
Submission Summary - Marlborough Sounds Resource Management Plan - Plan Change 26 - Minor Amendments - By Section

Item 1 - Definition of 'Family Flat'

Fiona Mary Patchett - Submitter #: 10 Submission Point : 24

I support the inclusion of a restrictive definition of a family flat and in particular the limit on the size. It is my submission that tighter controls are required to ensure that family flats do not proliferate and create pressure and adverse effects in the rural environment and Rural zone by way of reverse sensitivity, loss of productive soils and pressure for subdivision.

Relief sought: To approve the change and include additional restrictions/definitions addressing the following.

- (i) Defining the term family - the addition of the word "immediate" before family would assist.
- (ii) Requiring the family flat building to be located adjacent and/or proximate to the principal residence.
- (iii) Requiring the building to be secondary and ancillary in size and scale to the principal dwelling.
- (iv) Prescribing a time limit for the status of a permitted use, i.e. they are to be permitted for a fixed term only.
- (v) Require payment of a bond to secure removal of the family flat at the end of the term of the permitted use either by reference to time or end of family occupation.
- (vi) Such other decisions as are necessary to make clear that family flats are in fact a very limited and restricted exception to the provisions that permit only one dwelling house per title as of right and ensure "family flats" are properly controlled and restricted to their primary purpose which is to provide accommodation often for dependent family and often for a limited time frame.

Kevin and Lynda Morgan (Murray Hunt) - Submitter #: 9 Submission Point : 23

Supports the inclusion of a restrictive definition of a family flat and in particular the limit on the size. It is my submission that tighter controls are required to ensure that family do not proliferate and create pressure and adverse effects in the rural environment and Rural zone by way of reverse sensitivity, loss of productive soils and pressure for subdivision.

Relief sought: To approve the change and include additional restrictions/definitions addressing the following.

- (i) Defining the term family - the addition of the word "immediate" before family would assist.
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- (iv) Prescribing a time limit for the status of a permitted use, i.e. they are to be permitted for a fixed term only.
- (v) Require payment of a bond to secure removal of the family flat at the end of the term permitted use either by reference to time or end of family occupation.
- (vi) Such other decisions as are necessary to make clear that family flats are in fact a very limited and restricted exception to the provisions that permit only one dwelling house per title as of right and ensure that "family flats" are properly controlled and restricted to their primary purpose which is to provide accommodation often for dependent family and often for a limited time frame.

Khalid Suleiman - Submitter #: 4 Submission Point : 18

Opposed - No reason given

Relief sought: No specific relief requested.

NZI of Surveyors Nelson/Marlborough Branch (Phil Morton) - Submitter #: 3 Submission Point : 4

The matter of most concern for Council has been the subdivision of the dwelling and the creation of an additional title. This concern could be enunciated in the rule.

80m2 has previously been used as a minimum, and is probably more appropriate.

Restrictions relating to site coverage etc will limit the number of allotments where family flats can be constructed.

Limiting the use of a family flat is not a sensible use of housing stock.

Relief sought: 'Means a building of less than 80m2 gross floor area used primarily to accommodate a family member or dependent person residing in the principal residential unit on the property.

The construction of a family flat does not provide a basis for the provision of a separate title by way a subdivision for that dwelling'.

Richard Warwick Evans - Submitter #: 12 Submission Point : 10

Size limit in arbitrary defined, personal choice is excluded.

Relief sought: Remove size limit

Item 2 - Setback from water bodies

Richard Warwick Evans - Submitter #: 12 Submission Point : 11

This will significantly restrict owners development choices.

Relief sought: Exclude riparian management from all but large rivers and streams.

Royal Forest and Bird Protection Society (Inc) (Debs Martin) - Submitter #: 15 Submission Point : 27

The submitter supports the proposed change for the reasons outlined in the report.

Relief sought: Retain proposed change.

Item 3 - Clarify that utility provisions apply to 'requiring authority'

Marlborough Amateur Radio Club (William G Cousins) - Submitter #: 6 Submission Point : 8

We oppose the proposed submission that utility provisions apply to "requiring authorities"

Amateur Radio Service operators take an active part in Search and Rescue events, as well as providing communications for numerous community and sports events. Operators played an important role in the recent Christchurch Civil Defence operations at the time of the recent earthquakes and subsequent activities. Not including the Amateur Radio antennas along with the supporting structures in the utility provisions, will limit the opportunities for the growth and expansion of the hobby. Additionally it may hamper the communications role that has been so valuable in emergency situations.

Relief sought: That the amateur radio service be included in the utility provisions, along with the requiring authorities, so that at least existing requirements with regard t antennas and their supporting structures can continue to apply..

Antenna and their supporting structures for the purpose of Amateur Radio, be regarded under the utilities provisions.

New Zealand Association of Radio Transmitters (Mike Newman) - Submitter #: 11 Submission Point : 25

The proposed plan change fails to recognise the needs of the amateur radio service in respect of antennas, aerials and their supporting structures, poles and masts. The change will relegate amateur radio configurations to consideration under inappropriate rules relating to buildings.

Local or governing bodies frequently enact regulations limiting antennas and their support structures in height and locations, e.g. to side or rear yards, for health, safety or aesthetic considerations. These limiting regulations can result in conflict because the effectiveness of the communications that emanate from an amateur radio station is directly dependent upon the location and the height of the antenna. Amateur operators maintain that they are precluded from effectively operating in certain bands allocated for their use if the height of their antennas is limited by the proposed rules.

Amateur radio antennas and aerial wire need to be erected at heights greater than the proposed Marlborough District permitted residential zone building envelope maximum height of 7.5 metres for effective long distance amateur radio communications.

The amateur radio service uses a wide range of spectrum allocations allowing it to, among other things;

- 1) engage in experimentation that has advanced the radio state-of-the-art,
- 2) provide emergency communications in times of natural or man-made disasters,
- 3) provide trained radio operators in times of local and national emergencies,
- 4) encourage international cooperation and goodwill by allowing direct communications between and among people on an international basis and,
- 5) provide an important educational outlet for people interested in the more technical aspects of radio communications.

The Proposed District Plan Change should be amended to include the relief which is inherent in the rules set out in the decisions of the Environment Court, so as to achieve the submitters objective of a reasonable accommodation of amateur radio antennas and their supporting structures.

The following documents are appended to the submission.

Appendix 1 - "Antenna Height and Communications Effectiveness a Guide for City Planners and Amateur Radio Operators" 2nd Edition 1999 American Radio Relay League (ARRL),

Appendix 2 - "An Optimum Height for an Elevated HF Antenna" QEX May/June 2011 Pg 32-38, a paper by Dr K Siwiak, PhD, MSEE, PE, SMIEEE, published in QEX journal by the ARRL,

Appendix 3 Environment Court ENV-2011-AKL-000074 Interim Decision

Appendix 4 - Environment Court ENV-2011-AKL-000074 Final Decision

Relief sought: That the Council amends the proposed Marlborough District Plans to remove the unduly severe restrictions on the amateur radio service which would be a consequence of the proposed Plan Changes, and that the Council include rules which are more accommodating to the amateur radio service, so providing for more effective long distance communications than the proposed plan allows.

Such rules must:-

Provide Permitted Use supporting structure heights to at least 20 metres in the residential zones, and to at least 25 metres in the Rural zone,

allow surmounted whip and discone antennas above the mast heights

allow minimal setback on internal site boundaries, and no greater than 3 metres on road boundaries

allow penetrations of the daylight control recession planes.

New rules must be devised in consultation with the amateur radio service, and in particular with the New Zealand Association of Radio Transmitters (inc) and the Marlborough Amateur Radio Society (inc)

Item 4.1 - Remove references to compliance with Assessment Matters from the rules relating to controlled and discretionary subdivision activities

Marlborough District Council (Mark Caldwell) - Submitter #: 8 Submission Point : 20

There is a typographical error in that the rule referenced is 27.5 in the proposed amended rule 27.2 (Controlled Activities) the rule that should be referenced is rule 27.2.5

Relief sought: the decision sought is that rule 27.2 (Controlled Activities) be amended as follows:

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

NZI of Surveyors Nelson/Marlborough Branch (Phil Morton) - Submitter #: 3 Submission Point : 6

Oppose in part Item 4.1(i) (Error requires amendment - 27.5 to 27.2.5)

Relief sought: Amend 27.5 to 27.2.5

Item 4.2 - Clarify that building platforms must be free from easements and yard setbacks

Marlborough District Council (Mark Caldwell) - Submitter #: 8 Submission Point : 21

There is a discrepancy between the proposed change as stated in item 4.2 in the Section 32 report and 4.1 Building Platform Requirements in Appendix 1: Proposed Plan Change - Schedule of Changes.

The note to be added to Tables 27.2.1 and 27.3.1 as note 3 should match the wording in Item 4.2 of the Section 32 Report.

Relief sought: That the following note be added to the end of the existing notes to Table 27.2.1 and 27.3.1 as note 3:

3 The minimum building platform shape factor may be applied anywhere within the proposed allotment. The minimum building platform must be free of any easement of any building setback and depth requirements required by zone rules.

NZI of Surveyors Nelson/Marlborough Branch (Phil Morton) - Submitter #: 3 Submission Point : 5

The proposed rule is unworkable as building set-backs are not a fixed distance from the boundary, but relate to the recession planes, i.e. location, height and orientation of any future building.

It is, therefore, impossible when designing lots at the subdivision stage, to accurately determine what the minimum width of a lot will be.

Relief sought: We suggest the proposed change should read as, "The minimum building platform shape factor may be applied anywhere within the proposed allotment. NB The minimum building platform is inclusive of any easement located along a property boundary, or any building setback and depth requirement required by zone rules".

Richard Warwick Evans - Submitter #: 12 Submission Point : 12

Will restrict subdivision and infill and reduce choice of development.

Relief sought: Exclude yard setback from rule.

Item 4.3 - Access Standards - Restricted Discretionary Activity

Khalid Suleiman - Submitter #: 4 Submission Point : 17

Opposed - No reasons given

Relief sought: No specific relief requested

Richard Warwick Evans - Submitter #: 12 Submission Point : 13

Standards are not representative of real life development and will restrict development.

Relief sought: Reduce requirements to realistic widths consistent with New Zealand standards.

Item 5 - Amendments to the permitted marine farming activity rules

Bernadine Gibson - Submitter #: 20 Submission Point : 31

Opposed

Relief sought: No specific relief requested.

Marine Farming Association Incorporated (Graeme Coates) - Submitter #: 7 Submission Point : 9

The Marine Farming Association (MFA) accepts that the Council needs to remove the permitted activity harvesting rule from the MSRMP due to the introduction of s68A of the Resource Management Act 1991. However, the MFA believes insufficient consideration has been given to the position of existing marine farms under Plan Change 26. It is unclear what, if any, additional resource consents will be required by marine farmers and there is no consistency as to what consents may be required.

In the MFA's view, unless the consent regime is simplified, there is a real risk that marine farms may be unsure what (if any) consents are required to undertake harvesting activities at their particular site. The Council may be 'swamped' with poorly drafted resource consent applications which lack clarity and do not cover all consents required.

Relief sought: The MFA would like the Council to undertake the following as part of the Plan Change 26 process:

a). Amend the definition of marine farming in the MSRMP as follows:

Marine farming means the activities of breeding, hatching, cultivating, rearing, on-growing and harvesting of fish, aquatic life, or seaweed (and includes spat catching and spat holding) when carried out on a marine farm.

b). Introduce a rule into the MSRMP which provides that harvesting is a controlled activity, with controls limited as closely as possible to the positions as it stood prior to Plan Change 26 being notified.

The MFA believe controlled activity status for harvesting activities is justified and will eliminate uncertainty as to what consents are required. In essence, consent applications for harvesting activities will do no more than preserve the status quo of activities which have been occurring under the permitted activity rule. The marine farms themselves have already undergone a rigorous consenting process and there is no justification for a more stringent test being applied.

McLaren Family Trust (David McLaren) - Submitter #: 13 Submission Point : 16

That Council produce a clear guideline that covers all marine farms and all the individual variations to the farm consents and licences that does not impose another grey area and another layer of paper to deal with.

Relief sought: We would ask that the council limit the need to seek any type of consent to harvest the product from marine farms. Should any change be necessary we would ask that it be a controlled activity with an industry code of conduct in place.

New Zealand King Salmon Co. Limited (Mark Gillard) - Submitter #: 1 Submission Point : 2

In the view of New Zealand King Salmon the proposed change gives insufficient consideration to the position of existing marine farmers. The Company would like to work collaboratively with the Council to reach an appropriate solution to this issue for existing marine farmers.

Relief sought: New Zealand King Salmon would like the Council to remove Item 5 from Plan Change 26 until further consultation has been undertaken with the marine farming industry about the appropriate way to deal with this issue. New Zealand King Salmon is happy to discuss the issues with the Council and other key stakeholders in further detail.

If the Council is not minded to remove this Item from the Plan Change, New Zealand King Salmon requests that the Council introduce a new rule into the MSRMP which makes harvesting a controlled activity, with controls limited (as closely as possible) to the position as it stood prior to Plan Change 26 being Notified.

New Zealand King Salmon believes controlled activity status for harvesting activities is justified. In essence, consent applications for harvesting will do no more than preserve the status quo of activities which have been occurring under the permitted activity rule. The marine farms themselves have already undergone a rigorous consenting process and there is no justification for a more stringent test being applied. Controlled activity status is also likely to minimise delays in obtaining consents, which is important for farmers with currently stocked farms.

Item 6 - Wineries

Clintondale Trust - Whyte Trustee Company Limited (David A Whyte) - Submitter #: 2 Submission Point : 29

The definition of winery as proposed fails to provide the clarity and consistency on which the amendment is predicated.

Relief sought: The submitter seeks that Council's determination to delete the existing definition of 'Wineries' from Chapter 26 (Definitions) and replace it with the following definition:

Winery - a facility for the processing of grapes or other fruit, or their juices, for the production of wine.

Guernsey Road Residents Association Incorporated (M Leigh-Lancaster) - Submitter #: 14 Submission Point : 26

The submitter is opposed to the change to the definition of winery.

The definition should not be amended without consideration of the effects of industrial activities in the Rural Zone. The appropriate location for industrial activities is the Industrial Zone.

Any amendments should have regard to effects from industrial activities that are incompatible with the Rural Zone and the rural environment.

Should wait for the pending plan review rather than implementing and ad hoc change now in the absence of a comprehensive review.

The definition as proposed does not make sense in particular the phrase "or juice from the subsequent production of wine".

Relief sought: - Decline to make the proposed deletion of the definition of wineries and replace it with the new definition of "Winery" as proposed.

- Alternatively consider amendment of the definition of wineries and for a new definition to limit the size and scale of facilities to ensure that conflict in the rural environment between industrial facilities and those activities that occur in the Rural Zone are minimised.

- Require the location of industrial activities into the industrial zone where appropriate services including water and effluent disposal services can be provided.

- Limit the size and scale of such facilities to a scale of activity consistent with the receiving rural environment and ensure that inappropriately located industrial facilities contracted to process wine.

- Exclude bottling and consequential activities from the definition of processing.

- Exclude the processing of juice previously crushed or processed off site from the definition.

Marlborough District Council (Mark Caldwell) - Submitter #: 8 Submission Point : 22

Reference to premises for the retail sale of wine, associated wine promotional material and associated dining facilities in the definition for a Winery is not required as these activities are covered by the definition for Commercial Activity in Chapter 25.

Relief sought: The decision sought is as follows:

(iii) delete the following definition from Chapter 25 (Definitions)

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

(iv) Add the following 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.

Item 7 - Amend the definition of 'Home Occupation' to reflect the intention that it can only be undertaken by a member of the household, plus one additional person

Richard Warwick Evans - Submitter #: 12 Submission Point : 14

Single person limit is restrictive and will limit start-up business.

Relief sought: Remove additional single person limit - match with home stay No. 5.

Item 8 - Include drainage channels in the rules requiring discharge setbacks from water bodies.

Khalid Suleiman - Submitter #: 4 Submission Point : 19

Opposed - No reason given

Relief sought: No specific relief requested.

Richard Warwick Evans - Submitter #: 12 Submission Point : 15

This will massively restrict development throughout the area and will result in significant costs to Marlborough.

Relief sought: Remove 'artificial or other' - redefine to only include flowing streams or rivers.

Royal Forest and Bird Protection Society (Inc) (Debs Martin) - Submitter #: 15 Submission Point : 28

The submitter supports the proposed changes for the reasons outlined in the report.

Relief sought: Retain proposed change.

Item 10 - Garden Maintenance

Clintondale Trust - Whyte Trustee Company Limited (David A Whyte) - Submitter #: 2 Submission Point : 30

The proposed amendment is inconsistent, overly restrictive and does not encourage initiatives to address reverse sensitivity issues or enhance amenity values.

Relief sought: Council's determination to delete the reference to exclude the Rural Zones from the proposed new Rule 27.6.1.