

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
November 6th 2018**

Report dated October 5th 2018

**Report on submissions and further submissions
Topic 21: Zoning**

Report prepared by

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List of Abbreviations

Submitters

Submitter Number	Abbreviation	Full Name of Submitter
91	MDC	Marlborough District council

Others

BTCR	Blenheim Town Centre Report
GMSF	Growing Marlborough - A strategy For The Future
MEP	Proposed Marlborough Environment Plan
MSRMP	Marlborough Sounds Resource Management Plan
NZCPS	New Zealand Coastal Policy Statement
RMA	Resource Management Act 1991
WARMP	Wairau Awatere Resource Management Plan
NPS-UDC	National Policy Statement for Urban Growth

Introduction

1. My name is Paul Whyte, and I hold the qualification of a Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have practised in the field of town planning/resource management since 1985, primarily working for both local government and planning consultants in Dunedin and Christchurch. Currently, I am a Senior Planner (Senior Associate) with Beca Ltd (Beca) in Christchurch. I have prepared district and regional plans and plan changes in Southland, Otago, West Coast, Marlborough, Canterbury and the Chatham Islands and I have prepared Section 42A reports for district and regional councils on plans and plan changes.
2. In particular I have prepared Section 42A reports for Marlborough District Council on the following plan changes - Plan Changes 26/61 Minor Amendments, Plan Changes 27/62 New Dairy Farms, Plan Change 47 Tremorne Avenue Rezoning, Plan Change 59 Colonial Vineyards, Plan Change 60 Maxwell Hills, Plan Changes 64-71 Urban Growth Areas and Plan Change 72 Marlborough Ridge Rezoning.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.

Code of Conduct

4. 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.
5. 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.
6. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

7. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
8. In this report I assess and provide recommendations to the Hearing Panel on submissions under Topic 21 zoning. The report is informed by expert comment on Services (**Appendix 1**), Soil Conditions (**Appendix 2**), and Traffic (**Appendix 3**) in relation to various submissions.
9. 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.
10. 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.
11. I have undertaken a site inspection of the sites where submitters have requested changes except for those sites that can only be accessed by boat. The report includes aerial photographs and the zoning maps for a number of the submissions where appropriate.

Overview of Provisions

12. The submissions relate to the various Zone Maps found in Volume 4 of the MEP. The maps number 1-268 at various scales in the MEP. The submissions either support the zoning or request the zoning be changed including the rezoning of additional areas for rural, residential, business and industrial purposes.

13. The following documents are of particular relevance to the zone maps and the extent of zones.

Growth strategies

14. The zoning in the MEP of a number of areas has been strongly influenced by growth strategies prepared by MDC prior to public notification of the MEP. These strategies include the following:

- Growing Marlborough-A Strategy for the Future (GMSF) March 2013
This report provides the strategic overview of growth in the district and is based on the 3 sub strategies referred to below.
- Blenheim Town Centre Report (BTCR) July 2009
This report facilitates a vision for the Blenheim Town Centre.
- Northern Marlborough
This report is an urban growth and development strategy for Picton, Havelock and Inner Sounds Settlements
- Southern Marlborough
This report is an urban growth and development strategy for the Wairau/Awatere settlements.

15. The MEP comments on this approach in Chapter 2 Background where it states on page 2-8:

Other strategies and Plans

....At a local level, other strategies and visions have been developed by the Council in response to matters including economic development and future growth. These have not been prepared in terms of being required under particular statutes, but are in response to perceived needs for guiding Marlborough's development and growth. In particular, the Marlborough Urban Growth Strategy, "Growing Marlborough," has provided the basis for the policies and methods on urban form, growth management and infrastructure. The strategy has been prepared in three parts: the Blenheim Town Centre Project; the North Marlborough Project; and the South Marlborough Project. Collectively, the outcomes have focussed on ecological sustainability, appropriate areas for residential growth, identifying areas to cater for employment growth, stronger town centres, strong communities, public open spaces and future proofing transport networks.

These strategies are referred to variously in the Section 42A report.

16. One of the outcomes of the growth strategies was the initiation of Plan Changes 64-71 to the WARMP which proposed to rezone a number of greenfield areas on the northern and western peripheries of Blenheim to urban residential. The Commissioners' decision in 2014 approved the majority of the plan changes with approximately 140 ha rezoned. These areas are carried through to the MEP and are zoned Urban Residential 2 Greenfields.

National Policy Statement on Urban Development Capacity 2016 (NPS-UDC)

The NPS-UDC directs local authorities to provide sufficient development capacity in their resource management plans, supported by infrastructure, to meet demand for housing and business space.

Blenheim is defined as a "medium growth" local authority based on Statistics NZ 2016 urban area definitions and current population growth projections. The NPS UDC requires local authorities classified as having high and medium urban growth to:

- Undertake quarterly monitoring of housing and commercial development market indicators, and use indicators of price efficiency from 31 March 2018; and
- Prepare housing and business development capacity assessments on at least a three-yearly basis which forecast demand and "feasible" development capacity, and the likely take-up of capacity (first report due 31st Dec 2018).

This is to ensure that local authorities are well informed about urban development activity in their area, so that they can provide sufficient zoned land to meet housing and business market demand, and ensure that planning regulations are not unintentionally constraining urban development. Central Government intends that councils use this information to inform their planning decisions.

17. The MDC website notes that *“the purpose of the (Council) monitoring reports is to enable Council to monitor trends over time. It is not intended highlight issues for immediate action. The reports - along with other information - will inform a comprehensive three-yearly Housing and Business Development Capacity Assessment that will identify any issues that may need to be addressed and actioned.*

The first Assessment is required to be completed by 31 December 2018 and will be reported to Council in the New Year.”

18. To date MDC has provided a background information on market indicators and data for the ten years to December 2017 and a further quarterly updates on these indicators for the January – March 2018 quarter¹. These reports indicate that in respect of Blenheim:
- A recent review of residential section availability for MDC estimated that with the current supply of residential zoned (or proposed) land Blenheim has 26.5 years of supply available (based on medium population growth projections).
 - MDC has very little specific data on MDC non-residential development activity and are investigating options. The number of building consents issued for new commercial buildings shows an overall decreasing trend. An analysis of aerial photograph identified approximately 56.4 ha of unutilised industrial zoned land available in the Riverlands Industrial Estate and Cloudy Bay Industrial Estate although this land is not necessarily available or suitable for development.
 - Affordability for home buyer households in Marlborough has steadily improved over the past ten years. At March 2016 74% of Marlborough first home buyer households had below average income after meeting housing costs, a lower percentage than many other regions in New Zealand. This is possibly reflective of both reasonable house prices in Marlborough, rising income levels, and the very low unemployment rate.

Analysis of submissions

19. In terms of submissions received to this topic there are 121 submissions and 32 further submissions.

Key Matters

20. The key matters in the report relate to the various zoning maps that have submissions on them either in support or in opposition. The opposing submissions generally request a change in the zoning, including those requesting additional areas to be rezoned for residential, business and industrial purposes. A number of submissions request sites that have been granted resource consent be rezoned to a zone that reflects the activity on site. The submissions are generally dealt with in the order of the Zoning Maps.
21. This assessment generally refers to submitters but not further submitters in all cases.

Recommendation

22. The submissions are accepted, accepted in part, rejected, or deferred (in the case of submissions dealt with in other topics) in accordance with **Appendix 4**.

¹[https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Your%20Council/Environmental%20Policy%20and%20Plans/Nat%20Policy%20Statement%20Urban%20Dvpmt%20List/PFC-120618-Item%205-NPS Urban Development Capacity Jan-Mar 2018](https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Your%20Council/Environmental%20Policy%20and%20Plans/Nat%20Policy%20Statement%20Urban%20Dvpmt%20List/PFC-120618-Item%205-NPS%20Urban%20Development%20Capacity%20Jan-Mar%202018)

Statutory Documents

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

Pre-hearing meetings

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

Key Matter – General

Submissions and Assessment

25. Perry Mason Gilbert (192.3) seeks Hardings Road and the lower terraces of Renwick be re-zoned to Rural Living and/or Residential 3 while New Zealand Institute of Surveyors (996.41) request that “large areas” of Hardings Road are rezoned from Rural Zone to Rural Living Zone. The submitters do not provide any additional details with their submissions, but as indicated above, a comprehensive review of the provision of residential activities was undertaken as part of the growth strategies and the preparation of the MEP. As such I recommend the submissions be rejected. However I note a proposal to rezone land in the vicinity of Renwick is dealt with later in the Section 42A report (refer New Zealand Institute of Surveyors 996.40 - Zoning Maps 49 and 50).
26. It is also implied by the New Zealand Institute of Surveyors (996.42) that additional land zoned Urban Residential 1, Urban Residential 3 and Rural Living should be considered in the MEP. The submitter does not provide any additional details with the submission, but as already indicated there was a comprehensive review of the provision of residential activities in the growth strategies and in the preparation of the MEP. As such I recommend the submission is rejected.
27. Port Underwood Association (1042.22) states “*Members have raised concerns about the change in zoning, particularly from Rural 1 to Coastal Living, on some sections of land. We do not know enough at this time to make a definitive statement.*” Given the absence of any further details I recommend the submission be rejected at this stage.
28. Matthew Somerville-Smith (1273.2 and .3) opposes the Sounds Residential Zone in the MSRMP being changed to the Coastal Living Zone in the MEP and the Rural 1 zone in the MSRMP being changed to Coastal Environment Zone in the MEP. The submitter does not provide any reasons for this submission and in the absence of this I recommend the submission is rejected.
29. Blenheim Business Association (286.1 and .16) supports the inclusion of Business 1 and 3 zones and the geographical area covered within the zone as it provides for Large Format Retail. This support is noted.
30. New Zealand Institute of Surveyors (996.39) seek that the scale of the maps be increased to improve navigation of maps. Additionally, the location of maps in the bottom right hand corner should be in the same format as what is currently in the WARMP. Generally I believe the layout of the planning maps is satisfactory with an index map at the bottom of each page that indicates adjacent map sheets. I understand there may be some refinements when the MEP is finalised. In addition, the maps are in an e-format which enable quick and easy access and allows the user to zoom in on a property.

Recommendation

31. That there is no change to the MEP.

Key Matter – Zoning Map 1 –Blicks Lane

Submissions and Assessment

32. Kurt Flowerday Family Trust (190.1) and Kurt Flowerday Family Trust (1061.1) seek to rezone 6 Blicks Lane (Lot 2 DP 613, property number 138093) and other properties east of Blicks Lane (the specific sites not identified) from Rural Environment to Urban Residential 3 Zone (Figure 1).

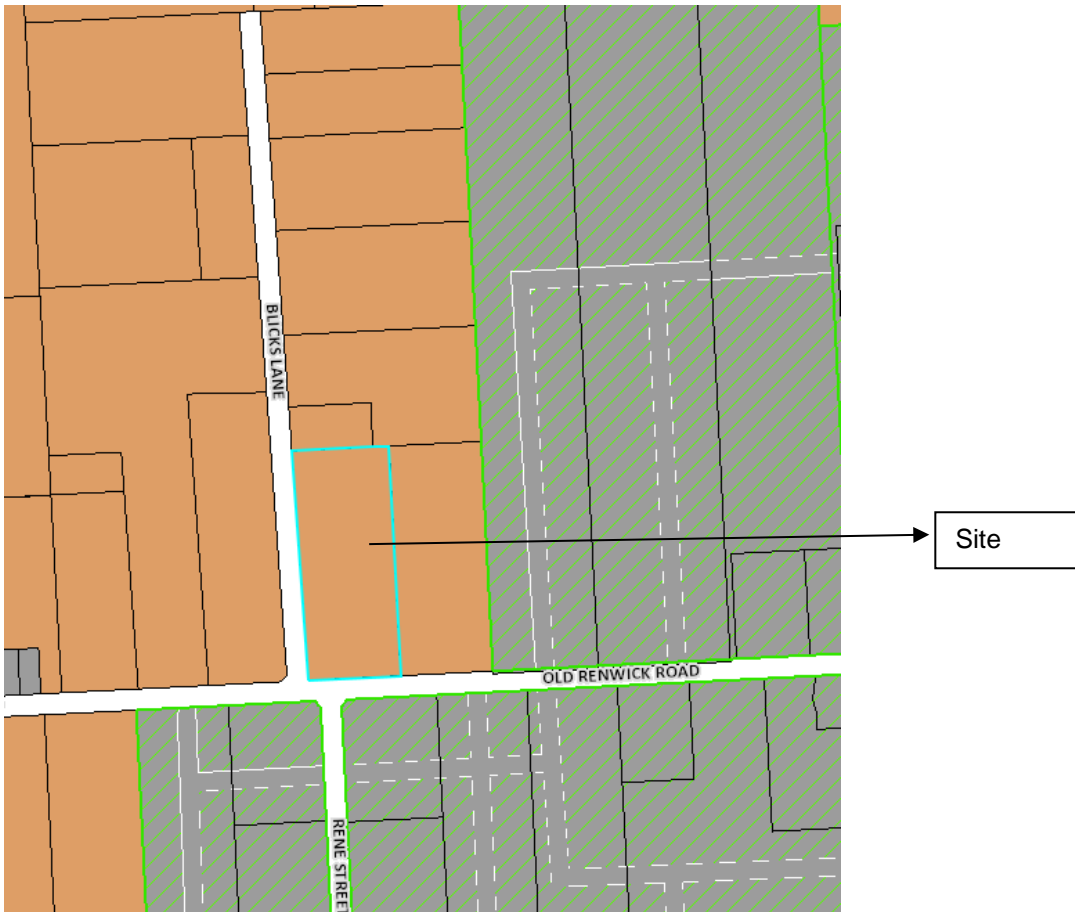


Figure 1

33. I note this general area, east of Blicks Lane was included as part of Plan Change 67 when it was publicly notified, but was excluded by the Commissioners in their decision for the following reasons (refer pg. 64):
- Landowner preference (a number of landowners opposed the plan change in this area);
 - Maintenance of the rural residential amenity and ambience until residential growth has occurred in other areas; and
 - Preservation of a rural residential buffer and the north western boundary of the north western growth mode.

34. Given this (which is a comparatively recent decision) and a lack of support for rezoning from other landowners in the area, I am of the view the submission should be rejected.

Recommendation

35. That there is no change to the MEP.

Key Matter – Zoning Map 5

Submissions and Assessment

36. Mt Zion Charitable Trust and A M and W W Scholefield (515.26) seek to remove the Outstanding Natural Feature and Landscape Overlay (ONFL) from Map 5 and seek Council to pay compensation for devaluing Sounds farm land and removing as of right farm uses, or for properties affected with this overlay to not pay rates.

37. This point seeks the same relief as set out for 515.27 and 515.28 i.e. the removal of the ONFL from the submitter's property and accordingly 515.26 appears to be a coding error. The matter was dealt with in the Section 42A Landscape report of Mr James Bentley (refer pg. 43-44).

Recommendation

38. Refer to Section 42A Landscape Report.

Key Matter – Zoning Map 6 - Westwood

Submissions and Assessment

39. Talley's Group Limited (Land Operations) (374.4) supports the Industrial 1 zoning for Pt Lot 2 DP 6230 (property number 528663) and Outer Limits Limited (1007.4 and .5) seeks to retain the Business 3 and Business 2 zoning as it applies to the Westwood Business Park.

40. The support of the submissions is noted.

Recommendation

41. That there is no change to the MEP.

Key Matter – Zoning Map 7 - Battys Road

Submissions and Assessment

42. Gary John Shields (186.1), Karen and Mike Gray (188.1), David Sim (247.1) and Clayton and Wendy Lindstrom (136.1) all support the Urban Residential 2 Zone in the Battys Road/Lakings Road area which is noted.

Recommendation

43. That there is no change to the MEP.

Key Matter – Zoning Maps 6, 7, 12 and 13 - David Street

Submissions and Assessment

44. There are a number of submissions in relation to the proposed Urban Residential 3 zoning in the vicinity of David Street (Figure 2). The area is zoned Rural 3 in the WARMP.

45. Trevor Roughan (279.1, .2, .3 and .4) supports the Urban Residential 3 zoning given that the land is no longer viable as rural zoned land and it is in close proximity to the main urban areas of Blenheim. The submitter seeks that the engineering work that is required to remove the deferred status from the area should be brought forward.

46. Susan Ramsay (1300.1, .2, .3 and .4) opposes the rezoning of Lot 50 DP 676 (property number 250929) for a number of reasons including that the area is intended as a buffer zone between rural and urban Blenheim; the land is very fertile; and allowing the area to become Urban Residential 3 would lead to pressure to further develop land in a western direction, thereby removing even more prime rural land.

47. Peter Brooks (1301.1 and .2) opposes the rezoning of Lot 2 DP 501522 (property number 538358) as does Brockvale Partnership (1302.1 and .2) in respect of Lot 1 DP 544 and Lot 2 DP 619 (property number 254303). The latter states that the site has been farmed for over 27 years and the submitter has recently invested in the property with the intention of intensifying the existing horticultural activity.



Figure 2

48. I note the area has some history, as follows. The GMSF identified the area (Area 6) as suitable for residential development as set out below while noting that some areas had been removed due to lateral spread (the excerpt from page 39 is set out below).

Area 6

Six areas of a combined total area of approximately 18 hectares were identified for residential growth in the vicinity of David Street in the original Southern Marlborough Urban Growth Strategy Proposal (referred to as A, B, C, D, E, F). This area was consolidated as Area 6 in the revision, which was subject to liquefaction investigation. The results showed that land in the south of Area 6 adjoining Yelverton Stream and north of Sheps Park in the vicinity of Murphys Creek had a risk of lateral spread and this land has been removed from Area 6 as a result.

The remaining area has been retained and will be zoned Urban Residential and it is expected to be developed at similar densities to the existing urban area of Blenheim.

Works to ensure storm water from future residential properties can be adequately managed need to be undertaken before residential development of Area 6 can occur. This work will be led by the Council to ensure that all storm water from the areas is managed in an integrated way.



ABOVE FIG. 4-7: Extent of Area 6

49. Area 6 was carried forward as Plan Change 70 for conventional residential development but was declined by the Commissioners given the opposition by the landowner Mr Brooks and the geotechnical risk associated with the site (page 60 - 61 of the decision). The Commissioners did recognise that if further geotechnical investigation was carried out that revealed that the risk of lateral spread is low and there is appropriate foundation design “then it is likely that the area ... will in the medium term be rezoned to Residential 2.”

50. The MEP subsequently zoned Area 6 and additional land to the west and south as Urban Residential 3 Zone. This zone is described in the MEP under 12.M.1 Zoning as:

The Urban Residential 3 Zone located to the west area of Blenheim provides for lower density living and a buffer between the Urban Residential 2 and the Rural Environment Zone.

51. The David Street area is included in Appendix 23 in the MEP which enables MDC to control foundation design and servicing in the area. This is referred to in more detail in the following policies and rules for the area as follows:

Policy 11.1.18 – Where it is proposed to subdivide land zoned Urban Residential 2 – Greenfields and land identified in Appendix 23 for residential purposes, the subsoil of the site must be investigated to establish if specific foundation designs of buildings are required to mitigate the effects of liquefaction or lateral spread.

There are areas of land zoned for residential development that may have localised soils susceptible to liquefaction and/or lateral spread. The policy requires that, in the event of proposals to subdivide land within the Urban Residential 2 – Greenfields Zone and within the land identified in Appendix 23 for residential development, that the subsoil be specifically investigated to establish the risk of these hazards occurring in the event of an earthquake. For land zoned Urban Residential 2 – Greenfields, standards set out the nature of those investigations. The results of the investigation will determine whether specific foundation design will be required to mitigate the effects of liquefaction and/or lateral spread.

Policy 12.9.6 – Before residential subdivision and development of the following land proceeds, reticulated services owned by or to be vested in the Council shall be available for connection and utilised and/or financial provision made for them:

(a) the five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim; or

(b) the land zoned Urban Residential 2 and 3 identified in Appendix 23.

Those areas able to be serviced by a sequential and orderly extension of existing infrastructure services are to be given priority by the Council.

...

The land identified in Appendix 23 is zoned Urban Residential 2 or 3. In many cases, the zoning reflects the pattern of land subdivision and development that occurred while the land was zoned Rural 3 under the previous Wairau/Awatere Resource Management Plan. For this reason, many existing properties will not be able to be further subdivided in accordance with the controlled activity subdivision rules. However, some properties have the potential for further subdivision. As for the Urban Residential 2 Greenfields Zone, the subdivision and development of the land prior to the provision of the infrastructure would lead to unsustainable outcomes. Of particular concern for this land is the management and disposal of stormwater given the high level of groundwater and the low gradient of the land. The subdivision and development of the land without appropriate stormwater management and disposal would likely result in the flooding of the properties.

Given the large area of land identified in (a) and (b) available for subdivision and development, spatially disparate subdivision will not provide for the efficient or effective servicing of the land. For this reason, the policy also prioritises the servicing of land that provides for a progressive development of the infrastructure.

52. Rules 24.3.1.8 and 24.5 of the subdivision Chapter require that any subdivision in Appendix 23 is a discretionary activity.
53. Accordingly, it appears that the concerns expressed in the decision of Plan Change 70 in relation to geotechnical concerns are addressed by a specific policy. The provision of services is also subject to a specific policy. The rules require subdivision as a discretionary activity in which Council's discretion is unrestricted. It is noted further that Urban Residential 3 provides for lower density (4,000m² serviced sites and 2000m² sites un-serviced) than the Urban Residential 2 zone anticipated by the Commissioners in Plan Change 70.
54. Overall, it is my view having regard to the existing density of settlement of the area which in many cases is large lot residential and not incompatible with the Urban Residential 3 standards; the ad-hoc pattern of development in the area and; the safeguards in the MEP pertaining to natural hazards and services, that the zone is appropriate. I note that the opposing submitters' sites are relatively large (and used for horticulture on at least one site) and consideration could be given to applying a rural zoning to these sites. However, this would result in small fragmented zoning which does not assist integrated planning and may be incompatible with residential uses. Under Rule 6.1.19 of the Urban Residential Zone "Grazing of livestock for maintenance of undeveloped land" is a permitted activity and other farming and horticulture operations can continue under existing use rights. In addition, given the geotechnical issues and servicing issues the existing pattern of settlement may not change significantly, in the short term in any event. Accordingly, I recommend that the opposing submissions are rejected. In terms of bringing services forward as proposed by Mr Roughan this matter is dependent on developer and Council funding.

Recommendation

55. That there is no change to the MEP.

Key Matter – Zoning Map 7

Submissions and Assessment

56. Progressive Enterprises Limited (1044.22 and .23) support the Business 2 zoning of its site and Z Energy Limited (1244.5) supports the Business and Industrial zoning on Map 7. This support is noted.

Recommendation

57. That there is no change to the MEP.

Key Matter – Zoning Map 8

Submissions and Assessment

58. Marlborough District Council (91.87) seeks to change the zone of Lot 1 DP 8533 (property number 401154) from Urban Residential 2 to Urban Residential 1 (Figure 3). The submission notes that the site is zoned Urban Residential 1 in WARMP and was not identified as a property for rezoning and accordingly is in error. In these circumstances I concur that that the submission should be allowed particularly as the adjoining zoning is Urban Residential 1 Zone.



Figure 3

Recommendation

59. That Lot 1 DP 8533 (property number 401154) is rezoned from Urban Residential 2 to Urban Residential 1.²

Key Matter – Zoning Map 9

Submissions and Assessment

² Marlborough District Council (91.87)

60. Blenheim Business Association (286.17) supports the Business 1 zone and the geographical area covered within the zone on Zoning Map 9. This support is noted.
61. Progressive Enterprises Limited (1044.20 and .21) supports the Business 1 zoning at its CBD site (Lot 3 DP 12072 & Lot 1 DP 12072) provided its submission points (1044.10 and 1044.11) which relate to setbacks and glazing of building frontages) are accepted. Should these points not be accepted then the submitter seeks Business 3 zoning for the site. This support is noted (subject to the outcomes of submission points 1044.10 and 1044.11 which are dealt with under Topic 10 Urban Environments).
62. Z Energy Limited (1244.1) supports the Business and Industrial zoning on Map 9 as notified which is noted.

Recommendation

63. That there is no change to the MEP.

Key Matter – Zoning Map 9 - John Street

Submissions and Assessment

64. Joocy Loocy Partnership (304.1) seeks to rezone land north of John Street between Henry Street to Seymour Street from Urban Residential 1 to Business 1 (Figure 4).
65. The current activities in the area identified in the submission include a childcare centre (1A Henry Street), a café (4 John Street), and an accommodation facility, Triple Links Accommodation (6 John Street). I note that these activities have resource consents (U150963, U060491 U930912 and U941401 and U110406) and thus are authorised to operate on their sites.
66. The MEP contains policies regarding activities within the Central Business Area including:
 - Policy 12.4.2 in which the central business area of Blenheim provides a commercial focus for activities in order to retain a cohesive and vibrant atmosphere.
 - Policy 12.5.1 in which particular characteristics are maintained within the central business area of Blenheim including “the core of an urban town, usually anchored around a main street of retail and premier business” and a “wide variety of activities including retail shops, offices, and community facilities”
67. The proposed rezoning does not adjoin the existing Business 1 and will result in the fragmentation of the zone which is contrary to the above policies. The site is also adjoined by Urban Residential 1 which could result in conflict with business activities. In my view it is better the activities remain under the control of resource consents rather than a spot zoning as proposed. Given the above it is recommended that the submission is rejected.

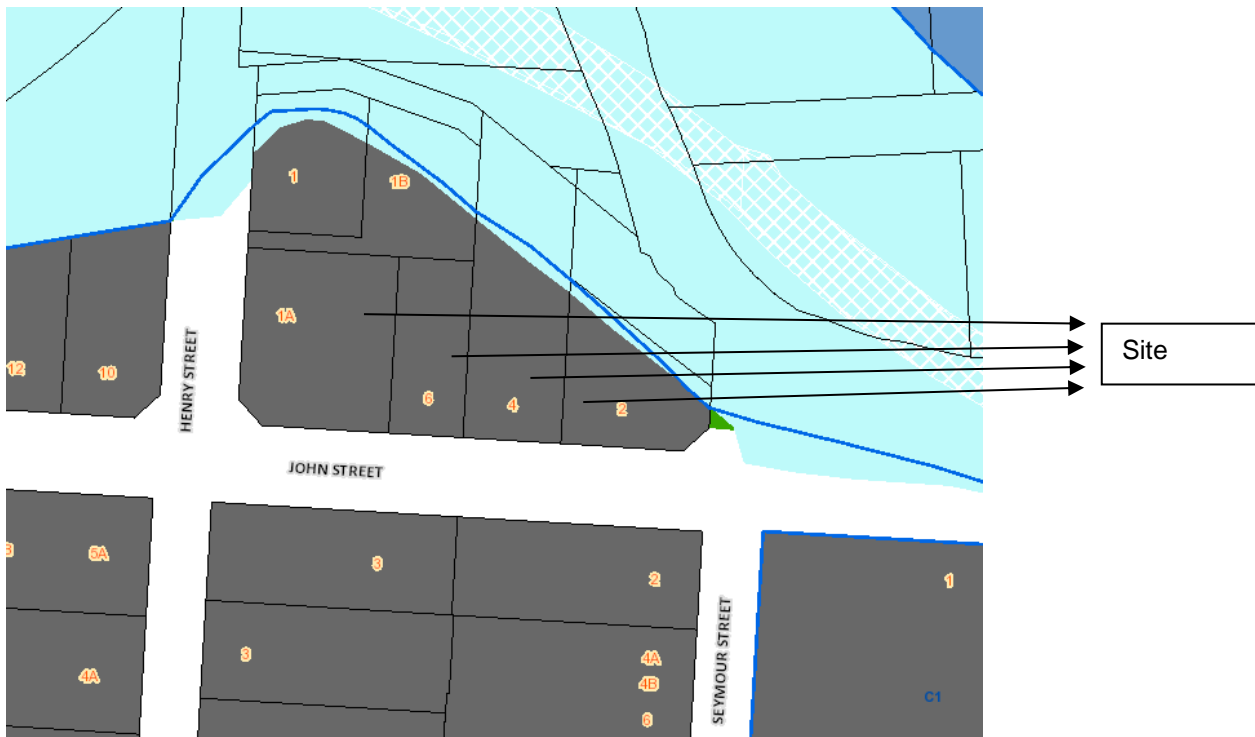


Figure 4

Recommendation

68. That there is no change to the MEP.

Key Matter – Zoning Map 9- Alfred Street

Submissions and Assessment

69. Roselli Family Trust (87.1) seek to rezone 2 Alfred Street (Pt Lot 1 DP 7313, property number 391718) from Industrial 1 to Business 1 (Figures 5 and 6).
70. The activities currently on the site include an accountant firm, a proposed café and associated car park which are located in a building that was erected comparatively recently. It is considered that the type of activities currently on the site fall under the notified definition of “commercial activity”. A commercial activity is permitted (Rule 12.1.3) in the Industrial 1 zone provided it is ancillary to an industrial activity. A commercial activity is permitted (Rule 9.1.1) in the Business 1 zone.
71. Notwithstanding this, the site has a number of resource consents (U151096 & U011086) for both the commercial building, carpark and café and therefore the activities currently on the site are authorised. I note that there are also number of more business zone orientated type activities in the vicinity of the site, including offices and retail, and a Business 1 Zone on the opposite side of SH 1. While a change to Business 1 will better reflect the activities on the site, it will nonetheless introduce Business 1 zoning to the west side of SH1 which is at variance with the adjoining Industrial 1 zoning.
72. Given policies such as Policy 12.4.2, in which the central business area of Blenheim is intended to provide a commercial focus for activities in order to retain a cohesive and vibrant atmosphere and Policy 12.5.1 in which the core of the commercial area is retained as a “core”, I am reluctant to recommend a spot zone in this location and consider that the site is better to remain as Industrial1, at least in the interim. Alternatively, the Hearings Panel could accept the submission, and indicate that a review of other sites in the vicinity of the submitter’s site is appropriate.

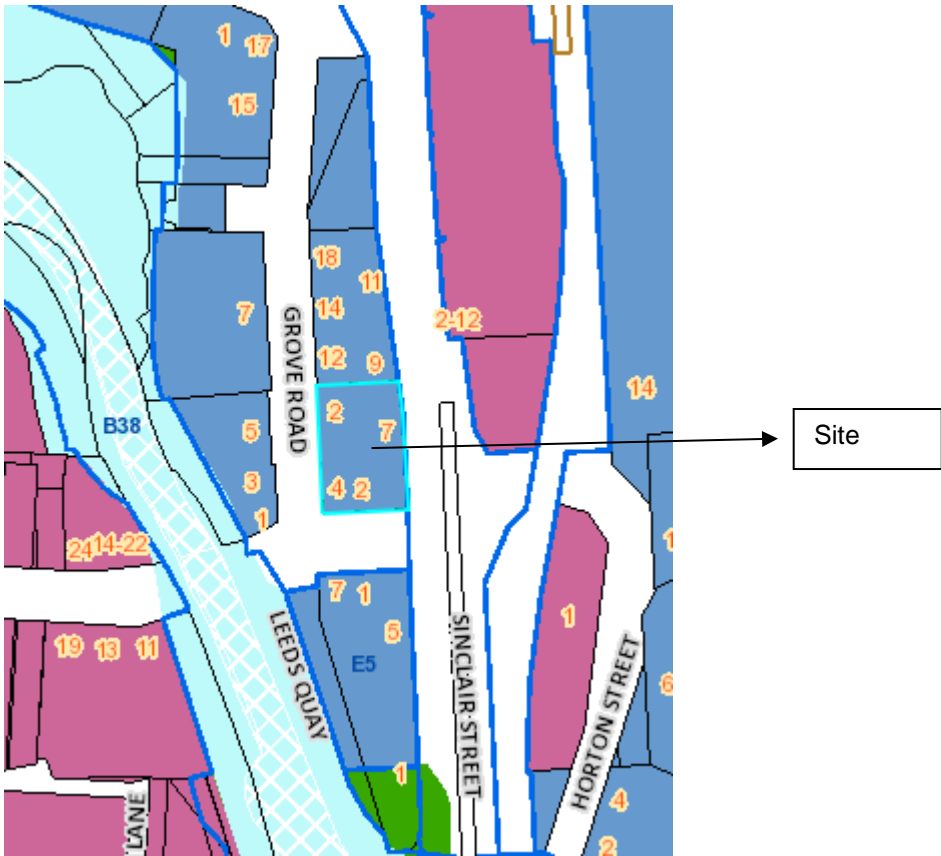


Figure 5

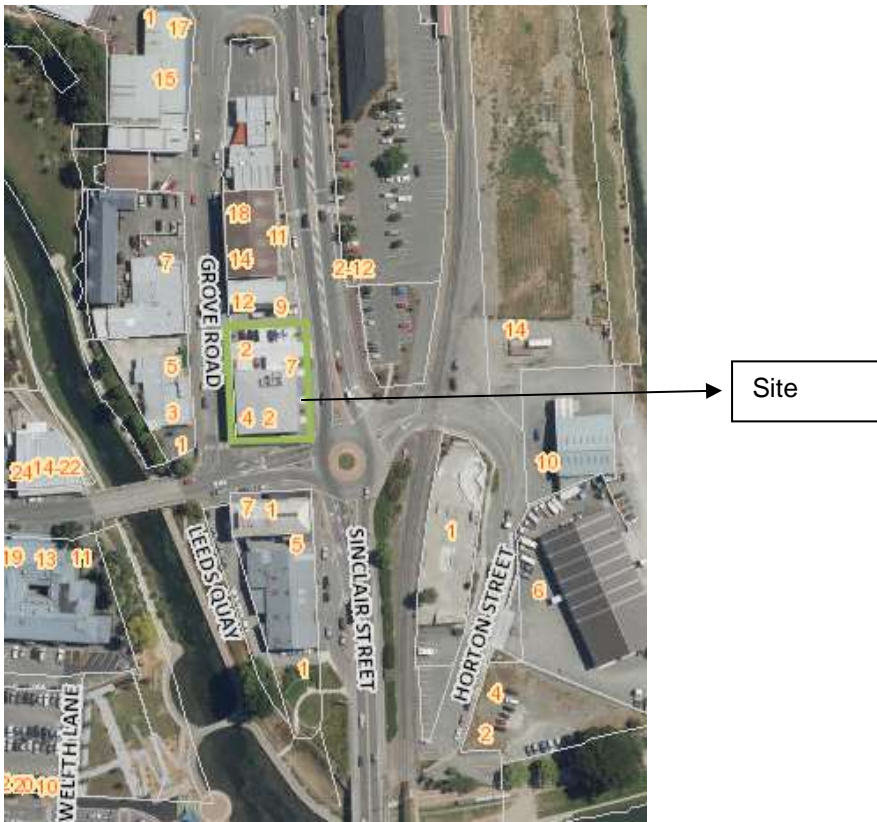


Figure 6

Recommendation

73. That there is no change to the MEP.

Key Matter —Zoning Maps 12, 13, 18 and 19 Battys Road

Submissions and Assessment

74. Donna Marris (200.1-200.4) and Burleigh Estate Ltd (98.1) have made submissions requesting the rezoning of a 31.56 ha parcel of land located at Battys Road, from Rural to Urban Residential 2 Greenfield. The submissions state that the Marris family own 16.76ha comprised in Lots 2 and 3 DP 338922 and Burleigh Estate Ltd owns 14.80ha comprised in Lot 4 DP10015 and Section 2 SO 489671, as shown in Figure 7 as “Area 8”. It appears that each submission assumes that the total area of Area 8 will be rezoned, rather than one or other of each parcel of land being rezoned, although there does not appear to be anything to preclude this.

75. The submission from Donna Marris³ notes the following:

- The land was assessed during as part of the GMSF where it was part of the land known as Area 8. The strategy identified it as suitable for use as Urban Residential land.
- The rezoning will assist to give effect to National Policy Statement for Urban Land Supply (NPS-UDC).
- There are difficulties in developing existing residentially zoned land because of servicing issues and fragmentation.
- Area 8 has very good ground conditions with no lateral spread risk as the site has no waterways.
- The land has natural contour which can be utilised to economically provide sewer and stormwater services with low cost conventional gravity mains – pumping is minimised.
- Access to the road network is easily obtained and the land is close to the main Blenheim services and facilities.
- Reverse sensitivity issues are minimised with residential activity on two sides, half of a third side and just the west boundary with possible reverse sensitivity issues.
- The land has poorer and less versatile soils.



Figure 7

76. The submitter is generally correct that the GMSF indicated area as being suitable for residential development. The report states the following on page 39:

³ The submission from Burleigh Estate Ltd referred to “attached written submissions and plans” but there were no written submissions with the submission. However it appears the Marris comments can also apply to the Burleigh site.

Area 8

Area 8 consists of approximately 33 hectares of rural land to the west of Battys Road and to the north of New Renwick Road. It was included in the revision of the Southern Marlborough Urban Growth Strategy Proposal as a potential alternative to W2.

There is limited sewer capacity in west and south west of Blenheim and there is insufficient capacity to provide for both Area 8 and W2. The outcome of the Environment Court proceedings will influence the nature of future use at W2 and therefore Area 8. If the Court does not approve the Colonial Vineyards Ltd plan change, then Area 8 can be promoted as an alternative site to cater for residential growth. If this situation was to arise, the land would be zoned Urban Residential.



77. Subsequently, the Colonial Vineyards site referred to in the GMSF was confirmed as suitable for residential development and as a consequence Area 8 did not proceed because of servicing constraints identified in the GMSF. However, since that time MDC has undertaken further infrastructure improvements as indicated in the memorandum from Mr Rooney of MDC Assets (**Appendix 1**) where the following is stated (under “Omaka”);

During the growth strategy reviews and more recently the evaluation of sites to accommodate the combined college’s proposal this area was considered for extension of services. There is capacity for sewer and water. It will be necessary to undertake some upgrading of these networks “downstream” of the site. The costs of which will be incorporated into development contributions for this area. The sewer pump station recently constructed adjacent to Bishell Lane is planned for upgrading (a capacity increase) as development occurs. If this zoning change is approved this upgrade will need to proceed earlier than currently proposed. It will be undertaken to match growth as it takes place here and elsewhere.

There isn’t a stormwater drainage system serving this land currently which has the capacity for a residential development. It will be for the developer to design a stormwater network for any residential development. This will include gaining resource consent for discharge to Doctors Creek with the discharge required to be on the downstream side of the Battys Road bridge, to include stormwater treatment and attenuation if necessary prior to discharge and as part of the residential development for the zone pay all costs associated with the installation of the stormwater network and any treatment facilities required.

78. Accordingly it appears that services are generally available subject to payment of development contributions and the design of a stormwater system. As such the services infrastructure constraint identified in the GMSF is removed.

79. However, Marlborough Roads (**Appendix 3**) have identified that there are some traffic issues in respect of the proposal as follows:

- The Battys / New Renwick Road intersection is at about maximum capacity now especially since the Omaka Landings (Colonial Vineyards) development. Any further increase in vehicles will need an intersection upgrade. This will require traffic modelling and intersection improvements identified and designed. Furthermore, potential for a major improvement has possibly been compromised with the location of new medical centre in Omaka close to the intersection boundary.
- The Battys Road / SH 6 intersection is also getting close to capacity and modelling is required to determine if improvements are required.
- The capacity of Battys Road / Lakings Road and Lakings Road / Boyce Street intersections also require investigation.

80. There are also other potential issues that require comment, some of which conflicts with the submissions of the submitters:

- The area requested excludes (i) an indented area on the northern boundary (29 Bishell Lane, comprising 1.1ha) (ii) a similar indented area facing onto New Renwick Road (114 New Renwick Road, comprising .6ha); which results in an “awkward” boundary with Rural zoned parcels of land adjoined on three sides by the proposed residential zone. In my view it would be better to include these parcels of land but this is not possible as no submission has been received to include the parcels.
- The proposed area is a large one in which the extent of consultation on the proposal is not clear. I note that the November 2012 report “Revision of the Strategy for Blenheim’s Urban Growth” (which is a precursor to the GMSF) noted that one of the challenges for the site was “the absence of feedback from landowners to the south” which presumably refers to the Residential zoned strip of land fronting New Renwick Road” (page 31). The revision report also identified reverse sensitivity effects on the rural land, and notwithstanding the comments of the submitters, would appear to affect activities on the northern and western boundaries. Again, the attitude of these landowners is unknown (although it is acknowledged no further submissions have been received).
- Other relevant challenges identified in the revision report include the following (shown in *italics*):
 - *The location of historical swamp land is undefined and requires testing to determine the potential for liquefaction.* The Opus 2013 report ⁴ does not highlight liquefaction on the site and indicates lateral spreading is not a significant issue because of flat ground and no watercourses. The report however states the site does have a significant thickness of compressible soils which could pose a hazard to future development, in which special measures such as preloading of the site or deep foundations may be required.
 - *The area is disconnected from the existing urban area with Battys Road forming the most significant barrier.* This matter is probably not as significant because the Colonial Vineyard land has been rezoned urban residential, the existing residential zone adjacent to New Renwick Road and land on the opposite side of Battys Road is zoned Urban Residential 3.
 - The Review report also identified a roading layout which generally applies to the Urban Residential 3 Zone, which is absent from the submission. Such a layout is in my view desirable to provide appropriate connections.
- While the rezoning will add to the stock of residential zoned in terms of the NPS-UDC, MDC monitoring, as indicated above, reveals that there is a sufficient supply of residential zoned land.

81. Overall, I consider that the rezoning has merit particularly given the findings of the GMSF. While it appears that concerns about services are able to be resolved there are still some outstanding matters in

⁴ Blenheim Urban Growth Study Stage 2 -Geotechnical Evaluation Interpretative Report (Opus-February 2013)

terms of traffic, boundaries of the zone, and reverse sensitivity which the submitters need to respond to. At this stage I do not recommend acceptance of the submissions.

Recommendation

82. That there is no change to the MEP.

Key Matter –Zoning Maps 12, 13, 18 and 19 - Waters Avenue Area

Submissions and Assessment

83. A number of submissions relate to the zoning in the Waters Avenue area as follows. Southern Water Engineering (199.1 - .4) seeks to rezone 33 and 37 Waters Ave (Lot 9 DP 2747) from Rural Living to Industrial 1. The submitter notes it has an established depot, workshop and office on its site adjoining the Timberlink sawmill. It suggests its site acts as a buffer between the Rural Living Zone and the sawmill site (which is zoned Industrial 2), by rezoning it to Industrial 1. This would also reflect the existing use. The thrust of the submission is supported by NES Clifford (198.1 - .4). The aerial photograph of the area is shown on Figure 8 with relevant street numbers.
84. NES Clifford (198.1 - .4) seeks to rezone 30 and 34 Waters Ave (Lots 21 and 22 DP 50347) from Rural Living to Industrial 1. The submitter notes that over the last 5 years there has been continued and steady effort to subdivide and develop land in the Waters Avenue vicinity for residential purposes with resource consents granted. The submitter indicates that a consistent theme in this process has been the desirability of buffering the impact of the existing sawmill on the new residential sites.
85. This includes the construction of two (northern and southern) 3m high landscaped bunds as shown on Figure 8A (which is a plan from the Southern Water Engineering and Clifford submissions). The submission states that purpose of the bunds is to demarcate the residential land from the industrial land, preserve the amenity of the residential land and to minimise any adverse impacts from the sawmill on the residential lots. The northern "bund" appears to have arisen as a condition of subdivision consent U100791 granted in May 2011 which required a landscaped buffer of 4.5m wide. The condition did not specifically refer to a bund but nevertheless a landscaped bund is in place. I note however, the bund does not extend all the way to Waters Avenue.
86. The submitter states that given this, there was an expectation that the land east of the bunds would be zoned industrial. As such this will provide a buffer with the sawmill given that the residential zoning in the MEP will potentially allow several new residential lots on 30 and 34 Walters Avenue along the western boundary of the sawmill. The thrust of the submission is also supported by Southern Water Engineering (199.1 - .4) as the residential zoning could be incompatible with its operation. Centaland Holdings Limited (449.1), Nick Robinson (987.1 and .2) and SA Robinson Trust (1099.1 and .2) also support the rezoning sought by NES Clifford and as well as the Urban Residential 3 Zone in the area.
87. Timberlink NZ Ltd (460.1 and .2) seek to rezone the area between the Timberlink site and Birchwood Avenue (30 and 34 Waters Ave and 5, 9 and 17 Birchwood Avenue) from Urban Residential 3 to Industrial 1 or Business zoning. The submitter states that placement of the Urban Residential 3 Zone onto the land that adjoins their site is unrealistic and unreasonable with regard to the practicalities of achieving compatibility between activities in the two zones, notwithstanding application of performance and development standards to the industrial zone. I note that this submission seeks similar relief to NES Clifford above, but requests the zoning extends to Birchwood Avenue rather than the bund that is in place.



Figure 8

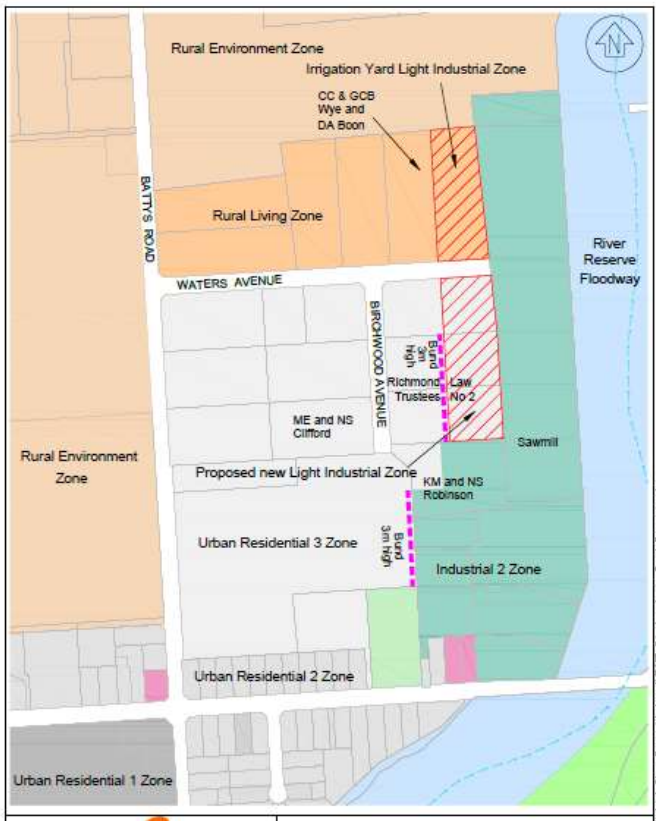


Figure 8A

88. The GMSF noted the following in respect of the Waters Avenue area on page 40.

Waters Avenue Area

The area is currently zoned Rural Residential. Most of the site is to revert to a large lot residential zoning, providing for allotments of between 2,000 (with road frontage) and 4,000 square metres as a minimum. In effect, this allows the existing lifestyle block use of the land to continue but does provide some opportunity for intensification.

Although there was some support for an expansion of the existing industrial zones, the Council decided that any such expansion would create additional conflict between industrial activity already in the vicinity and residential activity.

89. Accordingly the zoning in the MEP for the Waters Avenue area is consistent with this recommendation in the GMSF (although the 2010 growth strategy draft did suggest extending an industrial I zoning to Birchwood Avenue).

90. In respect of the proposed “light industrial” zoning promoted in the submissions I note the following. In terms of rezoning the Southern Water Engineering site on 33 and 37 Waters Avenue I do not favour this as it merely shifts the industrial zoning further to the west. While I acknowledge the Industrial 1 Zone does not allow heavier industrial activities permitted in the Industrial 2 Zone (which is the zoning of the sawmill site) it will nevertheless allow a wide range of industrial activities on the Rural Living Zone boundary to the west. My preference is that the activities on site should remain under the control of a resource consent rather than allow a wider range of activities under an Industrial 1 Zone, thereby impacting the Rural Living Zone with potentially greater adverse effects.

91. In respect of the proposed rezoning between the sawmill and Birchwood Avenue (as requested by Timberlink) I do not favour a rezoning of all of this area as the lots fronting Birchwood Avenue have existing houses located on them and again it would extend the industrial zoning boundary further west. This was also the view of the Commissioner in terms of subdivision consent U100791 (see below) which proposed a four lot subdivision between the sawmill and Birchwood Avenue with Lots 1-3 fronting Birchwood Avenue and Lot 4 (east of the bund) adjacent to the sawmill (refer Figure 8B).

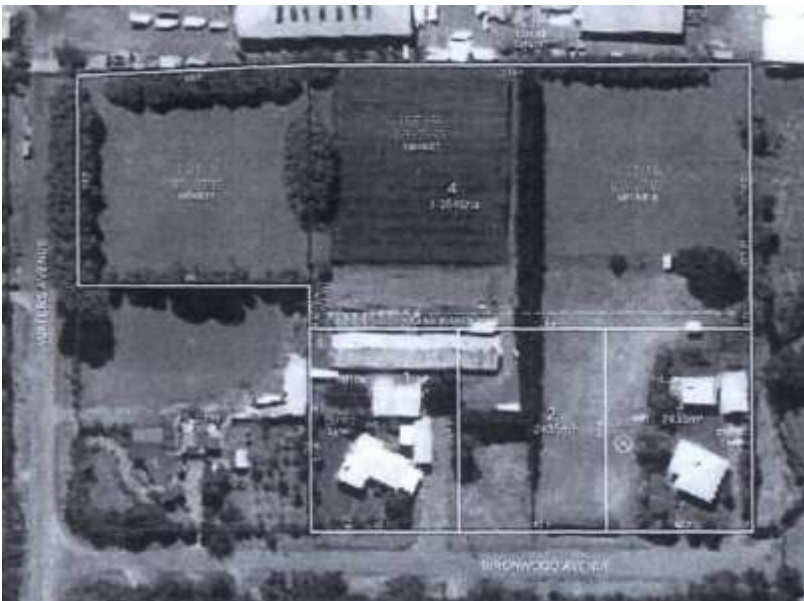


Figure 8B

92. The request to rezone the area east of the bund on 30 and 34 Waters Avenue as suggested by NES Clifford may have some merit. In the decision U100791, the Commissioner acknowledged the significant adverse effect that the sawmill is likely to have on the immediately adjacent land and that the zoning may well change as part of the WARMP review. Clearly this has not occurred and the land east of the bund is residential (Urban Residential 3). I note the Commissioner rejected a volunteered condition prohibiting residential activity on Lot 4 on the basis that a person establishing residential activity may be prepared to accept the presence of the sawmill.

93. In summary, some kind of industrial zone was contemplated by both the 2010 growth strategy and the decision in U100791, although this was to be left to the plan review process. The final growth strategy (GMSF) did not rezone the site to industrial which it could be argued makes the northern bund somewhat redundant. The options for the Hearing Panel are to retain the status quo with the result that any residential development on 30 and 34 Waters Avenue would be on a buyer beware basis. The rezoning to Industrial 1 does result in a buffer and reduces reverse sensitivity issues for the sawmill, but does shift industrial activities further west (albeit with the bund in place along part of the boundary). A further refinement could be to limit the type of industrial activity on 30 and 34 Waters Avenue to “offices only” for example.
94. Generally I believe all of these options are acceptable, although the most efficient use and having regard to the history of the site may be to rezone 30 and 34 Waters Avenue to Industrial 1. A final recommendation is dependent on any evidence presented at the hearing.

Recommendation

95. That 30 and 34 Waters Ave (Lots 21 and 22 DP 50347) be rezoned from Urban Residential 3 to Industrial 1.⁵

Key Matter – Zoning Map 15

Submissions and Assessment

96. Harvey Norman Properties New Zealand Limited (766.8) supports the Business 1 zone for 19 – 21 Maxwell Road (Lot 2 DP 319860, property number 256283) and 79 – 81 Seymour Street (Lots 3 -4 DP 1624, property number 330587). S & J Saunders Family Trust (1261.1) also support the rezoning of 32 Redwood Street (Lot 2 DP 1596, property number 331360) from Urban Residential to Business 1. This support is noted.
97. However, S & J Saunders Family Trust (1261.1) requests an extension of Business 1 Zone over 29 Francis Street (Lot 2 DP 5634, property number 331352) to facilitate site development for the new owner who owns both 32 Redwood Street and 29 Francis Street as shown in Figures 9 and 10.
98. 29 Francis Street is a corner site and as such is a “bookend” for the strip of residential zoned land fronting onto Francis Street, although it is noted this strip does not extend all the way to Scott Street at the western end. The encroachment of the Business 1 Zone onto Francis Street at the eastern end in my view provides a signal that the remaining residentially zoned properties are also likely to be suitable for business development. This will have some effect on the amenity of the residentially zoned block to the south of Francis Street, particularly in terms of outlook.
99. In comparing the zoning with the WARMP provisions, 28-32 Redwood Street has been rezoned from Residential to Business 1 in the MEP which appears to reflect land use changes.
100. Relevant objectives and policies in the MEP include;
- Policy 12.3.3 which states that business activities in the Urban Residential zones should be avoided unless the vibrancy and function of the Business zones is not detracted from; the site is adjacent to a Business zone; and provides opportunities for integration with a Business zone.
 - Policy 12.2.1 which relates to the maintenance of the amenity and character residential areas.
 - Policy 12.4.2 in which the central business area of Blenheim provides a commercial focus for activities in order to retain a cohesive and vibrant atmosphere.
 - Policy 12.5.1 in which particular characteristics are maintained within the central business area of Blenheim including “the core of an urban town, usually anchored around a main street of retail and premier business” and “a wide variety of activities including retail shops, offices, and community facilities”.

⁵ NES Clifford (198.1-.4)

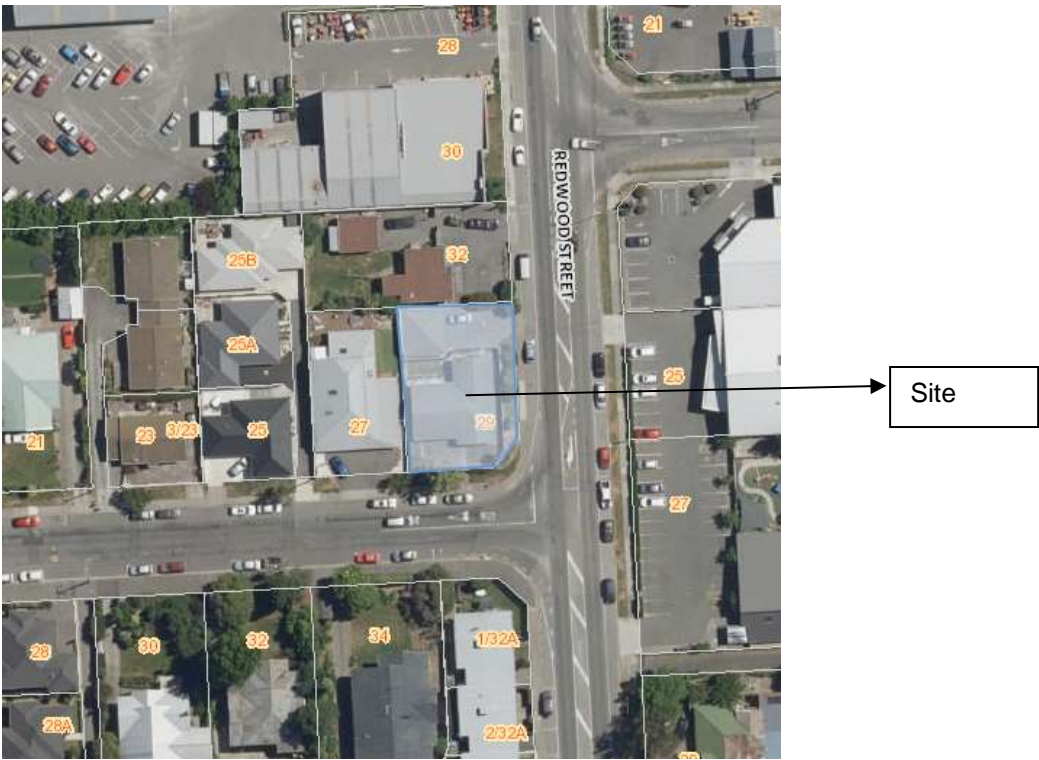


Figure 9

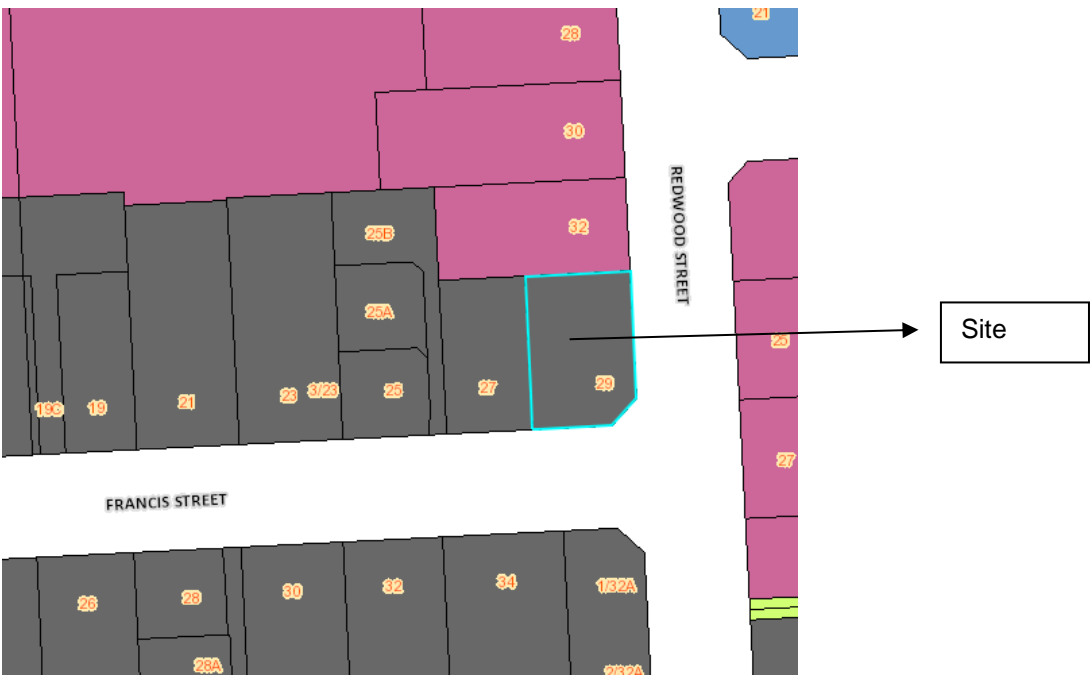


Figure 10

101. Overall it appears that incremental change is occurring as non-residential activities establish in the block. While the rezoning of 29 Francis Street will be a continuation of this trend, it will be intrude into a residential environment in terms of the Residential zoning on either side of Francis Street and likely signal the whole block is suitable for business development. In this respect, I understand that as part of Variation 42 to the WARMMP in 2007, a submission sought that the Francis Street area be rezoned Commercial which MDC initially accepted, but which was successfully challenged by residents in the area on the basis that they had not been consulted. I note this related to a submission “on” a variation rather than a district plan. On the other hand the site is adjacent to a Business zone and provides the opportunity for integration with this zone. The rezoning of the site is also unlikely to undermine the

cohesiveness and vibrancy of the Blenheim commercial area. I note that the MEP or the BTCR did not specifically address expansion of the CBD at the southern boundary.

102. On balance, and given that the MEP did not take the opportunity to undertake a strategic rezoning of the block I consider at this stage the submission should be rejected, although the Panel may reach a different conclusion after hearing evidence. The applicant is also not precluded from applying for a resource consent on the site.

Recommendation

103. That there is no change to the MEP.

Key Matter – Zoning Map 17-SH 1

Submissions and Assessment

104. Jean – Paul Carré (328.1) and David and Jordan Stubbs (435.1) oppose the Rural Environment zoning at 3020 State Highway 1 (Pt Lots 7/8 Deeds Plan 16 Blk XVII Cloudy Bay SD, property number 167548) and 3038 State Highway 1 (Lot 5 Pt Lot 6 DP 16 Blk XVI Cloudy Bay SD, property number 255260) respectively and seek a rezoning the property to Urban Residential 3 (refer Figure 11).

105. The submissions imply that the respective properties should be rezoned because surrounding properties are zoned Urban Residential 3. However reference to the planning maps reveal that there is no Urban Residential 3 zoned land located in the vicinity of the submitters. I note that the zone is described in the MEP under 12.M.1 Zoning as:

The Urban Residential 3 Zone located to the west area of Blenheim provides for lower density living and a buffer between the Urban Residential 2 and the Rural Environment Zone. An area of Rai valley has also been zoned as Urban Residential 3.

106. In these circumstances I do not believe there is any justification for the rezoning of the submitter's sites. It also appears the proposal would not be entirely compatible with Policy 12.1.6 of the MEP which states:

Policy 12.1.6 – Maintain the following characteristics within the residential environment of the Urban Residential 3 Zone:

- (a) located on the urban periphery of Blenheim;***
- (b) closer proximity to open space and rural areas;***
- (c) catering for a lower population density;***
- (d) large lot sizes;***
- (e) low density sites;***
- (f) greater privacy expected as greater distance between properties;***
- (g) more rural in nature;***
- (h) access to infrastructure services and other services (stormwater, sewerage and kerbside rubbish and recycling), although this may be limited; and***
- (i) low volumes of road traffic.***

This policy describes the character of areas that will provide large residential sites to meet the demand for larger properties in closer proximity or on the boundary of Marlborough's towns. The character of this residential environment is predominantly one of low density, with large single dwellings on individual sites, more open space around dwellings, greater privacy between individual properties, ample sunlight to buildings, views to surrounding hills and an open streetscape.



Figure 11

107. In particular, the site is not located on the immediate urban periphery of Blenheim (or provide a buffer between Urban Residential 2 and Rural as per 12.M.1); access to sites is adjacent to SH 1; and the area is not particularly large in terms of providing a number of meaningful sites. In terms of “access to infrastructure services” the memorandum from MDC Assets (**Appendix 1**) notes that in terms of the sewer, the pressure sewer main that is already in place does not have the capacity to serve the area sought to be rezoned. Furthermore, if the zoning is approved the existing pipe system will have to be re-designed and upgraded to cope with any additional demand with the cost of this upgrade to be met by the new zone through zone levies. These could only be calculated once a plan of proposed housing and housing density were known.
108. The memorandum also notes that there is also no water supply in this location other than a water connection from the existing urban boundary to the new St Andrews RSE accommodation complex and that any water supply extensions will have to be at the developers cost. This would include an assessment of the capacity of the existing network to supply the water to the urban boundary. In addition stormwater drainage will only be possible after a storage pond is be constructed in the next three to four years on the southern boundary of the zoning proposal.
109. Clearly there are issues with the servicing, and given the other matters identified in relation to the provisions of the MEP, I do not recommend that the rezoning proceed.

Recommendation

110. That there is no change to the MEP.

Key Matter – Zoning Map 19 – New Renwick Road

Submissions and Assessment

111. Robinson Construction Ltd (1027.1) supports Lots 1 and 2 DP 1773 (34 and 36 New Renwick Road) being rezoned to Business 2 but also requests that Lot 1 DP 1695 and Part Section 8 Omaka Survey

District (38 and 40 New Renwick Road) are also rezoned from Urban Residential 2 to Business 2 (Figure 12). The submitter states that three of the four lots are owned by Robinson Construction Ltd and the remaining lot at 40 New Renwick Road is in the process of being acquired. The submitter notes that the adjacent Burleigh Park forms a buffer to residential properties to the west.

112. Generally I believe this request is a sensible one given the submitter’s ownership and the adjoining Business and Industrial Zoning (to the rear), although the submitter should advise if 40 New Renwick Road has been purchased. I agree Burleigh Park provides an appropriate buffer in respect of residential properties. While there are residences on the opposite side of New Renwick Road, the road provides an appropriate buffer. I note that front part of 40 New Renwick Road is designated by MDC for road widening (P16) but this should not result in a hold up to the rezoning.



Figure 12

Recommendation

113. That Lot 1 DP 1695 and Part Section 8 Omaka Survey District (38 and 40 New Renwick Road) are rezoned from Urban Residential 2 to Business 2.

Key Matter – Zoning Map 21-Alabama Road

Submissions and Assessment

114. Ewan and Suzanne Clemett (329.1) oppose the proposed zoning of Urban Residential 2 at 100 and 102 Alabama Road (Lots 1 & 2 DP 3447, property numbers 373608 and 373595) as they note that the land surrounding them is currently zoned Business 2 and this zoning should apply (See Figure 13).

115. Progressive Enterprises Limited (1044.18 and .19) supports the Business 2 zoning of its supermarket sites (Lots 1 and 2 DP 457673, property numbers 536828 and 536829) and Lots 1 and 3 DP 12072, property number 335329 and 335310) but oppose the residential zoning at 100 and 102 Alabama Road and suggests that these sites should be zoned Business 2.

- 116. Redwood Development Limited (1091.1) supports the re-zoning of the wider area into Business 2 zoning, and also supports the submission by Ewan and Suzanne Clemett (329.1) at 100 and 102 Alabama Road to rezone the sites from Urban Residential 2 to Business 2.
- 117. Z Energy Limited (1244.6) supports the Business and Industrial zonings on Map 21 as notified.



Figure 13

- 118. The submissions of support are noted. The key issue is the requested rezoning of 100 and 102 Alabama Road from Urban Residential 2 to Business 2. Given that the two sites are adjoined on all sides by Business 2 zoning which contains the Countdown supermarket and licensed premises, I believe it is sensible to allow the submissions, as it reduces potential conflict between residential and commercial activities and allows for integrated development of a larger site.

Recommendation

- 119. That 100 and 102 Alabama Road (Lots 1 & 2 DP 3447, property numbers 373608 and 373595) be rezoned from Urban Residential 2 to Business 2.⁶

Key Matter – Zoning Map 34-Picton

Submissions and Assessment

- 120. Z Energy Limited (1244.3) supports the Business and Industrial zonings on Map 34 as notified, which is noted.

⁶ Ewan and Suzanne Clemett (329.1)

121. Crafer Crouch Construction Limited (634.1) opposes the Urban Residential 2 zoning at 5 – 9 Kent Street, Picton (Lot 31 DP 337965, property number 529039) and seeks Industrial 1 zoning which the submission states better reflects its current and previous land uses, as a quarry and contractors yard (refer to Figures 14 and 15).



Figure 14



Figure 15

122. I note that the site has been granted various resource consents over the years to authorise quarrying and the contractor's yard. The latest resource consent in 2016 (U160957) to operate a contractor's yard was granted with no opposing submissions received after public notification of the proposal. The site itself, while adjoining the Urban Residential zone to the west and north is physically located below the residential properties which presumably reflects the quarrying that has occurred on the site. The land to the south and on the opposite side of Kent Street is also zoned Industrial 1. Given the physical location of the site, the current use and the existing zoning I believe there is some merit in rezoning the site to an industrial type zone, particularly as it does not lend itself to residential use. There are provisions in the Industrial 1 Zone to recognise the industrial/residential interface with more stringent provisions applying to this situation.
123. However, I note that the quarry is unlikely to be authorised in the zone as it appears to be a "heavy industrial activity" as defined by the MEP. In the Industrial 1 Zone this type of activity is not permitted and therefore the zoning does not appear appropriate if this activity currently occurs. The submitter should clarify if quarrying still operates from the site.
124. I do not believe the rezoning is conflicts with the existing objectives and policies (assuming that quarrying is not carried out). In particular the site appears to be compatible with Policy 12.5.5 in terms of the site characteristics.
125. Accordingly, provided that the submitter clarifies the position in respect of quarrying on the site, I am satisfied that the proposed rezoning is an appropriate one and recommend as such.

Recommendation

126. That 5 – 9 Kent Street, Picton (Lot 31 DP 337965, property number 529039) be rezoned from Urban Residential 2 to Industrial 1.⁷

Key Matter –Zoning Maps 49 and 50 – North Renwick

Submissions and Assessment

127. The New Zealand Institute of Surveyors (996.40) seeks that the land below the terrace and north of Gee Street/south of Gibsons Creek in Renwick is rezoned from Rural Environment Zone to Residential 3 or Rural Living as a recent investigation has suggested there is no flooding risk.
128. I note that the GMSF proposed large lot residential development on 57 hectares of land on the lower terrace immediately north of Renwick (4.2 Renwick, page 57), which is the area NZIS is referring to (Refer to Figure 16 taken from the GMSF with the area outlined in yellow). The Rivers and Drainage Group of MDC subsequently expressed concern regarding the suitability of this land for residential use due to flood risk from Ruakanakana (Gibsons) Creek, Terrace and School Creeks and potentially the Wairau River. In 2014 MDC decided to defer rezoning the land until informed by the results of further flood analysis.

⁷ Crafer Crouch Construction Limited (634.1)



Figure 16

129. The analysis which is outlined in a report “Renwick Lower Terrace Flood Risk Assessment & Mitigation Options Report” (June 2016) notes that a flood risk exists, predominantly from Ruakanakana Creek, and that further flood mitigation is required before any rezoning occurs. Four mitigation options were identified with the preferred option (1B) involving removing an existing causeway on Ruakanakana Creek; raising the level of an existing bridge over Ruakanakana Creek; the construction of a deflection stopbank to prevent breakout; and channel improvements along Ruakanakana Creek (predominantly the removal of vegetation). No provision had been made in the Annual Plan to carry out these works.
130. At the same time further investigation of the servicing of the area was undertaken in which it was identified that:
- There is insufficient surplus capacity in the existing sewer pipeline between Renwick and Blenheim to service large lot residential development.
 - The supply of water from the existing Renwick network required further testing.
 - On site effluent disposal options and alternative water supply required detailed investigation.
131. As a consequence of the above, the MDC made a decision in July 2017 to defer any rezoning until such time as flood mitigation works had been funded and completed and investigations undertaken to establish appropriate servicing. As a consequence of this situation, I do not recommend any change to the zoning at present. Once the appropriate investigations have taken place the rezoning may occur by a variation or plan change.

Recommendation

132. That there is no change to the MEP.

Key Matter – Zoning Map 53 - Renwick

Submissions and Assessment

133. Blairich Holdings Limited (354.1) supports the rezoning of 42 High Street, 10 and 12 Alma Street, Renwick (Lots 115 – 117 Deeds 5A) to Business 1 Zone.

134. However, it opposes the zoning of 6 and 8 Alma Street, Renwick (Lots 113 and 114 Deeds 5A) and seeks Business 1 zoning (Refer Figures 17 and 18). The submitter states it has recently removed houses from these sites with the intention of expanding their current business onto these sites.

135. Since the submission was lodged a resource consent was granted (U161161.1 and 2) in April 2017 to extend an agricultural servicing business on 6 and 8 Alma Street and the site appears to have been subsequently redeveloped. I note that the application was limited notified with a number of written approvals provided. Given the implementation of the resource consent, the submitter should confirm if it still wishes to proceed with the rezoning. However, I have made an assessment as follows.

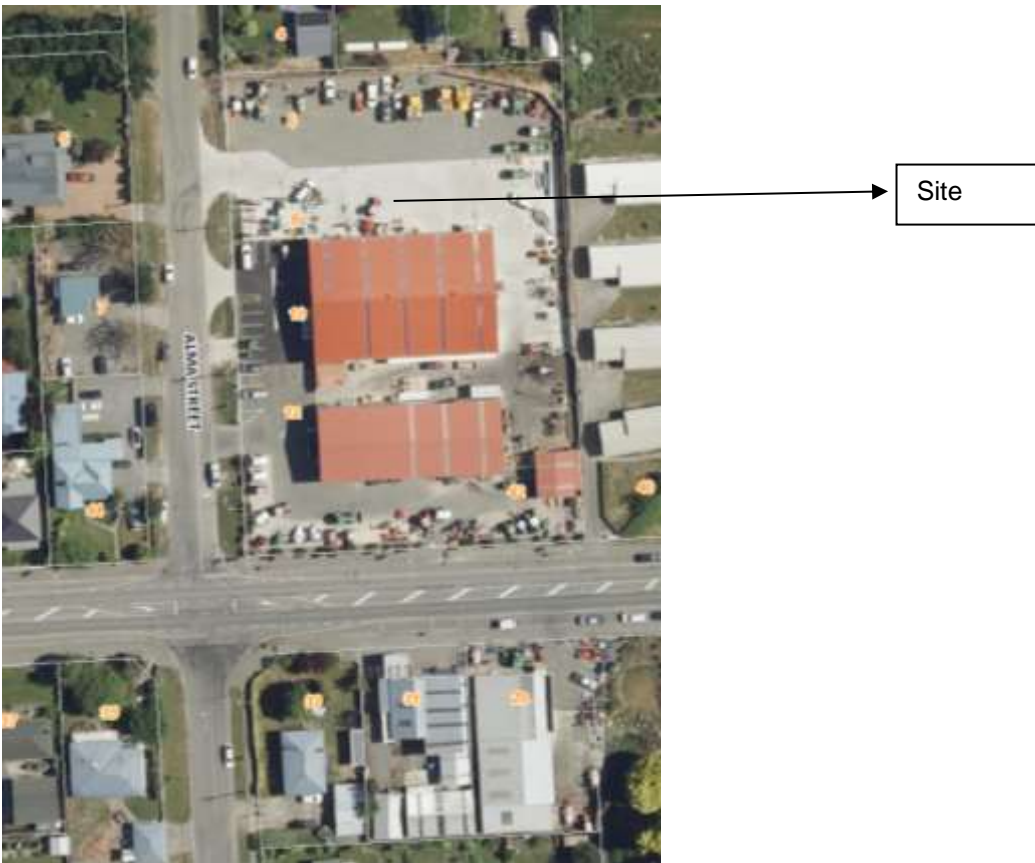


Figure 17



Figure 18

136. Relevant objectives and policies in the MEP include

- Policy 12.3.3 which states that business activities in the Urban Residential zones should be avoided unless the vibrancy and function of the Business zones is not detracted from; the site is adjacent to a Business zone; and provides opportunities for integration with a Business zone.
- Policy 12.2.1 which relates to the maintenance of the amenity and character residential areas.
- Policy 12.5.1 in which particular characteristics are maintained within the central business area of Renwick including “the core of an urban town, usually anchored around a main street of retail and premier business” and “a wide variety of activities including retail shops, offices, and community facilities”.

137. This submission is not dissimilar to that of Crafer Crouch Construction Limited (634.1) above, albeit that the latter relates to an Industrial zoning. However in this case, the site is adjoined by residential zoning including on the opposite side of Alma Street; there is little physical separation from residential sites (although the dwellings on Oudenarde Street are on a slightly lower terrace) and the resource consent is subject to detailed conditions. In terms of objectives and policies, while the site is adjacent to a Business Zone, the type of activity which is a “service activity” is not referred to in Policy 12.5.1 and does not maintain a core around a “main street”. In these circumstances, I believe the activity should remain under the control of a resource consent rather than allow a wider range of activities under a Business 1 Zone.

Recommendation

138. That there is no change to the MEP.

Key Matter – Zoning Map 55 - Hardings Road

Submissions and Assessment

139. Marlborough District Council (91.113) opposes the Rural Environment zoning of the parcel of land between property number 253837 (15 Hardings Road) and property number 529645 (19 Hardings Road) that runs from the Opaoa River to Hardings Road. The submission states the zoning was done in an error and it should be “unzoned” as it is road reserve (refer Figure 19).
140. This submission is consistent with the way in which the MEP is drafted and accordingly I recommend the submission is allowed.

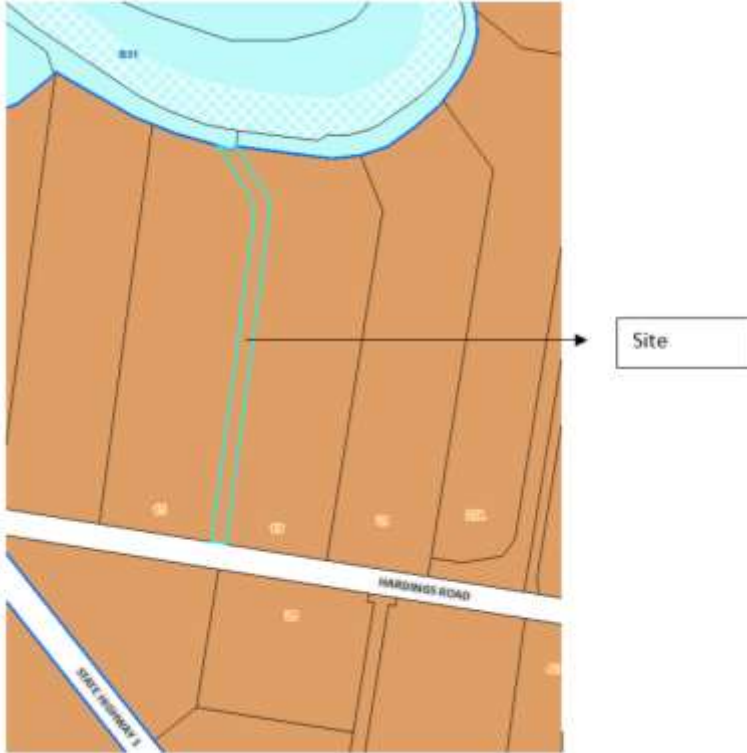


Figure 19

Recommendation

141. That the Rural Environment Zone on the parcel of land between property number 253837 (15 Hardings Road) and property number 529645 (19 Hardings Road) that runs from the Opaoa River to Hardings Road be removed and shown as Road.⁸

Key Matter – Zoning Map 57

Submissions and Assessment

142. Crail Bay Aquaculture Limited (636.1) opposes the zoning of Urban Residential 1 at 80 Main Road, Havelock (Lot 2 DP 314865 and property number 255628) and seeks Business 1 zoning to allow it to build boat storage sheds with apartments above these (Figures 20 and 21).

⁸ Marlborough District Council (91.113)



Site

Figure 20



Site

Figure 21

143. I note the site was created as a result of a subdivision in 2002 with Lot 2 DP 314868 comprising 986m². The subdivision also created Lot 1 DP 314868 comprising 571m² located to the rear of Lot 2 and which subsequently has had storage sheds located on it.
144. The activities proposed by the applicant are permitted in the Business 1 Zone subject to meeting the various performance standards. As an alternative the applicant could apply for resource consent which would enable MDC to better control the activity and its effects
145. However in this particular case, I am satisfied a rezoning is appropriate regardless of the type of activity proposed given that the adjoining sites are zoned Business 1 (including the petrol station to the north). Zoning of the whole site will result in an intrusion into the adjoining residential zone to the rear but a number of the residential zone sites are occupied by non-residential activities.
146. In addition the proposal is largely in accordance with the relevant objectives and policies including Policy 12.5.1 in that particular characteristics will be maintained within the central business area of Havelock including “the core of an urban town, usually anchored around a main street of retail and premier business” and “a wide variety of activities including retail shops, offices, and community facilities and apartments above businesses”. The proposal should also achieve Policy 12.2.1 which relates to the maintenance of the amenity and character residential areas, given the nature of existing uses and the rules in respect of the Business 1/Urban Residential Zone interface.

Recommendation

147. That 80 Main Road, Havelock (Lot 2 DP 314865 and property number 255628) be rezoned from Urban Residential 1 to Business 1.⁹

Key Matter – Zoning Maps 60 and 61 - Wairau Township

Submissions and Assessment

148. A number of submissions have been received requesting that the Council review the zoning of the Wairau Valley Township area. The location of the submitters is shown in Figure 22 and the zoning of the township in the MEP is shown in Figure 23.



Figure 22

⁹ Crail Bay Aquaculture Limited (636.1)



Figure 23

149. Clifford John Smith (592.2) suggests/queries:
- The Wairau Valley Tavern be rezoned from Urban Residential to Business 2 zoning as “licensed premises are not permitted adjacent to Urban Residential zones.”
 - Should all of the residential properties north of State Highway 63 be zoned Urban Residential “to be consistent with the apparent transformation of what is a rural township to an urban residential township.”
 - The property immediately to the “west of LCP 115/155 is rezoned Urban Township which appears to be inconsistent with the site located adjacent to what could be considered an industrial scale access site to the existing vineyard property”. It is not clear where this site is located and the submitters should clarify its location.
 - All properties on the north side of State Highway 63 between Church Lane and Morse Street be zoned either Business 2 or Urban Residential.
 - Define “Wairau Valley Township” geographically.
 - Explain the future residential expansion of the township.
 - As a consequence of zoning changes review speed limits, particularly on State Highway 63.
150. Dawn Janice Rentoul (1297.3 and .4) at 2662 State Highway 63 Wairau Valley (Lot 1 DP 3323 and Pt Section 16 SO 2923 Wairau Valley District) and Brian and Elsie Hall (1298.3 and .4) at 2670 State Highway 63 Wairau Valley (Lot 1 DP 309416) seek to rezone their respective sites from Business 1 to Rural Environment to be consistent with the surrounding properties.
151. Wairau Valley Ratepayers and Residents Association (1235.1 and .2) seek amendments to Planning Map 60 to delineate the township by the following;
- “East: The eastern extremities of those properties on the eastern side of Church Lane and directly fronting Church Lane but excluding the vineyard that goes down to the Wairau River with a frontage on the lower part of Church Lane.*
- West: The centre of Keith Coleman Lane.*
- South: The southernmost borders of the lifestyle properties that currently exist, as shown on the map.*
- North: The northern boundary would include properties on Morse Street and Fishtail View and properties along State Highway 63 as far as Church Lane and also take in those properties on the western side of Church Lane. All the surrounding vineyards are to be excluded from being part of the township.”*
152. In terms of the history of the township the following is noted. The zoning in the WARMP is similar to that in the MEP except that the MEP has zoned additional residential land (as Urban Residential 2) north

of SH 63, although it appears to apply to existing development; and there is less Rural Living / Rural Residential zoning south of SH 63.

153. The zoning in the MEP appears to partly reflect the outcomes of the GMSF for the township (4.3 on page 51), which is set out below, in that the residential zoning is reduced on the south side of SH 63. Clearly however, the overall amount of residential zoned land in the MEP is far less than that anticipated in the GMSF. The reason for this is not clear but I understand there are flooding and servicing constraints associated with the township. The proposed residential area in the CMSF also appears in excess of an estimated 38 new dwellings by 2031 which was forecast in a 2010 draft growth strategy.

4.3 Wairau Valley Township

Land use and growth

It was noted that the existing residential use of land in Wairau Valley often did not reflect the underlying rural zoning. The Council wanted to rectify this situation, while providing for limited growth contiguous to existing residential areas. Growth was not provided for south of State Highway 63 to prevent the community from being divided by a major transport route.



154. The MEP has various references to Wairau Valley Township including the following in Chapter 12 Urban Environments:

Introduction

...

The towns and settlements of Marlborough reflect the different natural environments in which they occur as well as their varied heritage and function. These towns and small settlements can be characterised by size into one of four categories:

- larger urban towns (Blenheim, Picton/Waikawa, Havelock, Renwick, Seddon);
- smaller towns (e.g. Ward, Wairau Valley, Spring Creek, Grovetown, Rarangi, Rai Valley);

...

Policy 12.1.3 – Maintain the following characteristics within the residential environment of the Urban Residential 2 Zone, including within the Urban Residential 2 Greenfields Zone:

- (a) some connection to the central business areas, recreational, social and health facilities;**
- (b) often located in close proximity to suburban businesses in the Business 2 Zone;**
- (c) catering for a lower population density;**
- (d) intensification development rather than infill development;**
- (e) located within reasonable proximity to schools, kindergartens and shopping;**
- (f) located closer to open space areas;**
- (g) larger lot sizes;**
- (h) lower density living;**
- (i) greater privacy between individual properties;**
- (j) areas surrounded by lower building form, i.e. fewer multi-level storied buildings or apartments;**
- (k) generally lower traffic volumes; and**
- (l) access to infrastructure and other services (stormwater, sewerage and kerbside rubbish and recycling) may be limited in smaller settlements.**

This policy sets out the characteristics of land zoned Urban Residential 2 and Urban Residential 2 Greenfields. Urban Residential 2 Zones are located within Blenheim and throughout Marlborough's other towns (Picton, Havelock, Renwick, Seddon, Ward, Wairau Valley, Marlborough Ridge, Spring Creek, Grovetown, Rarangi, Rai Valley).

Policy 12.5.3 – Maintain the following characteristics of business areas within the rural towns of Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley:

- (a) location on major arterial routes;**
- (b) services and facilities serving both the local and wider rural population and visitors;**
- (c) low intensity development; and**
- (d) an informal appearance.**

This policy makes the distinction between the suburban businesses located in Blenheim and Picton and those in Marlborough's smaller towns (Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley). These smaller towns have both 'rural' and 'urban' elements within their business centres, which is typical of the amenity of a small rural town.

12.M.5 Zoning :*The Business 2 Zone encompasses suburban areas outside the Business 1 Zone in the surrounding residential areas. In Blenheim, these include business areas such as large supermarket-based centres at Redwoodtown and Springlands, as well as smaller areas of business activity such as those at Moran Street, Alana Place and Budge Street. In Picton the Business 2 Zone includes smaller pockets of business activity located within residential environments as well as core business areas located in the towns of Ward, Seddon, Wairau Valley and Rai Valley.*

155. In respect of the submission received from Clifford John Smith (592.2)
- I concur that the Wairau Valley Tavern be rezoned to Business 2 zoning although I note the zoning is Rural (and not Urban Residential 2) in the MEP. The zoning reflects the use on the site and is in accordance with Policy 12.5.3. (The reference by the submitter to “licensed premises are not permitted adjacent to Urban Residential zones” does not appear to be correct and is of limited relevance).
 - It appears that all the residential properties north of State Highway 63 are zoned Urban Residential and Policy 12.1.3 makes it clear that this zoning applies to rural townships.
 - Most of the properties on the north side of State Highway 63 between Church Lane and Morse Street are now zoned either Business 2 or Urban Residential 2. The other sites are zoned Rural which largely reflects existing use.
 - The definition or delineation of the township geographically is in my opinion of limited value in the MEP, given the absence of any detailed policy in the MEP relating to boundaries of the township or its growth. As indicated above the extent of development is anticipated by the zoning in the MEP.
 - The future residential expansion of the township is referred to above.
 - A review of speed limits, particularly on State Highway 63, is not an MEP matter.
156. In respect of the submissions from Dawn Rentoul (1297.3 and .4) and Brian and Elsie Hall (1298.3 and .4) seeking to rezone their sites from Business 2 to Rural Environment, it is acknowledged that the existing activities on the site (shop and petrol station) no longer appear to be operating. However a Rural Zone also does not appear appropriate given the buildings on site, the location of the sites on a major arterial route and their proximity to residential activities. I believe the existing zoning should be retained given the Business 2 zone may be utilised in the future and which is reflected in the various policies.
157. Wairau Valley Ratepayers and Residents Association (1235.1 and .2) submission in relation to the delineation of the township is dealt with above.

Recommendation

158. That the Wairau Valley Tavern site (Part Lot 1 DP 3204 property number 157489) be rezoned from Rural 1 to Business 2.¹⁰

Key Matter – Zoning Map 64 - Sanford Site, Okiwi Bay

Submissions and Assessment

159. Sanford Limited (1140.103) seeks the Sanford site in Okiwi Bay be rezoned from Residential to Business Zone as “it has a commercial not residential use”. There is no legal description, property number or request for a specific zone in the submission but it is understood that it refers to an existing site in Karapea Crescent (Lot 1 DP18296) as shown in Figure 24. The site is zoned Coastal Living rather than “residential.” I note the site was subject of a number of resource consents in 2017 in respect of establishing a finfish research facility. The resource consent was granted subject to a large number of conditions and which attracted over 200 submissions when it was publicly notified.
160. The submitter is essentially requesting a “spot zone” for their site given the predominance of the surrounding Coastal Living zone. I note that the Environment Court commented that criticism of spot zoning was not warranted under the RMA (unlike the Town and Country Planning Act) because of the purpose of the RMA (sustainable management). However zoning at such a “micro” level is probably not to be encouraged because of the complexities of considering multiplicity of interacting effects if undertaken (*Kamo Veterinary Holdings Ltd v Whangarei DC A161/03*) and in this case the Environment Court declined the zoning because of the potential for adverse effects from future possible activities.
161. In this case I do not favour a rezoning given the absence of any adjoining existing Business zone, the apparent contentious nature of the activity on the site (in terms of submissions received to the resource consent), and the nature of the potential effects on the site. In these circumstances, I believe

¹⁰ Clifford John Smith (592.2)

the activity should remain under the control of a resource consent rather than allow a wider range of activities under a Business Zone.

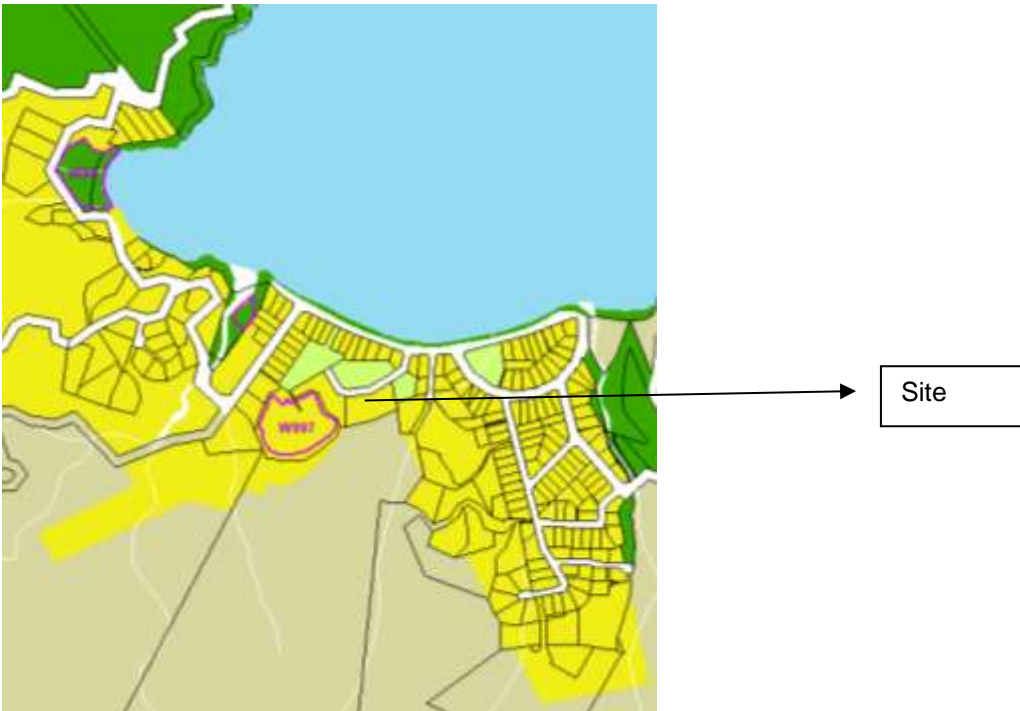


Figure 24

Recommendation

162. That there is no change to the MEP.

Key Matter – Zoning Map 64 - Okiwi Bay Ltd

Submissions and Assessment

163. Okiwi Bay Limited (458.1) seeks to rezone additional Coastal Living areas within Okiwi Bay as shown by the highlighted areas shown on the plan attached to the submission (see Figure 25). The submitter indicates these are not within either the Okiwi Bay Coastal Natural Character Area or Outstanding Natural Feature and Landscape #8 – Whangerae Inlet and Okiwi Bay. It is noted that in respect of the highlighted areas the zoning in the MEP is Open Space 3 for the western areas and Coastal Environment for the central and eastern areas as shown on Figure 26.

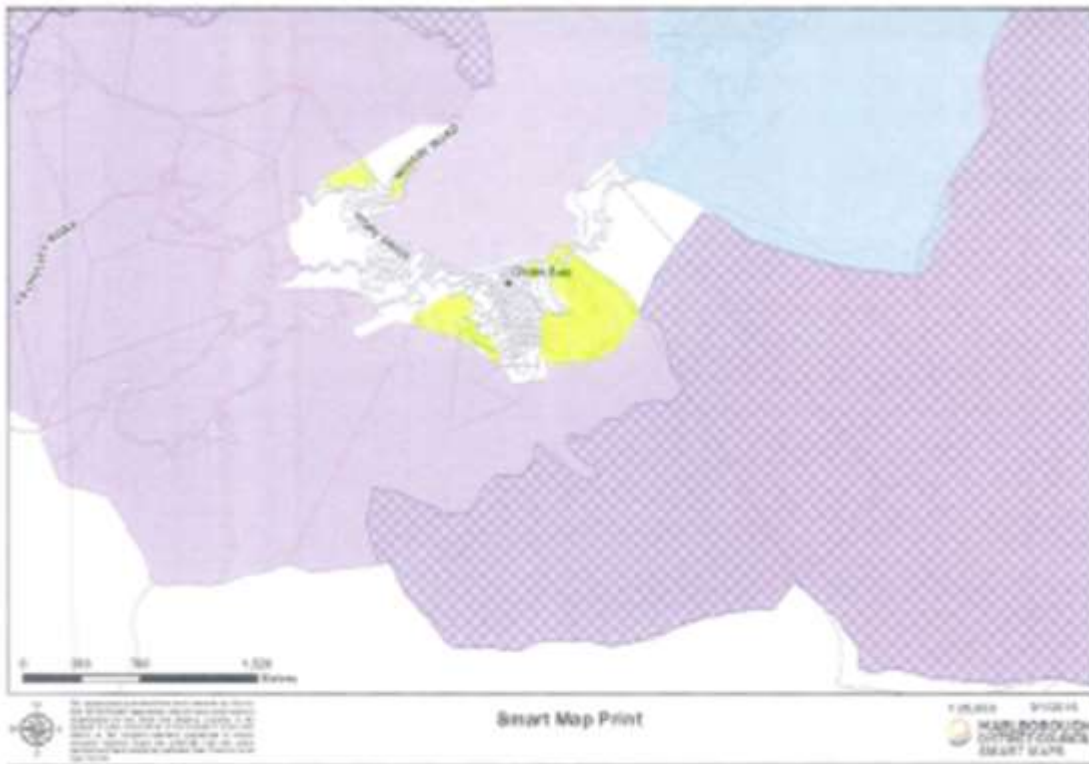


Figure 25

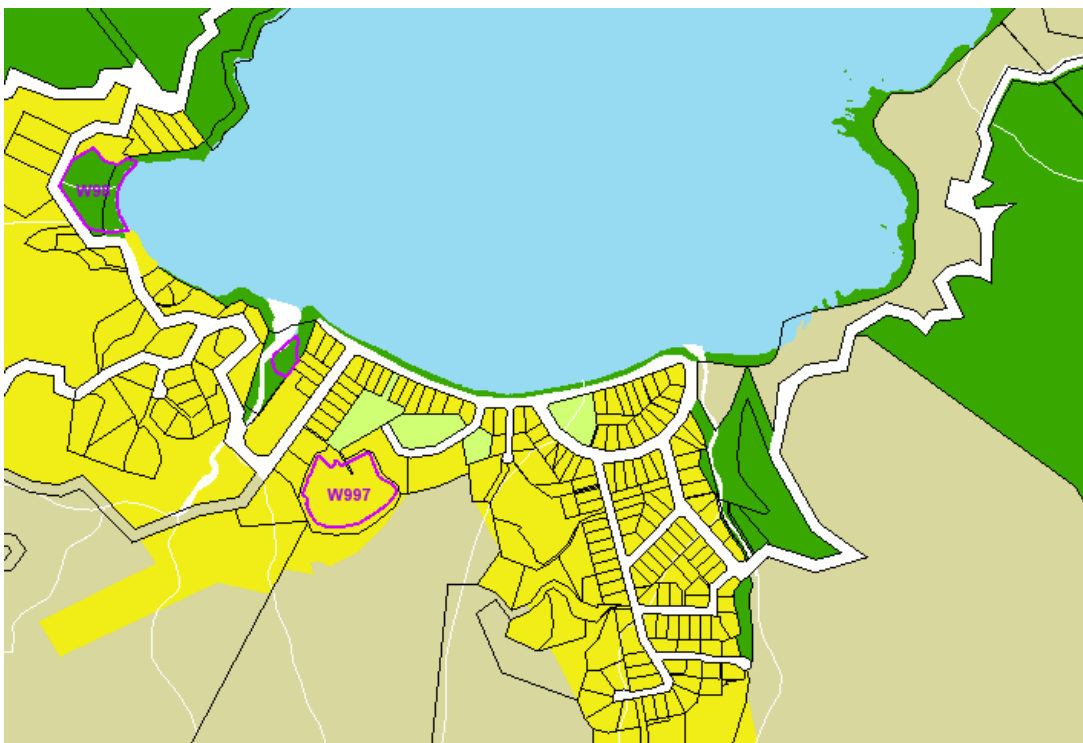


Figure 26

164. In my view it does not necessarily follow that because areas are not identified within natural feature or landscape areas that they should be zoned as Coastal Living. It is acknowledged that Policy 13.1.1 of the MEP is to avoid adverse effects from subdivision, use and development activities on areas identified as having outstanding natural character and outstanding natural features and/or outstanding natural

landscapes. Policies 13.2.1 - 13.2.6 also sets out adverse effects and other matters that should be taken into account when considering development and subdivision.

165. There are also a number of more specific policies relating to the Coastal Living Zone including the following:

Policy 13.5.1 – Identify areas where residential activity can take place.

Areas determined as appropriate for residential activity are zoned as Coastal Living Zones. The Coastal Living Zone recognises the need and demand that exists for residential activity in Marlborough's coastal environment and applies to areas where development already occurs but which maintain a high level of amenity associated with the coast. These areas, zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to overall coastal character...

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:

(a) protect recreational and coastal amenity values;

(b) avoid sprawling or sporadic patterns of residential development; and

(c) protect landscape, natural character and indigenous biodiversity values.

It is important that limitations are placed on where residential activity can take place within Marlborough's coastal environment. If unrestricted development were allowed, the very values that make the coastal environment special would be threatened, particularly within the Marlborough Sounds. The policy therefore is important in identifying the appropriate locations for residential activity, are those provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps to give effect to the policies of the NZCPS, as well as achieving the overriding objective for the Marlborough Sounds in Chapter 4 - Use of Natural and Physical Resources of the MEP, in which the 'visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds' is maintained and enhanced.

The policy directs that residential activity and subdivision for residential purposes 'should' occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restoration works, enhancement of values or offsetting adverse effects, positive environmental 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.

Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment that could be developed for residential activity to meet the needs of the community.

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that could be developed for residential activity. Areas zoned as Coastal Living include areas zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan and areas of Township Residential and Rural Residential in the Rarangi area of the former Wairau/Awatere Resource Management Plan. There is capacity within these zoned areas for further residential activity to occur. Additionally, there are allotments within the Coastal Environment Zone that do not currently have a dwelling on them but where residential activity could take place, subject to meeting standards.

166. Accordingly, in rezoning areas Coastal Living consideration is to be given to a number of matters including:

- amenity
- landscape
- public access

- recreation
- demand for services
- indigenous biodiversity
- form of urban development
- existing available stock

167. The submitter has not addressed any of these matters other than to submit the proposed areas are not located in identified landscape and natural character overlays, which in my view does not automatically make areas suitable for residential development. I also note the land at the western end is zoned Open Space 3 which is defined as a “zone intended for conservation purposes” which “applies to open space intended to be retained largely in its natural state” (page 9-16 Volume 1 MEP). Given this, I am unable to recommend the areas be rezoned at this stage.

Recommendation

168. That there is no change to the MEP.

Key Matter – Zoning Map 66 -Tuna Bay and Penzance Bay

Submissions and Assessment

169. World End Enterprises Limited (482.6) support the zoning of Tuna Bay and Penzance Bay as proposed and this support is noted.

Recommendation

170. That there is no change to the MEP.

Key Matter – Zoning Map 72 - Anakiwa Road

Submissions and Assessment

171. Michael David and Brenda June Biggs (333.1) supports the Coastal Living Zone of 349 Anakiwa Road (Lot 1 DP 415536, property number 538794) and this support is noted.

Recommendation

172. That there is no change to the MEP.

Key Matter –Zoning Map 76 - Portage

Submissions and Assessment

173. Rewa Rewa Limited (1093.1) seek to rezone Lot 3 DP 403652 located at Portage from Coastal Environment Zone to Coastal Living Zone as shown on Figure 27. Figure 28 is an aerial photograph of the area. The submitter notes the site has been subject to resource consent for residential development in this location and the rezoning will facilitate low density residential development in accordance with the objectives and policies of the MEP.

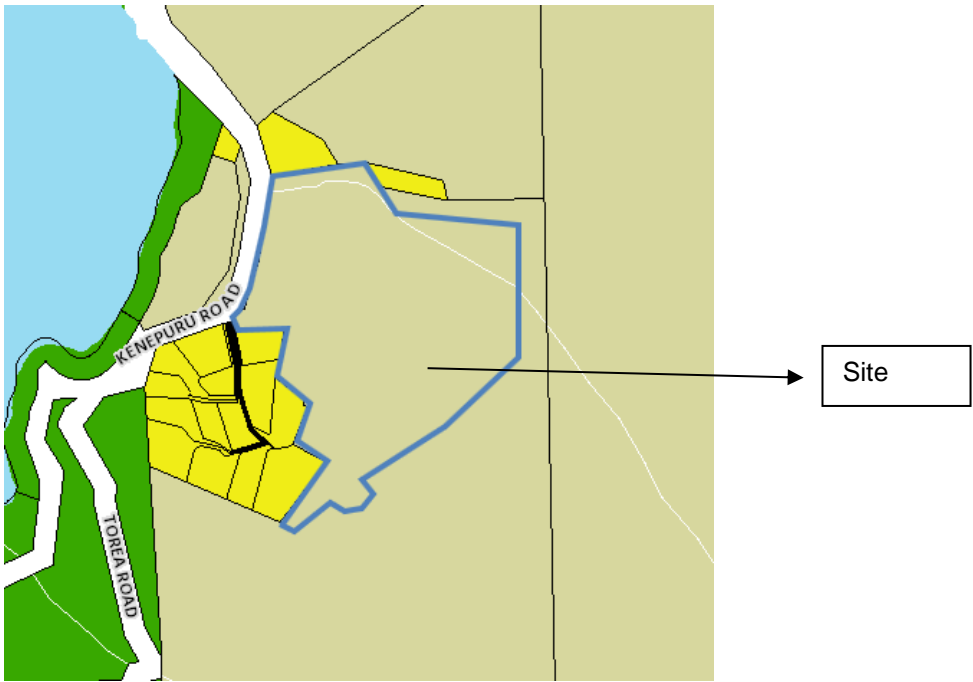


Figure 27



Figure 28

174. In this respect I note that Resource Consent U08286 was granted in 2008 to create 27 allotments, (with 24 being residential lots, a road reserve, a local purpose reserve and a balance rural lot); undertake land disturbance; and to discharge domestic waste water to land. The submitter states that due to market conditions the resource consent lapsed in 2016 and the development has not proceeded. The site is zoned Rural 1 in the MSRMP.

175. I understand that while consent was granted to U08286 there were a number of specific conditions that were imposed and volunteered in order to obtain approval including the following:

- Conditions 26-30 & 4 - A cluster wastewater system for all residential lots to connect to, including UV treatment. This was to be run by a services company, with encumbrances on each lot to ensure the company was liable for maintenance costs and to avoid the need for MDC to step in if the administration of the system failed. In addition, the Portage wastewater system which was failing, and 11 existing adjacent properties, were to be included into the cluster wastewater plant, which would have resulted in the cessation of the sea outflow discharge and overall improvement of contamination levels in Portage Bay.
- Condition 32 – Private covenant containing environmental controls – this included controls on building height, colour, cladding material, curtilage extent, cut and fill areas.
- Condition 33 -The provision and construction of a formed track that would connect onto the Queen Charlotte Track:
- Condition 40 - Rainwater use only was allowed (i.e. no stream takes);
- Condition 43 - Sprinkler systems to be installed in all new dwellings;
- Condition 45 - The protection of vegetation in perpetuity on the hillside (balance of property) which was 71% of the property above the lots. This was to protect the attractive and natural landscape backdrop to the development.

176. The decision of MDC identified that despite the application being a non-complying activity, the development is considered unique and unlikely to set a precedent due to enhanced sustainable management arising from mitigation measures including the preservation of the vegetation, provision of the walking track and the new wastewater system, all of which are referred to in the above conditions.

177. The submission requests that the site be rezoned Coastal Living and does not suggest any additional provisions which for example could address some of the issues identified in the resource consent. The provisions in the Coastal Living zone are more permissive in terms of such matters as vegetation clearance and the zoning may not allow MDC to address the issues identified in U080286. As such adverse effects are likely to be greater than those accepted under the subdivision.

178. As indicated above in Okiwi Bay Ltd (458.1) there are a number of objectives and policies relating to the Coastal Living and in my view a rezoning as proposed could be in conflict with these provisions in such areas as landscape demand for services (Policy 13.2.2), protection of coastal amenity values(Policy 13.5.2), and existing housing stock (Policy 13.5.3).

179. I note in respect of landscape and visual issues that the site will have new landscape parameters compared to when the subdivision was granted resource consent in 2008. In the MEP the site has an overlay of “High Coastal Natural Character” in which development should be subject to a landscape assessment. Such an assessment has been undertaken by Liz Gavin on behalf of MDC which will be available by the hearing.

180. Overall, I consider there are some uncertainties associated with the proposed rezoning. In particular the previous resource consent identified a number of issues that may not be addressed if the site is developed under the more permissive zoning of Coastal Living. Accordingly at this stage I recommend the submission is rejected.

Recommendation

181. That there is no change to the MEP.

Key Matter – Zoning Map 77-Oyster Bay

Submissions and Assessment

182. Clintondale Trust, Whyte Trustee Company Limited (484.38) oppose the proposed Coastal Living Zone at Lot 4 DP 11879 (property number 253407) at Oyster Bay and instead seek Coastal Environment Zoning (Figure 29). The submitter states that in November 2015 when the submitter purchased its property it was zoned Rural 1 in the MRSP. The submitter states that the commensurate MEP zone for the MSRMP Rural 1 Zone is Coastal Environment as detailed on the MEP website.
183. The submitter states the Coastal Living Zone rather than Coastal Environment Zone imposes significantly more stringent rules and standards in comparison with either the current Rural 1 zone or the proposed Coastal Environment Zone. As such it is considered unreasonable for a landowner to be placed under a more restrictive planning regime through a unilateral zone change when a commensurate zone remains available.
184. While the submitter is correct in saying that the MEP website identifies the Rural 1 Zone as equivalent to the Coastal Environment Zone, I note that the sites adjoining the submitters site to the south are zoned Sounds Residential in the MSRMP in which the equivalent zone in the MEP is Coastal Living. It appears that the subdivision which created these lots, was granted resource consent in 1990 (DP 8632) and that when the MSRMP was subsequently publicly notified the subdivision was zoned Sounds Residential. On the other hand the submitters site was not granted resource consent until around 2000 (DP 11879) but was not formally zoned for residential purposes until the MEP was publicly notified 2016 i.e. the MEP “caught up” with the implementation the of the submitter’s subdivision. This in my view accounts for any discrepancy in the appropriate zoning.
185. Furthermore it is apparent that the submitter’s site and the adjoining lots are compatible with the Coastal Living Zone as per the various provisions of the MEP including the following:

Objective 13.5 – Residential activity takes place within appropriate locations and limits within the coastal environment.

Policy 13.5.1 – Identify areas where residential activity can take place.

Areas determined as appropriate for residential activity are zoned as Coastal Living Zones. The Coastal Living Zone recognises the need and demand that exists for residential activity in Marlborough’s coastal environment and applies to areas where development already occurs but which maintain a high level of amenity associated with the coast. These areas, zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to overall coastal character.

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:

...

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.10 Zoning

The Coastal Living Zone is a specific zone established for residential activity within the coastal environment for both the Marlborough Sounds and along the south Marlborough coast.

Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate. A number of locations within rural environments have been determined as appropriate for residential activity. These include areas zoned as Rural Living, the Coastal Living Zone (which recognises the need and demand that exists for residential activity in Marlborough’s coastal environment.) These areas have been recognised historically as providing rural lifestyle on a range of allotment sizes in a range of locations.

Policy 14.5.2 – Residential activity and subdivision for residential purposes within rural environments should take place within land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3, to:

...

186. It is also apparent that Coastal Environment essentially relates to rural zoned land that is located in the coastal environment and not residential land. Again this is evident from the MEP provisions including the following:

14 Use of the Rural Environment

Introduction

Marlborough's rural environments can be broadly grouped into several distinct areas:... high country areas and rural areas within the coastal environment, including in the Marlborough Sounds and along the south Marlborough coast.

Methods of implementation

The methods listed below, addressing Issues 14A, 14B and 14C are to be implemented by the Council unless otherwise specified.

14.M.1 Zoning

A range of matters help to determine appropriate management approaches to ensure the sustainable management of rural environments.... The matters identified reflect considerations used historically in previous management regimes for rural environments and two rural based zones have been established for the MEP to sustainably manage use, development and subdivision activities within Marlborough's rural environments. These are the Coastal Environment Zone, which includes land areas within the Marlborough Sounds where a coastal influence is evident, and the Rural Environment Zone, which includes the balance of rural areas in Marlborough.

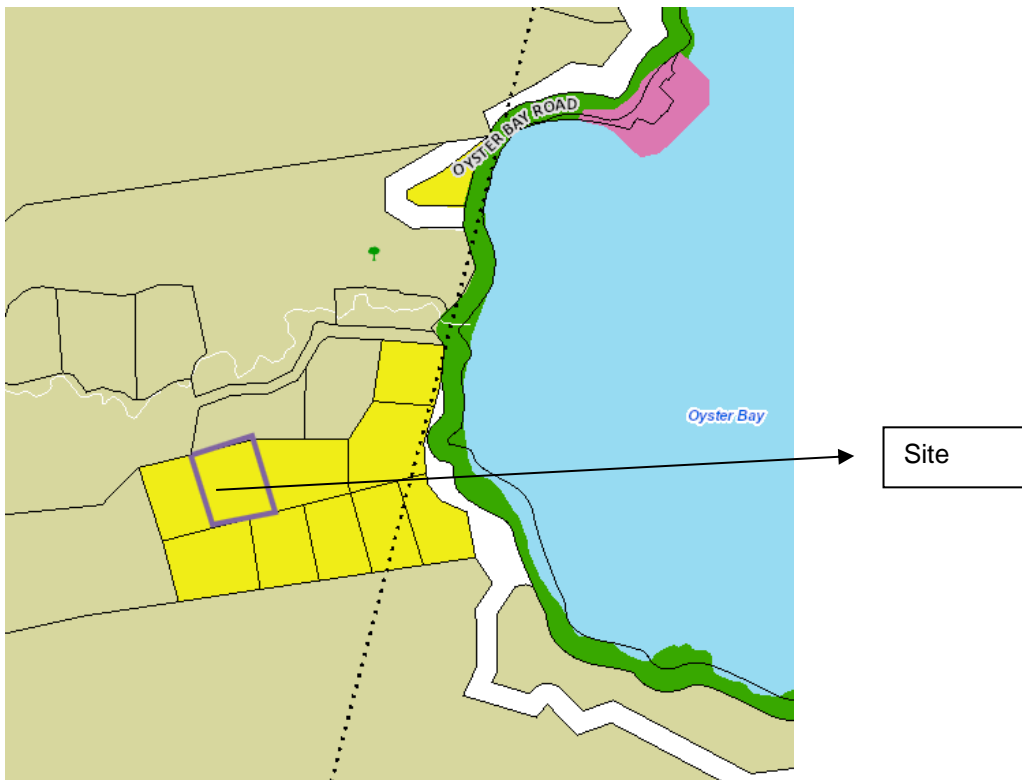


Figure 29

187. In any event I note that the provisions in the Coastal Living Zone and Coastal Environment zone are not particularly different in terms of development on the site as demonstrated in Table 1 below. The site is also a large one, 4,500m² in area and with dimensions of 60m x 45m, and development on the site should be able to comply with the MEP provisions.

Table 1

Provision	Coastal Living Zone	Coastal Environment Zone
Dwelling	1 per Computer Register	1 per Computer Register
Height	7.5m and 10m for pole foundations	10m
Setbacks	8m any boundary	8m front and rear boundary and 5m side boundary
Site coverage	15%	15%

188. Overall I am satisfied the Coastal Living zone is appropriate for the submitter’s site having regard to its intended use for residential purposes in a coastal location and the MEP provisions. The Rural 1 zoning in the MSRMP is simply a reflection of the MSRMP not having been updated to reflect the development on the ground.

Recommendation

189. That there is no change to the MEP.

Key Matter – Zoning Map 79 - Rarangi

Submissions and Assessment

190. Trudie Lasham (357.8) supports the proposed rezoning of Deferred Township Residential in the WARMP to Rural Zone in the MEP at Rarangi. This support is noted.

Recommendation

191. That there is no change to the MEP.

Key Matter – Zoning Map 82- Rarangi

Submissions and Assessment

192. Rarangi District Residents Association (1089.5) opposes the whole of the Coastal Living Zone for the Pipitea/Edgewater/Flaxmill area between Rarangi Road and the Diversion (also known as Edgewater Estate). The submitter considers the Rural Living Zone is more appropriate for the size of the sections given that Rule 7.2.17 states that on a site larger than 4,000m² a building cannot be constructed within 8m of any boundary. The submission indicates that some of the sites are long and narrow and are disadvantaged by this rule (Refer Figure 30).

193. The lots at Rarangi appear to range in area from approximately 4,500m² to approximately 2ha. Chapter 24 Subdivision Rule 24.3.1.2 indicates that the minimum area for subdivision in the Rural Living Zone and Coastal Living Zone at Rarangi are the same - 7,500m². In my view the critical issue does not appear to be the zoning because the Coastal Living Zone is more appropriate than the Rural Living Zone for the site, given its coastal location. Rather the issue lies with Rule 7.2.17, which appears to be intended to provide openness between buildings in a coastal environment.

194. However I note that the majority of smaller sections such as those along the beachfront on Ocean View Crescent and Edgewater Place already have dwellings constructed on them and in these circumstances it is my view it is better to retain the integrity of the MEP rather than make an exception

for a small number of vacant sections. In addition, it appears the width of the sections are 50m which still provides a substantial width, even if 16m (2 x 8m) reduction is allowed for. Finally the setback for the Rural Living zone from the boundaries is 6m which is not significantly different from the Coastal Living Zone.

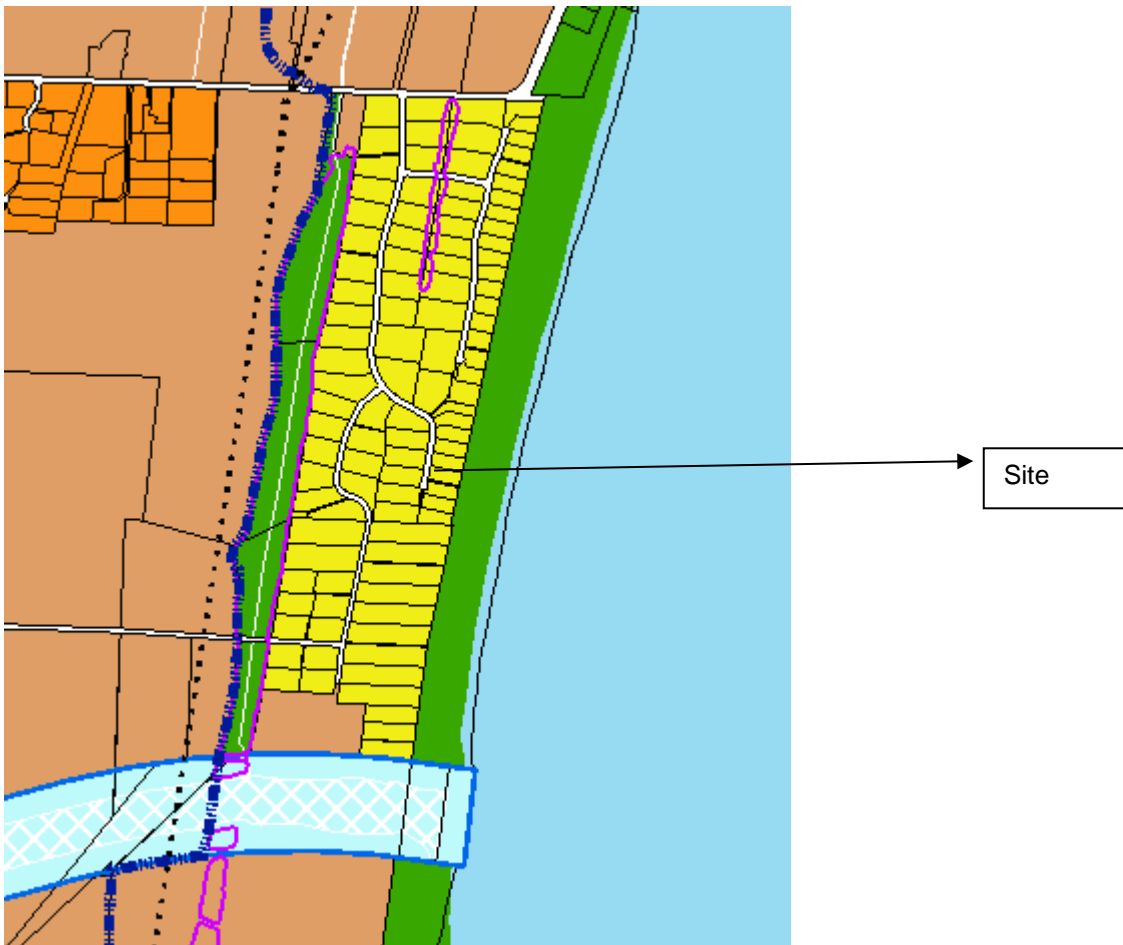


Figure 31

Recommendation

195. That there is no change to the MEP.

Key Matter – Zoning Map 85 – Talleys Site, Old Renwick Road

Submissions and Assessment

196. Talleys Group Limited (Land Operations) (374.1) seeks to rezone 747 Old Renwick Road, Raupara (Lot 1 DP 4415, property number 528541) shown on Figures 31 and 32 as Industrial (the type of industrial zoning and the extent of the zoning is not specified and I note part of the site is the Floodway Zone). The submission it states the zoning would be consistent with the long term use of the site. I understand that the site is used for mussel shell and vegetable processing. It appears that the operation on the site dates back to 1976 when an application was submitted in respect of a canning factory and since that time a number of resource consents have been submitted relating to new buildings and operations on site, discharges of processing waters to land and discharges to air from coal boilers and water takes. Generally, the consents have detailed conditions.

197. In the Rural Zone a “rural industry” is discretionary activity so further activities on the site will require resource consent if further development is outside the terms of their existing consents. A rezoning to industrial would enable light and heavy industrial activity, service industry or activity and warehousing as

permitted activities subject to standards, which are more permissive in terms of such matters as bulk and location and noise than the Rural zoning.

198. There are a number of objectives and policies that are potentially relevant including:

- **Policy 12.5.6 – Maintain the following characteristics within areas zoned for heavier industrial activities located near Blenheim:**
 - (a) location outside the urban area of Blenheim;
 - (b) often surrounded by larger lot residential or rural areas;
 - (c) a range of heavy industrial activities;
 - (d) non-industrial activities ancillary to industrial activities;
 - (e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;
 - (f) activities placing substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services);
 - (g) activities requiring disposal of large quantities of liquid trade wastes; and
 - (h) higher volumes of large vehicle traffic.
- **Policy 14.1.3 – Activities and buildings in rural environments should be linked to land-based primary production of Marlborough’s rural resources and require a rural location.**
- **Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.**
- **Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.**



Figure 31



Figure 32

199. The GMSF study did not identify the submitter's site as a possibility for rezoning to industrial. It did identify land in the vicinity of Woodbourne Airport and Omaka Aerodrome for employment purposes and which subsequently have been zoned Industrial 1.
200. The submitter is essentially requesting a "spot zone" for their site given the predominance of the surrounding rural zoned land. As noted above, the Environment Court commented that criticism of spot zoning was not warranted under the RMA (unlike the Town and Country Planning Act) because of the purpose of the RMA (sustainable management). However zoning at such a "micro" level is probably not to be encouraged because of the complexities of considering multiplicity of interacting effects if undertaken (*Kamo Veterinary Holdings Ltd v Whangarei DC A161/03*) and in this case the Environment Court declined the zoning because of the potential for adverse effects from future possible activities in a Business zoning.
201. In this case I do not favour a rezoning given the number and nature of potential effects that can be generated on site (while acknowledging that some effects are related to regional matters) and their impact on the amenity of the rural area, the site's relative isolation and the lack of strategic support in terms of the MEP and documents such as GMSF for such a zoning (notwithstanding some shared characteristics with the items listed in Policy 12.5.6). In these circumstances, I believe the activity should remain under the control of a resource consent rather than allow a wider range of activities under an Industrial Zone.

Recommendation

202. That there is no change to the MEP.

Key Matter – Zoning Maps 90, 92, 93, 96 and 97 - D'Urville off Shore Islands

Submissions and Assessment

203. P Rene (1023.6) seeks to rezone a number of islands and coastal areas to the Coastal Environment Zone. The areas subject to the proposed rezoning and the relevant Zoning Maps are as follows:

Motuiti (Victory) Island - Map 90;
 Hautai Island - Map 96;
 Puna-a-Tawheke or Scuffle Island - Map 89;

Tu Araiawa (Fin Island) - Map 92;
Rahonui Island Map 92;
Tapararere Island Map 97;
Te Horo Island Map 96 & 97;
Anatakapu Island Map 97;
Te Kurukuru Island (Stewart Island) - Map 93; and
Kaitaore Islands (Durville Islets or islets near Durville) Map 90.

204. The submission relates to a number of small offshore islands, which are often rocky in nature and relatively unmodified, in the vicinity of D'Urville Island. The islands appear to be in private ownership. The islands are zoned Open Space 3 in the MEP which the MEP notes is a zone for conservation purposes intended to be largely retained in its natural state (page 9 - 16 Volume 2). The islands are also contained in the Outstanding Natural Feature and Landscape and Coastal Natural Character overlays. The submission contains little detail on why the islands should be rezoned to Coastal Environment, which is a type of coastal rural zone. The Coastal Environment Zone appears to be more permissive than the Open Space Zone 3 zone in matters such as forestry and subdivision. Given the small size of the islands, their natural state, the coastal and landscape overlays and lack of reasons for the proposed rezoning the submission is recommended to be rejected at this stage, but this does not preclude evidence being produced at the hearing.

Recommendation

205. That there is no change to the MEP.

Key Matter – Zoning Map 106

Submissions and Assessment

206. Mt Zion Charitable Trust and AM and WW Scholefield (515.6) oppose the rezoning of land zoned Coastal Environment and Coastal Living to Rural 1 and Sounds Residential respectively. The submission does not identify the site with any specificity and does not state why the rezoning is requested. In the absence of this information I am unable to recommend the change that is sought. I do note that the MEP "Zoning Comparison Tool" identifies that the Coastal Environment and Coastal Living Zones in the MEP are equivalent to the Rural 1 and Sounds Residential Zones in the MSRMP respectively.

Recommendation

207. That there is no change to the MEP.

Key Matter – Zoning Map 112

Submissions and Assessment

208. Worlds End Enterprises Limited (482.7) supports the proposed zoning in Planning Map 112 and this support is noted.

Recommendation

209. That there is no change to the MEP.

Key Matter – Zoning Map 118 –Fitzgerald Cove

Submissions and Assessment

210. Fitzgerald Cove Limited (711.1) support the zoning of Lot 7 DP 5970 and Lot 8 DP 5970 as Coastal Living but opposes the zoning of the adjoining Lot 1 DP 494360 (property number 537041) as Coastal

Environment and seek that this parcel of land be zoned Coastal Living. Figure 33 shows the site and Figure 34 is an aerial photograph of the area. The submitter states that at the time of notification of the MEP, the certificate of title for Lot 1 DP 494360 had not been issued, although subdivision consent had been approved.

211. I confirm that the certificate of title was issued on June 2016 which may be the reason why the lot was not included in the MEP. However the certificate of title comprises both Lot 1 DP 494360 and Lot 8 DP 5970 (2.4 ha in total) i.e. Lot 1 DP 494360 is not in a separate title. Only one dwelling can be erected per certificate of title in the Coastal Living Zone and accordingly the inclusion of Lot 1 DP 494360 does not authorise an additional dwelling, but would enable a dwelling to be located on the lot. However, it appears a dwelling could be located on Lot 1 DP 494360 if it remains Coastal Environment in any event as one dwelling per certificate of title is allowed in this zone (but would preclude a dwelling on Lot 8).
212. It appears there may not be any significant advantage for such a rezoning given the restrictions on dwellings. However, a rezoning would allow further subdivision of the site as a controlled activity given its area in which 4,000m² is the minimum area in the Coastal Living Zone I have referred to the objectives and policies relating to Coastal Living in Okiwi Bay Limited (458.1 - Zoning Map 64) and the need to have regard to the provisions in of any rezoning including, landscape and visual appearance, services and the existing stock of Coastal Living zoned land. These matters are not addressed and given this and the other matters referred to above, I do not favour a rezoning.

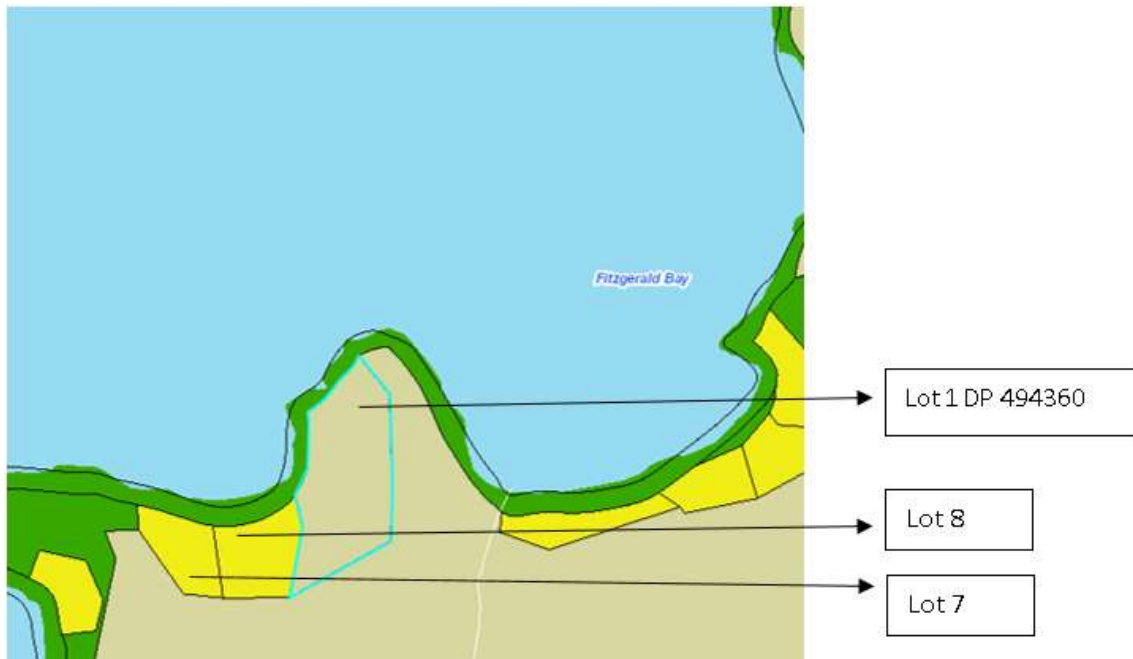


Figure 33



Figure 34

Recommendation

213. That there is no change to the MEP.

Key Matter – Zoning Map 126 - Queen Charlotte Drive, Grove Arm

Submissions and Assessment

214. Beaver Ltd and Clouston Sounds Trust (29.1) and RJA Black, JE Black and JV Dallison (28.1) oppose the zoning of Lot 1 DP 10803 (2,900m²) and Lot 2 DP 10803 (6600m²) respectively in terms of their dual Coastal Living Zone and Coastal Environment Zone (Figures 35 and 36). The submitters state that the “zone boundary is based on a historical error” and seeks that the Coastal Living Zone is extended over the whole sites. At present the Coastal Living Zone appears to apply to the existing dwellings and curtilages and the Coastal Environment Zone to the “undeveloped” parts of the sites.

215. I note the adjoining sites and others in the vicinity are zoned in a similar “split” way with the Coastal Living Zone applying to existing dwellings and curtilages and the Coastal Environment Zone to the undeveloped part of the sites. The zoning also reflects the situation in the MSRMP. The situation is therefore not unusual and I am not sure what the “historical error” is that is referred to in the submissions.

216. This submission has similarities to Fitzgerald Cove Limited (711.1 - Zoning Map 118) in that a rezoning does not necessarily provide any development advantage in terms of additional dwellings. The sites could not be subdivided as a controlled activity because of their substandard area (it is assumed that the sites do not have reticulated sewerage). In addition, as indicated above, any rezoning should have regard to the objectives and policies of the MEP, particularly those relating to Coastal Living in terms of landscape and visual appearance, services and the existing stock of Coastal Living zoned land. These matters are not addressed and given this and the other matters referred to above, I do not favour a rezoning at this stage.

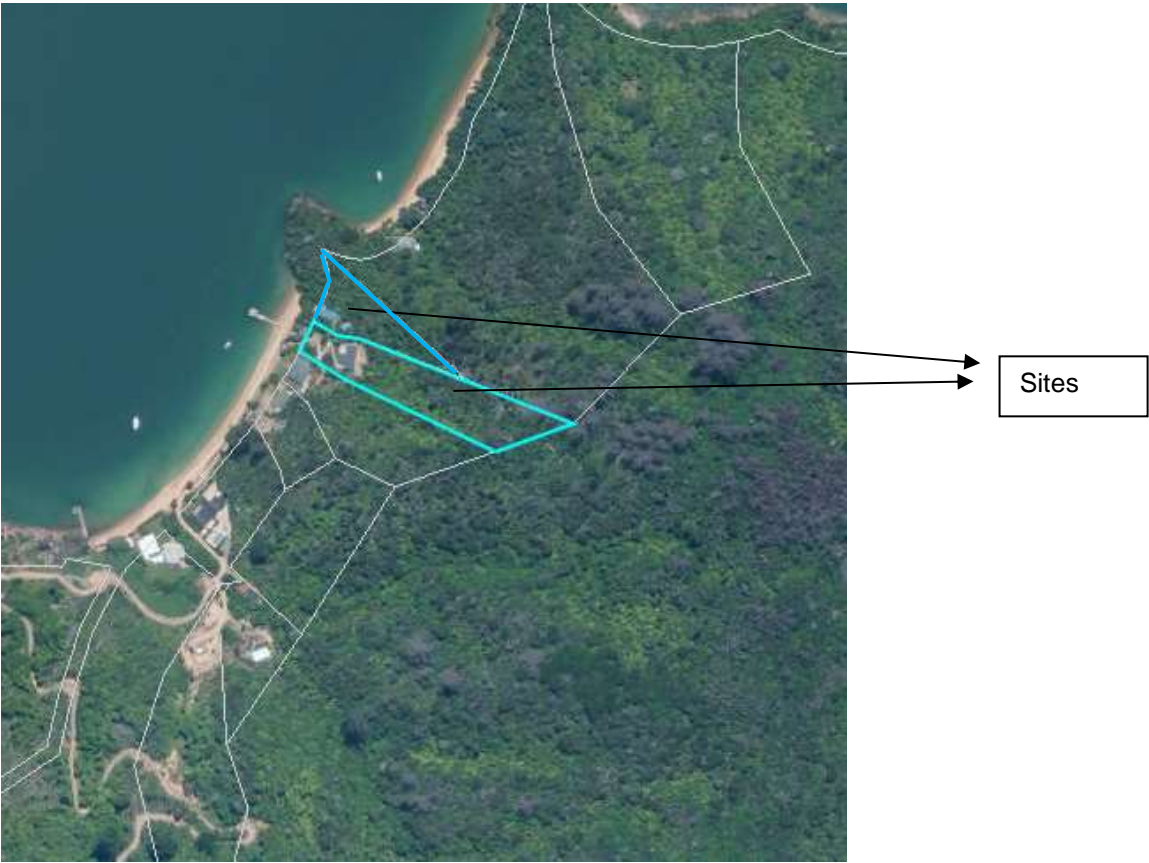


Figure 35

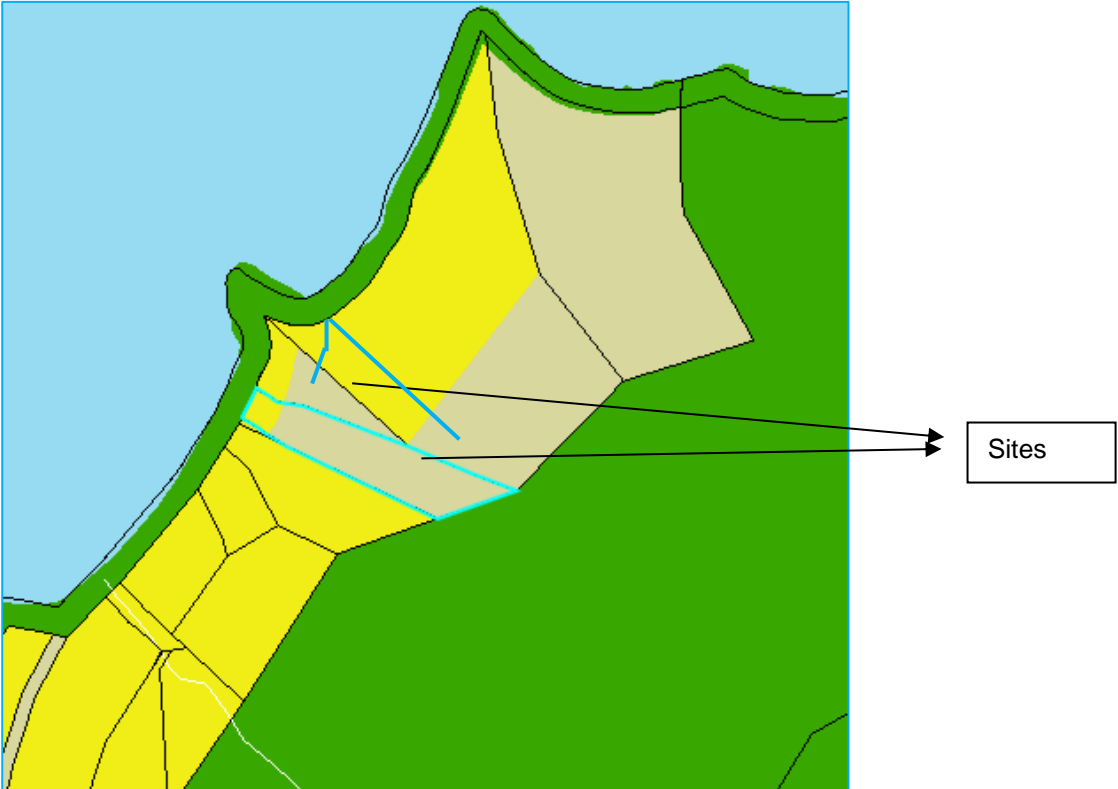


Figure 36

Recommendation

217. That there is no change to the MEP.

Key Matter – Zoning Map 135 - Havelock

Submissions and Assessment

218. Rikihanna Clinton Bradley (436.3) seeks to rezone the lower part (land below the 60m contour) of 4219 State Highway 6 (Section 20 Blk XII Wakamarina SD and Property Number 120408) from Coastal Environment to Coastal Living (Figures 36 and 37). The submitter does not provide any reasons for the rezoning.

219. I note the properties immediately to the east of the submitter's site are zoned Coastal Environment and there is no Coastal Living in the immediate vicinity of the site (the sites to the west and south are zoned Open Space 3). A change of zoning does not provide any further development rights in terms of a dwelling given both the Coastal Environment Zone and Coastal Living Zone allow one dwelling per Certificate of Title (and there appears to be a dwelling on the site). A rezoning may make it easier to subdivide (although the area of land below the 60m contour is not known) but given the objectives and policies of the Coastal Living zone (refer Okiwi Bay Limited (458.1 - Zoning Map 64)) it may be difficult to justify such a zoning in terms of landscape and visual appearance, services and the existing stock of Coastal Living zoned land.

220. Overall given the absence of Coastal Living Zone in the vicinity and the absence of any reasons for a rezoning, I recommend that the submission is rejected.



Figure 37

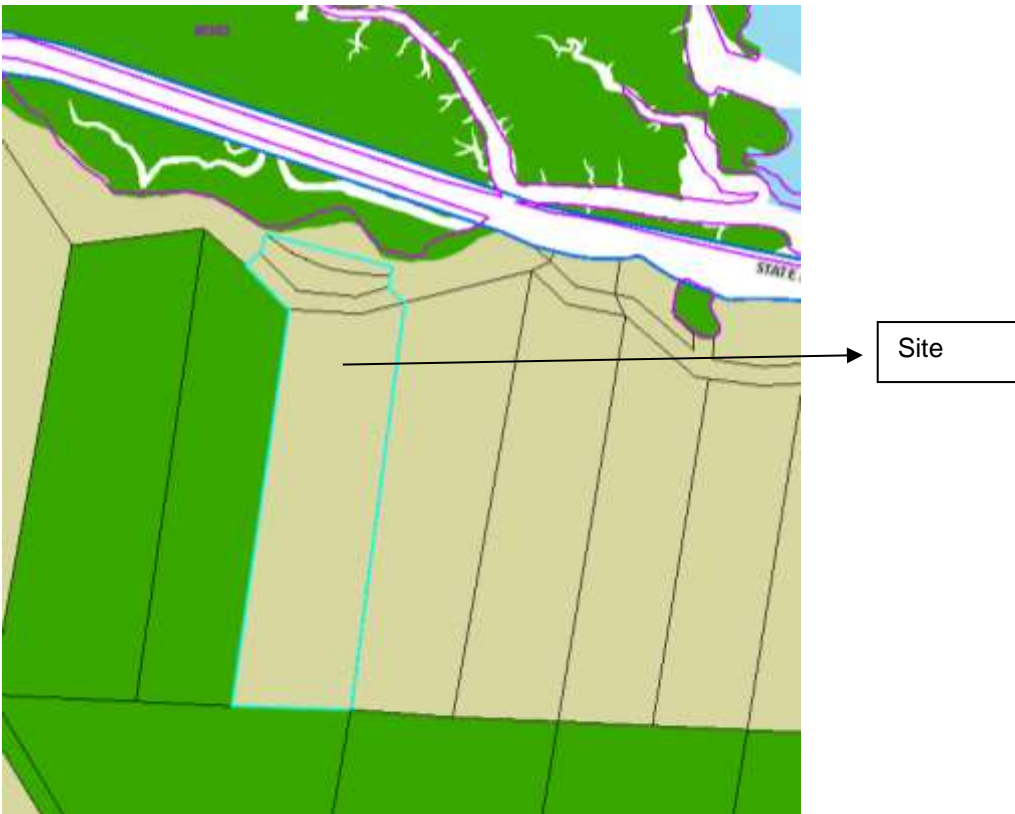


Figure 38

Recommendation

221. That there is no change to the MEP.

Key Matter – Zoning Map 136 - NFL Forests, Havelock and Linkwater

Submissions and Assessment

222. Nelson Forests Limited (990.261) oppose the Coastal Environment Zone mapping particularly in the vicinity of Havelock and Linkwater areas (Figure 39). The submitter states that the lines have been drawn on a map that are not supported by the content of the associated report “Natural Character of the Marlborough Coast” by Boffa Miskell/Lucas Associates 2014. The relief sought is to amend the Coastal Environment Zone to exclude Nelson Forests Limited plantation forestry blocks.

223. The submission lacks detail including the reasons why the zoning is not supported by the natural character report; the location of the NFL forestry blocks and what zoning is sought for the excluded blocks. As I understand the MEP, the Coastal Environment Zone essentially relates to rural zoned land in the coastal environment and includes a variety of activities including forestry. The coastal environment was determined by the assessment in the natural character report and the Coastal Environment Zone is contained within the coastal environment line.

224. I note the zone allows for commercial forestry replanting as a permitted activity (Rule 4.1.6) while any planting or harvesting of commercial forest requires a discretionary consent (Rules 4.6.3 and 4.6.4). Given the coastal location (as determined by the natural character report) I consider it appropriate that there are controls in the MEP on commercial forestry.

225. However in the absence of further details from the submitter I cannot comment further and at this stage I recommend the submission is rejected.

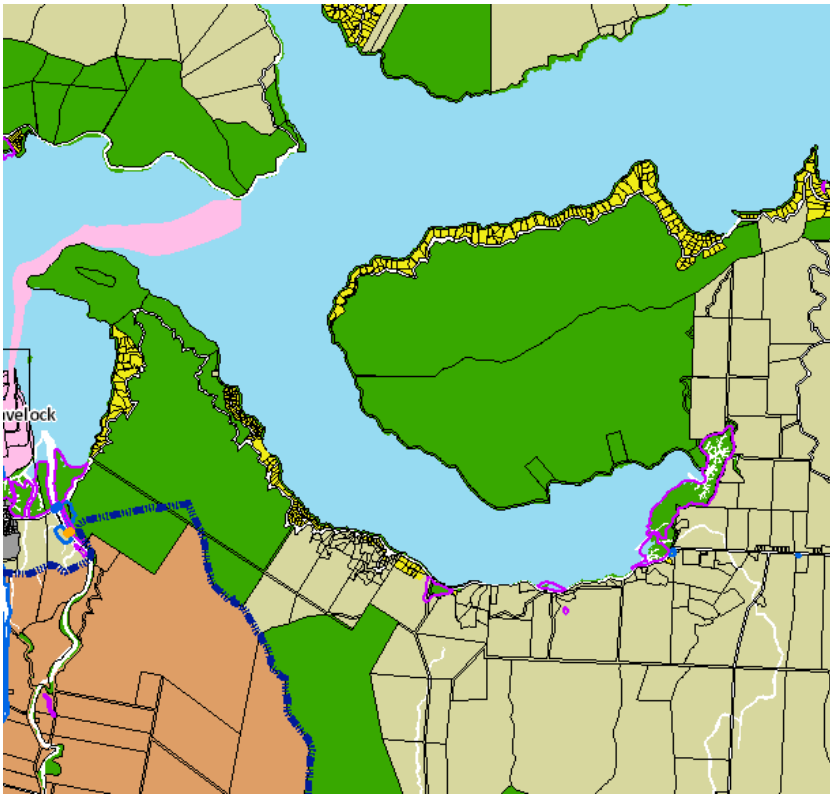


Figure 39

Recommendation

226. That there is no change to the MEP.

Key Matter – Zoning Map 138

Submissions and Assessment

227. Z Energy Limited (1244.4) supports the Business and Industrial zonings on Map 138 as notified, which is noted.

Recommendation

228. That there is no change to the MEP.

Key Matter – Zoning Map 140 – Opihi Bay

Submissions and Assessment

229. New Zealand Forest Products Holdings Limited (995.38) opposes the Coastal Living Zone proposed at Opihi Bay on the basis that the land is currently used as commercial forestry (Figure 40). Furthermore, the submitter seeks that the significant ecological area at Opihi Bay be deleted from the maps. It is assumed that the site is legally described as Lot 1 DP467695 as per the MDC property maps (a legal description or plan is not included in the submission).

230. The submission also does not include a specific map that identifies the “significant ecological area”. The MEP does not have a “significant ecological area” overlay although there is “Significant Wetland W1044” on the site which the submitter may be referring to.

231. In terms of the zoning I concur that it appears the Coastal Living zone is inappropriate given the existing land use. However, I note that the site is zoned Sounds Residential in the MSRMP and that Underwood Farms Limited was granted a resource consent in 2016 for a subdivision of the property into 25 residential allotments (U162023). The submitter should clarify this matter in relation to the amended rezoning but at this stage it appears that Coastal Environment is a more appropriate zoning (although the submitter does not specify a zone).

232. In terms of the wetland referred to above I note that Mr Pete Hamill addressed this matter in his Section 42A report (para 407) on indigenous biodiversity where he stated:

Significant Wetland W1044 was identified as meeting the criteria for significance during consultation and the landowner at the time (Underwood Farms Limited) did not take up any of the opportunities offered to request a site visit to confirm the identification and/or wetland boundaries. Subsequent to receiving submission point 995.38 from NZ Forest Products Limited, I (Peter) reviewed the identification of W1044 as and noted that in 2016 Underwood Farms Limited was granted a resource consent for a subdivision of the property. As part of the subdivision process the wetland area is to be designated as a reserve. The wetland area meets the significance criteria significant (see Appendix 1, Photograph 10). Given this land status and the wetland values the area is significant and Significant Wetland W1044 should remain in the MEP. NZ Forest Products Limited has not provided any information in its submission to explain why it is seeking the removal of the Significant Wetland.

233. In these circumstances I do not see any reason to delete the wetland.

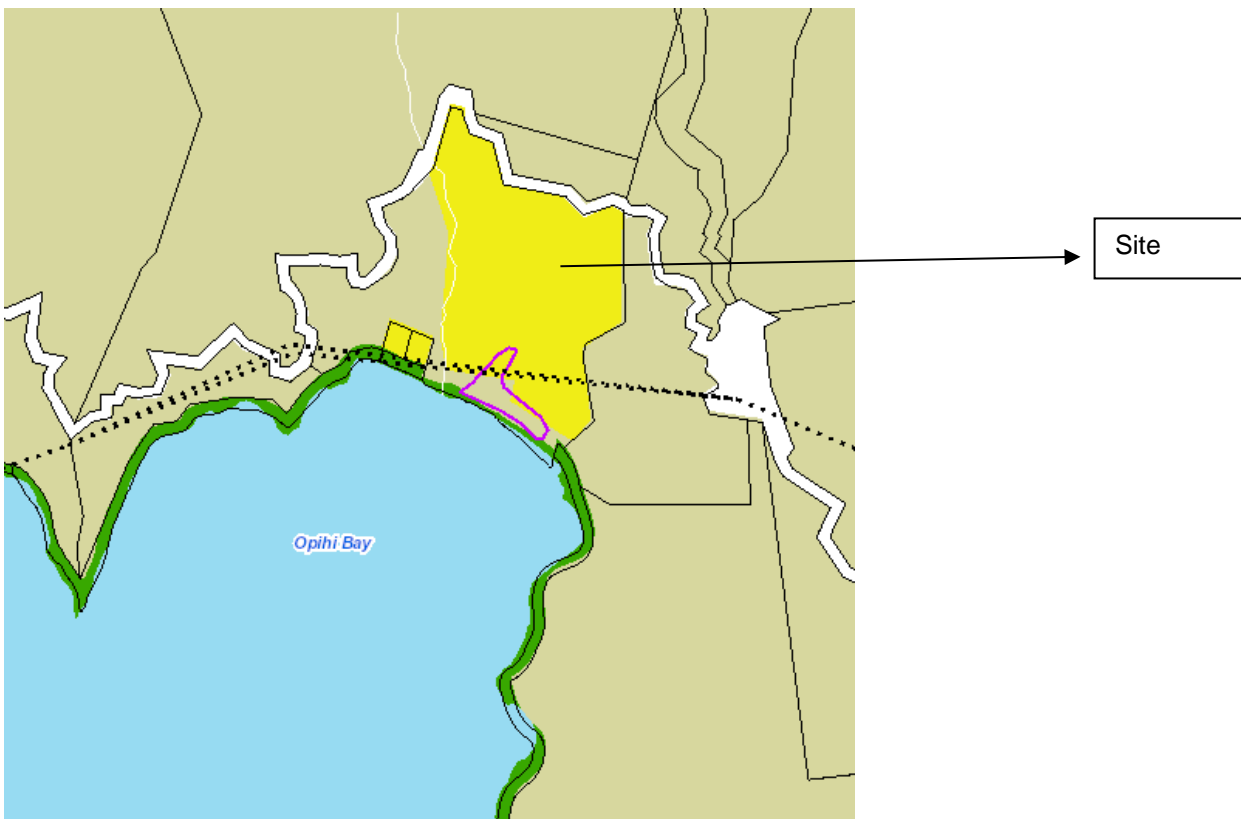


Figure 40

Recommendation

234. That The Coastal Living Zone on Lot 1 DP467695 on Map 140 is deleted and replaced with the Coastal Environment zone¹¹.

Key Matter – Zoning Map 157

Submissions and Assessment

235. Pernod Ricard Winemakers New Zealand Limited (1039.137) supports the zoning of the area (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

236. That there is no change to the MEP.

Key Matter – Zoning Map 158 – Mahers Road and Others

Submissions and Assessment

237. David Allen (334.1) seeks to rezone 121 Mahers Road (Lot 1 DP 8727, property 127669) from Rural Environment Zone to Industrial 1 zoning (refer Figures 41 and 42) The submission states the site has a large building established on it with a variety of historic uses, including a timber finger jointing factory, garlic processing facility and wine storage facility. The owner intends to establish service industries within the site for the rural industry sector and to avoid the necessity to apply for resource consents every time an activity is undertaken on the site. The submission has some similarities to Talley's Group Limited (374.1 - Zoning Map 85) albeit on a smaller scale.

238. In the Rural Zone a "rural industry" is discretionary activity so the previous activities on site and the proposed servicing industries have and will require resource consent. A rezoning to industrial would enable light and heavy industrial activity, a service industry or and warehousing as permitted activities subject to standards, which are more permissive than the Rural Environment Zone in terms of such matters as bulk and location and noise.

239. There are a number of objectives and policies that are potentially relevant including:

- **Policy 12.5.6 – Maintain the following characteristics within areas zoned for heavier industrial activities located near Blenheim:**
 - (a) location outside the urban area of Blenheim;
 - (b) often surrounded by larger lot residential or rural areas;
 - (c) a range of heavy industrial activities;
 - (d) non-industrial activities ancillary to industrial activities;
 - (e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;
 - (f) activities placing substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services);
 - (g) activities requiring disposal of large quantities of liquid trade wastes; and
 - (h) higher volumes of large vehicle traffic.
- **Policy 14.1.3 – Activities and buildings in rural environments should be linked to land-based primary production of Marlborough's rural resources and require a rural location.**
- **Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.**

¹¹ New Zealand Forest Products Holdings Limited (995.38)

- **Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.**

240. The GMSF did not identify the submitter's site as a possibility for rezoning to industrial although it did identify land in the vicinity of Woodbourne Airport and Omaka Aerodrome for employment purposes and which subsequently have been zoned Industrial 1.

241. As in the Talleys Group Limited submission (374.1), the submitter is essentially requesting a "spot zone" for their site. As noted above, the Environment Court commented that criticism of spot zoning was not warranted under the RMA (unlike the Town and Country Planning Act) because of the purpose of the RMA (sustainable management). However zoning at such a "micro" level is probably not to be encouraged because of the complexities of considering multiplicity of interacting effects if undertaken (*Kamo Veterinary Holdings Ltd v Whangarei DC A161/03*) and in this case the Environment Court declined the zoning because of the potential for adverse effects from future possible activities in a Business Zone.

242. In this case I do not favour a rezoning given the number and nature of potential effects that can be generated on site and the resultant impact on the amenity of the rural area; its relative isolation; and the lack of strategic support in terms of the MEP and documents such as the GMSF. In these circumstances, I believe the activity should remain under the control of a resource consent rather than allow a wider range of activities under an Industrial 1 Zone.



Figure 41



Figure 42

243. Pernod Ricard Winemakers New Zealand Limited (1039.138) supports the zoning of the area on Zoning Map 158 (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

244. That there is no change to the MEP.

Key Matter – Zoning Map 159 - Corlett Block and Others

Submissions and Assessment

245. Colonial Vineyards Limited (394.1) opposes the rezoning of rural land to industrial land on the Corlett Block (Lot 2 DP 440534, property number 536136) to the south of the Colonial Vineyards site (Refer to Figures 43 and 44). The submitter notes the following:

- Council's view of industrial demand is unrealistic as argued in recent evidence to the Environment Court
- Now that Colonial Vineyard site has been rezoned to Residential there is a clear need to reassess the Colonial Vineyard / Corlett Block interface as adverse effects and conflicts will arise including operating hours, noise and traffic.
- The establishment of a buffer zone needs to be put in place between any industrial/airport zones and the retention of the Corlett Block in a Rural Zone achieves this.

246. It appears the submitter only opposes the industrial zoning over the Corlett Block and not the block between the Corlett Block and the Omaka aerodrome (Rosina Corlett Lane) although the submitter should confirm this.



Figure 43



Figure 44

247. I note there is some history with this site, as alluded to in the submission. The GMSF outlines some background to the site in which it identifies the Corlett Block (Area 12) as suitable for employment purposes, stating the following on page 40:

Omaka Employment Area (Areas 10, 11 and 12)

Areas 11 and 12 provide approximately 53 hectares of land for employment purposes. These areas, in combination with additional land at Woodbourne (see below), are a substitute for employment land removed from the Strategy on the eastern periphery of Blenheim as a result of the liquefaction investigations. The land is located in close proximity to Blenheim, is not subject to hazards and is close to an arterial road. The land would be zoned Industrial.

It should be noted that Area 11 is the same site as W2 (Colonial Vineyard), which, as explained on page 36, is subject to an appeal to the Environment Court. Whether Area 11 will be developed for residential or employment land uses will be dependent on the outcome of that appeal.

The landowner of Area 12 has expressed a desire to develop the property to provide for employment opportunities.

The land is located in close proximity to Omaka Aerodrome and could potentially be used to accommodate an expansion of aviation and related activities. At the same time, light industrial activity or aviation based activity would not have the same compatibility issues with the operation of the adjoining aerodrome as residential use would have.

The shortage of land for employment use on the periphery of Blenheim and the close proximity of Omaka Aerodrome (which provides opportunities and constraints depending on the nature of proposed land use) makes employment use an efficient use of this land.

An attractive off-street connection between this area and many other parts of Blenheim could be established within the Taylor River corridor. This would provide potential future workers in this area with the option to walk or cycle to work.

An additional area of land, Area 10, could be used to accommodate any additional growth in the long term.



ABOVE FIG. 4-10: Extent of Omaka Employment Area

Figure 9

248. The Corlett Block is located within Area 12 (31.3ha). The Omaka Employment Area was the subject of some debate at the Environment Court hearing on Plan Change 59 which relates to the adjoining Colonial Vineyards site identified in the GMSF as Area 11 (21.7ha). The Court in their decision (Colonial

Vineyards Limited v MDC (Decision No [2014] NZEnvC 55)¹² accepted that overall, there was a shortfall of approximately 85 ha of employment land (para 83) and noted that the GMFS proposed to provide the employment land by the provision of:

- 64 ha at Riverlands
- 53 ha near Omaka Aerodrome and 15 ha at the airport at Woodborne
- Possible future business parks near Marlborough Hospital, near Omaka and near Woodbourne. (para 86).

249. The Court concluded that Area 11, the Colonial Vineyards site, was not required because the areas identified above exceeded the required 85ha (with the Colonial Vineyards site subsequently rezoned to Urban Residential). The Court did not specifically identify any other areas as “surplus” as the decision related to the Colonial Vineyards site, although it could be argued that even with the deletion of the Corlett Block there is sufficient land provided in accordance with the above figures particularly as MDC has included the 15ha at Woodbourne as Industrial 1, which the Environment Court had discounted because of uncertainty of Treaty claims (paras 95 - 97).

250. While it could be argued a surplus is inefficient in that the land may not be taken up, an excess amount provides choice and may result in a lower cost of land. In addition sufficiency of land supply is not the only consideration given the location of the Corlett Block land with the GMSF above, highlighting the advantages of Area 12 in terms of proximity to Omaka aerodrome, its location on the periphery of Blenheim and landowner willingness to develop the land. Certainly the NPS-UDC encourages a sufficient supply of appropriately zoned land and while the MDC monitoring report (refer para 18 of Section 42A report) noted a lack of data, it did refer to the undeveloped area at Riverlands.

251. In terms of a buffer zone, I agree that a rural zoning could provide a buffer between a residential and an industrial zoning, although the MEP does not appear to directly consider the rural zone as a buffer. On the other hand, the MEP has a specific policy that addresses the industrial/residential interface where it states the following:

Policy 12.7.1 – Business and industrial activities are appropriately separated from the boundary of adjoining residential zones so that any adverse effects on residential activities are avoided, remedied or mitigated through:

- (a) establishing setbacks for industrial activities from a residential boundary;***
- (b) screening of business or industrial outdoor storage areas from a residential boundary;***
- (c) restrictions on light spill;***
- (d) setting more sensitive noise limits at the boundaries between the Industrial 1 Zone and the Urban Residential 1 Zone; and***
- (e) standards for dust and odour.***

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

252. While the policy and the relevant standards may not be settled because of the submission process, the MEP nevertheless considers that residential and industrial zones can be adjoining with separation achieved by appropriate rules. Notwithstanding this, there is an opportunity now to establish a buffer zone on the Corlett block given its undeveloped nature at present. This could be achieved by establishing say a 20m buffer and zoning it Open Space 1, which would also enable it to be used for recreation purposes.

253. Overall, I consider that the Corlett Block should be retained as Industrial 1, but that the Hearings Panel give consideration to a 20m wide buffer strip located on the Corlett Block which is zoned Open Space 1.

¹² The Environment Court decision was subsequently upheld by the High Court (CIV-2014-406-14 {2014} NZHC 3350)

254. Lion – Beer, Spirits and Wine (NZ) Ltd (908.22), Pernod Ricard Winemakers New Zealand Limited (1039.139) and Z Energy Ltd (1244.2) support the various Rural, Business and Industrial zonings on Map 159 as notified. This support is noted.

Recommendation

255. That there is no change to the MEP except that consideration is given to rezoning a 20m wide buffer strip located on the Corlett Block adjoining the northern boundary from Industrial1 to Open Space 1.¹³

Key Matter – Zoning Map 160 -15th Valley

Submissions and Assessment

256. Levide Capital Limited (907.30) seeks to rezone part of the submitter’s property at 15th Valley to Industrial 2 as shown on Figure 45. The site is located adjacent to the existing Cloudy Bay industrial area and it is submitted that sufficient land suitable land should be made available for future demand and that the site provides a natural extension of the existing zone. A geotechnical report on the site is also included.



Figure 45

257. I note that the site was not identified as suitable in the GMSF with the document noting that there is 64ha available in the Riverlands Industrial Estate. The memorandum from MDC Assets (**Appendix 1**) notes that *“The applicant states there is a requirement for more heavy industrial land in Blenheim. We are unsure how he comes to this conclusion given there is a large tract of land zoned industrial (at Riverlands) for which Council has plans for servicing as development takes place.”* The NPS-UDC encourages a sufficient supply of appropriately zoned land and while the MDC monitoring report (refer para 18 of Section 42A report) notes a lack of data it nevertheless refers to the undeveloped area at Riverlands.

¹³ 241. Colonial Vineyards Limited (394.1)

258. The memorandum goes on to state *“Services can be supplied to this zoning proposal but additional capacity in both the water and sewer networks will have to be designed into network and treatment upgrades. Specifically for water supply there will need to be additional infrastructure built in to provide adequate water pressure. The costs for these upgrades are unknown until design is complete. These costs will be passed onto the developer or in some instances as user charges to the activity that occupies sites within the development.”* In addition, in terms of the sewer *“if the land proposed to be re-zoned is approved capacity will be taken away from the current zoning and capacity upgrades will have to be undertaken earlier than predicted.”*
259. The memorandum from Mr Oliver (**Appendix 2**) also raises concerns in respect of the soils of the site given its loess characteristics and susceptibility to erosion. He further notes that the geotechnical report with the submission is insufficient to provide any certainty regarding the stability of the soils. I note the site is located in the Soil Sensitive Overlay in the MEP.
260. Overall, I do not favour the rezoning as it will be an inefficient use of resources given the likely adequacy of industrial zoned land already in the MEP; the additional upgrading required for infrastructure and the potential unsuitability of the soils.

Recommendation

261. That there is no change to the MEP.

Key Matter – Zoning Map 171 – Taylors Pass Road and Others Submissions and Assessment

262. Francis Maher (219.1) seeks to rezone (Section 1 -2 Survey Office Plan 7014. Lot 1-3 DP357141 and Lot DP 9518) at Taylors Pass Road from Rural Environment to Rural Living (See Figure 46). The submitter seeks to develop this land for rural living to provide options for families to raise children in an environment where they have an alternative to small sections. The submitter states that it is not its intention to develop this property to the scale proposed in the recent unsuccessful plan change application. The submitter seeks that MDC work towards a plan for the future with the owners of the property for the best outcome for the property and the people of Marlborough. The minimum subdivision area for the Rural Living Zone is 7,500m².
263. It is not entirely clear from the submission which parts of the property are to be rezoned although reference is made to the “lower slopes” and the submitter should clarify this matter. There is also a lack of detailed information with the plan change that addresses such matters as visual impact, geotechnical traffic, servicing and effect on amenities. In these circumstances it is difficult to assess the proposal in detail. I note the site is located in the Soil Sensitive Overlay in the MEP.
264. The submitter refers to a previous plan change on the site. This is Plan Change 60 to the WARMP in which it was proposed to rezone approximately 50ha to a residential type zone. The Plan Change was declined by Commissioners in March 2013 on a number of grounds including visual impact, geotechnical (particularly having regard to the presence of loess soils on site), servicing and inconsistency with the objectives and policies of the WARMP.
265. In terms of the MEP Objective 14.5 and Policies 14.5.1 - 14.5.2 appear particularly relevant. Policy 14.5.1 seems to imply that historic developments are generally recognised as being appropriate for rural lifestyle. Policy 14.5.2 lists a number of matters that zones such as Rural Living should have regard to. In my view the proposed site is in potential conflict with some of these matters including:
- The protection of rural character and amenity values, landscape, natural character and indigenous biodiversity (Policy 14.5.2 (b) and (h));
 - The avoidance of sprawling or sporadic patterns of residential development and the provision of a transition from urban to rural environments given the site’s physical separation (Policy 14.5.2 (c) and (i));
 - Avoidance of any further over-allocation of water resources (Policy 14.5.2 (d));

- The avoidance of adverse effects on water quality and soil quality particularly given the loess soils on site (Policy 14.5.2 (e)).

266. Policies 11.1.19 and 11.1.21 also highlight the issue of development on erosion prone soils.

267. Given that the submission lacks an analysis of potential effects and the potential conflict with the MEP I am unable to recommend that the rezoning proceed at this stage.



Figure 46

268. Lion – Beer, Spirits and Wine (NZ) Ltd (908.23) seek that the zoning of the properties in the area surrounding Wither Hills be retained as notified, which is noted.

Recommendation

269. That there is no change to the MEP.

Key Matter – Zoning Map 172 – 17th Valley

Submissions and Assessment

270. Levide Capital Limited (907.31) seeks to rezone part of the submitter's property from Rural Environment Zone to Rural Living as shown on Figure 47 i.e. "Proposed Rural Living Zone". The site is located at "17th Valley" and it is submitted that the site is suitable because it will have limited visual impact and is complementary to rural production values on the same land. A geotechnical report on the site is also included. The minimum subdivision area for the Rural Living Zone is 7,500m².

271. Apart from the geotechnical report there is little information with the submission that addresses such matters as visual impact, traffic, servicing and effect on amenities. In these circumstances it is difficult to assess the proposal in detail. I note however that the memorandum from Mr Oliver (**Appendix 2**) raises concerns in respect of the soils of the site given its loess characteristics and susceptibility to erosion. He

further notes that the geotechnical report with the submission is insufficient to provide any certainty regarding the stability of the soils. I note part of the site is located in the Soil Sensitive Overlay in the MEP.

272. The memorandum from MDC Assets (**Appendix 1**) notes that Council has not planned to extend the sewer network beyond the current area zoned industrial at Riverlands and Cloudy Bay Business Park and servicing and would require the installation and operation of a specific sewer pump station and gravity network within the zone. The capital and operational costs have not been budgeted in Council's long term plans or asset management plans and there are existing semi urban locations that would benefit from the installation of sewer and which should be given priority ahead of a re-zoning. I note that there is not necessarily an expectation that Rural Living Zones will be serviced, but effluent and stormwater disposal to ground would have to take into account the nature of the loess soils identified above. The memorandum also identifies that water pressure is likely to be an issue.



Figure 47

273. In terms of the MEP Objective 14.5 and Policies 14.5.1-14.5.2 appear particularly relevant. Policy 14.5.1 seems to imply that historic developments are generally recognised as being appropriate for rural lifestyle. Policy 14.5.2 lists a number of matters that zones such as Rural Living should have regard to. In my view the proposed site, particularly on the information available, is in potential conflict with some of these matters including:

- The protection of rural character and amenity values, landscape, natural character and indigenous biodiversity (Policy 14.5.2 (b) and (h));
- The avoidance of sprawling or sporadic patterns of residential development and the provision of a transition from urban to rural environments. (Policy 14.5.2 (c) and (i));
- Avoidance of any further over-allocation of water resources (Policy 14.5.2 (d));
- The avoidance of adverse effects on water quality and soil quality particularly given the loess soils (Policy 14.5.2 (e));
- Reduction of impacts on the land transport network particularly given that a crossing over the railway and possible access off SH 1 will be required (Policy 14.5.2 (g)).

274. Policies 11.1.19 and 11.1.21 also highlight the issue of developing on erosion prone soils.

275. Given that the submission lacks an analysis of potential effects, difficulties with servicing and the potential conflict with the MEP I am unable to recommend that the rezoning proceed at this stage.

Recommendation

276. That there is no change to the MEP.

Key Matter – Zoning Map 173

Submissions and Assessment

277. Pernod Ricard Winemakers New Zealand Limited (1039.142) supports the zoning of the area (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

278. That there is no change to the MEP.

Key Matter – Zoning Map 174

Submissions and Assessment

279. Pernod Ricard Winemakers New Zealand Limited (1039.141) supports the zoning of the area (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

280. That there is no change to the MEP.

Key Matter – Zoning Map 186

Submissions and Assessment

281. Pernod Ricard Winemakers New Zealand Limited (1039.143) supports the zoning of the area (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

282. That there is no change to the MEP.

Key Matter – Zoning Map 187

Submissions and Assessment

283. Pernod Ricard Winemakers New Zealand Limited (1039.144) supports the zoning of the area (including the majority of Pernod Ricard properties). This support is noted.

Recommendation

284. That there is no change to the MEP.

Appendix 1: Services Memorandum

Record Number: 18183279
File Ref: M100-05-01
Date: 05 October 2018

Memo To: Pere Hawes

Copy To: Paul Whyte, Richard Coningham, Stuart Donaldson, Steve Murrin and Brett Walker

From: Stephen Rooney

Subject: Requests for rezoning - Riverlands, Cloudy Bay and Omaka - Servicing Comments

The following are comments in relation to three waters services for the zoning requests in Omaka, 15 & 17 Valley's and Riverlands. It is anticipated Marlborough Roads will provide comment for roading infrastructure separately.

Omaka

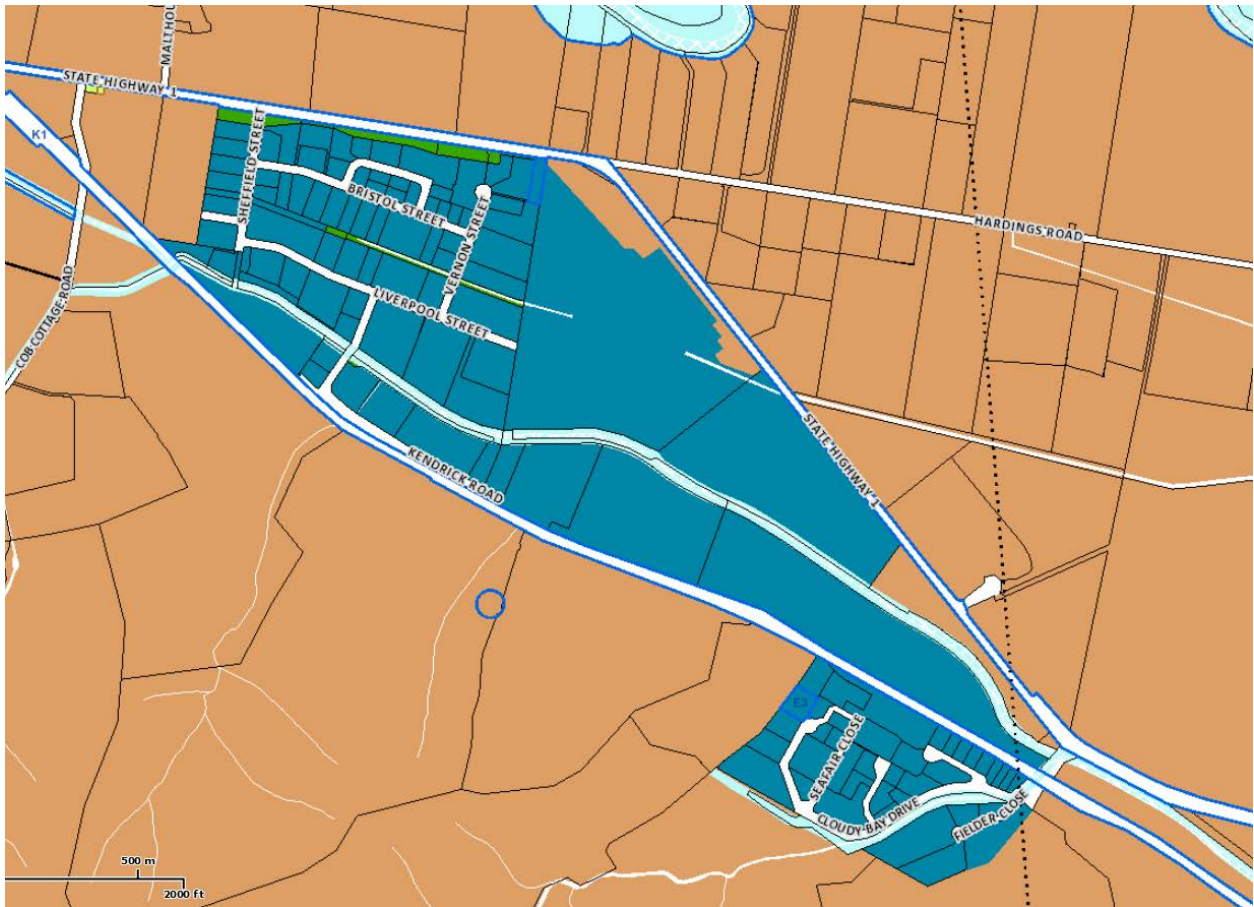
During the growth strategy reviews and more recently the evaluation of sites to accommodate the combined college's proposal this area was considered for extension of services. There is capacity for sewer and water. It will be necessary to undertake some upgrading of these networks "downstream" of the site. The costs of which will be incorporated into development contributions for this area. The sewer pump station recently constructed adjacent to Bishell Lane is planned for upgrading (a capacity increase) as development occurs. If this zoning change is approved this upgrade will need to proceed earlier than currently proposed. It will be undertaken to match growth as it takes place here and elsewhere.

There isn't a stormwater drainage system serving this land currently which has the capacity for a residential development. It will be for the developer to design a stormwater network for any residential development. This will include gaining resource consent for discharge to Doctors Creek with the discharge required to be on the downstream side of the Battys Road bridge, to include stormwater treatment and attenuation if necessary prior to discharge and as part of the residential development for the zone pay all costs associated with the installation of the stormwater network and any treatment facilities required.

15 Valley

Additional land for industrial purposes was zoned during the growth strategy review. The land now available consists of all of the Riverlands and Cloudy Bay Industrial Estates and the additional land – much of which is yet to be developed, see blue shading on the aerial photo below. Providing services for industrial land is a challenge in that the capacity required is often unknown until a specific activity is known for each section. By way of example the difference in the volume of water used by a winery compared to a warehouse is vastly different. Council will only know for certain of the demands on the sewer and water network once a specific activity is determined for a section. Servicing industrially zoned land can therefore be a challenge.

Council has in conjunction with industry made best estimates to ensure the provision of water and sewer services for the land currently zoned is available to match growth. These estimates are regularly reviewed as development occurs to ensure planning for growth is up to date. However it remains a challenge.



Sewer:

At present there is capacity to meet growth within the land currently zoned. This will require upgrades of the sewer treatment plant as the growth occurs. The timing for these upgrades will depend on the demand by specific activities as they develop, for example large or multiple winery developments.

If the land proposed to be re-zoned is approved capacity will be taken away from the current zoning and capacity upgrades will have to be undertaken earlier than predicted.

Water Supply:

The Industrial Estates (IE's) are provided water from two locations, Malthouse Road bore and the Hardings Road bores. The Malthouse Road bore is the primary source and is the only source used to supply the IE's at all times except during the peak of the wine processing season. Both of these sources pump to a large reservoir on the hill above the Cloudy Bay Business Park. The level of this reservoir sets the water pressure supplied to the IE's. It is at a level of 40 metres and with the land in the current area less than 10 metres the average water pressure to the boundary of each property is at 30 to 35 metres. This water pressure is at the lower limit of Councils level of service for water pressure to a property. It also provides water for firefighting purposes at the lower limit for Fire Fighting guidelines.

The land proposed for subdivision is almost entirely above the 10 metre contour and therefore the current water supply network cannot provide water at desirable water pressures (and above the 35 metre contour not at all) nor will it meet the guidelines for Fire Fighting supply. This could only be achieved with the installation of a booster pumping system to supply water to the area. The design and construction of which would be at the developers cost. However any installation such as this will place an additional unplanned operational cost to the water supply. If this proposal were to proceed Council will have to consider if these additional costs were to be a cost to properties within this specific development or if the costs will be spread across all users in the IE's.

Currently neither of these source's meet the requirements of the Drinking Water Standards for NZ and the sources have a higher concentration of manganese than is desirable with the Hardings Road bores having a higher concentration than the Malthouse Bore. Council is currently planning to provide treatment for the IE's water supply. The favoured option for this is to locate a new source of water north of Malthouse Road. A new source is favoured because it is unlikely for it to contain high concentrations of manganese and therefore treatment will be less complex and cheaper. The costs of treatment both capital and operational will be spread across the IE's through user charges.

Stormwater:

Stormwater discharges will be at the developers cost to design and manage including gaining of the appropriate resource consents and treatment.

Development Contributions:

Development contributions for residential zones are charged as development of the land proceeds because the demand on services is known based on average residential populations. However this can't be achieved for industrial zones because the demand is unknown until the type of activity for each section is known for example whether it is a warehouse compared to a winery; each of these has vastly different water and sewer demands. Council therefore collects development contributions for these industrial areas after the activity (demand) has been established. This is achieved through tradewaste charges and in future will also be achieved through increases in metered water charges. This proposed re-zoning will require a second level of development contribution (zone levy) to cover the additional costs to manage increasing the water pressure to acceptable standards for this new zone.

Zoning - Summary:

Services can be supplied to this zoning proposal but additional capacity in both the water and sewer networks will have to be designed into network and treatment upgrades. Specifically for water supply there will need to be additional infrastructure built in to provide adequate water pressure. The costs for these upgrades are unknown until design is complete. These costs will be passed onto the developer or in some instances as user charges to the activity that occupies sites within the development.

Allocation and use of Freshwater:

It's noted the submitter makes comment about Assets and Services not allowing a pipe to be installed in Council land to convey water from the river to the submitters land to be used for the irrigation of vineyard. The land referred to forms part of the Blenheim Wastewater Treatment Plant and specifically is the land to which treated effluent is being irrigated to the land. Council as the landowner and operator of this facility has declined numerous applications for use of the land by other parties, including providing a corridor for the laying of irrigation pipe to convey water to other properties. The reason for not approving these is due to the interruption which will be created when other persons or organisations need to have access to this land. Council and the community has invested many millions of dollars to develop this facility and do not want to compromise its operation through conflicting use of it by others.

There is no reason why the applicant could not seek to obtain a licence to occupy road reserve and place the pipe in the road corridor or alternatively approach other landowners seeking their permission to convey the pipes across their land in the same way he has sought permission from Council.

In the section "decisions sought" paragraph 6, there is reference to introducing a policy to recognise contracts for the full period of water allocation consent. We think this refers to the Riverlands irrigation contracts which Council holds with various landowners in the Riverlands area.

Council some years ago recognised that it held resource consents to take water from the Riverlands Aquifer for which not all of the water was being utilised. It was considered necessary to hold these resource consents so as to provide sufficient water for current industrial users and to provide certainty for the zoned land yet to be developed that water will be available in future.

Council entered into "short term contracts" with landowners enabling them to utilise this water for irrigation until it was required for industrial purposes within the industrially zoned land. Initially these contracts were for five years with the latest renewal being for ten years. These terms generally match the term of the resource consent held by Council to take the water. In all instances the contracts show the water is only available until it will be utilised for industrial purposes.

Applicants comments re Zoning:

The applicant states there is a requirement for more heavy industrial land in Blenheim. We are unsure how he comes to this conclusion given there is a large tract of land zoned industrial for which Council has plans for servicing as development takes place.

17 Valley

Sewer:

Council has not planned to extend the sewer network beyond the current area zoned industrial at Riverlands and Cloudy Bay Business Park. If sewer was extended to the 17 Valley re-zoning proposal for rural living it would require the installation and operation of a specific sewer pump station and gravity network within the zone. The capital and operational costs for which have not been budgeted in Council's long term plans or asset management plans. There are existing semi urban locations that would benefit from the installation of sewer and which should be given

priority ahead of a re-zoning such as this; for example Burleigh, St Andrews (Riverlands), Portage and Okiwi.

Water:

The same comments for 15 Valley apply to 17 Valley particularly in reference to water pressure. This land is also about the 10.0 metre contour.

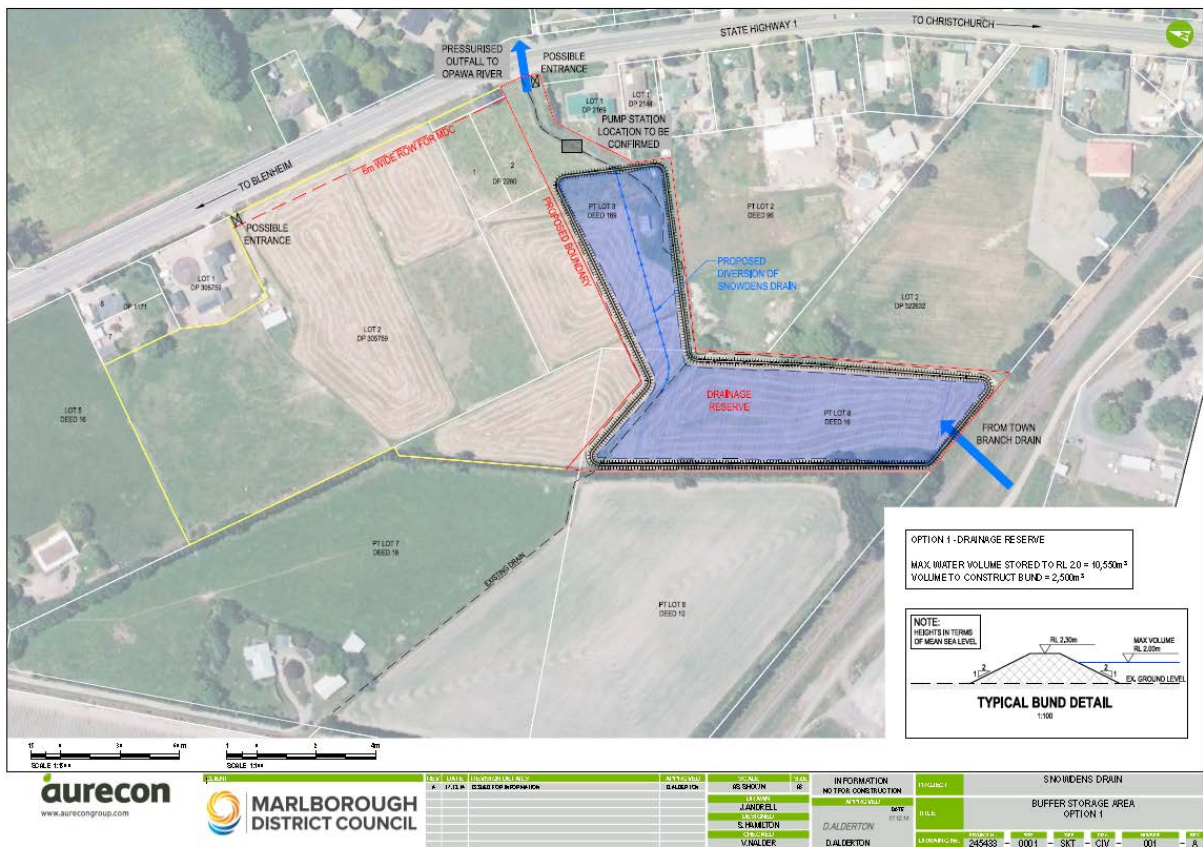
Stormwater:

Stormwater discharges will be at the developers cost to design and manage including gaining of the appropriate resource consents and treatment.

Riverlands

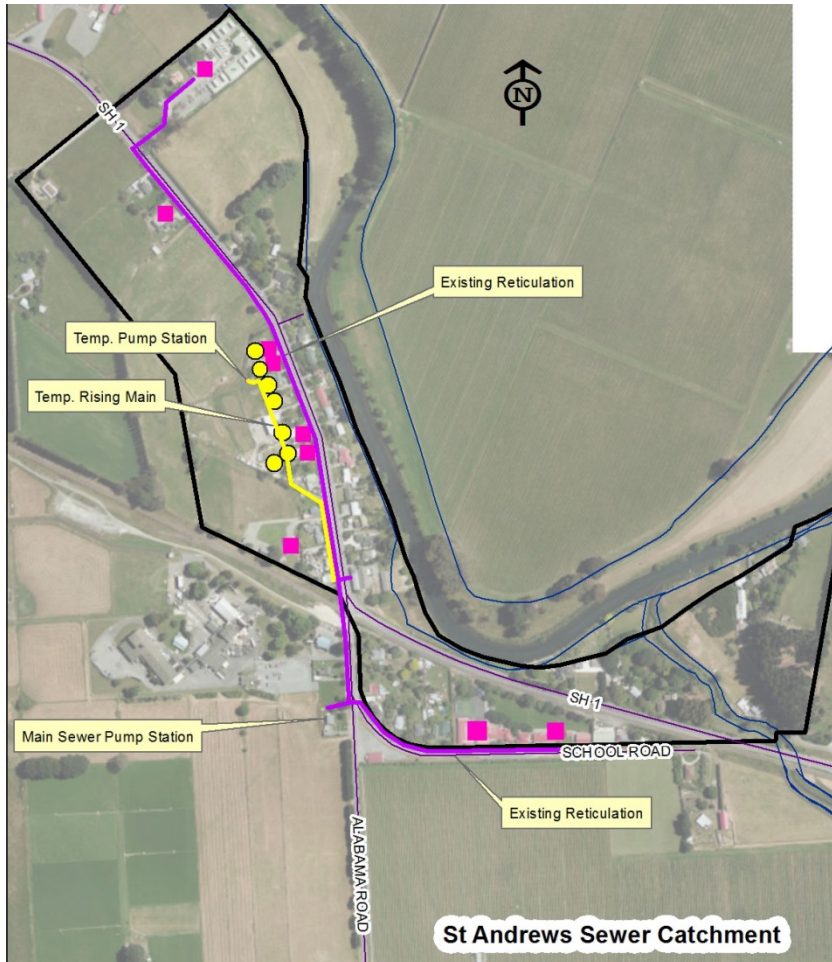
Stormwater:

If this re-zoning were approved stormwater drainage from this land will have to be via a drainage facility (storage pond) to be constructed in the next three to four years. This pond will be on the southern boundary of the zoning proposal. Development will not be able to proceed until this drainage pond construction is complete. See photo below for the concept design of the pond:



Sewer:

Council is considering an extension of the pressure sewer network in this location. The area to be serviced is defined by the black boundary line in the photo below. The "purple" line is the pressure sewer main that is already in place. It does not have the capacity to serve the area sought to be rezoned. If this zoning is approved the existing pipe system will have to be re-designed and upgraded to cope with any additional demand. The cost of this upgrade will have to be met by the new zone through zone levies. These could only be calculated once a plan of proposed housing and housing density were known.



Water:

There is no water supply in this location other than a water connection from the existing urban boundary to the new St Andrews RSE accommodation complex. This connection only has capacity to serve the RSE facilities and is a limited supply. The supply is a fixed rate low flow supply requiring the property to have large storage volumes and internal pumping to match the on-site demand. This is unsuitable for residential development. Any water supply extensions for on demand supplies will have to be at the developers cost. This will include an assessment of the capacity of the existing network to supply the water to the urban boundary. If network upgrades are necessary these will be at the developers cost.

Appendix 2: Soil Condition Memorandum

MEMO

To: Pere Hawes, Environmental Policy Manager
From: Matt Oliver, Environmental Scientist – Land Management
Date: 29 August 2018
Subject: Request for advice: Levide Capital, pMEP submission zoning request- soils information

Purpose

To provide technical advice in response to your verbal and email request of 26 July 2018 regarding the Livide Capital Ltd submission to the pMEP process. This submission (in addition to other items) requests a rezoning of two areas of land to industrial and rural residential.

Questions

You have asked for comments about the engineering report provided with the submission in particular about the soils of this area and their suitability for the proposed rezoning. Your request noted that similar applications have been made in the past to rezone land of similar nature. You provided details of the past application.

Soil setting

In order to provide a context for the following advice, it seems appropriate to detail the current understanding we have regarding the soils of the proposed rezoned area.

The Wither Hills has a long understood and well researched history of tunnel gully erosion. It is generally acknowledged as the worst area for this in the country. As a result, the soils are well understood although not so well mapped. The most recent work was performed in 2011 by Ian Campbell with his *Soil Survey of Part of the Wither Hills - Redwood Hills Area*. While Mr Campbell surveyed the hill country only above 12° slope, his work is still applicable. Campbell characterised the main soil types found in this area as Wither soils, Waihopai soils, Vernon soils and Sedgemere soils. Each of these soils are variants on a theme set by the soil forming processes. In brief, the soils were formed following uplift of the stony basement rocks and subsequent mantling of those rocks with wind-blown loess (dust) from marine sediments. As erosion has occurred, mixing of the stony basement and loess created the different soil types. As a result the different soil types are found in different locations in the landscape.

Waihopai soils form mainly in the stony basement material and occupy higher locations where loess deposition was minimal (typically west and south facing slopes). These soils are relatively stable but are young and can be vulnerable to slip erosion.

Wither soils are formed mainly in the loess deposited on the northern and eastern hill slopes and are highly vulnerable to tunnel gully erosion. These are heavy silt-clay soils.

Vernon soils are a mixture of both Waihopai and Wither soils. The stony basement rocks are mixed with the clay loess by erosion. Consequently, they occur lower in the landscape and are unstable due to the loess content.

Sedgemere soils are an older variation of Wither soils located on the flatter terraces in the area. Again, they are vulnerable to erosion but due to the flat topography, erosion is less of a problem.

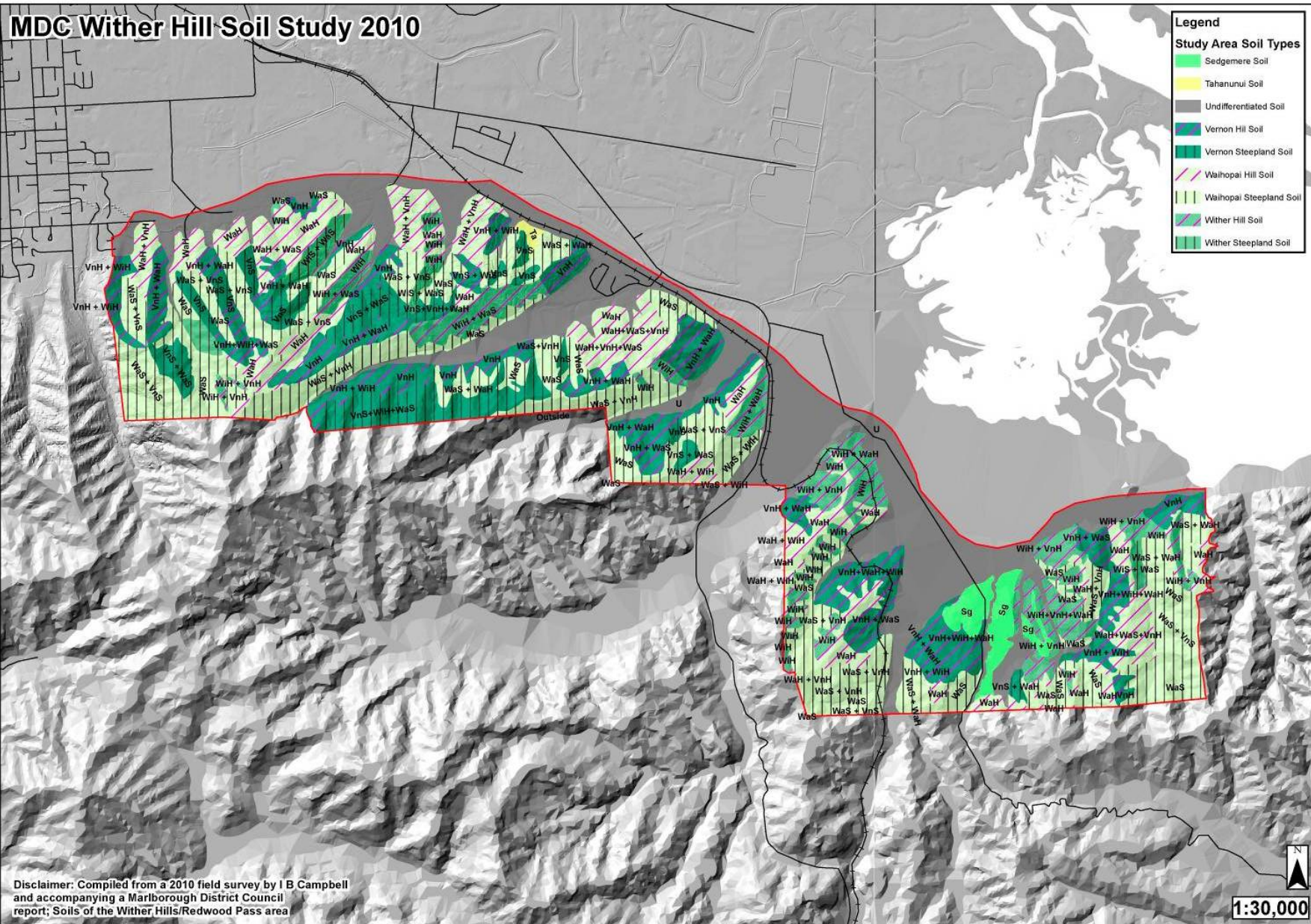
The key point to understand is that the presence of loess in the soils predisposes them to erosion. This is due to both the fine clay content and high salt content. The addition of water causes the clay particles to slake and disperse (essentially dissolve) leading to movement of the material downslope.

To assess the flat areas of land not mapped by Campbell, we need to refer to older studies (Rae & Tozer, 1990; DSIR, 1968). The flat areas are not well mapped and there are mapping differences between studies. However, these soils are reported as either Wither or Sedgemere soils so the difference in reporting is likely to be related to slope rather than major differences in soil. Recall that both soils are formed in loess. The figure below illustrates the area of slope less than 7.5°. Although I have not ground-truthed this, it is likely

that the majority of the soils on the flat areas would be classed as Sedgemere soils. The implication is that any area rezoned as industrial or rural residential would constructed on loess based soils prone to erosion. That erosion risk may be lowered by the flat topography but the soils would still be vulnerable to tunnel gully erosion.



MDC Wither Hill Soil Study 2010



Disclaimer: Compiled from a 2010 field survey by I B Campbell and accompanying a Marlborough District Council report; Soils of the Wither Hills/Redwood Pass area

1:30,000

Advice

In order to answer your questions I have reviewed the provided material regarding the past rezoning requests, the submitters provided geotechnical report and relevant literature regarding the characteristics of the soils in the locations proposed for rezoning (15 & 16 Valley).

The submitter has provided a geotechnical report in support of their submission (EnGeo report). This report sets out the results of a desktop literature review and a site visit by a geotechnical engineer. This site visit was based on visual assessment of ground conditions and didn't include detailed soil condition investigations (soil pits, boreholes etc). This report therefore could only be considered a scoping report not a definitive investigation into the soil conditions onsite.

Council receives applications for zone changes and undergoes a rigorous process to establish the need and suitability of such proposals. A relevant example of such a zone change application concerns the 'Plan Change 60- Maxwell Hills zone' application. A zone change request was received for the establishment of a rural residential subdivision in the Maxwell Pass area of the Wither Hills. The key issues for this application included traffic, reverse sensitivity issues, fire risk and relevant to this submission, the soil conditions.

The Maxwell Hills applicant provided a detailed site investigation report into the soil conditions (the Riley Report). This report was a comprehensive investigation of the site and included multiple soil pit, hand auger and machine borehole investigations. Details analysis of the soil types was performed and the performance of soils under load was also investigated. The key issues identified in the Riley Report were the presence of various soil related hazards such as risk of rock fall, soil creep, soil slumps and tunnel gully erosion. Mitigation measures were proposed for these including design standards for cuts, fills and batter construction. Diversion of stormwater from the site was proposed as was chemical stabilisation of slopes involving large-scale earthworks and incorporation of amendments to reduce erosion risk.

The Riley Report was subjected to independent peer review by MWH Consultants and found to be deficient in a number of areas. The key points noted were the lack of emphasis on the difficulty of mitigating tunnel gully and sheet erosion, the scale of mitigations required and long-term maintenance of earthworks and drains. The risk of increased stormwater volume and velocity was also noted and its potential to worsen erosion. MWH further noted that remobilised loess soils (as found in the lower levels of 15th and 16th Valleys) and loess soils subject to mechanical disturbance remain susceptible to erosion and that this risk is closely related to slope. They indicate that where *"immediate uphill slopes exceed 12° and which are covered with dispersive loess or colluvium are not suitable for residential development unless the soil on the slopes above have been chemically stabilised"* Such slopes clearly exist on the 15th and 16th Valley sites.

Both the Riley Report and MWH peer review relied heavily on work done in the Port Hills Area of Christchurch where similar soils and construction activity exists (Bell & Trangmar, 1987; Trangmar & Cutler, 1983). The EnGeo report also refers to this work. A great deal of additional work has been carried out locally on these soils as well. In particular Mike Laffan has completed a MSc thesis on a neighbouring catchment to 15th Valley and written a number of papers about the susceptibility of these soils to erosion (Laffan, 1973; Laffan & Cutler, 1977a; Laffan & Cutler, 1977b). In a more recent piece of work regarding the soils of the immediate area (Campbell, 2011) documents the erosivity of the main soil types and maps their location on a broad scale. I have reviewed all of this literature and note that the issues identified in it remain relevant today.

In reviewing all of this information, a number of points have become apparent to me. Firstly; the EnGeo report accompanying the Levide Capital submission is insufficient to provide any level of certainty regarding the stability of the soils, and the suitability of those soils for the intended purposes. There is a great deal of soil erosion risk that is not accounted for in this report.

Secondly, the EnGeo report identifies similar landscape features as documented in the Riley and MWH reports. It is likely that very similar erosion issues would be identified if a more detailed study were carried out on the 15th and 16th Valley sites.

Finally, given the scale of risks identified during the Plan Change 60 process and the fact that the zone change application was eventually declined despite a much more detailed geotechnical report being presented, this would lead me to feel that a precedent has been set. This precedent is that zone changes in these soils require an extraordinarily high standard of geotechnical planning and mitigation to prevent risks to property from erosion.

Recommendation

I suggest that the submission to rezone 15th and 16th Valley for industrial and rural residential use be rejected. While the idea may have a number of merits, the risks posed by soil erosion under these changed landuses is elevated and if the applicant wishes to pursue the matter should do so with substantially improved geotechnical advice and in a more appropriate forum such as a formal plan change application.

Matt Oliver

Environmental Scientist – Land Management

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Appendix 3: Traffic Memorandum

To Pere Hawes
Cc Louise Walker
From Steve Murrin
Date 05 October 2018
Subject Battys Road Rezoning

Hi Pere

Some comments regarding proposed rezoning on Battys Road / New Renwick Road.

Since the development of Omaka Landings there has been significant traffic increases on New Renwick Road. Marlborough Roads are receiving complaints that delays at the intersection of Battys/New Renwick are getting un-acceptable, particularly right turns out of Richardson Avenue during peak times.

Future development of the already consented Omaka Landings will add further traffic to this intersection. Future rezoning is likely to cause further degradation of the functionality of the intersection. Any rezoning will require modelling of the intersection, and probable intersection improvements.

The intersection of Battys Road/State Highway 6 is also nearing capacity. Extra traffic loading will degrade the functionality of this intersection.

Looking further afield, a rezoning of Battys Road/New Renwick is likely to effect the functionality of Maxwell/New Renwick intersection and probably even Lakings/Boyce Street intersection. I would recommend that modelling of these intersections also be undertaken.

Steve Murrin
Journey Manager
Marlborough Roads
E: steve.murrin@nzta.govt.nz
DDI: 03 520 8333 / M: 027 4340 253

Appendix 4: Recommended decisions on decisions requested

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
192	3	Perry Mason Gilbert	Volume 4	Zoning Maps	General	Reject
990	261	Nelson Forests Limited	Volume 4	Zoning Maps	Zoning Map 136	Reject
996	42	New Zealand Institute of Surveyors	Volume 4	Zoning Maps	General	Reject
1023	6	P Rene	Volume 4	Zoning Maps	Zoning maps 90, 92, 93, 96 and 97	Reject
1042	22	Port Underwood Association	Volume 4	Zoning Maps	General	Reject
1273	2	Matthew Somerville-Smith	Volume 4	Zoning Maps	General	Reject
1273	3	Matthew Somerville-Smith	Volume 4	Zoning Maps	General	Reject
190	1	Kurt Flowerday Family Trust	Volume 4	Zoning Maps	Zoning Map 1	Reject
1061	1	Kurt Flowerday Family Trust	Volume 4	Zoning Maps	Zoning Map 1	Reject
515	26	Mt Zion Charitable Trust	Volume 4	Zoning Maps	Zoning Map 5	Refer to Topic 5 s42A

279	1	Trevor Roughan	Volume 4	Zoning Maps	Zoning Map 6	Accept in part
374	4	Talley's Group Limited (Land Operations)	Volume 4	Zoning Maps	Zoning Map 6	Accept
1007	4	Outer Limits Limited	Volume 4	Zoning Maps	Zoning Map 6	Accept
1007	5	Outer Limits Limited	Volume 4	Zoning Maps	Zoning Map 6	Accept
1300	1	Susan Claire Ramsay	Volume 4	Zoning Maps	Zoning Map 6	Reject
136	1	Clayton & Wendy Lindstrom	Volume 4	Zoning Maps	Zoning Map 7	Accept
186	1	Gary John Shields	Volume 4	Zoning Maps	Zoning Map 7	Accept
188	1	Karen and Mike Gray	Volume 4	Zoning Maps	Zoning Map 7	Accept
247	1	David Sim	Volume 4	Zoning Maps	Zoning Map 7	Accept
279	4	Trevor Roughan	Volume 4	Zoning Maps	Zoning Map 7	Accept in part
1044	22	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 7	Accept
1244	5	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 7	Accept

1300	2	Susan Claire Ramsay	Volume 4	Zoning Maps	Zoning Map 7	Reject
1300	3	Susan Claire Ramsay	Volume 4	Zoning Maps	Zoning Map 7	Reject
1301	2	Peter Brooks	Volume 4	Zoning Maps	Zoning Map 7	Reject
1302	2	Brookvale Partnership	Volume 4	Zoning Maps	Zoning Map 7	Reject
91	87	Marlborough District Council	Volume 4	Zoning Maps	Zoning Map 8	Accept
87	1	Roselli Family Trust	Volume 4	Zoning Maps	Zoning Map 9	Reject
286	17	Blenheim Business Association Inc	Volume 4	Zoning Maps	Zoning Map 9	Accept
304	1	Jooey Loocy Partnership	Volume 4	Zoning Maps	Zoning Map 9	Reject
1044	20	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 9	Accept
1244	1	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 9	Accept
1140	103	Sanford Limited	Volume 4	Zoning Maps	Zoning Map 64	Reject
198	4	NS Clifford	Volume 4	Zoning Maps	Zoning Map 12	Accept

199	4	Southern Water Engineering SB Leach	Volume 4	Zoning Maps	Zoning Map 12	Reject
200	4	Donna Marris	Volume 4	Zoning Maps	Zoning Map 12	Reject
279	3	Trevor Roughan	Volume 4	Zoning Maps	Zoning Map 12	Accept in part
98	1	Burleigh Estate Ltd	Volume 4	Zoning Maps	Zoning Map 13	Reject
198	3	NS Clifford	Volume 4	Zoning Maps	Zoning Map 13	Accept
199	1	Southern Water Engineering SB Leach	Volume 4	Zoning Maps	Zoning Map 13	Reject
200	3	Donna Marris	Volume 4	Zoning Maps	Zoning Map 13	Reject
279	2	Trevor Roughan	Volume 4	Zoning Maps	Zoning Map 13	Accept in part
449	1	Centaland Holdings Limited	Volume 4	Zoning Maps	Zoning Map 13	Accept
460	1	Timberlink New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 13	Accept in Part
460	2	Timberlink New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 13	Accept in Part
987	1	Nick Robinson	Volume 4	Zoning Maps	Zoning Map 13	Accept

1099	1	S A Robinson Trust	Volume 4	Zoning Maps	Zoning Map 13	Accept
1300	4	Susan Claire Ramsay	Volume 4	Zoning Maps	Zoning Map 13	Reject
1301	1	Peter Brooks	Volume 4	Zoning Maps	Zoning Map 13	Reject
1302	1	Brookvale Partnership	Volume 4	Zoning Maps	Zoning Map 13	Reject
286	1	Blenheim Business Association Inc	Volume 4	Zoning Maps	General	Accept
286	16	Blenheim Business Association Inc	Volume 4	Zoning Maps	General	Accept
766	8	Harvey Norman Properties (N.Z.) Limited	Volume 4	Zoning Maps	Zoning Map 15	Accept
1261	1	S & J Saunders family Trust	Volume 4	Zoning Maps	Zoning Map 15	Accept in Part
328	1	Jean-Paul Carré	Volume 4	Zoning Maps	Zoning Map 17	Reject
198	2	NS Clifford	Volume 4	Zoning Maps	Zoning Map 18	Accept
199	3	Southern Water Engineering SB Leach	Volume 4	Zoning Maps	Zoning Map 18	Reject
200	2	Donna Marris	Volume 4	Zoning Maps	Zoning Map 18	Reject

198	1	NS Clifford	Volume 4	Zoning Maps	Zoning Map 19	Accept
199	2	Southern Water Engineering SB Leach	Volume 4	Zoning Maps	Zoning Map 19	Reject
200	1	Donna Marris	Volume 4	Zoning Maps	Zoning Map 19	Reject
987	2	Nick Robinson	Volume 4	Zoning Maps	Zoning Map 19	Accept
1027	1	Robinson Construction Limited	Volume 4	Zoning Maps	Zoning Map 19	Accept
1099	2	S A Robinson Trust	Volume 4	Zoning Maps	Zoning Map 19	Accept
329	1	Ewan and Suzanne Clemett	Volume 4	Zoning Maps	Zoning Map 21	Accept
1044	18	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 21	Accept
1091	1	Redwood Development Limited	Volume 4	Zoning Maps	Zoning Map 21	Accept
1244	6	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 21	Accept
634	1	Crafar Crouch Construction Limited	Volume 4	Zoning Maps	Zoning Map 34	Accept
1244	3	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 34	Accept

354	1	Blairich Holdings Limited	Volume 4	Zoning Maps	Zoning Map 53	Accept in Part
91	113	Marlborough District Council	Volume 4	Zoning Maps	Zoning Map 55	Accept
636	1	Crail Bay Aquaculture Limited	Volume 4	Zoning Maps	Zoning Map 57	Accept
592	2	Clifford John Smith	Volume 4	Zoning Maps	Zoning Map 60	Accept in Part
1235	1	Wairau Valley Ratepayers and Residents' Association	Volume 4	Zoning Maps	Zoning Map 60	Reject
1235	2	Wairau Valley Ratepayers and Residents' Association	Volume 4	Zoning Maps	Zoning Map 61	Reject
1297	3	Dawn Janice Rentoul	Volume 4	Zoning Maps	Zoning Map 61	Reject
1298	3	Brian and Elsie Hall	Volume 4	Zoning Maps	Zoning Map 61	Reject
482	6	Worlds End Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 66	Accept
333	1	Michael David and Brenda June Biggs	Volume 4	Zoning Maps	Zoning Map 72	Accept
1093	1	Rewa Rewa Limited	Volume 4	Zoning Maps	Zoning Map 76	Reject

484	38	Clintondale Trust, Whyte Trustee Company Limited	Volume 4	Zoning Maps	Zoning Map 77	Reject
357	8	Trudie Lasham	Volume 4	Zoning Maps	Zoning Map 79	Accept
1089	5	Rarangi District Residents Association	Volume 4	Zoning Maps	Zoning Map 82	Reject
374	1	Talley's Group Limited (Land Operations)	Volume 4	Zoning Maps	Zoning Map 85	Reject
515	6	Mt Zion Charitable Trust	Volume 4	Zoning Maps	Zoning Map 106	Reject
458	1	Okiwi Bay Limited	Volume 4	Zoning Maps	Zoning Map 111	Reject
482	7	Worlds End Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 112	Accept
711	1	Fitzgerald Cove Limited	Volume 4	Zoning Maps	Zoning Map 118	Reject
28	1	RJA Black, JE Black and JV Dallison	Volume 4	Zoning Maps	Zoning Map 126	Reject
29	1	Beaver Limited and Clouston Sounds Trust	Volume 4	Zoning Maps	Zoning Map 126	Reject
436	3	Rikihana Clinton Bradley	Volume 4	Zoning Maps	Zoning Map 135	Reject
1244	4	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 138	Accept

324	3	Rodney Parkes	Volume 4	Zoning Maps	Zoning Map 149	Refer to Topic 6 s42A Report
1039	137	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 157	Accept
334	1	David Allen	Volume 4	Zoning Maps	Zoning Map 158	Reject
996	40	New Zealand Institute of Surveyors	Volume 4	Zoning Maps	Zoning Map 158	Reject
1039	138	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 158	Accept
394	1	Colonial Vineyards Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept in Part
908	22	Lion - Beer, Spirits and Wine (NZ) Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept
1039	139	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept
1044	19	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept
1044	21	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept
1044	23	Progressive Enterprises Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept

1244	2	Z Energy Limited	Volume 4	Zoning Maps	Zoning Map 159	Accept
435	1	David and Jordan Stubbs	Volume 4	Zoning Maps	Zoning Map 160	Reject
907	30	Levide Capital Limited	Volume 4	Zoning Maps	Zoning Map 160	Reject
996	41	New Zealand Institute of Surveyors	Volume 4	Zoning Maps	Zoning Map 160	Reject
1039	140	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 160	Accept
1297	4	Dawn Janice Rentoul	Volume 4	Zoning Maps	Zoning Map 167	Reject
1298	4	Brian and Elsie Hall	Volume 4	Zoning Maps	Zoning Map 167	Reject
219	1	Francis Maher	Volume 4	Zoning Maps	Zoning Map 171	Reject
908	23	Lion - Beer, Spirits and Wine (NZ) Limited	Volume 4	Zoning Maps	Zoning Map 171	Accept
907	31	Levide Capital Limited	Volume 4	Zoning Maps	Zoning Map 172	Reject
1039	142	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 173	Accept

1039	141	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 174	Accept
1039	143	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 186	Accept
1039	144	Pernod Ricard Winemakers New Zealand Limited	Volume 4	Zoning Maps	Zoning Map 187	Accept
995	38	New Zealand Forest Products Holdings Limited	Volume 4	Zoning Maps	Zoning Map 140	Accept in Part
996	39	New Zealand Institute of Surveyors	Volume 4	Zoning Maps	General	Reject