

## **Marlborough Sounds Resource Management Plan**

Plan Change No. 26: Minor Amendments - Operative Plan Changes to the Marlborough Sounds Resource Management Plan

---

This document contains the schedule of the operative changes resulting from Plan Change 26 to the Marlborough Sounds Resource Management Plan as at the 20<sup>th</sup> March 2014.

**OPERATIVE DATE: 20 MARCH 2014**

## Schedule of Changes

Below are the operative changes resulting from Plan Change 26 to the Marlborough Sounds Resource Management Plan as at the 20 March 2014, changes are shown by underlining and ~~strikethroughs~~.

### Item One - Definition of “Family Flat”

Insert the following definition of “Family Flat” into Chapter 25 of the MSRMP:

Means a building of less than 80 square metres gross floor area used to accommodate up to two family members of a person residing in the principal residential unit on the property.

### Item Two - Setbacks from water bodies for reasons other than avoiding flood hazard

Amend the following rules in each identified section shown below:

#### 2.1 Urban Residential Zone (Chapter 29)

##### 29.1.4 Hazards/Riparian Management

##### 29.1.4.2 ~~Flood Protection – General~~

##### 29.2.1 Minor Non-Compliance

*Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:*

- *Buildings and structures within 8 metres of any ~~river or~~ stop bank ~~except for those river identified in the schedule in Appendix I and the Ecology Maps in Volume Three~~; up to 100% dispensation;*

#### 2.2 Sounds Residential Zone (Chapter 30)

##### 30.1.7 Hazards/Riparian Management

##### 30.1.7.2 ~~Flood Protection~~

##### 30.3.1 Minor Non Compliance

*Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:*

- *Buildings and structures within 8 metres of any ~~river or~~ stop bank ~~except for those river identified in the schedule in Appendix I and the Ecology Maps in Volume Three~~; up to 100% dispensation;*

#### 2.3 Town Commercial Zone (Chapter 31)

##### 31.1.2.7 Hazards/Riparian Management

##### 31.1.2.7.2 ~~Flood Protection~~

#### 2.4 Urban Industrial Zone (Chapter 32)

##### 32.1.6 Hazards/Riparian Management

##### 32.1.6.2 ~~Flood Protection~~

##### 32.3.1 Minor Non-Compliance

*Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:*

- Buildings and structures within 8 metres of any river or stop bank except for those rivers identified in the schedule in Appendix I and the Ecology Maps in Volume Three; up to 100% dispensation;*

## **2.5 Port Zone (Chapter 33)**

### **33.1.9 Hazards/Riparian Management**

#### **33.1.9.2 ~~Flood Protection~~**

#### **33.3.1 Minor Non-Compliance**

*Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent. An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of the Act.*

- ~~*The erection of buildings and structures within 8 metres of a river or stream bank up to 100% dispensation*~~

## **2.6 Marina Zone (Chapter 34)**

### **34.1.8 Hazards/Riparian Management**

#### **34.1.8.2 ~~Flood Protection~~**

#### **34.3.1 Minor Non-Compliance**

*Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:*

- Buildings and structures within 8 metres of any river or stop bank except for these rivers identified in the schedule in Appendix I and the Ecology Maps in Volume Three; up to 100% dispensation;*

## **2.7 Coastal Marine Zones (Chapter 35)**

### **35.1.1.5 Hazards/Riparian Management**

#### **35.1.1.5.2 ~~Flood Protection~~**

## **2.8 Rural Zones (Chapter 36)**

### **36.1.3.3 Hazards/Riparian Management**

#### **36.1.3.3.2 ~~Flood Protection~~**

## **2.9 Rural Township Zone (Chapter 37)**

### **37.1.2.7 Hazards/Riparian Management**

#### **37.1.2.7.2 ~~Flood Protection~~**

## **2.10 Conservation Zone (Chapter 38)**

### **38.1.9 Hazards/Riparian Management**

**38.1.9.2 Flood Protection**

**Item Three – Clarify that utility provisions apply to “requiring authority”**

Insert the following definition of “utility” into Chapter 25 of the Plan:

*Utility* “Means a network utility operation as that term is defined in section 166 of the Resource Management Act 1991”.

**Item Four – Subdivision Chapter (Chapter 27)**

**4.1 Removal of References to Compliance with Assessment Matters**

**(i) Subdivision Rule 27.2 (Chapter 27)**

Delete the reference to assessment criteria, and Rule 27.2.4 and Rule 27.2.5, in Rule 27.2 (Subdivision), as follows:

*If subdivision proposals for these zones meet all of the following standards and assessment criteria (Rules 27.2.1, 27.2.2, 27.2.3, 27.2.4, 27.2.5) the Council will reserve control over the matters prescribed in Rule 27.2.5.*

**(ii) Subdivision Rule 27.3 (Chapter 27)**

Delete the reference to assessment criteria, and Rule 27.2.4 and Rule 27.2.5, in Rule 27.3 (Subdivision), as follows:

*With the exception of the Town Commercial Zone, subdivision in these zones must meet all of the general standards and assessment criteria specified in Rules 27.2.3.3, 27.2.4 and 27.2.5 whilst complying with the following standards for allotments and access to rear lots.*

**4.2 Clarification regarding building platforms**

Insert the following not as Note 3 to the end of the existing notes to Tables 27.2.1 and 27.3.1 of Chapter 27 as follows:

<sup>3</sup> The minimum building platform shape factor may be applied anywhere within the proposed allotment. Any building located within the building platform shape factor must comply with the bulk and location requirements of the respective zones and comply with the requirements of any easements.

**4.3 Access Standards – Restricted Discretionary Activity**

Amend Rule 27.3.2 as follows:

<b>Zone</b>	<b>No. Lots served</b>	<b>Min Width (metres) see note 3 below</b>	<b>Min sealed width (metres)</b>	<b>Qualification</b>
Sounds Residential (also applies to Town Commercial)	1 & 2	3	NA	NA
	<del>1-4</del>	<u>5</u>	<u>5</u>	NA
	<u>3-6</u>	<u>5</u>	<u>NA</u>	<u>Width allows passing</u>
Town Commercial	<u>1-4</u>	<u>5</u>	<u>5</u>	<u>NA</u>

**4.4 Access Standards – Local Government Act**

i) Delete Note 3 from Rule 27.2.2 as follows:

~~<sup>3</sup> Where no frontage is available the Council must be able to issue a certificate under section 321 of the Local Government Act 1974, to confirm that legal access is available.~~

- ii) Delete Note 2 from Rule 27.3.1 as follows:

~~<sup>2</sup> Where no frontage is available the Council must be able to issue a certificate under section 321 of the Local Government Act 1974, to confirm that legal access is available.~~

- iii) Delete Note 3 from Rule 27.3.2 as follows:

~~<sup>3</sup> Where no frontage is available the Council must be able to issue a certificate under section 321 of the Local Government Act 1974, to confirm that legal access is available.~~

#### 4.5 Cross-Lease/Unit Plan Subdivision Rule 27.2.3.2 (Chapter 27)

Amend Rule 27.2.3.2 as follows:

Existing Development

*Cross-lease or Unit Plan subdivision which involve the legal separation of existing structures/units or building consent issued on complying sites (section 10 of the Act applies) at the date of the Plan becoming operative shall be Controlled Activities, subject to compliance with section 224(f) of the Act. All other Cross-Lease or Unit Plan subdivision shall be Discretionary Activities.*

*The re-subdivision of existing cross-lease or unit title plans to obtain individual freehold titles shall be a controlled activity, providing there is no physical change to the use of this site.*

#### Item Six – Definitions of wineries, distilleries and breweries in Rural Environments

- (i) Delete the following definition from Chapter 25 (Definitions)

~~*Wineries* premises for the retail sale of wine, associated wine promotional material and associated dining facilities.~~

- (ii) Add the following Definition to Chapter 25 (Definitions)

*Winery* a facility for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending, storage, bottling and packaging of wine.

#### Item Seven – Amendment to definition of “Home Occupation”

Amend the definition of “Home Occupation” in Chapter 25 (Definitions) as follows:

*Home Occupation* Means an occupation, business, trade, craft or profession, other than escort agencies, brothels and massage parlours, the primary purpose of which is to derive income and is:

- (a) Performed only by a member or members of the household residing in the dwelling unit or accessory building which it is carried out; and
- (b) Is incidental and secondary to the use of the dwelling unit for residential purposes.

*The person or persons undertaking the home occupation is entitled to employ one additional person that does not normally reside in the dwelling unit or accessory building.*

*Excluded from this definition are any activities involving panel beating, spray painting, motor vehicle repairs, fibre-glassing, heavy trade vehicles, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process which involves continual use of power tools and*

*drilling or hammering or any other occupation, business, trade, craft or profession which would detract from the amenities of the neighbourhood or locality.*

## **Item Eight – Include drainage channels in the rules requiring discharge setbacks from water bodies**

### **(i) Add the following definition to Chapter 25 (Definitions):**

*Drainage Channel* means an artificial or other watercourse maintained or created for the purposes of removing drainage, storm water and ponded surface water.

### **(ii) Amend the following Rules as shown:**

#### **8.1 Urban Residential Zone (Chapter 29)**

Rule 29.1.7.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface water body, groundwater or coastal water or drainage channel.*

#### **8.2 Sounds Residential Zone (Chapter 30)**

Rule 30.19.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface water body, groundwater or coastal water or drainage channel.*

#### **8.3 Rural Zones (Chapter 36)**

Rule 36.1.7.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface water body, groundwater or coastal water or drainage channel.*

Rule 36.1.7.3 a)

*The discharge shall not be within 20 metres of a surface water body or over any unconfined aquifer or drainage channel.*

Rule 36.1.7.7 b)

*The waste disposal area is to be sited so that no discharge can enter water at any time or under any circumstances, and shall be a minimum of;*

- *50 metres from any surface water body, water supply bore, or coastal marine area or drainage channel; and*
- *1 metre above the level of the ground water table at all times;*

Rule 36.17.8.1 a)

- a) *The discharge shall occur no less than 50 metres from any surface water, groundwater bore or coastal water or drainage channel; and*

#### **8.4 Rural Township Zone (Chapter 37)**

Rule 37.1.5.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface water body, groundwater or coastal water or drainage channel.*

#### **8.5 Conservation Zone (Chapter 38)**

Rule 38.1.1.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration or infiltration of any contaminant beyond the property boundary or into any surface water body, groundwater or coastal water or drainage channel.*

#### **8.6 District Recreation Zone (Chapter 39)**

Rule 39.1.3.2.6

*There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into surface water body, groundwater or coastal water or drainage channel.*

### **Item Nine – Remove references to a “Hazards Register” as none exists**

Delete the reference to “or listed in the Hazards Register” from the following discretionary activity rules:

#### **9.1 Urban Residential Zone (Chapter 29)**

Amend Rule 29.3 (second bullet point) as follows:

*Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~or listed in the Hazards Register~~, with the exception of community and recreational activities carried out on existing school sites.*

#### **9.2 Sounds Residential Zone (Chapter 30)**

Amend Rule 30.4 (second bullet point) as follows:

*Any activity as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~or listed in the Hazards Register~~, with the exception of community and recreational activities carried out on existing school sites.*

#### **9.3 Town Commercial Zone**

Amend Rule 31.4

*Any activity listed as permitted activities and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~or listed in the Hazards Register~~; and*

#### **9.4 Urban Industrial Zone**

Amend Rule 32.4 (second bullet point) as follows:

*Any activity listed as permitted activities and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~or listed in the Hazards Register~~*

#### **9.5 Port Zone**

Amend Rule 33.4 (first bullet point) as follows:

*Any activity listed as permitted activities and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~or listed in the Hazards Register~~*

#### **9.6 Marina Zone**

Amend Rule 34.4 (second bullet point) as follows:

*Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~and/or listed in the Hazard Register~~;*

## **9.7 Coastal Marine Zones**

Amend Rule 35.4 (first bullet point) as follows:

*Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~and/or listed in the Hazards Register~~;*

## **9.8 Rural Zones**

Amend Rule 37.3 (third bullet point) as follows:

*Any Activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area ~~and/or listed in the Hazards Register~~;*

## **Item Ten – Garden Maintenance**

Insert a new rule as follows

### 26.6 Garden maintenance

#### 26.6.1 Permitted Activities

The maintenance or removal of trees and other vegetation is a permitted activity provided the following conditions are met:

#### Conditions

- (a) The tree is not a heritage tree identified in Appendix A.
- (b) This rule does not apply to the Conservation Zone
- (c) Where the activity occurs in the Rural 1 and 2 Zones it complies with Rule 36.1.5.4.