business 1 Zone	9.2.1.	Accept in part
1044	10	Progressive Enterprises Limited	Volume 2	9 Business 1 Zone	9.2.1.1.	Reject
1244	8	Z Energy Limited	Volume 2	9 Business 1 Zone	9.2.1.1.	Reject
1244	9	Z Energy Limited	Volume 2	9 Business 1 Zone	9.2.1.2.	Accept in part
286	9	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.2.1.5.	Accept in part
907	35	Levide Capital Limited	Volume 2	9 Business 1 Zone	9.2.1.5.	Accept in part
286	10	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.2.1.6.	Reject
907	36	Levide Capital Limited	Volume 2	9 Business 1 Zone	9.2.1.6.	Accept
266	12	Aitken Taylor Limited	Volume 2	9 Business 1 Zone	9.2.1.9.	Accept
286	11	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.2.1.9.	Accept in part
1044	11	Progressive Enterprises Limited	Volume 2	9 Business 1 Zone	9.2.1.9.	Reject
286	12	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.2.1.10.	Accept
1244	10	Z Energy Limited	Volume 2	9 Business 1 Zone	9.2.1.10.	Accept
91	129	Marlborough District Council	Volume 2	9 Business 1 Zone	9.2.1.11.	Accept
286	13	Blenheim Business Association Inc	Volume 2	9 Business 1 Zone	9.2.1.11.	Accept in part
1044	12	Progressive Enterprises Limited	Volume 2	9 Business 1 Zone	9.3.1.1.	Reject
1004	73	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	9 Business 1 Zone	9.3.3.1.	Accept
1004	81	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	9 Business 1 Zone	9.4.	Accept
278	4	Mark Batchelor	Volume 2	10 Business 2 Zone	10.	Reject
1002	196	New Zealand Transport Agency	Volume 2	10 Business 2 Zone	10.	Accept
681	8	Department of Corrections	Volume 2	10 Business 2 Zone	10.1.	Reject

1007	1	Outer Limits Limited	Volume 2	10 Business 2 Zone	10.1.	Accept in part
1244	11	Z Energy Limited	Volume 2	10 Business 2 Zone	10.1.	Accept in part
1244	12	Z Energy Limited	Volume 2	10 Business 2 Zone	10.1.	Accept in part
993	56	New Zealand Fire Service Commission	Volume 2	10 Business 2 Zone	10.1.5.	Reject
993	59	New Zealand Fire Service Commission	Volume 2	10 Business 2 Zone	10.2.	Accept in part
1186	149	Te Atiawa o Te Waka-a-Maui	Volume 2	10 Business 2 Zone	10.2.	Reject
873	137	KiwiRail Holdings Limited	Volume 2	10 Business 2 Zone	10.2.1.	Accept in part
682	2	Derry Properties Limited	Volume 2	10 Business 2 Zone	10.2.1.4.	Reject
682	1	Derry Properties Limited	Volume 2	10 Business 2 Zone	10.3.1.1.	Reject
1044	15	Progressive Enterprises Limited	Volume 2	10 Business 2 Zone	10.3.1.1.	Reject
682	3	Derry Properties Limited	Volume 2	10 Business 2 Zone	10.3.1.3.	Accept in part
1044	16	Progressive Enterprises Limited	Volume 2	10 Business 2 Zone	10.3.1.3.	Accept in part
1004	89	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	10 Business 2 Zone	10.4.	Accept
278	3	Mark Batchelor	Volume 2	11 Business 3 Zone	11.	Reject
286	15	Blenheim Business Association Inc	Volume 2	11 Business 3 Zone	11.	Accept in part
1007	2	Outer Limits Limited	Volume 2	11 Business 3 Zone	11.1.	Accept
1186	152	Te Atiawa o Te Waka-a-Maui	Volume 2	11 Business 3 Zone	11.2.1.	Reject
1004	97	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	11 Business 3 Zone	11.4.	Accept
374	3	Talley's Group Limited (Land Operations)	Volume 2	12 Industrial 1 and 2 Zones	12.	Accept in part
160	1	TH Barnes and Co Limited	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Reject
487	1	Carlton Corlett Trust	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Reject
681	9	Department of Corrections	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Accept
713	2	Fletcher Distribution Limited (Trading as 'Placemakers') and Mico New Zealand Limited (Trading as 'Mico'	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Accept

770	6	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Accept in part
1244	13	Z Energy Limited	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Accept in part
1251	139	Fonterra Co-operative Group Limited	Volume 2	12 Industrial 1 and 2 Zones	12.1.	Reject
1004	59	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	12 Industrial 1 and 2 Zones	12.1.6.	Accept
993	61	New Zealand Fire Service Commission	Volume 2	12 Industrial 1 and 2 Zones	12.1.33.	Accept
993	63	New Zealand Fire Service Commission	Volume 2	12 Industrial 1 and 2 Zones	12.2.	Accept in part
91	227	Marlborough District Council	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.	Accept in part
713	3	Fletcher Distribution Limited (Trading as 'Placemakers') and Mico New Zealand Limited (Trading as 'Mico'	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.	Accept
873	140	KiwiRail Holdings Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.	Accept in part
1186	155	Te Atiawa o Te Waka-a-Maui	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.	Reject
460	3	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.4.	Reject
460	5	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.5.	Accept in part
460	4	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.1.7.	Reject
460	9	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.4.1.	Reject
460	10	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.4.2.	Reject
1004	72	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	12 Industrial 1 and 2 Zones	12.4.	Accept

1251	147	Fonterra Co-operative Group Limited	Volume 2	12 Industrial 1 and 2 Zones	12.4.2.	Accept in part
1004	11	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Accept in part
1251	149	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Reject
1251	150	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Reject
189	1	Paul Kemp	Volume 2	25 Definitions	25.	Accept in part
326	7	Steven and Sarah Leov	Volume 2	25 Definitions	25.	Accept in part
340	8	B L and C F Leov Bulford	Volume 2	25 Definitions	25.	Accept in part
425	399	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept in part
425	410	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept in part
515	4	Mt Zion Charitable Trust	Volume 2	25 Definitions	25.	Accept in part
340	9	B L and C F Leov Bulford	Volume 2	25 Definitions	25.	Accept in part
713	1	Fletcher Distribution Limited (Trading as 'Placemakers') and Mico New Zealand Limited (Trading as 'Mico')	Volume 2	25 Definitions	25.	Accept
1004	12	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Accept
766	1	Harvey Norman Properties (N.Z.) Limited	Volume 2	25 Definitions	25.	Accept
766	2	Harvey Norman Properties (N.Z.) Limited	Volume 2	25 Definitions	25.	Accept
292	1	James (jim) Rudd	Volume 2	25 Definitions	25.	Accept in part
454	125	Kevin Francis Loe	Volume 2	25 Definitions	25.	Accept in part
712	22	Flaxbourne Settlers Association	Volume 2	25 Definitions	25.	Accept in part
1124	21	Steve MacKenzie	Volume 2	25 Definitions	25.	Accept in part
1140	72	Sanford Limited	Volume 2	25 Definitions	25.	Accept in part
1002	243	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Accept
1004	53	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Accept
88	13	Chris Bowron	Volume 2	25 Definitions	25.	Accept in part

1044	17	Progressive Enterprises Limited	Volume 2	25 Definitions	25.	No recommendation
681	1	Department of Corrections	Voume 2	25 Definitions	25.	Accept
681	2	Department of Corrections	Voume 2	25 Definitions	25.	Reject

Appendix 2: Email from Stephen Rooney, MDC Assets & Services Department

Ian Sutherland-5181

From: Stephen Rooney-8115
Sent: Tuesday, 20 February 2018 8:56 a.m.
To: Ian Sutherland-5181; Brett Walker-5194
Subject: RE: MEP improvements - comments please

I believe if FENZ need to be involved they should be talking to us direct.

We can show compliance for our urban supplies with the exception of much of Renwick, and all of Wairau Valley. There are small pockets within some of the other supplies however we are working toward compliance through network upgrades.

Yes those properties in the Awatere can meet the code with onsite storage. This is now a condition of supply although in many instances property owners chose to ignore this.

There is an area in which we do not have input. That is subdivisions such as Dry Hills and Fairbourne Drive. We do have not provided a water supply in these locations. They are areas that have always made FENZ nervous. There are high value large properties that do not have any form of firefighting supply. I would expect it might be these that FENZ want to have involvement with. This even occurs on the Blenheim periphery, Wither Rd extension, Oakwood Lane and David St as three examples.

Sorry should have thought of these earlier.

Stephen Rooney
Operations and Maintenance Engineer
MARLBOROUGH DISTRICT COUNCIL

DDI: 03 520 7433
Phone: 03 520 7400
Mobile: 0274 374117

15 Seymour Street, PO Box 443
Blenheim 7240, New Zealand
stephen.rooney@marlborough.govt.nz
www.marlborough.govt.nz

From: Ian Sutherland-5181
Sent: Tuesday, 20 February 2018 8:42 a.m.
To: Stephen Rooney-8115; Brett Walker-5194
Subject: RE: MEP improvements - comments please

Yep, so we agree that FENZ should not be involved.
But are my suggested changed workable?
For instance:

- In Blenheim and other urban townships - can you confirm when asked by subdividers that sufficient water pressure and volumes is available for fire fighting on the proposed lots? I assume you will have the relevant COP requirements to measure compliance by.
- For the Awatere Water Scheme – can this be achieved by the need for a storage tank, or is it not possible at all to provide a fire fighting supply?

Note that any that can't be confirmed will default to being a Discretionary Activity. This will enable council to assess whether such subdivision without a fire fighting supply is acceptable or not.

Ian Sutherland
Senior Resource Management Officer

MARLBOROUGH DISTRICT COUNCIL

DDI: 03 520 7414
Phone: 03 520 7400

15 Seymour Street, PO Box 443
Blenheim 7240, New Zealand
ian.sutherland@marlborough.govt.nz
www.marlborough.govt.nz

From: Stephen Rooney-8115
Sent: Tuesday, 20 February 2018 8:24 a.m.
To: Ian Sutherland-5181; Brett Walker-5194
Subject: RE: MEP improvements - comments please

FENZ won't know if a Firefighting supply is available or not in an urban setting. They would have to come to us to gain that information. Also if they were to take a flow test at a hydrant as they often do, this could be when conditions are ideal and they obtain a complying test. However we don't make the assessment to show firefighting capacity during ideal conditions.

So it should not be FENZ making this assessment.

The other side of this equation is that there are more than just water flow and pressure considerations to overcome fire compliance.

Stephen Rooney
Operations and Maintenance Engineer

MARLBOROUGH DISTRICT COUNCIL

DDI: 03 520 7433
Phone: 03 520 7400
Mobile: 0274 374117

15 Seymour Street, PO Box 443
Blenheim 7240, New Zealand
stephen.rooney@marlborough.govt.nz
www.marlborough.govt.nz

From: Ian Sutherland-5181
Sent: Tuesday, 20 February 2018 8:16 a.m.
To: Stephen Rooney-8115; Brett Walker-5194
Subject: MEP improvements - comments please

Hi,

I am thinking of putting forward the following recommendation as part of my section 42A report on the subdivision provisions in the MEP. Can you please let me know if you see any problems with my suggested changes which are in

response to a submission from FENZ (993.015). These changes will affect the confirmation from A&S for connections to a reticulated water supply.
FENZ seek a limited amendment to also require the applicant to obtain confirmation from FENZ that a suitable firefighting water supply is available. I don't support that for the reasons given below, but instead think that the provisions below should be clarified so that the water connections will also provide for firefighting purposes. The words underlined are my recommended insertions.

Method of Implementation 12.M.9

Method 12.M.9 reads:

> *Rules of the MEP require the providers of water, sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council.*

Submission and Assessment

FENZ (993.015) supports in part the proposed Method of Implementation 12.M.9, which relates to the need for confirmation from providers of water, sewerage, stormwater, roading, electricity and telecommunication services that such services are available for urban subdivision. However, they seek a limited amendment to also require the applicant to obtain confirmation from FENZ that a suitable firefighting water supply is available.
In my view this seems unnecessary for the following reasons:

- I doubt that FENZ could effectively provide such confirmation as they do not hold the detailed as-built information on existing water supply mains, pipelines and access widths to be able to do so. While FENZ are an expert on providing recommendations based from The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice), they are probably unable to provide confirmation to an applicant on whether the existing or planned water supply network is capable of providing the necessary volumes and access requirements needed for firefighting as referred to in this method of implementation, or what is needed to be upgrade to achieve this. This information is held and maintained by the Assets and Services Department of Council.
- The method points out these are only needed for new urban subdivisions, and Council's Code of Practice for Subdivision and Land Development Addendum (dated 26 June 2008) requires (under clause 71 and 72) the need for water reticulation to provide adequate flows and hydrants for firefighting purposes. This means that the Assets and Services Department will be required to be satisfied that any new allotments will have the appropriate firefighting standards met as part of their confirmation.
- To include FENZ in the method would also mean that the applicants would have to consult with another organisation, which seems unnecessary when the Assets and Services Department can consider it as part of their confirmation on water supplies.
- Some 'out-of-district' reticulated supplies do not have sufficient flow or pressure to comply with SNZ PAS 4509:2008, for instance Wither Road (east) which services rural living development, or the Awatere Water Scheme which services the Awatere Valley area.

However, while I do not support the inclusion of the reference to FENZ in the Method, it may be appropriate to clarify that the water supply is to also include that required for firefighting purposes to ensure that this aspect of water supply is not overlooked.

Recommendation

I recommend that Method 12.M.9 be amended as follows.

> *Rules of the MEP require the providers of water (including for firefighting purposes)[1], sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council*

As a result of consequential changes, I further recommend that Rule 24.1.3 of the Subdivision Chapter be changed as follows:

> *Acceptable confirmation as to the adequate provision of water (including for firefighting purposes)*[2]*, sewerage and stormwater must be a written statement from the Assets and Services Department of the Council or, where applicable, the person or organisation responsible for the reticulated service.*

I note that the Assets and Services Department of Council are to undertake a review of the Code of Practice to coincide with the completion of the MEP. This review would be undertaken under the provisions of the Local Government Act 1974. It would be helpful if the resulting draft Code of Practice be made available to FENZ for comment on in relation to firefighting provisions associated with reticulated urban water supplies before being finalised.

Happy to discuss.
Thanks

Ian Sutherland
Senior Resource Management Officer

MARLBOROUGH DISTRICT COUNCIL

DDI: 03 520 7414
Phone: 03 520 7400

15 Seymour Street, PO Box 443
Blenheim 7240, New Zealand
ian.sutherland@marlborough.govt.nz
www.marlborough.govt.nz

[1] FENZ (993.015)
[2] FENZ (993.015)