

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing May 21
2018**

Report dated April 20 2018

**Report on submissions and further submissions
Topic 15: Transportation and Signage**

Report prepared by

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List of Abbreviations

Submitters

Submitter Number	Abbreviation	Full Name of Submitter
91	MDC	Marlborough District Council
280	NMDHB	Nelson Marlborough District Health Board
401	Aquaculture NZ	Aquaculture New Zealand
426	MFA	Marine Farmers Association Incorporated
433	PMNZ	Port Marlborough New Zealand Limited
479	DOC	Department of Conservation
481	NZWAC	New Zealand Walking Access Commission
509	NMFG	Nelson Marlborough fish and Game
710	FIS	The Fishing Industry Submitters
869	KCSRA	Kenepuru & Central Sounds Residents Association
716	Friends of NH and TB	Friends of Nelson Haven and Tasman Bay Incorporated
768	HNZ	Heritage New Zealand Pouhere Taonga
922	NZDF	New Zealand Defence Force
962	MFIA	Marlborough Forestry Industry Association Incorporated
993	NZFS	New Zealand Fire Service
996	NZIS	New Zealand Institute of Surveyors
990	NFL	Nelson Forests Limited
1002	NZTA	New Zealand Transport Agency
1189	TRONT	Te Runanga o Ngai Tahu

Others

MEP	Proposed Marlborough Environment Plan
NZCPS	New Zealand Coastal Policy Statement
RMA	Resource Management Act 1991
WARMP	Wairau Awatere Resource Management Plan

Introduction

1. My name is Paul Whyte, and I hold the qualification of a Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have practised in the field of town planning/resource management since 1985, primarily working for both local government and planning consultants in Dunedin and Christchurch. Currently, I am a Senior Planner (Senior Associate) with Beca Ltd (Beca) in Christchurch. I have prepared district and regional plans and plan changes in Southland, Otago, West Coast, Marlborough, Canterbury and the Chatham Islands and I have prepared Section 42A reports for district and regional councils on plans and plan changes.
2. In particular I have prepared Section 42A reports for Marlborough District Council on the following plan changes- Plan Changes 26/61 Minor Amendments, Plan Changes 27/62 New Dairy Farms, Plan Change 47 Tremorne Avenue Rezoning, Plan Change 59 Colonial Vineyards, Plan Change 60 Maxwell Hills, Plan Changes 64-71 Urban Growth Areas and Plan Change 72 Marlborough Ridge Rezoning.
3. I was not involved with the preparation of the 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 Section 42A report.
4. Beca Ltd have prepared submissions to the MEP on behalf New Zealand Fire Service (now Fire and Emergency New Zealand) (FENZ) and Transpower New Zealand Limited (Transpower).
5. I was not involved in the preparation of these submissions in any way. However to avoid any perception of conflict I have not made any recommendation on a submission or further submission made by FENZ or Transpower or where that recommendation is contrary to the relief sought by FENZ or Transpower. Where this situation has arisen in this report the recommendation is made by Ms Liz White, Consultant Planner. This situation applies to Transpower submissions 1198.58, 1198.59 1198.60 and 1198.61 and FENZ 993.22 and .86

Code of Conduct

6. 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.
7. 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.
8. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

9. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
10. In this report I assess and provide recommendations to the Hearing Panel on submissions made on Topic 15 (Transport – Land, and Signage).
11. 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.
12. 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

13. This report assesses submissions to the Transportation (Land Transportation and Air Transportation) and Signs provisions of the MEP including:
 - i. Volume 1 Chapter 17 Transportation
 - ii. Volume 2 General Rules 2.31 – 2.33 Transportation Rules)
 - iii. Volume 2 General Rules 2.34 – 2.37 Signage Rules
 - iv. Volume 2 Chapter 23 Airport Zone Rules
 - v. Volume 2 Chapter 25 Definitions (Transport related)
 - vi. Volume 3 Appendix 17 Rooding
 - vii. Volume 4 Overlays and Zoning Maps
14. Transportation Issue 17A and its related provisions, Objective 17.1 and Policies 17.1.1 and 17.1.2, which recognise and provide for Marlborough's airports and airfield so they can continue to serve the community.
15. Transportation Issue 17B and its related provisions, Objective 17.2 and Policies 17.2.1, 17.2.2 and 17.2.3, which manage the effects of land use activities on airports, and the adverse effects of airports on surrounding environments.
16. Transportation Issue 17C and its related provisions, Objective 17.3 and Policies 17.3.1- 3, seek to provide an efficient land transport network, and establish the rooding hierarchy.
17. Transportation Issue 17D and its related provisions, Objective 17.4 and Policies 17.4.1-8; and Objective 17.5 and Policies 17.6.1-6 address the effects that land use, water and subdivision activities can have on the sustainable use of the land transport network.
18. Transportation Issue 17E and its associated provisions, Objective 17.6 and Policies 17.6.1-4, address the potential effects that the land transport network have on the District's resources and the wellbeing of the community. This grouping of matters is addressed as Topic 4.
19. Transportation Methods of Implementation 17 M.6-14 set out the various actions the Council has available to it to give effect to the objectives and policies.
20. Transportation Anticipated Environmental Results 17.AER.1-5 set out, in table form, the various results (which are 10 year targets) that will be the subject of state of the environment monitoring.
21. Transportation Rules 2.31 – 2.33 set out the permitted activities and associated performance standards, and the discretionary activities, for transportation related activities.
22. Volume 2 Chapter 23 Airport Zone Rules which relates to activities in the Airport Zone
23. Appendix 17 – Rooding sets out the rooding hierarchy.
24. Volume 2, Rules 2.34 – 2.37 establish permitted activity rules for signs, the relevant standards that apply, and the discretionary activity rules that relate to signs not complying with Rules 2.34 – 2.36.

Analysis of submissions

25. The number of submission points received on provisions relevant to the topics addressed in this report are as follows.

- Submissions on Chapter 17 Transportation: 104 submission points and 63 further submission points;
- Submissions on Transportation Rules 2.31 – 2.33: 46 submission points and 37 further submission points;
- Submissions on Volume 2 – Signage Rules 2.34 – 2.37: 53 submission points and 15 further submission points.
- Submissions on Volume 2 – Airport Zone Rules 23: 29 submission points and 6 further submission points.
- Submissions on Volume 3 Appendix 17 – Roading: 5 submission points and 5 further submission points;
- Submissions on Volume 4 – Overlay Maps: 3 submission points and 5 further submission points; and
- Submissions on Volume 4 – Zoning Maps: 8 submission points and 9 further submission points.

Key Matters

26. The key matters identified in this report largely reflect the headings of the relevant Chapters (Volume 1, Chapter 17 – Transportation), Volume 2 – General Rules, Volume 3 – Appendices 15 and 17, and Volume 4 – Overlay and Zoning Maps. The submissions on Omaka Airfield are dealt with as one topic.
27. The assessment generally refers to submitters but not further submitters.
28. There are also a number of submissions that are better dealt by other topics given their specificity and similarity to the submissions dealt with by those topics. In this particular regard, K and S Roush (845.8) on Rule 2.36.2.5 relating to lighting is dealt with in Topic 18 Nuisance Effects.

Recommendations

29. Recommended amendments to the MEP are shown underlined and deleted text or provisions are shown ~~struckthrough~~ under the Recommendation heading in the report.
30. The submissions are accepted, accepted in part, rejected, deferred (in the case of submissions dealt with in other topics) or are referred to individual submissions (in the case of those submissions which support other submissions or overall submissions which support their individual submissions) in accordance with Appendix 1.

Statutory Documents

31. A number of statutory documents are relevant to the provisions and/or submissions within the scope of this report, including the Resource Management Act 1991 (RMA), National Policy Statements and Plans and are referred to where appropriate in the actual assessment.

Pre-hearing meetings

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

Volume 1 Chapter 17 – Transportation

Key Matter - General

Submissions and Assessment

33. Aitken Taylor Ltd (266.10) oppose the wording of the introduction to the Transportation section, and consider that greater recognition needs to be provided for walking and cycling, as all trips begin and end with walking, and this should be recognised as the first and foremost mode of transportation. This matter is dealt with in Chapter 9 Public Access and Open Space but I agree some reference to this chapter should be made in the Introduction in Chapter 17.
34. Federated Farmers (425.341) request the inclusion of a new policy which reads “Encourage appropriately located effluent dump sites”. The submitter would like to see the Plan enable a new effluent dump site between Blenheim and Picton, as it would like to limit the habit of truck drivers unload tanks along road verges. This matter has generally been the responsibility of NZTA who I understand have a national strategy covering this matter. I note that the matter is generally covered by Policy 17.6.2 relating to contaminated run off from roads and is matter that can be covered in the Marlborough Regional Land Transport study which is identified as 17.M.9 Implementation Method in the MEP. In these circumstances I do not favour a specific policy.
35. Te Atiawa o Te Waka-a-Maui (1186.97) request that the Anticipated Environmental Results be amended to include specific goals and monitoring criteria for cultural values. Method of Implementation 3.M.5 in Volume 1, Chapter 3 of the MEP specifically provides for cultural indicators, noting that the Council will work with tangata whenua to develop cultural indicators. On the basis that the Plan already includes an appropriate method to address the development of cultural indicators, I do not consider it is necessary to replicate this Method throughout the Plan.

Recommendation

36. That the Introduction to Chapter 17 is amended as follows:

(Note that the provisions for water transportation in Marlborough’s coastal marine area have been included within Chapter - 13 Use of the Coastal Environment and the provisions for walking and cycling within Chapter 9 Public access and Open Space)¹

Key Matter - Issue 17C

Submissions and Assessment

37. Issue 17C and its associated Objectives and Policies recognises that the land transport network is an important regional resource, and that it is necessary to maintain an efficient network that balances the tensions between providing for social and economic wellbeing and the adverse effects that the use of transport infrastructure and networks can have on the environment. The Introduction to the Transportation Section notes that the Chapter focuses on the sustainable management of the physical infrastructure of transport networks, the services that use them and the adverse environmental effects that arise from the operation of the networks.
38. The NZIS (996.11 & .12) consider that the Transportation Chapter overall should be more about providing the effective integration of land use and transport planning decisions to achieve a sustainable land transport system. No specific wording changes to the provisions are sought. The Transportation Chapter recognises that transport infrastructure is a significant component of Marlborough’s resources, and its Objectives and Policies address the various factors that have a bearing on decisions concerning the transport networks. No change is considered necessary arising from this submission.
39. NZTA (1002.85) supports Issue 17C and requests it be retained as notified. This support is noted.

¹ Aitken Taylor Limited (266.10)

Recommendation

40. That there is no change to the MEP.

Key Matter - Objective 17.3 and Policies 17.3.1 – 17.3.3

Submissions and Assessment

41. Objective 17.3 is an overarching Objective that seeks an efficient land transport network that recognises and provides for different users. KiwiRail (873.70) supports this Objective and requests it be retained as notified.
42. Policy 17.3.1 addresses the importance of a land transport network that links with other districts, regions and transport modes. Both KiwiRail (873.71) and NZTA (1002.86) support this Policy and request it be retained.
43. Policy 17.3.2 establishes the roading hierarchy for the district, with roads being classified based on their planned traffic function, and Policy 17.3.3 provides for the periodic review of the hierarchy (via the First Schedule process in the Act) to reflect on-going changes in land use, use of the coastal marine area and road access relationships. The Ministry of Education (974.3) supports Policy 17.3.2, and ME Taylor Ltd (472.20) and Wairau Valley RRA (1235.10) support Policy 17.3.3.
44. The submissions of ME Taylor Ltd (472.19), Kevin Loe (454.126, 143 & .144), and the Flaxbourne Settlers Association (712.54, .55 and .56) request that Ward Beach Road/Seddon Street be included as a Secondary Arterial Road, and that this also be reflected in Appendix 17 (Roading Hierarchy). The Flaxbourne Settlers Association states that Ward Beach Road is a sealed road which can provide an alternative transport route to SH1 if necessary, and is important to the integrity of the Flaxbourne area. The submitter considers that it therefore should be given greater priority than a local road. Ward Beach Road is presently classified as a 'Local Road' in the Roading Hierarchy. As identified above, Policy 17.3.2 establishes the roading hierarchy and classifies roads based on their planned traffic function. The Explanation to the Policy identifies that local roads provide for "very little through movement but have a major access function". The current classification is therefore considered appropriate, as the road provides for access to the Flaxbourne area, but does not facilitate large volumes of through traffic. The relief sought is therefore not supported.
45. NZTA (1002.87) supports Policy 17.3.2 and notes in respect of the roading hierarchy that the term 'National Routes' is used interchangeably with "State Highways", which could create confusion for plan users. The submitter correctly notes that all National Routes are State Highways, as identified in the Roading Hierarchy, and requests that 'national routes' be changed to "State highways" throughout the MEP. This change is considered appropriate.
46. Marlborough Chamber of Commerce (961.9) request that cycleways be included under 'Local Routes' in the roading hierarchy in Policy 17.3.2. I note that cycle route are addressed in Chapter 9 – Open Space and that the roading hierarchy is concerned with classifying roads based on their planned use. I consider, that including cycle routes is unnecessary, and not included within the NZTA the One Network Road Classification (ONRC) system that defines the nature of roads within the hierarchy (and which is addressed later in this report). I do not consider that the relief sought by the submitter is necessary.
47. NZTA (1002.88) request that Policy 17.3.3 be amended as follows:
- Ensure the road hierarchy is periodically reviewed where necessary and amended to reflect on-going changes in land-use, use of the coastal marine area, ~~and road access relationships~~ and changes to the road network.*
48. The functionality of the roading network can be affected by various factors, of which access to the road is one. The use of a particular road may increase (or decrease) depending on changes to the wider network, including the creation of new roads or improvements to corridors that increase the

efficiency and attractiveness of the road as a route. The change requested by the NZTA is considered appropriate.

Recommendation

49. That the MEP be amended by replacing the term “National Routes’ with “State Highways” throughout the Plan².
50. That Policy 17.3.3 is amended as follows:

Ensure the road hierarchy is periodically reviewed where necessary and amended to reflect on-going changes in land-use, use of the coastal marine area, ~~and road access relationships~~ and changes to the road network³.

Key Matter - Issue 17D

Submissions and Assessment

51. Issue 17D states that “Land use, water and subdivision activities can have adverse effects on the sustainable use of the land transport network”.
52. KCSRA (869.24 -.26) supports issue 17D insofar as it recognises that particular types of land use can have adverse effects on the sustainable use of the land transport network, but submits that the MEP needs to more clearly respond to effects of increased logging traffic on the fragile road network in the Coastal Environment Zone (eg Kenepuru Road). The submitter considers that Chapter 17 needs to include a separate issue and associated policies recognising and catering for the impacts of commercial forestry harvesting on the Sounds road network.
53. I note that Issue 17D does refer to the Sounds roading network and commercial harvesting and which is addressed in the subsequent objectives and policies albeit in a more generic manner. However, I do not consider it necessary to provide separate provisions for logging traffic given the proposed provisions can apply to this activity.
54. Windermere Forests (1238.2) request that transportation is removed from the definition of ‘Commercial Forest harvesting’. Definitions are to be dealt with in the section 42A report for Topic 21 (Definitions), and this report should be referred to for the assessment of this submission.
55. NZTA (1002.89 & .101) considers that the existing objectives and policies do not give clear enough direction in regard to the need for a planned and sequenced approach to development. It considers that poor integrated planning could lead to undesirable impacts. As part of this submission it suggests Issue 17D be amended as follows:

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

56. I consider that the change sought is appropriate and recognises that effects on the functioning of individual roads can also have a wider or flow on effect on the wider roading network.
57. The submitter also requests new objectives and/or policies as follows:

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

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

²1002.87 - NZTA,

³1002.88 - NZTA

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

58. I consider the existing provisions are generally considered to provide for an integrated approach to managing the effects of activities on transport infrastructure, as specifically referred to in Issue 17D. In particular this includes Objective 17.4, and Policies 17.4.1-6, and I therefore consider the additional provisions are not considered necessary. I do however support some amendments to the existing provisions as described below.
59. New Zealand Forest Products Holdings Ltd (995.22) notes that the importance of land transportation links is recognised in Issue 17C on the PMEP. To that extent, the importance of road transportation to commercial forestry activity should be recognised in the PMEP. The Submitter also considers that, where appropriate, water-based transportation should be encouraged because it can have significant wider public and environmental benefits, albeit with localised environmental effects.
60. As indicated in the response to KCSRA (869.24 -26) above I believe the reference to commercial forestry and transport is sufficient. In respect of water transport this is dealt with in Chapter 13 Use of the Coastal environment as indicated in the Introduction to the Transportation Chapter on page 17-1 and accordingly I do not favour duplication of provisions.
61. It is not necessary to indicate that roads may need to be used by particular industries. Roads are intended to accommodate traffic from the range of activities in the District, and there is no resource management reason to indicate a preference towards a particular industry. It is also noted that Policy 17.4.5 does not prevent the primary production sector from using all parts of the road network, and the additional policy sought is therefore not necessary.

Recommendation

62. That Issue 17D is amended as follows⁴:

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

Key Matter - Objective 17.4

Submissions and Assessment

63. KiwiRail (873.72) supports this Objective, and Marlborough FIA (962.109) considers there could be better clarity as to implementing the Objective. No specific relief is sought by this submitter.

64. NZTA (1002.90) request that Objective 17.4 be amended as follows:

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

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

65. The submission of NZTA but considers that the objective should be reworded for clarity, to achieve consistency with Objective 2 of the Transport Agency's Reverse Sensitivity Guide (Guide to the management of effects on noise sensitive land use near to the State Highway network, September 2015, Version 1.0), and to reflect the hierarchy of addressing effects in the RMA (being to avoid, remedy and mitigate).

⁴ NZTA (1002.89 & .101)

66. The wording proposed by the submitter is considered to provide greater clarity to the Objective, and it is appropriate that the Objective be consistent with the Act in recognising the hierarchy of addressing effects.

Recommendation

67. That Objective 17.4 is amended as follows:

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

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

Key Matter - Policy 17.4.1

Submissions and Assessment

68. KiwiRail (873.73) supports Policy 17.4.1 but requests that it be amended as follows:

Manage the density, scale and location of subdivision and/or activities to maintain the planned function of the ~~roading~~ land transport network.

69. This change is sought to recognise that ensuring the density, scale and location of subdivision and/or activities to maintain the planned function of the rail network is equally important and a consideration for a land transportation section. Development which generates traffic and is inappropriately located can result in safety risks for adjoining parties, as well as a compromised amenity, if not appropriately designed and located. The submitter notes that mitigation through setbacks of vehicle accesses from level crossings and the protection of sightlines at level crossings are already proposed to be included in the MEP. KiwiRail therefore seeks that this provision be amended to enable consideration of the rail network as well as the road network. This change is considered appropriate, as the land transport network is not limited to road traffic only. Rail is an important part of the transportation network and I consider the proposed change provides appropriate recognition of this.
70. Marlborough FIA (962.110) supports Policy 17.4.1 in part, but considers that public roads to forest boundaries should be reclassified as arterial roads in the 5 years before and during harvest. Policy 17.3.2 identifies that Primary Arterial Routes are routes of strategic regional importance and provide a high level of through service. Secondary arterial routes are identified as strategic district routes that provide both an access and a through function. Roads are classified according to their overall purpose, and I do not consider it necessary to temporarily change the classification of one road for one particular land use activity. No change is considered necessary.
71. Nelson Forests (990.253) request that the explanation to Policy 17.4.1 be amended to reflect that the roading hierarchy is cognisant of existing traffic generating activities, such as traffic located in rural areas. The submitter requests the following change to the explanation:
- "A major method in the MEP for managing the efficiency of the road network is through identification of a road's function, which is established by the road hierarchy. It is important that subdivision or activities that generate traffic (whether on land or in the coastal marine area) are managed so that their location, density and/or scale does not impair the function of a particular road. **The functions of the roads (and hierarchy) must equally provide for expected rural/coastal industry transport needs.** Management will occur through district rules that describe where there is a need to consider the impacts of activities on the function of a road through ~~the~~ a **Controlled Activity** resource consent process".*
72. The roading hierarchy in Policy 17.3.2 identifies the functions of roads, and is considered to provide appropriate recognition for existing activities. The Explanation also refers to the District rules, and it is noted that the rules also provide for discretionary activities. It is considered sufficient for the Policy to refer to 'the resource consent process', as that is a generic description that recognises the range of resource consent types. The relief sought is therefore not supported.

73. NZTA (1002.91) request that Policy 17.4.1 and its explanation be amended as follows:

Policy 17.4.1

Manage the density, scale, design, and location of subdivision and/or activities to maintain, protect or improve the planned function of the roading network, including through the avoidance of cumulative effects.

Reason for Policy 17.4.1

A major method in the MEP for managing the efficiency of the road network is through identification of a road's function, which is established by the road hierarchy (set out in Appendix 17 and Policy 17.3.2). It is important that subdivision ~~or~~ and activities that generate traffic (whether on land or in the coastal marine area) are managed so that their location, density, design, and/or scale does not impair the function of a particular road, including as a result of cumulative or reverse sensitivity effects. Management will occur through district rules that describe where there is a need to consider the impacts of activities on the function of a road through the resource consent process, and by overlay maps identifying limited access roads, Transport Cumulative Effects Areas, and State Highway effects and buffer areas.

74. This submission relies on relief sought on submissions to other provisions, including the creation of 'Transport Cumulative Effects Areas' and State Highway effects and buffer areas. These additions are not supported as they will create additional complexity to the application of the Plan. The relief sought is therefore not supported.

Recommendation

75. That Policy 17.4.15 is amended as follows:

Manage the density, scale and location of subdivision and/or activities to maintain the planned function of the ~~roading~~ land transport network.

Key Matter - Policy 17.4.2

Submissions and Assessment

76. NZTA (1002.92) supports Policy 17.4.2 as it seeks to avoid additional pressure on the State Highway network from the effects of development by managing outward spread along State Highways and Limited Access Roads. The submitter considers that cumulative effects should be specifically included for the sake of clarity, and requests that the Policy and its explanation be reworded as follows:

Amend Policy 17.4.2 as follows:

Avoid the spread of residential, industrial or commercial development fronting ~~national routes~~ State Highways and arterial roads extending outwards from urban settlements or towns to avoid cumulative effects on the road network.

Amend the Policy 17.4.2 reason as follows:

Avoiding the outward spread of urban areas (for residential, commercial or industrial development) along ~~national~~ State Highways or arterial routes and limited access roads will help protect the safety and efficiency of roading networks including from cumulative effects.

77. While the uncontrolled spread of urban activities outside the boundaries of existing settlements or towns may introduce additional traffic onto the transport network, the change to the Policy sought by the submitter is considered overly restrictive. The avoidance of cumulative effects on the transport network is not the only reason that such development should be avoided, and the situation could arise where there are no adverse cumulative traffic effects, but others arise, and the effect of the policy would therefore be limited. The amendment to the Explanation to the policy is supported, however, as this indicates that one of the reasons for avoiding such developments is to protect the roading network

⁵ KiwiRail, 873.73

from effects including cumulative effects. It is also appropriate to amend the wording of the Policy to refer to “State Highways” as opposed to “national routes”.

Recommendation

78. That Policy 17.4.2 is amended as follows:

Avoid the spread of residential, industrial or commercial development fronting ~~national routes~~ State Highways and arterial roads extending outwards from urban settlements or towns.

79. That the Explanation to Policy 17.4.2 is amended as follows:

Avoiding the outward spread of urban areas (for residential, commercial or industrial development) along ~~national~~ State Highways or arterial routes and limited access roads will help protect the safety and efficiency of roading networks including from cumulative effects.⁶

Key Matter - Policy 17.4.3 and Policy 17.4.4

Submissions and Assessment

80. NZTA (1002.93 and .94) supports Policy 17.4.3 and 17.4.4 respectively and request they be retained as notified.

Recommendation

81. That there is no change to the MEP.

Key Matter - Policy 17.4.5

Submissions and Assessment

82. Fulton Hogan (717.61) consider that preferentially locating industrial or commercial activities on properties accessing secondary roads may lessen the impact on the transport network but may have the unintended consequence of adversely affecting amenity values enjoyed by properties on these roads, and therefore request that the Policy be reworded as follows:

Policy 17.4.5

Commercial and industrial activities with potential to adversely affect the arterial road network should preferably ~~be located on properties with access to secondary arterial and collector routes~~ unless this will cause an adverse effect on the amenity of this road.

83. NZTA (1002.95) support Policy 17.4.5 and request it be retained as notified.

84. The intent of this provision is to minimise conflicts between development and the functions of primary arterial and national routes, noting that it is preferable for commercial or industrial activities to be located on secondary arterial routes or collector roads. This is consistent with functions of those roads as identified in the roading hierarchy established in Policy 17.3.2. No change to this policy is considered necessary as it reduces the force of the policy.

Recommendation

85. That there is no change to the MEP.

⁶ NZTA (1002.93)

Key Matter - Policy 17.4.8

Submissions and Assessment

86. Kevin Wilson (210.9) and KiwiRail (873.74) support the Policy as notified.
87. Bike Walk Marlborough Trust (471.6) and NZ Walking Access Commission (481.23) support the Policy in part, but seek amendments such that when rail corridors are not available and developed for the use of cycling or walking facilities along State Highway 1, that appropriate alternative cycling and walking infrastructure is developed to ensure both walkers and cyclists are provided with well-defined and safe transportation routes along the State Highway. While NZTA does not oppose the provision of walking and cycling facilities, it considers that the policy should remain weighted towards using the rail corridor first and foremost and all other instances assessed on a case-by-case basis. The explanation to the policy notes that State Highway 1 is not always conducive to walking or cycling, and it is therefore considered that the current wording of the policy is appropriate.

Recommendation

88. That there is no change to the MEP.

Key Matter - Objective 17.5

Submissions and Assessment

89. NZTA (1002.96) supports this Objective but considers it should be reworded as follows to clarify that it relates to safety and accessibility for those travelling on the road network:

The safety and accessibility of roads for all users as they travel along the road network ~~pedestrians, cyclists and motor vehicles.~~

90. The Submitter also seeks a related change to the Explanation to the Objective, as follows:

Important components in a sustainable land transport network are ensuring it can be used safely and is accessible for a range of uses and users, including pedestrians, cyclists, and motor vehicles.

91. The changes sought by the submitter is considered appropriate, as it clarifies that the Objective is intended to apply to all road users.
92. The Wairau Valley RRA (1235.11) have identified that speed through Wairau Valley Township on State Highway 63 is a problem. While the existing speed limit is currently 70km/hour, this is often not observed, by both private vehicles and heavy trucks. The submitter considers that the speed limit should be reduced to 50 km/h per hour, such as is the case in Boyce Street, Renwick, which is used by many trucks. Road speed limits are set by Councils under different legislation, and it is not appropriate that speed limits be set through the MEP. The relief sought in this submission can therefore not be supported.

Recommendation

93. That Objective 17.2.5 is amended as follows:

The safety and accessibility of roads for all users as they travel along the road network ~~pedestrians, cyclists and motor vehicles.~~

94. That the Explanation to Objective 17.2.5 is amended as follows:

Important components in a sustainable land transport network are ensuring it can be used safely and is accessible for a range of uses and users, including pedestrians, cyclists, and motor vehicles.⁷

Key Matter - Policy 17.5.1

Submissions and Assessment

95. NZTA (1002.97) supports the intent of Policy 17.5.1, but considers that it is poorly worded as it implies that road safety and accessibility can be ensured by standards for access, parking etc. The submitter considers that the current wording of the Policy conflicts with Policy 17.4.1, and requests that it be clarified through the following amendment:

~~Maintain road safety and accessibility by ensuring~~ Ensure that standards of road design, vehicle access, vehicle crossings, loading and parking are related to the ~~intended~~ planned function of the adjoining road in terms of the roading hierarchy in Policy 17.3.2 to maintain road safety and accessibility.

96. The submitter also requests similar changes to the explanation to the Policy. The proposed changes amend the policy to reflect that roading safety and accessibility should be achieved by the imposition of standards that relate to the road's function as described in the roading hierarchy. This clarification is considered appropriate and makes the relationship between roading standards and the roading hierarchy clearer.

Recommendation

97. That Policy 17.5.1 is amended as follows:

~~Maintain road safety and accessibility by ensuring~~ Ensure that standards of road design, vehicle access, vehicle crossings, loading and parking are related to the ~~intended~~ planned function of the adjoining road in terms of the roading hierarchy in Policy 17.3.2 to maintain road safety and accessibility.

98. That the explanation to Policy 17.5.1 be amended as follows:

The road hierarchy describes the ~~intended~~ planned function of a road. Road design relates to a variety of elements and controls, including road width, pavement construction, street lighting, signage, parking restrictions, activities and access points. Roads ~~The intended function of a road~~ must be designed to a standard that enables the road to operate in accordance with that planned function and to ensure safety and accessibility are maintained.⁸

Key Matter - Policy 17.5.2

Submissions and Assessment

99. The Ministry of Education (974.4) supports Policy 17.5.2 relating to the encouragement of pedestrian areas, footpaths, walking tracks and cycleways etc as notified. NZ Walking Access Commission (481.24) and Bike Walk Marlborough Trust (471.7) support the Policy subject to amendments to ensure that any development includes pedestrian and cyclist design, for example from the NZTA Cycling Network Guide and NZTA Pedestrian Planning Guide. Bike Walk MT also request that they be consulted on any significant subdivision developments to ensure input into cycling and walking. The Policy identifies that the subdivision and development process provides the opportunity to establish walking and cycling links, and Method of Implementation 17.M.6 indicates that provisions will be required for facilities for pedestrians, cyclists and people with disabilities through the rules governing subdivision and development. The policy provides high level guidance and promotes an integrated approach to the transport network, and it is noted that the Transportation AERs also refer to the Marlborough District Council's Walking and Cycling Strategy. The changes sought by the submitters

⁷ NZTA (1002.96)

⁸ NZTA (1002.97)

are not considered appropriate at this particular policy level, as the design and location of a pedestrian or cycling facility is best addressed through other processes.

Recommendation

100. That there is no change to the MEP.

Key Matter - Policy 17.5.3

Submissions and Assessment

101. Policy 17.5.3 seeks that activities that generate high levels of pedestrian movement across national and arterial routes be avoided. NZTA (1002.98) is concerned that this could have unintended implications for established urban areas, particularly town centres, such as discouraging pedestrian activities and commercial development, potentially resulting in community severance. While NZTA strongly agrees with the importance of avoiding potential conflict between motorised vehicles and pedestrians, it considers that policy requires amendment to address its concerns, such as to apply to rural areas only and not apply to establish urban areas or town centres.
102. Kevin Wilson (210.8) requests clarity around the term “high”, noting that people need to cross arterial routes on foot, and the emphasis therefore should be on enabling safe crossing by providing points to do so.
103. The concerns of the submitters are considered valid, particularly as the policy could have the unintended consequence of preventing land use activities establishing in existing urban or rural areas bisected by such routes. It is also noted that the posted speed limits in the existing urban areas or settlements are lower, reducing the potential for conflict between pedestrians and vehicles. In this regard, it is appropriate to amend the Policy to address the concerns raised by the Transport Agency. While no alternative wording has been suggested, the following is offered as a solution:

Avoid establishing activities that generate high levels of pedestrian movement across national and arterial routes outside urban areas and towns.

104. The change suggested is consistent with the wording in Policy 17.4.2, which seeks to avoid the spread of development fronting national or arterial routes outside of settlements and towns, and the suggested change will provide additional strength to the policy position to avoid the uncontrolled spread of activities outside the urban areas.

Recommendation

105. That Policy 17.5.3 is amended as follows:

Avoid establishing activities that generate high levels of pedestrian movement across national and arterial routes outside urban areas and towns⁹.

Key Matter - Policy 17.5.4

Submissions and Assessment

106. D & C Robbins (640.12), G Robb (738.15) and M Robb (935.12) oppose Policy 17.5.4 noting that tourism requires signage to encourage visitors, and increased signage allows for better access and informs visitors of the benefits of staying in the area. However, no relief is sought.
107. NZTA (1002.99) recognises the potential adverse effects of outdoor advertising on traffic safety, and considers that the use of the word ‘avoid’ will support Council in declining unsuitable applications. The

⁹ NZTA (1002.98)

NZTA notes that the term “outdoor advertising” does not appear to be used elsewhere in the MEP and is not defined, and therefore requests that the policy is amended to use the word “sign” as below:

Avoid the display of outdoor advertising signs that could adversely affect traffic safety by confusing, distracting or obstructing the view of motorists or pedestrians.

108. This change is considered appropriate. The explanation to the Policy is focussed on the effects of signs on traffic safety, and particularly signs along state highways and primary arterial routes, and the change is consistent with the stated intent of the policy.

Recommendation

109. I recommend that Policy 17.5.4 is amended as follows¹⁰:

Avoid the display of outdoor advertising signs that could adversely affect traffic safety by confusing, distracting or obstructing the view of motorists or pedestrians.

Key Matter - Policy 17.5.5

Submissions and Assessment

110. Harvey Norman (766.4) supports this Policy. The support is noted.

Recommendation

111. That there is no change to the MEP.

Key Matter - Policy 17.5.6

Submissions and Assessment

112. Policy 17.5.6 seeks to manage the adverse effects of subdivision and land use activities on the safety of and accessibility to the road network. This policy is to be achieved by a number of matters listed in the policy, some of which are carried through into standards in the rules section of the plan.
113. KiwiRail (873.75) supports the purpose of the policy and notes that although the principal direction of the Policy relates to roads, that there are clauses that relate to rail. KiwiRail therefore request that where appropriate ‘land transport’ be used rather than ‘road’, being a more encompassing term. I consider this is an appropriate change. The Policy clearly seeks the protection of both rail and road networks from the adverse effects of activities, and the clarification is appropriate.
114. MFIA (962.111) request that setbacks be considered on their merits relative to activities, and that activities be permitted where possible. On this basis the submitter considers that there is no need for a blanket 30m setback from roads. I note that the submitter does not specify which rule the 30m refers to, although Rule 3.3.6 notes for example that commercial forestry planting should not be undertaken within 30m of a formed and sealed public road in the Rural Environment Zone. Other rules do not specify a setback. No specific change to the policy is sought, and it is noted that setbacks are specified in each Zone, and relate generally to activities. The submitter also notes that ‘discharges’ (in part (d)) is very broad and appears to query whether it would include dust. The Policy indicates that the matters it addresses will be included where appropriate in Standards on permitted activities and considered in the assessment of resource consent applications where consents are required. No change is considered necessary as a result of this submission.
115. NFL (990.254) considers that the Policy is clear with regards to vegetation setbacks, but considers that the rule that derives from it is misguided and does not align with the Policy. It further notes that

¹⁰ NZTA (1002.99)

the Policy clearly applies to “vegetation” and not just commercial forestry vegetation, and again the resultant rule does not follow the Policy. In this regard, the submission does not specify the rules that are of concern and the submitter should provide further clarification at the hearing.

116. NFL (990.254) also considers that Clause (d) of the Policy is open to interpretation, and questions what is meant by discharges and other distractions. It further notes that discharges are a regional matter and this is a district rule. Finally, the submitter notes that as the Policy sets out matters of control, any resource consent should be a Controlled Activity.
117. In a similar vein, NZTA (1002.100) supports the intent of the policy, but is concerned that it is written more like standards than a policy. It considers that the policy is related to activities rather than effects, which means that any aspects not specifically listed as affecting the safety and efficiency of the road network would not be considered in the policy assessment. It requests that the wording of Policy 17.5.6 be amended to relate to the effects of activities, rather than activities themselves.
118. NZTA also requests a new point related specifically to the effects of land use, subdivision, and access on the State Highway, as follows.

Amend Policy 17.5.6 as follows:

Subdivision and land use activities shall avoid, remedy or mitigate adverse effects on the safety of and accessibility to the road network, by ensuring:

...

(g) any proposed new or altered land use, subdivision or access point shall avoid, remedy, mitigate or improve any adverse safety or efficiency effects on the road network.

119. I do not consider that the changes sought are necessary. The policy is concerned with the safety of and accessibility to the road network, which includes State Highways, and requires that effects arising from subdivision and land use activities be avoided, remedied or mitigated. The intent of the change sought by the Transport Agency is therefore provided by the existing provision.
120. The NZTA also seek that the reason for Policy 17.5.6 be amended to reference the Limited Access Roads and cumulative effects overlays that the submitter has sought. Earlier in this report, I recommended that these overlays not be supported, and on this basis the change sought by the submitter to the Explanation to the policy is not supported.

Recommendation

121. That there is no change to the MEP.

Key Matter - Issue 17E

Submissions and Assessment

122. NZTA (1002.102), MFIA (962.112) and NMDHB (280.79) support the Issue which relates to the adverse effects that the land transport network can have on the community.
123. NZIS (996.13) consider that the Transportation Chapter overall should be more about providing the effective integration of land use and transport planning decisions to achieve a sustainable land transport system. No specific wording changes to the provisions are sought. The Transportation Chapter recognises that transport infrastructure is a significant component of Marlborough’s resources, and its Objectives and Policies address the various factors that have a bearing on decisions concerning the transport networks. No change is considered necessary arising from this submission.
124. Marlborough Chamber of Commerce (961.91 and .92) request the addition of new Objectives 17.6 and 17.7 under Issue 17E as follows:

Objective 17.6

Ensure that there has been sufficient traffic planning and modelling to determine a good hierarchy of roads

Objective 17.7

Ensure that there is strong interface between all land use development and all transport infrastructure and activities.

125. Policies 17.3.2.and Policy 17.3.3 establish the roading hierarchy and the review process. The roading hierarchy is determined based upon the planned function of roads and it is not considered necessary to add an additional Objective to underpin these provisions.
126. With respect to the request for an additional Objective promoting a strong interface between land use and transport infrastructure, it is noted that the Transportation Chapter recognises that transport infrastructure is a significant component of Marlborough's resources, and its Objectives and Policies address the various factors that have a bearing on decisions concerning the transport networks. No change is considered necessary arising from this submission.

Recommendation

127. That there is no change to the MEP.

Key Matter - Objective 17.6

Submissions and Assessment

128. NMDHB (280.80) and Clintondale Trust (484.49) support Objective 17.6 which relates to the development of the transport network in a way the district's resources and community wellbeing are maintained. This support is noted.
129. D & C Robbins (640.13), G Robb (738.16) and M Robb (935.13) all seek that provision is made for a livestock effluent waste station between Picton and Spring Creek. As noted in response to the submission of Federated Farmers (425.340) no change is considered necessary.
130. Wairau Valley RRA (1235.12) have identified that increased traffic on State Highway 63 also leads to an increase in traffic noise. Lowering the speed limit to 50km per hour through Wairau Valley Township would result in a lowering of traffic noise as well as providing a safer road for all users. The submitter also notes that road surfaces are inconsistent throughout Marlborough. Some sections of State Highway 63 resemble patchwork. Repairs appear to be reactive and piecemeal rather than planned and many repairs last for very short periods of time. Uneven tar seal and loose gravel present serious hazards to vehicle users. The submitter requests the lowering of the speed limit to 50 km per hour through Wairau Valley Township and along all its side roads, and would support a programme of roadworks to raise the standard of the road surface and maintain it in a safe and tidy condition.
131. Road speed limits are set by Councils under different legislation, and it is not appropriate that speed limits be set through the District Plan. Similarly, work programmes are set through the Annual planning process rather than the District Plan, and the relief sought in this submission can therefore not be supported.

Recommendation

132. That there is no change to the MEP.

Key Matter - Policy 17.6.1

Submissions and Assessment

133. The text of Policy 17.6.1 is to:

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

134. The explanation to this Policy notes that:

The current state of vehicle technology in New Zealand means that noise and vehicle emissions can be expected from the operation of vehicles on roads. There is little the MEP can do to modify those conditions. However, the Council can control the extent of these effects by adopting a road hierarchy, which encourages higher volumes of traffic and heavy traffic movements on certain routes and discourages them on others. An exception is made for some primary production activities, which need to use collector and local routes to transport produce to processing facilities.

135. NMDHB (280.81), NZTA (1002.103) and Pernod Ricard Winemakers (1039.103) support the policy and seek that it be retained as notified. This support is noted.

136. MFIA (962.113) requests that local roads to forest boundaries be reclassified to arterial roads in the 5 years before and during harvest. Roads are classified according to their planned function, and the plan also indicates that altering the status of a road will be undertaken through the Schedule 1 process (Policy 17.3.3), which is not an efficient mechanism for an activity that will only endure 5 years, as presumably the higher classification would need to be revoked at the end of the 5 year period. Roads are formed to different standards depending on their planned use, and reclassifying a road from local to arterial may result in a situation where a road is not formed to an appropriate standard to accommodate the higher level of use provided for. This relief is therefore not supported.

137. Federated Farmers (425.340), Clintondale Trust (484.50), K & S Roush (845.7), Nelson Forests Ltd (990.255) and Port Underwood (1042.9) have raised issues with this Policy, requesting various changes that would recognise that primary production activities, such as farming and forestry activity, rely on the roading network to transport goods. Despite the intent of the policy, the submitters identify that there are sometimes no available alternative routes and that these activities need to use collector and local roads.

138. I agree that it is appropriate that the policy envisages an exception to be made for some primary production activities which need to use collector and local routes to transport produce to processing facilities. This need would be as a result of the location of the activity, and I agree with the submissions that the provision should be subject to the caveat that no viable alternative route or method of transport exists. As noted by Port Underwood, the fact that there is a financial incentive to use the public transport network instead of an otherwise viable alternative route or method should not trigger this exception.

139. Based on the above, I consider some changes to Policy 17.6.1 and its explanation are appropriate. These changes are an amalgamation of changes sought by the various submitters. It is noted that Port Underwood also requested that the policy include the proviso that "The maintenance of community amenity values will take precedence over commercial financial considerations". However, this change is not supported, as the appropriate mechanism to balance competing interests is through the assessment of consent applications.

Recommendation

140. That Policy 17.6.1 and its explanation is amended as follows¹¹:

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

¹¹ Federated Farmers (425.340), Clintondale Trust (484.50), K & S Roush (845.7), Nelson Forests Ltd (990.225) and Port Underwood (1042.9)

The current state of vehicle technology in New Zealand means that noise and vehicle emissions can be expected from the operation of vehicles on roads. There is little the MEP can do to modify those conditions. However, the Council can control the extent of these effects by adopting a road hierarchy, which encourages higher volumes of traffic and heavy traffic movements on certain routes and discourages them on others. An exception is made for some primary production activities, which need to use collector and local routes to transport produce to processing facilities where no viable alternative route or method of transport exists.

Key Matter - Policy 17.6.2

Submissions and Assessment

141. Policy 17.6.2 seeks to ensure that the development, maintenance and use of the land transport network occurs in a certain way and that certain effects are avoided, remedied or mitigated.
142. NMDHB (280.82) and Clintondale Trust (484.51) support the Policy and do not seek amendments.
143. HNZ (768.52) oppose the Policy in part as the development, use and maintenance of the land transport network has the potential to adversely affect historic heritage values, for example through compaction or vibration. The submitter requests that a new clause (h) be added to the policy as follows, although in a further submission HNZ requests deletion of reference to Appendix 13.

(h) adverse effects on the historic heritage values of heritage resources identified in Appendix 13.

144. Historic Heritage is recognised as a matter of national importance in section 6(f) of the Act. Other matters of national importance are also covered in this Policy, such as cultural values (section 6(e)) and natural character of the coast, wetlands, lakes, rivers and their margins (s 6(a)). I agree that it is appropriate that historic heritage also be included within this policy to highlight the values that require protection (while acknowledging that historic heritage is specifically dealt with in Chapter 10 Heritage Resources and Notable Trees). However, in accordance with the recommendation on submissions to Chapter 10 Heritage Resources and Notable Trees I do not favour deletion of the reference to Appendix 13 as it potentially makes the reference too open ended.
145. KiwiRail (873.76) considers that it is not appropriate to require the use of the land transport network to avoid, remedy or mitigate the loss of natural character, or the loss of visual amenity, or severance effects on communities, when the use is existing. Where there is some change, through either the development or maintenance of the land transport network, mitigation of those elements is appropriate. Where there is no change, and the use is an existing land use, KiwiRail does not support policy direction seeking to mitigate existing effects. The submitter therefore requests that the policy be amended as follows:

The development, and maintenance ~~and~~ use of the land transport network

146. The explanation to the policy notes that "it is important that where new roads or extensions or upgrading of existing roads are proposed..." that the effects identified in the Policy are avoided, remedied or mitigated. On the basis of the explanation, the intent of the Policy appears to be related to the effects of new road or of alterations to existing roads. I agree it is not appropriate to have a policy that requires the effects of existing activities to be mitigated, as such activities would have been through the appropriate approvals process, and there are monitoring and enforcement provisions in the Act that can apply should the effects of an activity not be as anticipated in a proposal. The matters identified in the Policy relate more to the work associated with the physical construction of a road, and I therefore agree with the submitter that the policy be reworded such that it does not apply to existing activities.
147. MFIA (962.114) oppose the policy in part and seek that it be rewritten to provide greater clarity, noting that part (a) which relates to effects on air and water quality, including from contaminated run off from roads discharging into water or onto land, on the basis that this is a regional matter. NFL (990.256) also seek the deletion of part (a) on the basis that it is a regional matter sitting in a district policy.

NZTA (1002.104) request that the policy be identified as a regional policy [R] as well as a district policy [D].

148. The matters raised in part (a) of the policy are valid resource management matters that should be considered when new roads, or alterations to existing roads, are undertaken, and on occasion may require regional consents depending on the volumes and composition of the run off and subsequent discharge. Notating this policy as a regional policy, as requested the NZTA, would appropriately recognise that the policy covers both district and regional matters.

149. NFL (990.256) also request that the explanation to the policy be amended as follows:

“...avoided, remedied or mitigated, and that the improved safety and wellbeing for communities when roads are upgraded is recognised”.

150. I do not consider that this change is necessary. Roading upgrades are normally undertaken to improve functionality and/or safety, and the policy requires that health and safety of the community is protected by avoiding, remedying or mitigating adverse effects of the development. The amendment sought would unnecessarily duplicate the intent of the policy.

151. Port Underwood (1042.10) request the inclusion of a new Policy as follows:

Policy 17.6.2.1 Establish a District wide plan of roads that are susceptible to the effects as listed in Policy 17. 6. 2 by heavy commercial vehicle usage and making the use of those roads a discretionary activity for heavy vehicles. Nominated roads could then be used by heavy vehicles subject to rules covering the following matters:

Length of vehicle over a certain length - i.e. to reduce impact on road infrastructure; to reduce conflict with other road users.

Weight of vehicle over a certain weight - i.e. to reduce impact on road infrastructure; to reduce conflict with other road users

Speed of vehicle. - i.e. to reduce conflict with other road users; control generation of dust.

Time of use of the road during the day/night. - i.e. to reduce conflict with other road users.

Season of the year for use of the road. - i.e. to avoid dust nuisance over summer; to avoid times of high tourist usage.

152. The submitter considers that such a Policy would require the Council to evaluate all sections of its road network against the criteria, and decide which roads would be subject to restricted discretionary control for heavy commercial vehicles. The degree of control would then be an incentive for operators to consider any alternative routes that were available. In this regard I note that the Council has identified a road hierarchy in Policy 17.3.2, which classifies roads in accordance with the planned function of the road. The Policy requested by the submitter is an unnecessary duplication of this function, and I therefore do not support the relief sought by the submitter.

Recommendation

153. That Policy 17.6.2 is amended as follows:

[D]. [R]¹²

Policy 17.2.6.2 - The development, ~~and~~ maintenance ~~and use~~ of the land transport network.....¹³

...

(h) ~~adverse effects on historic heritage, including the heritage resources identified in Appendix~~¹³¹⁴.

¹² NZTA (1002.104)

¹³ KiwiRail, (873.76)

¹⁴ HNZ (768.52)

Key Matter - Policy 17.6.3

Submissions and Assessment

154. Nelson Marlborough DHB (280.35) considers Policies 17.6.3 (which relates to mitigating effects of vehicle and fossil fuel usage) and 17.6.4 (which relates to changes in travel pattern should be combined into one policy given they address overlapping issues that share the same desired outcomes, i.e. reduced vehicle and fossil fuel usage (and therefore reduced land transport pressures and pollutants) and improved community health.
155. Policies 17.6.3 and 17.6.4 address different issues. Policy 17.6.3 seeks to mitigate the effects of vehicle and fossil fuel use by consolidating development within towns, and Policy 17.6.4 encourages changes in travel patterns. This distinction in function would be lost if the Policies were combined, and I therefore do not support the relief sought.

Recommendation

156. That there is no change to the MEP.

Key Matter - Policy 17.6.4

Submissions and Assessment

157. Bike Walk (471.8) and NZ Walking Access (481.25) support Policy 17.6.4. This support is noted.

Recommendation

158. That there is no change to the MEP.

Key Matter - Methods of Implementation

Submissions and Assessment

159. NZTA (1002.106) requests the insertion of a new Method of Implementation identifying that the MEP will identify Limited Access Roads that exist at the time the MEP becomes operative, and to signal to plan users that the Transport Agency's approval is required for new access points to roads declared as Limited Access Roads. The submitter requests the insertion of a new Method of Implementation, as follows:

17.M.x Limited access roads

The MEP includes maps showing the location of limited access roads at the time the MEP became operative. Where access is proposed onto a section of the State Highway which has been declared a Limited Access Road, the approval of the New Zealand Transport Agency will need to be obtained as described in the Government Roadway Powers Act 1989.

160. Limited access roads are sections of state highway that are usually bordered by residential or commercial properties that can only be accessed from authorised crossing points. Where a property is affected by a Limited Access Road, it will be noted on the relevant Certificate of Title for the property, and the NZTA considered an affected party through the resource consent process. Should new parts of state highways be declared limited access roads once the plan becomes operative (or the notation removed), the map will be required to be updated through the first schedule process. In this regard, it is noted that Policy 17.3.3 identifies that the roading hierarchy will be periodically reviewed and amended where necessary to reflect changes in land use or road access relationships, and including changes to limited access roads would logically fit within such a review. The Method proposed by the submitter is considered unnecessary, and given that it would only represent a snapshot in time of Limited Access Roads, would be of limited assistance given that the Council and plan users would still

be reliant upon Certificates of Title for certainty. The Method of Implementation proposed by the submitter is therefore not supported.

161. NZTA (1002.107) has identified, together with Marlborough Roads, parts of the road network in the District that are either at or nearing capacity in regard to its ability to operate safely and efficiently. The submitter is concerned that additional subdivision or development on land accessing or leading to these roads is likely to result in adverse effects on traffic safety and efficiency, either in isolation or cumulatively, unless the road and its intersections are upgraded. NZTA considers that the identification of these parts of road network would signal to Council that the road controlling authority should be considered an affected party when assessing resource consent applications for subdivision or development that accesses or leads to those roads. To achieve this, the submitter requests the inclusion of a new Method of Implementation as follows:

17.M.x Road Cumulative Effects Areas

The MEP includes maps showing the location of those parts of the road network that are either at or nearing capacity, where the ability of the road to operate safely or efficiently may be comprised if further subdivision or development occurs. The road controlling authority will be considered an affected party for any subdivision or land use consent application that accesses or leads to those parts of the road network identified as Transport Cumulative Effects Areas.

162. The Method proposed by the submitter is considered unnecessary. Such a map would only be snapshot in time of parts of roads under pressure at the time the plan became operative. However, the level of traffic on roads can be affected by many factors, including road works, priority changes and driver preferences. The traffic impacts of subdivision and land use are normally addressed through the resource consent process and a determination made as to who may be affected parties made at that time, and it is considered that this is the most appropriate process for this to occur. The relief sought by the submitter is not supported.
163. Port Underwood Association (1042.11) and Clintondale Trust (484.78) request the inclusion of a new Method of Interpretation requiring the Council to maintain a web based mechanism for the receipt of traffic incident and safety related reports and complaints of impacts on amenity values arising from roads, as follows:

17.M.10 [with subsequent renumbering as required]:

The Council will provide and maintain a website based mechanism for the receipt of traffic incident and safety related reports and complaints of impacts on amenity values arising from roads. These reports / complaints will be monitored and regularly collated for action as appropriate to enhance safety and efficiency of the road network and reduce adverse effects on the environment and community amenity values.

164. Anticipated Environmental Result 2 (17.AER.2) is the safe and efficient operation of the transport network. This relies upon monitoring reports of crashes, complaints received in relation to safety and complaints received from landowners about impacts on amenity values (noise, dust, vibration) from adjacent roads. The submitter notes that not all traffic crashes or incidents are reported to the Police, and while the Council website has provision for a Cycle Crash or Near Miss Report, there is no similar facility to report vehicular incidents that do not result in a Police report. Complaints relating to safety or impacts on amenity values are received on an ad hoc basis. The submitter therefore concludes that in the absence of an effective reporting or complaint mechanism, the incidence of traffic safety incidents or impacts on amenity values is under reported and monitoring of the anticipated environmental result ineffective. Creation of a website to fulfil this function will not necessarily lead to an increase in reporting of incidents, and is essentially a duplicate of the function of the NZ Police. The relief sought is not supported.

Method 17.M.6

165. N Hall (984.1) opposes section 17.M.6 as the section does not have a roading route which moves large trucks and freight around Blenheim. The submitter requests that a 50 year plan is included to stop 'ever bigger' trucks from entering Blenheim, and that this also be included in Appendix 17 (Roading Hierarchy) (N Hall 984.2). I note that the MEP does not specify particular routes for heavy vehicles, and instead relies upon the roading hierarchy to identify the appropriate classification of

roads, classifying them according to the purpose for which they are designed, and relying upon the framework of zones and rules to control where appropriate the transport related effects of activities. The Method requested would require a fundamental change in the approach to managing roads and the effects of traffic, and is not considered necessary. I also note that State Highways are designated, and the Council is unable to impose rules relating to the use of State Highways by heavy vehicles.

Method 17.M.7

166. MFIA (962.115) oppose Method 17.M.7 as it considers the Method is unclear. The Method clarifies the situations in which the regional rules apply to transportation activities and I therefore consider that no amendment is necessary.
167. NZTA (1002.105) support Method 17.M.7 in part but considers amendments are required to the regional rules to improve their workability. This support is noted. The Transport rules are addressed later in this report.

Method 17.M.10

168. K Wilson (210.7) supports Method 17.M.10. This support is noted.
169. Bike Walk (471.9) requests that the Method be amended to recognise that the Department of Conservation manages walking and cycling trails, and the method should recognise this to ensure that the Council liaises with the Department of Conservation for both. I consider that this change is appropriate.

Method 17.M.11

170. Bike Walk (471.10) support Method 17.M.11. This support is noted.

Method 17.M.14

171. Method 17M.14 identifies that the New Zealand Railways Corporation (NZRC) will be treated as an affected party in respect of any resource consent application for land use activities or subdivisions of land adjacent to the rail line. KiwiRail (873.77) supports the purpose of this Method, but note that the reference to NZRC should be amended to KiwiRail, as KiwiRail is the party responsible for the land, the operation and maintenance of the rail network, and the relevant requiring authority responsible for the rail network. This change is considered appropriate to reflect the appropriate party.
172. Te Ati Awa o Te Waka-a-Maui (1186.96) support Method 17.M.14 in part and request that it be amended to include iwi being recognised as an affected party where land use activities or subdivisions are being considered adjacent to road or rail infrastructure, as much of the infrastructure of both NZTA and NZ Rail is built over cultural sites. The submitter therefore considers that Te Atiawa should be listed as an affected party (within its rohe). Determination of whether a party should be considered an affected party is made by the consent authority as part of the process of assessing an application for consent. This consideration will be limited in some cases by the status of the activity for which consent is sought; for example, if an activity is a controlled or restricted discretionary activity, there may be limited scope to seek written approvals from parties. In this case I consider it appropriate that the determination of who may be an affected party, including tangata whenua, should be made through the consent process, rather than a blanket approach. No change is considered necessary.

Recommendation

173. That Method of Implementation 17.N.10 is amended as follows¹⁵:

"The Council will continue to maintain....notably the Department of Conservation, in maintaining and upgrading the network of recreational ~~walkways~~ walking and bike tracks , with the"

¹⁵ Bike Walk (471.9)

174. That Method of Implementation 17.M.14 is amended as follows¹⁶:

... New Zealand Railways Corporation KiwiRail Holdings Ltd will be treated as an affected party in respect of any resource consent application for land use activities or subdivisions of land adjacent to the rail line.

Chapter 2 General Rules -Transportation

Key Matter - Rule 2.31. – Permitted Activities

Submissions and Assessment

175. NZTA (1002.148) requests a new rule that provides for the application of calcium magnesium acetate (CMA) to certain areas of the road network for de-icing purposes. CMA is a chemical de-icer used to assist in minimising ice formation and to minimise the exposure of road users to an ice hazard, with associated runoff to land and water. In the absence of a general rule providing for the discharge of contaminants to land in the legal road (which are unzoned), such a discharge is not provided for, and defaults to a discretionary activity. Discharges adjacent to the legal road would also be subject to various rules, depending on the zones adjacent to the road. The submitter considers that applying these rules would make the assessment of applications unnecessarily complex, and would also require a discretionary consent given the lack of permitted activities rules for applying CMA. On the basis of extensive monitoring during the use of CMA on roads, the submitter has found that it rapidly breaks down and dilutes following its application. On this basis, the submitter requests a new permitted activity rule to enable the Transport Agency to be able to undertake activities to maintain the safety of the road network in icy conditions. I consider that the application of de-icing material to roads has safety benefits for the community, and as identified by the submitter, its application does not result in adverse effects on the receiving environment. I therefore consider that the proposed new rule is appropriate.
176. Mark Batchelor (361.1) requests the inclusion of a new rule providing for reduction of onsite parking requirements on the basis of one space for each 5 bike racks under cover and associated bathroom and shower facilities, including storage for clothing, being provided on the premises. While the desire to provide cycle parks as a means to offset reliance on cars is understood, I consider that such a rule could result in parking issues with second or third generation uses of buildings. For example, if a building is constructed with fewer car parks that the rules require, a future use that attracts a higher number of parks would have a shortfall, placing pressure on the surrounding streets. There is also no guarantee that providing cycle parks will reduce reliance on vehicles, and for these reasons I do not support the relief sought.
177. Fulton Hogan (717.70), Blenheim Business (286.4), Port Marlborough (433.89) and Harvey Norman (766.5) all support Rule 2.31 as notified, and seek that it be retained. This support is noted.

Recommendation:

178. That a new permitted activity rule and associated standards¹⁷ is added as follows:

[R]

Rule 2.31.5

Discharge of calcium magnesium acetate to land for the purpose of de-icing the road network, including any associated discharges to surface water.

2.32 Standards that apply to specific permitted activities

¹⁶ KiwiRail (873.77)

¹⁷ NZTA, 1002.148

2.32.5 Discharge of calcium magnesium acetate

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

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

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

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

Key Matter - Transportation Rule 2.32.1 – Standards that apply to Permitted Activities

Submissions and Assessment

179. Harvey Norman (766.6) supports Rule 2.32.1 as notified, and seek that it be retained. This support is noted.

180. A number of submitters have sought various changes to Table 2.1 (Parking and Queuing Space Requirements), which forms part of Rule 2.32.1.1. These changes are set out below, with an assessment undertaken for each requested change.

Activity	Minimum Requirements – Number of spaces
Commercial Activity	<p>NZIS (996.21) request that the parking requirements for 'Commercial' activities be amended as follows:</p> <p><i>Unless otherwise specified below, 1 per 100m² gross area of land <u>building</u> being used for the commercial activity, plus 1 per 2 employees.</i></p> <p>The MEP defines "Commercial Activity" as including the use of '<i>land, buildings or space</i>' for various activities. Restricting the calculation of car parking requirements to building gross area only could result in a shortage of parking being required if the activity relies on the outdoor areas as well for their activity. I therefore do not support the requested change.</p>
Visitor accommodation or homestay	<p>Beaver Bed and Breakfast (1069.1) request that the parking requirements for 'Visitor Accommodation or homestay' be amended as follows:</p> <p><i>For homestays – 21 for each bedroom of the homestay in addition to that required for the dwelling.</i></p> <p>The definitions of 'Homestay' and 'Visitor Accommodation' do not place limits on the number of bedrooms that may be used as part of the permitted accommodation activities. Should 3 or more bedrooms be available, for example, then there would be insufficient parking available based upon the present rule, forcing additional vehicles to park on the street. I consider it appropriate that the number of car parks be linked to the number of bedrooms that are available. I therefore support the relief sought by the submitter.</p>

Educational Facility ¹⁸	<p>MoE (974.14) considers that the parking requirements for early childhood/day care facilities are very high, and unreasonably restrict the establishment of such facilities, particularly when they are undertaken on smaller residential sites. MoE also considers that drop off requirements are particularly onerous. The submitter therefore considers that the drop-off requirements should be removed and the parking requirement amended so that small facilities do not have to provide on-site parking (other than for staff). Kerbside drop-off can work well for small operations. The changes requested are as follows:</p> <p><i>Early Childhood Educational or day-care facility – 1 per 110 children the facility is designed to accommodate, plus 1 per FTE employee plus 1 drop off space per 5 children the facility is designed to accommodate.</i></p> <p>The Marlborough Kindergarten Association (963.1) makes a similar submission as the MoE, but considers that 1 space per 10 children is appropriate.</p> <p>There is little difference between 1 space per 10 or 11 children, and as an example, a facility would need to provide for at least 50 children before the rules would result in one additional parking space being required, and facilities of this size are unlikely to be established in residential areas. I therefore consider that 1 park per 10 children is appropriate, as well as 1 park per FTE employee.</p> <p>I also agree with the submitters that the drop-off requirements are onerous, and could give rise to safety issues with vehicles manoeuvring on the site, and consider it appropriate that the drop-off requirement be removed.</p>
Vehicle Oriented Activity	<p>Derry Properties (682.4) considers that the parking requirement is unnecessary and restrictive for a supermarket operation. The relative numbers of employees is typically high for supermarkets, and would therefore require an unnecessary number of parks. The submitter requests that the parking requirements relating to Vehicle Oriented Activities be amended to exclude supermarkets from the employee requirement for carparks.</p> <p>The definition of 'Vehicle Oriented Activity' recognises that Supermarkets are also considered to be a Commercial Activity, and both presently provide a requirement for employee parking. I do not consider it appropriate that Supermarkets be exempt from employee parking requirements on the basis that employee numbers are high. I consider that the high numbers of staff necessitate a separate parking requirement in order to ensure that staff parking does not overflow into the parking expected for customers, or into surrounding streets. I therefore do not support the relief sought.</p>
Include <u>Supermarkets</u>	<p>Progressive (1044.6) requests the inclusion of provision for parking associated with supermarkets as follows:</p> <p><u><i>1 per 20m² gross floor area devoted to retail sales activities and 1 per 40m² gross floor area for all other activities.</i></u></p> <p>As identified above, the definition of 'Vehicle Oriented Activity' recognises that Supermarkets are also considered to be a Commercial Activity, and as such Vehicle Oriented Activities are a subset of Commercial Activities. I consider that the Plan therefore already provides a parking requirement for supermarkets, and there is no need to specify a separate rule. I also note that the figures in the submission would impose a higher requirement on supermarkets (1 park per 20m²) than the existing requirement (1 park per 25m²).</p>

¹⁸ MoE (974.14)

<p>Industrial and Rural <u>Industrial</u> Activities or warehousing</p>	<p>Fonterra (1251.121) consider that for rural industrial activities, which are located in Rural Environments, car parking requirements based on gross floor area (GFA) overestimate the actual demand for car parking, and request the parking requirement for 'Industrial Activities and Warehousing' be amended to include provision for Rural Industrial Activities, and that the parking requirement be amended as follows:</p> <p><u><i>1 per 100m² gross floor area, plus 1 for every 100m² of outdoor storage plus 2 per 3 employees on the site (based on the maximum number of employees at any one time, plus 2 for visitors.</i></u></p> <p>Car parking numbers are usually based upon a floor area calculation, particularly for industrial or storage type activities. I consider this is appropriate, as calculating car parks based upon employee numbers could create difficulties when building uses change. As an example, if a large warehouse was constructed but employed minimal staff would require less parking, whereas the same size building if utilised for a rural industrial activity or wholesale type activity that employed a larger number of people would require more parking, and give rise to a parking shortfall for a future use. I consider that calculating parking based on floor area/outdoor storage areas is therefore appropriate and that this should be retained for Industrial Activities and Warehousing.</p> <p>I also note that Rural industry activities require consent as a discretionary activity in the Rural Zone. Car parking requirements would be assessed as part of any resource consent process, and would rely on the industry parking requirements as a guide. Any effects associated with a lack of car parking would be assessed through that process.</p> <p>I therefore consider that the relief sought is unnecessary.</p>

181. Port Marlborough (433.90) requests that Rule 2.32.1.1 be amended to include specific parking requirements for Port and Marina activities, as set out in Rule 33.1.1.3 (that relates to Port Activities) and 34.1.1.2 (that relates to Marina Activities) of the Operative MSRMP.
182. Rule 2.32.1 is prefaced by a statement that parking spaces “must be sufficient to accommodate the number of vehicles expected to be generated in the usual course of the activity”, and if an activity is referred to in Table 2.1 then compliance with that table is deemed compliance with the Standards.
183. Port and Marina activities are not provided for in Table 2.1 presently, despite having been subject to specific rules in the Operative Marlborough Sounds Resource Management Plan. Any Port or Marina based activity will have to demonstrate that the parking provided is sufficient to accommodate the expected traffic, which is considered to be very subjective and uncertain. Carrying over the parking requirements from the Operative Plan will provide certainty to Port Marlborough and the Council when assessing consents or confirming activities are permitted, and I agree with the submitter that it is appropriate to include the provisions in Table 2.1.
184. Port Marlborough (433.91), Derry Properties (682.5) and Progressive (1044.7) all oppose Rule 2.32.1.7 and request it be deleted. This Rule imposes a maximum car park number on land use activities, and the submitters consider that imposing a restriction that land use activities must not exceed 75 parking spaces is unnecessarily restrictive.
185. I assume that the rule is intended to control large areas of carparking so Council is able to assess the impact in terms of vehicle movements, visual appearance etc and as such may be a useful tool. At this stage I do not recommend any change.

186. Heritage NZ (768.65) oppose Rule 2.32.1.10 in part as they consider that where a heritage building has gone through a change of use, it can be costly for applicants to meet increased parking requirements without adversely affecting heritage values (e.g. there might not be enough open space on the site requiring the removal of heritage fabric). Therefore, to promote the adaptive re-use of heritage buildings, they should be exempt from requirements to meet parking provision standards where there is a change of use. The submitter requests that the following wording be added to the rule, although in a further submission HNZ requests deletion of reference to Appendix 13.

This rule does not apply for any change of use of a Heritage Resource included in Schedule 1 or 2 of Appendix 13.

187. I do not consider it appropriate that parking rules be relaxed for the sole reason that the use of a heritage building may change, particularly if the change involves an activity that generates high vehicle movements and parking needs. Any activity that has a parking shortfall is required to be assessed through the consent process to enable consideration of the effects of the shortfall, and this should be no different for a heritage building. The reasons for the shortfall, including any effects on the heritage fabric of the building, will be assessed through the resource consent process, and this is considered appropriate. I therefore do not support the relief sought.

Recommendation

188. That Table 2.1 is amended in relation to “Educational Facility” as follows¹⁹:

Early Childhood Educational or day-care facility – 1 per 10 children the facility is designed to accommodate, plus 1 per FTE employee ~~plus 1 drop off space per 5 children the facility is designed to accommodate.~~

189. That Table 2.1 is amended in relation to “Visitor Accommodation or Homestay” as follows²⁰:

For homestays – 21 for each bedroom of the homestay in addition to that required for the dwelling.

190. That Table 2.1 is amended by including the following²¹:

Activity	Minimum Requirements – Number of Spaces
Marina Activities	<p>Ship brokering and other retail activities – One for every 50 m² of gross floor area of premises.</p> <p>Boat hire/Chartering – One for every two staff members the operation is designed to cater for.</p> <p>Marina – One for every two berths, 10% of which should be assigned to trailer parking.</p>
Port Activities	<p>Car and ship hire / chartering – One space for every two staff members the operation is designed to cater for.</p> <p>Marina – as specified for Marina Activities above.</p>

¹⁹ MoE (974.14), Marlborough Kindergarten Association (963.1)

²⁰ Beaver Bed and Breakfast (1069.1)

²¹ Port Marlborough (433.90)

Key Matter - Transportation Rule 2.32.3 – Loading associated with permitted activities

Submissions and Assessment

191. Rule 2.32.3 provides the relevant standards associated with loading facilities. W Esson (336.7) requests that commercial forestry harvesting activities be exempt from Rule 2.32.3.4. This rule requires that loading facilities must be on the same property as the activity to which it relates, and have an all-weather, dust free surface. It is appropriate that activities provide loading facilities on their own sites in order to ensure that effects associated with the activities are contained within the site boundaries. This rule is a requirement for permitted activities and should the required loading zone not be provided, consent will be required, enabling the effects of the lack of loading space to be appropriately assessed through the consent process. No change is considered necessary as a result of this submission.
192. NZTA (1002.153) request that Rule 2.32.3.10 be amended to require that loading areas be designed and located to avoid queuing on the State Highway, so that it would read:

“...must be designed and located to avoid vehicle parking, queuing, or standing on the carriageway of a ~~national route~~ State Highway.... I consider that this is an appropriate amendment. Enabling the creation of loading areas that would result in vehicles queuing within the carriageway would result in safety effects and interfere with the safe and efficient operation of the State Highway, and I therefore agree that queuing on State Highways should also be avoided.

Recommendation

193. That Rule 2.32.3.10 is amended as follows:

A loading facility must be designed and located to avoid vehicle parking, queuing, or standing on the carriageway of a ~~national route~~ State Highway (as identified in Appendix 17)

Key Matter - Transportation Rule 2.32.4 – Vehicle Crossing associated with Permitted Activities

Submissions and Assessment

194. Rule 2.32.4 contains various standards relating to vehicle crossings, and a number of submissions have been received in relation to these.
195. NZFS (993.21) support the Rule and request it be retained as notified. KiwiRail (873.107 and 108) support Rules 2.32.4.9 and 2.34.4.21 respectively. NZTA (1002.155 and 1002.156) support Rule 2.32.4.22 and 2.32.4.24 respectively. The Oil Companies (1004.40) support Rule 2.34.4.23. The support of these submissions is noted.
196. NZIS (996.22) seek changes to Figure 2.7 relating to vehicle crossings for 2- 6 rural users, as it considers the upgrade is excessive for only 2 users. The submitter requests the following amendment:

Figure 2.7: Vehicle Crossing for Residential Use for ~~2~~-6 Rural Users in the Rural Environment, Coastal Environment, Rural Living or Coastal Living Zone.

197. The proposed change will require that a vehicle access be formed to a higher standard when it is to provide for 3 or more dwellings, as opposed to two. I note that this change is not inconsistent with the NZTA's Planning and Policy Manual (which is over 10 years old), and I consider therefore that the change is appropriate.
198. NZTA (1002.154) seek changes to the standard, noting that the rules are inconsistent in some places with the NZTA's Planning and Policy Manual, and that the Rule be amended to ensure the Plan is

consistent with the standards in the Manual While it is appropriate that the Plan be amended to be consistent with the Planning and Policy Manual, it is unclear whether these changes are sought by other submission points or whether additional changes are necessary. The submitter should therefore provide details at the hearing of the specific changes that are required to address this submission point, especially if there are changes sought that are not captured by other submission points.

199. NZTA (1002.157) request that a new standard be added stating that new and altered vehicle crossings to the State Highway are not permitted, as these should require a consent so that NZTA approval can be sought as an affected party. I understand that the approval of the NZTA is required as the road controlling authority, including where access to a Limited Access Road is required, so affected party approval is not considered necessary. I also note that the Standards in the MEP identify appropriate restrictions such as access separation distances.
200. KiwiRail (873.109) request the addition of a new standard following Rule 2.34.4.22 that indicates that new rail level crossings are inappropriate. KiwiRail supports the provision of sightline protection or setbacks where new vehicle crossings cross a railway. However, KiwiRail notes that the rail corridor is not publicly accessible land, and there is no obligation on KiwiRail to provide a level crossing (consistent with s 75 of the Railways Act 2005). Level crossings are licensed by KiwiRail and, there are strict standards around their formation and risk management. Nationally, KiwiRail is working to close level crossings as a means of managing public health and safety risks, and any new crossing of the rail network is required to be grade separated. KiwiRail suggests the following standard
- 2.32.4.22A No access shall require a new railway level crossing to be formed.*
201. The submitter should clarify this matter as it implies a grade separated access will be required in all circumstances and it is not clear if this applies to roads or individual accesses where they are required to cross the railway line. The proposed rule also appears somewhat meaningless and is silent on what kind of access is required. The submitter should clarify this matter.

Recommendation

202. That Rule 2.32.3.10 is amended as follows:

A loading facility must be designed and located to avoid vehicle parking, queuing, or standing on the carriageway of a ~~national route~~ State Highway (as identified in Appendix 17).

203. That the heading for Figure 2.7 is amended as follows²²:

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

Key Matter - Transportation Rule 2.33 – Discretionary Activities

Submissions and Assessment

204. Rule 2.33 provides for activities that are to be treated as discretionary activities. KiwiRail (873.110) and the Oil Companies (1004.41) support Rule 2.33.1 as notified, which provides for any activity that is not permitted, or does not meet a permitted activity standard, to be a discretionary activity. The support of these submissions is noted.
205. Progressive (1044.8) submit that it is not clear why a "restricted discretionary activity" category has not been included in the Proposed Plan. It considers that this activity status sits comfortably between Controlled and full Discretionary and is a well proven and commonplace resource management technique in 2nd generation District Council Plans around New Zealand. This matter was addressed in Topic 1: General, where it was noted that the approach taken by the MEP is not precluded by the RMA and results in a simpler layout. In addition, restricted activities often have a significant list of

²² NZIS (996.22)

matters of discretion which is not that different from unrestricted activity status. Lastly, a similar approach is adopted in the operative plans and users therefore have some familiarity with the layout.

206. Ian Bond (469.9) opposes the lack of clarity in the Discretionary Activity Rules (Rule 2.33.1) insofar as they relate to how the transportation of harvested forest products on public roads is treated in terms of consenting. Heagney Bros (497.1) and NFL (990.36) also oppose Rule 2.33.2 insofar as they consider that it appears to require a discretionary activity consent for the transport of harvested logs. Ian Esson (440.7) and W Esson (336.20) also request a new rule that provides for the transportation of logs as a permitted activity. M FIA (962.143) also request deletion of the rule and seek amendments to the definition of Commercial Forestry Harvesting to provide for the transportation of harvested logs. Submissions regarding the definitions are to be addressed in Topic 17 – Definitions.
207. The definition of Commercial Forestry Harvesting expressly excludes the transport of harvested logs. THE MEP does not consider the matter of vehicles driving on roads to be a resource management matter to control, and then default rules therefore do not capture the transportation of harvested logs. I understand that excluding the transportation of the harvested logs from the definition was intended to ensure that the harvesting rules were not applied to harvesting related activities on public roads; that is, the provisions relate to forestry roads and tracks. The exclusion was intended to be interpreted such that forestry companies were not caught in unintended ways. I further understand that the Council considered that issues relating to managing logging truck or other vehicles on roads would be more appropriately addressed through bylaws should they be considered necessary. For this reason, therefore, I do not agree with the submitters that a separate rule is required which would provide for the transport of harvested logs as a permitted activity, as this is already the intention of the Plan. In order to remove any confusion, it may be appropriate to amend the definition of Commercial Forestry Harvesting. This will be addressed in the report for Topic 17 (Definitions).
208. The Oil Companies (1004.42) support Rule 2.33.2. Federated Farmers (425.491 and .492), Lloyd Powell (448.11), and NZ Fire Service (993.22) all request that Rule 2.33.2 be deleted, as it is not clear what is meant by the discretionary status applied to any land use activity relating to transportation not provided for as a permitted activity. I agree with the submitters. The permitted activity rules relate to the parking, loading, manoeuvring and access requirements, and anything not satisfying those requirements becomes a discretionary activity consent. Rule 2.33.2 therefore appears to be unnecessary. Land use activities are provided for in the respective zone rules, and any not complying with those rules requires consent depending on how the zone is structured. The General Rules relating to transportation standards is not considered to be the appropriate place to provide for all “transportation related activities” that are not provided for as permitted, and I consider the rule to therefore be unnecessary.

Recommendation

209. That Rule 2.32.2 is deleted.²³

~~2.33.2. Any land use activity relating to transportation not provided for as a Permitted Activity.~~

Appendix 17 – Roading Hierarchy

Key Matter - Appendix 17 – Roading Hierarchy

Submissions and Assessment

210. NZIS (996.34) request that the roading hierarchy be reassessed and refers to Hammerichs Road as an example. The intent of the submission is not clear and should be clarified.
211. NZTA (1002.269) request that the roading hierarchy in Appendix 17 be replaced with the One Network Road Classification (ONRC). The ONRC divides New Zealand’s roads into six categories based on vehicle movements, whether they connect to important destinations, or are the only route available. As

²³ Federated Farmers (425.491), Lloyd Powell (448.11), and NZFS (993.22)

a national classification system, it is important that it is consistent throughout the country to facilitate the Transport Agency working with various local authorities.

212. NZTA therefore requests that all appearances of the roading hierarchy terms throughout the MEP (National Route, Primary Arterial, Secondary Arterial, Collector Route, Local B Road and Local Road) be updated to reflect the ONRC terminology (National Route, Regional Route, Arterial, Primary Collector, Secondary Collector, and Access Road). I consider that this is appropriate, as it will reduce any confusion in how roads are referred to in the administration of the MEP.

Recommendation

213. That the roading hierarchy terminology (National Route, Primary Arterial, Secondary Arterial, Collector Route, Local B Road and Local Road) throughout the MEP is amended to reflect the NZTA's One Road Network Road Classification (National Route, Regional Route, Arterial, Primary Collector, Secondary Collector, and Access Road)²⁴.

Chapter 2 General Rules -Transportation

Key Matter - Overlay Maps

Submissions and Assessment

214. NZTA (1002.272, .273 and .274) request the addition of new overlay maps to provide for State Highway Buffer Areas" and "State Highway Effects areas" (.272), a new overlay identifying all Limited Access Roads (.273) and a new "Transport Cumulative Effects Area" overlay (.274).
215. As discussed earlier in this report, I do not consider that it is appropriate to include these overlays. The overlays would add additional complexity to the plan, and would require regular updates to ensure they remained current and reflected on going developments in the area to which they referred.
216. Similarly, with respect to the request for an overlay identifying Limited Access Roads, I earlier noted that should new parts of state highways be declared limited access roads once the plan becomes operative (or the notation removed), the map will be required to be updated through the first schedule process. Policy 17.3.3 identifies that the roading hierarchy will be periodically reviewed and amended where necessary to reflect changes in land use or road access relationships, and including changes to limited access roads would logically fit within such a review. The overlay proposed by the submitter is considered unnecessary, and given that it would only represent a snapshot in time of Limited Access Roads, would be of limited assistance given that the Council and plan users would still be reliant upon Certificates of Title for certainty.

Recommendation

217. That there is no change to the MEP.

Transport Related Definitions

Key Matter – Transport Related Definitions

Submissions and Assessment

218. NZTA (1002.236) support the definition of "Land Development Signage" but request that it be reworded as follows in order to be consistent with the rules:

²⁴ NZTA (1002.269)

Land development signage sign means a sign must relate relating to land development that involves a minimum of six allotments or units.

219. I consider the rewording to be appropriate, as it ensures that the definition is consistent with the rules relating to signs. The alteration does not change the intent of the definition, but provides clarity and ease of reading.
220. NZTA (1002.237) opposes the notified definition of “Land Transport”, and requests that the definition from the Land Transport Management Act be used instead. The current definition defines Land Transport as “Means all forms of land based transport, including road and rail”. The submitter requests that it be amended as follows:
- (a) Means*
- (i) transport on land by any means;*
- (ii) the infrastructure, goods, and services facilitating that transport; and*
- (b) Includes*
- (i) coastal shipping (including transport by means of harbour ferries, or ferries and barges on rivers or lakes) and associated infrastructure;*
- (ii) the infrastructure, goods, and services (including education and enforcement), the primary purpose of which is to improve public safety in relation to the kinds of transport described in paragraph (a)(i).*
221. The definition proposed by the submitter is not considered necessary, as it includes matters that are not subject to control in the MEP. Chapter 17 deals with Land and Air Transport, and coastal shipping is dealt with in a different chapter. “Land Transport” in the context of Chapter 17 relates solely to Land and Air Transport, and expanding the definition would imply the Chapter is intended to address a wider range of matters. I therefore do not consider the proposed definition to be necessary.
222. NMDHB (280.91) support the definition of “Outer Noise Control Boundary”. This support is noted.
223. The Oil Companies (1004.54) support the definition of “Vehicle Oriented Activities”. This support is noted.
224. NZTA (1002.240) request that “Local Road” be defined in the MEP as “a road for which Council has a financial responsibility for”. The purposes of various roads are set out in Policy 17.3.2, with roads begin defined by the function and intended purpose rather than who has financial responsibility for them, as the MEP is concerned at the effects of the roading network and effect on it, which is not a matter related to who has financial responsibility. I do not consider that the change sought is necessary.
225. NZTA (1002.239) requests that a new definition be added for “Limited Access Road”. The NZTA has also requested that Limited Access Roads be mapped as an overlay. Although that request is not supported in this report, I consider that a definition of Limited Access Road would assist users of the plan understanding what these are.
226. NZTA (1002.252) requests that the definition of “Road” be amended so that the reference to section 2 of the Local Government Act is corrected to section 315 of the LGA to reflect changes in the legislation. I agree that this is appropriate.
227. NZTA (1002.253) requests that a new definition be added for “Road Network” as although it is used frequently in the Plan, it is not defined. I consider that the proposed definition is unnecessary, as the term “road network” is self-explanatory.
228. NZTA (1002.259 and 1002.260) request that new definitions be included for “State Highway Buffer Area” and “State Highway Effects Area” respectively. This request is aligned with the NZTA’s requests for State Highway Buffer Area and State Highway Effects Area Overlays, which are reported on in paragraphs 221 – 223 of this report. In these paragraphs I recommended that the relief not be granted on the basis that they would introduce unnecessary complexity to the Plan, and I therefore do not support the proposed definitions on the basis they is redundant should the Panel accept the

recommendations on the creation of the State Highway Buffer Area and State Highway Effects Area overlays.

Recommendation

229. That the following definitions are added to the MEP or amended:

(i) Land Development Signage²⁵:

Land development signage sign: means a sign ~~must relate~~ relating to land development that involves a minimum of six allotments or units.

(ii) Limited Access Road²⁶

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

(iii) Road²⁷

Has the same meaning as in ~~Section 2~~ Section 315 of the Local Government Act 1974.

Air Transportation

Key Matter – Chapter 17

Submissions and Assessment

230. The relevant provisions in Chapter 17 relating to Air Transportation are Issues A and B, Objectives 17.1 and 17.2 and Policies 17.1.1 and .2 and 17.2 .1-.3 and Methods of Implementation 17.1.1-17.m.5

231. A number of submissions support aspects of the provisions including NZDF (992.25, .26, .29) NMDHB (280.74, .75, 76, .78) and NZTA (1002.202) which is noted.

232. The Marlborough Chamber of Commerce (961.86-90) suggest a number of amendments and additions to the objectives and policies in respect of air transportation. I do not believe these suggested amendments necessarily add anything to the MEP. For example in 961.86 and .89 it is suggested that a new objective and policy is added in respect of the importance of Blenheim airport, whereas in my view the thrust of these matters, of which there are a number, are already generally covered in in Issue 17A, Objective 17.1 and Policies 17.1.1-.2. The rewording of Policy 17.2.2 appears to make it less certain and potentially more restrictive (961.87) and the suggested new policy in 961.88 is already covered by Objective 17.2 and Policies 17.2.1-17.2.2.

233. In terms of Objective 17.2 and Policy 17.2.1 NZDF (992.27 and .28) request that the objective and policy refers to both civilian and military airports, with suggest amended wording as follows (insertions underlined):

"A balance is achieved between the operational needs of Marlborough's civilian and military airports and the amenities and wellbeing of the community."

234. I do not consider this is necessary as the relevant parts of the chapter make it clear that the airports in the district include both civilian and military.

235. NZIS (996.9 and.10) refer to a lack of reference to water and rail transport in respect of Issues 17A and 17B. I note that these issues deal with air transportation with reference to rail transport in Issues

²⁵ NZTA, 1002.236

²⁶ NZTA, 1002.239

²⁷ NZTA, 1002.252.

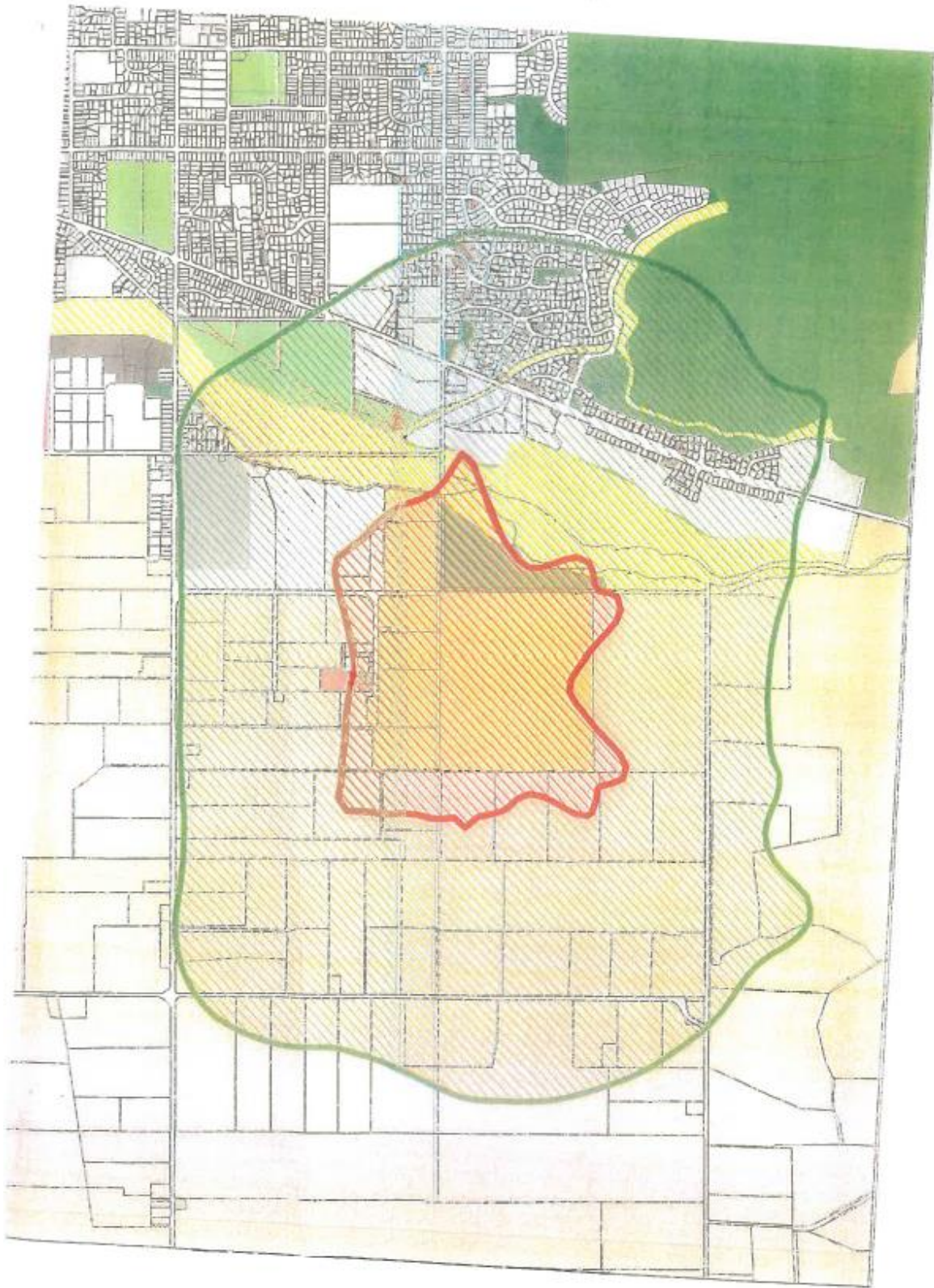
17D and E. The Introduction in Chapter 17 notes that water transport is dealt with under Chapter 13 Use of the Coastal Environment.

Recommendation

236. That there is no change to the MEP.

Key Matter – Omaka Airfield

237. Marlborough Aero Club Inc (the Club) has made a number of submissions in respect of the Omaka Airfield, covering a number of provisions in the MEP and are assessed in this part of the report. In particular:
238. The Club (474.2-.5 and .8.and .9) makes submissions on Planning Maps 18, 19, 24 and 25 in which it states that the “runway protection area” shown on the respective maps should be shaped differently in accordance with an amended plan attached to the submission given that “noise effects” will be experienced over a broad area”. A “noise contour plan” is attached to the submission (which is reproduced below) and which clearly is much broader in area than the runway protection areas shown on the planning maps (the runway protection areas are also reproduced below).
239. The submission states that the plan contains an Air Noise Boundary (red area) and Air Noise Notification Area/Outer Control Boundary (green area) control boundaries although I note the actual plan is not notated in anyway. The Club states a new rule should be inserted requiring noise sensitive activities within a “Noise Control Boundary” to be prohibited unless specifically addressed elsewhere. This is opposed in a further submission from Colonial Vineyards Limited.

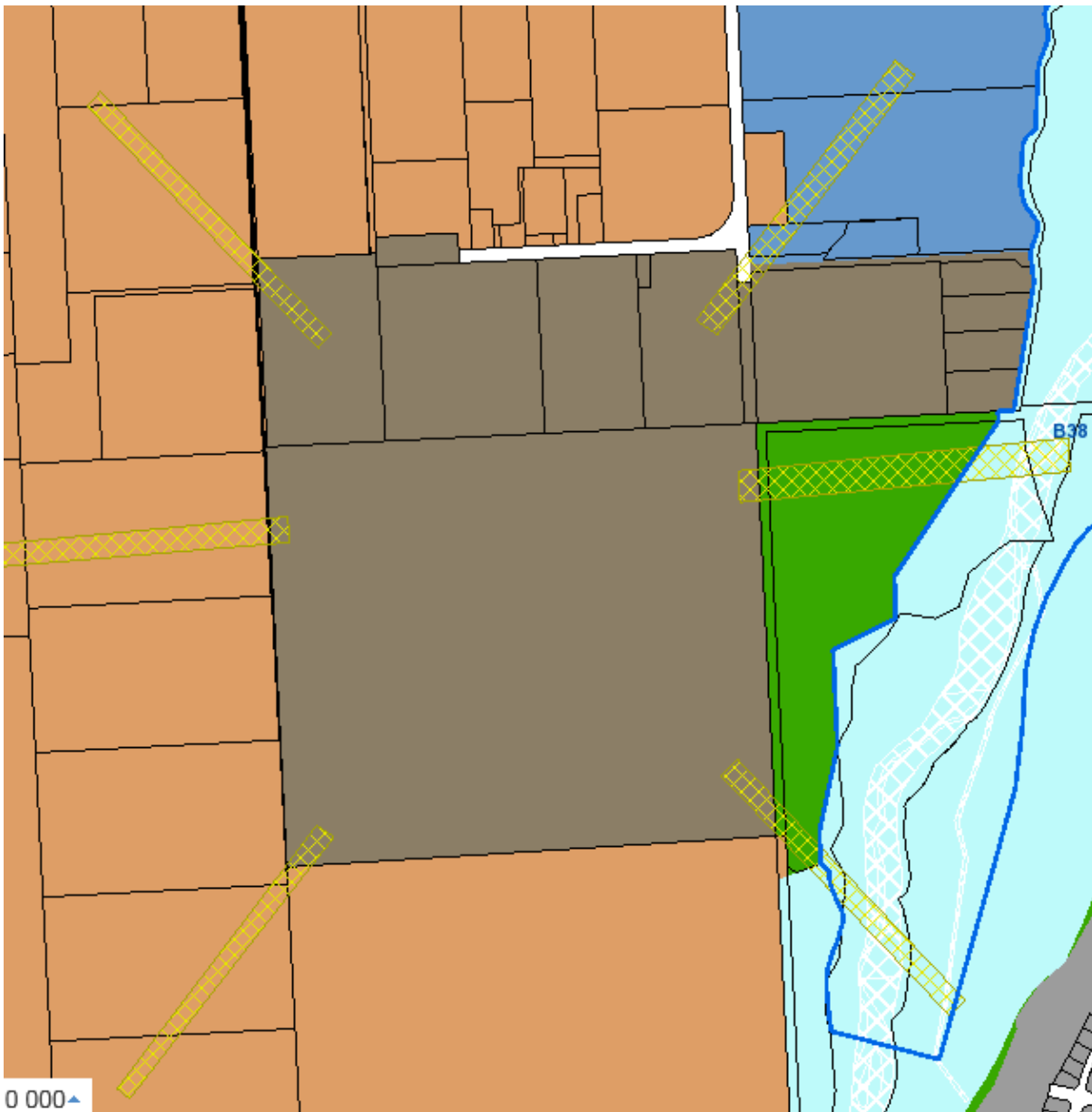


Noise Contour Plan of Submitter

240. I understand that the “runway protection area” generally is for the purpose of controlling buildings and obstructions in flight paths. However, Rules 3.7.13 and 23.5.3 (which relate to Omaka) in the Rural and Airport zones respectively, also use it for noise control, in which state the following are stated to be prohibited activities:

Rule 3.7.13. Noise sensitive activities, not existing at 9 June 2016, underneath the first 500m of the approach and take-off flight fans for the Omaka Airport and Picton (Koromiko) Airport Zones.

Rule 23.5.3. In the Omaka Airport and Picton (Koromiko) Airport Zones, any new noise sensitive activity underneath the first 500m of the approach and take-off flight fans.



Runway Protection Areas (yellow cross-hatched strips) at Omaka Airfield as shown on Planning Maps

241. It does not appear the submitter is proposing to change the above rules so the submitter should clarify how the rules will apply to the new diagram and the extent of the “Noise Control Boundary” referred to in their submission.

242. The Club (474.6) states that Rule 3.7.13 (and any similar provision in the Plan) should refer to the runway protection area. However, if no changes are made to Maps, 18, 19, 24 and 25, then the submitter states no changes should be made to this prohibited activity rule.
243. The Club (474.11) requests a new rule that requires that the creation of new titles within the Air Noise Notification Area/Outer Control Boundary (including the Colonial land and the MDC subdivision at Taylor Pass) to trigger a requirement to place covenants on the land consistent with that required of the Colonial land in resource consent decision Colonial Vineyards Limited v Marlborough District Council (2014] NZ EnvC 55.
244. The Club (474.10) requests a new policy requiring the education of people who live and work in the noise contour area through the notations on LIMs and other relevant opportunities of the greater noise levels that will be experienced in the area.
245. Many of the above matters were canvassed during the hearings of Plan Change 59 to the WARMP including the subsequent Environment Court and High Court decisions, which took place from 2011-2015. Council refused the plan change to enable residential development on the Colonial Vineyards site which was subsequently overturned by the Environment Court and whose decision was upheld by the High Court on appeal. In particular I note that the Environment Court found:
- That there has not been sufficient work done to enable the location of a 55dB Ldn noise contour for 2038 (the agreed design year) and that “in any event there is considerable uncertainty as to the likely character of future use of the Omaka Airfield”. As a consequence the Court declined to impose any noise contours but noted that the noise contours put forward “are sufficient to indicate what may occur in the future and will be a useful guide when formulating noise abatement procedures by way of a Noise Management Plan and possible protection within the District Plan.”(Page 43).
 - The only mitigation desirable for noise was a “no complaints covenant” which had been volunteered by the proponents of Plan Change 59.
246. In an apparent response to the Environment Court decision and after I understand further investigation, the MDC has included the following Methods of Implementation in the MEP:

17.M.2 District rules

Airport Zone rules will see priority given to airport related activities, though in order to reflect differences in scale, type and frequency of activity, some rules will be specific to a certain airport.

District rules in zones adjoining the airports will effectively provide for the continued development, improvement and operation of the airports subject to measures to avoid, remedy or mitigate any adverse effects, including from noise. Rules will define the extent of airport protection corridors through height controls and restrictions on land use activities surrounding the airports.

...

For Omaka Airfield an assessment of where the inner and outer noise control boundaries should be located was incomplete at the time of notification of the MEP. Further monitoring of existing aircraft movements along with an assessment of future aircraft movements will be undertaken. Once this has been completed rules for Omaka Airfield will be included within the MEP by way of variation or plan change through the First Schedule process of the RMA.

17.M.5 Noise Management Plan

Work with the Marlborough Aero Club to develop a noise management plan to address noise generated as a result of aviation activities at Omaka Airfield. The implementation of the plan will assist in managing the actual and potential adverse effects on surrounding residential properties from aircraft using the airport. The noise management plan will include, as a minimum, a contact for receiving and co-ordinating responses to aircraft related noise complaints, a complaints register,

the establishment of an independently chaired Airport Noise Committee and a methodology for resolving aircraft related noise complaints.

247. It is not clear what the basis of the noise contour plan put forward by the submitter is and if it addresses the concerns expressed by the Environment Court. I understand that there has not been any discussion with Council on this matter, or other parties (and I note it is opposed by Colonial Vineyards Limited).
248. Given this I am unable to recommend its inclusion in the MEP at this stage, although it is apparent MDC is proposing appropriate mechanisms be put in place given 17.M.2 and 17.M.5, presumably when sufficient information is available and appropriate consultation undertaken. Accordingly relief cannot be given to 474.2-.6 and .8 and .9 and .11 (I also note the covenants on titles in Colonial Vineyards were volunteered by the proponents).
249. In terms of 474.10 requesting a new policy requiring the education of people of the greater noise levels that will be experienced in the area, this matter is addressed in part by Objective 17.2 and subsequent policies. It is also likely the proposed Noise Management Plan in 17.M.5 will alert people to the airfield. In these circumstances I do not consider a policy is required.
250. The Club (474.7) also requests that visitor accommodation and caretaker accommodation which is a permitted activity in the Airport Zone (Rule 23.1.12) should only be where the airfield operator consents. The reason why the airfield operator needs to consent to caretaker and visitor accommodation is not obvious as it is assumed that their approval will be required in any event in terms of their own land, and controls are in place on other parcels of land in terms of effects such as obstruction and noise.

Recommendation

251. That there is no change to the MEP.

Key Matter - Chapter 23 Airport Zone and Chapter 3 Rural Environment Zone Rules

Submissions and Assessment

Chapter 23 Airport Zone

252. Te Atiawa o Te Waka-a-Maui (1186.212) submit that the standards in the Airport Zone should account for cultural matters and protection of sites. (I note that the submission also refers to the Floodway Zone but it is assumed that the submission is in relation to the Airport Zone). The submitter has not provided an example of an appropriate standard, which for a permitted activity must be certain. While I am not necessarily opposed to such a standard I note that the permitted activities are generally of a low impact and that any standard must be definite. Accordingly at this stage, I have not recommended any change.
253. NZDF (992.50) requests a new rule is inserted to provide for the discharge of stormwater to land, which is supported by the Oil Companies and NZTA. My understanding is that in urban areas stormwater generally discharges to water (rather than land) via reticulated systems. This type of discharge is subject to General Rule 2.16.3 which has a number of standards. The zone rules do contain provisions relating to the discharge of contaminants to land, including a default rule for discharges not provided for, and accordingly I believe that there are controls in place in the plan.
254. NZDF (992.72, .73, .75 and .91) requests changes in the rules in respect of discharges to air which are dealt with in Topic 13 Resource Quality (Air).
255. NZFS (993.86) oppose the rules to the extent that emergency service facilities are not a permitted activity in the Airport Zone and request that the activity is either a permitted or controlled activity (the

submission appears to request both). Given that the Airport Zone is quite a specific zone for aviation activities and applies to 3 locations only (Koromiko, Omaka and Woodbourne) which generally are not centrally located, it is not clear whether there is a need for, or likelihood of, these facilities being required in these locations. The submission also does not address how either a permitted or controlled activity status implements the policy direction for this zone.

256. Nevertheless, I accept that the location of emergency service facilities will largely come down to whether the operators of the airports want such facilities on their sites, and if they do, there is some benefit in a more enabling rule framework. However, at this stage I have not recommended acceptance as I consider that further clarity is required as to the activity status sought, the need for or likelihood of facilities being required in this zone, and an assessment of how these activities (and their effects) relate to the policy framework and anticipated outcomes for this zone. I have assumed that aviation activities and airport operations (which are permitted in the zone) would provide for firefighting services associated with the airports.
257. NZIS (996.28), supported by a further submission from NZDF, requests that Rule 23.2.1.1 in terms of structures also applies to Woodbourne. The reason that Woodbourne is excluded is because the site and its airspace are designated in the MEP (A1 and A2 in Appendix 14 and referred to in 17.M.5) and which includes reference to height restrictions (although I note that the underlying zoning is Airport Zone). As the designating authority the NZDF can control the location of buildings.
258. NMDHB (280.197) supports Rule 23.3.1 relating to engine testing subject to some minor amendments. This submission is dealt with in Topic 18 Nuisance Effects.

Chapter 3 Rural Environment Zone

259. NMDHB (280.144) supports Rule 3.7.13 of the Rural Environment Zone in respect of prohibited activities relating to approach and take-off flight fans at airports which is noted.
260. NZDF (992.61) supports Rule 3.2.5 while NMDHB (280.133) requests amendments in respect of acoustic insulation. These submissions are dealt with in Topic 18 Nuisance Effects.

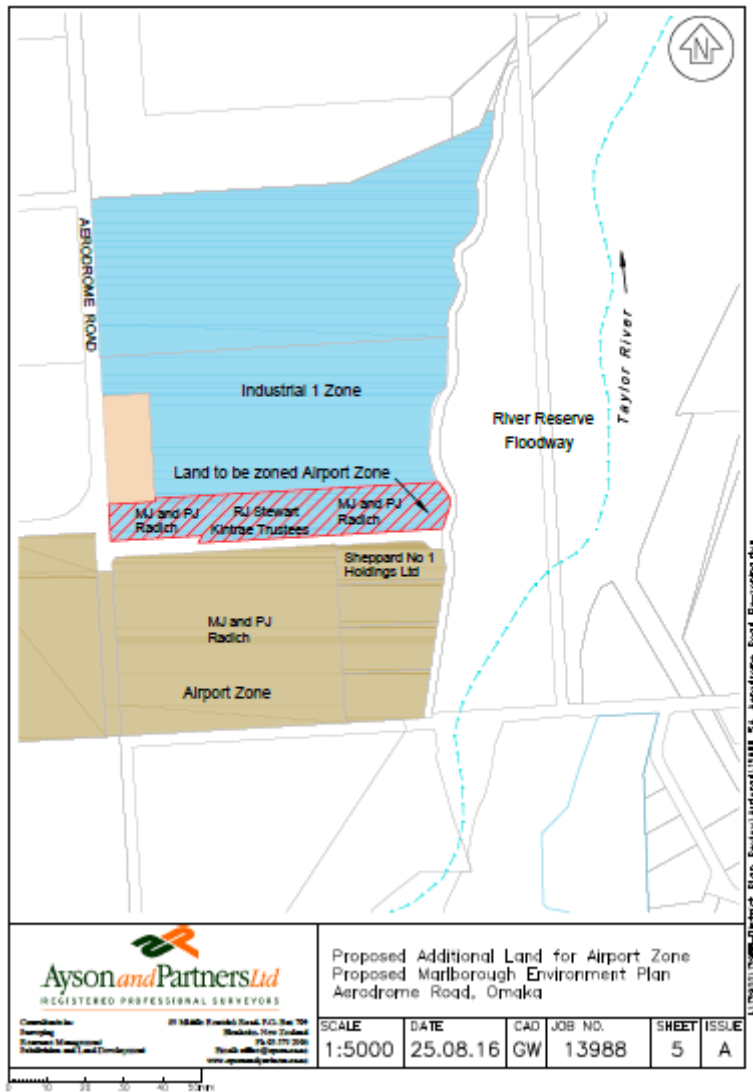
Recommendation

261. That there is no change to the MEP.

Key Matter - Zoning Maps

Submissions and Assessment

262. NZDF (992.100-.102) requests that the underlying zoning of Airport and Urban Residential 2 is retained for Base Woodbourne on Planning Maps 85, 86 and 158 which is noted.
263. Omaka Classic Cars (94.1) requests that Lot 1 DP 439006 and adjacent land on Planning Map 19 is rezoned to Airport zone (as shown below) and museums are added to the list of permitted activities in the Airport Zone. I note the site is zoned Industrial 1 and is located adjacent to the Airport Zone in respect of Omaka Airfield. No reasons are provided why the site should be rezoned and given that the Airport Zone relates to aviation activities I am unable to recommend a rezoning.



Recommendation

264. That there is no change to the MEP.

Signs –Signage Rules 2.34 -2.37

Key Matter – Support for Signage Rules

Submissions and Assessment

265. A number of submissions support individual signs rules as notified and request that they be retained without amendment. In many cases, no other submissions are made that seek changes to those particular rules. Port Marlborough (433.92), The Oil Companies (1004.44) and Fonterra (1251.122) support Rule 2.34.8, and Fonterra Co-Operative Group (1251.123) supports Rule 2.34.9, both of which permit signs within a number of stated zones. The Oil Companies (1004.45) also support Standard 2.35.17.
266. The support is noted and it is considered appropriate that the submissions are accepted to the extent compatible with the recommendations below.

Recommendation

267. That there is no change to the MEP except to the extent set out below

Key Matter - Request for New Preamble to Rules

Submissions and Assessment

268. NZTA (1002.108) requests the addition of a new preamble to the Signs section, as follows:

Any sign on or over any part of a State Highway is subject to the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010, and requires the approval from the New Zealand Transport Agency, in addition to compliance with the MEP and any other council bylaws controlling signs.

269. The rules relating to signs in the MEP provide for the erection of signs on individual properties, and regulate the location, size and appearance of the signs. Ordinarily signs are to be located on the site to which they relates, and there are separate rules that govern situations where signs are erected elsewhere. As with most land use activities, the approval of a landowner is required when a third party wishes to undertake an activity on land that is not their own. Similarly, should someone wish to erect a sign that is located on or over the State Highway network, the written approval of the transport Agency would be required as land owner. It is not considered necessary to include a statement to this effect in the Plan.

Recommendation

270. That there is no change to the MEP.

Key Matter - Signs Rule 2.34.10/Other Legislation

Submissions and Assessment

271. Rule 2.34.10 provides for signs that are required for, or established by statute, rule or regulation as permitted activities. Horticulture NZ (769.88) requests that a new permitted activity be added to the Signs rules, as follows:

2.34.13 Signage required by other legislation such as HSNO or Worksafe NZ Act.

272. A similar submission was made by Aquaculture NZ (401.187) and the Marine Farm Association (426.196), who both note that marine farms often require signs by virtue of conditions of resource consent, and can also require signs for practical or health and safety reasons. These submitters both seek that Rule 2.34.10 be amended as follows:

2.34.10 Sign required for, or established by statute, rule, or regulation or resource consent.

273. Fonterra (1251.124) support Rule 2.34.10 as notified and request it be retained.

274. The request by Horticulture NZ is addressed by the current wording of the rule. A sign required for or established by statute would extend to cover signs required by other legislation. The requested change is therefore not necessary, and would unnecessarily duplicate the existing provision.

275. Signs that are either not expressly provided for as permitted, or that breach the Standards in Rules 2.35 and 2.36 require a resource consent by virtue of Rule 2.37. Once consented, these signs are able to be erected and form part of the existing environment. They do not, however, become permitted activities in a Plan sense by virtue of being consented. In my opinion it is a circular argument to provide for a sign that has a resource consent for breaching a rule as a permitted activity, and the wording change is therefore not necessary.

Recommendation

276. That there is no change to the MEP.

Key Matter - Rule 2.34.12

Submissions and Assessment

277. Rule 2.34.12 is a permitted activity rule that provides for traffic or safety signs, or signs denoting the name of a road or the number of a premise. NZTA (1002.161) requests the deletion of Rule 2.34.12 if their requested definition of "Sign" is not accepted. The definition sought by NZTA will be addressed in the Definitions report; however, it is noted that this submission point seeks to exclude Official Road Signs and Traffic Signs from the definition of Sign. The NZTA considers that there is no resource management reason for the MEP to impose standards upon official road signs and traffic signs, as these are designed in accordance with safety principles as set out in Schedule 1 to the Land Transport Rule: Traffic Control Devices 2004.

278. Fonterra (1251.125) and KiwiRail (873.111) request that Rule 2.34.12 be retained as notified.

279. I note Rule 2.34.12 authorises the existence of these types of signs and so I believe consistent to refer to them. The Land Transport Rules relate to traffic safety issues, and are not prepared under the RMA, which is concerned with broader matters than just traffic safety. Providing for road and traffic signs as permitted activities, subject to standards, is appropriate as the standards ensure that matters such as amenity values are also taken into account when locating signs in various locations although it is noted that entities such as NZTA designate their roads and would not be subject to the rules in any event. I therefore do not agree with the submitter that the Rule should be deleted.

Recommendation

280. That there is no change to the MEP.

Key Matter - Rule 2.35

Submissions and Assessment

281. Blenheim Business Association (286.5) submits, in relation to Rule 2.35, that there should be no restriction on signage numbers.

282. A proliferation of signage can adversely affect amenity values, both for the immediate area within which signs are located, and in the wider area through visual clutter. It is appropriate that the Council exert a degree of control over the number of signs that may be erected in the District to maintain an appropriate level of amenity. It is therefore not appropriate to remove the controls on the numbers of signs that may be erected.

Recommendation

283. That there is no change to the MEP.

Key Matter - Illumination of Signs adjacent to State Highways

Submissions and Assessment

284. NZTA (1002.158) requests that Rule 2.34.2 be amended as follows:

Internal or external illumination of a sign, except where fronting or clearly visible from a state highway.

285. NZTA (1002.164) also requests the addition of a new Standard to Rule 2.35, as follows:

Any sign fronting or clearly visible from a State Highway must:

(a) not be illuminated (by internal or external means) or contain variable, flashing, rotating or animated parts;

(b) not be erected until the New Zealand Transport Agency has been notified in writing.

286. NZTA (1002.167) seeks a similar change to Rule 2.36.2, as follows:

Illumination of a sign, except where fronting or clearly visible from a state highway.

287. NZTA (1002.159 and.168) also requests that Standard 2.36.2.2 be deleted.

288. The submitter notes that Rule 2.34.2 is currently limited to illumination of signs and does not relate to other features of signs that may be distracting to visitors on the State highway, creating a safety hazard.

289. The present rule restricts the illumination of signs visible from a State Highway in a 100km per hour area unless the premises is open for business. The relief sought by the submitter goes considerably further than this restriction, and seeks that no signs visible from a State Highway be illuminated or have variable, flashing, rotating or animated parts. While I consider that avoiding flashing, rotating, variable or animated parts is appropriate to avoid driver distraction, I consider that preventing any illumination of signs where the sign fronts or is visible from a State Highway is overly restrictive for businesses, as well as users of roads who may rely upon signs for wayfinding purposes. The existing rules regarding the maximum degree of lux spill and the restriction on illuminated signs in 100km per hour locations are considered sufficient to avoid adverse effects on the safe and efficient operation of the State Highway network.

Recommendation

290. That Rule 2.36.2.1 be amended as follows:

Variable, flashing, rotating or animated parts ~~Flashing or revolving lights~~ must not be used on any sign.²⁸

Key Matter - Standard 2.35.1.1

291. Marlborough DC (91.196) requests that Standard 2.35.1.1 be amended as follows:

²⁸ NZTA (1002.164)

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

292. NZTA (1002.162) request that 'signage' be replaced by 'sign' in this provision and all other instances.
293. The signs rules are structured on the premise that a sign will generally be located on the same site as the activity it is promoting. However, in some circumstances, signs can be placed in locations other than the site where the event is taking place to ensure the event is widely publicised. Rule 2.34.11 provides for temporary signs for community, special, educational or recreational events as permitted activities, and the change sought by the submitter will allow such signs to be placed on other sites without requiring a resource consent. This change is considered appropriate.
294. Changing the phraseology from 'Signage' to 'Sign' will provide consistency throughout the Plan without altering the meaning or intent of the provisions, and the change is therefore considered appropriate.

Recommendation

295. That Standard 2.35.1.1 is amended as follows:

*The signage must relate to or be associated with a service, product or event available or occurring on the site on which the sign is located, except for signs subject to Rule 2.34.11.*²⁹

296. That the term "signage" be replaced with "sign" throughout the MEP.³⁰

Key Matter - Rule 2.35.1.2

Submissions and Assessment

297. Fonterra (1251.126) request that Rule 2.35.1.2 is amended as follows:

Only one sign is permitted per property unless otherwise provided for in the Standards in 2.36 or is required for, or established by statute, rule or regulation or is a traffic or safety sign or a sign denoting the name of a road or the number of a premise.

298. The further submission of NZTA supports the submission to allow for more than one sign per property as required for the safe and efficient operation of the local road network, as signs are an important part of the road network, and would be limited by the rule as notified. The change sought is considered appropriate, as the Rule as presently worded could be unduly restrictive.

Recommendation

299. That Rule 2.35.1.2 is amended as follows:

*Only one sign is permitted per property unless otherwise provided for in the Standards in 2.36 or is required for, or established by statute, rule or regulation or is a traffic or safety sign or a sign denoting the name of a road or the number of a premise.*³¹

Key Matter - Rule 2.35.1.3

Submissions and Assessment

300. NZTA (1002.163) requests that Rule 2.35.1.3 be amended as follows:

²⁹ MDC (91.196)

³⁰ NZTA (1002.162)

³¹ Fonterra (1251.126)

*A sign must not be erected on, or adjacent to, a legal road reserve, where the sign ~~may~~:
(a) is on or over a State Highway and the prior approval of the New Zealand Transport Agency (under clause 4 of the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010) has not been obtained;*

~~(a)(b) may obstruct the line of sight of any corner, bend, intersection or vehicle access;~~

~~(b)(c) may obstruct, obscure or impair the view of any traffic official road sign or signal;~~

~~(c)(d) may physically obstruct or impede traffic or pedestrians;~~

~~(d)(e) may resemble or be likely to be confused with any traffic official road sign or signal;~~

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

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

~~(h) has more than six words and/or symbols of more than 40 characters;~~

~~(f)(i) is infrangible.~~

301. In general, I consider that the proposed changes by the submitter provide clarity to the present drafting of the rule and/or provide for driver safety. The submission particularly identifies that Standard (g) is currently inconsistent with the bylaw, and needs to be applicable to sections of State Highway with a speed limit of 70km/hr or greater.
302. However, I consider that the change to standard (h) is unnecessary. Standard 2.35.1.4 already requires that messages on signs must be clear and concise, with lettering sizes such that they do not cause any safety issues. I do not consider it necessary to provide an additional restriction around the number of letter or words.
303. Standard (i), relating to the frangibility of signs (i.e. their ability to break upon impact) as proposed by the Transport Agency, is considered by the submitter to be necessary to ensure traffic safety in the event of a vehicle colliding with a sign.

Recommendation

304. That Rule 2.35.1.3 be amended as follows³²:

*A sign must not be erected on, or adjacent to, a legal road reserve, where the sign ~~may~~:
(a) is on or over a State Highway and the prior approval of the New Zealand Transport Agency (under clause 4 of the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010) has not been obtained;*

~~(a)(b) may obstruct the line of sight of any corner, bend, intersection or vehicle access;~~

~~(b)(c) may obstruct, obscure or impair the view of any traffic official road sign or signal;~~

~~(c)(d) may physically obstruct or impede traffic or pedestrians;~~

~~(d)(e) may resemble or be likely to be confused with any traffic official road sign or signal;~~

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

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

~~(f)(h) is infrangible.~~

Key Matter - Rule 2.35.1.4

Submissions and Assessment

305. NZTA (1002.165) requests that standard 2.35.1.4 be amended as follows:

The sign message must be clear, ~~and~~ concise and easy to read. ~~Lettering sizes on signage must be such that it does not cause any safety issue for motorists.~~

³² NZTA (1002.163)

306. As indicated above, I do not consider the change to be necessary. Imposing an arbitrary restriction on the number of letters or words on a sign is unnecessary. The rule requires sign content to be clear and concise, and the intent of the Rule is clear.

Recommendation

307. That there is no change to the MEP.

Key Matter - Distances between Signs and Viewing Distances

Submissions and Assessment

308. Standard 2.35.1.5 is as follows:

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

Table 2.11: Minimum visibility Distance to Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0- 50	80
51 – 70	130
71 – 80	175
81 – 100	250

309. Standard 2.35.1.11 is as follows:

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

Table 2.12: Minimum visibility Distance to Signs

Regulatory Speed Limit (kph)	Visibility Distance (m)
0- 70	60
71 – 80	70
81 – 100	80

310. NZTA (1002.166) request that Rule 2.35.1.11 be amended as follows:

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

Amend the column heading of Table 2.12 as follows:

~~Visibility Distance~~ Minimum Distance Between Signs (m)

311. The further submission of the Oil Companies opposes this submission on the basis that any change to the Table should be achieved through the Plan Change process. The Oil Companies also consider that it is unreasonable that there should be additional separation distances between signs relating to business and road signs. NZIS (996.23) make a similar request, being the deletion of 'Visibility' from the heading in Table 2.12 such that it reads "Distance (m)".
312. The Oil Companies (1004.47) have also requested an amendment to Rule 2.35.1.11, as follows:
- Where a second freestanding sign is to be erected within 5 metres of the road boundary, the minimum distance between freestanding signs within 5 m of the road boundary on successive properties, as read from the one direction and measured parallel to the centre-line of the road, must be as shown in Table 2.12.*
313. Port Marlborough (433.93 and .94) requests that the provisions in Rule 2.35.1.5 and 2.35.1.11 be amended to exempt them from applying in the Port Zone, and the Blenheim Business Association (286.6) request that the Business 1 Zone also be exempt from Rule 2.35.1.11.
314. Port Marlborough NZ considers that the signs within the Port Zone are most appropriately managed by the port operator, and that controls over signs are unnecessary, particularly as a large amount of directional signs are required in the Port Zone.
315. Both of these standards appear to impose additional restrictions to address matters already addressed in the Standards, including Standard 2.35.1.3, which includes matters such as not erecting signs where they may obstruct the line of sight of corners, intersections, or vehicle access, or obstruct the views of any traffic signals. The rules impose an additional layer of restriction on signs that may result in situations where some property owners are unable to erect signs on their site advertising their business, particularly if a property has a short road frontage.
316. Concerns regarding adverse effects on amenity values from signs are addressed through restrictions on size and numbers of signs, and their location. These controls are considered sufficient to avoid any adverse effects. The restrictions imposed by the two tables introduce a relatively complex approach to siting signs, and could potentially create some confusion. I do not consider that these rules are necessary, and therefore consider that they should be deleted.

Recommendation

317. That Rules 2.35.1.5 and 2.35.1.11 are deleted.

Key Matter - Rule 2.36.2.4

Submissions and Assessment

318. Port Marlborough (433.95) request that the Port Zone be exempt from Rule 2.36.2.4, which would allow illuminated signs in the Port Zone to exceed 10 Lux spill (horizontal and vertical) onto any adjoining property within the Zone, measured 2m inside the boundary of any adjoining property. Light spill has the potential to adversely affect amenity values, not only for immediate neighbours, but also within areas that adjoin or overlook the area the illumination originates from. The Port Zone is surrounded by rural land, and is opposite the Victoria Domain, with pockets of other zonings either adjacent or nearby. An increase in illumination from signs within the Port Zone, even if acceptable to adjoining Port zoned properties, could have effects wider than the port Zone, and the relief sought is therefore not supported.

Recommendation

319. That there is no change to the MEP.

Key Matter - Rule 2.36.4.3

Submissions and Assessment

320. Rule 2.36.4.3 provides for Real Estate signs. NZTA (1002.160 and .169) supports Rule 2.36.4.3, but considers the term 'road reserve' should be amended to read 'legal road', and that the rule be amended as follows to clarify that a Real Estate sign must be parallel to the site boundary:

The sign must be located within the boundary of the site; or if in the legal road ~~reserve~~, they must not be further than 150mm from, and must be parallel to, the boundary of the site being advertised.

321. It is appropriate to clarify that the sign must be parallel to the site boundary and the change proposed by the submitter clarifies this point. My understanding is that "legal road" and "road reserve" effectively have the same meaning so no change is required in respect of this point.

Recommendation

322. That Rule 2.36.4.3 be amended as follows:

The sign must be located within the boundary of the site; or if in the road reserve, they must not be further than 150mm from, and must be parallel to, the boundary of the site being advertised³³.

Key Matter - Rule 2.36.7

Submissions and Assessment

323. Port Marlborough (433.96 and .97) requests that Rule 2.36.7.1 be amended to include a new rule allowing more than one sign on any site in the Port Zone, and that the Port Zone be exempt from Rule 2.35.1.2. The submission is made on the basis that signs within the Port Zone are most appropriately managed by the Port Operator, and that controls over signs are unnecessary in the Port Zone.

324. The Permitted Activity rules presently provide for a maximum of one sign per property (my emphasis) in the Zone (Rule 2.35.1.2), and Standard 2.36.7 imposes a restriction of one sign of 6m² per site (my emphasis). There is no reason given for the use of different terminology, but it is assumed that 'Property' and 'Site' are used interchangeably.

325. Restricting the number of signs that may be erected on individual sites is a key means of protecting amenity and avoiding a proliferation of signs. On this basis, I do not agree that controls over signs are unnecessary in the Port Zone. To avoid confusion, however, I consider it appropriate to amend the permitted activity rule to refer to "site" in order to be consistent with Standard 2.36.7 and which is likely to provide the submitter with more flexibility.

Recommendation

326. That Rule 2.35.1.2 is amended as follows³⁴:

Only one sign is permitted per ~~property~~ site unless otherwise provided for in the Standards in 2.36.

³³ NZTA (1002.169)

³⁴ Port Marlborough (433.96)

Key Matter - Rule 2.36.7.3

Submissions and Assessment

327. Jessica Bagge (19.1) requests that Rule 2.36.7.3, which provides for pavement signs, be amended. Presently, the Rule requires that pavement signs not exceed 750mm in height. However, the submitter notes that ACM panels are either 800mm or 900mm tall as a standard size, and are then placed on a base that can range from 100mm high or more. On that basis, the submitter requests that the rule be amended as follows:

2.36.7.3 *Where a pavement sign is used it must:*

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

328. Restrictions are imposed on the size of signs that can be placed on the footpath outside of businesses to maintain the amenity of the footpaths for pedestrians, as well as to avoid impeding views into shops from passing vehicles. Providing for larger pavement signs, in association with other signs that are permitted (such as tear drop banners), could result in visual clutter on footpaths. Apart from the submission, there is no evidence that the present size of pavement signs is inappropriate, or that the cost of complying with the rule is excessive. On this basis, it is not considered necessary to amend the Rule.

Recommendation

329. That there is no change to the MEP.

Key Matter - Rule 2.36.8

Submissions and Assessment

330. Rule 2.36.8 includes the standards that are applicable to Permitted Activity Rule 2.36.8, being

Sign on land zoned Urban Residential 1 (show home), Urban Residential 2 (including greenfields) (show home), Urban Residential 3 (show home) ...”.

331. NZTA (1002.170) requests clarification as to why Standard 2.36.8 is specific to Show Homes, and requests that Rule 2.36.8.2, relating to glare, be deleted (1002.171).

332. I consider that the wording of this standard, and its relationship with Permitted Activity rule to which it relates, is confusing, and that its purpose is unclear. There are two potential interpretations that could be applied to this rule, as follows:

- a) The Rule is intended to provide for signs relating to Show Homes in all of the zones listed. However, were this the case, it is not clear why ‘Show Homes’ does not appear after each zone, as opposed to only the residential zones. If it was intended to apply to Show Homes in all of the zones, then the rule is clearly poorly worded.
- b) The rule was in fact intended to apply to all signs in the listed zones. However, the insertion of ‘Show Homes’ after the three residential zones has unintentionally constrained the rule to only signs relating to show homes.

333. The above notwithstanding, I note that the standard requires that signs be located adjacent to the access to the property to which the sign relates, and that the sign be angled so as to avoid glare.

334. There appears to be no resource management reason as to why signs in these particular zones should be required to be located adjacent to the access to the property when this rule does not apply in other zones. Similarly, there is no apparent reason why signs for Show Homes would be treated any differently than signs associated with other permitted activities in the zones, including Home Occupations. The General Rules applying to signs provide sufficient control to avoid any adverse effects on traffic and pedestrian safety, and I consider that this rule is therefore unnecessary. The

second part of the standard requires that signs be located at right angles to the road, but offset slightly to avoid glare causing a nuisance to drivers. General Rule 2.35.1.3(e) requires that a sign must not be erected on or adjacent to a road reserve using reflective materials that may interfere with a road user's vision, which achieves the same outcome as Standard 2.36.8. I therefore consider that Standard 2.36.8. is unnecessary.

Recommendation

335. That Rule 2.34.9 is amended as follows:

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

and Rule 2.36.8 be deleted.³⁵

Key Matter - Rule 2.36.9.1

Submissions and Assessment

336. NZTA (1002.172) requests that Standard 2.36.9.1 be amended as follows:

A temporary sign must not be erected for more than a maximum of three months prior to the date of commencement of the activity advertised nor remain erected more than one week following the completion of the activity, including the time during which the activity is taking place.

337. The rules as notified allow a temporary sign to be erected no more than 3 months prior to the advertised date of an event, and that it be removed no more than 1 week after the event. The Plan defines a temporary activity as being the "short term or intermittent use of any land or building for an activity not carried out on the site on a regular basis", but does not make a distinction between when an activity ceases to be temporary. For example, a temporary event could be a one-off event over the course of a day, or potentially a 2 week festival. Under the rules as notified, therefore, it is possible for a temporary sign to be erected for a somewhat indeterminate length of time. The submission of the NZTA seeks to provide some certainty to the duration of temporary signage, and suggests that a temporary sign be bound by a 3 month time restriction (including the time for which the activity endures). This amendment is considered appropriate as it clarifies an appropriate length of time for a temporary sign.

Recommendation

338. That Standard 2.36.9.1 be amended as follows:

*A temporary sign must not be erected for more than a maximum of three months prior to the date of commencement of the activity advertised nor remain erected more than one week following the completion of the activity, including the time during which the activity is taking place.*³⁶

Key Matter - Rule 2.36.6

Submissions and Assessment

339. Rule 2.36.9.6 requires that the "name and phone number of the person responsible for the sign" must be provided on a temporary sign erected for a community (including electoral), special, educational or recreational event. G Croswell (217.2) requests that Rule 2.36.9.6 should be amended to read:

³⁵ NZTA (1002.170 and .171)

³⁶ NZTA (1002.172)

~~The~~ *An organisation name and a contact phone number of the group person responsible for the sign must be provided on the sign.*

340. The submitter considers that requiring a specific person be identified on a sign is unnecessary, and could prevent community groups from reusing some signs in the event that people within the organisation change over time. The cost of additional sign writing, or of news signs, can be prohibitive for smaller or community groups and it is considered that enabling some flexibility in the rule will not change its intent. Having appropriate contact details not only indicates who authorised the sign or who is responsible for it, but provides the Council and community with appropriate contact details in the event the sign is damaged or needs to be removed.

341. For these reasons it is considered appropriate to amend the rule to provide additional flexibility.

Recommendation

342. That Rule 2.36.9.6 be amended as follows:

*The name and phone number of the person or group responsible for the sign must be provided on the sign.*³⁷

Key Matter - Requests for New Rule: Pou/Cultural Signage

Submissions and Assessment

343. Te Atiawa o Te Waka-a-Maui (1186.114) request that the permitted activity rules for signage be amended to include the establishment of pou and/or cultural signage within the rohe of Te Atiawa.

344. There is merit in rules that provide for cultural signage. The rules as notified generally provide for signs serving specific purposes on individual properties, or associated with roading. While these rules may enable some cultural signs as envisaged by the submitter, I do not think they are sufficient to provide for pou or cultural signs in a broader sense, particularly where a sign may be referring to an historic event or site where the land may not be in the ownership or control of Te Atiawa. The Te Atiawa boundary is not bound by zone boundaries, and I therefore am of the view that there is merit therefore in some specific rules that provide for such signs that can be applied across multiple zones.

345. No specific wording has been proposed in the submission, however, and I consider it appropriate that the submitter provide suggested wording at the hearing.

Recommendation

346. That there is no recommendation at this stage subject to further wording for consideration at the hearing.

Key Matter - Supermarket Signage

Submissions and Assessment

347. Progressive Enterprises (1044.9) request the addition of a new Rule 2.36.10 as follows:

2.36.10 The maximum signage per supermarket shall not exceed 80m²

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

³⁷ G Croswell (217.2)

348. I consider that supermarkets by their nature are large buildings, and their locations are such that they require signage on more than one frontage. The reality is that modern super markets do have the extent of signage identified in the submission. Presently, there are no sign rules specifically for supermarkets. Inclusion of the rules as sought by the submitter will provide a consistent approach to supermarket signage.

Recommendation

349. That the following new rule is added to Rule 2.36:

2.36.10 Supermarket Signage

2.36.10.1 The maximum signage including free standing signs per supermarket shall not exceed 80m²

2.36.10.2 Supermarket free standing signs shall not exceed 9m in height, 3.5m in width and not have a sign face exceeding 30m².³⁸

Key Matter - Service Station Signs

Submissions and Assessment

350. The Oil Companies (1004.48) seek an amendment to Rule 2.36.7 to specifically provide for service station signage as follows:

2.36.7 Sign on any land zoned Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works or Airport.

2.36.7.X Notwithstanding Rules 2.36.7.1 and 2, the maximum area of signs at service station sites shall not exceed the following:

(a) One freestanding primary identification sign adjacent the road boundary with a maximum area of 14m²;

(b) One promotional sign per street frontage with a maximum area of 2.5m²; and

(c) Signage attached or mounted to buildings or structures, signage at the pump and signage indicating additional services available within the site to a cumulative total area of 10m².

351. Rules 2.36.7.1 and 2 presently restrict the maximum area of freestanding signs to 6m² and signs on buildings to 3m² respectively. Service Station signs are normally larger than these rules would permit, and can comprise a large freestanding sign on the road frontage as well as other signs of service station buildings.

352. Signs rules are imposed as a means to provide a minimum level of amenity within urban zones. In this case, the Oil Companies seek rules that would allow a greater area of signage associated with service stations in the Business 1, Business 2, Industrial 1 Industrial 2, Port, Port Landing Area, Marina, Lake Grassmere Salt Works and Airport Zones. These zones have a different expectation of amenity from other urban zones (such as residential). In my view, the reality is that modern service stations do have the signage identified in the submission and are not unexpected in the urban environment. As such it is considered appropriate to make provision for rules for service station signs in these particular zones.

Recommendation

353. That Rule 2.36.7 is amended by adding a new standard, as follows:

³⁸ Progressive Enterprises (1044.9)

2.36.7.X Notwithstanding Rules 2.36.7.1 and 2, the maximum area of signs at service station sites shall not exceed the following:

(a) One freestanding primary identification sign adjacent the road boundary with a maximum area of 14m²;

(b) One promotional sign per street frontage with a maximum area of 2.5m²; and

(c) Signage attached or mounted to buildings or structures, signage at the pump and signage indicating additional services available within the site to a cumulative total area of 10m².

Key Matter - Signs relating to National Grid

Submissions and Assessment

354. Transpower (1198.58 and 1198.61) supports Rule 2.34.7 which provides for signs for utilities. However, Transpower is concerned that the term 'utility site' is undefined and potentially confusing to the extent that it may only apply to a site, or land, owned by a utility provider, and not the utility structure itself. In the case of Transpower, this ambiguity could mean that signs relating to transmission line support structures and conductors may not be provided for by the proposed Rule. Transpower therefore seeks limited amendments to Rule 2.34.7 to clarify that the Rule applies to signs in relation to utilities in a more general manner. I agree that this amendment adds clarity to the existing Rule and therefore consider it appropriate to recommend that the relief sought be granted.
355. Transpower (1198.60 and 1198.59) also opposes the Standards in Rule 2.35 as they do not control signs in the vicinity of the National Grid. They consider that signs (and particularly the structures than support signs) may have an adverse effect on the operation, maintenance, upgrade and development of the National Grid if they are located in close proximity to the National Grid or prevent access to the National Grid. In this regard, Transpower notes that 'signs' are not defined in the PMEP and therefore assumes that signs would include any supporting structure. Transpower therefore seeks the inclusion of a further standard in Rule 2.35 to particularly address signs in the vicinity of the National Grid in a manner that gives effect to Policy 10 of the NPSET.
356. I consider that the relief sought to add a new standard is appropriate for the reasons given in the submission and will provide appropriate clarity as to when signs may or may not be erected in the vicinity of the National Grid. I also agree that the proposed change is consistent with the NPS for Electricity Transmission and related policy direction in the MEP. I note that Transpower also seek that non-compliance with the new standard default to a non-complying activity status. As set out in the Section 42A Report for Topic 1 (General), the MEP as notified does not use the non-complying activity status classification. On this basis, I consider non-compliance with the new standard should default to discretionary, while noting that the Hearing Panel may want to reconsider this if they conclude that the use of non-complying activity status within the MEP is appropriate in some instances.

Recommendation:

357. That Rule 2.34.7 is amended as follows:

*2.34.7. Sign displayed on a utility, utility site, or public park or reserve.*³⁹

358. That Rule 2.35 is amended to include the following additional standard:

2.35.1.x. A sign (except for signs associated with the National Grid) exceeding 2.5m in height:
(a) must not be located within the National Grid Yard; and
*(b) must not restrict or prevent access to the National Grid.*⁴⁰

³⁹ Transpower (1198.58)

⁴⁰ Transpower (1198.60)

Key Matter - Request to Prohibit Inappropriate signs

Submissions and Assessment

359. The Marlborough Violence Intervention Project (968.1 - 4) seek the implementation of rules prohibiting signs specified content. The submitter requests that the following rule be included as a new district wide prohibited activity rule:

A sign displaying content that

- (a) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination in the Human Rights Act 1993;*
- (b) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;*
- (c) Incites or counsels any person to commit any offence;*
- (d) Is sexually explicit, lewd*

is prohibited.

360. The rules in the MEP seek to manage the adverse effects of signs principally as they relate to matters of amenity and traffic safety. This is achieved primarily through rules on the size, dimension and locations of signage. While the intent of the submission is accepted in terms of wishing to avoid inappropriate sign content throughout the district, I note that many of the matters suggested in the submitter's wording are uncertain and will not necessarily be easily enforced. For example, whether or not something is objectionable or lewd can be subjective and while it may be inappropriate to one person, to another it may not be.

361. I also note that procedures exist outside of the District Plan process to deal with concerns over inappropriate signage. For example, the Advertising Standards Authority has a process to adjudicate whether an advertisement is inappropriate for a number of reasons, including some of those sought by the submitter.

362. For the above reasons I do not consider it necessary to accept the relief sought by the submitter.

Recommendation

363. That there is no change to the MEP.

Key Matter – Definitions relating to Signs

Submissions and Assessment

364. NZTA (1002.246) requests that the term "Official Road Sign" be used in the MEP in place of "traffic or safety sign", and that "Official Road Sign" be defined as:

Means any sign erected in accordance with;

- (a) the Traffic Regulations 1976; or*
- (b) the Land Transport Act 1998 and rules made pursuant to it, including the Land Transport Rule: Traffic Control Devices 2004; or*
- (c) any Gazette Notice issued under Clause 4.4 of the Land Transport Rule: Traffic Control Devices 2004.*

365. I agree that this wording is appropriate. Use of the term 'Official Road Sign' will make it clear when a sign relating to traffic or roading qualifies as a permitted activity, and any other sign that falls outside its definition or other permitted sign rules will require consent. Clarity around what is a permitted sign will assist in reducing a proliferation of signs adjacent to roads, which will increase the safety of the road network for users.

366. NZTA (1002.247) request that “Safety and Hazard Sign” be defined as the phrase is broad and there is no clarity around how the rules should be applied. I do not consider that a definition is necessary, as the existing rules (and the inclusion of a definition for ‘Official Road Sign’) provide clarity around signs that are permitted, including signs erected as a result of other legislation (including Health and Safety and temporary signs). However, should the submitter remain of the view that such a definition is necessary, then suggested wording should be tabled at the hearing for the Panel’s consideration.

367. NZTA (1002.258) and the Oil Companies (1004.43) request that a definition be included for sign, as the absence of such a definition makes the application of the Signs rules unclear. The NZTA has proposed that ‘Sign’ be defined as follows.

Sign means any name, figure, character, outline, display, notice, placard, poster, banner of any kind, advertising device or appliance, or any other thing of a similar nature intended to attract attention; and (a) includes all materials composing the sign, together with the frame, background, structure and support or anchorage of the sign;

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

(c) includes road safety billboards, sandwich boards and temporary local banners; but

(d) does not include any official road sign or traffic sign.

368. Both of the Operative Plans contain a definition of ‘Sign’ and I agree with the submitter that including a definition in the MEP will assist in the interpretation and implementation of the rules. The definition in the Operative Plans is broad and the wording proposed by the submitter provides greater clarity. I note that the controls Sandwich Boards in the CBD through a bylaw, and I consider that it is therefore appropriate that the definition specifically exclude Sandwich Boards in the Business 1 Zone

369. NZTA (1002.262) supports the definition of ‘Temporary Sign’. This support is noted.

Recommendation

383. That the phrase “traffic or safety sign” be replaced throughout the MEP with “Official Road Sign”, and that the following definition be included within the Plan:

Official Road Sign

Means any sign erected in accordance with:

(a) the Traffic Regulations 1976; or

(b) the Land Transport Act 1998 and rules made pursuant to it, including the Land Transport Rule: Traffic Control Devices 2004; or

(c) any Gazette Notice issued under Clause 4.4 of the Land Transport Rule: Traffic Control Devices 2004.⁴¹

384. That the following definition of “Sign” be included in the MEP:

Sign means any name, figure, character, outline, display, notice, placard, poster, banner of any kind, advertising device or appliance, or any other thing of a similar nature intended to attract attention; and (a) includes all materials composing the sign, together with the frame, background, structure and support or anchorage of the sign;

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

(c) includes road safety billboards, sandwich boards (except where located in the Business 1 Zone) and temporary local banners; but

(d) does not include any official road sign or traffic sign.

⁴¹ NZTA (1002.246)

Appendix 1: Recommended decisions on decisions requested

Transport

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
266	10	Aitken Taylor Limited	Volume 1	17 Transportation	17.	Reject
425	341	Federated Farmers of New Zealand	Volume 1	17 Transportation	17.	Reject
869	24	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	17 Transportation	17.	Reject
869	26	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	17 Transportation	17.	Reject
995	22	New Zealand Forest Products Holdings Limited	Volume 1	17 Transportation	17.	Reject
1002	106	New Zealand Transport Agency	Volume 1	17 Transportation	17.	Reject
1002	107	New Zealand Transport Agency	Volume 1	17 Transportation	17.	Reject
1042	11	Port Underwood Association	Volume 1	17 Transportation	17.	Reject

1186	97	Te Atiawa o Te Waka-a-Maui	Volume 1	17 Transportation	17.	Reject
996	11	New Zealand Institute of Surveyors	Volume 1	17 Transportation	Issue 17C	Reject
1002	85	New Zealand Transport Agency	Volume 1	17 Transportation	Issue 17C	Reject
873	70	KiwiRail Holdings Limited	Volume 1	17 Transportation	Objective 17.3	Accept
873	71	KiwiRail Holdings Limited	Volume 1	17 Transportation	Policy 17.3.1	Accept
1002	86	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.3.1	Accept
454	144	Kevin Francis Loe	Volume 1	17 Transportation	Policy 17.3.2	Reject
472	19	ME Taylor Limited	Volume 1	17 Transportation	Policy 17.3.2	Reject
712	54	Flaxbourne Settlers Association	Volume 1	17 Transportation	Policy 17.3.2	Reject
974	3	Ministry of Education	Volume 1	17 Transportation	Policy 17.3.2	Accept in part
1002	87	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.3.2	Accept

454	143	Kevin Francis Loe	Volume 1	17 Transportation	Policy 17.3.3	Reject
472	20	ME Taylor Limited	Volume 1	17 Transportation	Policy 17.3.3	Accept in part
712	55	Flaxbourne Settlers Association	Volume 1	17 Transportation	Policy 17.3.3	Reject
1002	88	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.3.3	Accept
1235	10	Wairau Valley Ratepayers and Residents' Association	Volume 1	17 Transportation	Policy 17.3.3	Accept in part
869	25	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	17 Transportation	Issue 17D	Reject
996	12	New Zealand Institute of Surveyors	Volume 1	17 Transportation	Issue 17D	Reject
1002	89	New Zealand Transport Agency	Volume 1	17 Transportation	Issue 17D	Accept
1002	101	New Zealand Transport Agency	Volume 1	17 Transportation	Issue 17D	Accept
1238	2	Windermere Forests Limited	Volume 1	17 Transportation	Issue 17D	Reject

873	72	KiwiRail Holdings Limited	Volume 1	17 Transportation	Objective 17.4	Accept in part
962	109	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Objective 17.4	Accept in part
1002	90	New Zealand Transport Agency	Volume 1	17 Transportation	Objective 17.4	Accept
873	73	KiwiRail Holdings Limited	Volume 1	17 Transportation	Policy 17.4.1	Accept
962	110	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Policy 17.4.1	Reject
990	253	Nelson Forests Limited	Volume 1	17 Transportation	Policy 17.4.1	Reject
1002	91	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.4.1	Reject
1002	92	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.4.2	Reject
1002	93	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.4.3	Accept
1002	94	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.4.4	Accept

717	61	Fulton Hogan Limited	Volume 1	17 Transportation	Policy 17.4.5	Reject
1002	95	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.4.5	Accept
210	9	Kevin Wilson	Volume 1	17 Transportation	Policy 17.4.8	Reject
471	6	Bike Walk Marlborough Trust	Volume 1	17 Transportation	Policy 17.4.8	Accept
481	23	New Zealand Walking Access Commission	Volume 1	17 Transportation	Policy 17.4.8	Reject
873	74	KiwiRail Holdings Limited	Volume 1	17 Transportation	Policy 17.4.8	Reject
1002	96	New Zealand Transport Agency	Volume 1	17 Transportation	Objective 17.5	Reject
1235	11	Wairau Valley Ratepayers and Residents' Association	Volume 1	17 Transportation	Objective 17.5	Accept
1002	97	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.5.1	Accept
873	75	KiwiRail Holdings Limited	Volume 1	17 Transportation	Policy 17.5.6	Reject

962	111	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Policy 17.5.6	Reject
990	254	Nelson Forests Limited	Volume 1	17 Transportation	Policy 17.5.6	Reject
1002	100	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.5.6	Reject
280	79	Nelson Marlborough District Health Board	Volume 1	17 Transportation	Issue 17E	Accept
961	91	Marlborough Chamber of Commerce	Volume 1	17 Transportation	Issue 17E	Reject
961	92	Marlborough Chamber of Commerce	Volume 1	17 Transportation	Issue 17E	Reject
962	112	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Issue 17E	Accept
996	13	New Zealand Institute of Surveyors	Volume 1	17 Transportation	Issue 17E	Reject
1002	102	New Zealand Transport Agency	Volume 1	17 Transportation	Issue 17E	Accept
280	80	Nelson Marlborough District Health Board	Volume 1	17 Transportation	Objective 17.6	Accept

484	49	Clintondale Trust, Whyte Trustee Company Limited	Volume 1	17 Transportation	Objective 17.6	Accept
640	13	Douglas and Colleen Robbins	Volume 1	17 Transportation	Objective 17.6	Reject
738	16	Glenda Vera Robb	Volume 1	17 Transportation	Objective 17.6	Reject
935	13	Melva Joy Robb	Volume 1	17 Transportation	Objective 17.6	Reject
1235	12	Wairau Valley Ratepayers and Residents' Association	Volume 1	17 Transportation	Objective 17.6	Reject
280	81	Nelson Marlborough District Health Board	Volume 1	17 Transportation	Policy 17.6.1	Accept in part
425	340	Federated Farmers of New Zealand	Volume 1	17 Transportation	Policy 17.6.1	Accept
484	50	Clintondale Trust, Whyte Trustee Company Limited	Volume 1	17 Transportation	Policy 17.6.1	Accept
845	7	Kenneth R and Sara M Roush	Volume 1	17 Transportation	Policy 17.6.1	Accept
962	113	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Policy 17.6.1	Reject

990	255	Nelson Forests Limited	Volume 1	17 Transportation	Policy 17.6.1	Accept
1002	103	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.6.1	Accept in part
1039	103	Pernod Ricard Winemakers New Zealand Limited	Volume 1	17 Transportation	Policy 17.6.1	Accept in part
1042	9	Port Underwood Association	Volume 1	17 Transportation	Policy 17.6.1	Accept
280	82	Nelson Marlborough District Health Board	Volume 1	17 Transportation	Policy 17.6.2	Accept in part
484	51	Clintondale Trust, Whyte Trustee Company Limited	Volume 1	17 Transportation	Policy 17.6.2	Accept in part
768	52	Heritage New Zealand Pouhere Taonga	Volume 1	17 Transportation	Policy 17.6.2	Accept
873	76	KiwiRail Holdings Limited	Volume 1	17 Transportation	Policy 17.6.2	Accept
962	114	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	Policy 17.6.2	Reject
990	256	Nelson Forests Limited	Volume 1	17 Transportation	Policy 17.6.2	Reject

1002	104	New Zealand Transport Agency	Volume 1	17 Transportation	Policy 17.6.2	Accept
1042	10	Port Underwood Association	Volume 1	17 Transportation	Policy 17.6.2	Reject
280	35	Nelson Marlborough District Health Board	Volume 1	17 Transportation	Policy 17.6.3	Reject
471	8	Bike Walk Marlborough Trust	Volume 1	17 Transportation	Policy 17.6.4	Accept
481	25	New Zealand Walking Access Commission	Volume 1	17 Transportation	Policy 17.6.4	Accept
984	1	Neville James Hall	Volume 1	17 Transportation	17.M.6	Reject
962	115	Marlborough Forest Industry Association Incorporated	Volume 1	17 Transportation	17.M.7	Reject
1002	105	New Zealand Transport Agency	Volume 1	17 Transportation	17.M.7	Reject
210	7	Kevin Wilson	Volume 1	17 Transportation	17.M.10	Reject
471	9	Bike Walk Marlborough Trust	Volume 1	17 Transportation	17.M.10	Accept

484	78	Clintondale Trust, Whyte Trustee Company Limited	Volume 1	17 Transportation	17.M.10	Reject
471	10	Bike Walk Marlborough Trust	Volume 1	17 Transportation	17.M.11	Reject
873	77	KiwiRail Holdings Limited	Volume 1	17 Transportation	17.M.14	Accept
1186	96	Te Atiawa o Te Waka- a-Maui	Volume 1	17 Transportation	17.M.14	Reject
Volume 2						
1002	148	New Zealand Transport Agency	Volume 2	2 General Rules	2.	Accept
336	20	William Ian Esson	Volume 2	2 General Rules	2.31.	Reject
361	1	Mark Batchelor	Volume 2	2 General Rules	2.31.	Reject
425	492	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.31.	Accept
717	70	Fulton Hogan Limited	Volume 2	2 General Rules	2.31.	Accept
286	4	Blenheim Business Association Inc	Volume 2	2 General Rules	2.31.1.	Accept

433	89	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.31.1.	Accept
766	5	Harvey Norman Properties (N.Z.) Limited	Volume 2	2 General Rules	2.31.1.	Accept
996	21	New Zealand Institute of Surveyors	Volume 2	2 General Rules	2.32.	Reject
1069	1	Beaver Bed and Breakfast	Volume 2	2 General Rules	2.32.	Accept
766	6	Harvey Norman Properties (N.Z.) Limited	Volume 2	2 General Rules	2.32.1.	Accept
974	14	Ministry of Education	Volume 2	2 General Rules	2.32.1.	Accept
433	90	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.32.1.1.	Accept
682	4	Derry Properties Limited	Volume 2	2 General Rules	2.32.1.1.	Reject
963	1	Marlborough Kindergarten Association	Volume 2	2 General Rules	2.32.1.1.	Accept
1044	6	Progressive Enterprises Limited	Volume 2	2 General Rules	2.32.1.1.	Reject

1251	121	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.32.1.1.	Reject
433	91	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.32.1.7.	Reject
682	5	Derry Properties Limited	Volume 2	2 General Rules	2.32.1.7.	Reject
1044	7	Progressive Enterprises Limited	Volume 2	2 General Rules	2.32.1.7.	Reject
768	65	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.32.1.10.	Reject
336	7	William Ian Esson	Volume 2	2 General Rules	2.32.3.4.	Reject
1002	153	New Zealand Transport Agency	Volume 2	2 General Rules	2.32.3.10.	Accept
993	21	New Zealand Fire Service Commission	Volume 2	2 General Rules	2.32.4.	Accept
996	22	New Zealand Institute of Surveyors	Volume 2	2 General Rules	2.32.4.	Accept
1002	154	New Zealand Transport Agency	Volume 2	2 General Rules	2.32.4.	Accept
1002	157	New Zealand Transport Agency	Volume 2	2 General Rules	2.32.4.	Accept

873	107	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.32.4.9.	Accept
873	108	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.32.4.21.	Accept
873	109	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.32.4.22.	Reject
1002	155	New Zealand Transport Agency	Volume 2	2 General Rules	2.32.4.22.	Accept
1004	40	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.32.4.23.	Accept
1002	156	New Zealand Transport Agency	Volume 2	2 General Rules	2.32.4.24.	Accept
1044	8	Progressive Enterprises Limited	Volume 2	2 General Rules	2.33.	Reject
469	9	Ian Bond	Volume 2	2 General Rules	2.33.1.	Reject
873	110	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.33.1.	Reject
1004	41	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.33.1.	Reject

167	27	Killlearnan Limited	Volume 2	2 General Rules	2.33.2.	Deferred
336	8	William Ian Esson	Volume 2	2 General Rules	2.33.2.	Deferred
425	491	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.33.2.	Accept
440	7	Ian Esson	Volume 2	2 General Rules	2.33.2.	Reject
448	11	Lloyd Kenneth Powell	Volume 2	2 General Rules	2.33.2.	Accept
497	1	Heagney Bros Limited	Volume 2	2 General Rules	2.33.2.	Reject
962	143	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.33.2.	Reject
990	36	Nelson Forests Limited	Volume 2	2 General Rules	2.33.2.	Reject
993	22	New Zealand Fire Service Commission	Volume 2	2 General Rules	2.33.2.	Accept
1004	42	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.33.2.	Reject

984	2	Neville James Hall	Volume 3	Appendix 17 Rooding Hierarchy	3.	Reject
712	56	Flaxbourne Settlers Association	Volume 3	Appendix 17 Rooding Hierarchy		Reject
996	34	New Zealand Institute of Surveyors	Volume 3	Appendix 17 Rooding Hierarchy		Reject
1002	269	New Zealand Transport Agency	Volume 3	Appendix 17 Rooding Hierarchy		Accept
454	126	Kevin Francis Loe	Volume 3	Appendix 17 Rooding Hierarchy	3.	Reject
1002	272	New Zealand Transport Agency	Volume 4	Overlay Maps		Reject
1002	273	New Zealand Transport Agency	Volume 4	Overlay Maps		Reject
1002	274	New Zealand Transport Agency	Volume 4	Overlay Maps		Reject
Air Transport						
992	50	New Zealand Defence Force	Volume 2	2 General Rules	2.	Reject
992	72	New Zealand Defence Force	Volume 2	23 Airport Zone	23.	Deferred

992	73	New Zealand Defence Force	Volume 2	23 Airport Zone	23.	Deferred
992	91	New Zealand Defence Force	Volume 2	23 Airport Zone	23.	Deferred
993	86	New Zealand Fire Service Commission	Volume 2	23 Airport Zone	23.	Reject
1002	202	New Zealand Transport Agency	Volume 2	23 Airport Zone	23.	Accept
474	7	Marlborough Aero Club Incorporated	Volume 2	23 Airport Zone	23.1.12.	Reject
1186	212	Te Atiawa o Te Waka-a-Maui	Volume 2	23 Airport Zone	23.2.	Reject
996	28	New Zealand Institute of Surveyors	Volume 2	23 Airport Zone	23.2.1.1.	Accept
992	75	New Zealand Defence Force	Volume 2	23 Airport Zone	23.2.8.1.	Deferred
280	197	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.3.1.	Deferred
280	144	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	Rule 3.7.13	Accept
280	133	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	Rule 3.2.5	Deferred

992	61	New Zealand Defence Force	Volume 2	3 Rural Environment Zone	Rule 3.2.5	Deferred
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Signs

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
19	1	Jessica Bagge	Volume 2	2 General Rules		Reject
1198	60	Transpower New Zealand Limited	Volume 2	2 General Rules	2.	Accept
1198	65	Transpower New Zealand Limited	Volume 2	2 General Rules	2.	Deferred
1198	66	Transpower New Zealand Limited	Volume 2	2 General Rules	2.	Deferred
1198	74	Transpower New Zealand Limited	Volume 2	2 General Rules	2.	Deferred
769	88	Horticulture New Zealand	Volume 2	2 General Rules	2.34.	Reject
968	1	Marlborough Violence Intervention Project	Volume 2	2 General Rules	2.34.	Reject
1002	108	New Zealand Transport Agency	Volume 2	2 General Rules	2.34.	Reject
1186	114	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.34.	Accept in Part

1002	158	New Zealand Transport Agency	Volume 2	2 General Rules	2.34.2.	Reject
1198	58	Transpower New Zealand Limited	Volume 2	2 General Rules	2.34.7.	Accept
433	92	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.34.8.	Accept
1004	44	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.34.8.	Accept
1251	122	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.34.8.	Accept
1251	123	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.34.9.	Accept
401	187	Aquaculture New Zealand	Volume 2	2 General Rules	2.34.10.	Reject
426	196	Marine Farming Association Incorporated	Volume 2	2 General Rules	2.34.10.	Accept
1251	124	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.34.10.	Accept
873	111	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.34.12.	Accept

1002	161	New Zealand Transport Agency	Volume 2	2 General Rules	2.34.12.	Reject
1251	125	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.34.12.	Accept
286	5	Blenheim Business Association Inc	Volume 2	2 General Rules	2.35.	Reject
968	2	Marlborough Violence Intervention Project	Volume 2	2 General Rules	2.35.	Reject
996	23	New Zealand Institute of Surveyors	Volume 2	2 General Rules	2.35.	Reject
1002	164	New Zealand Transport Agency	Volume 2	2 General Rules	2.35.	Accept
1198	59	Transpower New Zealand Limited	Volume 2	2 General Rules	2.35.	Accept
91	196	Marlborough District Council	Volume 2	2 General Rules	2.35.1.1.	Accept
1002	162	New Zealand Transport Agency	Volume 2	2 General Rules	2.35.1.1.	Accept
1251	126	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.35.1.2.	Accept
1002	163	New Zealand Transport Agency	Volume 2	2 General Rules	2.35.1.3.	Accept in Part

1002	165	New Zealand Transport Agency	Volume 2	2 General Rules	2.35.1.4.	Reject
433	93	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.35.1.5.	Accept in Part
1004	47	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.35.1.6.	Reject
1004	45	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.35.1.7.	Accept
286	6	Blenheim Business Association Inc	Volume 2	2 General Rules	2.35.1.11.	Accept in Part
433	94	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.35.1.11.	Accept in Part
968	3	Marlborough Violence Intervention Project	Volume 2	2 General Rules	2.36.	Reject
1044	9	Progressive Enterprises Limited	Volume 2	2 General Rules	2.36.	Accept
1002	167	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.2.	Reject
1002	159	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.2.2.	Reject

1002	168	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.2.2.	Reject
433	95	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.36.2.4.	Accept in Part
845	8	Kenneth R and Sara M Roush	Volume 2	2 General Rules	2.36.2.5.	Reject
1002	160	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.4.3.	Accept
1002	169	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.4.3.	Accept
1198	61	Transpower New Zealand Limited	Volume 2	2 General Rules	2.36.6.	Accept
433	96	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.36.7.	Accept
1004	48	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.36.7.	Accept
433	97	Port Marlborough New Zealand Limited	Volume 2	2 General Rules	2.36.7.1.	Accept
1002	170	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.8.	Accept

1002	171	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.8.2.	Accept
1002	172	New Zealand Transport Agency	Volume 2	2 General Rules	2.36.9.1.	Accept
217	2	Grant Crosswell	Volume 2	2 General Rules	2.36.9.6.	Accept in Part
968	4	Marlborough Violence Intervention Project	Volume 2	2 General Rules	2.37.	Accept