

# **Proposed Marlborough Environment Plan**

**Section 42A Hearings Report for Hearing Commencing  
30 April 2018**

**Report dated 23 March 2018**

**Report on Submissions and Further Submissions  
Topic: 17 - Subdivision**

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# Contents

List of Abbreviations .....	1
Submitter Abbreviations .....	2
Introduction .....	3
Code of Conduct .....	3
Scope of Hearings Report .....	3
Overview of Provisions .....	5
Key Statutory Provisions under the RMA relating to Subdivision .....	5
Proposed MEP Subdivision Provisions .....	5
Statutory Documents .....	7
Resource Management Act 1991 .....	7
National Policy Statements .....	7
National Environmental Standards .....	7
Other .....	8
Analysis of Submissions .....	9
Key Matters .....	9
Pre-hearing Meetings .....	9
Matter 1 - Volume 1 - Chapter 12 Urban Environments (Issue 12C) .....	10
Overview of Provisions .....	10
Issue 12C .....	10
Objective 12.9 .....	11
Policy 12.9.1 .....	11
Policy 12.9.2 .....	11
Policies 12.9.4, 12.9.5, 12.9.7 and 12.9.9 .....	12
Method of Implementation 12.M.8 .....	12
Method of Implementation 12.M.9 .....	13
Matter 2 - Volume 2 - Chapter 24 Subdivision Chapter .....	15
Overview of Provisions .....	15
Section 106 of the RMA .....	15
Rule 24 (Subdivision) .....	16
Rule 24.1 (Rules for all subdivisions) .....	18
Rules 24.1.10 (Telecommunications) .....	21
Rules 24.1.11, 24.1.12 and 24.1.13 (Telecommunications and Proximity of Services) .....	22
Rule 24.1.14 (Water Supply) .....	23
Rule 24.1.16 (Esplanade Reserves and Esplanade Strips) .....	25
Rule 24.2.1 (Subdivision of Land Associated with Utilities) .....	27
Rule 24.3 (Controlled Activities) .....	28
Rule 24.3.1 (Subdivision of Land in Zones) .....	29
Rule 24.3.1.1 (Standards and Terms) .....	30
Rule 24.3.1.2 (Allotment Standards) .....	31
Rule 24.3.1.3 (Accessway Standards) .....	38
Rule 24.3.1.4 (Direct Access to a State Highway) .....	41
Rule 24.3.1.5 (Within 90m of the Blenheim Substation) .....	42

Rules 24.3.1.6 – 24.3.1.16 (Standards and Matters of Control) .....	44
Rule 24.3.1.17 (Matter of Control – Esplanade Reserves and Strips).....	45
Rules 24.3.1.18 – 24.3.1.26 (Matters of Control).....	45
Rule 24.3.2 (Cross Lease and Unit Subdivisions) .....	48
Rule 24.4.1 (Subdivision of land in the Urban Residential 2 – Greenfield Zone and Matters of Discretion 24.4.1.10) .....	48
Rule 24.4.1.13 (Matters of Discretion) .....	48
Rule 24.4.2 (Subdivision with Direct Access to a State Highway) .....	50
Rule 24.4.3 (Subdivision within 90m of the Blenheim Substation) .....	51
Rule 24.4.4 (Subdivision of Land within the National Grid Corridor) .....	52
Rule 24.5 and Rules 24.5.1 – 24.5.3 (Discretionary Activities).....	54
Matter 3 - Volume 2 - Chapter 25 Definitions .....	57
Submissions and Assessment .....	57
Matter 4 – Volume 3 – Appendix 7 (Scheme Plan and Other Subdivision Requirements).....	59
Submissions and Assessment .....	59
Appendix 1: Recommended Decisions on Decisions Requested .....	61
Appendix 2: Memo from Assets and Services.....	67
Appendix 3: Addendum associated with Code of Practice for Subdivision and Land Development dated 26 June 2008 .....	68
Appendix 4: E-mail from Marlborough Lines in relation to the further submission from NZIS on Rule 24.1.10 (the requirement to connect to electricity in the Coastal Living Zone unless allotments are in excess of 150m from a local electricity supply network).....	69
Appendix 5: E-mail from BECA in relation to the submission from FENZ on Rule 24.3.1.3 (width of access to rear lots).....	70
Appendix 6: Information from MDC website on rural fire safety .....	71
Appendix 7: E-Mail from Stephen Rooney in relation to water supply for firefighting purposes .....	72
Appendix 8: E-Mail from Terry McGrail in relation to lot and access minima.....	73
Appendix 9: Copy of pages 5-7 & 5-8 of Hurunui District Plan in relation to esplanade waiver or reduction in width.....	74

## List of Abbreviations

COP	Code of Practice for Subdivision and Land Development
FMU	Freshwater Management Unit
MEP	Proposed Marlborough Environment Plan
MSRMP	Marlborough Sounds Resource Management Plan
NESDW	Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NPSET	National Policy Statement on Electricity Transmission 2008
RMA	Resource Management Act 1991
SVIS	Southern Valley Irrigation Scheme
WARMP	Wairau/Awatere Resource Management Plan

## Submitter Abbreviations

<b>Full Submitter Name</b>	<b>Submitter Abbreviation</b>	<b>Submission No</b>
Marlborough District Council	MDC or Council	91
Nelson Marlborough District Health Board	NMDHB	280
Federated Farmers of New Zealand	Federated Farmers	425
Chorus New Zealand Limited	Chorus NZ	464
Royal Forest and Bird Protection Society	Forest and Bird	715
Fire Emergency New Zealand*	FENZ	993
New Zealand Institute of Surveyors	NZIS	996
New Zealand Transport Agency	NZTA	1002
Pernod Ricard Winemakers New Zealand Limited	Pernod Ricard	1039
Spark New Zealand Trading Limited	Spark NZ	1158
Transpower New Zealand Limited	Transpower NZ	1198
Te Atiawa o Te Waka-a-Maui Trust	Te Atiawa	

\*The primary submission number 993 was lodged under the name of NZ Fire Service Commission, however further submission 1092 seeks that the relief be amended to refer to the submitter as Fire and Emergency New Zealand (FENZ). My report below therefore only refers to FENZ in relation to their submission.

## Introduction

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- 1) My name is Ian Sutherland. I am a Senior Resource Management Officer working for the Marlborough District Council in Blenheim.
- 2) I have 16 years' experience assessing and reporting (including section 42A reports) on resource consent applications for the Marlborough District Council. The vast majority of these are subdivision applications, including urban, rural and coastal subdivision, ranging from simple to complex applications. Occasionally the subdivision applications are also associated with other consents such as water permits, discharge permits, land use consents and coastal permits, which I have processed at the same time.
- 3) I was involved in the preparation of the MEP in a limited capacity. Specifically:
  - I was involved with the concept presented to policy staff for the subdivision rules to encourage applicants to first consult with all of the relevant service providers (e.g. Marlborough Roads, Assets and Services, Marlborough Lines and Chorus NZ) to obtain confirmation of connections to their services before then lodging these with subdivision applications.
  - I undertook a study of potential lot yields (from the existing Rural Residential Zone) based on a range of minimum lot sizes for the new Rural Living Zone. This raw data was then passed on to policy staff for them to decide which size was most appropriate to adopt for this zone.
  - Prior to notification of the MEP I was asked to provide comment to the policy team on the newly drafted subdivision rules in Chapter 24, and the Scheme Plan requirements in Appendix 7.
  - To clarify, I did not draft or prepare any of the proposed new rules, but did provide feedback to the policy team on them.
  - Prior to notification of the MEP I was briefly on a testing group to work through the drafted Rural Environments and Urban Zone chapters to provide feedback of them to policy staff.
- 4) I have read Council's Section 32 reports for the MEP in relation to the subdivision related submissions for which I have been requested to report on.
- 5) I work in the Resource Consents Section at Council, but was requested to prepare a Section 42A report after the MEP submission period ended to evaluate the relief requested in subdivision related submissions. Please note that this is the first section 42A report I have prepared in relation to Plan provisions.

## 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

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- 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
  - **Volume 1 - Chapter 12; Issue 12C Objective 12.9 and Policies 12.9.1-12.9.9, MOI 12.M.7-12 and 12 AER.7**
  - **Volume 2 - Chapter 24**
  - **Volume 2 - Definitions**

- **Volume 3 - Appendix 7 (Scheme Plan)**

- 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

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- 13) The provisions subject to this report are entirely associated with subdivision of land as outlined in the scope of this report above.

## Key Statutory Provisions under the RMA relating to Subdivision

- 14) Section 11 of the RMA states that no person may subdivide land unless the subdivision is expressly allowed by a rule in a district plan or a resource consent.
- 15) Section 106 allows for subdivision applications to be refused if it considers that there is significant risk from natural hazards, or sufficient provision has not been made for legal and physical access to each allotment.
- 16) Section 108 specifies the circumstances in which conditions of consent can be imposed in relation to resource consents, and Section 220 specifically provides for additional subdivision conditions relating to:
- The creation and widths of esplanade strips and reserves;
  - Vesting of land as road or reserve;
  - Amalgamation of land;
  - Bulk, height, location, foundation or floor levels of any structures on allotments;
  - Protection of land from natural hazards;
  - Filling and excavation; and
  - Creation or extinguishment of easements.
- 17) Part 10 (sections 218 to 246) also relate specifically to subdivision and reclamations. In particular the other matters relevant to subdivision are:
- Section 218 – meaning of subdivision of land
  - Section 221 – Consent notices
  - Section 222 - Completion notices
  - Sections 223 & 224 – Approval of survey plan and restrictions on deposit
  - Sections 229 to 237 - Esplanade provisions
  - Section 238 – Vesting of roads
  - Section 239 – Vesting of reserves
  - Sections 240 & 241 – Amalgamation conditions and covenants

## Proposed MEP Subdivision Provisions

- 18) The subdivision provisions generally reflect those in the WARMP and MSRMP, although there are some key differences and these have attracted most of the opposing submissions. These key changes are:
- (a) An increase in the Urban Residential 2 Zone allotment size in Blenheim from 400m<sup>2</sup> to 450m<sup>2</sup> net area. The section 32 report explains that this is to increase the private space available on each lot; to provide greater opportunity for growing larger trees for shade and amenity reasons; and/or to provide larger garden/lawn areas for children to play. A larger area would also provide slightly increased separation distances between dwellings, and improved opportunities for outdoor living areas.



- (b) Change in the Rural Living Zone (formerly Rural Residential) allotment size from being an average of 1ha with a minimum of 4500m<sup>2</sup>, to being a minimum of 7500m<sup>2</sup>. Rural Living Zone is the new name for the Rural Residential Zone in the WARMP. The minimum lot size for allotments in the Rural Residential Zone of the WARMP was to be an average of 1ha with minimum of 4500m<sup>2</sup> per subdivision. The minimum area in the WARMP requires lots in a subdivision having an average area of 1 hectare, with a minimum of 4500m<sup>2</sup>. For instance 5ha of land would produce 5 lots. However in practice subdivisions were being done in stages with only a few lots at a time, with one lot at 4500m<sup>2</sup>, and the balance at say 4.5ha, and then the balance would be subdivided again in the same way so eventually the density created is much greater than anticipated by the rule or the objectives, policies in the WARMP. The new rule removes the average and instead uses a minimum lot size as per every other zone.
- (c) Standards for an additional new Residential Zone (Urban Residential 3 Zone). This is a new zone introduced to provide for large residential sites to meet the demand for larger properties that can provide more open space around dwellings, greater privacy between properties, ample sunlight to buildings, views to surrounding hills and an open streetscape. The minimum lot size is 2000m<sup>2</sup> where there is reticulated sewer, or 4000m<sup>2</sup> where there is no reticulated sewer. There are four separate areas involved. Three of these: Rai Valley; Ashford Grove (off Hammerichs Road), and Birchwood Avenue (off Battys Road) are already developed to these new standards, while further subdivision development is still possible in the Severne Street/David Street/Battys Road area.
- (d) An increase in the urban residential access standards in Blenheim for rear lots from being a minimum 3.0m wide, to being 3.5m wide.
- (e) There is no longer any non-complying activity subdivision. This is consistent with every other chapter in the MEP.
- (f) There is no longer any special discretionary activity subdivision provisions for boundary adjustments; integrated residential developments; to create a single rural residential lot in the Rural Zone; and to protect large rural lots in the Sounds. Instead these types of applications will simply default to being a discretionary activity and be considered in accordance with the relevant objectives and policies.
- (g) New provisions to encourage applicants to obtain and provide with the subdivision application the confirmation from service providers (water, sewer, stormwater, power, telecommunications and road access) that the lots can be connected to those services where applicable. This is to help improve processing subdivision consents where consultation has been undertaken with relevant service providers on acceptable methods to obtain connection to those services. The concept is based on the existing requirement under the MSRMP and WARMP<sup>1</sup> that requires applicants to consult with electricity and telecommunication providers (i.e. Chorus NZ and Marlborough Lines) prior to lodging a subdivision application. These providers confirm that such connections are available, and a condition is then imposed requiring confirmation that the underground connections have been installed. Specific conditions as to how to install those connections and costs for those connections where not needed in the conditions. That same concept is to extend to Councils Assets and Services Department in relation to connections to sewer, stormwater and water infrastructure where it is available, and with Marlborough Roads or NZTA for access to a District Road or a State Highway. The applicant consults with those organisations, resolve between them on how to obtain their respective services, and provide the confirmation with the application. The consent will only have a condition to provide the written confirmation that the connections have been installed to the service providers satisfaction. As the specific methods of providing those connections will not be in the conditions, there will be no need for subsequent variations if the methods change due to unforeseen circumstances, and I see this as a positive outcome. If the applicant is unable to obtain agreement with the service provided, they still can lodge the application, but it will default to a discretionary activity. This will enable a more thorough assessment to be made on the proposal following Council consulting with the service provider to find out what the concerns or problem were that need to be considered by Council in reaching a decision. If Council decides to grant the consent the full list of servicing conditions would need to be imposed.

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<sup>1</sup> Rule 29.2.16.1 WARMP and Rule 28.1.23.1.4 MSRMP

## **Statutory Documents**

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

### **Resource Management Act 1991**

#### **National Policy Statements**

##### **New Zealand Coastal Policy Statement 2010 (NZCPS)**

- 20) The NZCPS sets out national policy direction in order to achieve the purpose of the RMA in relation to the coastal environment. It is the only mandatory national policy statement under the RMA. It contains seven objectives and 29 related policies. The NZCPS provides direction to local authorities in relation to how the coastal environment is to be managed, consistent with the functions given to regional councils and district councils under the RMA. The NZCPS must be given effect to in regional policy statements, regional plans and district plans.
- 21) The NZCPS would need to be considered for any additional rules to enable subdivision in the coastal environment, particularly for the creation of residential lots in exchange for the saving of larger lots from further subdivision as proposed in several of the submissions.

##### **National Policy Statement on Electricity Transmission 2008 (NPSET)**

- 22) The NPSET sets out the objective and policies for managing the electricity transmission network (the National Grid). It imposes obligations on both Transpower NZ Limited and local authorities. The NPSET promotes a more standardised and consistent approach throughout New Zealand to the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment. The policies within the NPSET are grouped into the following five categories: recognition of the national benefits of transmission; managing the environmental effects of transmission; managing the adverse effects of third parties on the transmission network; mapping; and long-term strategic planning for transmission assets.
- 23) The NPSET is particularly relevant to Rules 24.3.1.5, 24.3.1.6, 24.4.3 and 24.4.4 because the National Grid is identified as being nationally significant infrastructure, as well as regionally significant.

#### **National Environmental Standards**

##### **National Environmental Standards for Electricity Transmission Activities 2009 (NESETA)**

- 24) The NESETA applies to high voltage electricity transmission lines and covers activities related to the operation, maintenance and upgrading of existing lines, but does not apply to the construction of new lines or to substations. This is of some relevance to the management of regionally significant infrastructure, because the subdivision chapter includes provisions relating to this infrastructure, which includes the National Grid.

## Other

### **Council's Code of Practice for Subdivision and Land Development Addendum (dated 26 June 2008) (COP).**

- 25) The COP presents the Council's requirements for physical works and construction for land subdivision and development. It is based on the New Zealand Standard for Land Developing and Subdivision Engineering (NZS 4404:2004), but also includes wording in the Addendum that includes modifications and amendments to suit local conditions and practice in Marlborough.
- 26) A copy of the Addendum is on Appended 3 hereto, and I can provide copies of the NZS 4404:2004 to the panel upon request (it is 216 pages long and subject to copyright conditions).
- 27) The COP contains specific acceptable standards for land stability, foundations and earthworks; roading; stormwater drainage; wastewater; water supply; landscape design and practice; reserves; power, telecommunications and gas. For example Figure 7.1 provides the minimum distances that street trees can be planted from driveways, bus stops, pedestrian crossings, sign posts, etc. Figure 7.2 gives the intersection sight distances for clear sight lines for landscaping.
- 28) The construction of subdivisions is usually expected as a minimum to meet the standards set out in the COP, and conditions of subdivision consent often refer to works needing to in accordance with the COP.
- 29) The COP also allows for innovative alternative means of compliance to the standards to be considered if the alternative proposal is submitted to Council and accompanied by a detailed report from a registered civil engineer.
- 30) The COP can only be amended or changed by a resolution of the Council. A review of the COP is planned to be undertaken shortly to coincide with the decisions on the MEP. It is intended to be updated so that it is based on the latest New Zealand Standards (NZS 4404:2010) and is also to include infrastructural standards for the new Residential 3 Zone in the MEP.

## Analysis of Submissions

- 31) There were approximately 147 submission points received on provisions relevant to the Subdivision topic.
- 32) Of these submission points, several were in common formats:
- (a) Helen Ballinger, Mark Batchelor and Robin Dunn have very similar submissions in relation to landscaping associated with subdivision.
  - (b) A number of building companies, including GJ Gardner Homes, Mainland Residential Homes Limited, Peter Ray Homes Blenheim Limited, Andrew Pope Homes Limited and Phil Muir, have lodged similar submissions in relation to allotment and access sizes for the Urban Residential Two Zone.
- 33) However as there were not huge numbers of common submissions involved, I have not group them as a single entry per relevant point. Each submission has instead been referenced in the report below.

## Key Matters

- 34) I have generally set out my analysis of the submissions points based in the order they are shown in the relevant chapter under the different volumes in the MEP to which they relate. Then under each of those chapters the analysis then works through the provisions in a sequential manner.
- Matter 1: Volume 1 - Issue 12C - The issue of increased demand for essential infrastructure services
  - Matter 2: Volume 2 - Chapter 24 - Rules for all subdivisions
  - Matter 3: Volume 2 – Chapter 25 - Definitions
  - Matter 4: Volume 3 - Appendix 3 - Scheme Plan and other subdivision information requirements

## Pre-hearing Meetings

- 35) There have been no pre-hearing meetings for this topic, although I have made direct contact with some of the submitters (*namely FENZ, NZTA, KiwiRail, Terry McGrail on behalf of the Building Companies, NZIS, Helen Ballinger & Robin Dunn*) to clarify and discuss the matters raised in their submissions to ensure that I have understood their concerns and suggestions before undertaking an assessment of them.

# Matter 1 - Volume 1 - Chapter 12 Urban Environments (Issue 12C)

## Overview of Provisions

- 36) Issue 12C relates to subdivision and development within urban environments leading to increased demand for essential infrastructural services. Objective 12.9 is the sole objective and there are nine policies on how to manage this particular issue. The policies are implemented through six methods relating to regional and district rules, confirmation services by providers, relationship to the Code of Practice for subdivision and development and development contribution policy, and link to the Local Government Act 2002.
- 37) A total of 20 submissions have been made in relation to some of these provisions. Of these 17 submissions fully support the proposed provisions and seek they be retained, and three partly support them.
- 38) The submissions, and my assessment of them, have been made on the following provisions:
- Issue 12C
  - Objective 12.9
  - Policy 12.9.1
  - Policy 12.9.2
  - Policies 12.9.4, 12.9.5, 12.9.7, & 12.9.9
  - Method 12.M.8
  - Method 12.M.9

## Issue 12C

- 39) The heading to Issue 12C reads:
- Subdivision and development within urban environments can lead to increased demand for essential infrastructure services.*
- 40) The provision refers to subdivision and development and the need for essential services such as water, discharges, roading, energy and telecommunications and provides guidance on how appropriate servicing is to be managed as part of the development. It notes that some subdivision and development may result in adverse effects on existing servicing infrastructure, for example whether the services needed for the activity will exceed the capacity of the existing or planned future extensions of infrastructure, or whether it is not in the financial ability of the community to fund.

## Submissions and Assessment

- 41) **Chorus NZ (464.017)** and **Spark NZ (1158.015)** support the proposed provisions and seek they be retained as notified.
- 42) **NZIS (996.004)** support this issue in part, but point out that the issue is silent on many of the other activities in the Urban Environment such as Retirement Villages, seasonal worker accommodation, higher low level density housing, and affordable accommodation across all age groups.
- 43) The term 'development' encompasses all types of activity, including those referred to by the Institute.
- 44) No specific types of development are currently listed in the provision, and I therefore believe that listing some activities as sought by NZIS is unnecessary, and to list some may create a risk that those listed will be given greater significance than others that may not have been listed.

## Recommendation

- 45) Retain Issue 12C as notified<sup>2</sup>.

## Objective 12.9

- 46) Objective 12.9 reads:

*The condition, capacity, efficiency and affordability of essential infrastructure services reflects the needs of Marlborough's urban environments.*

## Submissions and Assessment

- 47) **NZTA (1002.053)** supports the intent of the objective, but seeks that Objective 12.9 be amended to recognise that some infrastructure such as State Highways must also reflect "national requirements" by adding this to the end of the objective.
- 48) It is important that integrated decision making is undertaken when considering land use activities in association with State Highways, even within urban areas. The explanation under the objective explains how important it is that the capacity or efficiency of essential services, including roading, is not exceeded or compromised by subdivision and development. However the proposed phrase is too generic and I am concerned could be taken to mean other national requirements unrelated to State Highways.
- 49) I believe that there is sufficient provision within Chapter 17 (Land Transportation), including Method 17.M.14, which requires NZTA to be an affected party for land use or subdivision of land adjacent to state highways, to provide the necessary tools needed to enable integrated decision making to be achieved within the wording of the policy as notified.
- 50) **Chorus NZ (464.018)** and **Spark NZ (1158.016)** support the objective, and seek to retain it as notified.

## Recommendation

- 51) Retain Objective 12.9 as notified<sup>3</sup>.

## Policy 12.9.1

- 52) Policy 12.9.1 reads:

*Encourage connections to public or community reticulated water supply systems, sewerage and stormwater management systems wherever they are available.*

## Submission and Assessment

- 53) **FENZ (993.011)** support the Policy, and seek to retain it as notified. There is therefore no scope to change this provision.

## Recommendation

- 54) Retain Policy 12.9.1 as notified<sup>4</sup>.

## Policy 12.9.2

- 55) Policy 12.9.2 reads:

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<sup>2</sup> Chorus NZ (464.017), Spark NZ (1158.015)

<sup>3</sup> Chorus NZ (464.018), Spark NZ (1158.016)

<sup>4</sup> FENZ (993.011)

*Ensure that in an area with public water supply and/or sewerage infrastructure, subdivision and development activities only occur where they will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted by rules within a relevant urban environment zone.*

## Submissions and Assessment

- 56) **MDC (91.162)** and **FENZ (993.012)** support this policy although the MDC submission, for the avoidance of doubt and completeness, requests an amendment to the wording to include 'stormwater management' to complete the infrastructural needs of Marlborough's towns.
- 57) The inclusion of the need to also ensure that subdivision and development can be adequately catered by stormwater management infrastructure is important. Objective 12.9 refers to the importance of essential infrastructural services to be provided, including stormwater management, and Policy 12.9.1 and the commentary for 12.9.3 already refer to stormwater management. While there is no specific reference to stormwater in the commentary of Policy 12.9.2 there is reference to 'servicing' which is commonly understood to include stormwater. It is therefore obvious that Policy 12.9.2 should also include reference to stormwater management as requested by the MDC submission.
- 58) Te Atiawa (351), as a further submission to MDC's submission, opposes the addition of new permitted standards that allow works within riverbeds, and banks of waterways, that have significant to iwi. They are also concerned that any reduction in the monitoring of resources and reduction in reporting requirements of MDC as to the state of resources. However, in my opinion amending Policy 12.9.2 as proposed by MDC will not change the permitted standards or have any impact on the monitoring of water quality.

## Recommendation

- 59) I recommend that Policy 12.9.2 be amended as follows:

*Ensure that in an area with public water supply and/or sewerage infrastructure or stormwater management<sup>5</sup>, subdivision and development activities only occur where they will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted by rules within a relevant urban environment zone.*

## Policies 12.9.4, 12.9.5, 12.9.7 and 12.9.9

### Submissions and Assessment

- 60) **Chorus NZ (464.019, 464.020, 464.021 and 464.022)** and **Spark NZ (1158.017, 1158.018, 1158.019 and 1158.020)** support all of these three policies, and seek to retain them as notified. **FENZ (993.013)** supports Policy 12.9.7 and seeks to retain it as notified. Therefore there is no scope to change these provisions.

### Recommendation

- 61) Retain Policies 12.9.4<sup>6</sup>, 12.9.5<sup>7</sup>, 12.9.7<sup>8</sup> and 12.9.9<sup>9</sup> as notified.

## Method of Implementation 12.M.8

### Submission and Assessment

- 62) **FENZ (993.014)** supports this provision and seeks to retain it as notified. Therefore there is no scope to change this provision.

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<sup>5</sup> MDC (91.162)

<sup>6</sup> Chorus (464.019), Spark (1158.017)

<sup>7</sup> Chorus (464.020), Spark (1158.018)

<sup>8</sup> Chorus (464.021), Spark (1158.019), FENZ (993.013)

<sup>9</sup> Chorus (464.022), Spark (1158.020),

## Recommendation

- 63) Retain 12.M.8<sup>10</sup> as notified.

## Method of Implementation 12.M.9

- 64) Method 12.M.9 reads:

*Rules of the MEP require the providers of water, sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council.*

## Submission and Assessment

- 65) **FENZ (993.015)** supports in part the proposed Method of Implementation 12.M.9, which relates to the need for confirmation from providers of water, sewerage, stormwater, roading, electricity and telecommunication services that such services are available for urban subdivision. However, they seek a limited amendment to also require the applicant to obtain confirmation from FENZ that a suitable firefighting water supply is available.
- 66) In my view this seems unnecessary for the following reasons:
- (a) It is unlikely that FENZ could effectively provide such confirmation as they do not hold the detailed as-built information on existing water supply mains, pipelines and access widths to be able to do so. While FENZ are an expert on providing recommendations based from The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, they are probably unable to provide confirmation to an applicant on whether the existing or planned water supply network is capable of providing the necessary volumes and access requirements needed for firefighting as referred to in this method of implementation, or what is needed to be upgrade to achieve this. This information is held and maintained by the Assets and Services Department of Council (A&S).
  - (b) The method points out these are only needed for new urban subdivisions, and Council's Code of Practice for Subdivision and Land Development Addendum (dated 26 June 2008) requires (under clause 71 and 72) the need for water reticulation to provide adequate flows and hydrants for firefighting purposes.
  - (c) To include FENZ in the method would also mean that the applicants would have to consult with another organisation, which seems unnecessary when the A&S can consider it as part of their confirmation on water supplies.
  - (d) There are other forms of mitigation against fire that may be acceptable to Council on a case by case basis, however for urban areas the desired outcome would be to have fire hydrants with sufficient water volumes as required by Council's Code of Practice for Subdivision and Land Development Addendum.
- 67) While I do not support the inclusion of the reference to FENZ in the Method, it may be appropriate to clarify that the water supply in urban environments is to also include that required for firefighting purposes to ensure that this aspect of water supply is not overlooked. For example changing the rule to say "*Rules of the MEP require the providers of water (including for firefighting purposes), sewerage, stormwater, roading ...*"
- 68) Stephen Rooney (Councils Operations and Maintenance Engineer) has advised me by e-mail that they can show compliance for urban firefighting supplies, with the exception of much of Renwick, and all of Wairau Valley. A copy of the email is in Appendix 7. There are also small pockets within some of the other urban areas, but that they are working towards compliance through network upgrades. There are also other areas, such as Dry Hills, Fairbourne Drive, Wither Road Extension, Oakwood Lane and David Streets that do not have any form of firefighting supply.

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<sup>10</sup> FENZ (993.014)



- 69) This information from Mr Rooney is important and highlights that A&S may not be able to confirm the water supply to subdivisions in those existing older areas if that water supply has to comply with the relevant standards for firefighting. This means that an in-fill subdivision in those older urban areas can meet controlled activity standards in every other respect would default to being a discretionary activity due to this matter, and this would unnecessary considering the existing surrounding residential development will have been in place for many years without any problems.
- 70) Please note that this problem will not apply to greenfield subdivision where I understand that the infrastructure to the correct standard for firefighting capability is being installed.
- 71) Possible options that I can think of for the Panel to consider to resolve the issue are:
- a) To leave the method as notified. This will allow continued controlled activity subdivision as anticipated, even where the existing water supply is not currently up to the full firefighting standard but with the understanding that Council is progressing with the necessary upgrades as time and funding permits.
  - b) To change the Method by inserting “...*water (including for firefighting purposes)*...”, and via consequential changes change Rule 24.1.3 of the Subdivision Chapter in the same manner. This would mean that any application that cannot obtain A&S confirmation will default to being a Discretionary Activity.
  - c) To change the method by inserting “...*water (including for firefighting purposes)*...”, and via consequential changes add a new Restricted Discretionary Activity rule to the Subdivision Chapter that would limit Council discretion to servicing matters, including fire risk, if confirmation from A&S, roading, electricity, and telecommunications cannot be provided to ensure consistency.
- 72) It would be useful to see what FENZ think of this issue, and whether they have any significant concerns about infill subdivision in some of the older urban areas where the water supply may not fully meet the COP for firefighting.

## **Recommendation**

- 73) If FENZ have no significant concerns arising from infill in older areas, then I recommend option (a) which is to leave the method as notified.
- 74) I note that the Assets and Services Department of Council are to undertake a review of the Code of Practice to coincide with the completion of the MEP. This review would be undertaken under the provisions of the Local Government Act 1974. It would be helpful if the resulting draft Code of Practice be made available to FENZ for comment on in relation to firefighting provisions associated with reticulated urban water supplies before being finalised.

## Matter 2 - Volume 2 - Chapter 24 Subdivision Chapter

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### Overview of Provisions

- 75) This Chapter contains all of the rules relating to subdivision of land.
- 76) A total of 122 submissions points have been made in relation to these provisions. Of these 17 fully support the proposed provisions and seek they be retained, and 3 partly support them.
- 77) The submissions points, and assessment of the provisions, has been undertaken in the order as follows (the bold items indicate the start of a new section of rules):
- **Section 106**
  - **Rule 24 - Subdivision** (general matters)
  - **Rule 24.1 - Rules for all Subdivisions**
  - Rule 24.1.10 (Telecommunication)
  - Rule 24.1.11 to 24.1.13 (Certification of Services)
  - Rule 24.1.14 (Water Supply)
  - Rule 24.1.16 (Esplanade Reserves and Strips)
  - **Rule 24.2 - Permitted Activities**
  - Rule 24.2.1 (Subdivision of land associated with utilities)
  - **Rule 24.3 - Controlled Activities**
  - Rule 24.3.1 (Subdivision of land in zones)
  - Rule 24.3.1.1 (Standards and Terms)
  - Rule 24.3.1.2 (Allotment Standards)
  - Rule 24.3.1.3 (Accessway Standards)
  - Rules 24.3.1.4 (Direct access to a State Highway)
  - Rule 24.3.1.5 (Subdivision within 90m of the Blenheim Substation)
  - Rules 24.3.1.6 to 24.3.1.16 (Standards and Terms and Matters of Control)
  - Rule 24.3.17 (Matter of control - Esplanade Reserves and Strips)
  - Rules 24.3.18 - 24.3.1.26 (Matters of control cont)
  - Rule 24.3.2 (Cross Lease and Unit Plans)
  - **Rule 24.4 - Restricted Discretionary Activities**
  - Rule 24.4.1 (Subdivision of Land in the Urban Residential 2 - Greenfield Zone), and 24.4.1.10 (Matters of Control)
  - Rule 24.4.1.13 (Matter of Control)
  - Rule 24.4.2 (Subdivision with direct access to a State Highway)
  - Rule 24.4.3 (Subdivision within 90m of the Blenheim Substation)
  - Rule 24.4.4 (Subdivision of Land within the National Grid Corridor)
  - **Rule 24.5 and Rules 24.5.1 - 24.5.3 (Discretionary Activities)**

### Section 106 of the RMA

- 78) Chapter 24 starts with reference to section 106 of the Act. There have been no specific submissions made against the reference to section 106, however I note that the wording of section 106 in the MEP was based on the old wording of section 106(1) in the RMA and sections 106 and 220 have since

been broadened to now require consideration of all risks from natural hazards<sup>11</sup> by the Legislation Amendment Act 2017 on 18 October 2017.

- 79) The intent of these changes is to require decision-makers to consider the magnitude of risk of natural hazards, including natural hazards that have a high impact but low probability of occurrence (e.g. Tsunami). This will align assessments with the definition of 'effect' in section 3 of the RMA, which includes any potential effect of low probability with a high potential impact.
- 80) Section 106 in the RMA now reads:

**106 Consent authority may refuse subdivision consent in certain circumstances**

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
- (a) there is a significant risk from natural hazards; or
  - (b) *[Repealed]*
  - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—
- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
  - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
  - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).
- (2) Conditions under subsection (1) must be—
- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
  - (b) of a type that could be imposed under [section 108](#).

- 81) If the Panel is satisfied that it is possible to use clause 16(2) of Schedule 1 of the RMA, I would either recommend that the wording of Section 106(1) in the Subdivision Chapter be amended to reflect that in the RMA, or alternatively that the contents of Section 106 are not quoted but instead there is a general statement based on the heading which could say:

*Section 106 of the RMA – Council may refuse subdivision consent in certain circumstances.*

## Rule 24 (Subdivision)

### Submissions and Assessment

- 82) There have been 11 general submissions received for the whole chapter.
- 83) **Fiona Leov (125.002), Mike Leov (126.002), Paul Roughan (194.002) and Michelle Roughan (195.002)** all live in the proposed new Urban Residential 3 Zone and fully support the provisions in the subdivision chapter.
- 84) **Pernod Ricard (1039.129)** also supports this chapter, and seeks to retain it (subject to any amendments required by other parts of their submission);
- 85) **Helen Ballinger (351.025)** opposes the subdivision rules as there is no reference to landscaping requirements for subdivision. She requests that a rule be included which requires a street tree to be planted on the berm adjacent to the new allotment, or a dedicated grass berm or street trees with a minimum area of 9m<sup>2</sup> be provided within urban residential, business and industrial developments with no intrusion of underground or overhead services within that space. Submission point **(351.026)** also

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<sup>11</sup> Section 2 of the RMA now defines natural hazards as “Any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment”.

requests that an additional matter of control be added “24.3.1.27. *Landscape planting and development including land shaping and tree species and location and ornaments, street furniture and pathways and other structures within the road reserves and other part of the subdivision proposed to be vested in Council or held under corporate body or other community ownership and administration within the subdivision that are required by Rule 24. 1.*” A further submission from David Dillon (1153) supports this submission.

- 86) **Robin Dunn (352.001)** has the similar concerns as Helen Ballinger, but goes further in also requesting that a provision be included that any trees removed as part of a subdivision shall be valued using a nationally recognised standard valuation method and compensation be paid for the loss of the tree and the costs for a replacement tree. He also refers to a ‘Code of Practice for subdivision’, and I assume he is referring to Council’s Code of Practice for Subdivision and Land Development.
- 87) **Mark Bachelor (263.002)** includes matters relating to the subdivision rules. He has similar concerns about the lack of matters of control relating to landscape quality, urban design or public safety. Of the list of matters he refers to in this submission point, I believe the only matter that is relevant to the subdivision chapter is:
- *Any new subdivisions shall include trees planted within the road reserves and the applications for consent to subdivide shall include a landscape planting and land shaping plan including street trees at a minimum of one tree located within the area of the road reserve that is adjacent to each lot within the subdivision.*
- 88) The requirement for landscaping provisions in District Plans are generally standard and I agree that they do enhance amenity values, however any such requirement to provide them must be practical to implement and provide sufficient flexibility to deal with the different situations that can occur between subdivisions. I have clarified from discussions with Ms Ballinger and Mr Dunn that landscaping on new roads and reserves and esplanade areas created as part of a subdivision would be much easier to control than the landscaping on new allotments or existing roads. This is because the subdivider often doesn’t know where any future dwelling or buildings would be placed on new allotments, and any landscaping would probably only get in the way of subsequent development and be removed. Landscaping on existing road frontages does make a little more sense, however this would only apply to infill subdivision and in many instances it is not possible to locate trees in the road reserve adjacent to the new lots due to underground services or lack of space, and often there are already existing established street trees.
- 89) The MEP already contains some provisions requiring landscaping. These are in the Business and Industrial Zones and supported by policy 12.6.2 (c) “*providing planting on road reserve*” and 12.6.2(d) “*requiring integration of landscaping on individual allotments to soften the appearance of buildings fronting the road in areas outside the streets identified in Appendix 18*”. However, the Use of the Coastal Environment (13), Use of the Rural Environment (14), and residential section within the Urban Environment (12) chapters refer to the need to maintain and enhance character and amenity values, but don’t specifically refer to landscaping as being required.
- 90) The Code of Practice for Subdivision and Land Development contains Chapter 7 relating to landscaping design and practice. Appendix 7 in the MEP requires landscape works proposed on road reserves to be provided with subdivision applications. I therefore believe it is practical to require the subdivision rules to include a matter of control requiring landscaping to be compulsory on new roads and reserves, rather than the current voluntary requirement under the MSRMP and WARMP. However I have reservations about including specific design parameters in Chapter 24 as there are likely to be conflicts arising with meeting specific which would mean an application would unfairly default to being a discretionary activity, and instead I suggest specific standards relating to the amount and type of landscaping be included in the review of the COP.
- 91) To support the recommended new landscaping matter of control, it is appropriate to have policies in the Urban Environment (12), Use of the Coastal Environment (13), and Use of the Rural Environment (14) chapters added as a consequential change as these are the areas most likely to have new roads or reserve created within for community use. The new policies may also need to include, immediately after them, an explanation and/or reason for the policies to help inform of the sustainable management purpose of the policy. I have therefore recommended the inclusion or changes to policies in these 3 chapters too.

- 92) **NZTA (1002.184)** generally support the chapter, but request that a policy and method framework be included to manage cumulative effects from transport in identified areas.
- 93) I believe that a policy and method framework to manage cumulative effects is best dealt with under Issue 17D under Chapter 17 for Land Transportation (Topic 15). NZTA have a submission in on that Issue (submission points 089, 090 and 091), so it is more appropriate to consider that matter and any potential consequential changes to the subdivision chapter at that time.
- 94) **NZTA (1002.220)** have also requested that an introductory sentence be added that would alert MEP users to the requirement for the Transport Agency's approval for access to Limited Access Roads.
- 95) I don't believe this is necessary. Rule 24.1.6 requires any subdivision applicant to obtain a written statement from NZTA if the lots require access to all State Highway (not just LAR), and NZTA can inform the applicants for the need of a licence at that time. If the applicant chooses to not-comply with this rule and take a Discretionary Activity status route under Rule 24.5.1, the objectives and policies under Issue 17D in Chapter 17 of the MEP require Council to assess the effects on the State Highway and Method 17.M.14 requires NZTA to be treated as an affected party. NZTA through the affected party process can themselves remind the applicant of the need for a licence.
- 96) The submission from **Transpower NZ Limited (1198.151)** has been dealt with later in this report under Rule 24.4.4.

## Recommendations

- 97) I recommend that the following matter of control rule be inserted:

24.3.1.X. Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.<sup>12</sup>

- 98) Consequential changes to support this rule will need to be made to policies within the Urban Environments Chapter 12; Use of the Coastal Environments Chapter 13; and Use of the Rural Environments Chapter 14; and.
- a) For changes to Policy 12.2.1 in the Urban Environments Chapter refer to the recommendations contained in David Jacksons' section 42A report for Topic 10.
- b) I recommend that the following change be made to in the Use of the Use of the Coastal Environments Chapter 13 associated with the Coastal Living, Port, Port Landing Area and Marina zones:

*Policy 13.5.6 ...*

*(j) provides for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.*

*Policy 13.18.4...*

*provides for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.*

- c) I recommend that the following consequential change be made to in the Use of the Rural Environments Chapter 14 associated with the Rural Living Zone:

*Policy 14.5.6...*

*provides for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.*

## Rule 24.1 (Rules for all subdivisions)

- 99) Rule 24.1 reads:

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<sup>12</sup> H Ballinger (351.025 and .026)

*In addition to specific standards for permitted activity, controlled activity, restricted discretionary activity and discretionary activity subdivisions specified in this chapter, the following rules apply to all subdivisions.*

- 100) The rule then sets out requirements for servicing water, sewerage, stormwater, roading, electricity, telecommunications, water supply, scheme plan, and esplanade reserves and strips.

## **Submissions and Assessment**

- 101) **Mark Batchelor (263.011, 263.012, 263.013, 263.014 & 263.015), Helen Ballinger (351.027, 351.028, 351.029, 351.030 and 351.032)** oppose this rule. The submission points from Helen Ballinger have been supported by David Dillon (1153).
- 102) Submission points **Mark Batchelor (263.001) and Helen Ballinger (351.026)** have been recorded against Rule 24.3.1, however the issues are very similar so I have incorporated those submissions points into the following assessment.
- 103) The submissions from Batchelor and Ballinger seek better controls to improve amenity and to offset the loss of vegetation arising from subdivision by requiring landscaping within all new roads, esplanade areas, and reserves created, and that stormwater areas have pedestrian access and plantings. Also requested is that subdivision applications be required to assess and follow Crime Prevention Through Environmental design (CEPTED) principles and guidelines, and also the NZ Urban Design Protocol, and that electricity and telecommunication lines be underground.
- 104) Appendix 7 of the MEP (clause 9 of "Site details to be provided") requires "Landscape works proposed on road reserves" to be provided on or with the subdivision scheme plan. This could be extended to include the need to provide landscaping on all proposed new reserves too. This, coupled with the recommended new Rule 24.3.1.27 above will ensure that landscaping within roads will be required as a condition of subdivision where new roads are created. While this doesn't perhaps go to the specific detail that the submitters seek, it is anticipated that relevant standards will be contained in the Code of Practice and that the anticipated outcomes will be achieved.
- 105) Submission points 263.014 and 351.027 seek that a landscape plan be provided with any subdivision application that is to create esplanade reserves or strips. A landscape plan by itself will not achieve any environmental benefit, however I assume that the submitters were intending that not just a landscape plan be provided but that also the landscaping shown on the plan be undertaken as part of the subdivision. While such works would most likely bring environmental enhancement to the esplanade areas and adjacent waterbody, the issue will be who pays for the cost of undertaking such works and ongoing maintenance, and to what standard will the plantings need to be to. However the submissions do align with Policy 8.2.11 which seeks to promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants. Also, Issue 5A (Rural Activities) identifies that the historic loss of wetlands and vegetated riparian margins makes the run-off of contaminants associated with rural activity worse, as these intercept and/or treat the contaminants present in runoff. Furthermore, Objective 15.1a seeks to maintain and where necessary **enhance** water quality in Marlborough's rivers, lakes, wetlands, aquifers and coastal waters, and Policy 15.1.27 promotes the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation.
- 106) Vegetation along marginal areas does reduce run-off of sedimentation, phosphorous, and e-coli into waterways, but doesn't necessarily reduce nitrogen run-off as it is more soluble. It therefore stands to reason that while planting of non-vegetated riparian margins will not solve all issues, it will still contribute towards the enhancement of water quality, and thus assist with achieving the goals set in Objective 15.1a, 15.1d and 15.1e, including the waterbodies identified in Tables 15.1 and 15.2 as being, or at risk of being, degraded.
- 107) Having taken these MEP provisions into account, I accept that there may be occasions where riparian planting within new esplanade strip or reserves would be assessed as necessary to achieve the outcomes sought in the provisions mentioned above, and the purposes under Section 229 of the RMA for which the strip or reserve has been set aside for. To ensure such conditions could be imposed, it would need to be included in the matters of control.

- 108) CEPTED is a crime prevention concept. I assume that the submitters are referring to the Ministry of Justice document named National Guidelines for Crime Prevention through Environmental Design n New Zealand published in 2005. It contains guidelines for planners and designers to create safer places. The question is whether it should also be a compulsory requirement, especially at time of subdivision. In my opinion while it is a very useful planning tool, it is unnecessary to make it compulsory as part of a subdivision and there are also possible implications under Part 3 of the First Schedule of the RMA with referencing an external document. Any land that is to become a Council road, accessway or reserve would most likely be a Discretionary Activity subdivision, and appropriate conditions can still be imposed if deemed necessary to mitigate an adverse effect without the need for a specific rule referring to CEPTED.
- 109) With regards to the NZ Urban Design Protocol. This is also an external document produced by the Ministry for the Environment and is part of the Government's Sustainable Development Programme of Action which aims to ensure our towns and cities are healthy, safe and attractive places where business, social and cultural life can flourish. It lists seven essential design qualities that together create quality urban design, these being: Context; Character; Choice; Connections; Creativity; Custodianship; and Collaboration. I believe that many of these matters are already catered for in the MEP through clustering of like activities through zoning; essential roading patterns in the Greenfields zone; residential development zone standards; identifying and protecting heritage features; to name a few. So while I don't dismiss the submitters request, I am not sure that any additional benefit will arise as it seems that the MEP has most if not all of those matters included as part of the proposed standards. Again there implications with referencing an external document to ensure it is in accordance to Part 3 of the First Schedule of the RMA, and these legal requirements include the need for the document to be the recommended practices of international or national organisations; for Council to keep a certified copy available for the public to view; and for the to undertake Plan Changes if Council wants to adopt any updates made to the external document.
- 110) Submission points 263.012, 263.013, 351.028 and 351.029 from Batchelor and Ballinger seek that a rule be imposed requiring all electricity and telecommunication lines to be located underground. I note that Standard 2.39.1.9 already requires all new lines to be located underground within specified zones, including residential, business, industrial and several open space zones, so the suggested rule would then only impact on existing overhead lines to these zones, or new and existing lines in other zones. Infill subdivision can often trigger the need for existing overhead electricity or telecommunications lines to be undergrounded if adverse effects will arise due to them crossing low over new boundaries or accesses, however sometimes they are able to be left overhead which would avoid additional cost. The question then comes down to whether such costs to the developer for undergrounding all existing overhead lines are warranted in order to improve the landscape quality of the subdivision. As there are likely to be many other overhead lines in the same vicinity of infill development, in my opinion the benefit will not be significant enough to justify the additional expense of undergrounding an existing line.
- 111) **NZIS (996.030)** oppose the rule. They are concerned about the time it will take to obtain certification from service providers, such as Assets and Services, Chorus NZ and Marlborough Lines, before they can lodge an application. They seek that a timeframe be included in the rules for service providers to provide their certification after they receive the information.
- 112) It is important to note that this Rule won't apply to every subdivision, it will only apply to applications that comply with the controlled activity standards. It is also worth noting that the current rules in the WARMP<sup>13</sup> and MSRMP<sup>14</sup> require subdivision applications to provide written confirmation from an electricity supplier and or telecommunications network utility operator, although this requirement has usually only been enforced where 3 or more lots are being created.
- 113) I don't believe that it is possible to impose a timeframe in the MEP for a 3<sup>rd</sup> person to carry out a function relating to an application as requested in the submission, and the proposed new rule is not making it any more difficult that required by the WARMP or MSRMP rules for electricity or communications connections.
- 114) However the need to obtain similar confirmation from the Assets and Services Department (A&S) and Roading Authority is new. Subdivisions adjacent to State Highway will automatically become a

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<sup>13</sup> WARMP – Rule 29.2.16.1

<sup>14</sup> MSRMP – Rules 28.1.23.1.2 & 28.1.23.1.4.

restricted discretionary activity so this rule won't apply to them. This only leaves the need to obtain confirmation from A&S for service connections and Marlborough Roads for local roads.

- 115) Stephen Rooney from the Assets and Services Department of Council has advised me by memo (copy appended as Appendix 2) in response to the submission that they can and will process any request promptly (i.e. within 10 working days), and this will include confirmation on access to local roads.
- 116) From my experience with the current process, this timeframe is not much different to what is happening now when a subdivision application is received and circulated to them from the processing planning officer. Resourcing in the services team has been increased on the last few years and comments and recommended servicing and roading conditions are normally provided within 10 working days, although there can be delays with larger more complication proposals when further information is requested from applicants.
- 117) This may give the submitter and Hearings Panel some reassurance that procedures and reasonable timeframes will be adopted by Council for such proposals.
- 118) Based on the assurance in this memo, and my experiences with the efficiency of the servicing team, I see no need to change the rule and am confident that the proposed new process will provide a better and improved method of dealing with specific servicing detail outside the consent process without compromising overall processing timeframes.
- 119) I believe that there will in fact be benefits. The time spent sorting out servicing issues directly with the service provider will mean that there are no subsequent delays arising at the consent processing stage. There may be the odd complex application that could take longer for A&S to process, and there will be delays where the applicant doesn't provide sufficient information to assist the service providers, however these should be the exception rather than the norm.

## Recommendation

- 120) The only change that I recommend is a change to clause 9 under 'Site Details to be provided' in Appendix 7 of Volume 3 (page App 7-2) be changed to read:

*Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.<sup>15</sup>*

## Rules 24.1.10 (Telecommunications)

- 121) Rule 24.1.10 reads:

*The applicant must supply telecommunications to all allotments or must provide a reasonable practicable alternative, except for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable utilised by the telecommunications network utility operator.*

## Submissions and Assessment

- 122) There have been two submissions received for these rules. **Chorus NZ (464.070)** and **Spark NZ (1158.062)** both seek to retain the proposed rules as they are.
- 123) **NZIS** (as a further submission to submission point 1158.062) oppose the exception in the rule and want the part that says "*the exception for Coastal Living zones to connect within 150 metres from any power pole or underground cable utilised by the telecommunications network utility operator*" removed because in some cases the power pole or underground cable utilised by the telecommunications network utility operator is on neighbouring property and obtaining easements over these properties can sometimes be problematic if not impossible.

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<sup>15</sup> H Ballinger (351.027), M Batchelor (263.014)



- 124) Clause 8 of Schedule 1 of the RMA confines submissions to being either in support or opposition to a primary submission, and cannot introduce additional matters<sup>16</sup>. So while it can be noted that NZIS oppose the primary submission of Spark NZ, I don't believe there is any scope to change this rule as both primary submitters support the rule.
- 125) In the event the Panel disagree and believe that there is scope, then the comments from Steve Neal at Marlborough Lines in an email to me dated 3 January 2018 will be of assistance. The e-mail is saved as Appendix 4, and makes the following key points:
- *“3.5: Marlborough Lines endeavours to make new capacity available wherever possible provided it can be supplied on a reasonable economic basis. There may be some instances where connection of new loads to the network would be imprudent e.g. because it is completely uneconomic or impractical in technical terms”*
  - *“4.5: The consumer shall, where required, provide an easement to Marlborough Lines to allow ongoing operation and maintenance of the associated assets. In addition, where any network extension crosses other privately owned land prior to entering the customer's property, easements must be obtained prior to the line being connected to the network. In this case, Marlborough Lines prefers that the easements be registered under Marlborough Lines' name and that Marlborough Lines take over ownership of that section of the line.”* Marlborough Lines confirm that obtaining easements can be a difficult issue to deal with when the landowners are unwilling or do not respond in a timely manner
  - Many parts of the remote Single Wire Earth Return (SWER) Network is at or near capacity. The SWER network is extensive in the Marlborough Sounds and other areas such as Upper Wairau Valley, Upper Awatere Valley, Waikakaho Valley and that area of Northbank across the Wairau River from the Wairau Township. As the subdivision of remote rural land into smaller titles continues the problem of new electricity connections will worsen.
  - Marlborough Lines could advise whether or not there is adequate provision for an electricity supply to the proposed subdivision, although there could be a problem if there were delays with the subdivision and that supply was not available at that later time.
- 126) However any changes needed to Rule 24.1.10 would also need to be made to Rules 24.1.7, 24.1.8, 24.1.9, 24.1.11 and 24.1.12 as these are all related, and that doesn't seem possible as submissions have only been made to some of these rules, and they are all in support of them.

## Recommendation

- 127) That Rule 24.1.10 should be retained as notified<sup>17</sup>.

## Rules 24.1.11, 24.1.12 and 24.1.13 (Telecommunications and Proximity of Services)

### Submissions and Assessment

- 128) **Chorus NZ (464.071, 464.072 and 464.073)** and **Spark NZ (1158.063, 1158.064 and 1158.065)** both seek to retain the proposed rules as notified. Therefore there is no scope to change these provisions.

### Recommendation

- 129) That Rules 24.1.11, 24.1.12 and 24.1.13 be retained as notified<sup>18</sup>.

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<sup>16</sup> Hilder v Otago RC C122/97

<sup>17</sup> Chorus NZ (464.070) and Spark NZ (1158.062)

<sup>18</sup> Chorus NZ (464.071, 464.072 and 464.073) and Spark NZ (1158.063, 1158.064 and 1158.065)

## Rule 24.1.14 (Water Supply)

130) Rule 24.1.14 reads:

*In circumstances where a connection to a Council owned reticulated water supply is not possible, the applicant must provide for a minimum of 2m<sup>3</sup> of potable water per day for each proposed allotment (except for allotments to vest as reserve or road).*

### Submissions and Assessment

131) There have been three submissions received for this rule. All support in part the rule.

132) **Rod Gray (12.001)** has assumed that the rule contains a typing error and that it should refer to a minimum of 10m<sup>3</sup> instead of 2m<sup>3</sup>, and requests that this be corrected. I can confirm that there is no typing error. The proposed minimum volume of 2m<sup>3</sup> is correct. This has been based on Policy 14.1.5 which "Require rural subdivisions to provide a minimum of two cubic metres of drinkable water per new allotment, per day." The rule goes wider than just the rural environment however as it needs to cover all area where lots are to be created and no reticulated supply is available, such as Spring Creek or Grovetown that still rely on bore supplies. It is anticipated that the source of water could be one of (or a combination of) ground, river, spring and rain water. The 10m<sup>3</sup> referred to in the submission perhaps came from the old maximum domestic take that was the permitted standard under the WARMP. The maximum domestic take under Rule 2.2.1 of the MEP is proposed to be 5m<sup>3</sup> per day per dwelling, which confirms that having the need to prove there is a 10m<sup>3</sup> volume of water available would be unnecessary.

133) **FENZ (993.089)** request this rule be amended to include the need to have a sufficient water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) for firefighting purposes to be consistent with section 14(3) of the RMA and to better enable FENZ to achieve its statutory obligations.

134) I have assessed submission point **993.015** in Method of Implementation 12.M.9 above which relates to reticulated supplies, however this rule relates to individual supply which is more complicated. As background information the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 in my understanding lists several methods of providing a sufficient minimum supply of water pressure and volume for firefighting in structures in urban fire districts. For dwellings, the first option<sup>19</sup> (recommended in the Code) is the installation of fire detection devices and sprinkler systems in buildings including a minimum 7m<sup>3</sup> volume of water storage. The alternative option<sup>20</sup> is 45m<sup>3</sup> water storage tank(s) with appropriate coupling fittings, and with hardstand<sup>21</sup> and access<sup>22</sup> requirements for fire appliances. In both options the storage tanks are dedicated to the system, and not used for domestic or any other purposes. The take of water to fill them would therefore only occur once, and would only need to be replenished following its intended use.

135) There are points for and against the need to change this condition to provide a fire fighting supply in accordance with SNZ PAS 4509:2008, these being:

136) For:

- (a) I agree that it will provide greater clarity and direction for subdividers.
- (b) A sprinkler system will assist with avoiding adverse effects on the environment from a fire starting within a dwelling.
- (c) It will assist with avoiding the loss of the building, if the fire starts within it.
- (d) A dedicated water storage tank will provide an important firefighting resource.

137) Against:

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<sup>19</sup> Refer to Sprinklered Structures FW1 in table 1 on page 19, and volumes in Table 2 on page 20 of SNZ PAS 4509:2008.

<sup>20</sup> Refer to Non-Sprinklered Structures FW2 in the same tables of SNZ PAS 4509:2008.

<sup>21</sup> Clause 6.4 - Hardstand area should not be less than 4.5m in width by 11m in length.

<sup>22</sup> Clause 6.1 - Access width should not be less than 4m, the height clearance must exceed 4m, and gradient should not exceed 16% (i.e. 1 in 6.25)

- (a) The Code is designed for Urban fire areas, and the methods within it are not always appropriate for remote rural locations. For example I don't understand how installing a 45m<sup>3</sup> storage tank with the appropriate hardstand area and access requirements in part of the Marlborough Sounds that do not have road access for fire appliances, or installed in remote locations that would take too long for a fire appliance to travel to, would help with firefighting?
  - (b) Some subdivisions are served by a reticulated water supply that will not meet the necessary standards required by SNZ PAS 4509:2008.
  - (c) Sprinkler systems will only be of use if the fire starts within a dwelling. Such system will not provide much if any protection against external fires (e.g. from a BBQ or rubbish burn off).
  - (d) The access requirements in SNZ PAS 4509:2008 are more stringent than the access requirements in the MEP. For example Rule 24.3.1.3 requires a lesser access width for controlled activity subdivision than 4m in the Urban Residential, Rural Living and Coastal Living zones.
  - (e) Council in its Fire Smart advice<sup>23</sup> to the community is recommending a number of other measures, including:
    - (i) Ensure there is a 10m wide defensible space around your house – with only non-combustible vegetation next to the walls of the house.
    - (ii) Store all fuels including firewood well away from your dwelling.
    - (iii) Clean out the guttering of your house regularly.
    - (iv) Make sure your RAPID number is clearly visible at the entranceway to your property.
  - (f) Just changing the rule to require compliance with SNZ PAS 4509:2008 may leave the choice of compliance with the developer, and their choice may be made based on cost or simplicity rather than the best option for the location of their subdivision and therefore the anticipated outcomes will not be achieved.
  - (g) Section 14(3) of the RMA only authorises the permitted use of water for emergency or training purposes associated with firefighting, it does not authorise or require any more than that.
- 138) The FENZ submission in relation to other zone rules (e.g. Rule 4.2) does acknowledge access limitations for some situations and has suggested alternative options rather than just referring to SNZ PAS 4509:2008.
- 139) In conclusion I agree that controls are needed in relation to water supplied for firefighting, but believe that Rule 24.3.1.26<sup>24</sup> already provides Council with a sufficient and appropriate matter of control, and therefore I see no need to change Rule 24.1.14 as requested by FENZ.
- 140) **NZIS (996.031)** note that occasionally there are "allotments" that are amalgamated and those allotments do not require water connections. They seek that the rule should be amended so that the word "allotment" is substituted by "Certificate of Title".
- 141) I partly agree with NZIS's requested relief, although point out that the MEP correctly uses the term "Computer Register" instead of the old term "Certificate of Title". However the key purpose of the submission is to change from the word "allotment".
- 142) The purpose of the rule is to ensure that there is a sufficient water supply for a dwelling where there is no connection to a Council owned reticulated supply.
- 143) A computer register can contain more than one allotment and under the current wording of the rule this would mean that the applicant would have to provide multiple quantities of 2m<sup>3</sup>/day to reflect the number of lots on one computer register, but only one dwelling is permitted on the site (other than the Urban Residential 1 zone).
- 144) The rule should therefore be amended to refer to a computer register instead of an allotment to be consistent with the zone rules.

<sup>23</sup> Refer to Appendix 6 - Copy of Council news item extracted from Councils website

<sup>24</sup> Rule 24.3.1.26 is a matter over which Council has reserved control and states: "Provision of water for fire fighting".

## Recommendation

145) I recommend that Rule 24.1.14 be changed as follows:

**24.1.14.** *In circumstances where a connection to a Council owned reticulated water supply is not possible, the applicant must provide for a minimum of 2m<sup>3</sup> of potable water per day for each proposed allotment computer register<sup>25</sup> (except for allotments to vest as reserve or road)."*

## Rule 24.1.16 (Esplanade Reserves and Esplanade Strips)

146) Rule 24.1.16 reads:

*In accordance with Section 230 of the RMA, in respect of any subdivision of land in which any allotment of less than 4 hectares is created, an esplanade reserve or esplanade strip of 20m must be provided, unless the property adjoins the Waikawa Marina or Picton Marina.*

## Submissions and Assessment

147) **Tony Hawke (369.012)** supports in part this rule, but he is concerned that there is no allowance for reduction in width, and that there is no flexibility as to when there is a requirement for an esplanade reserve or strip. He seeks that the words "*unless waived or width reduced by a resource consent*" be added, and that "*must be provided*" be substituted by "*may be provided*". He also requests that an exemption rule be added to exclude minor boundary adjustments (where no more than 15% of the allotment area is changing) from these esplanade requirements. A further submission from NZIS (1176) supports Mr Hawkes submission point.

148) Further evidence was provided by Mr Hawke for the hearing on Topic 7 (Public Access and Open Space) overlaps his primary submission 369.012 this Rule 24.1.16. This evidence includes:

- a) Examples of how the rules under the MSRMP and WARMP plan resulted in different outcomes depending on whether the lot being created is greater or less than 4 hectares. I.e. an esplanade area of 20m width being compulsory set aside as a condition for lots less than 4ha, and not acquired if the lot is greater than 4ha.
- b) Example of the Hurunui District Plan which has listed rivers where reserves/strips will be taken.
- c) Example of the Kaikoura District Plan where minor boundary adjustments (where no more than 10% of the allotment area is changing) are exempt from esplanade reserve/strip provisions.

149) **NZIS (996.032)** support in part the rule, but seek that the rule be amended by adding the words "*unless waived or width reduced by a resource consent*" to allow for a reduction of width.

### *Waiver or reduction in esplanade width*

150) The rule as notified will allow any subdivision which provides for esplanade areas in accordance with Section 230(3) of the RMA to be a controlled activity. This will require esplanade areas to be 20m wide as the default width where a proposed new allotment adjoining a waterbody is less than 4 hectares. Section 230(3) allows for the waiver or reduction of the width of an esplanade reserve by any rule in the district plan, or a resource consent. Notified Rule 24.1.16 only provides for a reduction in width along the Waikawa Marina or Picton Marina. If section 230 applies and the subdivision application did not show the required 20m esplanade area, or sought a reduction or waiver, it will default to being a discretionary activity pursuant to proposed Rule 24.5.1.

151) I note that Section 6 of the RMA lists "The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" as being a matter of national importance.

152) I did consider whether Mr Hawkes and NZIS request to include the phrase "*unless waived or width reduced by a resource consent*" could be practically undertaken under a controlled activity rule, however I believe that this would only work if the net area of the new lot showed that a standard 20m esplanade area could be still imposed in the first place to qualify. I also note that in the Hurunui District Plan (HDU) example provided by Mr Hawke (although page 5-7 is unfortunately missing from

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<sup>25</sup> NZIS (996.031)

his evidence) they have used a similar method as proposed in the MEP of allowing subdivisions applications with 20m width to be a controlled activity, and any proposals requesting less than 20m to be considered as a Discretionary Activity pursuant to Rule 5.4.5 (refer to Rule 5.4.5(1)(e) in the HDU Plan in Appendix 9).

- 153) Chapter 6 (Access to Rivers, Lakes and Riparian Margins) in the HDU lists priority waterways, and provides objectives and policies for esplanade provisions. A similar method has been used in the Chapter 9 (Public Access and Open Space) of the MEP. The main differences, if any, being that the MEP does not specify all relevant waterways with policy 9.1.2 requiring other waterways to be considered if they meet specified criteria, and Chapter 9 only deals with public access and recreation, does not include provisions relation to conservation or other purposes that esplanade areas can be required for.
- 154) If the process of waiving or reducing the esplanade width is to be done through a subdivision rule then there has to be certainty that that outcome is the appropriate outcome in every case which will be very difficult to achieve. So while it is technically possible to provide a complete list of waterbodies (those for public access and those for conservation value) within the MEP, this would not be an easy task, and I believe would be beyond the scope of these submissions.
- 155) Mr Hawke is critical of the outcomes that the WARMP and MSRMP required. The proposed new approach in the MEP is to improve on that. Instead of the compulsory need to provide 20m wide esplanade areas, it is providing the application to seek approval for less width via a Discretionary Activity, and the decision can be based on the significantly improved objectives and policies in the MEP. These are relevant policies within Chapters 8 (Indigenous Biodiversity), 9 (Public Access and Open Space), 11 (Natural Hazards), 13 (Use of the Coastal Environment) and 15 (Resource Quality Water, Air, Soil). These will allow the determination to be made on a case-by-case basis taking into account all of the relevant factors and policies that apply to that particular site, which I believe would be more appropriate and result in better outcomes sought by Mr Hawke.
- 156) Another factor is the outcome of an application to reduce or waiver may impact on the overall decision of an application if the required esplanade area resulted in a substandard unacceptable residential allotment size. Thus retaining a discretionary activity status will provide Council with the ability to refuse the subdivision if the outcomes will not align those sought by the relevant provisions under section 229 and the MEP. In conclusion I do not believe this rule should be changed as requested by the submissions.
- 157) Another option that I less prefer, but the Panel may still want to consider, is to create a new Restricted Discretionary Activity rule that will restrict Councils discretion to only the matters associated with the width and purpose of esplanade reserves and strips. However care needs to be taken in specifying the matters over which a council restricts its discretion. If the discretion is too wide the restriction on discretion becomes meaningless.

*Minor boundary adjustment*

- 158) Mr Hawke also requests that minor boundary adjustment (less than 15% area change) be exempt from esplanade provisions as these subdivisions have no effect on the waterbody. He has referred to the example of the Kaikoura District Plan, which I note only applies where there is less than 10% area change. The problem I see with Mr Hawkes request is that esplanade areas are not required to mitigate effects from a development, they are required for different purposes as set out in Section 229 of the RMA. I therefore prefer the HDC example as it is a second generation plan and like the MEP does not provide for such exemption for minor boundary adjustments
- 159) Furthermore it is possible that such exemption could create a loophole to avoid the creation of esplanade provisions which would conflict with the RMA and the policies in the MEP. For example several minor boundary adjustments lodged one after the other could be used to achieve an eventual outcome greater than the 15% limitation. Landowners generally value riparian ownership highly, and this may motivate them to use any loophole available. I therefore in conclusion don't believe that this request has sufficient merit to warrant a change of the notified rule.
- 160) **Federated Farmers (425.761)** also supports in part this rule, but believe that esplanade areas should only be required in the areas that have priority for enhancing access and provide a list of the waterbodies they believe should only be subject to the requirement for esplanade areas. They also

believe that the required 20 metres width is too large. Three further submissions have been received to this submission:

- (a) Pernod Ricard (1064) supports the submission in part
- (b) Te Atiawa (339) oppose the submission, and seeks that it be dis-allowed as it reduces iwi consultation and engagement with significant taonga and resources.
- (c) Forest and Bird (1287) also oppose the submission as it would have implications for the protection of the environment.

161) Section 6(d) of the RMA requires the maintenance and enhancement of public access to and along the coastal marine area, lakes and river as a matter of national importance.

162) However esplanade areas are not just to provide public access. Section 229 also requires esplanade areas for other purposes (see below)

### **229 Purposes of esplanade reserves and esplanade strips**

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

- (a) to contribute to the protection of conservation values by, in particular,—
  - (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
  - (ii) maintaining or enhancing water quality; or
  - (iii) maintaining or enhancing aquatic habitats; or
  - (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or
  - (v) mitigating natural hazards; or
- (b) to enable public access to or along any sea, river, or lake; or
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

163) These RMA requirements have been captured in Chapter 9 (Public Access and Open Space) of the MEP for public access, and also in Chapters 8 (Indigenous Biodiversity); 11 (Natural Hazards); 13 (Use of Coastal Environment); and 15 (Resource Quality – Water, Air, Soil). These provisions make it clear that esplanade areas are not just required for public access, they are also for important conservation purposes and flood protection.

164) In my opinion to change the rule as proposed by the submitter would be contrary to the requirements of the RMA.

### **Recommendation**

165) That Rule 24.1.16 be retained as notified.

## **Rule 24.2.1 (Subdivision of Land Associated with Utilities)**

166) Rule 24.2.1 reads:

*Subdivision of land associated with utilities.*

*Standard:*

*24.2.1.1. The network utility operator must provide confirmation that adequate provision has been made or adequate provision is practicable for any services described in Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10 to the extent that those services are necessary for the provision of the utility.*

### **Submissions and Assessment**

167) **Mark Batchelor (263.010)** and **Helen Ballinger (351.034)** oppose this rule and request that two additional standards be included to ensure that all utility lines are located underground, and that all structures located above ground be coloured in low reflectivity colours and screened from the road

and adjacent property by landscaping. This proposed change is supported by further submission from David Dillon (1153).

- 168) This rule only deals with the subdivision of land for utilities and does not authorise the subsequent utility development on it. Such utility development would still be managed by the rules in Chapter 2 (General Rules for Network Utilities) and Rule 2.39.1.9 requires any new lines to be undergrounded in a list of specified zones. To include a blanket undergrounding rule in this subdivision Rule 24.2.1 as sought in these submission points would then conflict with Rule 2.39.1.9 which only requires undergrounding in some zones.
- 169) The more appropriate method for achieving the desired landscaping outcomes sought by the submitters would be by changing the Utility Rules in Chapter 2. Unfortunately these two submitters do not appear to have lodged any such submission points against those provisions, so I doubt that there is sufficient scope for changes to be considered to those provisions, especially without the ability for Chorus NZ, Spark NZ, Transpower NZ Limited and other network utility operators being able to further submit on such changes.
- 170) I also note that in a related submission point 1198.075 against Rule 2.39.1.9 Transpower NZ Limited point out the requirement of a rule to underground a National Grid lines would be contrary to the NPSET, inconsistent with the NESETA and is inefficient in terms of the associated costs and benefits. Chorus NZ (464.042) and Spark NZ (1158.040) have also sought to exclude industrial zones from the need to underground lines. These submissions on the General Rules will be assessed separately as part of Topic No 20, but it is important to ensure that these rules should not conflict with each other when they are finalised. I therefore do not support these submissions points of Batchelor and Ballinger in relation to this rule.
- 171) **Chorus NZ (464.074)** and **Spark NZ (1158.066)** support in part the rule, however they request that the heading of the rule be changed as follows: "Subdivision of land associated with utilities undertaken by network utility operators" to provide clarity. The definitions list utility as having the same meaning as network utility operator in s166 of the RMA. So the same outcome sought by Chorus NZ and Spark NZ will result if the rule is left as is or changed. The only potential issue from accepting the change would be whether this will cause inconsistency with other references to utilities in the MEP, and for that reason I believe the best option would be to leave the wording as notified.
- 172) **Transpower NZ Limited (1198.148)** supports the rule and seeks to have it retained as notified.

## Recommendation

- 173) I recommend that Rule 24.2.1 be retained as notified<sup>26</sup>.

## Rule 24.3 (Controlled Activities)

### Submissions and Assessment

- 174) **Horticulture New Zealand (769.111)** seeks to ensure that the potential for reverse sensitivity is assessed at the time of subdivision and seek that an additional matter of control be added, this being: 24.3.1.27. Potential for reverse sensitivity effects and mechanisms to avoid such effects. This change is opposed by Te Atiawa (345) for various reasons that appear to be unrelated to the specific issue.
- 175) **NZ Pork Industry Board (998.069)** opposes the lack of assessment criteria to consider reverse sensitivity, loss of productive land and impacts on food supply. They seek that additional assessment criteria be included that considers these potential adverse effects. This is opposed by NZIS (1185) and Federated Farmers (1264) as they believe there is sufficient assessment criteria and that controlled activity status will be appropriate in some cases.
- 176) **Federated Farmers of NZ (425.763)** submit that reverse sensitivity should also be addressed within the matters of control so that existing farming activities are able to continue without undue burden or new submission. They seek that a new matter of control be added for "Reverse sensitivity issues".

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<sup>26</sup> Transpower NZ (1198.148)

Their submission is supported by Pernod Ricard (1064), but opposed by Te Atiawa (339) and Forest and Bird (1287).

- 177) Any proposed subdivision that meets the controlled activity standards must be approved under section 104A of the Act, although conditions can be imposed in respect to the matters to which control is specified. The only exceptions for subdivisions are under section 106 if Council has concerns with material damage from natural hazards to land or structures, or there is insufficient legal and physical access to the new allotments.
- 178) For controlled activities, the MEP will have considered and decided to accept most of the effects associated with allotments when deciding what the minimum standards will be, such as minimum lot size, and when rezoning land. The only purpose with imposing assessment criteria is to assist with the assessment and imposition of relevant conditions in accordance with the matters of control.
- 179) Federated Farmers represents landowners predominantly operating in a rural environment and allotment size for the zone is proposed to be 20 hectares which in itself reduces the potential for reverse sensitivity reasons on a proximity basis.
- 180) Policy 14.4.10 seeks to control the establishment of residential activity within rural environments as a means of avoiding conflict between rural and residential amenity expectations. This policy will apply to discretionary subdivision, and subdivision consents will either be declined or may be granted subject to conditions to ensure subdivision is not contrary to this policy.
- 181) The recent Plan Changes 64-69 for the WARMP rezoned rural land as Urban Residential 2 Zone (Greenfield). While it did not include assessment criteria, it did provide for the mitigation of reverse sensitivity effects as a matter over which the Council has restricted its discretion. This has been brought forward to the MEP as Rule 24.4.1.13 as part of a Restricted Discretionary Activity.
- 24.4.1.13. The proximity of existing lawfully established rural and non-residential activities and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:
- (a) insulation of dwellings for noise purposes;
  - (b) setbacks of dwellings from boundaries including Zone boundaries;
  - (c) imposition of consent notices in respect of the above matters; and
  - (d) location of allotments between 1,000m<sup>2</sup> and 4,000m<sup>2</sup> adjoining land on which non-residential activities occur to provide a buffer.
- 182) While similar matters of control could be added to the controlled activity rules, to do so is likely to result in additional unexpected impositions and costs on the development rights currently enjoyed by landowners.
- 183) I therefore agree with the NZIS further submission opposing the NZ Pork Industry Board submission that there is no need for these types of proposed additional assessment criteria to be included under Rule 24.3 as it would serve no purpose or benefit to the subdivision process.

## **Recommendation**

- 184) I recommend that Rule 24.3 be retained as notified.

## **Rule 24.3.1 (Subdivision of Land in Zones)**

- 185) This rule lists the zones in which controlled activity subdivision can be undertaken. There are sub-rules which provide the standards and term and list the matters of control.

## **Submissions**

- 186) There are a total of seven submission points lodged from 6 submitters. However submissions from M Batchelor (263.001), H Ballinger (251.026), Federated Farmers NZ (425.763), FENZ (993.092), and



Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.125) relate to matters of control and have been reported on later in this report.

187) The remaining two submissions relating to Rule 24.3.1 are as follows:

188) **Worlds End Enterprises Limited (482.001)** supports the rule and seeks it be retained.

189) **Federated Farmers (425.762)** supports the overall approach to having minimum lot sizes in the rural environment as inappropriate or incompatible subdivision is not ideal for Marlborough or farming. However on the other hand the economic viability of farming and the ability to provide farm succession long term often requires the need for subdivision. They therefore seek that any subdivision that does not meet the controlled activity allotment size standards default to being a Restricted Discretionary Activity status [instead of a full Discretionary status]. This submission has been supported by a further submission from Pernod Ricard (1064), but has been opposed by further submissions from Te Atiawa (339) and Forest and Bird (1287) as it would have implications for the protection of the cultural sites and the environment.

190) While the submission point 425.762 from Federated Farmers requests a restricted discretionary activity status for sub sized rural allotments, they do not make it clear what rural zones this would apply to, or what the specific matters are that Council should restrict its discretion to. Assuming that it would apply to the Rural Environment Zone (including the Wairau Plain and Omaka Valley Areas) I have considered whether it could be possible to come up with some specific and relevant matters to which Council could restrict its discretion, but found that there are too many important matters contained in the objectives and policies to justify establishing a lower activity status. There is also the risk that some important criteria matters could be missed which would result with inconsistencies between grant of approval versus objectives and policies. Some of the strongest objectives and policies in the MEP that seek to avoid or control effects are related to rural subdivision, such as Objectives 6.2, 7.2, 14.4, Policies 14.1.6, 14.4.4, 14.4.13, 14.4.15 and 14.5.2. In my opinion there is also no justification or need to single out and make sub-sized allotment subdivision in the Rural Zone more enabling than any other zone, and to do so would be inconsistent with the objectives and policies in the MEP.

## Recommendation

191) I recommend that Rule 24.3.1 be retained as notified<sup>27</sup>.

## Rule 24.3.1.1 (Standards and Terms)

192) Standard 24.3.1.1 reads:

*The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10.*

## Submission and Assessment

193) **FENZ (993.090)** support in part this rule, however they request that clause 24.3.1.1 be amended to clarify that all subdivision must comply with the water supply standard in 24.1.14. The change they seek is: *The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7, ~~and~~ 24.1.10 and 24.1.14.*"

194) Rule 24.1.14 requires a water supply to be provided to each proposed allotment. Rule 24.3.1.1 doesn't appear to provide any purpose other than provide some clarification that the matters need to be met in order for the subdivision to meet controlled activity standards.

195) The provisions would still work if the rule did not exist. For example, if a subdivision does not comply with Rules 24.1.1, 24.1.4, 24.1.7 and/or 24.1.10 then it will default to being a Discretionary Activity pursuant to Rule 24.5.1.

196) I don't believe that the submission will provide enough scope to delete the rule, and adding it will not have any additional imposition on any subdivision application, so therefore I recommend changing Rule 24.1.14 as requested by FENZ.

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<sup>27</sup> Worlds End Enterprises Limited (482.001)

## Recommendation

197) I recommend that Rule 24.3.1.1 be amended to read:

*“The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7, ~~and~~ 24.1.10 and 24.1.14<sup>28</sup>.”*

## Rule 24.3.1.2 (Allotment Standards)

198) Rule 24.3.1.2 reads:

*The subdivision must create allotments that exceed the minimum net allotment area, minimum building shape factor and minimum frontage set out in the table below:*

199) The relevant parts of the table to which the submissions relate to are as follows:

<b>Zone</b>	<b>Allotment Type</b> W = with sewerage reticulation WO = without sewerage reticulation	<b>Minimum Net Allotment Area m<sup>2</sup></b> <sup>1</sup> see note below	<b>Minimum Building Platform Shape Factor</b> <sup>2</sup> see note below	<b>Minimum Frontage</b> <sup>3</sup> see note below	<b>Qualification</b>
Urban Residential 1	Front W	290	14m diameter circle	14m	
	Rear W	290	14m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Urban Residential 2 – Blenheim, Renwick, Picton and Havelock A, B	Front W	450	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	450	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Rural Living	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.

<sup>28</sup> FENZ (993.090)

	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Rule 24.3.2.
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<sup>1</sup> The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.

<sup>2</sup> The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.

<sup>3</sup> The minimum frontage must not include any area intended to provide access to the allotment or any right of way.

## Submissions

200) There are a total of 18 submissions received, with 8 opposing the rule, 7 in support, and 3 support in part. A total of 13 further submission have been received. I have grouped the submissions into related matters, these being: the Rural Living Zone allotment size; the Urban Residential 2 allotment size; Special subdivisions and footnotes; Rural Living Zone water supply; and Other.

### Rural Living allotment size

201) **Michael Doherty (2.001), Ryan Lock (9.001) Perry Gilbert (192.001) and NZIS (996.033)** seek that the minimum size of allotments in the Rural Living Zone be reduced from the proposed 7500m<sup>2</sup> as this size is too large for many uses and a waste of living area. Each submitter provides some suggestions as to what the minimum size should be, such as 450m<sup>2</sup> for sewer reticulated sites up to 5000m<sup>2</sup> for non-reticulated sites. The submission of Mr Gilberts is supported by a further submission from NZIS (1165).

202) As explained in paragraph 18(b) earlier in this report, the new rule removes the average allotment size and instead uses a minimum allotment size.

203) An analysis was undertaken at the time of reviewing the MEP to determine the appropriate minimum lot size. It was not based on an average size as claimed by NZIS, it was instead based on avoiding the adverse effects on the environment and amenity values by retaining or only allowing for a modest increase in dwelling density. As can be seen in *Table 1* below, lowering the minimum from 7500m<sup>2</sup> to 5000m<sup>2</sup> would exponentially increase the potential number of new lots that could be created from 42 to 123. This is likely to have significant adverse effects on services, especially stormwater (for Dry Hills and Oakwood Lane areas), water supply with firefighting capacity, roading (such as the need for footpaths, street lights etc) and also potential adverse effects on amenity from those that have chosen to have larger lifestyle lots in these rural areas.

<b>Additional number of lots that could potentially be created based on specific area</b>								
<b>Lot size (ha)</b>	<b>1</b>	<b>0.9</b>	<b>0.8</b>	<b>0.75</b>	<b>0.7</b>	<b>0.6</b>	<b>0.5</b>	<b>0.45</b>
Fairbourne	1	1	1	1	1	3	4	4
BenMorven	3	7	9	10	12	20	32	39
DryHills-Witherlea	16	19	23	25	29	43	63	76
Neal Road	3	5	6	6	8	16	24	35
Waters Ave	0	0	0	0	0	0	0	0
<b>Total additional new lots</b>	<b>23</b>	<b>32</b>	<b>39</b>	<b>42</b>	<b>50</b>	<b>82</b>	<b>123</b>	<b>154</b>
Edgewater	0	0	2	7	12	18	54	71

*Table 1*

- 204) Table 1 also shows that the number of lots that could be created at Edgewater (Rarangi) from in-fill would also be significant the smaller the lot size gets below 7500m<sup>2</sup>, and this would increase the number of persons and property placed at risk from coastal hazards such as tsunami and rising sea levels.
- 205) In my opinion, to avoid adverse effects to the environment and infrastructure, it is appropriate to leave the minimum lot size at 7500m<sup>2</sup> as proposed in the MEP for the following reasons:
- a) It will retain a clear difference between Urban Residential 3 and Rural Living lot sizes, and reflect the rural location that these areas are located within, and also reflect the limited infrastructure and services they have.
  - b) There is a clear difference between the Urban residential zones and Rural Living Zone as they are contained in separate chapters in the MEP. The relevant objectives and policies for subdivision and development in the Rural Living Zone are contained in Chapter 14 (Use of the Rural Environment), including policy 14.5.5 which refers to a low building density and low volumes of traffic. Compared to relevant objectives and policies relating to the Urban Residential 3 zone which are contained in Chapter 12 (Urban Environments).
  - c) Much of the land has already been developed within these areas, other than Dry-Hills which still have several large properties with potential to be further subdivided. Existing servicing installed was based on the anticipated density of one dwelling per hectare.
  - d) Greater density from infill based on smaller lots can result in adverse effects on existing properties. An example is the shallow flooding in the Oakwood Lane area (part of the Rural Living Zone in the Witherlea area) resulting from stormwater run-off from Controlled Activity subdivision but resulting in greater density and stormwater runoff than anticipated that required a recent Council grant of \$70,000 to remedy.
  - e) An application to create lots less than 7500m<sup>2</sup> would be a discretionary activity, and the policies such as 14.5.2 could still allow favourable consideration of such proposals where necessary servicing is available and the relevant rural lifestyle amenity values will not be compromised.

Urban Residential 2 allotment size

- 206) **GJ Gardiner Homes (99.003), S & K Dempster (204.001), Mainland Residential Homes Limited (506.003), Peter Ray Homes Blenheim Limited (507.003), Andrew Pope Homes Limited (508.003)** all oppose the changes to minimum residential allotment size due to the reduced choice and inefficient use of land, and request that the current minima be residential retained. It was a little unclear as to whether their concerns only relate to the access minimum in the Urban Residential 2 Zone in Blenheim, or to all zones. However Mr McGrail has since clarified to me by e-mail (8 Feb 2018) that "Those submitters are only concerned about the Urban Residential 2 Zone in Blenheim, but that the general principle applies to all residential areas though that we should be making it easier to subdivide off smaller sites".
- 207) **Phil Muir (1021.017)** opposes the increase to the access width in the Urban Residential 2 zone only, and requests that the current 3.0m in the WARMP be retained.
- 208) NZIS further submissions (1166, 1178, 1179, 1182 and 1183) support these submissions.
- 209) There are a number of relevant matters that I have researched and compiled to assist with assessing the submissions in relation to the proposed increase in the minimum lot area in the Urban Residential 2 Zone for Blenheim. The WARMP requires a minimum allotment size of 400m<sup>2</sup>, and this is proposed to be increased to 450m<sup>2</sup> under MEP Rule 24.3.1.2.
- 210) Points for the increase to 450m<sup>2</sup>
- a) The minimum allotment size in the MSRMP for Picton and Havelock is 450m<sup>2</sup>, so this increase to the Urban Residential 2 zone in Blenheim will be consistent with those areas.
  - b) The section 32 assessment for the MEP (Chapter 12, page 3) explains that current lots sizes in Blenheim are considered too small, providing little private space and lack of opportunity for the growth of larger trees species, and leaving room in the garden for children to play.
  - c) The permitted activity standards for building on a residential 2 zoned property as proposed in Chapter 5 (Urban Residential 1 & 2 Zones) now require additional standards to be met, including:

- i) Rule 5.2.1.10 which requires a 5m diameter circle outdoor amenity area to be provided on the site
  - ii) Rule 5.2.1.11 requiring a garage to be setback at least 1m behind the main face of the dwelling.
- d) An inspection of Council Building Consent records show the average dwelling size for consents approved in 1999-2001 as being 191.3m<sup>2</sup>, compared to those in 2014-2016 which averaged 210.3m<sup>2</sup>. This is a 10% increase.

211) Points against the increase to 450m<sup>2</sup>

- a) The allotment size would be inconsistent with that of the Urban Residential 2 Greenfields Zone which still only requires a minimum of 400m<sup>2</sup> under Rule 24.4.1.1.
- b) The number of controlled activity infill subdivisions will reduce, thus providing less confidence for developers, and property prices may increase as they will be larger.
- c) The percentage of Land Use consents issued for recession plane encroachments or increased site coverage in the Urban Residential 2 Zone has only slightly increased since 2000. I.e. 1.9% in 2000 increased to 2.4% in 2015.

212) As noted above, the allotment size minima in other urban areas under the WARMP and MSRPM were larger anyway, for instance Picton, Havelock and Rai Valley required a minimum of 450 for front lots and 500m<sup>2</sup> for rear; Renwick required a minimum of 450m<sup>2</sup> for front and rear, and other Urban Towns such as Wairau Valley, Seddon, Ward, Spring Creek and Grovetown required a minimum of 600m<sup>2</sup> front and 700m<sup>2</sup> rear.

213) However in relation to Blenheim itself, I agree with the concerns of the opposing submitters that returning the minimum allotment size to 400m<sup>2</sup> will maintain and achieve an acceptable level of urban amenity and range of choice for the community. While it may be a squeeze in a few cases, most developments will still be able to meet the additional new amenity standards for outdoor living courts and setback garaged.

214) Allowing a smaller lot size will enable market forces to better dictate outcomes.

215) Perhaps most relevant is the fact that returning the size to 400m<sup>2</sup> for Blenheim will also ensure consistency with the Greenfield Zone which has been retained as 400m<sup>2</sup>.

*Special Subdivision and footnotes*

216) **Rikihana Clinton Bradley (436.001)** seeks to have boundary adjustments specifically provided for, similar to standard 27.3.3.1.3 of the MSRMP.

### **28.3.7 Discretionary Activity - Special Subdivisions**

Variation of the minimum area and shape will be considered under the following circumstances:

- a) To facilitate the protection of significant environmental features.
- b) For special purpose lots.
- c) For boundary adjustments.
- d) To allow Limited Discretion - allotment and access minima.
- e) For Integrated Residential Developments.

217) **NZIS submission (996.033)** (supported by the further submission from Okiwi Bay Limited 1209), also seeks the following:

- a) Retain the existing Subdivision Rule 28.3.7 from the WARMP, and Rule 27.3.3.2 from the MSRMP.
- b) Boundary adjustments to be a permitted activity if certain standards are met (such as being two or more adjacent lots, no additional titles and new site area does not differ by 10% net site area), or to default to being a Controlled Activity if the standards are not met.

- c) Delete from Footnote 2 the requirement for the building platform shape factor to be clear of easements.
- d) Delete or amend Footnote 3 as it implies a greater frontage width is required than intended.

218) I believe that allowing boundary adjustments to be a permitted activity would be problematic. There would be no ability to make an assessment under section 106 for natural hazards, or impose appropriate conditions. Even if they were made a controlled activity there would be no ability for Council to decline them if deemed necessary. Most boundary adjustment applications are already approved as a Discretionary Activity under the WARMP and MSRMP, although I know of one recent one that was declined<sup>29</sup> by an independent commissioner. Boundary adjustments will still be a Discretionary Activity under the MEP, and the only difference will be that there are no standards or assessment criteria so any determination will be made based on adverse effects and objectives and policies. The objectives and policies have if anything tightened up a little on rural subdivision in some situations, so introducing a more lenient activity status for subdivision may result in tension and difficulty to achieve the anticipated environmental results listed in the MEP.

219) **Okiwi Bay Limited (1209)** refer to contiguous boundary adjustments being a permitted activity under the recent Resource Legislation Amendment Act 2017. This is incorrect, and perhaps they have been confused with reference in that legislation to “permitted boundary activities” which only relate to land use activities (e.g. recession plane encroachments).

220) NZIS and Okiwi Bay Ltd also seek to retain the old special subdivision rules, and Rikihana Bradley specifically wants the boundary adjustment rule retained. This would provide a level of familiarity and perhaps continuity for the agents and Council planning staff, unfortunately I can't see any real benefit listing them as any boundary adjustment will still be a discretionary activity under the MEP. As I have commented above for the NZIS submission, the objectives and policies have if anything tightened up a little on rural subdivision in some situations, so introducing a more lenient activity status for subdivision is not recommended.

221) Footnote 2 is intended to ensure that there is a suitably sized and shaped building site available on each allotment to provide for a range of options for dwelling shape and location for new owners. Most of the time these conflicts do not arise, but when they do arise they can cause significant problems for the subsequent purchaser when they come to build on the new lot. The footnote has been modified from that in the WARMP after several controlled activity subdivisions<sup>30</sup> had to be approved by Council, despite the fact that the 8 metre setback rule from a stopbank would mean that any resulting dwelling could only be 6 metres wide to fit on the site without the need for obtaining a land use consent to build closer to it. There have also been situations where easements have been located within the building platform, which are likely to cause complications for the subsequent owners fitting a dwelling around them, or negotiating to have them relocated. Such problems can be avoided with the new footnote as the subdivision would then default to a discretionary activity where the applicant would either need to obtain the appropriate land use consents at the same time, or provide innovative alternatives, to satisfy Council that such situation would be acceptable. I note that Council sought to have this footnote changed as part of Plan Change 61 to the WAMP in 2013, but this was unsuccessful due to concerns that recession plane setbanks could not be determined at time of subdivision. This concern has been taken into account with the proposed new footnote by it excluding recession plane angles.

222) I believe that Footnote 3 was intending to solve a problem where a right of way to a rear allotment was included in the total road frontage width of the front allotment. In such situations it would mean that the usable area of land on the front lot would be narrower than anticipated by the MEP. However this matter can probably be best dealt with by utilising the minimum building shape factor, although Footnote 2 should be amended to clarify that the building shape factor must exclude rights of way. This has been the general practice anyway

Rural Living water supply

223) **MDC (91.262)** seek to amend the Rural Living Zone standards to exclude land within the Brancott or Benmorven Freshwater Management units as it is not appropriate to enable Controlled Activity subdivision to occur when there is a serious issue with the over allocation of the aquifer yield. This request has been opposed in further submissions by Fairhall Cliffs Limited (233), Te Atiawa (351) and NZIS (1184).

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<sup>29</sup> U161078 - Lagunowitsch

<sup>30</sup> U150479 - Gibbons

- 224) I support this submission point by MDC. Rule 2.6.1 prohibits the take of water from an over-allocated FMU unless for a permitted activity or the subject of a resource consent application affected by section 124 of the RMA. The over-allocated FMU's are listed under Policy 5.1.1, and these include Brancott and Benmorven areas. It would therefore be inconsistent to allow for further subdivision that will result in adverse cumulative effects on the resource when every other take is prohibited, and the proposed change from MDC is intended to rectify that.
- 225) While it may be possible for an applicant to demonstrate via a one-off pump test that there is sufficient water available to serve the subdivision as pointed out in the submission of Fairhall Cliffs Limited, the problem is that there are water permits granted that authorise more water to be taken from these aquifers than the FMU's can yield. Volumes of water needed for domestic use are not high, however having larger lots does increase the domestic use associated with irrigating larger lawns and gardens. I note however the Oakwood Lane, Wither Road extension, and Dryhills Lane Rural Living zones are located in the Riverlands FMU which is also listed as being over-allocated, so I am not sure why this had not been included in the submission too? However it would be beyond scope to consider including those FMU's too now.
- 226) NZIS say in their further submission that the wording of the proposed rule implies that all subdivision applications for Rural Living in these FMU's will not be granted. I disagree. If the change is accepted any subdivision applications in the Rural Living Zone only will default to being a Discretionary Activity, and the application may still be able to satisfy Council that approval is appropriate (for instance a boundary adjustment where no additional dwellings will result). I understand that the levels in these over-allocated aquifers are replenishing a little following the increased SVIS usage, but Peter Davidson (Councils Groundwater Scientist) advises me that further monitoring and improvements are still needed before there is sufficient confidence to change the status of these Freshwater Management Units.

Other

- 227) **Jane Buckman (96.004 and 284.020), Okiwi Bay Limited (458.003), Karaka Projects Limited (502.001), Horticulture New Zealand (769.110), Lion-Beer, Spirits and Wine (NZ) Limited (908.021), and Omaka Valley Group Inc (1005.012)** all support the rule in full. The submission from Hort NZ is supported by a further submission from NZTA (1031), but is opposed by Te Atiawa (345). The submission from Lion-Beer, Spirits and Wine (NZ) Limited is supported by a further submission from Pernod Ricard (1069)

## **Recommendation**

- 228) I recommend that the table under Rule 24.3.1.2 be changed as follows:

<b>Zone</b>	<b>Allotment Type</b> W = with sewerage reticulation WO = without sewerage reticulation	<b>Minimum Net Allotment Area m<sup>2</sup></b> <sup>1</sup> see note below	<b>Minimum Building Platform Shape Factor</b> <sup>2</sup> see note below	<b>Minimum Frontage</b> <sup>3</sup> see note below	<b>Qualification</b>
Urban Residential 1	Front W	290	14m diameter circle	14m	
	Rear W	290	14m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
Urban Residential 2 – Blenheim, <del>Renwick,</del> <del>Picton and Havelock</del> A, B	Front W	<del>450</del> 400 <sup>31</sup>	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	<del>450</del> 400	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Rule 24.3.2.
<u>Urban Residential 2, Renwick, Picton and Havelock</u> <u>A, B</u>	<u>Front W</u>	<u>450</u>	<u>15m diameter circle</u>	<u>15</u>	
	<u>Front WO</u>	<u>1000</u>	<u>15m diameter circle</u>	<u>15</u>	
	<u>Rear W</u>	<u>450</u>	<u>15m diameter circle</u>	<u>NA</u>	<u>Access requirements apply, refer Rule 24.3.2.</u>
	<u>Rear WO</u>	<u>1000</u>	<u>15m diameter circle</u>	<u>NA</u>	<u>Access requirements apply, refer Rule 24.3.2.</u>

<sup>31</sup> GJ Gardiner(99.003); S & K Dempster (204.001); Mainland Residential Homes Limited (506.003); Peter Ray Homes Blenheim Limited (507.003); Andrew Pope Homes Limited(508.003), and Phil Muir (1021.17)



<b>Zone</b>	<b>Allotment Type</b> W = with sewerage reticulation WO = without sewerage reticulation	<b>Minimum Net Allotment Area m<sup>2</sup></b> <sup>1</sup> see note below	<b>Minimum Building Platform Shape Factor</b> <sup>2</sup> see note below	<b>Minimum Frontage</b> <sup>3</sup> see note below	<b>Qualification</b>
Rural Living <i>(except where any domestic water supply is to be sourced from the Brancott or Benmorven Freshwater Management Unit)</i> <sup>32</sup>	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.
	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Rule 24.3.2.

<sup>1</sup> The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.

<sup>2</sup> The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), rights of way<sup>33</sup>, water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.

<sup>3</sup> ~~The minimum frontage must not include any area intended to provide access to the allotment or any right of way.~~<sup>34</sup>

## Rule 24.3.1.3 (Accessway Standards)

229) Rule 24.3.1.3 reads:

*The subdivision must comply with the standards for accessways set out in the table below:*

230) The relevant parts of the table to which the submissions relate to are as follows:

<b>Zone</b>	<b>No. Allotments Served</b> <sup>1</sup> see note below	<b>Minimum Width (m)</b> <sup>2</sup> see note below	<b>Minimum Drivable Width (m)</b>	<b>Qualification</b> <sup>3</sup> see note below
Urban Residential 1, 2 and 3	1	3.5	NA	
	2 – 4	3.5	3	Sealed

<sup>32</sup> MDC (91.262)

<sup>33</sup> NZIS (996.033)

<sup>34</sup> NZIS (996.033)

Zone	No. Allotments Served <sup>1</sup> see note below	Minimum Width (m) <sup>2</sup> see note below	Minimum Drivable Width (m)	Qualification <sup>3</sup> see note below
	5 – 6	6	5	Sealed. Width to allow passing

## Submissions and Assessment

- 231) A total of eight submissions were received, with 5 opposing, 2 in support, and 1 support in part.
- 232) **GJ Gardiner Homes (99.002), Mainland Residential Homes Limited (506.002), Peter Ray Homes Blenheim Limited (507.002), and Andrew Pope Homes Limited (508.002)** all oppose the changes to minimum access widths due to the reduced choice and inefficient use of land, and request that the current minima be retained. As per the previous matter, Mr McGrail has clarified to me by e-mail dated 8 Feb 2018 (Appendix 8) that “*Those submitters are only concerned about the Urban Residential 2 zone in Blenheim, but that the general principle applies to all residential areas though that we should be making it easier to subdivide off smaller sites*”. NZIS further submissions (1164, 1178, 1179, and 1182) support these submissions, while FENZ further submissions (1100, 1097, 1098, 1099, and 1101) oppose these submissions.
- 233) **Phil Muir (1021.018)** opposes the increase to the access width in the Urban Residential 2 Zone only, and requests that the current 3.0m in the WARMP be retained.
- 234) **Karaka Projects Limited (502.004)** and **Omaka Valley Group Incorporated (1005.013)** support the rule, and seek it be retained as notified.
- 235) **FENZ (993.091)** support in part the rule, but seeks that an additional standard be added where the access is longer than 135m from the nearest road requiring a 4m wide access width, with 4m high clearance, and a maximum gradient of 1 in 5 with transition ramps of 1 in 8 in order to comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) and NZFS’s ‘Emergency Vehicle Access Guidelines’ (May 2015).
- 236) I suspect that the proposed increased access width in Urban Residential 2 Zone the MEP was to match the existing minimum 3.5m width in the Urban Residential Zone in the MSRMP, and perhaps also to also improve amenity. The land in urban zones in the MSRMP generally involve more slopes than those urban zones in the WARMP, so this may have been the reason for the additional width needed to provide practical access in Picton and Havelock. Slopes are generally not an issue in Blenheim or Renwick.
- 237) Whatever the reason for the increase, FENZ are keen to ensure accesses are wide enough for their firefighting needs, while the building companies think that the additional width could be better utilised as part of the lot than being set aside solely for access purposes.
- 238) I note that Appendix E in SNZ PAS 4509:2008 indicates that the hardstand site for fire engines is located on the road where there is access to a reticulated supply, which means that there is no need for a fire appliance to be able to pass along an accessway in all situations. This obviously depends on the length of access, and distance from hydrants. Most urban development in Marlborough involves short accesses (i.e. less than 50m long), as shown in Figure E1, and therefore fire appliances wouldn’t need to access along them. NZS 4404 requires passing bays for shared urban accesses over 50m in length.
- 239) I discussed the issue with Ainsley McLeod (Technical Director- Planning and Design) at FENZ to clarify Figure E1, and she confirmed that there are circumstances where 3.0m width would be sufficient. (Refer to email correspondence in Appendix 5). She advised that the Christchurch District Plan contains access design and gradient requirements<sup>35</sup> that address FENZ requirements. She

<sup>35</sup> Appendix 7.5.7 of the Christchurch District Plan

refers to clause g (see below) and advises that FENZ would support a similar approach being taken in Marlborough.

- g. For the purposes of access for firefighting, where a building is either:
- i. located in an area where no fully reticulated water supply system is available; or
  - ii. located further than 75 metres from the nearest road that has a fully reticulated water supply system including hydrants (as required by NZS 4509:2008),
- vehicle access shall have a minimum formed width of 3.5 metres and a height clearance of 4 metres. Such vehicle access shall be designed to be free of obstacles that could hinder access for emergency service vehicles.

240) Advice note 2 requires the legal width to include any cut or embankment which is part of the physical formation, so this should over the situation where slopes require a greater width than 3.0m.

241) I am therefore of the opinion that similar provisions to that in the Christchurch District Plan will be a suitable compromise for Blenheim where most subdivisions will only need a 3m wide access width as sought by the opposing submitters, while still ensuring that suitable width is provided for the longer accesses to enable adequate access for firefighting appliances or other emergency vehicles which are important for the communities health and safety. Renwick and other urban areas can be retained at 3.5m as notified, and this will also assist with providing for fire appliance access if the reticulated water supplies are not sufficient for some areas, including Renwick, as indicated by Stephen Rooney in Appendix 2.

242) The standards for access serving 5 or 6 lots have not changed from those in the WARMP, and therefore retaining the standards as notified for these will meet the relief sought by the submitters. I have shown that in the table in my recommendation below.

## Recommendation

243) I recommend that the first three rows of the table in the Rule 24.3.1.3 be amended<sup>36</sup>, and new rows inserted as follows:

244) Zone	<u>Firefighting water supply</u> <sup>4</sup> see note below	No. Allotments Served <sup>1</sup> see note below	Minimum Width (m) <sup>2</sup> see note below	Minimum Drivable Width (m)	Qualification <sup>3 &amp; 5</sup> see notes below
Urban Residential 1, 2 and 3 <u>Blenheim only</u>	<u>Building area is 75 metres or less from a reticulated water supply.</u>	1	<del>3.5</del> <u>3</u>	NA	
		2 – 4	<del>3.5</del> <u>3</u>	<del>3</del> <u>2.5</u>	Sealed
		5 – 6	6	5	Sealed. Width to allow passing
	<u>Building area is greater than 75 metres of a reticulated water supply.</u>	1	<u>4</u>	NA	<u>Unsealed</u>
		2 – 4	<u>4</u>	<u>3.5</u>	<u>Sealed</u>
		5 – 6	<u>6</u>	<u>5</u>	<u>Sealed. Width to allow passing</u>
<u>Urban Residential 2 and 3</u>	<u>Building area is 75 metres or less from a</u>	1	<u>3.5</u>	NA	
		<u>2-4</u>	<u>3.5</u>	<u>3</u>	<u>Sealed</u>

<sup>36</sup> GJ Gardiner Homes (99.002), Mainland Residential Homes Limited (506.002), Peter Ray Homes Blenheim Limited (507.002), and Andrew Pope Homes Limited (508.002), Phil Muir (1021.018) & FENZ (993.091)

244) Zone	<u>Firefighting water supply</u> <sup>4</sup> see note below	No. Allotments Served <sup>1</sup> see note below	Minimum Width (m) <sup>2</sup> see note below	Minimum Drivable Width (m)	Qualification <sup>3 &amp; 5</sup> see notes below
<u>(other than Blenheim )</u>	<u>reticulated water supply.</u>	<u>5-6</u>	<u>6</u>	<u>5</u>	<u>Sealed. Width to allow passing</u>
	<u>Building area is greater than 75 metres of a reticulated water supply.</u>	<u>1</u>	<u>4</u>	<u>NA</u>	
		<u>2-4</u>	<u>4</u>	<u>3.5</u>	<u>Sealed.</u>
		<u>5-6</u>	<u>6</u>	<u>5</u>	<u>Sealed. Width to allow passing.</u>
Rural Living		1-2	5	3.5	Unsealed
		...			

\* Formation standard and legal status to be determined at time of resource consent.

Either a 'right of way' over other land or an 'access leg' within an allotment may be used to provide access to an allotment.

Sealed access must be two coat sealed (or other surface approved by the Council).

Unsealed access must be an all-weather hard surface.

Notes:

1. Where front allotments are provided with legal rights over access legs or rights of way that serve rear allotments, then those front allotments shall count as rear allotments for the purpose of calculating the number of allotments served.
2. The legal width of access shall include any cut or embankment which is part of the physical formation.
3. Passing bays may be required where the length, gradients or width of access leg adversely affects the safety of users.
4. A Firefighting Water Supply is a Council reticulated water supply with fire fighting capability, including hydrants that is able to be directly accessed from the proposed allotment. The building area is defined as the Minimum Building Platform Shape Factor required by Rule 24.3.1.2 if the lot is vacant, or the existing building if the lot is not vacant.
5. The access must allow for a minimum height clearance of 4 metres, and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

## Rule 24.3.1.4 (Direct Access to a State Highway)

245) Rule 24.3.1.4 reads:

*The land being subdivided must not have direct access to or from a State Highway.*

### Submissions and Assessment

246) **KiwiRail Holdings Limited (873.171)** supports in part this rule, but seeks that it be amended to include "... or via a level crossing." To ensure that the adequacy and safety of the level crossing to

accommodate the additional traffic is able to be considered. A further submission in support of this was received from Te Atiawa (348).

- 247) Method of implementation 17.M.14 does refer to New Zealand Railways Corporation being treated as an affected party in respect of any subdivision application of land adjacent to the rail line. I note that KiwiRail Holdings Limited have lodged submission point 873.77 to have this changed, and that will be dealt with at another time under Topic 15, however it does ensure that the appropriate organisation will be consulted over each subdivision application to assist Council with its decision making.
- 248) From the regular media coverage around the country there are obvious potential safety issues arising from uncontrolled level railway crossings, particularly with private level crossings. While incidence of accidents may be low in Marlborough, they could still result in serious or fatal outcomes. I therefore agree that it would be appropriate to include the wording as requested to enable subdivisions to be declined should Council not be satisfied that potential adverse effects on the land transport network will be minimised as sought by Objective 17.4 and 17.AER.2.
- 249) The only reservation I have with the relief sought is that the wording proposed is not perfectly clear. Some users of the MEP may find it ambiguous or confused reference of a level crossing with vehicle entranceways, or be unsure if it relates to subdivisions that are down the road from a level crossing. I have recommended slightly different wording to help clarify when it applies, and to be consistent with the existing wording in relation to state highways.
- 250) **NZTA (1002.221)** supports in part standard 24.3.1.4, but also has concerns about new subdivisions on roads that lead to a state highway because of the potential safety issues at intersections from increased traffic. They seek to have “... or access to a road that leads to a State Highway” added to the standard. This is opposed by NZIS (1186) as it is too vague and ambiguous as all roads lead to a state highway.
- 251) I expect that the concerns from NZTA in this submission point are in relation to larger controlled activity subdivisions on no exit roads that intersect a State Highway having the potential to create adverse traffic effects, and that such proposals should default to being a discretionary activity so that either appropriate conditions be imposed, or that it could be declined if mitigation measures were not possible. However, the current proposed wording in their submission does not reflect that, and I therefore agree with NZIS that the proposed wording is too vague and could be taken as meaning any road, and include urban subdivision. I have been unable to craft any suitable alternative wording that may meet their needs. NZTA need to narrow down the criteria with new wording so that only the subdivisions that are likely to create an issue with state highway intersections are caught by the rule before I could consider recommending any change to this rule. Even then Council has the ability to impose conditions under matter of control 24.3.1.15 if deemed necessary without the need to impose further restrictions as proposed by NZTA.
- 252) **Omaka Valley Group Incorporated (1005.014)** supports the rule and seeks that it be retained.

## Recommendation

- 253) I recommend that Rule 24.3.1.4 be amended to read:

*The land being subdivided must not have direct access to or from a State Highway, or have direct access to or from a level railway crossing.*<sup>37</sup>

## Rule 24.3.1.5 (Within 90m of the Blenheim Substation)

- 254) Rule 24.3.1.5 reads:

*The land being subdivided must not be within 90m of the National Grid Blenheim Substation.*

## Submissions and Assessment

- 255) **Omaka Valley Group Inc (1005.015)** support this rule and seek it be retained.

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<sup>37</sup> KiwiRail (873.171)

256) **Karen and John Wills (66.002)** own 121 Old Renwick Road opposite the Transpower Blenheim Substation. Refer to locality map below. (The Wills property is outlined in yellow, and the Substation site has the blue outline on the north side of the road).



257) They oppose this rule as it impinges on their property rights and request that either the 90m restriction be removed or that provisions be included in the MEP to accommodate residential subdivision. Transpower NZ Limited did not submit on this rule, however both the Wills and Transpower NZ Limited both submitted on Rule 5.2.1.18, which is a similar rule in the Urban Residential 1 and 2 Zone chapter. The section 42a report for that topic should be considered in association with this matter due to the overlap.

258) I can understand the concerns of K&J Wills. They own the property directly across Old Renwick Road from the Blenheim Substation. It is currently zoned Urban Residential 2, is to remain Urban Residential 2 in the MEP, and is the only property on the south side of Old Renwick Road that will be affected by the rule as the other land has either already been subdivided or is owned by Marlborough Lines for their own substation. Under the WARMP provisions the Wills could potentially carry out a controlled activity subdivision to create 3 additional residential allotments, however this new rule would mean that any subdivision within 90m under the MEP will default to being a restricted discretionary activity pursuant to Rule 24.4.3 and would be subject to the matters over which Council has restricted its discretion. These matters of control are in relation to protecting the existence of the substation.

259) This substation was established in the 1960's and is where the high voltage electricity from the generating plants down south arrives into Marlborough via several 110kV transmission lines (Blenheim-Stoke A, and Blenheim-Kikiwa A) owned by Transpower NZ. The electricity is then converted to 33kV at the substation and is reticulated around Marlborough by the Marlborough Lines network. The substation is therefore regionally important infrastructure.

260) A setback rule first was introduced to deal with reverse sensitivity conflicts as part of the decision on Plan Change 65 to the WARMP. Transpower's expert, Mr Renton, had initially recommended a 150m buffer distance in his evidence dated 24 February 2014 as this would reduce most of the risk, and was being used in the Selwyn District Plan. During the hearing this setback distance was reduced to 90m and accepted by the Hearings Panel as neither landowners or MDC provided evidence to an alternative method of addressing the risks identified.

261) It would be useful if Transpower can confirm whether this setback distance of 90m is still appropriate and necessary, or whether it can be reduced. There is no scope within the submissions to allow it to be increased, but there is scope within the Wills submission to have it reduced if Transpower were to

confirm that more recent evidence or experiences show that a lesser distance would still be sufficient to minimise reverse sensitivity conflicts.

- 262) Policy 12.2.4 specifically refers to the Blenheim Substation, however this only applies to the Urban Residential 2 Greenfields Zone so is not applicable. Instead Objective 4.2 and Policies 4.2.1 and 4.2.2 would be applicable and seek to recognise and protect regionally significant infrastructure (such as this substation which is part of the national grid owned by Transpower NZ Limited as listed under Policy 4.211). The explanation to Policy 4.2.2 notes that it is a requirement of the NPSET to avoid the establishment of incompatible activities in close proximity to the infrastructure, and to avoid reverse sensitivity effects on the network as much as possible.
- 263) The Wills submission refers to the NPSET requirements, but believes the requirements only apply to the lines corridor and any restriction beyond that is not reasonable or appropriate. I disagree, the NPSET clearly refers to substations and switching stations as being part of the national grid.
- 264) The section 32 report for the MEP<sup>38</sup> does identify there will be a cost to individuals wanting to undertake an activity near existing infrastructure, but at that there will be a wider community benefit having some protection for it.
- 265) Reverse sensitivity conflicts that are likely to occur from residential development in close proximity to the substation would be in relation to noise, visual appearance, electrical interference, and perceived electrical and magnetic field (EMF) issues. These conflicts can result in complaints and requests to alter the way Transpower operates the substation. As an example I note that Transpower NZ Limited have erected some shipping containers along the Thompson Ford Road boundary, and I suspect this is to buffer noise on the property on the opposite side of the road following complaints being received. The transformers creating the noise are approximately 70m from the dwelling in that case.
- 266) So unfortunately while the rule will potentially result in additional costs associated with any development of the submitters site (or provide less confidence that consent will be granted despite the residential zoning) in my opinion the proposed controls are consistent with the direction in the NPSET and therefore appropriate to protect this important infrastructure – unless Transpower confirm that a lesser setback distance will be acceptable to achieve the outcomes sought by NPST.

## Recommendation

- 267) That Rule 24.3.1.5 be retained<sup>39</sup>, unless Transpower agree to a reduced setback.
- 268) If a reduced setback is agreed upon, then a consequential changes will also be required to Rules 3.2.1.8 (Rural Environment Zone), 5.2.1.18 (Urban Residential 1 & 2 Zone), and 24.4.3 (Subdivision)

## Rules 24.3.1.6 – 24.3.1.16 (Standards and Matters of Control)

### Submissions and Assessment

- 269) **Omaka Valley Group Incorporated (1005.016 – 026)** supports all of these rules and seek they be retained.
- 270) **NMDHB (280.198)** supports Rule 24.3.1.7 as notified. Their submission has been supported by a further submission from Te Atiawa (354).
- 271) There is no scope to change these provisions as there are no opposing submissions

### Recommendation

- 272) That Rules 24.3.1.6 – 24.3.1.16 be retained<sup>40</sup>.

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<sup>38</sup> Issue 4B on the appropriateness of Objective 4.2 – page 12 of the Section 32 report on Chapter 4.

<sup>39</sup> Omaka Valley Group Inc (1005.015)

<sup>40</sup> Omaka Valley Group Inc (1005.016-026) and NMDHB (280.198)

## Rule 24.3.1.17 (Matter of Control – Esplanade Reserves and Strips)

273) Rule 24.3.1.17 reads:

*The provision of esplanade reserves and esplanade strips.*

### Submission and Assessment

274) **Tony Hawke (369.013)** supports in part this rule, however seeks that an exemption be added for esplanade reserves or strips on minor boundary adjustments. A further submission in support of this has been received from NZIS (1176).

275) This issue is related Mr Hawkes submission point 369.012 against Rule 24.1.16 which sought an exemption of esplanade strips or reserves from boundary adjustment applications. As explained earlier, esplanade areas are not required to mitigate effects from a development, they are required for a different purpose under the RMA. It is also possible that such exemption could create a loophole to avoid the creation of esplanade provisions, which would conflict with the RMA and the policies in the MEP. I therefore do not support this request.

276) **Omaka Valley Group Incorporated (1005.027)** supports this rule and seek it be retained.

### Recommendation

277) That Rule 24.3.1.17 be retained<sup>41</sup>.

## Rules 24.3.1.18 – 24.3.1.26 (Matters of Control)

### Submission and Assessment

278) **Omaka Valley Group Incorporated (1005.028 – 036)** support these rules and seek they be retained.

279) **FENZ (993.092)** request that Rule 24.3.1.26 be changed to read: "Provision of water for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008." They seek this change because the MEP provides no guidance in terms of how the sufficient supply of water for firefighting will be considered, and including reference to this Code of Practice will provide greater clarity and direction for subdividers.

280) I have assessed other similar FENZ submission points early in this report that relate to reticulated and individual supply of water for firefighting purposes. As with the earlier assessments there are points for and against the need to change this condition to refer to the SNZ PAS 4509:2008, these being:

281) For:

- (a) I agree that it will provide greater clarity and direction for subdividers.
- (b) A sprinkler system will assist with avoiding adverse effects on the environment from a fire starting within a dwelling.
- (c) It will assist with avoiding the loss of the building, if the fire starts within it.
- (d) A dedicated water storage tank will provide an important firefighting resource.

282) Against:

- (a) The Code is designed for Urban fire areas, and the methods within it are not always appropriate for remote rural locations. For example I don't understand how installing a 45m<sup>3</sup> storage tank with the appropriate hardstand area and access requirements in part of the Marlborough Sounds would help with firefighting in situations where they do not have road access for fire appliances, or installed in remote locations that would take too long for a fire appliance to travel to.

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<sup>41</sup> Omaka Valley Group Inc (1005.027)



- (b) Sprinkler systems will only be of use if the fire starts within a dwelling. Such system will not provide much if any protection against external fires (e.g. from a BBQ or rubbish burn off).
- (c) The access requirements in SNZ PAS 4509:2008 are more stringent than the access requirements in the MEP. For example Rule 24.3.1.3 requires a lesser access width for controlled activity subdivision than 4m in the Urban Residential, Rural Living and Coastal Living Zones.
- (d) Council in its Fire Smart advice<sup>42</sup> to the community is recommending a number of other measures, including:
  - i. Ensure there is a 10m wide defensible space around your house – with only non-combustible vegetation next to the walls of the house.
  - ii. Store all fuels including firewood well away from your dwelling.
  - iii. Clean out the guttering of your house regularly.
  - iv. Make sure your RAPID number is clearly visible at the entranceway to your property.
- (e) Just changing the rule to require compliance with SNZ PAS 4509:2008 may leave the choice of compliance with the developer, and their choice may be made based on cost or simplicity rather than the best option for the location of their subdivision and therefore the anticipated outcomes will not be achieved.
- (f) Other alternative sources of water may be suitable on a case by case basis, for instance an adjacent pond, stream, lake or sea.
- (g) The Code is not referred to in the MEP, and it could be reviewed during the life of the MEP rendering reference to SNZ PAS 4509:2008 out of date.

283) The FENZ submission in relation to other zone rules (e.g. Rule 4.2) does acknowledge access limitations for some situations and has suggested alternative options rather than just referring to SNZ PAS 4509:2008.

284) In conclusion I agree that controls are needed in relation to water supplied for firefighting, but believe that Rule 24.3.1.26 already provides Council with the appropriate controls, and that guidance is best achieved within objectives and policies and methods of implementation in Volume 1.

285) **Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.125)** seek some changes to the matters of control to ensure the relationship with iwi is recognised and provided for in new development. They seek the following changes:

*Change 24.3.1.18. The protection of existing vegetation and revegetation, and opportunities to enhance indigenous vegetation on the site.*

*Add the following matters of control:*

*24.2.1.27 The extent to which the proposal manages erosion and sediment discharge to waterways*

*24.2.1.28 Any adverse effects of the proposal on the quality of surface and ground water, mahinga kai, including within waterways, on drainage to, or from, adjoining land, existing drains, waterways, and/or ponding areas.*

*24.2.1.29 The extent to which any springs are protected, maintained and enhanced, including in relation to ecological, cultural and amenity values and the extent to which the development provides for pathways, for the water to flow from the spring head, that have regard to the existing natural flow path.*

*24.2.1.30 Recognition of Tangata Whenua iwi heritage and identity and cultural values.*

286) Matters of control are required by law to avoid, manage or remedy adverse effects. They must be for a resource management purpose, relevant to the application, and be fair, reasonable and practical. I note that there are no other matters of control in Volume 2 that relate to enhancement of indigenous vegetation. I therefore have doubts that giving Council the ability to impose a condition to enhance indigenous vegetation would meet the legal requirements for imposing conditions on a controlled activity application. Proposed Objective 8.2 and Policies 8.3.1 to 8.3.8 in Chapter 8 Indigenous Biodiversity, and the associated methods of implementation, deal with managing effects of subdivision on indigenous biodiversity, including restoration. While Method 8.M.10 refers to enhancement “The

<sup>42</sup> Refer to Appendix 3 - Copy of Council news item extracted from Councils website

Council will undertake planting of riparian margins<sup>43</sup> with indigenous species on land owned or administered by the Council where appropriate” the key here is that these provisions only refer to the need for Council to do the enhancement, not any other person. Instead, Policy 8.3.7 does allow for applications to propose biodiversity offsets to be considered (the submitter has partly supported this policy under submission point 1189.094). I therefore believe that any opportunities to enhance indigenous vegetation should be left to the applicants to volunteer as part of an application whenever they consider it appropriate to offer biodiversity offsets. Volunteered conditions do not need the backing of a matter of control to be imposed on a subdivision consent.

- 287) Subdivision does often result in the need for excavations to occur, for instance the formation of new roads or rights of way, trenching for the installation of services, cuts and fills to level land for residential platforms, etc do require the disturbance of soils. From experience many of these activities have resulted in sediment entering waterways, and this can have an adverse effect on quality and koura within waterbodies. The submitter is quite right in wanting these adverse effects managed. However I believe that there are already sufficient and appropriate proposed provisions within the MEP to ensure that they are effectively managed by other means rather than in the subdivision consent. Appendix 7 requires information on site management to be provided with the subdivision application where any of these type of activities will occur as part of the development, including a site management strategy. From that information Council would be able to check whether the permitted activity standards for discharges under General Rule 2.16 and the permitted activity Rules for excavation and filling within the relevant zones will be met, and if not the relevant Discharge Permit or Land Use consents will need to be sought together with the subdivision consent and assessed and conditions imposed as necessary.
- 288) Springs will fall within the definition of a ‘River’ which means *a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*. I agree that the adverse effects from subdivision and land development on springs need to be managed, but believe that there are already sufficient provisions in the MEP to provide the protection sought by the submitter. For example Rule 5.3.10.8 in the Urban Residential 1 and 2 Zones do not permit excavation or filling in or within 8m of a river, and Rule 5.2.1.14 does not permit a building or structure within 8m of a river. The same rules are in the other rural and Residential Zone chapters. Furthermore, Footnote 2 under Rules 24.3.1.2 and 24.4.1 of the Subdivision Chapter (which set out the minimum allotment standards) also requires the building platform shape factor within each lot to be clear of the 8m setback requirement of water bodies. Water bodies are defined as meaning a river, lake, pond, etc, which would therefore include springs.
- 289) It is not clear from the relief sought in the submission as to how a condition may be imposed to recognise Tangata Whenua, iwi heritage and cultural identify and values. The submitter can perhaps clarify this at the hearing. One option already anticipated by the MEP would be to allow an additional matter of control in relation to imposing an accidental find condition to ensure that the correct protocols are undertaken if and when a feature, artefact, or human remains are discovered during development on the site. Such matter of control will give effect to Method of Implementation 10.M.5 in the Heritage Resources Chapter, which states:

**10.M.5 Discovery protocol**

*In conjunction with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough’s tangata whenua iwi, the Council will develop, maintain and implement a discovery protocol for archaeological sites. This will detail the procedures to be followed if any feature, artefact or human remains are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different iwi to enable people to make contact with the relevant iwi. The protocol will assist in ensuring that the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 can then be applied*

- 290) **The assessment of the submission point from Mark Batchelor (263.001) and Helen Ballinger (351.026) was undertaken as part of Rule 24.1 earlier.**

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<sup>43</sup> I note that the section 42A report on submissions for this chapter in Topic 6 does recommend that ‘other land’ be included at this point.)

## Recommendation

291) That Matter of Control Rules 24.3.1.18 – 24.3.1.26 be retained<sup>44</sup>.

292) That the following additional matter of control be inserted:

24.3.1.XX Discovery Protocol for archaeological sites found during development

## Rule 24.3.2 (Cross Lease and Unit Subdivisions)

### Submission and Assessment

293) **Omaka Valley Group Incorporated (1005.037)** support this rule and seek it be retained. Therefore there is no scope to change this provision.

## Recommendation

294) That Rule 24.3.2 be retained<sup>45</sup>.

## Rule 24.4.1 (Subdivision of land in the Urban Residential 2 – Greenfield Zone and Matters of Discretion 24.4.1.10)

295) Rule 24.4.1 reads:

*Subdivision of land in the Urban Residential 2 – Greenfields Zone*

296) Matter of Discretion 24.4.1.10 reads:

*The matters set out in 24.3.1.9 to 24.3.1.26.*

### Submissions and Assessment

297) **Mark Batchelor (263.009)** and **Helen Ballinger (351.033)** oppose these rules as they believe that landscape quality, urban design and public safety provisions should be included in the matters of control, and request that the following rule be added: “24.4.1.15. *Landscape planting and development including land shaping and tree species and location and public garden and ornaments, street furniture and pathways and other structures and public utilities and services proposed to be vested within the road reserves and other parts of the subdivision which will be vested in Council and how existing trees are incorporated in the subdivision layout.*” David Dillon (1153) has submitted in support of the Ballinger submission.

298) The landscape, urban design, and public safety issues have been assessed under Rule 24.1 above.

## Recommendation

299) That the following additional matter of discretion be inserted:

24.4.1.15. *Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.*<sup>46</sup>

## Rule 24.4.1.13 (Matters of Discretion)

300) Rule 24.4.1.13 reads:

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<sup>44</sup> Omaka Valley Group Inc (1005.028-036)

<sup>45</sup> Omaka Valley Group Inc (1005.037)

<sup>46</sup> Mark Batchelor (263.009) and Helen Ballinger (351.033)

The proximity of existing lawfully established rural and non-residential activities and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:

- (a) insulation of dwellings for noise purposes;
- (b) setbacks of dwellings from boundaries including zone boundaries;
- (c) imposition of consent notices in respect of the above matters; and
- (d) location of allotments between 1,000m<sup>2</sup> and 4,000m<sup>2</sup> adjoining land on which non-residential activities occur to provide a buffer.

## Submissions and Assessment

- 301) NZTA (1002.222) support in part Rule 24.4.1.13, but seek to include the need for reverse sensitivity effects against the road network to be considered and mitigated. NZIS (1186) in a further submission have opposed this because the assessment of reverse sensitivity matters associated with subdivisions to include the road network will be costly, difficult to implement, and impractical.
- 302) Standard 24.4.1.13 only applies to the Urban Residential 2 (Greenfield Zone). The only land within that zone fronting a State Highway that has remaining subdivision potential is the 315 metres to the west of Westwood (Pack'n'Sav building), although nearly all of this frontage is identified as being required for an indicative road that will connect back to the round-a-bout – see a copy of planning map 6 in Fig 1 below.

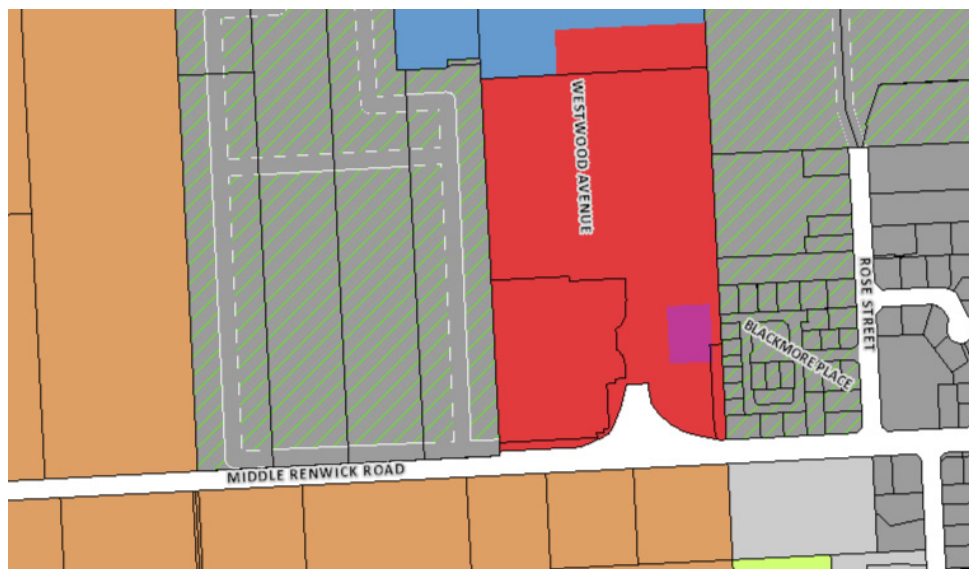


Figure 1 – Extract from MEP planning map

- 303) This should mean that the impacts/costs to new allotments will be very minor as there is likely to be a sufficient buffer with the need to construct this side access road to avoid reverse sensitivity conflicts, however there is the possibility that the location of this side road may move a little and that some residential allotments could be created adjoining the State Highway while obtaining access from a local road. If that occurred, reverse sensitivities could arise from noise and vibration associated with the State Highway, particularly from braking and accelerating if it retains its 100kph speed limit.
- 304) I can understand NZTA's interests in dealing with reverse sensitivities associated with the State Highway as they are the Roding Authority for those, but I don't understand why their submission includes the whole of the roading network which includes all other roads for which Council is the roading authority. NZTA have no direct authority over the management of Council roads, and therefore there will be no reverse sensitivity impacts on NZTA from those other roads. If they just mean State Highways, then their submission would make more sense as there is the potential for reverse sensitivity conflicts arising that may result in adverse effects.
- 305) Reverse sensitivity conflicts differ from person to person depending on their sensitivity level. However I understand that expert evidence on reverse sensitivities associated with noise from State Highways will be presented at the hearings for Topic 18 (Nuisance Effects), and I therefore while I have been

able to point out the specific issues with this submission point, I cannot make a recommendation at this time until that expert evidence is presented.

- 306) **NMDHB (280.199)** supports in part Rule 24.4.1.13, which requires mitigation measures to avoid reverse sensitivity conflicts, however they point out that the words “insulation of dwellings” are inappropriate terminology as it excludes “Acoustic isolation” which is the effect the rule is trying to achieve. They also point out that the phrase “For noise purposes” is imprecise and should be amended. They seek that 24.4.1.13(a) be reworded to read “*Adequate acoustical isolation of dwellings from noise sources*”. This is supported by a further submission from Te Atiawa (354).
- 307) The proposed rewording of insulation of dwelling as proposed by NMDHB will result in the same outcome, however the submitters wording is better except that the word ‘isolation’ is confusing and most lay people will think it is a typographical error and will assume it should be ‘insulation’. Wikipedia does not have definitions for ‘acoustical isolation’ or ‘acoustic isolation’, but does for “acoustic quieting” (however this refers to *the process of making machinery quieter* so is not appropriate in this instance). Wikipedia does not have a definition of ‘acoustical insulation’, but does for ‘acoustic insulation’ which redirects to ‘soundproofing’ which “*is any means of reducing the sound pressure with respect to a specified sound source and receptor*”. I believe that it is important to use common definitions so as to not confuse persons using the MEP. The submitter’s terminology may be understandable to them, but is not necessarily understood by the public, or found in Wikipedia. I also believe that the term habitable building would better than the word dwelling as it would include sleep-outs.
- 308) I have made a recommendation below on this submission point, however I expect that expert evidence on similar other submission points may also be presented in Topic 18 (Nuisance Effects) to which the Panel may wish to wait for before reaching any decision.
- 309) **Horticulture New Zealand (769.112)** support Rule 24.4.1.13 being included, and seek it be retained. A further submission from Te Atiawa (345) opposes this submission.

## Recommendation

- 310) No recommendation is made at this time on the NZTA (1002.222) submission point.
- 311) That subject to further expert submissions in relation to the terminology of nuisance effects from noise for Topic 18, the matter of discretion 24.4.1.13 be changed as follows:
- 24.4.1.13 The proximity of existing lawfully established rural and non-residential activities and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:
- (e) ~~insulation of dwellings for noise purposes~~ soundproof treatment of habitable buildings from noise sources;<sup>47</sup>
  - (f) ...

## Rule 24.4.2 (Subdivision with Direct Access to a State Highway)

- 312) Rule 24.4.2 reads:

***Subdivision of land which has direct access to a State Highway that otherwise meets all the standards and terms under Rule 24.3.1.***

*Matters over which the Council has restricted its discretion:*

24.4.2.1 *The matters set out in 24.3.1.9 to 24.3.1.26.*

24.4.2.2 *Any adverse effects on the State Highway, traffic movement or traffic safety.*

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<sup>47</sup> NMDHB (280.199)

## Submission and Assessment

- 313) **NZTA (1002.223)** supports the restricted discretionary activity status of the rule, but believes that it should also include:
- Land that is subdivided on a road that leads to a State Highway;
  - Cumulative effects based on the Cumulative Effects Areas (submission point 230); and
  - The need for Transport Agency to be considered as an affected party.
- 314) NZTA have made similar submissions to other rules in the MEP, including Rule 24.3.1.4 in relation to including other roads that lead to a State Highway. I have assessed that matter under this rule earlier in this report and concluded that unless NZTA are able to satisfy the Panel that the criteria can be narrowed down quite a bit (to only capture subdivisions which are likely to cause issues with State Highway intersections), then I believe that the proposed rule would be too onerous and unnecessary as it would apply to most subdivisions.
- 315) The ability to identify and list the roads in Marlborough that are either at, or are nearing capacity in regards to traffic safety and efficiency would be a very useful tool to enable more accurate and appropriate assessment of adverse and/or cumulative effects from subdivision applications. However, Rule 24.4.2 only deals with State Highways, so any such list would have very limited benefit to this rule.
- 316) In any case I believe that the MEP provides provisions to satisfy most of NZTA's concerns. Rule 24.4.2.2 refers to any adverse effects, and I understand that this also includes cumulative effects. The objectives and policies under Issues 17D and 17E of the Transportation Chapter will be relevant to subdivision applications and will ensure the adverse effects (including cumulative effects) on the State Highway will be appropriately assessed. Method of Implementation 17.M.14 also requires NZTA to be treated as an affected party in respect of certain resource consent applications for land use activities or subdivision of land adjacent to State Highways.
- 317) NZTA have the ability through the affected party approval process to advise the applicant of any concerns they have, and negotiate acceptable conditions before giving written approval. If written approval is not forthcoming, any concerns NZTA have can be set out in a submission as part of the subsequent limited notification process, which will assist Council with assessing the proposal against the Transportation provisions.

## Recommendation

- 318) That Rule 24.4.2 be retained as notified.

## Rule 24.4.3 (Subdivision within 90m of the Blenheim Substation)

- 319) Rule 24.4.3 reads:

***Subdivision of land located within 90m of the National Grid Blenheim Substation on Sec 1 SO 4246, Lot 1 DP 8572 and Pt Sec 1 SO 6959 (or any successor).***

*Matters over which the Council has restricted its discretion:*

- 24.4.3.1 *The matters set out in 24.3.1.9 to 24.3.1.26.*
- 24.4.3.2 *The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrading and development of the substation.*
- 24.4.3.3 *The extent to which the proposed subdivision design and layout enables appropriate separation distances between future sensitive activities and the substation.*
- 24.4.3.4 *Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.*

24.4.3.5 *Technical details of the characteristics and risks on and from the National Grid Blenheim Substation.*

## Submission and Assessment

- 320) **Transpower NZ Limited (1198.149)** support this rule in its entirety, but seek a minor amendment to ensure that any subdivision undertaken by Transpower NZ Limited as a utility can still be a permitted activity under Rule 24.2.1.
- 321) I support this request and I doubt that the current rule intended to capture a utility subdivision. There will be no impact on any other person compared to other utility subdivisions that could be undertaken under Rule 24.2.1.

## Recommendation

322) That Rule 24.4.3 be changed as follows:

“24.4.3. Except as provided for by Rule 24.2.1.<sup>48</sup> Subdivision of land located within 90m of the National Grid Blenheim Substation on Sec 1 SO 4246, Lot 1 DP 8572 and Pt Sec 1 SO 6959 (or any successor).”

## Rule 24.4.4 (Subdivision of Land within the National Grid Corridor)

323) Rule 24.4.4 reads:

### ***Subdivision of land within the National Grid Corridor.***

*Matters over which the Council has restricted its discretion:*

- 24.4.4.1 *The matters set out in 24.3.7.1 to 24.3.7.17.*
- 24.4.4.2 *The extent to which the subdivision may adversely affect the operation, maintenance, upgrade and development of the National Grid.*
- 24.4.4.3 *Technical details of the characteristics and risks on and from the National Grid.*
- 24.4.4.4 *The location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.*
- 24.4.4.5 *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
- 24.4.4.6 *The nature and location of any vegetation to be planted in the vicinity of the National Grid transmission line.*

## Submission and Assessment

- 324) **Transpower NZ Limited (1198.150 and 1198.151)** generally support this rule, but they are concerned that the rule does not fully give effects to Policies 10 and 11 of the NPSET to the extent that the proposed rule does not “avoid” reverse sensitivity effects, and in summary request the following:
- A minor amendment to ensure that any subdivision undertaken by Transpower NZ Limited as a utility can still be a permitted activity under Rule 24.2.1;
  - That an additional standard be added that requires the location of the dwelling on the proposed allotments be identified in the application;
  - That an additional standard be added that requires access to National Grid assets to be maintained; and
  - Include reference to compliance with New Zealand Electrical Code of Practice (NZECP34:2001) in relation to the matters of Council has restricted its discretion to.

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<sup>48</sup> Transpower NZ (1198.149)

- That a non-complying activity status be added for any subdivision that does not meet the above standards.

*Utility subdivisions*

325) As with Rule 24.4.3 I also support changing this rule to exclude utility subdivision as I doubt that the proposed rule was intended to capture a utility subdivision. There will be no impact on any other person compared to other utility subdivisions that could be undertaken under Rule 24.2.1

*How would the need to identify Building Sites and maintain access impact on subdivision applications?*

326) The NPSET confirms that the national transmission network is a physical resource of national importance. Also the MfE website provides some guidance on the options to manage the effects on the existing transmission network. Issue 2 of the section 42A report for Topic 3 (Natural and Physical Resources) assessed this matter in depth and considered that it is necessary to provide more explicit guidance on the development of new National Grid infrastructure in order to give effect to the NPSET. Policy 2 of the NPSET explicitly requires that the effective operation, maintenance, upgrading and development of the electricity transmission network is recognised and provided for. This direction is tempered by Policies 3 – 8 of the NPSET, which provides specific direction on the management of adverse effects from transmission infrastructure and the transmission system.

327) Appendix 7 (Scheme Plan and other subdivision requirements) lists the requirements for subdivision applications, and this already includes the need to provide 'a suitable building site where necessary'. The proximity of the National Grid would require the need for the building site to be identified on the scheme plan to ensure that it is not going to conflict beyond the 'National Grid Yard'. (National Grid Yard is defined in the MEP, and means 12m from a transmission line or support structure). This requirement would therefore not be onerous on an applicant, and will ensure the proper assessment of reverse sensitivities as required by the policies under NPSET and Issue 4B of Chapter 4 of the MEP. Rule 24.4.4.4 if amended as requested in the relief can then be used to impose relevant consent notice conditions if granted to ensure that any subsequent building is located in that location, or at least no closer to the national grid line, than assessed in the application.

328) Access routes are not actually mentioned in either the NPSET or Issue 4B of Chapter 4 of the MEP, however new boundaries, buildings or structures resulting from subdivision could constrain or block vehicle access to the national grid support structures and lines, and this would obviously create problems with maintaining the national grid. Transpower NZ Limited's website<sup>49</sup> states that access is required for inspection and maintenance activities, and that constrained access can result in increased time, effort and cost of line inspections and patrols, and routine maintenance work. I therefore also support this proposed additional standard.

*Reference to compliance with New Zealand Electrical Code of Practice (NZECP34:2001)*

329) I do not support the inclusion of the reference to the New Zealand Electrical Code of Practice (NZECP34:2001) due to the implications with referencing an external document in accordance to Part 3 of the First Schedule of the RMA. These legal requirements include the need for the document to be the recommended practices of international or national organisations; for Council to keep a certified copy available for the public to view; and for the to undertake Plan Changes if Council wants to adopt any updates made to the external document.

330) Method of Implementation 4.M.10 requires Transpower NZ to be considered an affected party if the proposed activity may adversely affect regionally significant infrastructure. This means that Transpower will have an opportunity to firstly work with the application with volunteered conditions, or to lodge a submission with recommended conditions. I anticipate that these conditions would be based on the applicable standards relevant at that time, and should meet the concerns of the submitter.

*Non-complying activity status*

331) I do not support the need for any subdivision that does not meet these standards defaulting to a non-complying activity, and in my opinion defaulting to a discretionary activity under existing rule 24.5.2 is sufficient and will still enable Council to decline subdivision applications if needed.

## **Recommendation**

332) That Rule 24.4.4 be changed as follows:

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<sup>49</sup> The Development Guide 2016 - Guidelines for Urban Development around the National Grid - Transpower



1198.4.4 **Except as provided for by Rule 24.2.1, Subdivision of land within the National Grid Corridor.**

*Standards and terms*

24.4.4.1 All allotments shall contain an identified building platform for the principal building and any dwelling/sensitive activity to be located outside the National Grid Yard.

24.4.4.2 Access to National Grid assets shall be maintained.<sup>50</sup>

*Matters over which the Council has restricted its discretion:*

24.4.4.13 The matters set out in 24.3.7.1 to 24.3.7.17.

24.4.4.24 The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrading and development of the National Grid.

24.4.4.35 Technical details of the characteristics and risks on and from the National Grid.

24.4.4.46 The location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.

24.4.4.57 The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

24.4.4.68 The nature and location of any vegetation to be planted in the vicinity of the National Grid transmission line.

## **Rule 24.5 and Rules 24.5.1 – 24.5.3 (Discretionary Activities)**

333) These rules read:

### **24.5. Discretionary Activities**

*Application must be made for a Discretionary Activity for the following:*

**24.5.1** Any subdivision of land that does not comply with Rules 24.1.1 to 24.1.18.

**24.5.2** Any permitted activity, controlled activity or restricted discretionary activity subdivision of land that does not meet the applicable standards.

**24.5.3** Any subdivision of land not provided for as a permitted, controlled or restricted discretionary activity.

## **Submissions and Assessment**

334) Rikihana Clinton Bradley (436.001) refers to Rule 24.5. I have assessed this submission point under Rule 24.3.1.2 together with other similar submissions seeking the reinstatement of the boundary adjustment rule. Refer to my recommendations under Rule 24.3.1.2 for this submission.

335) **Mark Batchelor (263.008) and Helen Ballinger (351.035)** seek a new rule be added requiring public notification of applications that do not provide landscaping. The submission of Helen Ballinger is supported by a further supporting submission from David Dillon (1153).

336) I am not supportive of this request to have all subdivision applications that do not comply with landscaping requirements to be publicly notified. Such a step would be unnecessary as such matters could be dealt with by Council using the relevant provisions in the MEP and COP for direction and guidance, and out of proportion in relation to other key issues (for example water supply being sourced from a water short area), which does not have a rule requiring public notification. Section 95A of the RMA precludes Council from publicly notifying controlled, restricted discretionary, or discretionary activity subdivision unless there is a rule that requires public notification, however can still publicly notify an application if there are special circumstances that would affect the wider community (beyond just the adjacent persons identified as being adversely affected).

337) **Okiwi Bay Limited (458.004)** support in part Rule 24.5.2 in that any subdivision not meeting the minimum lot size (for example less than 30ha in the Coastal Environment Zone) would be a

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<sup>50</sup> Transpower NZ (1198.150 and 151)

Discretionary activity. However they strongly oppose that the “Special Provision to Protect Large Lots” as set out in Rule 27.3.3.2 of the MSRMP has not been carried across into the MEP.

- 338) **Karaka Projects (502.002)** supports Rule 24.5.2 and seeks it be retained, but (in submission point 502.003) also opposes Rule 24.5.3 as it removes special provision to protect large lots.
- 339) Rule 27.3.3.2 in the MSRMP enabled landowners of titles greater than 150ha to be able to create a maximum specified number of residential sized properties as set out in a formula in exchange for protecting the larger balance from being further subdivided. The residential lots had to be between 5,000-7,000m<sup>2</sup> in area. A copy of the rule is below.

**27.3.3.2 Special Provision to Protect Large Lots**

**27.3.3.2.1** The Council may consent to a subdivision for the creation of residential lots to protect the integrity of lots in excess of 150 hectares. The creation of such lots must be in accordance with the formula expressed in Rule 27.3.3.2.4.

**27.3.3.2.2** Any subdivision undertaken in terms of this rule will render the subdivision potential of the balance area a Non Complying Activity and this status shall be the subject of a consent notice on the title of that portion.

**27.3.3.2.3** Subdivisions may be staged in accordance with Assessment Criteria 27.2.4.5.7 and the Council may consider extending the time to give effect to the consent to five years maximum for subdivision proposals of 10 lots and over. However, in these circumstances, if the consent is not given effect to within the five years provided, a new application will be required for any further subdivision to complete the available lot entitlement prescribed in Rule 27.3.3.2.4.

**27.3.3.2.4**

Subdivision of Lots (hectares)	No of Residential Lots
150 - 200 hectares	4
201 - 250	5
251 - 300	6
301 - 350	8
351 - 400	10
401 - 500	12
501 - 600	14
600 +	15

**27.3.3.2.5** All residential lots are to comply with Rules 27.2.3.3, 27.2.4, 27.2.5, 27.3.1 and 27.3.2 above.

- 340) Okiwi Bay Limited explain that this rule had the effect of enabling dwellings to be located in suitable/developable locations within close proximity to ensure that buildings weren't dotted along the landscape but rather clustered together. This also improved the ability of providing services to the residential units, and provided a degree of community. However, they note that the proposed objectives and policies in the MEP will discourage this type of development in the coastal environment, and instead encourage 30ha blocks to be dotted around which may not reflect the character or landform of the area and be detrimental of the Marlborough Sounds. They seek that a new discretionary Rule 24.5.4 be added as per Rule 28.3.3.2 of the MSRMP.
- 341) The primary consideration here is whether the Rules in the Subdivision Chapter of the MEP would make the activity status for a subdivision application (to create residential lots in exchange to protection of the balance land) any different to that in the MSRMP. I don't believe so. Such subdivision was a Discretionary Activity under the MSRMP if the criteria and formula specified under

Rule 27.3.3.2 MSRMP were met. A subdivision for something similar under the proposed Rule 24.5.2 would still be a discretionary activity, whether or not it met certain criteria as to the number of lots. The new rule is therefore less restrictive in that there is no default to a non-complying activity if the specified criteria are not met. This doesn't mean however that it will be any easier to obtain subdivision consent.

- 342) The objectives and policies in Volume 1 of the MEP, particularly those under Issue D of the "Use of the Coastal Environment" Chapter, are more restrictive and do discourage the creation of residential lots occurring at inappropriate locations within the Coastal Environment. However commentary under Policy 13.5.2 does state that *"The policy directs that residential activity and subdivision for residential activity 'should' occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restorative works, enhancement of values or off setting adverse effects, positive outcomes can be achieved. Regard must be had to the other policies of the MEP (especially those regarding natural character, landscape, public access and biodiversity) to determine whether this is a relevant matter for consideration"*.
- 343) The MEP is designed differently from the MSRMP. There are no subdivision assessment criteria, instead the assessment of subdivisions, particularly discretionary activity subdivision, are to be based on the relevant objectives and policies in the MEP. To include the rule as sought by Okiwi Bay Limited would not achieve any benefit for applicants. It would also create a problem as to how to deal with a proposed subdivision to protect large lots that did not meet the specified criteria as it could not default to being a non-complying activity as the MEP doesn't provide for any.
- 344) This matter is similar to the assessment to the submissions on Rule 24.3.1.2 which sought to include Special Subdivisions as a controlled activity, and in which I did not find favour with for the same reasons as explained above.
- 345) **Federated Farmers (425.764, 425.765 & 425.766)** seek that any permitted activity subdivision that does not comply with standards be a Restricted Discretionary Activity instead of a full Discretionary Activity as they believe it will provide more guidance to potential developers. They have not provided a list of relevant standards and terms or matters to which discretion is reserved over, but instead suggest that Council should be able to come up with a list. This submission is supported by a further submission from Pernod Ricard (1064), but is opposed Te Atiawa (339) and Forest and Bird (1287).
- 346) I suspect that while Federated Farmers refer to subdivision that does not meet the "permitted activity standards", they probably mean the 'controlled activity standards'. The only permitted subdivision listed under Rule 24.2.1 is that associated with utilities. Even if they meant subdivision that does not meet the controlled activity subdivision standards, I believe that it would be too complex to ensure that all matters could be identified and listed under a Restricted Discretionary rule for every type of subdivision. I note that the specific standards, terms and matters of control for subdivision in the Greenfields Zone alone has identified and listed 14 specific matters, and that zone would not be as complex as some subdivision in the Rural Or Coastal Environment Zones. Furthermore, there is sufficient detail in Appendix 7 (Scheme Plan), and the objectives and policies in Volume 1, to provide the guidance that potential developers, or their advisors, may seek.

## Recommendation

- 347) I recommend that Rule 24.5 and Rules 24.5.1, 25.5.2<sup>51</sup> and 24.5.3 be retained as notified.

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<sup>51</sup> Karaka Projects Limited (502.002)

## Matter 3 - Volume 2 - Chapter 25 Definitions

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### Submissions and Assessment

348) I have been requested to assess submissions to the three definitions associated with subdivision related rules. The three definitions are:

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<b>Computer Register</b>	has the same meaning as in Section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 but does not include a Computer Interest Register.
<b>Access</b>	means a practical permanent vehicular and pedestrian access from a formed road to a site over either: (a) land that is included within the site; or (b) other land pursuant to an easement of right of way running with the land and appurtenant to the site; or (c) land that is legal but unformed road.
<b>Road Controlling Authority</b>	has the same meaning as in Section 5 of the Land Transport Management Act 2003.

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349) The submissions and assessments are as follows.

350) **Federated Farmers (425.389)** request that the term 'Computer Register' be deleted from the MEP because:

- a) it would not be understood by readers;
- b) the definition does not enlighten the reader as to what it means;
- c) it is not a term used by other Councils, nor in wide use; and
- d) it will impact significantly on farming activities as the term sets out permitted limits for vegetation clearance and excavation amongst other activities.

351) This submission is supported by a further submission from Pernod Ricard (1064), but is opposed Te Atiawa (339) and Forest and Bird (1287).

352) This is a new term and definition. The WARMP and MSRMP refer to "Certificate of Title". The change in definition came about due to the old paper copies of titles instead being converted to electronic records at Land Information New Zealand. LINZ changed the name of these records in 2001 to computer registers, including computer freehold registers, computer interest registers, computer unit title registers, and composite computer registers. Computer interest registers are for leases and licences that have a lesser interest in land than a computer freehold register, and the definition in the MEP excludes them because they can often be created without Council approval.

353) Turning to the submitters concerns, while most people in the legal and planning profession will know what a computer register is, it is possible that many laypersons will not. This could be easily resolved if the definition included the phrase at the start saying "*(Formerly known as a Certificate of Title)...*" I don't believe that such addition would change the definition in any way.

354) However, in respect to their last matter of concern about the significant impact on farming activities, I hope the submitters can clarify this in their evidence as the new term is essentially the same as the previous term Certificate of Title and I can't see how the definition will have any impact on that.

355) **NZTA (1002.226)** oppose the definition of "Access", and request that instead it be replaced with "Means a vehicular entrance formed to provide access to any property from the carriageway of the public road and includes any crossing constructed over a footpath, kerb, berm, water channel or drain."

- 356) I note that the NZTA wording refers to physical features, including water features, whereas the notified wording refers to access using legal options such as it being part of the site, or a right of way, or a road. These are potentially significant differences.
- 357) The notified definition has been adopted from the same definition in the WARMP. I am not aware of any administrative problems that have arisen from this definition during the life of the WARMP, and believe that users will be familiar with the current definition.
- 358) The term 'access' has been used extensively throughout the MEP, including many rules in most chapters. It is likely that these rules were drafted using this definition, so I am hesitant to recommend changing it as requested as to do so may have unintended consequences in relation to those rules, (although I can't find any issues from the few I have looked at).
- 359) NZTA may be able to clarify at the hearing what the problems there have been with the WARMP definition, or advise where their proposed wording has come from. If this definition from NZTA has been derived from other operative second generation Plans in NZ, then it might be worth considering for the MEP too as this would provide some consistency with this definition across NZ to assist regional users such as NZTA, however as mentioned before I am hesitant to recommend this due to the potential unintended consequences that may arise.
- 360) No recommendation has been provided at this stage pending further clarification from NZTA in their evidence or presented at the hearing.
- 361) **NZTA (1002.254)** support the definition of Road Controlling Authority, but note that some rules refer to a Roothing Authority and seek that these all be changed to Road Controlling Authority. This will achieve consistency and clarity.
- 362) Section 5 of the Land Transport Management Act states:

**road controlling authority,—**

- (a) in relation to a road, means the Minister, department of State, Crown entity, State enterprise, or territorial authority that controls the road; but
- (b) in relation to a road within Auckland that is controlled by Auckland Transport, means Auckland Transport

- 363) This covers both types or legal public road in Marlborough, being the State Highways owned by the Crown and managed by NZTA, and the rest which are local roads owned and managed by MDC.
- 364) While the submission doesn't require any changes to this definition, I believe that it is within scope to make changes to other references in the MEP as sought by NZTA, particularly as nearly all of the roads in Marlborough are under the authority of either NZTA or MDC. The Minister of Defence may be the Roothing Control Authority for some roads at Woodbourne, but these are unlikely to be affected by the proposed change.
- 365) There are only 3 references to 'Roothing Authority' in the MEP that I can find that require changing, and these are located in the following provisions:
- Volume 1, Chapter 12, MOI 12.M.10
  - Volume 2, Chapter Rule 2.32.4.2, and
  - Volume 2, Chapter 24 Rule 24.1.6,

## Recommendations

- 366) That the definition for Computer Register<sup>52</sup> be changed as follows:

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<b>Computer Register</b>	<u>(Formerly known as a Certificate of Title)</u> has the same meaning as in Section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 but does not include a Computer Interest Register..
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<sup>52</sup> Federated Farmers (425.389)

367) I recommend that the term 'Roading Authority' as specified in provisions in the MEP be changed to 'Road Controlling Authority'<sup>53</sup>.

## Matter 4 – Volume 3 – Appendix 7 (Scheme Plan and Other Subdivision Requirements)

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### Submissions and Assessment

368) A total of four submissions have been received, and 6 further submissions to those.

369) **Mark Batchelor (263.007) and Hellen Ballinger (351.036)** seek to have an additional rule item added under the heading "Information" that says:

*"13. A landscape planting and development including land shaping and tree species and location and public garden and ornaments, street furniture and pathways and other structures and public utilities and services proposed to be vested within the road reserves and other parts of the subdivision which will be vested in Council and how existing trees are incorporated in the subdivision layout."* This is supported by the further submission from David Dillon (1153)

370) I believe that item 9 under "Site details to be provided" already requires this information to be provided, at least for road reserves. It states: "9. Landscape works proposed on road reserves". It is generally understood that plants, trees, street furniture, ornaments, land shaping, development naming signs etc fall under the term landscaping. To provide consistency with submissions to Rules 24 and 24.4.1.15 of the subdivision chapter where I support the addition of a matter of control in relation to landscaping of new roads, reserves and esplanade strips, it would be appropriate and within scope to change item 9 to include these other areas to be created.

371) **Aquaculture New Zealand (401.250) and the Marine Farming Associated Incorporated (426.245)** are concerned that the discharge of human sewage to land has the potential to affect human health by contaminating coastal water and affecting water quality. They request that the following two new items be added:

- In Other Relevant Site Details – "24. The location of any relevant marine farm protection overlay."
- In Sewerage under Information on servicing – "Any subdivision of land within the marine farm protection overlay must assess the potential for contamination of coastal water."

372) These submissions are supported by further submissions from Red Sky Trust (425) and Te Atiawa (342), but are opposed by Yachting New Zealand Incorporated (844), Clova Bay Residents Association Incorporated (74), and Kenepuru Central residents Association Incorporated (316).

373) As background the Marine Farming Associated Incorporated primary submission also includes a request (submission point 426.182) to add a marine farm protection overlay in Chapter 15 to include all marine farms plus a 1000m buffer area around them.

374) In my opinion there is already sufficient provision in Appendix 7 and the rest of the MEP to ensure the risks of contaminating marine farms are adequately assessed at time of subdivision. The "Information on servicing" section on page App 7-5 includes a section on Sewerage, and includes the following requirements for subdivision applications:

*The developer must provide means for the satisfactory disposal of sewage wastes from all allotments and from all buildings where such wastes are to be generated.*

...

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<sup>53</sup> NZTA (1002.254)

*Where the allotments are proposed to be serviced by on-site methods, the allotments are to be subject to investigation to confirm that on-site management is the best practicable option, and that sewage will be effectively treated and contained on-site. The investigation may require an on-site assessment of the site conditions and constraints, particularly soil properties. The results of any on-site assessment must be documented in a Site and Soil Evaluation Report prepared by a professional who has established credentials with the Council.*

*Any subdivision of land in the Coastal Living Zone or any subdivision of land below controlled activity allotment sizes in the Coastal Environment Zone must involve an on-site assessment of the site conditions and constraints\*.*

*The sizing of the land application area must be based on the loading from at least a four bedroom dwelling (occupied full time).*

*Parts of the proposed allotment appropriate to be used as land application areas should be shown on the Scheme Plan.*

\* Note my underlined emphasis on the additional requirement for land adjacent to the Coastal Marine area in which marine farming is located.

- 375) This site and soil evaluation report provided by a professional with the application is required to provide Council with sufficient information for it to be satisfied that wastewater discharges from subsequent development on the proposed new lots will be capable of being treated and contained on-site. Often the subdivider won't know how big the dwelling will be, or the exact location or type of treatment system to be used later at time of building as they are being sold following creation, so that is why the evaluation is required to be based on a more restrictive measure of at least a four bedroom house to enable a greater range of building options later for owners.
- 376) The rules in the Coastal Living and Coastal Environment Zones require discharge permits to be required as a discretionary activity before any dwelling is completed and occupied. This discharge application process is another opportunity for Council to consider the specific system proposed, and assess it against the relevant objectives and policies in the MEP, particularly Policies 16.3.3 and 16.3.4 which require Council to have regard to the location of coastal waters and cumulative effects, and Policy 13.5.7I which seeks to ensure that residential development and or subdivision in the Coastal Living Zone is undertaken in a manner that is certain the site is able to assimilate the disposal of domestic wastewater. Any discharge permit issued is subject to maintenance and inspection conditions to ensure that it continues to perform as designed, which will further protect marine farming.
- 377) I therefore conclude that there is already sufficient provisions under Appendix 7 to enable an assessment of potential wastewater contamination of coastal water that should satisfy these submission points from Aquaculture New Zealand and the Marine Farming Association Incorporated. However I understand that the other related submission points will also be assessed in section 42a reports for other topics, so I recommend that the Panel also take those into consideration before reaching a decision on these submissions.

## **Recommendation**

- 378) I recommend that clause 9 under "Site Details to be provided" is changed as follows:

*Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.*<sup>54</sup>

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<sup>54</sup> Mark Batchelor (263.007) and Hellen Ballinger (351.036)

## Appendix 1: Recommended Decisions on Decisions Requested

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
464.017	Chorus New Zealand limited	Volume 1	12 Urban Environments	Issue 12C	Accept
996.004	New Zealand Institute of Surveyors	Volume 1	12 Urban Environments	Issue 12C	Reject
1158.015	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Issue 12C	Accept
464.018	Chorus New Zealand limited	Volume 1	12 Urban Environments	Objective 12.9	Accept
1002.053	New Zealand Transport Agency	Volume 1	12 Urban Environments	Objective 12.9	Reject
1158.016	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Objective 12.9	Accept
993.011	Fire and Emergency New Zealand (FENZ)	Volume 1	12 Urban Environments	Policy 12.9.1	Accept
91.162	Marlborough District Council	Volume 1	12 Urban Environments	Policy 12.9.2	Accept
993.012	Fire and Emergency New Zealand (FENZ)	Volume 1	12 Urban Environments	Policy 12.9.2	Accept in part
464.019	Chorus New Zealand limited	Volume 1	12 Urban Environments	Policy 12.9.4	Accept
1158.017	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Policy 12.9.4	Accept
464.020	Chorus New Zealand limited	Volume 1	12 Urban Environments	Policy 12.9.5	Accept
1158.018	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Policy 12.9.5	Accept
464.021	Chorus New Zealand limited	Volume 1	12 Urban Environments	Policy 12.9.7	Accept
993.013	Fire and Emergency New Zealand (FENZ)	Volume 1	12 Urban Environments	Policy 12.9.7	Accept
1158.019	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Policy 12.9.7	Accept
464.022	Chorus New Zealand limited	Volume 1	12 Urban Environments	Policy 12.9.9	Accept
1158.020	Spark New Zealand Trading Limited	Volume 1	12 Urban Environments	Policy 12.9.9	Accept
993.014	Fire and Emergency New Zealand (FENZ)	Volume 1	12 Urban Environments	Method 12.M.8	Accept
993.015	Fire and Emergency New Zealand (FENZ)	Volume 1	12 Urban Environments	Method 12.M.9	No final recommendation made
125.002	Fiona Leov	Volume 1	24 Subdivision	24	Accept in part
126.002	Mike Leov	Volume 1	24 Subdivision	24	Accept in part
194.002	Paul Roughan	Volume 1	24 Subdivision	24	Accept in part
195.002	Michelle Roughan	Volume 1	24 Subdivision	24	Accept in part
263.002	Mark Bachelor	Volume 1	24 Subdivision	24	Accept in part



<b>Submission Point</b>	<b>Submitter</b>	<b>Volume</b>	<b>Chapter</b>	<b>Provision</b>	<b>Recommendation</b>
351.025	Helen Mary Ballinger	Volume 1	24 Subdivision	24	Accept in part
351.001	Robin Dunn	Volume 1	24 Subdivision	24	Accept in part
1002.184	New Zealand Transport Agency	Volume 1	24 Subdivision	24	No recommendation made
1002.220	New Zealand Transport Agency	Volume 1	24 Subdivision	24	Reject
1039.129	Pernod Ricard	Volume 1	24 Subdivision	24	Accept in part
263.001	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Reject
263.011	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Accept
263.012	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Reject
263.013	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Reject
263.014	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Accept in part
263.015	Mark Batchelor	Volume 2	24 Subdivision	24.1.	Reject
351.026	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Reject
351.027	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Accept in part
351.028	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Reject
351.029	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Reject
351.030	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Reject
351.032	Helen Mary Ballinger	Volume 2	24 Subdivision	24.1.	Reject
996.030	New Zealand Institute of Surveyors	Volume 2	24 Subdivision	24.1.	Reject
464.070	Chorus New Zealand limited	Volume 2	24 Subdivision	24.1.10.	Accept
1158.062	Spark New Zealand Trading Limited	Volume 2	24 Subdivision	24.1.10.	Accept
464.071	Chorus New Zealand limited	Volume 2	24 Subdivision	24.1.11.	Accept
1158.063	Spark New Zealand Trading Limited	Volume 2	24 Subdivision	24.1.11.	Accept
464.072	Chorus New Zealand limited	Volume 2	24 Subdivision	24.1.12.	Accept
1158.064	Spark New Zealand Trading Limited	Volume 2	24 Subdivision	24.1.12.	Accept
464.073	Chorus New Zealand limited	Volume 2	24 Subdivision	24.1.13.	Accept
1158.065	Spark New Zealand Trading Limited	Volume 2	24 Subdivision	24.1.13.	Accept
12.001	Rod Gray	Volume 2	24 Subdivision	24.1.14.	Reject
993.089	Fire and Emergency New Zealand (FENZ)	Volume 2	24 Subdivision	24.1.14.	Reject

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
996.031	New Zealand Institute of Surveyors	Volume 2	24 Subdivision	24.1.14.	Accept
369.012	Tony Hawke	Volume 2	24 Subdivision	24.1.16.	Reject
425.761	Federated Farmers of New Zealand	Volume 2	23 Subdivision	24.1.16.	Reject
996.032	New Zealand Institute of Surveyors	Volume 2	24 Subdivision	24.1.16.	Reject
263.010	Mark Batchelor	Volume 2	24 Subdivision	24.2.1.	Reject
351.034	Helen Mary Ballinger	Volume 2	24 Subdivision	24.2.1.	Reject
464.074	Chorus New Zealand limited	Volume 2	24 Subdivision	24.2.1.	Reject
1158.066	Spark New Zealand Trading Limited	Volume 2	24 Subdivision	24.2.1.	Reject
1198.148	Transpower New Zealand Limited	Volume 2	24 Subdivision	24.2.1.	Accept
769.111	Horticulture New Zealand	Volume 2	24 Subdivision	24.3.	Reject
998.069	New Zealand Pork Industry Board	Volume 2	24 Subdivision	24.3.	Reject
425.763	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.3	Reject
425.762	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.3.1.	Reject
482.01	Worlds End Enterprises Limited	Volume 2	24 Subdivision	24.3.1.	Accept
993.092	New Zealand Fire Service Commission	Volume 2	24 Subdivision	24.3.1. (refer to 24.3.1.18-26)	Reject
1189.125	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 2	24 Subdivision	24.3.1. (refer to 24.3.1.18-26)	Accept in part
993.090	Fire and Emergency New Zealand (FENZ)	Volume 2	24 Subdivision	24.3.1.1.	Accept
2.001	Michael Doherty	Volume 2	24 Subdivision	24.3.1.2.	Reject
9.001	Ryan Lock	Volume 2	24 Subdivision	24.3.1.2.	Reject
91.262	Marlborough District Council	Volume 2	24 Subdivision	24.3.1.2.	Accept
96.004	Jane Buckman	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
99.003	GJ Gardner Homes	Volume 2	24 Subdivision	24.3.1.2.	Accept
192.001	Perry Mason Gilbert	Volume 2	24 Subdivision	24.3.1.2.	Reject
204.001	Stephen and Kristen Dempster	Volume 2	24 Subdivision	24.3.1.2.	Accept
284.020	Jane Buckman	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
458.003	Okiwi Bay Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
502.001	Karaka Projects Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept in part

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
506.003	Mainland Residential Homes Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept
507.003	Peter Ray Homes Blenheim Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept
508.003	Andrew Pope Homes Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept
769.110	Horticulture New Zealand	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
908.021	Lion – Beer, Spirits and Wine (NZ) Limited	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
996.033	New Zealand Institute of Surveyors	Volume 2	24 Subdivision	24.3.1.2.	Reject
1005.012	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.2.	Accept in part
1021.017	Phil Muir	Volume 2	24 Subdivision	24.3.1.2.	Accept
99.002	GJ Gardner Homes	Volume 2	24 Subdivision	24.3.1.3	Accept in part
502.004	Karaka Projects Limited	Volume 2	24 Subdivision	24.3.1.3	Accept in part
506.002	Mainland Residential Homes Limited	Volume 2	24 Subdivision	24.3.1.3	Accept in part
507.002	Peter Ray Homes Blenheim Limited	Volume 2	24 Subdivision	24.3.1.3	Accept in part
508.002	Andrew Pope Homes Limited	Volume 2	24 Subdivision	24.3.1.3	Accept in part
993.091	Fire and Emergency New Zealand (FENZ)	Volume 2	24 Subdivision	24.3.1.3	Accept in part
1005.013	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.3	Accept in part
1021.018	Phil Muir	Volume 2	24 Subdivision	24.3.1.3	Accept in part
873.171	KiwiRail Holdings Limited	Volume 2	24 Subdivision	24.3.1.4.	Accept
1002.221	New Zealand Transport Agency	Volume 2	24 Subdivision	24.3.1.4.	Reject
1005.014	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.4.	Accept
66.002	Karen and John Wills	Volume 2	24 Subdivision	24.3.1.5.	Reject
1005.015	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.5.	Accept
1005.016	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.6.	Accept
280.198	Nelson Marlborough District Health Board	Volume 2	24 Subdivision	24.3.1.7.	Accept
1005.017	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.7.	Accept
1005.018	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.8.	Accept
1005.019	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.9.	Accept
1005.020	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.10.	Accept
1005.021	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.11.	Accept
1005.022	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.12.	Accept

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1005.023	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.13.	Accept
1005.024	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.14.	Accept
1005.025	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.15.	Accept
1005.026	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.16.	Accept
369.013	Tony Hawke	Volume 2	24 Subdivision	24.3.1.17.	Reject
1005.027	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.17.	Accept
1005.028	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.18.	Accept
1005.029	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.19.	Accept
1005.030	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.20.	Accept
1005.031	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.21.	Accept
1005.032	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.22.	Accept
1005.033	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.23.	Accept
1005.034	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.24.	Accept
1005.035	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.25.	Accept
1005.036	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.1.26.	Accept
993.092	Fire and Emergency New Zealand (FENZ)	Volume 2	24 Subdivision	24.3.1.26.	Accept
1189.125	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 2	24 Subdivision	24.3.1.26 (refer 34.3.1).	Accept
1005.037	Omaka Valley Group Incorporated	Volume 2	24 Subdivision	24.3.2.	Accept
263.009	Mark Batchelor	Volume 2	24 Subdivision	24.4.1. (refer 24.1)	Accept in part
351.033	Helen Mary Ballinger	Volume 2	24 Subdivision	24.4.1.10. (refer 24.1)	Accept in part
280.199	Nelson Marlborough District Health Board	Volume 2	24 Subdivision	24.4.1.13.	Accept in part
769.112	Horticulture New Zealand	Volume 2	24 Subdivision	24.4.1.13.	Accept in part
1002.222	New Zealand Transport Agency	Volume 2	24 Subdivision	24.4.1.13.	No recommendation made
1002.223	New Zealand Transport Agency	Volume 2	24 Subdivision	24.4.2.	Reject
1198.149	Transpower New Zealand Limited	Volume 2	24 Subdivision	24.4.3.	Accept
1198.150	Transpower New Zealand Limited	Volume 2	24 Subdivision	24.4.4.	Accept in part
1198.151	Transpower New Zealand Limited	Volume 2	24 Subdivision	24 (and 24.4.4)	Accept in part

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
263.008	Mark Batchelor	Volume 2	24 Subdivision	24.5.	Reject
351.035	Helen Mary Ballinger	Volume 2	24 Subdivision	24.5.	Reject
436.001	Rikihana Clinton Bradley	Volume 2	24 Subdivision	24.5.(refer to 24.3.1.2)	Reject
425.764	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.5.1.	Reject
425.765	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.5.2.	Reject
458.004	Okiwi Bay Limited	Volume 2	24 Subdivision	24.5.2.	Reject
502.002	Karaka Projects Limited	Volume 2	24 Subdivision	24.5.2.	Accept
502.003	Karaka Projects Limited	Volume 2	24 Subdivision	24.5.2.	Reject
425.766	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.5.3.	Reject
425.389	New Zealand Transport Agency	Volume 2	Definitions	Computer Register	Accept in part
1002.226	Federated Farmers of New Zealand	Volume 2	Definitions	Access	No recommendation
1002.254	New Zealand Transport Agency	Volume 2	Definitions	Road Authority	Accept
263.007	Mark Batchelor	Volume 3	Appendix 7 Scheme Plan Requirements		Accept in part
351.036	Helen Mary Ballinger	Volume 3	Appendix 7 Scheme Plan Requirements		Accept in part
401.250	Aquaculture New Zealand	Volume 3	Appendix 7 Scheme Plan Requirements		Reject
426.145	Marine Farming Association Incorporated	Volume 3	Appendix 7 Scheme Plan Requirements		Reject

## Appendix 2: Memo from Assets and Services (para 115)

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Record Number: 17202992  
File Ref: W400-002-001-01  
Date: 9 January 2018

**Memo To:** Ian Sutherland

**Copy To:** Richard Coningham & Brett Walker

**From:** Ian Sutherland

<b>Subject:</b> MEP Statement in reference to A&S subdivision servicing assessments
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When the MEP becomes operative it is the intention of the Assets and Services Department and the Rooding Authority (for local roads only) to assess and manage the connection of services for subdivision under the Local Government Act 2002. At present engineering conditions for the 3 Waters (water, sewage, stormwater) and Rooding, are set and dealt with as conditions to resource consents. As these conditions are met they are "signed off" and when complete finalisation of the resource consent and issuing of s224 can be achieved.

It is proposed that this process change. In general terms the new process will be as follows:

1. A developer or their agent will seek comment and advice from A&S and the rooding authority that the proposed development can be adequately served by local rooding, and the 3 waters.
2. A co-ordinated response will be provided from these two service delivery sections. Where such proposed subdivision is acceptable, the response will include the following:
  - A letter to the agent or developer confirming the infrastructure has capacity to provide for the development. This can then be provided by the agent or developer with the resource consent application to show that the infrastructure is available. The letter may include specific mitigation measures that still will require conditions of consent to be imposed, such as road vestings, easements in gross, etc, and will also comment as to whether other matters need to be undertaken by the developer before servicing is available.
  - These other matters will be set out more specifically as conditions of connection, development contributions, zone levies and specific infrastructure construction conditions to be set for the developer to meet before connection to the respective services can be made. These will be similar to engineering conditions placed in resource consents currently. This may require the developer and Council to enter into a development agreement for large subdivisions.
3. It is anticipated this process will take a maximum of ten working days providing the developer has all the necessary detail to show the impact of the development to the various networks.
4. It is anticipated that a condition of consent will be imposed by Regulatory on the resource consent requiring confirmation from A&S that the connections are now in place before s224 is issued.
5. When these conditions have been met and connections complete a letter will be provided to the developer which they can provide to Regulatory to show that all the necessary infrastructure services associated with these 3 waters and rooding have been provided to enable property development.

**Appendix 3: Addendum associated with Code of Practice for  
Subdivision and Land Development dated 26 June 2008** (para 282)

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# **Code of Practice for Subdivision and Land Development**

**Addendum to be used in conjunction with  
NZS4404:2004 Land Development and  
Subdivision Engineering**

**26 June 2008**





Marlborough District Council  
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ISBN: 978-0-9582454-0-1  
Version 1: Released 26 June 2008

# Introduction

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## A1 Purpose

The Council recognises the need for a code of practice for subdivision and land development, both to enable developers to adequately plan projects and for the Council to ensure that development takes account of the many special features of the Marlborough district.

This Code of Practice for Subdivision and Land Development (Code) replaces the Code of Practice for Subdivision and Land Development (ISBN 0-95583398-8-0). The Code is based on New Zealand Standard NZS4404:2004. Modifications and amendments required to suit local conditions and practice in Marlborough have been documented in this Addendum. Together, this Addendum and NZS4404:2004 is the Marlborough Code of Practice for Subdivision and Land Development.

The Council intends that the Code will enable developers to adequately manage subdivision and land development projects, and assist in maintaining a consistent and integrated standard of services within the District.

## A2 Scope

The Code shall apply to the following:

- (a) Any application for subdivision consent under the Resource Management Act 1991; and
- (b) Any proposal to develop land.

## A3 Statutory Context

(This statement will be replaced once the Proposed Wairau / Awatere Resource Management Plan is operative.)

Section 313 of the Local Government Act 1974 states that:

Subject to any provisions of any proposed or operative district scheme for the district, the Council shall prepare and publicly notify a code of urban subdivision setting out:

- (a) Minimum requirements that the Council requires to be observed by any person undertaking such a subdivision of land within the district; and
- (b) Such other matters as the Council considers to be of assistance to any person undertaking such a subdivision.

Although Section 313 was repealed by the eighth schedule to the Resource Management Act 1991, it will continue to apply for a transitional period, to subdivision plans approved from 01.10.91, until a new plan becomes operative under the Resource Management Act.

For the transitional period, therefore, the Council must have in place a code of practice for urban subdivision. Once a new plan becomes operative, the Council will continue to apply the code as it considers necessary and appropriate.

The provisions of this code shall be read subject to the provisions of the Council's operative and proposed plans, and to any applicable statutes, regulations and bylaws. Notwithstanding the provisions of the code other consents or approvals may be required under other legislation.

## A4 Format of Code

Clauses within this Addendum have been reproduced from NZS 4404:2004 with the permission of Standards New Zealand under Licence 000702. NZS 4404:2004 can be purchased from Standards New Zealand at [www.standards.co.nz](http://www.standards.co.nz).

The Code presents the Council's requirements for physical works and construction for land subdivision and development. Procedural requirements are contained in Marlborough's Resource Management Plans, under the chapters entitled 'Standard Requirements for Subdivision and Development.'

For each of the categories of physical works covered, the Code sets out the means of compliance or methods that are known to result in achievement of the standard.

Under the Resource Management Act 1991, where the Council grants a subdivision consent, it may decide to do so subject to certain conditions being met.

This Code is not a part of the Transitional Plan or of the Marlborough Sounds or Proposed Wairau / Awatere Resource Management plans. Its content is not the result of a public process, and consequently, it may be amended by a resolution of the Council. The "stand alone" Council-controlled status of the Code, as it applies to subdivision and development, limits the effect of the standards contained therein to that of **methods of achieving compliance**.

The Council had previously adopted its own code (the first Marlborough code), based on the new Standard NZS 4404: 1981 Code of Practice for Urban Land Subdivision. The relationship between this Code and the plans is explained in (both plans) and linked to Marlborough's resource management plans as follows:

*The Council's 'Code of Practice for Subdivision and Development' is not, in a statutory sense, a **part** of this plan. The Code provides a means for subdividers and land developers to meet the general standards described in this Plan. The Code sets out, in more specific terms, the standard expected from each phase or type of land subdivision and development.*

*Compliance with the methods or standard practices of the Code in respect of any prescribed requirement of the Marlborough Sounds or Wairau/Awatere Resource Management Plans or of any condition of consent, shall be deemed to be compliance with that requirement or condition.*

### **Scope for Alternative Means of Compliance**

*If a developer proposes an alternative means of compliance, to a requirement of Marlborough's resource management plans or a condition of consent that may be met by compliance with the Code of Practice, then the alternative proposal is required to be submitted to the Council and accompanied by a detailed report from a Registered Civil Engineer. The engineering report lodged with the Council is required to have been the subject of peer review and a related report by a Registered Civil Engineer or other expert, who has established credentials with the Council. The peer review report is to corroborate and accompany the alternative proposal.*

(The above statement is extracted from the Standard Requirements for Subdivision and Development, Volume Two-Chapter 28 - Marlborough Sounds Resource Management Plan and Volume Two – Chapter 4 of the Proposed Wairau / Awatere Resource Management Plan. The references to 'Registered Civil Engineer' are no longer valid. This term is replaced with the new term Chartered Professional Engineer, in keeping with the Chartered Professional Engineers of NZ Act 2002.)

This Code (NZS 4404:2004 plus Addendum) will continue to be a means of compliance, as referred to in the plans, above. The new Standard, which is the Code's template, recognises and provides for alternative design that will result in development equivalent or superior in performance to that complying with the Standard. This flexibility can be used to meet circumstances peculiar to a site or to the Council.

A significant difference between the new Standard and this Code is that the Standard does not cover regional issues. Consequently, the Code adds sections on such matters as storm water and catchment-related management issues. One very helpful aspect that the new Standard brings to this Code is that it covers development and rural subdivision and landscape design and practice, whereas the former standard and code did not.

## **A5 Updates of the Code**

The Code will be reviewed periodically, but particularly at the time the (Resource Management) Plans are notified for public submissions.

## **A6 Relationship to Resource Management**

The functions of the Council, set out in s.31 of the Resource Management Act 1991, include the following:

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

[(b) the control of any actual or potential effects of the use, development,

- or protection of land, including for the purpose of –
- (i) the avoidance or mitigation of natural hazards; and
  - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
    - [[ (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:]]
  - (iii) the maintenance of indigenous biological diversity:]
- (c) Repealed.
  - (d) The control of the emission of noise and the mitigation of the effects of noise.
  - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
  - (f) Any other functions specified in this Act.
- [(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.]

The Standard sets out in more specific terms methods to achieve the standard expected from each phase or type of land subdivision and development. Compliance with the methods or standard practices of this Code, in any respect of any prescribed requirement of the Plan or any condition of consent, shall be deemed to be compliance with that requirement or condition.

## **A7 Related Consents**

Depending on the circumstances, additional consents may be required under the Resource Management Act 1991 including:

- Land use consent
- Discharge Permit
- Water Permit
- Coastal Permit

It may be that all required consents will have to be lodged concurrently. Confirmation should be sought from the Council prior to lodging an application for consent.

## **A8 Functions of the Council**

The Council has the authority to verify compliance with the provisions of this Code as prescribed in its Resource Management Plans and may delegate such authority to any officer of the Council or person provided that:

- (a) The observance or performance of any provision of this Code shall not be dispensed with except as provided herein.
- (b) Means of compliance with the requirements of this Code shall be accepted by the Council as specifying good practice.
- (c) In determining whether any matter or thing complies with this Code, established principles of good engineering and trade practice shall apply.

## Amendments to NZS 4404: 2004

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The clauses within NZS 4404 that the Council has amended or deleted are listed below in the order they appear in this Addendum.

Clauses within this Addendum have been reproduced from NZS 4404:2004 with the permission of Standards New Zealand under Licence 000702. NZS 4404:2004 can be purchased from Standards New Zealand at [www.standards.co.nz](http://www.standards.co.nz).

Addendum Number	NZS4404:2004 – Clause to be amended	Page Number of NZS4404:2004	Type of Amendment
<b>Part 1: General Requirements and Procedures</b>			
1.	1.1 Scope	14	Amend clause
2.	1.2.3 Definitions	16/17	Insert definitions
3.	1.2.3 Definitions	17	Amend definition
4.	1.2.4 Abbreviations	18	Insert abbreviation
5.	1.3.1 Resource Management Act	19	Amend clause
6.	1.3.2 Building Act	19	Change date
7.	C1.3.2	20	Change date
8.	1.5.2.3 Scale	21	Amend clause
9.	1.5.2.4 Content of drawings	22	Amend clause
10.	Schedule 1D	30	Amend clause
<b>Part 2: Land Stability, Foundations and Earthworks</b>			
11.	2.1 Scope C2.1	32	Amend clause
12.	2.2 General	33	Amend clause
<b>Part 3: Roads</b>			
13.	3.3.1 Minimum Requirements	46	Amend clause
14.	3.3.2.1 Design parameters	47	Delete paragraph
15.	3.3.2.2 Sight Distance	47	Amend clause
16.	Table 3.1	48	Delete table
17.	Table 3.2	49	Delete table
18.	3.3.9 Cul-de-sac heads	59	Amend clause
19.	3.3.12.1 Urban	59	Amend clause
20.	Figure 3.8	65	Replace figure
21.	3.3.19.1 Urban	69	Amend clause
22.	3.3.19.2 Rural	69	Insert text and figures
23.	Figure 3.10	71	Replace figure
24.	3.3.21.5 Sumps	74	Amend clause
25.	Figure 3.12	75	Replace figure
26.	Figure 3.14	77	Replace figure

<b>Addendum Number</b>	<b>NZS4404:2004 – Clause to be amended</b>	<b>Page Number of NZS4404:2004</b>	<b>Type of Amendment</b>
27.	Figure 3.15 and Figure 3.16	78/79	Delete figure
28.	Figure 3.18 and Figure 3.19	81/82	Delete figure/ Replace figure
29.	3.4.2.3 Basecourse (c)	83	Amend clause
30.	Table 3.6A Particle Size Distribution Envelope Limits	83	Insert table and figure
31.	Table 3.7 Minimum Surfacing Standards	84	Amend Table
32.	3.4.4.2 Double wet lock coat	85	Delete clause
33.	3.4.16 Berms and landscaping	89	Amend clause
<b>Part 4: Stormwater Drainage</b>			
34.	4.1 Scope	92	Amend clause
35.	4.2.3 Local authorities' requirements	92	Amend clause
36.	4.2.3.1 Authorization from the Regional Council	93	Amend clause
37.	4.3.1.1 Approval process for stormwater drainage systems	95	Amend clause
38.	4.3.2.4 Secondary flow paths	97	Amend clause
39.	Table 4.1 minimum AEP for design storms	98	Amend table
40.	4.3.2.5.2 Freeboard and c4.3.5.2	99	Delete clause
41.	4.3.3.1 Location and alignment of stormwater mains	100	Amend clause
42.	Table 4.2 Acceptable pipe materials	101	Amend table
43.	4.3.3.4 Pipeline connections	102	Amend clause
44.	4.3.3.5 Minimum pipe sizes	102	Amend clause
45.	4.3.3.6 Minimum cover	102	Amend clause
46.	4.3.5 Waterways	105	Amend clause
47.	4.3.5.1 Constructed waterways	105	Delete clause
48.	4.3.5.2 Natural waterways	105	Delete clause
49.	4.3.6 Water quality and quality control	106	Delete clause
50.	4.3.7 Connection to the public system	106	Amend clause
51.	4.3.8.1 Approved outfall	107	Amend clause
52.	4.3.8.2 Soak pits	107	Amend clause

Addendum Number	NZS4404:2004 – Clause to be amended	Page Number of NZS4404:2004	Type of Amendment
53.	4.3.12.3 Sizing of the stormwater drainage system and profiles 4.3.12.3.3 Determination of water surface profiles	109	Amend clause
54.	4.3.12.3.4 Outfall water levels	114	Delete & amend clause
55.	4.3.12.5 Waterways	115	Delete clause
56.	4.3.12.5.1 Manning's 'n'	115	Amend clause
57.	4.3.12.6 Outlets	116	Amend clause
58.	4.3.12.7 Stormwater quality control	116	Amend clause
Part 5: Wastewater			
59.	5.3.5.1 Design Flow	124	Amend clause
60.	5.3.5.2 Hydraulic design of pipelines	124	Amend clause
61.	Table 5.3 Coefficients for gravity lines	125	Delete table
62.	Table 5.4 Minimum pipe size for wastewater reticulation and property connections	125	Amend clause
63.	Table 5.5 Minimum grades for wastewater pipes	126	Amend table
64.	Table 5.6 Minimum grades for property connections and permanent ends	126	Amend table
65.	Table 5.7 Acceptable MH, MS and TMS options for wastewater reticulation	127	Amend table
66.	Table 5.9 Minimum internal fall through MH joining pipes of same diameter	129	Replace table
67.	5.3.10 Pumping stations and pressure mains	135	Insert text
68.	5.4 Construction	135	Amend clause
69.	5.4.2 Manhole connections	135	Insert clause
70.	5.4.3 Below ground structures	135	Insert clause
Part 6: Water Supply			
71.	6.3.8.3 Fire flows	143	Insert clause
72.	6.3.8.4 Fire sprinkler systems	143	Insert clause



<b>Addendum Number</b>	<b>NZS4404:2004 – Clause to be amended</b>	<b>Page Number of NZS4404:2004</b>	<b>Type of Amendment</b>
73.	6.3.9.3 Peak flows	144	Amend clause, insert text and diagram
74.	6.3.9.4.1 Hydraulic roughness values	144	Amend clause, insert text and table
75.	Figure 6.1 Conceptual hydraulic operation of a gravity main	146	Replace figure
76.	6.3.9.6.2 Operating pressure working pressure	147	Amend clause
77.	6.3.10.1 General	149	Amend clause
78.	6.3.10.3 Water mains in easements	149	Amend clause
79.	6.3.10.5 Water mains near trees	150	Amend clause
80.	6.3.11.8.1 Thrust blocks	154	Amend clause
81.	Table 6.2 Clearance between water mains and underground services	155	Amend table
82.	6.4.2.1 Gate valves	157	Amend clause
83.	6.4.2.3 Stop valves for reticulation mains	158	Amend clause
84.	Figure 6.4 Secure connection	160	Amend clause
85.	6.4.2.7 Toby valves	162	Insert clause
86.	6.5.6 Hydrant location marking	163	New clause
87.	6.11 Means of Compliance	168	Amend clause
88.	6.11.2 Minimum pipe sizes	168	Amend clause
89.	Clause 6.11.3 Allowable operating pressure (head) and Table 6.5 Operating pressure units	168	Amend clause and table
90.	6.11.4 Minimum flows	168	Amend clause
91.	6.11.5 Minimum water demand	168	Amend clause
92.	Table 6.6 Empirical guide for minimum principle main sizing	169	Amend table
93.	Table 6.7 Empirical guide for sizing rider mains	169	Amend table
94.	Table 6.8 Stop valve spacing criteria	170	Amend table

Addendum Number	NZS4404:2004 – Clause to be amended	Page Number of NZS4404:2004	Type of Amendment
<b>Part 7: Landscape Design and Practice</b>			
95.	7.2.2 Compatibility with engineering design	172	Amend clause
96.	7.2.7 Safer Design Guidelines	173	Insert clause
97.	7.3.1.2	173	Amend clause
98.	7.3.2.2	176	Amend clause
99.	7.3.3.1	176	Amend clause
100.	7.3.5.1	177	Amend clause
101.	7.4.1.2	177	Amend clause
102.	7.4.4.1	178	Amend clause
103.	7.4.7 Pruning	181-182	Delete clause
104.	7.4.8 Restoration and tidy up	182	Amend clause
105.	7.4.8.5	182	Insert clause
<b>Part 8: Reserves</b>			
106.	8.2.4	184	Amend clause
107.	8.2.5	184	Insert clause
108.	8.2.6 Esplanade reserves	184	Insert clause
109.	8.3.4 Existing trees	185	Amend clause
110.	8.3.5 Park furniture/structures	185	Amend clause
111.	8.3.7 Presentation of reserves	185	Amend clause
<b>Appendix</b>			
112.	B1 Testing of steel and PVC pipes in Appendix B	212	Amend clause
113.	Appendix E Unsuitable Street Trees	216	Insert appendix



**Marlborough District Council – Code Of Practice For  
Subdivision And Land Development.  
Addendum Of Changes To Be Read In Conjunction With  
NZS4404:2004.**

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1. Clause 1.1 *Scope* p 14 is amended as follows:

**1.1 Scope**

This Standard, ~~if adopted by territorial authorities (TAs),~~ serves as a basis for technical compliance for the subdivision and development of land where these activities are subject to the Resource Management Act 1991.

Part 1 of this Standard concerns matters of general application and general requirements to be observed.

Parts 2 to 9 of this Standard provide good practice guidelines relating to particular types of infrastructures to be provided.

2. Clause 1.2.3 *Definitions* p 16/p17 is amended by inserting the following:

ESPLANADE RESERVES & STRIPS have the meaning defined in the Resource Management Act 1991.

RECREATION RESERVES means areas for the purpose of providing open space for recreation, sporting activities, space for the physical welfare and enjoyment of the public and for the protection of the natural environment and the beauty of the countryside.

SOILS means the heterogeneous aggregation of particles comprising either peat, clays silts, sands, gravels, crushed and re-oriented rock fragments, or a mixture of any of the above. The term excludes rock that is intact rock masses whether highly jointed or not.

TOBY VALVE means the valve at the point of supply (the point where piping changes from TA water pipe to consumers private piping).

3. Clause 1.2.3 *Definitions Territorial Authority* p 17 is amended as follows:

TERRITORIAL AUTHORITY (TA) means Marlborough District Council.~~a territorial authority (TA) as defined in the Local Government Act, 2002.~~

4. Clause 1.2.4 *Abbreviations* p 18 is amended by inserting the following:

ID internal diameter

5. Clause 1.3.1 *Resource Management Act* p 19 is amended as follows:

**1.3.1** *Resource Management Act*

The Resource Management Act 1991 is the principal statute under which the development and subdivision of land is controlled.

The Council's resource management district plans (Proposed Wairau-Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan) ~~of TAs~~ are resource management instruments with the purpose of achieving the promotion of sustainable management of natural and physical resources, which is the overarching purpose of the Resource Management Act 1991.

Standards unless incorporated ...

6. Clause 1.3.2 *Building Act* p 19 is amended as follows:

**1.3.2** *Building Act*

The Building Act ~~1991~~ 2004 provides a national focus for building control to ensure that buildings are safe and sanitary and have suitable means of escape from fire, and the Building Regulations made under the 1991 Act provide the mandatory requirements for building control in the form of the New Zealand Building Code. The Building Code contains the objective, functional requirements and performance criteria that building work must achieve.

Where infrastructural development associated with subdivision or development of land involves the creation of structures with associated site works, the requirements of the Building Act must be observed. Nothing in this Standard shall detract from the requirements of the Building Act ~~1991~~ 2004 or the Building Code.

7. Clause C1.3.2 p 20 is amended as follows:

**C1.3.2**

***Systems owned or operated by a network utility operator for the purpose of reticulation to other property are not included in the definition of building under the Building Act 1994/2004***

8. Clause 1.5.2.3, *Scale* p 21 is amended as follows:

**1.5.2.3 Scale**

The required scale for plans is generally 1:500 but 1:200 or 1:250 may be ~~other~~ accepted if the full design can be accommodated on a single plan ~~engineering scales may be used to suit the level of details on the plans~~. Special details shall be to scales appropriate for clarity. ~~Individual TAs may require other specific scales to be used.~~

9. Clause 1.5.2.4 *Content of drawings part (I)* p 22 is amended as follows:

**1.5.2.4 Content of drawings**

The following information shall be shown on the design drawings:

.....

- (i) Details of proposed landscaping of roads and allotments, and details of proposed reserve development including earthworks, landscaping features, landscaping structures (see 7.3.5), tree planting, hard and soft surface treatment, park furniture, irrigation and playground equipment (see 8.3.5).

10. *Schedule 1D* p 30 is amended as follows:

## **SCHEDULE 1D**

### **AS-BUILT PLANS**

Information given on as-built drawings, ~~whether submitted electronically or as paper plans and electronically,~~ shall include but shall not be limited to:

- (a) Stormwater and wastewater reticulation – including the co-ordinated positions of manholes, manhole inverts, inverts of pipes and lid levels, measurements to house connections, and laterals and their length and position. Positions of connections and laterals shall be both co-ordinated and referenced to adjacent manhole lids and boundary pegs. All levels shall be in terms of datum approved by the TA;

- (b) Flood and secondary flow information, flood water levels and the extent of any overland secondary flows shall be shown where these have been obtained or derived during the design;
- (c) Water reticulation (including irrigation)– including the position of reservoirs, mains, location of hydrants, valves, tees, reducers, connections, tobies, specials, etc. All features shall be accurately dimensioned, co-ordinated and referenced to boundary pegs so that they can be accurately relocated in the field; The Ground Level plus minimum and maximum water levels of all tanks and reservoir to be included. All levels shall be in terms of datum approved by the TA;
- (d) Ducts – measurements to ducts installed for utilities;
- (e) Labelling of pipes and ducts to cover diameter (including whether ID, OD, or DN (dia Nominal), pipe material and class, year laid, jointing type; Terminology, especially relating to diameter sizing, is to be similar to that used in the appropriate standard to which the pipe is made)
- (f) Road names – as approved by the TA;
- (g) Co-ordinates of all utility surface features to be taken over by the TA, including tobies,
- (h) The co-ordinates of at least two points on each plan in terms of an appropriate geodetic or cadastral datum and the origin of the plan level datum;
- (i) Geotechnical completion report as detailed in 2.11 of this Standard. As-built surface contours covering all areas of undisturbed and cut/fill ground to indicate the finished ground and any deviation from approved design plan;
- (j) Road construction, including location, structural details and details of road marking, signals, lighting, signs, landscape features, seating and other amenities and features;
- (k) Road surfacing information – for sealed roads, information shall include binder type and application rate, cutter type and quantity, adhesion agent type and quantity, type and quantity of other additives, the width, length and area of each street sealed, chip size, the design basis for the binder application rate and a discussion on any reasons for differences between the design and applied rate.
- (l) Landscaping – including details of plant names and location, materials to be used, an electrical plan for landscape lighting, and an irrigation plan

11. Clause 2.1 Scope C2.1 p 32 is amended as follows:

**C2.1**

*This Part 2 is not a geotechnical standard but sets out some, but not necessarily all of the matters which need to be considered in planning and constructing a land development project. Its function is to provide information for professionals involved in designing*

*and constructing a land development project and to require geotechnical expertise in projects where land stability could be an issue or where earthworks other than of a minor nature will occur.*

*The assessment of land stability to meet the provisions of the Resource Management Act and Building Act is the responsibility of the TA. The TA requires and relies on the assessment made by the geotechnical engineer employed by the developer.*

*The methods used and investigations undertaken are defined by the TA and the geotechnical engineer.*

*This Standard does not set those requirements or set standards for assessing geotechnical risk.*

*Special requirements apply when land is subject to erosion, avulsion, alluvium, falling debris, subsidence, inundation or slippage. In such situations reference needs to be made to s.106 of the Resource Management Act 1991, and for subsequent building work, s. ~~71-74~~<sup>36</sup> of the Building Act ~~1994~~ 2004.*

12. Clause 2.2 General p 33 is amended as follows:

**2.2 General**

The choice of final land form is dependent on many factors which may be specific to the development. These include the relationship with surrounding landscapes, the size of the development, the proposed and existing roading patterns, the preservation of natural features, the land stability, the function and purpose of the development and the potential for flooding, erosion and other natural events including earthquakes.

The order of importance of the above factors will vary from project to project.

NOTE: The Council's Geotechnical Reporting Requirements 2005 contain detailed requirements relating to providing the Council with a report and an opinion on proposed development where land stability is an issue. These requirements can be found on the Council's website under [Plansandreports\summarylist\otherdocuments\geotechnicalreporting2005](#). These requirements must be met prior to any work commencing.

13. Clause 3.3.1 *Minimum requirements* p 46 is amended as follows:

**3.3.1 Minimum requirements**

~~Unless approved otherwise by the TA, road standards as defined in table 3.1 (urban) and table 3.2 (rural) –~~ The Council's Resource



Management Plans shall be used as the basis for road design. Traffic calming measures may be used in conjunction with these road dimensions to enhance streetscape and community amenity and control vehicle speeds.

Urban roads shall be provided with kerbs and channels and be adequately drained unless the TA approves an alternative. Subsoil drains under pavement/kerb edges shall be provided in terms of good engineering practice....

14. Clause 3.3.2.1 *Design parameters* p 47 is amended as follows:

**3.3.2.1** *Design parameters*

Primary and collector roads shall be designed to accepted standards (generally satisfied by the use of the Austroads *Guide to Traffic Engineering Practice*) and shall incorporate horizontal transition curves. Other urban roads within speed limit zones below 70 km/h or with adequate bend widening may satisfy the geometric standards incorporated in table 3.1 of this Standard or other standards set from time to time by the TA and horizontal geometry may generally use wholly circular curves.

Rural roads shall be designed in general compliance with the TNZ *State Highway Geometric Design Manual* or Austroads *Guide to the Geometric Design of Rural Roads* except as modified by the design parameters given in table 3.2 for the applicable road class. Rural roads in steep hill country where speed limits do not exceed 70 km/h may utilize circular curves without horizontal transition curves.

Combination of carriageway widening and off-street parking shall be used to provide extra and/or safe parking in the vicinity of shopping centres or community facilities (e.g. schools, community centres, hospitals etc.).

~~For design speeds, carriageway width, road reserve width, berms, maximum and minimum gradients, camber and super-elevation refer to tables 3.1 and 3.2.~~

Horizontal and vertical curve design aids suitable for urban roads without horizontal transition curves are given in tables 3.3 to 3.6 inclusive.

15. Clause 3.3.2.2 *Sight distance* p 47 is amended as follows:

**3.3.2.2** *Sight distance*

Sight distance criteria at intersections as well as for stopping, overtaking, curves and obstructions shall be applied in

accordance with the Council's Resource Management Plans Austroads Guide to Traffic Engineering Practice Part 5: Intersections and Part 6: Roundabouts.

16. Table 3.1 – Road Design Standards - Urban p 48 has been deleted as follows:

~~Table 3.1 – Road design standards – Urban (speed limit  $\leq$  70 km/h)~~

17. Table 3.2 – Road Design standards – Rural p 49 has been deleted as follows:

~~Table 3.2 – Road design standards – Rural (speed limit up to 100 km/h)~~

18. Clause 3.3.9 *Cul-de-sac-heads* p 59 is amended as follows:

**3.3.9** *Cul-de-sac heads*

~~Typical heads are shown in figures 3.4 and 3.5~~ Figure 3.4 shows an acceptable cul-de-sac head. The heads shown in figure 3.5 will only be acceptable if:

A the head is temporary prior to connection with an adjoining link road, or

B the topography prevents construction of a figure 3.4 head, or

C the head is part of a private right-of-way or access

Subject to design a central area may be provided for parking or beautification in a cul-de-sac head. The minimum kerb gradient around cul-de-sac heads shall be 0.5 %. Where the head of a cul-de-sac is also a low point it shall be provided with a double sump with individual leads from each sump.

19. Clause 3.3.12.1 *Urban* p 59 is amended as follows:

**3.3.12.1** *Urban*

Footpaths shall be provided to adequately service all urban developments.

Their dimensions, strength, durability and finish shall be appropriate to their use and expected loadings. Footpaths shall be a minimum of 1.4 m wide surfaced over their full width. Wider footpaths or areas of local widening will often be required by the TA where higher use or other needs dictate such widening.

Grassed berms shall be provided over the widths between path and kerb and between path and road boundary. The berm shall incorporate not less than 100 mm compacted thickness of loam topsoil placed over a base material capable of allowing root penetration and sustaining healthy growth.

In all cases the combined berm and footpath width shall be adequate to enable landscaping and all current and expected services to be installed. To enable tree and amenity plantings, services must be confined to a defined area, so as not to conflict with or prevent amenity planting.

Berm crossfall shall, where possible, be 1 in ~~25~~ 30. Where this cannot be obtained the crossfall shall be no greater than 1 in 50.

Grassed areas for tree planting which are additional to the minimum berm width shall be specifically designed, and in these areas steeper gradients may be permitted to a maximum of 1 in ~~5~~ 3 providing the area can be mown.

Where a berm crossfall greater than 1 in 12.5 is proposed, the designer shall produce a cross section along suitable individual property access locations to show that the sag or summit curves at crossings can be satisfactorily negotiated by a 90<sup>th</sup> percentile car.

Pedestrian accessways shall be a minimum of 2.2 m wide and be designed for user safety. They should:

- (a) Be direct and as short as possible;
- (b) Have good sight lines for casual surveillance;
- (c) Be sited to ensure high levels of community use.

Pedestrian accessways shall be at least 2.2m wide with at least 1.4m surfaced and the remainder soft landscaping. ~~over their full width and p~~ Provision shall be made for the collection and disposal of stormwater. Both sides of the accessway shall be fenced with solid fencing at least 1.2 m high and an optional trellis or similar 600mm high with at least 50% fill. ~~provided with m~~ Mowing strips shall be provided to all sides of the fence base. The palings or approved fence facing shall face the accessway or reserve as applicable. Cycle barriers ~~shall~~ may be provided ~~required~~ at both ends of pedestrian accessways suitable for disabled access including wheelchairs and mobility scooter access.

Acceptable details for pedestrian accessway cycle barriers are shown in figure 3.7. For fencing details refer to figure 8.1 of this Standard.

Stormwater disposal and lighting shall be provided to all pedestrian accessways.

20. Figure 3.8 Footpath construction – typical sections p 65 is replaced with Figure 3.8 Vehicle crossings, kerb stormwater outlet and footpath joint details as follows:

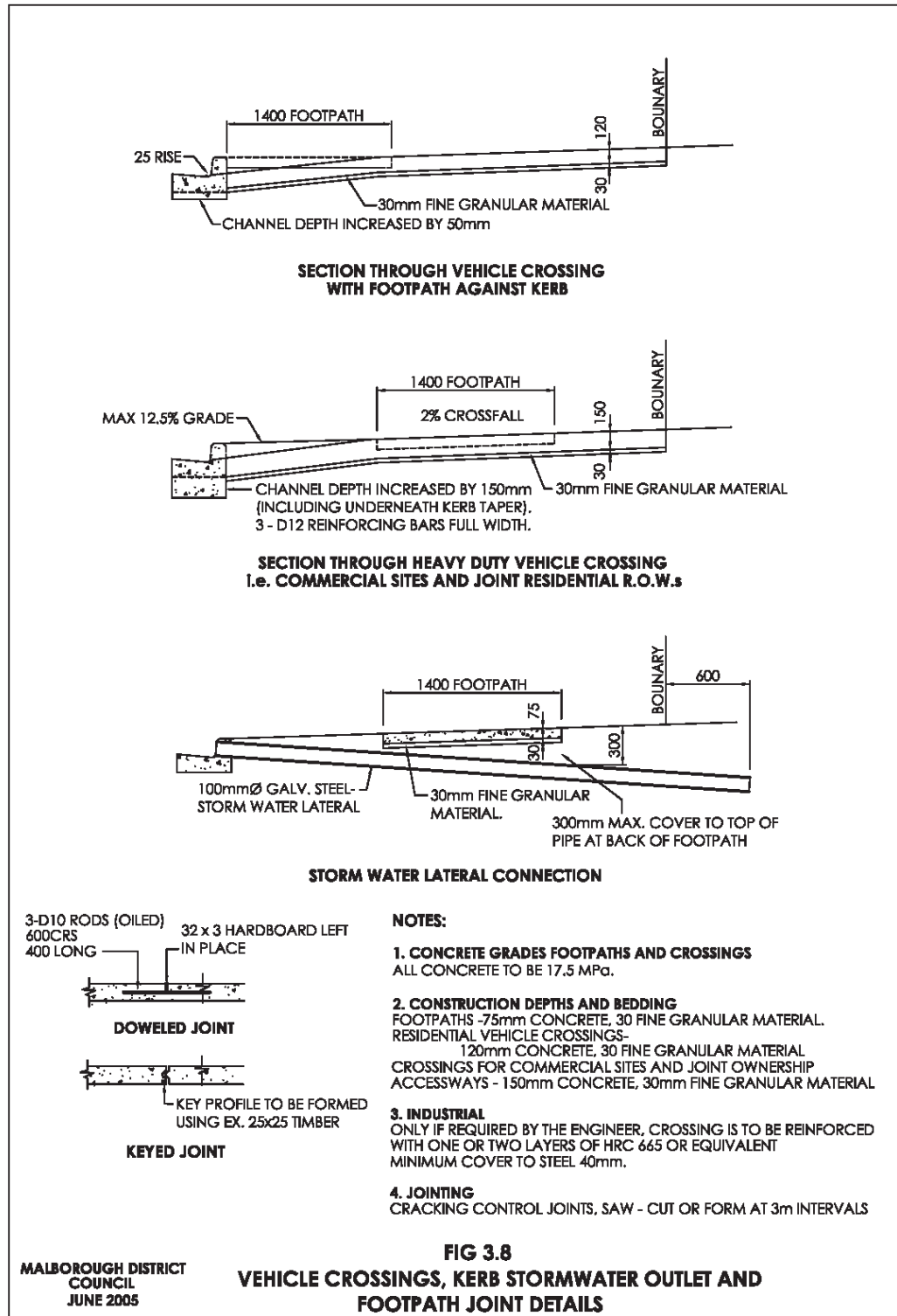


Figure 3.8 – Footpath construction – typical sections

21. Clause 3.3.19.1 *Urban* p 69 is amended as follows:

**3.3.19.1** *Urban*

Vehicle crossings shall be provided between the kerb line or carriageway edge and the road boundary at the entrance to all private ways and service lanes and to any lots, front or rear where access points are clearly identifiable at the subdivisional or development stage.

~~Where access points are not clearly identifiable at the subdivisional or development stage, crossings shall be constructed at the building consent stage.~~

Vehicle crossings shall be designed to enable the 90<sup>th</sup> percentile car to use them without grounding of any part of the vehicle. Figure 3.9 shows details satisfying this requirement. Structural design shall be adequate to carry the loads to be expected over its design life. All crossings shall be surfaced with asphalt or concrete or paving stone as approved by the TA. If alternative materials are used Council shall not be responsible for replacing these materials after maintenance work is undertaken. Figure 3.10 shows an acceptable detail of vehicle crossing.

Where kerb and channel is not provided, and stormwater drainage is provided by open drain rather than piped system, crossings shall be provided as for rural locations as specified in 3.3.19.2.

Pram and wheelchair crossings shall be provided at all road intersections and pedestrian crossings. The crossings shall be sited to facilitate normal pedestrian movements in the road and where possible sumps shall be sited so as to reduce the flow of stormwater in the channel at the crossing entrance. Pram, ~~and wheelchair~~ and mobility scooter crossings shall satisfy NZS 4121 for disabled persons access and shall incorporate tactile tiles.

22. Clause 3.3.19 *Rural* p69 is amended by adding the following at the end of the clause and inserting Figures 3.10A to 3.10F after Figure 3.10

**3.3.19.2** *Rural*

...

Figures 3.10A, 3.10B and 3.10C show an acceptable detail for rural accesses on roads other than state highways, based on the number and type of users of the road. (Note: these figures are Figures 11, 12 and 13 in the Proposed

Wairau/Awatere Resource Management Plan.)

Figures 3.10D, 3.10E and 3.10F show acceptable detail for rural accesses onto state highways based on the level of use. (Note: these figures are Diagrams C, D and E from Transit New Zealand's Planning Policy Manual. Figures 26.9, 26.10 and 26.11 in the Marlborough Sounds Resource Management Plan specify the permitted activity standards for accesses onto State Highways within the Marlborough Sounds).

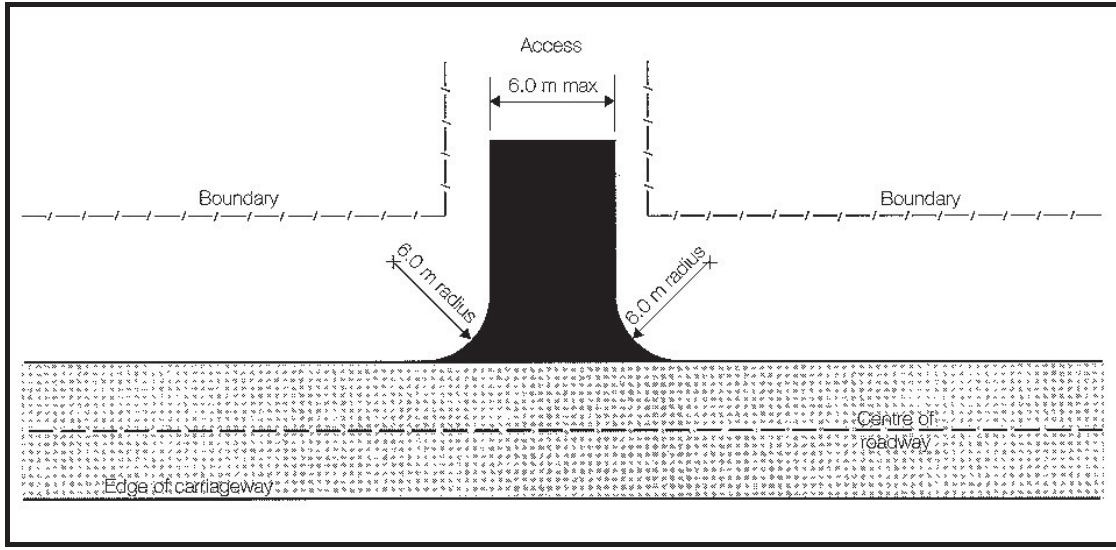


Figure 3.10A Private Access for One Rural User

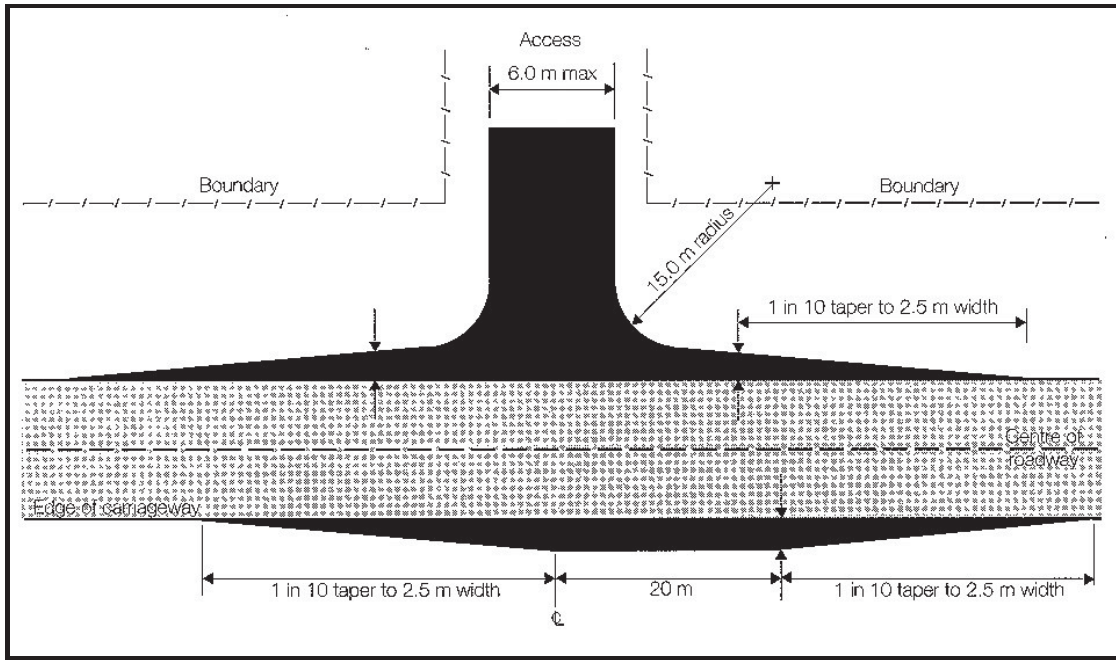
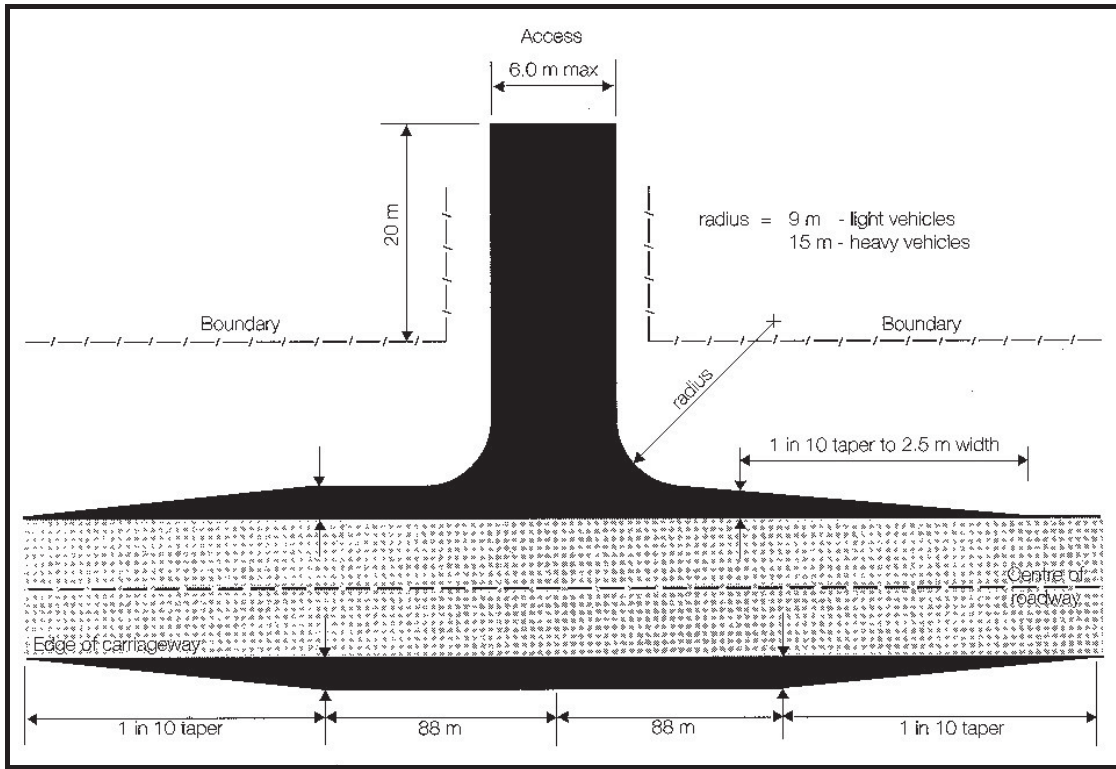
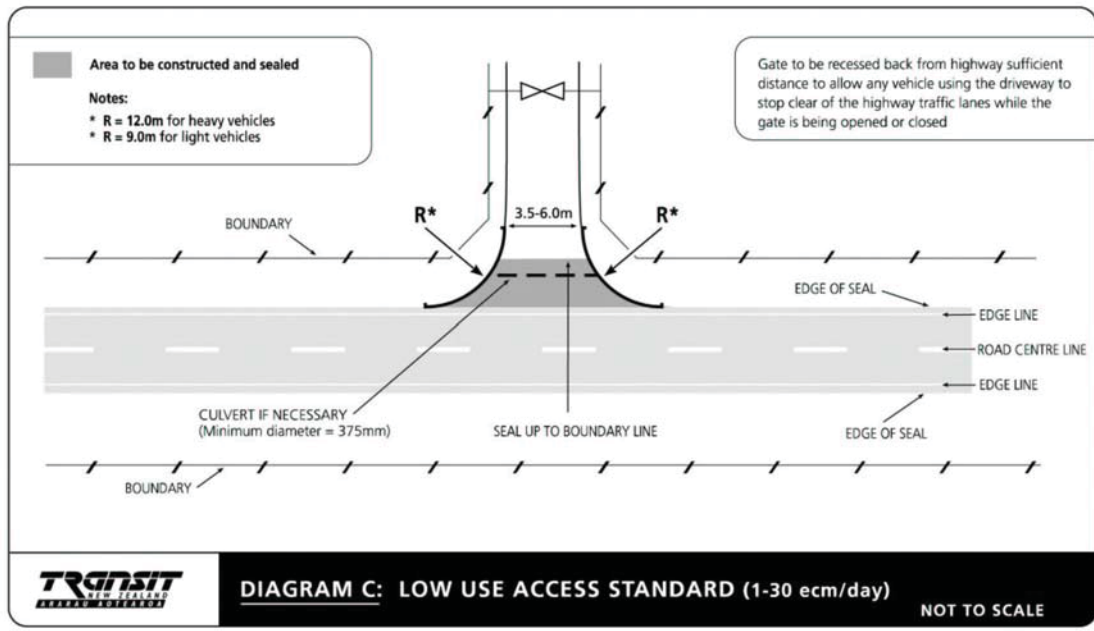


Figure 3.10B Private Access for 2 – 6 Rural Users



**Figure 3.10C Local Road Widening Commercial Access Rural Zones**



**Figure 3.10D**

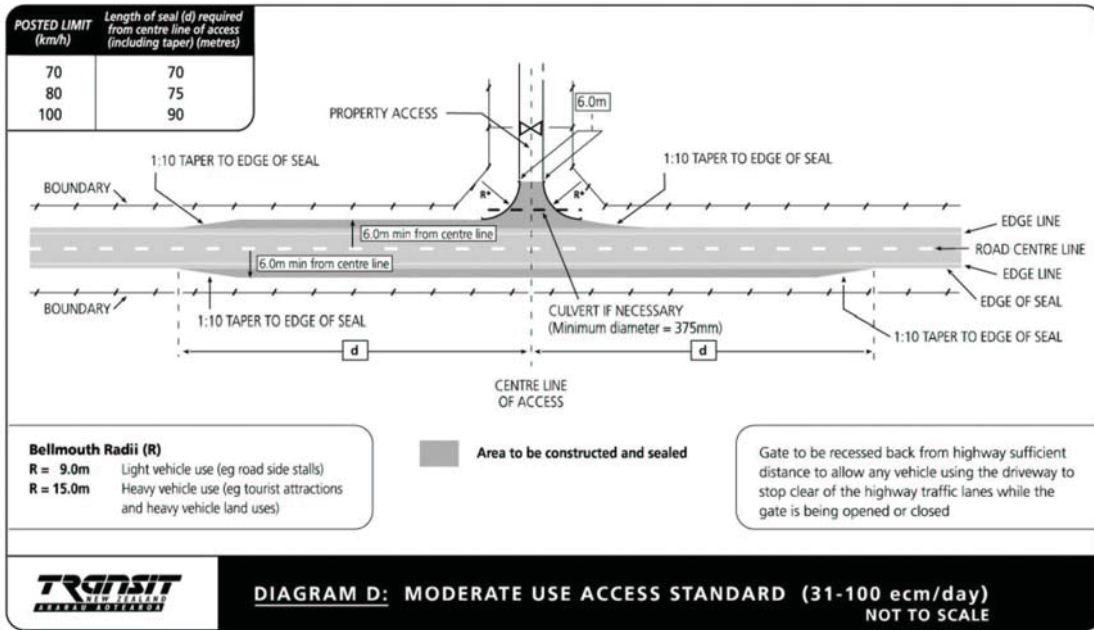


Figure 3.10E

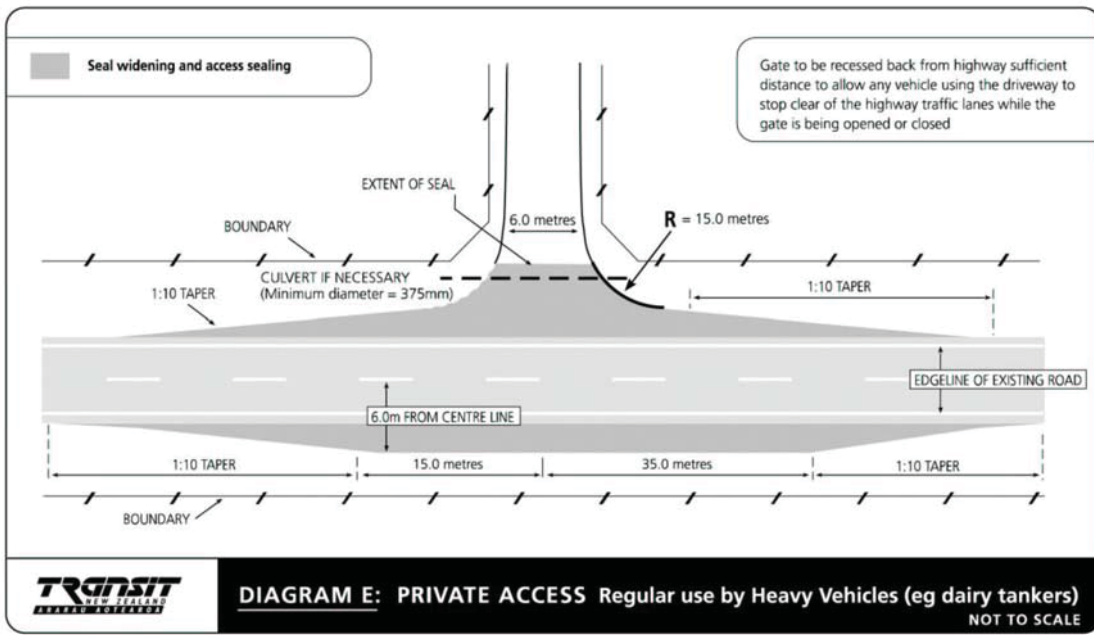


Figure 3.10F



23. Replace Figure 3.10 - Standard light duty vehicle crossing detail p71 with Figure 3.10 – Vehicle Crossings as follows:

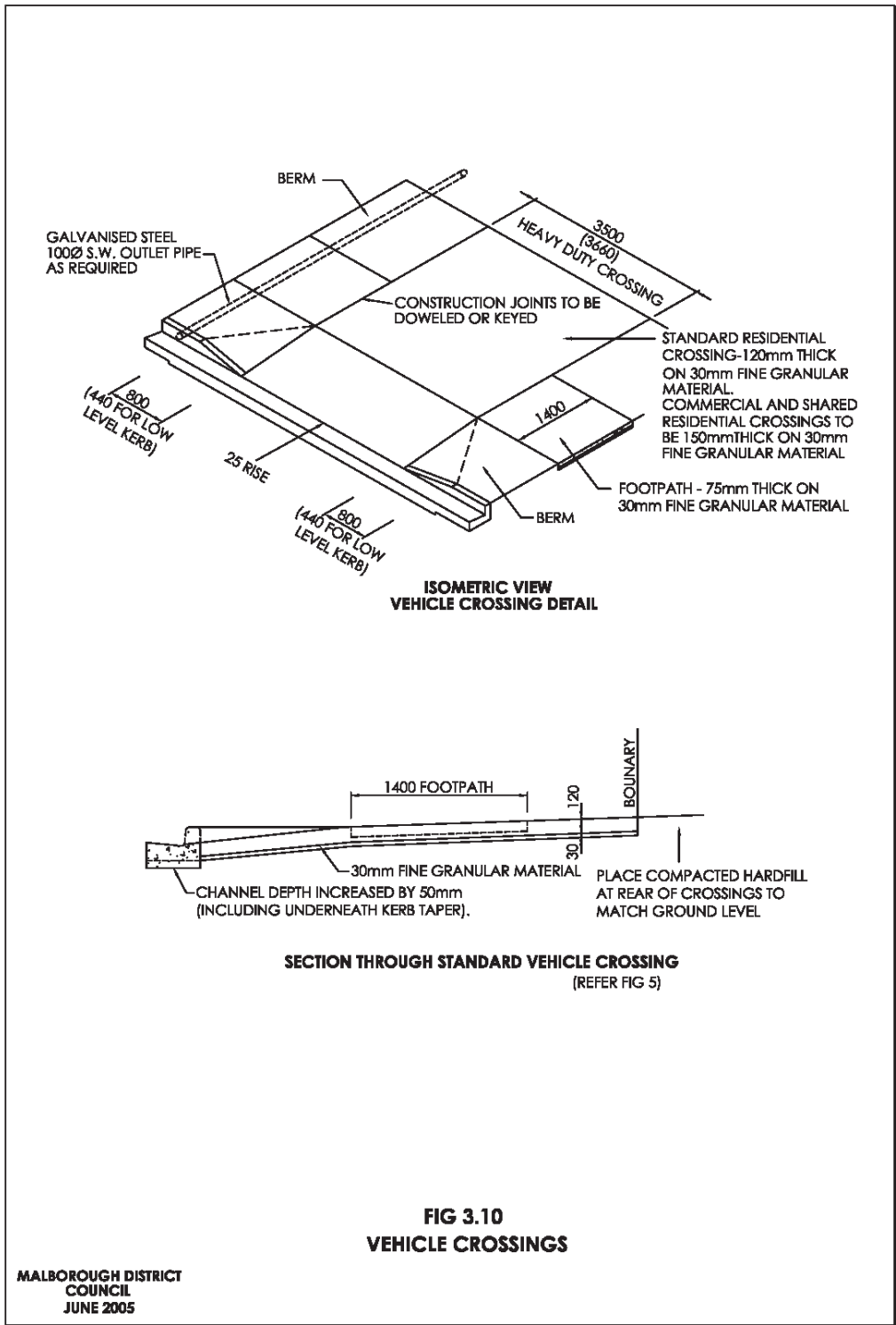


Figure 3.10 – Standard light duty vehicle crossing detail

24. Clause 3.3.21.5 *Sumps* p 74 is amended as follows:

**3.3.21.5** *Sumps*

Sumps used in all public places shall comply with the TA's current standard details.

On footpaths and accessways, kerb or driveway or right of way type sumps shall be used. Figure 3.13 shows an acceptable detail for a driveway or right of way sump. A flat channel or yard sump and various styles of hillside sump are shown in figures 3.14, ~~3.15, 3.16 and~~ 3.17 and 3.18.

~~A double back entry sump for road low points is shown in figure 3.19.~~

Trapped sumps shall be used where discharge to a soakpit is permitted.

25. Replace Figure 3.12 – Kerb and dished channels p 75 as follows:

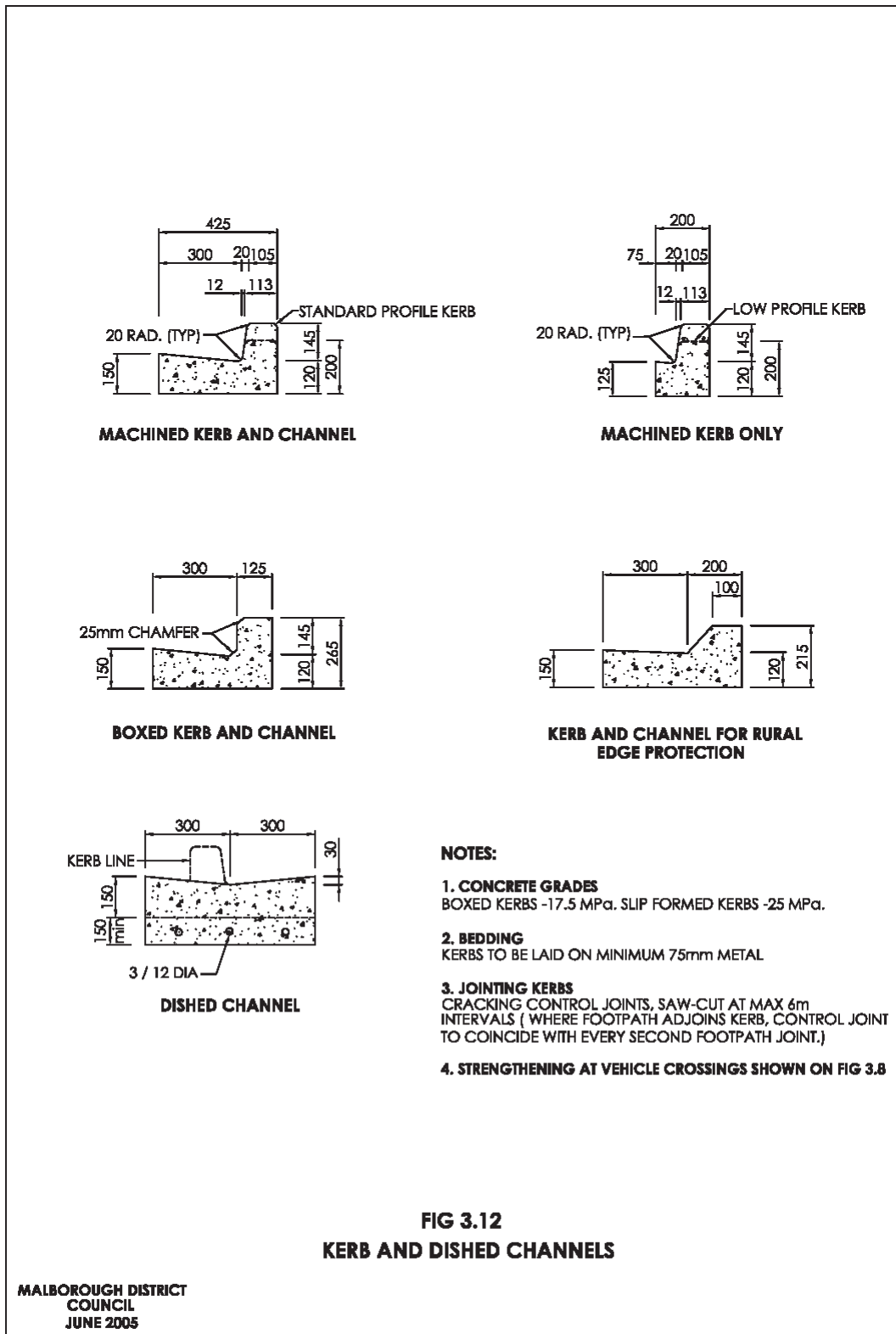


Figure 3.12— Kerbs and dished channels

26. Replace Figure 3.14 – Flat channel or yard sump p 77 with Figure 3.14 Road Sumps and Grating Detail as follows:

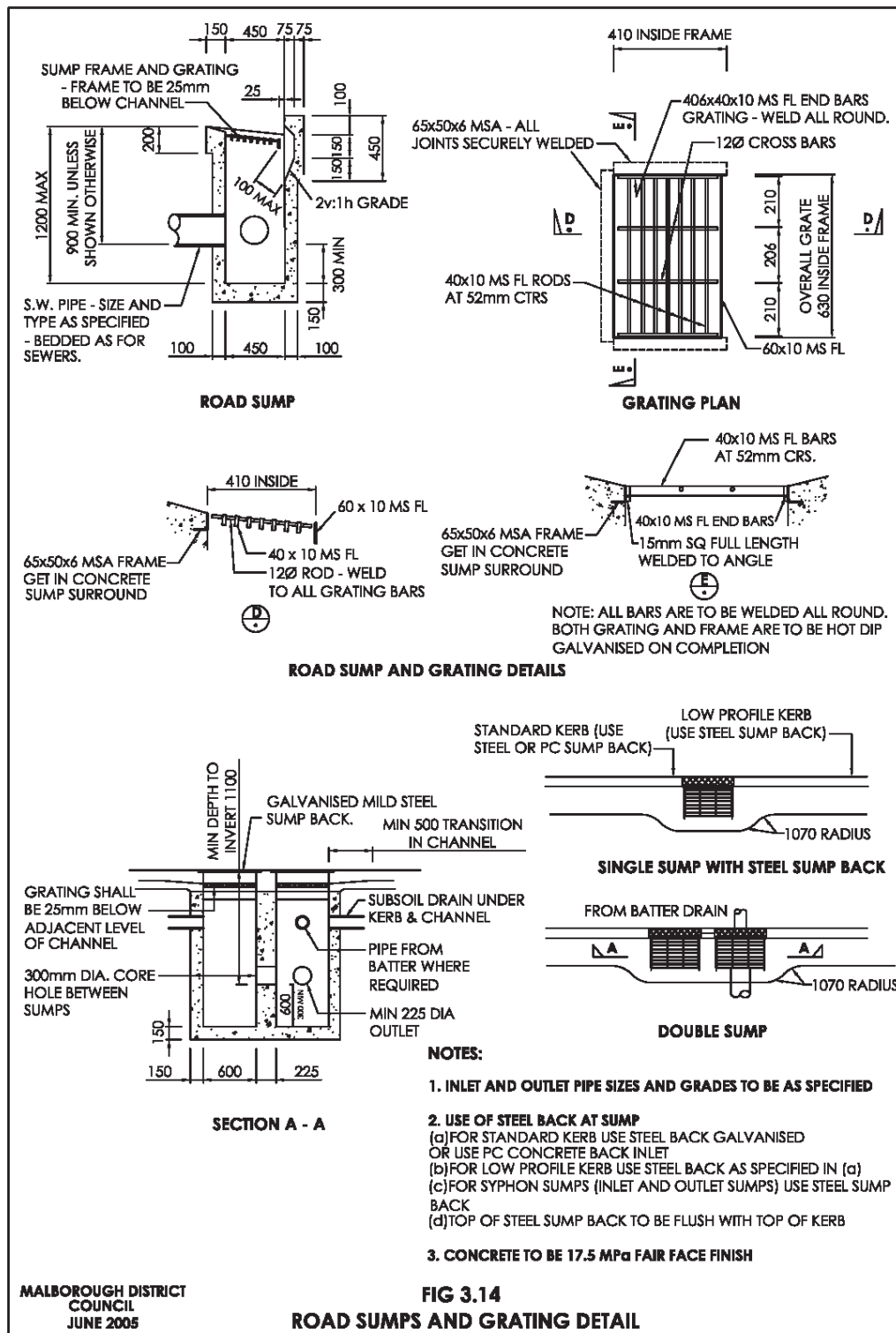


Figure 3.14 – Flat channel or yard sump

27. Delete *Figure 3.15 – Hillside sump* p 78; and *Figure 3.16 – Add on to back entry sump for hill side situations* p 79.

Figures 3.15 and 3.16 are not applicable to the Marlborough situation.

~~Figure 3.15 – Hillside sump~~

~~Figure 3.16 – Add on to back entry sump for hillside situations.~~

28. Delete *Figure 3.18 – Special entry to double sump in hillside channel* p 81; and *Figure 3.19 Double back entry sump for road low points* p 82.

~~Figure 3.18 – Special entry to double sump in hillside channel.~~

~~Figure 3.19 – Double back entry sump for road low points.~~

Refer to amendment 30 below for new figure 3.19.

29. Clause 3.4.2.3 *Basecourse (c)* p 83 is amended as follows:

**3.4.2.3 Basecourse**

The thickness of the basecourse layer when used with other metal aggregate layers shall not be less than 100 mm.

Acceptable basecourse specifications are:

- (a) TNZ M/4, (all passing 40 mm – AP40)

This is a high quality material to be used for all roads of arterial class;

or

- (b) TNZ approved regional basecourse

This is a slightly lower quality material than TNZ M/4. It may be used for roads of collector class;

or

- (c) Local basecourses acceptable to the TA and TNZ

They may be used for non industrial/commercial roads of local class and footpaths, kerb crossings, shared accessways etc. Acceptable local AP40 basecourse envelope and particle size distribution limits are specified in figure 3.19 and table 3.6A.

30. Insert *Table 3.6A – Particle Size Distribution Envelope Limits for an Individual Sample* and *Figure 3.19 Local AP40 Basecourse Envelope* as follows:

**Table 3.6A – Particle Size Distribution Envelope Limits for an Individual Sample**

Test Sieve Aperture (mm)	Max and Min Allowable Percentage Weight Passing		
	TNZ AP40	Local AP40	TNZ and Local AP40
	Lower	Lower	Upper
0.075	0	0	7
0.15	0	0	10
0.3	3	3	14
0.6	7	7	19
1.18	12	11	25
2.36	19	18	33
4.75	28	27	43
9.5	43	41	57
19	66	63	81
37.5	100	100	100

Sand equivalent shall not be less than 30

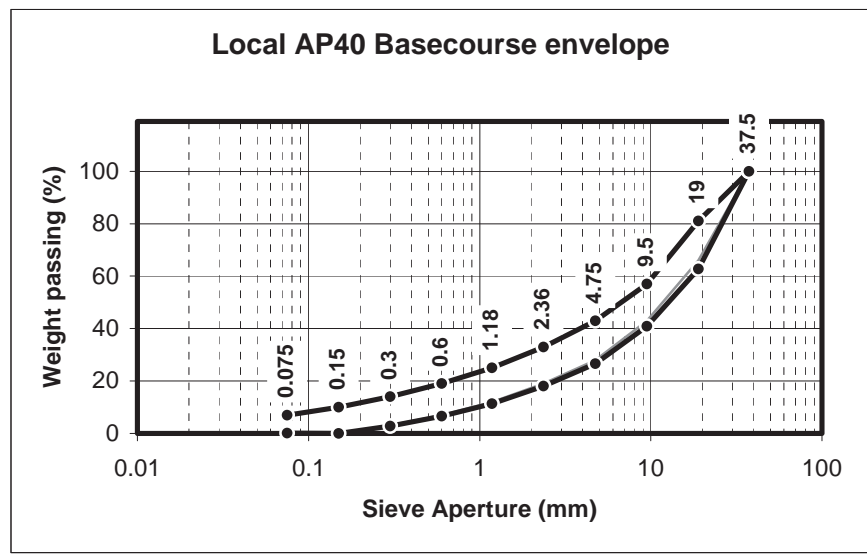


Figure 3.19 Local AP40 Basecourse Envelope

31. Amend *Table 3.7 – Minimum surfacing standards* p 84 as follows:

<b>Table 3.7 – Minimum surfacing standards</b>	
<b>Facility</b>	<b>Minimum surfacing</b>
Residential cul-de-sac head	Segmental concrete pavers, concrete, 30 mm asphaltic concrete
Public car parks (excl. parallel parks)	Segmental concrete pavers, concrete, 30 mm asphaltic concrete
Industrial/commercial <u>road</u> cul de sac head	Segmental concrete pavers, concrete, 50 mm asphaltic concrete
Traffic islands and bus stops	Segmental concrete pavers, concrete, 50 mm asphaltic concrete

32. Clause *3.4.4.2 Double wet lock coat* p 85 is deleted as follows:

**3.4.4.2** *Double wet lock coat*

This clause has been deleted

~~First and second seals may be constructed in one operation with asphaltic cutback to TNZ M/1 and P/3 specifications.~~

~~The binder application rate for the seals shall be designed to suit the conditions and chip size.~~

~~Acceptable and compatible chip sizes are:~~

~~Local roads First coat: grade 4, second coat: grade 6~~

~~Other roads First coat: grade 3, second coat: grade 5 or 6.~~

33. Clause *3.4.16 Berms and landscaping* p 89 is amended as follows:

**3.4.16** *Berms and landscaping*

Berms shall be formed after all other works have been completed. The topsoil shall be free of weeds, stones and other foreign matter and shall be graded to footpath edge, provide a minimum seed bed of 100mm of loam topsoil compacted and shall finish 15 mm above footpath level to allow for settlement. The base material must be capable of allowing

root penetration and sustaining healthy growth.

After topsoiling, the berm shall be sown with Duraturf germinator or club choice grass seed that conforms with the following mix proportions unless the TA Council specifies an alternative seed mixture. The berms shall be given a single application of fertilizer of 3 parts superphosphate and one part sulphate of ammonia applied at a rate of 110kg/ha.:

~~4 parts by weight Perennial Ryegrass;~~

~~2 parts by weight Cheving's Fescue;~~

~~1 part by weight Browntop;~~

~~1 part by weight Crested Dog's-tail.~~

Berms shall be sown and maintained mown free of weeds for the contract maintenance period.

A sward coverage of not less than 90 % shall be achieved within one month of sowing and before completion documentation will be accepted for processing by the TA.

Any landscaping within the road reserve shall be in accordance with Part 7 of this Standard.

34. Clause 4.1 Scope p 92 is amended as follows:

4.1 Scope

This Part of the Standard covers the design and construction requirements of stormwater drainage works for land development and subdivision. While the emphasis in this Standard is on piped stormwater drainage networks, unlike other infrastructural networks such as water supply and wastewater, opportunities exist with stormwater drainage design to utilize or replicate the natural drainage system. Grassed swales, natural or artificial waterways, ponds and wetlands, for example, may in certain circumstances be not only part of the stormwater drainage system, but also a preferred solution especially if low impact on receiving waters downstream is critical.

The stormwater drainage system serves ~~two~~ three purposes: the conveyance of storm surface run-off with minimal flood damage, minimal contamination of receiving waters and groundwater control. ~~Both These~~ aspects need to be considered in design and achieved with minimal adverse effects on the environment.

**NOTE: THIS CODE ONLY CONTAINS REQUIREMENTS AND STANDARDS RELATING TO PIPED STORMWATER. ADDITIONAL CONSIDERATIONS AND REQUIREMENTS APPLY TO THE USE OF WATERWAYS FOR STORMWATER DRAINAGE.**



**RESOURCE CONSENTS:**

**In addition to the requirements of this Code, developments may require resource consents under the Resource Management Act 1991 and Council Resource Management Plans:**

**A where there is a discharge of stormwater into a waterway including temporary discharges during construction.**

**B where any structure is proposed within a waterway or within the bed of a river or stream**

**C where any modification of a waterway or of the bed of a river or stream is proposed**

**PRIOR TO DESIGNING ANY STORMWATER SYSTEM CHECK WITH THE COUNCIL TO ASCERTAIN WHAT RESOURCE CONSENTS ARE REQUIRED**

**OUTFALLS**

**Prior to designing any stormwater system appropriate outfall levels of the primary pipe and secondary flowpaths must be determined in consultation with the Council.**

35. Clause 4.2.3, *Local authorities' requirements* p 92 is amended as follows:

**4.2.3 *Local authorities' requirements***

The requirements of Council's Resource Management Plans ~~relevant regional and district plans~~ relating to stormwater drainage shall be met. ~~Regional plan requirements will generally be limited to effects on the natural environment.~~ Relevant bylaws, if any, shall also be met.

**C4.2.3**

*The division of responsibilities between territorial authorities and regional councils is set out in the Resource Management Act. The TA exercises control over works including drainage works associated with land development and subdivision. Approval of drainage works is required from the TA. Natural water quantity and quality, damming and diversion, and natural hazard risk management are controlled by the regional council. NOTE: The Marlborough District Council is a unitary authority having both district and regional council functions.*

*Authorization of the effects of drainage activities is required from the regional Council. ~~Activities with minor effects may be permitted by a rule in the regional plan (for example, the discharge of clean stormwater to natural water is sometimes permitted subject to conditions). Other activities require specific resource consent from the regional council.~~*

36. Clause 4.2.3.1, *Authorization from the regional council* p 93 is amended as follows:

**4.2.3.1** *Authorization from the regional council*

Authorization will be required from the ~~regional e~~Council for the discharge of stormwater unless the discharge is to an existing stormwater drainage system and meets any conditions which apply to the existing system. ~~However, territorial authorities have a responsibility to manage land and adverse effects under s. 31 of the Resource Management Act.~~

Other activities often associated with stormwater drainage works which must be authorized by the ~~regional e~~Council include: the diversion of natural water during construction work, the permanent diversion of natural water as a consequence of the development, activities in the bed or on the banks of a natural waterway, and damming waterways.

The discharge of clean stormwater and other activities where effects are considered minor may be authorized as a permitted activity subject to certain conditions in the ~~regional~~ Councils resource management plans. Authorization may also be by way of a comprehensive consent held for a large area or entire catchment.

In other circumstances site specific discharge permits and water permits must be obtained. Resource consent issues can be complex and the consent process long. The advice of the ~~regional e~~Council should be sought from consent officers at the earliest stage of planning for stormwater drainage works.

37. Clause 4.3.1.1, *Approval process for stormwater drainage systems* p 95 is amended as follows:

**4.3.1.1** *Approval process for stormwater drainage works*

New stormwater drainage systems generally require ~~approval~~ authorisation from the TA and ~~authorization from the regional e~~Council. Authorization may be by way of a permitted activity or rule in a ~~regional~~ the Councils resource management plans or discharge permit. ~~A discharge permit is generally required for medium to large subdivisions (e.g., 50 lots or more) and when significant water quantity and quality issues need to be addressed.~~

In these circumstances it is good practice:

- (a) To consult with authorizing officers from ~~both~~ the Services (subdivisions), Rivers and Drainage (water

related) and Regulatory Department (consents) -sections of the Council ~~regional and district councils~~ prior to consent application;

- (b) For ~~regional and district~~ councils to process subdivision and water-related resource consents simultaneously and deal with land and water issues ~~at a joint hearing pursuant to s.102 of the RMA~~ through a combined resource consent application.

38. Clause 4.3.2.4 *Secondary flow paths* p 97 is amended follows:

**4.3.2.4** *Secondary flow paths*

Lots shall generally be shaped such that they fall towards roadways which may be used as secondary flow paths.

Where secondary flow paths cannot, with good design, be kept on roads they should be kept on public land such as accessways, parks, and reserves or designated by legal easements where over private land. The location of the secondary flow paths shall be clearly delineated on plans held by the asset owner to ensure that their effectiveness is maintained.

~~Secondary flow paths shall be~~ Secondary flow paths through private land and accessways shall be formed of concrete or hotmix for ease of maintenance and designed so that erosion or land instability caused by the secondary flows will not occur. Where necessary the design shall incorporate special measures to protect the land against such events.

Ponding or secondary flow on roads shall be limited in height and velocity such that the carriageway is passable.

The secondary flow path sizing and location shall be supported by adequate analysis to show:

- (a) That it is of adequate capacity to cope with the design volumes;
- (b) That it discharges to a location that does not detrimentally affect others and can safely dissipate via a controlled disposal system as the storm peak passes.

At critical culverts and at other critical structures the secondary flow path under conditions of total inlet blockage shall be considered in design.

The ~~regional~~ eCouncil should be consulted to confirm the required design standards.

39. Table 4.1 – minimum AEP for design storms p 98 is amended as follows:

**Table 4.1 – Minimum AEP for design storms**

Function	AEP (%)	Return period (years)
Primary protection – satisfied by an appropriate sized pipe or waterway network.		
Rural and rural residential areas	20	5
<del>Residential Areas</del>	<del>20</del>	<del>5</del>
<del>Commercial and Industrial Areas</del>	<del>20</del>	<del>5</del>
<del>All areas where no secondary flow path is available</del>	<del>4</del>	<del>100</del>
<u>Residential, commercial and industrial areas</u>		
a) <u>Minimum design standard</u>	<u>20</u>	<u>5</u>
b) <u>Culdesacs and Streets without alternative access</u>	<u>10</u>	<u>10</u>
c) <u>All areas where no secondary flow path is available</u>	<u>2</u>	<u>50</u>
Secondary protection – satisfied by a combination of the primary protection system and appropriately designed secondary flow paths, controlled flood plains and setting of appropriate building levels.		
<u>In all cases a secondary flow path to an existing secondary flow path or stream as recognized and accepted by Council shall be provided.</u>		
<u>Note that the accepted basis for evaluation of rainfall frequencies and intensities may change from time to time e.g. climate change impacts.</u>		

#### **C4.3.2.5.1**

*Consultation with the TA on protection standards is essential.*

*The TA may not require secondary protection for sports grounds or children’s playgrounds, for example.*

*The New Zealand Building Code (NZBC) specifies that surface water resulting from a 2 % AEP storm event shall not enter buildings. This clause applies to new housing, communal residential and communal non-residential buildings.*

*Development levels may be set higher than NZBC requirements. Some regional councils interpret “inundation” under the Resource Management Act as set by the 1 % event. TAs should consider setting*

development levels appropriate to their district's circumstances through the district plan process.

40. Clause 4.3.2.5.2 *Freeboard* p 99 and C4.3.2.5.2 p 99 are deleted as follows:

**4.3.2.5.2 *Freeboard***

~~This clause has been deleted. Requirements for freeboard are dealt with through building consent. Requirements for freeboard are associated with waterway management which the Council wishes to retain the responsibility for.~~

~~The minimum freeboard height additional to the computed flood protection level shall be as follows or as specified in the TA's district plan:~~

~~———— **Freeboard — Minimum height** ————~~

~~———— Habitable building floors ———— 0.5 m ————~~

~~———— Commercial and industrial buildings ———— 0.3 m ————~~

~~———— **C4.3.2.5.2** ————~~

~~**Freeboard is a provision for flood level design estimate imprecision, construction tolerances and natural phenomena (e.g. waves, debris, aggradations, channel transition and bend effects) not explicitly included in the calculations.**~~

~~**Freeboard requirements are related to local conditions. The TA should be consulted on appropriate freeboard for accessory buildings, sports grounds and children's playgrounds.**~~

~~**A minimum freeboard height of 0.5 m is generally applicable but should be increased for sites adjoining steep, rough channels and may be reduced for sites adjoining tranquil ponds.**~~

41. Clause 4.3.3.1 *Location and alignment of stormwater mains* p 100 is amended as follows:

**4.3.3.1 *Location and alignment of stormwater mains***

The preferred location for stormwater pipeline mains shall be at the discretion of the Council within the road reserve (but not under the crown of the carriageway) or within other public land.

A straight alignment between manholes (MHs) is preferred, but curvature on the pipeline is acceptable provided that pipe curvature and joint deflections are within the limits of the

manufacturer's recommendations and a reverse gradient does not occur at any point along the invert of the pipe.

Refer to 5.3.2.5 and 5.3.2.6 of this Standard for further guidance on curved alignments for stormwater pipelines.

42. Table 4.2 Acceptable pipe materials p 101 is amended as follows:

**Table 4.2 – Acceptable pipe materials**

Pipe materials	Standard applicable	Stormwater	Wastewater	Water supply	Comments
VC	AS 1741	✓	✓	–	Has benefits for particularly aggressive wastes or ground conditions
uPVC to (Class SN8 or 16 as required by TA)	AS/NZS 1260	✓	✓	–	For gravity pipes
PE	AS/NZS 4130	✓	✓	✓	
uPVC	AS/NZS 1477	–	✓	✓ <u>PN12 only</u>	For pressure pipes
mPVC	AS/NZS 4765	–	✓	✓ <u>PN12 only</u>	Generally pressure pipes
GRP	AS/NZS 4256.3	–	✓	✓	Lightweight. Resists many aggressive wastes in wastewater applications
RRJ reinforced concrete	NZS 7649	✓	–	–	Sometimes used for waste water pressure lines but subject to hydrogen sulphide attack
Spiral welded steel	NZS 4442	✓	✓	✓	Internal linings include concrete, epoxy, bitumen

					and galvanizing
Ductile iron pipe	AS/NZS 2280	✓	✓	✓	Generally suspended pipes and high structural loadings
Corrugated aluminium pipe	AS/NZS 2041	✓	-	-	Not acceptable to some TAs. Generally of short length (culverts etc.). Joints need consideration in fine soils with high water tables. Invert may need lining.
Corrugated steel pipe	AS/NZS 2041 NZS 4405 NZS 4406	✓	-	-	Not acceptable to some TAs. Generally only for short length(culverts etc.). Joints need consideration in fine soils & high water tables. Invert may need lining to extend life.
Grey iron	AS/NZS 2544	-	✓	✓	Generally special fittings pump stations etc.
ABS	AS 3518.1 AS 3518.2	-	✓	✓	Generally limited to pump stations, manifolds etc.

43. Clause 4.3.3.4 *Pipeline connections* p 102 is amended as follows:

**4.3.3.4** *Pipeline connections*

Minor pipelines are generally connected to major pipelines through MHs. Modern pipe materials, however, facilitate the efficient jointing and laying of pipelines. Direct connection of minor pipelines to major pipelines is acceptable provided it is either through a suitable junction (i.e. a prefabricated and welded junction for large PVC diameter); or through a saddle

provided the diameter of the minor pipeline is not greater than half the diameter of the major pipeline and the distance from the connection to the closest inspection point is not greater than 11 m. (Refer to 4.3.7.2 for further guidance).

Where a Y junction is necessary only prefabricated Y junctions shall be acceptable.

Factors to consider are hydraulic efficiency, ease of access for maintenance, and pipeline strength and durability in determining the appropriate method of connection.

44. Clause 4.3.3.5 *Minimum pipe sizes* p 102 is amended as follows:

**4.3.3.5** *Minimum pipe sizes*

Minimum pipe sizes unless otherwise specified shall be:

Sump outlets – ~~200~~ 225 mm internal diameter

Stormwater mains – ~~300-150~~ mm internal diameter unless upstream of sumps.

45. Clause 4.3.3.6 *Minimum cover* p102 is amended as follows:

**4.3.3.6** *Minimum cover*

Pipelines shall have minimum cover in accordance with the TA or utility owner's requirements, taking into account factors such as the need to access the utility for future connection, surface loading, foreseeable changes to surface levels, any required resistance to physical damage, relationship of other underground assets, future access to the asset, any excessive loadings, any need for casings or slabbing etc. ~~Where the TA does not have specific requirements, the minimum covers as described in AS/NZS 2566 may be used.~~

Traffic Areas                      750mm cover

Non-Traffic Areas                600mm cover

Note: Covers to pipelines shall always exceed the recommendations of pipe suppliers.

**C4.3.3.6**

*AS/NZS 2566 allows covers which would not be acceptable to many New Zealand TAs.*



46. Clause 4.3.5 *Waterways* p 105 is amended as follows:

4.3.5 *Waterways*

**NOTE: THIS CODE ONLY CONTAINS REQUIREMENTS AND STANDARDS RELATING TO PIPED STORMWATER. ADDITIONAL CONSIDERATIONS AND REQUIREMENTS APPLY TO THE USE OF WATERWAYS FOR STORMWATER DRAINAGE.**

**RESOURCE CONSENTS:**

**In addition to the requirements of this Code, developments may require resource consents under the Resource Management Act 1991 and Council Resource Management Plans:**

**A where there is a discharge of stormwater into a waterway including temporary discharges during construction.**

**B where any structure is proposed within a waterway or within the bed of a river or stream**

**C where any modification of a waterway or of the bed of a river or stream is proposed**

**PRIOR TO DESIGNING ANY STORMWATER SYSTEM CHECK WITH THE COUNCIL TO ASCERTAIN WHAT RESOURCE CONSENTS ARE REQUIRED.**

47. Clause 4.3.5.1 *Constructed waterways* p 105 is deleted as follows:

4.3.5.1 *Constructed waterways*

This clause has been deleted, because the Council wishes to retain responsibility.

~~Constructed waterways shall be designed to meet the aesthetic and amenity criteria of the TA.~~

~~Access shall be provided along at least one side of any waterway to provide for maintenance, taking into account the "reach" of cleaning machinery. Berms and banks shall be vegetated and laid at slopes that are stable, not prone to scour in flood flows and are able to be maintained by the TA. Constructed waterways, which will be maintained by the TA, shall be protected by easement or be in public ownership.~~

48. Clause 4.3.5.2 *Natural waterways* p 105 is deleted as follows:

**4.3.5.2** *Natural waterways*

This clause has been deleted, because the Council wishes to retain responsibility.

~~The piping or filling in of natural waterways should be avoided. The natural features and amenity values of highly modified natural waterways should be restored and enhanced respectively. Authorization will be required from local authorities.~~

~~Public reserves should be created around significant natural waterways.~~

49. Clause 4.3.6 *Water quantity and quality control* p 106 is deleted as follows:

**4.3.6** *Water quantity and quality control*

This clause has been deleted, because the Council wishes to retain responsibility.

~~Operations and maintenance guidelines shall be provided for any water quantity and/or quality control structures and formed features such as ponds. The guidelines should describe the design objectives of the structure, describe all major features, explain operations such as recommended means of sediment removal and disposal, identify key design criteria, and identify on-going management and maintenance requirements such as plant establishment, vegetation control and nuisance control.~~

50. Clause 4.3.7 *Connection to the public system* p 106 is amended as follows:

**4.3.7** *Connection to the public pipe network system*

51. Clause 4.3.8.1 *Approved outfall* p 107 is amended as follows:

**4.3.8.1** *Approved outfall*

The approved outfall for piped stormwater drainage from development and subdivision shall be the public stormwater drainage system or an approved alternative stormwater disposal system. The outfall levels are to be determined in consultation with the Council. If a connection or capacity is

not available, direct discharge to a waterway or the sea may be approved subject to the following conditions:

- (a) A suitable outfall and dissipating structure shall be constructed at the outlet to ensure no erosion occurs in the immediate vicinity of the waterway;
- (b) No obstruction which will impede the natural flow shall be placed in the channel;
- (c) The discharge is authorized by the ~~regional~~-Council.

52. Clause 4.3.8.2 *Soak pits* p 107 is amended as follows:

**4.3.8.2** *Soak pits*

Stormwater soakpits may be used for developments in rural areas or for residential developments in urban areas if connection to the public system is not feasible and soil conditions are suitable for soakage. For guidance on disposal of soak pits refer to E1/VM1 of the Approved Document for Clause E1 of the NZBC. Soakpits shall be designed to allow easy access for maintenance and located so that access by maintenance machinery is available.

A geotechnical assessment shall be carried out when large-scale use of soak pits is under consideration.

A discharge permit may be required from the ~~regional~~ Council for discharge to soakage.

53. Clause 4.3.12.3 *Sizing of the stormwater drainage system* and Clause 4.3.12.3.3 *Determination of water surface profiles* p 109 are amended as follows:

**4.3.12.3** *Sizing of the stormwater drainage system*

Refer to E1/VM1 for pipe, culvert, and open channel hydraulics- and table 6.1.

**4.3.12.3.3** *Determination of water surface profiles*

Stormwater drainage systems shall be designed by calculating or computer modelling backwater profiles from an ~~appropriate~~ outfall water level determined with the Council through the discharge permit process. On steep gradients both inlet control and hydraulic grade line analysis shall be used and the more severe relevant condition adopted for design purposes. For pipe networks at MHs and other nodes, water levels computed at design flow shall not exceed finished ground level while allowing existing and future

connections to function satisfactorily.

In principle, each step in the determination of a water surface profile involves calculating a water level upstream ( $h_2$ ) for a given value of discharge and a given start water level downstream ( $h_1$ ).

This can be represented as:

$$h_2 + V_2^2 / 2 g = h_1 + V_1^2 / 2 g + H_f + H_e$$

where V is velocity,

$H_f$  is head loss due to boundary resistance within the reach (for pipes, unit head loss is read from Manning's flow charts, for example),

$H_e$  is head loss within the reach due to changes in cross section and alignment (refer to table 4.3 for loss coefficients).

An example of stormwater system analysis including a backwater calculation is provided in figures 4.2, 4.3 and table 4.4.

#### **C4.3.12.3.3**

*Note that stormwater pipelines generally operate in a surcharged condition at full design flow. Pipe diameters chosen on the basis of pipe flow graphs such as figure 4.1 of E1/VM1, using pipeline gradient rather than hydraulic grade line slope, are likely to be unnecessarily large for free outfall conditions.*

54. Clause 4.3.12.3.4 *Outfall water levels* p114 is deleted and amended as follows:

#### 4.3.12.3.4 Outfall water levels

Outfall water levels shall be determined in consultation with the Council or through the discharge consent process.

~~\_\_\_\_\_ The TA will provide the start water level at the point of connection to the public stormwater system.~~

~~\_\_\_\_\_ When a tributary drain or a waterway flows into a much larger drain or a much larger waterway, the peak flows generally do not coincide. Backwater profiles should produce satisfactory water levels when assessed as follows:~~

- ~~(a) \_\_\_\_\_ Set the tributary AEP;~~
- ~~(b) \_\_\_\_\_ Determine the tributary design duration D;~~
- ~~(c) \_\_\_\_\_ For duration D and AEP determine tributary catchment run-off  $Q_{trib}$ ;~~
- ~~(d) \_\_\_\_\_ Determine receiving waterway peak water level at AEP in (a) above;~~

- ~~(e) Starting with the level from (d) above determine the tributary water profile at a flow of 75 % of  $Q_{trib}$ ;~~
- ~~(f) Determine the receiving waterway mean annual flood water level;~~
- ~~(g) Starting with the level from (f) above determine tributary water profile at flow  $Q_{trib}$ ;~~
- ~~(h) Select the higher of the two profiles determined for design purposes.~~
- ~~Similarly, for tidal outfalls, peak flow may or may not coincide with extreme high tide levels. A full dynamic analysis and probability assessment may be necessary.~~
- ~~Alternatively, consideration of the following two scenarios may be sufficient:~~
- ~~(i) An outfall water level of mean high water for peak design flow conditions; and/or~~
- ~~(ii) A 10 % AEP extreme high tide outfall water level for half peak design flow conditions.~~
- ~~In addition, sea level rise should be considered and a precautionary design approach adopted.~~

55. Clause 4.3.12.5 *Waterways* p 115 is deleted as follows:

**4.3.12.5** *Waterways*

This clause has been deleted

56. Clause 4.3.12.5.1 *Manning's 'n'* p 115 is amended as follows:

**4.3.12.5.1** *Manning's 'n'*

Refer also to Table 6.1 for Roughness values of stormwater pipes.

Waterway capacity shall be determined from Manning's formula (refer to E1/VM1). Conservatively high values of Manning's 'n' should be selected from table 3, E1/VM1 reproduced as table 4.5 to provide a generous cross section area which allows for the flow resistance effects of margin and bank plants retained or provided for amenity and ecological benefits.

C4.3.12.5.1

Refer to "Roughness Characteristics of New Zealand Rivers" by D.M. Hicks and P.D. Mason (1991) for further guidance on the selection of Manning's 'n' values. This handbook

emphasizes that the Manning's 'n' values can vary significantly with flow and the selected value should be based on the graphs of Manning's 'n' versus discharge presented for each site.

57. Clause 4.3.12.6 *Outlets* p 116 is amended as follows:

**4.3.12.6** *Outlets*

Discharges of stormwater into a waterway may require resource consent from the Council. In addition structures in waterways or on the beds of streams or rivers may require resource consent.

Where pipes discharge onto land or into a waterway outlet, structures shall be designed to dissipate energy and minimize erosion or land instability. The design shall ensure non-scouring velocities at the point of discharge. Acceptable outlet velocities will depend on soil conditions, but should not exceed 2 m/s without specific provision for energy dissipation and velocity reduction.

58. Clause 4.3.12.7 *Stormwater quality control* p 116 is amended as follows:

**4.3.12.7** *Stormwater quality control*

Discharges of stormwater into a waterway may require resource consent from the Council. In addition structures in waterways or on the beds of streams or rivers may require resource consent.

A 75 % contaminant removal efficiency is recommended as a best practicable option (BPO) for stormwater treatment devices.

For small, impervious catchments (e.g., supermarket car parks) a high proportion of contaminant accumulated between storms is discharged early in the run-off hydrograph (i.e. the first flush).

Stormwater treatment devices which capture at least the first 10 mm to 15 mm of run-off (depending on local climate) are acceptable as a BPO.

Design in accordance with ARC Technical Publication No. 10 *Stormwater treatment devices* is recommended.

59. Clause 5.3.5.1 *Design Flow* p 124 is amended as follows:

**5.3.5.1** *Design flow*

The design flow comprises domestic wastewater, industrial wastewater, infiltration and direct ingress of stormwater.

The design flow shall be calculated by the method nominated by the TA. In the absence of information from the TA the following design parameters are recommended:

(a) Residential flows

- (i) Average dry weather flow of ~~80 to~~ 250 litres per day per person
- (ii) Dry weather diurnal PF of 2.5
- (iii) Dilution/infiltration factor of ~~2~~3 for wet weather
- (iv) Number of people per dwelling 2.5 to 3.5.

60. Clause 5.3.5.2 *Hydraulic design of pipelines* p 124 is amended as follows:

**5.3.5.2** *Hydraulic design of pipelines*

The hydraulic design of wastewater pipes should be based on either the Colebrook-White formula or the Manning formula.

The coefficients to be applied to the various materials are shown in table ~~5.3.6.1~~.

61. *Table 5.3 – Coefficients for gravity lines* p 125 is deleted as follows:

~~**Table 5.3 – Coefficients for gravity lines**~~

62. *Table 5.4 – Minimum pipe sizes for wastewater reticulation and property connections* p 125 is amended as follows:

**Table 5.4 – Minimum pipe sizes for wastewater reticulation and property connections**

Pipe	Minimum size DN
Connection servicing <u>4-2</u> dwelling units	100
Connection servicing more than <u>4-2</u> dwelling units	150
Connection servicing commercial and industrial lots	
Reticulation servicing residential lots	

63. *Table 5.5 Minimum grades for wastewater pipes* p 126 is amended as follows:

**Table 5.5 – Minimum grades for wastewater pipes**

Pipe size DN	Absolute minimum grade (%)
<u>150 less than 6 lots</u>	<del>0.55</del> <u>0.67</u>
<u>150 6 or more lots</u>	<u>0.5</u>
225	0.33
300	0.25

64. *Table 5.6 Minimum grades for property connections and permanent ends* p 126 is amended as follows:

**Table 5.6 – Minimum grades for property connections and permanent ends**

Situation	Minimum grade (%)
DN 100 property connections	<del>1.65</del> <u>1.25</u>
DN 150 property connections	<del>1.20</del> <u>1.00</u>
Permanent upstream ends of DN 150, 225 and 300 pipes in residential areas with population ≤20 persons	1.00



65. Table 5.7 Acceptable MH, MS and TMS options for wastewater reticulation p 127 is amended as follows:

**Table 5.7 – Acceptable MH, MS and TMS options for wastewater reticulation**

Application	Acceptable options <sup>1</sup>		
	MH	MS	TMS
Intersection of pipes <sup>2</sup>	YES	NO	NO
Change of pipe grade at same level	YES	YES for DN 150 pipe only and using vertical bend	NO
Change of grade at different level	YES MH with internal/external drops	NO	NO
Change in pipe size	YES MH is the only option	NO	NO
Change in horizontal direction	YES within permissible deflection at MH	YES MS prefabricated units or MS used with horizontal bends of max 33° deflection	YES for DN <del>150</del> <u>100</u> pipe only
Change of pipe material	YES	NO	NO
Permanent end of a main <sup>3</sup>	YES	YES	<del>YES</del> <u>NO</u>
Pressure main discharge point	YES MH is the only option and must include a vent	NO	NO

NOTE –

- (1) Where personnel entry is required down to the level of the pipe, a MH is the only option.
- (2) This table refers to reticulation mains. DN 100 connections can be made to any maintenance structure or, using a proprietary junction, at any point along the main.
- (3) Some TAs permit the use of London Junction or Rodding Eye at the end of the main, but it is recommended that TMSs are used.

66. Table 5.9 Minimum internal fall through MH joining pipes of same diameter p 129 is replaced with the following:

**Table 5.9 – Minimum internal fall through MH joining pipes of same diameter**

<u>Deflection angle at MH</u> Degrees (°)	<u>Minimum Internal Fall</u>						
	<b>0 – 30</b>	<b>40mm</b>	<b>±</b>	<b>Vertical height calculated from <math>\frac{1}{2}</math> length of haunched channel at gradient of Incoming pipe (mm)</b>	<b>±</b>	<b>Vertical height calculated from <math>\frac{1}{2}</math> length of haunched channel at gradient of Outgoing pipe (mm)</b>	<b>±</b>
<b>30 – 60</b>	<b>55mm</b>	<b>±</b>		<b>±</b>		<b>±</b>	
<b>60 - 120</b>	<b>85mm</b>	<b>±</b>		<b>±</b>		<b>±</b>	

Unless other wise approved by Council.

67. Clause 5.3.10 *Pumping stations and pressure mains* p 135 is amended as follows:

**5.3.10 Pumping stations and pressure mains**

Where pumping stations and pressure mains are required to service a development they shall be designed and installed in accordance with the standards of the TA. If the TA has no applicable standards, then they shall be designed in accordance with WSA 04.

Emergency overflow storage shall be provided at all new sewage pump stations, and where required by Council, at existing sewage pump stations that will service the subdivision or development.

The storage volume shall be achieved by:

- (a) Increasing the diameter or depth of the pump station wet well while ensuring solids deposition does not occur in operation; or
- (b) Increasing the diameter of the terminal manhole while ensuring solids deposition does not occur in operation; or
- (c) Installing a separate storage chamber; or
- (d) A combination of the above

Capacity in the sewer network shall not be included in the overflow storage capacity available in manholes with the system at Peak Wet Weather Design Flow (PWWF) and as determined by modelling. The lowest invert level on a separate storage chamber is to be above the invert level of the terminal manhole.

The upper sewage level in any storage system is to be below ground level such that no overflows will occur in the pump station catchment when no pumps are operating and when the influent flow is 2 x ADWF (average drop weather flow) and is distributed uniformly across the catchment.

The capacity of the pump station and/or pumping main is not to be reduced by virtue of the provision of overflow storage.

Overflow storage systems are to be designed so as not to cause odour nuisance and to resist the effects of corrosion. Open storage is not permitted.

Overflow storage systems are to be designed so as to not require regular cleaning.

Safe man access is to be provided to overflow storage systems.

First overflow points are to be established in terms of location and reduced level under the following conditions:

- (i) ADWF and no pumps operating.
- (ii) PWWF and no pumps operating.
- (iii) PWWF and pump(s) operating at station capacity.

68. Insert Clause 5.4.1 General under Clause 5.4 *Construction* p 135 as follows:

## **5.4 Construction**

### **5.4.1 General**

Refer to 4.4.1, 4.4.2, 4.4.3 and 4.4.4 for construction requirements for wastewater pipelines.

69. Insert Clause 5.4.2 *Manhole connections* under Clause 5.4 *Construction* p 135 as follows:

### **5.4.2 Manhole connections**

PVC sewers of all diameters are to be connected to manholes using a vitrified clay manhole short specially adapted to PVC solid wall SN16 rubber ring socket.

70. Insert Clause 5.4.3 *Below ground structures* under Clause 5.4 *Construction* p 135 as follows:

### **5.4.3 Below ground structures**

Manholes, pump station wet wells and other below ground structures are to have specifically designed clamping systems to ensure the integrity of all joints due to lateral forces that may occur from earthquakes. If metal fastenings are to be used then they must be 316 grade stainless steel.

71. Clause 6.3.8.3 *Fire flows provided by existing reticulation system* is inserted on p143 as follows:

### **6.3.8.3. Fire-hydrant flow provided by reticulation systems**

Fire hazard categories depend upon the use and management of individual buildings. However the flows listed below have been selected to cater for the common cases and provide known flows for the design of fire cell and sprinkler systems by building fire-system designers.

The water reticulation system design shall be designed to provide the following fire flows

Urban Residential Zones: W3 25 L/s for 0.5 hr, from a maximum of 2 hydrants

Commercial Zones: W4 50 L/s for 1.0 hr, from a maximum of 3 hydrants

Industrial Zones: \_\_\_\_\_ W5 100 L/s for 1.5 hrs,  
from a maximum of 4 hydrants

The flows outlined above are the minimum required for each zone.

Note: W3, W4 & W5 are the Fire Supply Classification as per SNZ PAS 4509. SNZ PAS 4509 identifies further Fire Supply Classifications based on floor area and these shall be complied with where new buildings have been proposed.

Fire flows to be in addition to peak-hour design flows & be delivered with a minimum residual head at the hydrant of 10m. Half the flow must be delivered within 135m of the building site and the balance within 270m of the building site.

Hydrant spacing and layout and other requirements shall comply with the minimum requirements of SNZ PAS 4509:2003 NZ Fire Service Fire Fighting Water Supplies Code of Practice.

72. Clause 6.3.8.4 *Fire sprinkler systems* on p 143 is inserted as follows:

**6.3.8.4. Fire sprinkler systems**

Where a subdivision is to cater for sprinkler systems, extra design work must be carried out to ensure that the pipe sizes are adequate to deliver the flows and pressures in accordance with the appropriate NZ standard, e.g for houses, NZS 4517:2002.

The following **minimum** requirements shall apply in residential zones:

Rider main: 1 size large than would otherwise be needed.

Service connection: 2 sizes larger than would otherwise be needed.

73. Clause 6.3.9.3 *Peak flows* p 144 is amended as follows:

**6.3.9.3 Peak flows**

Water demands vary on a regional basis depending on a variety of climatic conditions and consumer usage patterns. The Council is TA should be able to provide historically based demand information appropriate for design. Where peak demands are required for the design of a distribution system, the value shall be calculated from the following formulae:

**Peak Day Demand (over a 12-month period) = Average Day Demand x PF**

Unless specified otherwise by the TA:

(a) PF = 1.5 for populations over 10,000;

(b) PF = 2 for populations below 2,000.

(between by interpolation)

**Peak Hourly Demand = Average Hourly Demand (on peak day) x PF (over a 24-hour period)**

Unless specified otherwise by the TA:

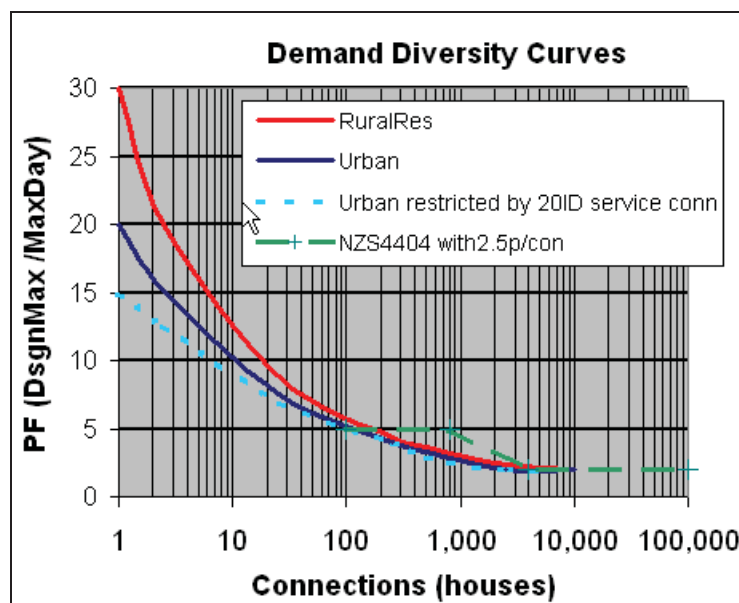
(a) PF = 2 for populations over 10,000;

(b) PF = 5 for populations below 2,000.

**(c) Higher PFs for special circumstances including:**

- Branched (in non-networked) lines or systems
- Smaller populations (eg less than 250)
- Areas with less diversity (eg Rural Residential subdivision with large life-style houses all with large landscaping and lawns with automatic sprinkler systems)
- Areas which are designed to cater for domestic fire sprinklers and thus 10 minute peaks (at the service connections).

Where PFs which cater for shorter and synchronized peaks need to be used for design, Figure 6.0 is included as a guide.



**Figure 6.0 – Demand Diversity Curves**

74. Clause 6.3.9.4.1 *Hydraulic roughness values* p 144 is amended as follows and Table 6.1 *Hydraulic roughness values* p 145 is replaced with the following:

**6.3.9.4.1 Hydraulic roughness values**

The hydraulic roughness values considered in the analysis shall take account of the pipe material proposed, all fittings and other secondary head losses and the expected increase in roughness over the life of the pipe. The designer should check with the TA to ascertain if it has any requirements to use a specific formula and or roughness coefficients. If there are no specific requirements then it is recommended that the ~~Colebrook-White~~ Hazen Williams formula is used for water supply. ~~If the designer uses Manning or Hazen-Williams~~ The coefficients in table 6.1 are ~~recommended~~ the smoothest values to be used.

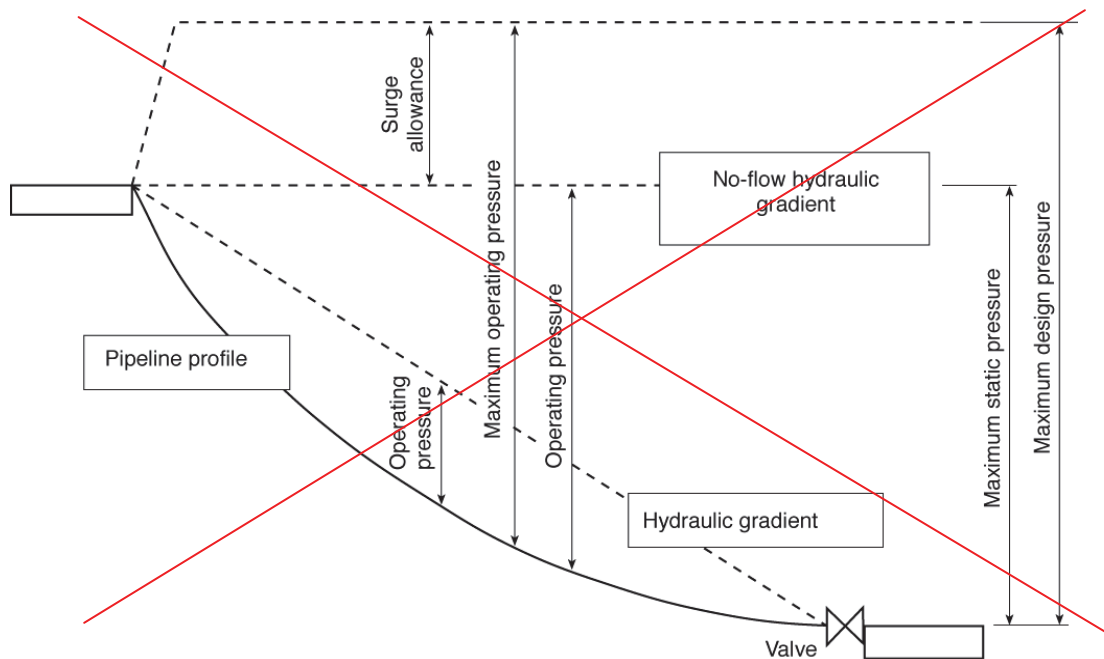
**Table 6.1 – Hydraulic roughness values**

<b><u>PIPE</u></b>	<b><u>Situation</u></b>	<b><u>k (mm)</u></b>	<b><u>Chw</u></b>	<b><u>n</u></b>	<b><u>Notes</u></b>
<u>Plastic</u>	<u>Water Supply</u>	<u>0.3</u>	<u>120</u>	<u>0.011</u>	<u>Allows for aging over the life of the pipe</u>
<u>ConcLined</u>	<u>Water Supply</u>	<u>1.0</u>	<u>100</u>	<u>0.013</u>	<u>Allows for aging over the life of the pipe</u>
<u>Plastic</u>	<u>Storm Water</u>	<u>3</u>	<u>90</u>	<u>0.014</u>	<u>Allows for aging and for some sand &amp; grit</u>
<u>Concrete &amp; ConcLined</u>	<u>Storm Water</u>	<u>5</u>	<u>80</u>	<u>0.016</u>	<u>Allows for aging and for some sand and grit</u>
<u>Plastic</u>	<u>Waste Water</u>	<u>1.5</u>	<u>100</u>	<u>0.013</u>	<u>Allows for aging and for some sliming</u>
<u>Concrete &amp; ConcLined and Clay</u>	<u>Waste Water</u>	<u>3</u>	<u>90</u>	<u>0.014</u>	<u>Allows for aging and for some sliming</u>

NOTE –

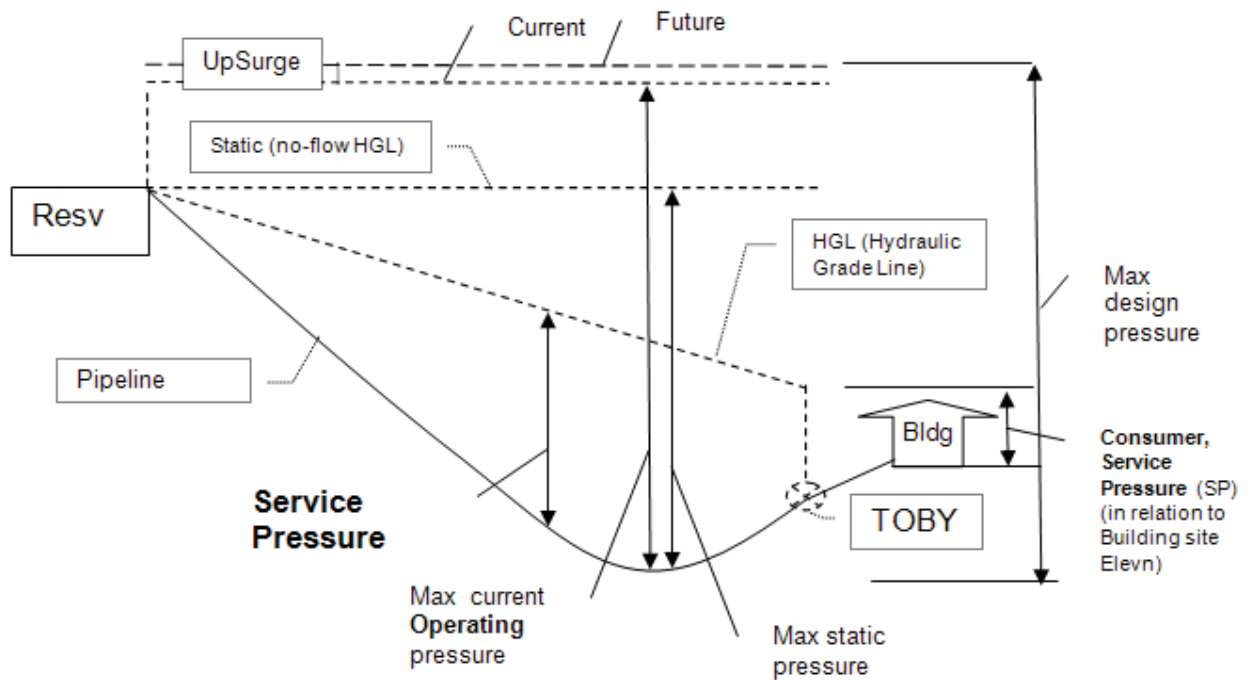
- (1) The roughness of poorly lined (or unlined) Iron or steel pipes can deteriorate significantly with time if linings get damaged. For modelling or back analysis of existing systems obtain pipe samples where possible and calibrate assumptions against measured flows and heads.
- (2) Manufacturers' design charts may be based on smoother pipe assumptions than these (e.g.  $K = .003$ ) but such charts usually assume "as-new" laboratory conditions and ignore such effects as tappings, tees, valves etc. and the effects of aging during the life of the pipe.
- (3) The designer must judge when it is appropriate to analyse all bends and fittings specifically
- (4) k and n are normally for pipes to DN300
- (5) (5) k (mm) as in Colebrook-White formula  
n as in Mannings equation  
Chw = Coefficient in Hazen Williams Formula

75. Figure 6.1 *Conceptual hydraulic operation of a gravity main* p146 is replaced with the following





**Figure 6.1 – Conceptual hydraulic operation of a gravity main**



76. Clause 6.3.9.6.2 Operating pressure/working pressure p 147 is amended as follows:

**6.3.9.6.2 Operating pressure/working pressure**

The terms operating pressure and working pressure may be used interchangeably.

Operating pressure is the actual pressure within a system during its operation. It includes the combined pressures of static head, pumping and surges.

The operating pressure will vary within the system and over time under the influence of hydraulic losses and transient surges. Operating pressure is dependent on system variables such as the preceding length of pipe, the number and geometry of fittings, the actual flow rate, pumping starts and stops and valve closures. The operating pressure at any location of the pipeline shall not exceed the design pressure for that location.

The operating pressure shall not exceed the rated pressure class/rating or the operating pressure limit of the pipeline components at that location.

77. Clause 6.3.10.1 *General* p 149 is amended as follows:

**6.3.10.1** *General*

Water mains are usually located in the street. The location shall be specified by the TA, within the street or space allocation nominated by the road controlling authority. Where approved by the TA water mains may be located in private property or public reserve. Easements may be required. Trees and structures should not be positioned where they will interfere with the standard alignment of water mains.

Water mains should:

- (a) Be aligned parallel to property boundaries; where less than 100 DN, and parallel with kerb and channels for 100mm and above
- (b) Should not traverse steep gradients; and
- (c) Should be located to maintain adequate clearance from structures and other infrastructure.

78. Clause 6.3.10.3 *Water mains in easements* p 149 is amended as follows:

**6.3.10.3** *Water mains in easements*

~~Subject to the approval of the TA, water mains may be located within an appropriately sized and registered easement in accordance with the TA's requirements.~~

Watermains shall only be laid within road, reserve, pedestrian walkways and rights of way. Easements through privately owned property will not be accepted.

There will be exceptional circumstances where water mains must be laid within private land. These shall be at the approval of Council at Council's discretion.

79. Clause 6.3.10.5 *Water mains near trees* p 150 is amended as follows:

**6.3.10.5** *Water mains near trees*

Special consideration shall be given to the location of water mains adjacent to mature trees. Mains shall be located 5m from a tree trunk or at the dripline of the tree, whichever is the greater.

80. Clause 6.3.11.8.1 *Thrust blocks* p 154 is amended as follows:

**6.3.11.8.1 Thrust blocks**

Thrust blocks shall be designed to resist the total unbalanced thrust and transmit all load to the adjacent ground. Calculation of the unbalanced thrust shall be based on 1.5 x the maximum design pressure, ~~or as otherwise specified by the TA.~~

Typical contact areas for selected soil conditions and pipe sizes are shown in Appendix A drawings WS-004 and WS-005.

Thrust blocks for temporary works shall be designed to the requirements for permanent thrust blocks.

For pipelines with design pressures exceeding 1.3 MPa, and pipelines > DN 375, see WSA 03.

81. Table 6.2 *Clearances between water mains and underground services* p 155 is amended as follows:

<b>Table 6.2 – Clearances between water mains and underground services</b>			
<b>Utility  (Existing service)</b>	<b>Minimum horizontal clearance (mm)</b>		<b>Minimum vertical clearance<sup>(1)</sup> (mm)</b>
	<b>New main size</b>		
	<b>DN [200</b>	<b>DN &gt;200</b>	
Water mains DN >375	600	600	500
Water mains ≤DN 375	300 <sup>(2)</sup>	600	150
Gas mains	300 <sup>(2)</sup>	600	150
Telecommunications conduits and cables	300 <sup>(2)</sup>	600	150
Electricity conduits and cables	<del>500</del> <u>1000</u>	1000	225
Stormwater mains	300 <sup>(2)</sup>	600	150 <sup>(3)</sup>
Wastewater pipes	1000/600 <sup>(4)</sup>	1000/600 <sup>(4)</sup>	500 <sup>(3)</sup>
Kerbs (where possible)	150	600 <sup>(5)</sup>	150

82. Clause 6.4.2.1 *Gate valves* p 157 is amended as follows:

**6.4.2.1** *Gate valves*

Gate valves are not acceptable

~~Valves shall have anti-clockwise rotation of the input spindle for closure, unless otherwise specified by the TA. Gate valves DN ≤50 (commonly called peat valves) shall be clockwise closing unless otherwise specified by the TA.~~

~~———— Buried gate valves shall be operated from above ground and shall be designed to facilitate the use of a standard key and bar. An extension spindle shall be incorporated as necessary to ensure the top of the spindle is 350 mm below the FSL.~~

83. Clause 6.4.2.3. *Stop valves for reticulation mains* p 158 is amended as follows:

**6.4.2.3** *Stop valves for reticulation mains*

In the reticulation network, in-line stop valves are used to limit the size of the shut-off area when a main is taken out of service for operational purposes.

~~Stop valves DN ≥80 shall be gate valves. In-line stop valves shall be the same diameter as the reticulation main.~~

~~———— In-line stop valves shall have an ND which is similar to the ID of the reticulation main. For mains less than or equal to 70ID diaphragm valves shall be used, and for larger sizes anti-clockwise closing plastic coated 'sluice' valve shall be used. In both cases the valves must be Council approved. Bypasses shall be installed in all pipelines larger than 300 ID.~~

84. Figure 6.4 Secure connection p 160, add the following note

Note: Example (3) of Figure 6.4 can only be used if the specific connection is approved by the TA and only if a RPZD backflow preventer is installed on each connection

85. Clause 6.4.2.7 *Toby Valves* p162 is inserted as follows:

**6.4.2.7** Toby Valves (Stop Valves for service lines)

Toby valves shall have a nominal diameter approximately the same as the ID of the service connection pipeline and be diaphragm type to the approval of Council or stainless steel ¼ turn ball valves.

86. Clause 6.5.6 *Hydrant location marking* p 163 is inserted as follows:

**6.5.6** *Hydrant location marking*

The marking of hydrants shall be in accordance with NZS4501:1972

87. Clause 6.11 *Means of compliance with this standard* p 168 is amended as follows:

**6.11** ~~Means of~~ Guide to Compliance with this Standard

Unless the TA has its own specific levels of service and or specific design criteria the following may be used as ~~means of guide to~~ compliance with this Standard. However, in all cases the designer must ensure that the design provides capacity and characteristics that meets the minimum requirement defined elsewhere in this standard by the TA.

88. Clause 6.11.2 *Minimum pipe sizes* p 168 is amended as follows:

**6.11.2** *Minimum internal pipe sizes*

Minimum pipe diameters (mm) shall be as follows:

- (a) ~~DN~~50 for rider mains in residential zones;
- (b) ~~DN~~100 for residential zones;
- (c) ~~DN 150~~140 for industrial or commercial zones.
- (d) 140 for mains in residential cul-de-sac when more than 200 metres from head of cul-de-sac and a dead end main is being used (i.e. not a looped or linked main shown in Figure 6.6).
- (e) 20 for ordinary residential service connections
- (f) 25 for residential sections service connections which do not have a street frontage.

The TA may also specify minimum pipe diameters for other identified areas such as CBDs.

89. Clause 6.11.3 *Allowable operating pressure (heads)* and Table 6.5 *Operating pressure limits* p 168 are amended as follows:

**6.11.3** *Allowable ~~operating service~~ pressure (heads)*

The ~~operating service~~ pressure (see 6.3.9.6) shall be as per table 6.5

**Table 6.5 – Operating pPressure limits**

<b>Allowable operating service pressure (head)</b>	<b>Residential Service pressure (Head)</b>	<b>Industrial/commercial pressure (Head)</b>	<b>Operating (including surges) pressure</b>
Maximum	800 kPa (80 m) 1100 kPa for Picton, Havelock, & Awatere: 800 kPa elsewhere	800 kPa (80 m)	1200 kPa for Picton, Havelock, & Awatere: 900 kPa elsewhere
Minimum	200 kPa (20 m) 300 kPa except, 150KPa for rural areas and the Wairau Valley township	250 kPa (25 m)	100 kPa

The minimum/maximum service pressures (SP) shall be at the Toby; unless specified by the TA for a specific area or supply (eg for house platforms which are a considerable distance above/below the Toby). shall be measured at the building platform on the site.

Units: 1m pressure head may be taken as 10kPa

The **Design Pressure** (ie including future allowances) must at all times be within the safe limits of the components involved.

90. Clause 6.11.4 *Minimum flows* p 168 is amended as follows:

**6.11.4 Minimum flows**

The minimum flow shall be:

- (a) 25 L/min for normal residential sites (measured into a test-bucket located at the service connection) for up to 5 houses at any one time, and at peak demand periods;
- (b) As specified in SNZ PAS 4509.

91. Clause 6.11.5 *Minimum water demand* p 168 is amended as follows:

**6.11.5 Minimum water demand**

unless specifically specified otherwise.

The minimum peak domestic demand shall be based on:

- (a) Peak Daily consumption of 250 L/p/day; (in m<sup>3</sup>/day per section)
  - 4.0 for Blenheim, Picton
  - 5.0 for hot, dry, windy or higher areas of Blenheim & Picton
  - 5.0 for Renwick
  - 4.0 for other rural townships & sounds residential
  - 5.0 for Rural Residential domestic\* (plus 50l/ha/day

allowance for stock)

\* domestic demand means house plus adjacent gardens and lawns

- (b) Peak hour factor of 5 (applied to the average flow rate on a peak day), except that for less than 100 sections (connections) PF as per clause 6.3.9.3 of NZS4404:2004.

For commercial and industrial zones

- The same figures as listed above for domestic demand except that where the section size is greater than 800m<sup>2</sup> the figures shall be used as m<sup>3</sup>/day per 800m<sup>2</sup>. For areas where wet industries are permissible, or likely, an extra allowance must be made, and discussed with the TA.

92. Table 6.6 – *Empirical guide for minimum principal main sizing* p 169 is amended as follows:

**Table 6.6 – Empirical guide for minimum principal main sizing**

Nominal diameter of main DN	Capacity of main (single direction feed only)			
	Residential (lots)	Rural residential (lots)	General/light industrial (ha)	High usage industrial (ha)
100	<del>402</del> 20	<del>40</del> 5		
150	160	125	23	
200	400	290	52	10
225	550	370	66	18
250	650	470	84	24
300	1000	670	120	35
375	1600	1070	195	55

For commercial and industrial zones no guidelines are provided because of the requirements for fire flow &/or special layouts.

93. Table 6.7 – *Empirical guide for sizing rider mains* p 169 is amended as follows:

**Table 6.7 – Empirical guide for sizing rider mains**

<u>Minimum Service Pressure</u>	DN 50 Rider mains	
	Max no. of dwelling units	

	One supply	end	Two end supply
High > 600 kPa	20		40
Medium 400-600 kPa	15		30
Low < 400 kPa	7		15

(this table may only be used when service connections start within 25m of the start of the Rider Main and are spaced at not more than 25m intervals)

94. Table 6.8 – *Stop valve spacing criteria* p 170 is amended as follows:

**Table 6.8 – Stop valve spacing criteria**

Water main size DN <u>(nominal)</u>	<u>Maximum number of-</u> property service <u>connections (nominal)</u>	Maximum spacing (m)
[150	40	300*
<del>200-300</del> 150-300	100	750
<del>375</del> 301-375	150	1000
<u>376 As approved by Council</u>		

\* In rural areas, the maximum spacing is 500 m.

95. Clause 7.2.2 *Compatibility with engineering design* p 172 is amended as follows:

**7.2.2** *Compatibility with engineering design*

Landscape design should be considered in the early stages of a development to ensure that any landscape conditions and objectives are compatible with subsequent engineering design and works. Landscape design is intended to enhance the character and environment of a development, to strengthen existing neighbourhood character and unify those areas into an integrated district. While Landscape design is not, however, compulsory for all developments street landscaping is required where any new roading is to be established. Landscape and subdivision design needs to take into account principles to promote personal safety (refer 7.2.7). Landscape design and must be assessed in accordance with the scale of the development, identification of positive effects that landscaping may



provide and local conditions.

96. Clause 7.2.7 *Safer Design Guidelines* p 173 is inserted as follows:

**7.2.7** *Safer Design Guidelines*

The following principles should be considered in any landscape design to promote Crime Prevention through Environmental Design (CPTED)

- (i) Maintain clear sightlines
- (ii) Provide for safe movement, good connection and access
- (iii) Provide for mixed use and activities that promote public use
- (iv) Define ownership between public, private and communal space
- (v) Prevent unwanted access to private space
- (vi) Well-maintained landscaping and designed to discourage vandalism.

97. Clause 7.3.1.2 p 173 is amended as follows:

**7.3.1.2**

The minimum separation and site distances referred to in figures 7.1 and 7.2 should be observed for tree and shrub planting. These distances are guidelines and may have to be increased or reduced depending on the road geometry. Consultation with the Council is required on the necessary separations and site distances.

98. Clause 7.3.2.2 p 176 is amended as follows:

**7.3.2.2** The minimum planting size of a landscape tree is 1.8-25 m tall at the time of planting unless the local conditions of a site require consideration of alternatives, e.g., an exposed site may require small, well-hardened trees.

99. Clause 7.3.3.1 p 176 is amended as follows:

**7.3.3.1** Species are to be selected with regard to overall composition, low maintenance and longevity and should comply with the TA's planting policies. Appendix E contains a list of species which are unsuitable for street trees within Marlborough District. The TA should maintain a register of suitable species for local conditions.

100. Clause 7.3.5.1 p 177 is amended as follows:

**7.3.5.1** Landscaping structures include (but are not limited to) sculptures, walls, fences, screens, bollards, entranceways, posts, etc., and could be made from materials such as concrete, brick, stone, rock and timber. The design of the landscape must be considered as an integral part of the development and surroundings to fulfil both functional and aesthetic requirements. Durability and maintenance requirements must be considered. Council approval is required for any landscaping and structures on Council land or land to vest in Council.

101. Clause 7.4.1.2 p 177 is amended as follows:

**7.4.1.2** The developer is responsible (and may be bonded) for the routine maintenance and replacement of the planting including dead wooding, weed control, mulching, replacing dead trees, shrubs and plants and watering for a period of 12 ~~48~~ months from the time of acceptance of as-built landscape plans by the TA or issue of a s. 224 certificate under the Resource Management Act 1991, whichever is later.

102. Clause 7.4.4.1 p 178 is amended as follows:

**7.4.4.1** Mulch shall be cambium grade bark mulch. Bark mulch must be clean, free of sawdust and dirt and with individual pieces no larger than 100 mm. Mulch for gardens and shrubberies shall be 75mm final depth without a weed mat and 50mm final depth with a biodegradable weed mat. ~~a uniform 100 mm in final depth.~~ Edges shall hold mulch without spillage.

103. Clauses under 7.4.7 *Pruning* p 181-182 are deleted as follows:

**7.4.7** *Pruning*

~~**7.4.7.1** Trees should be selected and located to minimize ongoing pruning costs and requirements. Pruning should be carried out on shrubs to maintain a high standard of presentation, display, and plant vigour. Paths, roads and all other accessways should be kept clear of excess growth. Pruning is also necessary to ensure signs are not obscured.~~

~~**7.4.7.2** All weak, dead, diseased and damaged growth should be~~

~~removed, and pruning carried out to maintain the desired shape and size.~~

~~7.4.7.3 Pruning should not be carried out during leaf burst or leaf fall.~~

~~7.4.7.4 The following pruning techniques (for shrubs only) should be employed where appropriate:~~

~~(a) Tips to be pinched or purged as appropriate for species to give desired shape and size;~~

~~(b) Form pruning of young plants to ensure compact form and shape;~~

~~(c) Undercutting of groundcovers at edges generally;~~

~~(d) Plants are to be pruned so that they do not smother neighbouring plants.~~

~~7.4.7.5 Pruning to provide adequate sight visibility at intersections and \_\_\_\_\_ driveways is required. This is to ensure the safety of pedestrians and motorists \_\_\_\_\_ (see figure 7.2).~~

~~7.4.7.6 Spent flower heads should be removed including but not limited to the following species: Agapanthus, flax, grass species and Arthropodium.~~

~~7.4.7.7 All future pruning of street trees, once planted, shall be undertaken by a suitably qualified arborist/horticulturist. All pruning shall be undertaken to recognized arboricultural practices.~~

~~**C7.4.7.7**~~

~~***For recommended arboricultural practices refer to "Modern Arboriculture" by Alex Shigo, and for guidelines to promote the natural form and habit of individual species refer to "Sunset Pruning Handbook", published by Sunset Books.***~~

104. Clause 7.4.8 *Restoration and tidy up* p 182 is amended as follows:

**7.4.8** *Restoration, maintenance and tidy up*

105. Clause 7.4.8.5 p 182 is inserted as follows:

**7.4.8.5** The developer is responsible for the routine maintenance and replacement of the planting, lawns and associated works, including dead wooding, weed control, mulching, replacing dead trees, shrubs

and plants and watering for an establishment period of 12 months from acceptance of the as-built plans or issue of the section 224 certificate, whichever is later.

106. Clause 8.2.4 p 184 is amended as follows:

**8.2.4** ~~All reserves are to be fenced to surveyed and pegged boundaries.~~  
Reserves will be subject to a fencing covenant such that the Council is not liable for fencing or associated costs.

107. Clause 8.2.5 p 184 is inserted as follows:

**8.2.5** Vesting of recreation reserves shall be in accordance with Council's Open Space Strategy. Generally reserves will be required to be unencumbered and provided with services to the boundary.

108. Clause 8.2.6 *Esplanade reserves* p 184 is inserted as follows:

**8.2.6** Esplanade reserves shall be designed and developed in consultation with the Council

109. Clause 8.3.4 *Existing trees* p 185 is amended as follows:

**8.3.4** *Existing trees*

~~All existing trees on the reserves shall be inspected by an experienced arborist, prior to development plans being prepared and suitable healthy trees retained will be retained~~ where practical. Prior to vesting any required arboricultural maintenance shall be undertaken by an approved arborist.

~~Existing trees~~ to be retained are to be protected during earthworks and reserve development by temporary fencing 1 m beyond the drip line of the tree.

110. Clause 8.3.5 *Park furniture/structures* p 185 is amended as follows:

**8.3.5** *Park furniture/structures/irrigation/lighting/paths*

Proposed park furniture or structures shall be shown on the reserve development plan for approval. All park furniture or structures shall be robust, maintenance free, able to be safely used by the public and treated with an approved graffiti guard.

Structures, including but not limited to seats, pergolas, sculptures,

walls, fences, screens, bollards entrance posts etc., could be constructed from materials such as concrete, bricks, stone, rock and treated timber. The design of any landscape features must be considered as an integral part of the reserve and its surroundings to fulfil both functional and aesthetic requirements.

Structures not exempt under the Building Act 1991 shall only be constructed on receipt of a building consent.

Playground equipment shall comply with NZS 5828:2004 *Specification for Playground and Playground Equipment Equipment and Surfacing* and the *SNZ - General New Zealand Playground Equipment Safety Manual and Surfacing Handbook 2006*.

All irrigation shall be designed and installed in accordance with NZS5103

111. Clause 8.3.7 *Presentation of reserves* p 185 is amended as follows:

**8.3.7** *Presentation of reserves*

Land to be vested for reserves purposes shall as a minimum meet the following general requirements:

- (a) The land is to be free of noxious weeds, tree stumps (above ground) and other specified vegetation;
- (b) All previous fences, farm utilities etc., building remains, and rubbish are to be removed or disposed of to the satisfaction of the TA;
- (c) Land is to be accessible for tractor-mounted mowing equipment, and is to have an established turf type seed grass cover;
- (d) All boundaries are to be surveyed and clearly pegged;
- (e) Any rights of way or easements are to be formalized at no cost to the TA;
- (f) Any proposed landscape planting or furniture/structures shall be approved by the Council and shall be completed to the Council's satisfaction.
- (g) Be unencumbered

112. Clause *B1 Testing of steel and PVC pipes in Appendix B* p 212 is amended as follows:

**B1 Testing of steel and PVC pipes**

A successful pressure test is required prior to the water main being allowed to be connected to the existing water supply system.

Before joints are covered, but after anchor blocks are completed, each section of the reticulation, together with all specials and fittings

connected thereto including service connections shall be tested by the developer or contractor in the presence of the authorized officer or his representative. The test shall be carried out, and all necessary apparatus supplied, by the subdividing owner or contractor. The reticulation shall withstand a pressure of ~~4400~~1350 kPa measured at the lowest point of the section under test, or 1.5 times the working pressure at any point in the system, whichever is the greater. The pressure shall be maintained for a period of 15 min, and during which time there shall be zero leakage i.e. no drop in pressure.~~the leakage shall not exceed one litre per 10 mm of pipe diameter per k length of pipe under test per hour.~~

Before arranging a connection to the existing reticulation, the authorized officer may require a similar test after completion of backfilling to any other adjoining works which may affect the existing water reticulation.

The contractor shall make arrangements for bleeding air during the charging of the mains, and for flushing after chlorinating.

113. Appendix E Unsuitable Street Trees p 217 is inserted as follows:

## APPENDIX E

### UNSUITABLE STREET TREES

<u>Scientific Name</u>	<u>Common Name</u>	<u>Major Problems</u>
<u>Acer negundo</u>	<u>Box Elder</u>	<u>Seeds</u>
<u>Acer pseudoplatanus</u>	<u>Sycamore</u>	<u>Seeds</u>
<u>Aesculus hippocastanum</u>	<u>Horse Chestnut</u>	<u>Roots, nuts, dense wide crown</u>
<u>Alnus glutinosa</u>	<u>Alder</u>	<u>Root Damage</u>
<u>Arbutus unedo</u>	<u>Strawberry Tree</u>	<u>Fruit, shade</u>
<u>Camellia japonica</u>	<u>Camellia</u>	<u>Visibility problems for traffic</u>
<u>Eucalyptus spp – most</u>	<u>Gums</u>	<u>Shading, root damage, debris</u>
<u>Gleditzia tricanthos</u>	<u>Honey Locust</u>	<u>Wind damage</u>
<u>Hoheria sextylosa</u>	<u>Lacebark</u>	<u>Gall disease</u>
<u>Juglans regia</u>	<u>Walnut</u>	<u>Nuts, leaves</u>
<u>Malus spp.</u>	<u>Crab Apples</u>	<u>Disease, fruit</u>
<u>Maytenus boaria</u>	<u>Mayten</u>	<u>Suckers</u>
<u>Melia spp.</u>	<u>Bead Tree</u>	<u>Fruit drop</u>
<u>Pittosporum egenoides</u>	<u>Lemonwood</u>	<u>Shading causing frost patches</u>
<u>Pittosporum tenuifolium</u>	<u>Kohuhu</u>	<u>Shading causing frost patches</u>
<u>Platanus hispanica</u> <u>(acerifolia)</u>	<u>London Plane</u>	<u>Anthracnose disease (causes small branches to be shed)</u>
<u>Populus spp.</u>	<u>Poplars</u>	<u>Root damage, fluff, sticky bud deposits</u>
<u>Psuedopanax Spp.</u>	<u>Lancewood</u>	<u>Wind damage</u>
<u>Racosperma (Acacia) sapp</u>	<u>Wattles</u>	<u>Wind damage, shading, short lived, galls</u>
<u>Robinia pseudoacacia</u>	<u>Black Locust</u>	<u>Wind damage</u>
<u>Robinia spp.</u>		<u>Wind damaged and root stock problems</u>
<u>Salix spp.</u>	<u>Willow</u>	<u>Root and wind damage</u>
<u>Sorbus aucuparia</u>	<u>Rowan</u>	<u>Disease</u>
<u>Tilla x europaea</u>	<u>Common Lime</u>	<u>Drops honeydew (aphids), suckers</u>
<u>Ulmus procera</u>	<u>English Elm</u>	<u>Roots</u>
<u>Betula sp</u>	<u>Birch</u>	<u>Drops honeydew (aphids)</u>
<u>Albizzia</u>	<u>Silk Tree</u>	<u>Root damage (no narrow berm)</u>

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10/10/2008 2:09:00 PM

**Appendix 4: E-mail from Marlborough Lines in relation to the further submission from NZIS on Rule 24.1.10 (the requirement to connect to electricity in the Coastal Living Zone unless allotments are in excess of 150m from a local electricity supply network) (para 125)**

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## Ian Sutherland-5181

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**From:** Steve Neal <steveneal@linesmarl.co.nz>  
**Sent:** Wednesday, 3 January 2018 2:57 p.m.  
**To:** Ian Sutherland-5181  
**Subject:** RE: MEP - Subdivision Chapter Rules

Hi Ian,

[Rule 24.1.7](#) was discussed during our submission research but we did not include any comment in our final submission. It was felt that the part of [Rule 24.1.8](#) stating '*or adequate provision is practicable for the supply of low voltage electricity reticulation*' will cover the situation where we cannot supply electricity due to technical, economical or legal issues.

Follow this [link](#) to view our 'Capital Contribution Policy for New Load and Network Extensions – Marlborough Lines'. Clauses 3.5 and 4.5 will help justifying approving a subdivision within 150m of our network without connection ability.

The NZIS submission comments are a fair call. Their submission did not come to my attention until late in the process as Hamish and I were unfortunately omitted from the NZIS submission circulation emails, otherwise I might have commented about this matter in our MLL submission.

When our network is located beyond the subdivision on private property and an easement in gross is required then that can be a real issue to deal with when the landowners are problematic or do not respond in a timely manner.

Many parts of our remote Single Wire Earth Return (SWER) Network is at or near capacity. The SWER network is extensive in the Marlborough Sounds and other areas such as Upper Wairau Valley, Upper Awatere Valley, Waikakaho Valley and that area of Northbank across the Wairau River from the Wairau Township. As the subdivision of remote rural land into smaller titles continues the problem of new electricity connections will worsen.

Perhaps the [Rule 24.1.9](#). *Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from an authorised electricity distributor* can be expanded to allow for acceptable confirmation either way i.e. There is adequate provision or not. The rider on this is that at time of approving a subdivision there might be adequate electricity available but a few years on when the property owners applies to connect the answer might be that our network is at capacity.

To quote an example, we are currently dealing with a situation along the Te Towaka-Port Ligar Road where single phase electricity is available from a neighbouring property but two easements are still outstanding and the SWER that runs within the subject property is at capacity. The SWER was not at capacity when the survey was carried out in 2006 and titles were issued in 2011. For the single phase connection to proceed we are reliant on two neighbouring property owners granting retrospective easements that so easily could have been part of the 2011 subdivision.

Some might view that the SWER network can simply be increased by increasing the size of the supplying transformer but that introduces unacceptable practical and safety issues, especially due to the earthing function of SWER.

Let me know if you need any more information for your report.

Kind Regards,  
Steve.

Steve Neal | Network Easement Coordinator / Surveyor  
Marlborough Lines | 1 Alfred Street, PO Box 144, Blenheim 7240  
T: +64 3 984 2802 DDI | M: +64 27 333 8914



---

**From:** Ian Sutherland-5181 [mailto:ian.Sutherland@marlborough.govt.nz]

**Sent:** Wednesday, 3 January 2018 1:16 PM

**To:** Steve Neal <stevenear@linesmarl.co.nz>

**Subject:** MEP - Subdivision Chapter Rules

Hi Steve,

Proposed new **Rule 24.1.7** in the subdivision Chapter of the new MEP states : *“The applicant must supply low voltage electricity to all allotments, **except** for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, **the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable that forms part of the local electricity supply network.**”*

**Rule 24.1.8.** *The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable for the supply of low voltage electricity reticulation.*

**Rule 24.1.9.** *Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from an authorised electricity distributor.*

Note the highlighted portion.

This means that any new lot being created within 150m from any power pole or underground cable in these other zones shall be compulsory provided with an electrical connection, subject to the confirmation in 24.1.9, and will be a Controlled Activity. If these matters can't be met then it will default to being a discretionary activity where Council can make the call on whether the lot can be created without connecting to the power supply.

I note that Marlborough Lines Limited did not submit to these proposed subdivision rules. We did get supporting submissions from Chorus and Spark, but an opposing submission from the Institute of Surveyors who want the part that says *“the exception for Coastal Living zones to connect within 150 metres from any power pole or underground cable utilised by the telecommunications network utility operator”* removed because in some cases the power pole or underground cable utilised by the telecommunications network utility operator is on neighbouring property and obtaining easements over these properties can sometimes be problematic if not impossible.

I am writing the s42a report on the submissions to these subdivision rules.

Marlborough Lines is an authorised electricity distributor and will therefore be approached by subdividers seeking to meet these rules. The only changes that you will notice is that:

- they must consult with MLL before lodging any subdivision application with Council,
- they will not only need to do this for subdivisions in the residential, industrial or business zones, but also in some other zones as specified if there is a power pole or underground line within 150m of the new allotment.

Do you have any comments that may be of help to me to assess the surveyors submission and concerns they raise?

Happy to discuss.

Thanks in advance.

**Ian Sutherland**

Senior Resource Management Officer



**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

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**Appendix 5: E-mail from BECA in relation to the submission from FENZ on Rule 24.3.1.3 (width of access to rear lots). (Para 239)**

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## Ian Sutherland-5181

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**From:** Ainsley McLeod <ainsley.mcleod@beca.com>  
**Sent:** Tuesday, 19 September 2017 12:52 p.m.  
**To:** Ian Sutherland-5181  
**Cc:** Claire Fell  
**Subject:** RE: Access width Query

Hi Ian

Apologies for the delay in our response. In short, we agree that there are circumstances where 3.0m would be sufficient. We address this issue in Christchurch with this inclusion of the following standard (pasted below) that confines the need for additional access width to areas that are not fully reticulated and buildings that are some distance from a road (accommodating hydrants). FENZ would support a similar approach being taken in Marlborough. You are also welcome to reference support for this in your s42A Report.

I hope this helps. Please call if you wish to discuss.

Kind regards  
Ainsley

- g. For the purposes of access for firefighting, where a building is either:
- i. located in an area where no fully reticulated water supply system is available; or
  - ii. located further than 75 metres from the nearest road that has a fully reticulated water supply system including hydrants (as required by NZS 4509:2008),
- vehicle access shall have a minimum formed width of 3.5 metres and a height clearance of 4 metres. Such vehicle access shall be designed to be free of obstacles that could hinder access for emergency service vehicles.

### Ainsley McLeod

Technical Director – Planning & Design  
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:

---

**From:** Ian Sutherland-5181 [mailto:ian.Sutherland@marlborough.govt.nz]  
**Sent:** Thursday, 7 September 2017 3:26 p.m.  
**To:** Ainsley McLeod <ainsley.mcleod@beca.com>  
**Cc:** Claire Fell <Claire.Fell@beca.com>  
**Subject:** FW: Access width Query

Hi Ainsley/Claire,

I am preparing the s42a report in relation to subdivision provisions in the proposed MEP.

The proposed new rules include 24.3.1.3 which proposes to increase of the size of urban access legs/rights of way from 3.0m to 3.5m. Council has received submissions opposing that increase, and NZFS (via Claire) has lodged a further submission opposing those submissions and wanting the 3.5m retained.

The NZFS submission refers to both the Code of Practice (4509:2008) and Emergency Vehicle assess guidelines.

In note that the COP in particular (under Appendix E) seems to indicate that the hardstand site for fire engines in located on the road where there is access to a reticulated supply. This obviously depends on the length of access, and distance from hydrants.

Most urban development in Marlborough involves short accesses (i.e. less than 50m long), as shown in Figure E1. NZS 4404 requires passing bays for shared urban accesses over 50m in length. I am therefore wondering whether it would be an option to allow the accesses to be 3.0m wide where they meet certain criteria (eg less than 50m long where there is a reticulated water supply complying with the relevant ), and all others to 3.5m as proposed?

The submitters are saying that leaving the access width at 3.0 would continue to enable a better utilisation of land than widening it as proposed. Part of the justification for increasing the width was due to access by emergency vehicles (particularly fire appliance), but the COP seems to indicate that the appliances will park on the road anyway and not use the accesses.

Can you please comment or clarify whether fire appliances are likely to or need to access along short accesses, and whether you can see any problems with my suggestion if they are not.

If you want, you can phone me to discuss, or any email reply can be on the basis of being without prejudice and will not referred to in my report if you don't want it to be.

Kind regards

**Ian Sutherland**  
Resource Management Officer



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[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

---

**From:** Pere Hawes-5143  
**Sent:** Thursday, 7 September 2017 10:09 a.m.  
**To:** Ian Sutherland-5181  
**Subject:** FW: Query

---

**From:** Ainsley McLeod [<mailto:ainsley.mcleod@beca.com>]  
**Sent:** Thursday, 7 September 2017 9:55 a.m.  
**To:** Pere Hawes-5143  
**Subject:** RE: Query

Either one of us – I'd be happy to respond!

Ainsley

**Ainsley McLeod**

Technical Director – Planning & Design

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**From:** Pere Hawes-5143 [<mailto:Pere.Hawes@marlborough.govt.nz>]

**Sent:** Thursday, 7 September 2017 9:51 a.m.

**To:** Ainsley McLeod <[ainsley.mcleod@beca.com](mailto:ainsley.mcleod@beca.com)>

**Subject:** Query

The S42A report writer would like to discuss a matter relevant to the NZFS (FENZ) submission. Should they go to you or Clare Fell?

**Pere Hawes**

Manager Environmental Policy

**Marlborough District Council**

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**Appendix 6: Information from MDC website on rural fire safety.**  
(Para 137)

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# Rural homeowners need to be 'Fire Smart'

4:00 PM THURSDAY 8 FEBRUARY 2018

The further you live out of town, the longer it's going to take emergency services to reach your property in the event of fire. Distance means a house fire in the country can have disastrous consequences, especially if no one is around when it begins.

If you live in a rural setting there are some simple measures you can take to help minimise fire risk:

- Ensure there is 'defendable' space around your house – with only non-combustible vegetation next to the walls of the house.
- Store all fuels including firewood well away from your dwelling. You are setting up a bonfire under your deck if you store dry firewood or any other fuel under it.
- Clean out the guttering of your house regularly. Dry twigs and leaves make a perfect ember bed for firebrands or sparks from any fire nearby. Once a fire gets under the eaves and into the roof cavity there is a good chance the house will be lost. Make sure your RAPID number is clearly visible at the entrance to your property.



Marlborough Kaikoura Fire and Emergency New Zealand manages the rural fire district that extends across Marlborough and Kaikoura's rural fire areas.

[Information on rural fire including rural fire safety](#)

**Appendix 7: E-Mail from Stephen Rooney in relation to water supply for firefighting purposes. (Para 68)**

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## Ian Sutherland-5181

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**From:** Stephen Rooney-8115  
**Sent:** Tuesday, 20 February 2018 8:56 a.m.  
**To:** Ian Sutherland-5181; Brett Walker-5194  
**Subject:** RE: MEP improvements - comments please

I believe if FENZ need to be involved they should be talking to us direct.

We can show compliance for our urban supplies with the exception of much of Renwick, and all of Wairau Valley. There are small pockets within some of the other supplies however we are working toward compliance through network upgrades.

Yes those properties in the Awatere can meet the code with onsite storage. This is now a condition of supply although in many instances property owners chose to ignore this.

There is an area in which we do not have input. That is subdivisions such as Dry Hills and Fairbourne Drive. We do have not provided a water supply in these locations. They are areas that have always made FENZ nervous. There are high value large properties that do not have any form of firefighting supply. I would expect it might be these that FENZ want to have involvement with. This even occurs on the Blenheim periphery, Wither Rd extension, Oakwood Lane and David St as three examples.

Sorry should have thought of these earlier.

**Stephen Rooney**  
**Operations and Maintenance Engineer**



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---

**From:** Ian Sutherland-5181  
**Sent:** Tuesday, 20 February 2018 8:42 a.m.  
**To:** Stephen Rooney-8115; Brett Walker-5194  
**Subject:** RE: MEP improvements - comments please

Yep, so we agree that FENZ should not be involved.

But are my suggested changed workable?

For instance:

- In Blenheim and other urban townships - can you confirm when asked by subdividers that sufficient water pressure and volumes is available for fire fighting on the proposed lots? I assume you will have the relevant COP requirements to measure compliance by.
- For the Awatere Water Scheme – can this be achieved by the need for a storage tank, or is it not possible at all to provide a fire fighting supply?

Note that any that can't be confirmed will default to being a Discretionary Activity. This will enable council to assess whether such subdivision without a fire fighting supply is acceptable or not.

Ian Sutherland  
Senior Resource Management Officer



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---

**From:** Stephen Rooney-8115  
**Sent:** Tuesday, 20 February 2018 8:24 a.m.  
**To:** Ian Sutherland-5181; Brett Walker-5194  
**Subject:** RE: MEP improvements - comments please

FENZ won't know if a Firefighting supply is available or not in an urban setting. They would have to come to us to gain that information. Also if they were to take a flow test at a hydrant as they often do, this could be when conditions are ideal and they obtain a complying test. However we don't make the assessment to show firefighting capacity during ideal conditions.

So it should not be FENZ making this assessment.

The other side of this equation is that there are more than just water flow and pressure considerations to overcome fire compliance.

**Stephen Rooney**  
Operations and Maintenance Engineer



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[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

---

**From:** Ian Sutherland-5181  
**Sent:** Tuesday, 20 February 2018 8:16 a.m.  
**To:** Stephen Rooney-8115; Brett Walker-5194  
**Subject:** MEP improvements - comments please

Hi,

I am thinking of putting forward the following recommendation as part of my section 42A report on the subdivision provisions in the MEP. Can you please let me know if you see any problems with my suggested changes which are in

response to a submission from FENZ (993.015). These changes will affect the confirmation from A&S for connections to a reticulated water supply.

FENZ seek a limited amendment to also require the applicant to obtain confirmation from FENZ that a suitable firefighting water supply is available. I don't support that for the reasons given below, but instead think that the provisions below should be clarified so that the water connections will also provide for firefighting purposes. The words underlined are my recommended insertions.

## Method of Implementation 12.M.9

Method 12.M.9 reads:

*Rules of the MEP require the providers of water, sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council.*

## Submission and Assessment

FENZ (993.015) supports in part the proposed Method of Implementation 12.M.9, which relates to the need for confirmation from providers of water, sewerage, stormwater, roading, electricity and telecommunication services that such services are available for urban subdivision. However, they seek a limited amendment to also require the applicant to obtain confirmation from FENZ that a suitable firefighting water supply is available.

In my view this seems unnecessary for the following reasons:

- I doubt that FENZ could effectively provide such confirmation as they do not hold the detailed as-built information on existing water supply mains, pipelines and access widths to be able to do so. While FENZ are an expert on providing recommendations based from The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice), they are probably unable to provide confirmation to an applicant on whether the existing or planned water supply network is capable of providing the necessary volumes and access requirements needed for firefighting as referred to in this method of implementation, or what is needed to be upgrade to achieve this. This information is held and maintained by the Assets and Services Department of Council.
- The method points out these are only needed for new urban subdivisions, and Council's Code of Practice for Subdivision and Land Development Addendum (dated 26 June 2008) requires (under clause 71 and 72) the need for water reticulation to provide adequate flows and hydrants for firefighting purposes. This means that the Assets and Services Department will be required to be satisfied that any new allotments will have the appropriate firefighting standards met as part of their confirmation.
- To include FENZ in the method would also mean that the applicants would have to consult with another organisation, which seems unnecessary when the Assets and Services Department can consider it as part of their confirmation on water supplies.
- Some 'out-of-district' reticulated supplies do not have sufficient flow or pressure to comply with SNZ PAS 4509:2008, for instance Wither Road (east) which services rural living development, or the Awatere Water Scheme which services the Awatere Valley area.

However, while I do not support the inclusion of the reference to FENZ in the Method, it may be appropriate to clarify that the water supply is to also include that required for firefighting purposes to ensure that this aspect of water supply is not overlooked.

## Recommendation

I recommend that Method 12.M.9 be amended as follows.

*Rules of the MEP require the providers of water (including for firefighting purposes)<sup>[1]</sup>, sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council*

As a result of consequential changes, I further recommend that Rule 24.1.3 of the Subdivision Chapter be changed as follows:

*Acceptable confirmation as to the adequate provision of water (including for firefighting purposes)<sup>[2]</sup>, sewerage and stormwater must be a written statement from the Assets and Services Department of the Council or, where applicable, the person or organisation responsible for the reticulated service.*

I note that the Assets and Services Department of Council are to undertake a review of the Code of Practice to coincide with the completion of the MEP. This review would be undertaken under the provisions of the Local Government Act 1974. It would be helpful if the resulting draft Code of Practice be made available to FENZ for comment on in relation to firefighting provisions associated with reticulated urban water supplies before being finalised.

Happy to discuss.

Thanks

**Ian Sutherland**  
Senior Resource Management Officer



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<sup>[1]</sup> FENZ (993.015)

<sup>[2]</sup> FENZ (993.015)

**Appendix 8: E-Mail from Terry McGrail in relation to lot and access minima. (Para 232)**

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 Email

From: [Terry McGrail](#)  
To: [Ian Sutherland-5181](#)  
Subject: RE: MEP Submissions - Lot and access minima

Sent: 8/02/2018 2:15:20 p.m.



Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

 [image001.png \(20Kb\)](#)  [image002.jpg \(7Kb\)](#)

Ian

Those submitters are only concerned about the Urban Res 2 Zone rules in Blenheim.

The general principle allies to all residential areas though -- that is we should be making easier to subdivide off smaller sites.

Regards,

*Terry McGrail*  
Registered Professional Surveyor  
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**From:** Ian Sutherland-5181 [mailto:[ian.Sutherland@marlborough.govt.nz](mailto:ian.Sutherland@marlborough.govt.nz)]  
**Sent:** 8 February, 2018 2:01 PM  
**To:** Terry McGrail <[terry@ayson.co.nz](mailto:terry@ayson.co.nz)>  
**Subject:** MEP Submissions - Lot and access minima

Hi Terry,

Can you please clarify with the submissions you have put in (on behalf of GJ Gardiner, Mainland Residential, Peter Ray Homes, & Andrew Pope Homes etc in relation to reinstating the old subdivision lot and access minima) as to whether you were only referring to the Urban Residential 2 zone? The commentary seems to indicated this, but it is not clear.

The problem is not just that the areas have changed for some zones, but that areas common to both old plans are being combined into one table. For instance:

- The WARMP required 400 front and 400 rear for UR2 in Blenheim, and 450 front and 450 rear for Township Res in Renwick.
- The MSRMP required 450 front and 500 rear for Picton, Havelock and Rai Valley
- The MEP proposes 450 front and 450 rear for UR2 in Blenheim, and also Renwick, Picton and Havelock.
- The same issue applies to the access standards.

So while some lots have increased in minimum sizes in the MEP, some have reduced (eg rear lots in Picton and Havelock from 500 to 450).

Did these submitters just want the old subdivision lot and access minima in Blenheim reinstated, or does the submission apply to all zones? If so, are you suggesting that the table be split up so that there is reference to the relevant town for which each zone applies? Just struggling to understand what is requested, and how that would be shown in allotment size and access tables.

Please note that the submission from Phil Muir in relation to lot size and access width specifically said that their submission only applied to the UR2 zone in Blenheim.

Thanks

**Ian Sutherland**  
Senior Resource Management Officer



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**Appendix 9: Copy of pages 5-7 & 5-8 of Hurunui District Plan in relation to esplanade waiver or reduction in width. (Para 152)**

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- (ix) Landscape treatment or screening.
- (b) Subdivision that does not comply with the access requirements under Rule 5.4.2.5.  
The Council will restrict its discretion to the following matters:
  - (i) Those relevant matters of control under Rule 5.4.3;
  - (ii) Number and type of activities served by the private right of way or road;
  - (iii) Pedestrian and traffic safety;
  - (iv) Design of the private right of way or road; and
  - (v) Manoeuvring, queuing and parking areas.
- (c) Subdivision of land within the Coastal Environment (excluding any area of Outstanding Natural Character in the Coastal Environment), where allotments are at least 20 ha in area.  
The Council will restrict its discretion to the following matters:
  - (i) Those relevant matters of control under Rule 5.4.3;
  - (ii) The impacts on the natural character and landscape values of the Coastal Environment; and
  - (iii) The extent to which the proposal is in accordance with the objectives and policies of the New Zealand Coastal Policy Statement 2010.
- (d) Subdivision of land within an area of Outstanding Natural Character or Outstanding Natural Landscape in the Coastal Environment, where allotments are at least 40ha in area.  
The Council will restrict its discretion to the following matters:
  - (i) Those relevant matters of control under Rule 5.4.3;
  - (ii) The identified values of the area of Outstanding Natural Character or the landscape values of the Outstanding Natural Feature/Landscape in the Coastal Environment, as applicable; and
  - (iii) The extent to which the proposal is in accordance with the objectives and policies of the New Zealand Coastal Policy Statement 2010.

#### **5.4.5 Discretionary activities**

1. The following activities are discretionary activities, provided they meet the relevant standards:
  - (a) Subdivision of land within an Outstanding Natural Landscape area that complies with the standards for controlled activities of Rule 5.4.2.
  - (b) Subdivision of land within a Natural Hazard Area (refer to Appendix A15.1) or Natural Hazard Assessment and Awareness Area (refer to Appendix A15.2) that complies with the standards for controlled activities of Rule 5.4.2.
  - (c) Subdivision of contaminated land that complies with the standards for controlled activities of Rule 5.4.2.
  - (d) The subdivision of land in the Rural Zone (excluding the Hanmer Basin Subdivision Management Area, the Hanmer Basin Management Area, the Coastal Environment and the Hurunui Lakes Area) or within an Outstanding Natural Landscape creating allotments of between 5000 m<sup>2</sup> and 4 ha.  
Standards:
    - (i) The subdivision must comply with all the standards specified for controlled activities in Rule 5.4.2 except Rule 5.4.2.4.
    - (ii) The minimum average lot area must be 4 ha, except that within an Outstanding Natural Landscape the minimum average lot area must be 20 ha.
    - (iii) The balance area of land needed to make up the minimum average lot area must:
      - (a) be contained within a separate allotment;
      - (b) be included within the area of land subject to the subdivision consent application;
      - (c) be secured with a covenant or similar legal instrument to prevent the erection of any dwelling on that land;
      - (d) be located wholly within the Rural Zone;

- (e) adjoin the allotment on which a dwelling may be erected, along at least one boundary for a length of at least 75 m;
  - (f) must not include the bed of any river or lake or localised flooding area;
  - (g) must not include land which is vested in any form of reserve; and
  - (h) must not include land that, due to its legal tenure, could not be used to erect a dwelling.
- (iv) A concept plan must be submitted with a subdivision application.
- (e) Subdivision in which the width of any esplanade reserve or strip is proposed to be less than 20 m, including a total waiver, provided that there is:
- (i) Alternative public access including covenants, access strips, access agreements, easements, creation of walkways, gifting of land; or
  - (ii) Means of protecting water quality and conservation values; or
  - (iii) Provision for public recreational use of the area of river or lake in question (taking into account that longitudinal access along waterbodies is desirable for recreational users).
- Note 1: The creation of an access strip may be appropriate where land being subdivided can provide enhanced public access to a river or lake listed in the Schedule of Priority Resources for Access and Marginal Protection in Schedule 6.1, a heritage resource listed in Schedule 14.1 or 14.2; or a public vista or view shaft.*
- Note 2: Access strips cannot be required by way of a rule, but Council may consider the voluntary creation of access strips as grounds for not requiring an esplanade reserve. Such strips should be negotiated with Council.*
- (f) Any subdivision of land on which an item listed in Schedule 14.1 or 14.2 is located that complies with the standards for controlled activities of Rule 5.4.2
  - (g) Subdivision in the Hanmer Basin Subdivision Management Area resulting in one or more allotments of between 4 and 20 ha in area that complies with the standards for controlled activities of Rule 5.4.2, other than Rule 5.4.2.4.
  - (h) Subdivision of land within a drinking water protection zone, as defined in the Canterbury Land & Water Regional Plan that complies with the standards for controlled activities of Rule 5.4.2.

#### **5.4.6 Non-complying activities**

The following subdivision is a non-complying activity:

1. Subdivision which is not a controlled activity under Rule 5.4.1, a restricted discretionary activity under Rule 5.4.4 or a discretionary activity under Rule 5.4.5 is a non-complying activity.
2. Subdivision of land within a Natural Hazard Area.
3. Subdivision of land within the Coastal Environment (excluding any area of Outstanding Natural Character in the Coastal Environment), where allotments are less than 20 ha in area.
4. Subdivision of land within an area of Outstanding Natural Character or Outstanding Natural Landscape in the Coastal Environment, where allotments are less than 40 ha in area.

### **5.5 Part B – Rules for Subdivision in all Other Zones**

#### **5.5.7 Deferred zones**

1. Residential 2D (Amberley) - In the Residential 2D (Amberley) Zone the standards applicable in the Residential 3 Zone shall apply in respect of the zone until the covenant (recorded in Transfer A324953.17) restricting the further subdivision (or building of more than one dwelling) has been removed from any one of the following properties being: Lot 22 DP75914, Lot 23 DP75914, Lot 24 DP75914, Lot 25 DP75914. Once the covenant has been removed the standards applicable to the Residential 2 (Amberley) Zone shall apply.
2. Residential 1D (Waipara) - In the Residential 1D (Waipara) Zone, the standards applicable in the Rural Zone shall apply until such time as the Chief Executive of the Hurunui District Council certifies that there is adequate capacity within the Council's town water supply and system to