

# **Proposed Marlborough Environment Plan**

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

**Report dated 23 April 2018**

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

**ADDENDUM 4 May 2018**

**Report prepared by  
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1. A number of submissions were not included in my original report and I now report on these as follows.

## General Submissions

2. NZTA (1002.288) raises concerns with the MEP's zone-based structure, noting that it is cumbersome, particularly for linear infrastructure providers whose assets transverse multiple zones. This is particularly so for NZTA, as roads are unzoned land in the MEP. It considers that consent assessments and applications are likely to be overly complicated, and some activities within the road will not have any applicable rules, and neither aspect is good plan making.
3. The submitter notes in regard to the road being unzoned that the introduction to Volume 2 states that  
*"The Council utilises zoning to enable a specific set of rules to apply to an identified area. With the exception of rivers, formed road and the railway corridor, all land in Marlborough is zoned."*
4. The submitter notes that due to the structure of the MEP, in which many district and regional rules are provided for within zone chapters, the lack of zoning on the road network means that there appears to be no rules for many activities on the legal road, such as earthworks, abrasive blasting, discharge of calcium magnesium acetate (de-icer) and agrichemicals to land. This creates uncertainty as to which (if any) rule in the MEP applies, and is a particular concern for activities restricted by Part 3 of the RMA where the absence of rules means these activities would require consent as a discretionary activity under s86B.
5. The submitter considers that the submission would be satisfied by solutions including:
  - Expand the General Rules chapter to ensure all relevant activities within unzoned land (including the road network) have specific rules, particularly regional rules; or
  - Add a new chapter containing rules for unzoned land/ roads; or
  - Provide for the road to adopt the zoning of adjacent land.
  - Ensure all activities restricted by Part 3 of the RMA or that are commonly undertaken on the legal road are specifically provided for by clearly applicable and appropriate rules.
6. This matter has also been addressed in the section 42A report for Topic – Designations, where it was noted in paragraph 275 that:  
*"Within the MEP, roads and rail corridors are "unzoned". The effect of this, from my understanding, is that there are no zone rules applicable to such land, and therefore, (unless a district-wide rule applies), land use activities are not restricted (i.e. The presumption in Section 9 of the RMA is that any use of land is allowed as of right, unless that use is specifically restricted in a district plan or a regional plan)".*
7. However, I note that Sections 12-14 of the RMA matters will apply to roads given the Rules in Chapter 2 of the MEP. On page 1-2 of Volume 2 of the MEP the MEP the following is stated:  
*"The General Rules in Chapter 2 of Volume 2 apply to activities irrespective of zoning".*
8. I also note that NZTA roads are designated in the MEP, and in order for any activity to be allowed on a road, the approval of the requiring authority would be required irrespective of any underlying zoning (and also from NZTA as the road controlling authority). The designation also allows NZTA to undertake its activities in accordance with the purpose of "State Highway Purposes" (which is defined in the MEP).
9. Accordingly the changes sought by the submitter are not considered necessary.

10. However, should the Panel consider that it is appropriate for roads to have an underlying zoning, I consider that an appropriately worded note could be inserted into the Introduction to Volume 2 and at the beginning of Appendix 17 (Designations), as follows:

*The Council utilises zoning to enable a specific set of rules to apply to an identified area. With the exception of rivers, ~~formed road~~ and the railway corridor, all land in Marlborough is zoned. Although roads are designated, they are deemed to adopt the underlying zone of the adjacent land. Where a road is at the boundary of two zones, the zoning of each adjacent zone shall extend to the centre line of the road.*

## **Recommendation**

11. That there is no change to the MEP.

## **Reference to “Road Reserve”**

12. NZTA (1002.302) notes that the term ‘road reserve’ is used throughout the MEP and requests that it be replaced with ‘legal road’ as ‘road reserve is inaccurate.
13. A similar submission is made by the NZTA in relation to the Sign Rules for Real Estate Signs (addressed at paragraph 320 and 321 of the principal report.) 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**

14. That there is no change to the MEP.

## **One Road Classification Network**

15. NZTA (1002.270) request that the roading hierarchy terms in Appendix 17 and throughout the Plan be replaced with the One Network Road Classification (ONRC).
16. This submission point is the same as NZTA 1002.269, which is reported on in paragraphs 211 and 212 of my principal report, and the following assessment therefore applies to this submission point as well.
17. 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 a national classification system, it is important that it is consistent throughout the country to facilitate the Transport Agency working with various local authorities.
18. 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**

19. 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)<sup>1</sup>.

## Issue 17B

20. NMBHB (280/73) supported Transportation Issue 17B. The support is noted.

### Signs: Rule 2.35.1.6

21. Paragraph 312 of the Original report for Topic 15 included a reference to submission point 1004.47. This reference is incorrect and paragraph 312 of the original Topic 15 report should be amended by noting the correct submission point as 1004.46. No other changes are necessary to the paragraph, and it is amended as follows:
22. The Oil Companies (10042.467) 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.*
23. Submission 1004.47 of the Oil Companies relates to Rule 2.35.1.6 and seeks that the Rule be amended to delete the requirement that free standing signs in front yards comply with the height in relation to boundary control.
24. I note that Rule 23.1.5.7 does not require a sign to comply with road setback requirements. Where the road setback is also the front yard, this could give rise to the situation where a sign may not comply with the recession plane requirement. I also consider that the other General Rules relating to signs, including size restrictions and restrictions on placement, provide sufficient control. I also consider that requiring compliance with recession plane will create conflict with other Signage standards, and I therefore agree with the submitter that the rule is not necessary.

### Recommendation

25. That Rule 2.35.1.6 is amended as follows :

*A sign must comply with the height and, where applicable, recession plane requirements for the zone in which it is located.*<sup>2</sup>

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<sup>1</sup> NZTA (1002.270)

<sup>2</sup> The Oil Companies (1002.46)