

Commissioners' Decision

To: Marlborough District Council

And to: The applicant and submitters

in the matter of The Resource Management Act 1991

and

in the matter of An application for private plan change by Colonial
Vineyards Limited referred to as PPC59

Decision Date: 31 July 2012.

Commissioners: John Maassen, Chairperson
Graeme Barsanti
David Oddie

Hearing: 8 – 10 March 2012, 18 June 2012
Site Visit: 9 March 2012

Result: Application declined
Parties attending: Listed in spreadsheet at Appendix 1

Appendices

Appendix Reference	Description
Appendix 1	Parties attending
Appendix 2	Figures 1 – 15
Appendix 3	Notified proposed amendments to WARMP
Appendix 4	Revised applicant's amendments to WARMP presented at the opening of the hearing
Appendix 5	Final version of applicants proposed amendments to WARMP
Appendix 6	Proposed easement instruments in favour of Omaka Aerodrome and Marlborough Car Club
Appendix 7	Joint statement of acousticians
Appendix 8	Decision on submissions

Unless otherwise stated references to appendices in this decision are references to the appendices above.

Terms

55 contour (fixed wing)	The white coloured noise contour for fixed wing aircraft in Appendix 2, Figure 13 prepared by Rhys Hegley for MDC based on the Standard and measured as dBLdn
55 contour (helicopters)	The white coloured helicopter contour (based on 55 dBL Aeq (9 hour) shown in Appendix 2, Figure 12
Area A	That part of the site which is more or less outside the 55 contour (fixed wing) being 96,870 m ² as shown in Appendix 2, Figure 15
Area B	That part of the site which is more or less inside the 55 contour (fixed wing) being 117,105m ² as shown in Appendix 2, Figure 15
Carlton Corlett Land	that land shown in Figure 14 on the southern boundary of the site and also adjacent to the Omaka Aerodrome
CVL	Colonial Vineyards Limited
CVL's final version	proposed plan provisions in Appendix 5
CVL's notified version	proposed plan provisions in Appendix 3

MAC	Marlborough Aero Club
MDC	Marlborough District Council
Omaka Aerodrome	The aerodrome known as the Omaka Aerodrome and associated facilities including the Aviation Heritage Centre
PPC59	The application for a private plan change under RMA, Schedule 1 by CVL
SMUGS	Southern Marlborough Growth and Development Strategy prepared by the consultancy firm, Urbanisplus for MDC
The application	The application lodged by CVL through its agent, Viastrada dated 28 April 2011
The site	21.7 ha more or less, being Lot 2, DP350626 and Lot 1, DP11019
The Standard	Airport Noise Management and Land Use Planning NZS 6805: 1992
WARMP	Wairau/Awatere Resource Management Plan

The Application and the site

1. PPC 59 is a privately requested change to the WARMP made under RMA, Schedule 1, Part 2. The applicant is CVL and the request relates to a 21.7 hectare (ha) site, more or less, located on New Renwick Road, Blenheim, which is legally described as Lot 2 DP 350626 and Lot 1 DP 11019.
2. PPC 59 seeks to rezone the site from Rural 3 to Urban Residential 1 and 2 to facilitate residential development of the site.
3. The site is flat and located on the Blenheim periphery. It is currently planted in Sauvignon Blanc grapes. The northern, southern and eastern boundaries are planted in olive trees.
4. The contour of the site and its proximity to infrastructure makes it a very cost effective option for residential development.

5. CVL is a private company with ten shareholders made up of friends and family. Mr Mark Davis presented evidence on behalf of CVL and explained the aspirations of the syndicate for the site. His experience in the real estate industry gives him confidence that the site is an attractive location for residential development and will meet a real need for future housing well connected to the existing urban fabric of Blenheim. Mr Davis explained that the land was purchased to operate a vineyard. It is operating satisfactorily but not to the levels hoped for because of the economic vicissitudes of viticulture.
6. The resource management goals of CVL are set out in the application and the following is the relevant section of the application that summarises those goals:

The applicants overall vision is to create a development which achieves the following:

- High level of residential amenity with green spaces, network of people-friendly streets and good connections.
- Mixed density development with the opportunity for medium to higher density housing and housing at varying price ranges.
- Strong physical, visual and landscape connections with the Taylor River Reserve as a regional recreational area and as a potential off-road commuter network.
- Achieves best practice urban design in accordance with the NZ Urban Design Protocol and which reflects the site location and context.
- Development is well-integrated with Omaka and the Aviation Heritage Centre, as a major regional aviation centre. Examples of how this could be achieved include:
 - - themed aviation street naming;
 - - aviation-related sculptures and public art;
 - - improved physical connections to Omaka along Aerodrome Road and Taylor River Reserve;
 - - utilising the Heritage Centre café to service local residents;
 - - provision for visitor accommodation for (e.g. "airtels") and residential accommodation which supports and strengthen the range of activities at Omaka (note – any visitor accommodation would be subject to standard planning rules of the Urban Residential Zones).

7. CVL also stated emphatically in its application its position in relation to its neighbour the Omaka Aerodrome as follows:

Noise from Omaka and its potential effects on residents is identified as a matter of concern by the airfield users and owners. The applicants acknowledge the regional and historical significance of Omaka Airfield, and are committed to ensure that development can proceed in a way which does not constrain existing and future operations at the airfield. For this reason, the plan change proposes noise mitigation controls as a matter of caution, even though the site is outside the modelled noise contours. In addition, the applicants are keen on developing an "aviation themed" subdivision which reflects the local context.

8. That statement was made against a background that CVL believed the 55 dB Ldn contour for fixed wing aircraft using the Omaka Aerodrome was that shown in Appendix 2, Figure 11. That plan was inset into the text of the application. That contour was not, unfortunately, one prepared in accordance with the Standard's methodology. A point the Omaka Aerodrome queried at least as early as 12 April 2011.¹ It became apparent as the matter progressed to hearing that the 55 contour (fixed wing) derived according to the Standard bisects the site such that half the site is within that contour (see Appendix 2, Figure 13). It was that information also presented in a s.42A report by Mr Hegley that resulted in a substantial part of the hearing being occupied with the implications of projected aircraft noise from Omaka Aerodrome on the appropriateness of rezoning the site residential.
9. A central thesis of the application was that the site had been identified in SMUGS as potential growth area 'W2' and consequently could be reliably said to be appropriate for new residential development albeit with a design/structure plan that was different from those concept plans proposed indicatively in SMUGS. The following quotes from the application demonstrate the reliance of the applicant on the conclusions in SMUGS as justification for its application:

The plan change seeks to implement the Southern Marlborough Urban Growth and Development Strategy ("the Growth Strategy"). The plan change largely adopts the principles underlying the structure plan identified in the growth strategy, and implements this by proposing the following:

- a) Rezoning to Urban Residential 1 and Urban Residential 2 Zones, incorporating a mix of zoning densities
- b) Changes to the WARMP which have the following outcomes:
 - i) provision for an internal roading hierarchy including primary road, local road, and low speed residential streets;
 - ii) a requirement for acoustic insulation within the entire site;
 - iii) new zoning map, with indicative road connections & open space layout;

¹ See email 12 April 2011 MDC to Andrew Johns and in which Mr Davis was a copied recipient.

iv) various other changes to various plan provisions.

The requested changes adopt the findings of the Growth Strategy, and implement the findings of a recent study on land availability¹. That study found a significant shortage of zoned residential land, and recommends "urgent action" to provide land for future residential growth.

The proposed zoning map incorporates indicative road connections and open space layout based on a development concept layout. However, there may be more efficient or improved subdivision design, which can only be finalised at the time of subdivision. Some flexibility in design and layout is needed, and for this reason, road connections and open space is shown as indicative only, with provision for the location of roads and open space to vary at the time of subdivision. The proposed changes include new policies to ensure that the development is undertaken in accordance with the applicants' vision and is based on urban design principles.

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10. Mr Davis emphasised the desire of CVL to produce a development consistent with good urban design principles. The application included a zone plan (Appendix 2, Figure 2) that proposes that the bulk of the site be rezoned Urban Residential 1 and the southern and western boundaries on the periphery of the site being zoned Urban Residential 2. Also shown in the plan are two indicative green spaces. The larger one is located centrally on the site and the smaller one is located closer to the intersection between New Renwick Road and Richardson Avenue. Dotted lines connecting these green spaces indicate pedestrian access and connections. In Appendix 2, Figure 2 (the zone plan) there are also arrows using dotted lines

indicating the location of potential points of access of the subdivision from the existing road infrastructure. This notation does not appear to correspond to any part of the legend in the zone plan.

11. The application proposed amendments to WARMP. They are set out in Appendix 1 to the application and are also contained in Appendix 3 to this decision. The indicative roads in the zone plan are proposed to have some legal effect by the introduction of proposed Policy 1.17 and Policy 1.18 in chapter 3. These policies propose that where indicative layouts for roads are shown the matters listed in the policy are addressed. Similarly, in proposed policy 1.18 where indicative locations are shown for open space the policy indicates the matters to consider at the time of subdivision and development.

12. CVL's notified version also proposed an amendment to Appendix G of WARMP. Appendix G is an omnibus appendix setting specific rules for specifically identified activities. The application proposed that the CVL site be identified and that the rules require buildings be constructed in accordance with the 'Indoor Design Sound Levels set out in Appendix M'.²

13. CVL's notified version proposed an alteration to the planning maps with, as outlined above, most of the sites zoned Urban Residential 1 and the balance of the site zoned Urban Residential 2. The consequence of that is that through that zoning the provisions of WARMP associated with that zoning apply except to the extent they are amended by other parts of the application. A significant matter is the fact that the WARMP provides for subdivision and development as a controlled activity on land zoned Urban Residential One and Urban Residential Two subject to development controls that are typical for land zoned residential. The difference between the two zones principally relates to density. The following features of CVL's notified version mean that the power of MDC to secure a well designed development with appropriate open space provision and good connectivity was very limited:
 - (a) There is no structure plan;
 - (b) The principal method is rezoning without any changes to the rule stream;

² See page 56 of the CVL application.

- (c) No reservation of discretion in relation to matters of transportation, urban design and other aspects of greenfield development necessary to achieve an optimal outcome;
 - (d) Limited policy direction on the outcomes to be achieved.
14. It is normal for a plan change application to evolve in response to submissions. The process is iterative.
15. CVL in its opening explained that after considering submissions and the s. 42A reports it made changes to its application as follows:
- (a) The provision of an internal roading hierarchy including a primary local road and low speed residential streets;
 - (b) A requirement for acoustic insulation within the entire site for dwellings;
 - (c) A new zoning map;
 - (d) A concept plan showing likely roading connections and open space layout;
 - (e) Other changes to policies and objectives to better reflect those requirements in this location.
16. The amended plan provisions presented at CVL's opening are in Appendix 4. In addressing the issue of potential reverse sensitivity associated with the noise of the Omaka Aerodrome, CVL proposed a new policy 1.6 that reads as follows:
- Require appropriate consent conditions and legal instruments for any new subdivision at Colonial Vineyard (refer Schedule G) to ensure that aircraft, events and associated ground activities can continue to operate from Omaka Aerodrome, and to avoid any reverse sensitivity effects on Omaka Aerodrome and its operators.
17. This policy was consistent with the originally expressed goal of avoiding reverse sensitivity effects. The legal instrument referred to was indicatively drafted and is attached as Appendix 6. Therefore, CVL proposed to deal with reverse sensitivity from the Omaka Aerodrome with a two pronged approach involving noise insulation as a requirement for buildings together with a no complaints covenant on all of the allotments subsequently created as part of any subdivision and development.
18. The amended plan change proposed an additional explanation with the following content:

An exception has been made to allow aircraft and associated noise from Omaka Airfield to encroach into the Colonial Vineyard Residential Zone (refer Schedule G). This is achieved by way of consent conditions and legal instruments on titles. Omaka is of significant economic and historical importance to the region, and it is essential to provide for its continued operation.³

19. The amended application also proposed more extensive rules to apply to CVL's site through Appendix G in WARMP. This included additional matters of control and additional matters of discretion beyond those provided for in Rules 28.2.5 and 28.3.4 respectively so that covenants and consent conditions could be imposed to address the reverse sensitivity issues.
20. The application was also amended to introduce a concept plan. The concept plan is shown in Appendix 2, Figure 3. The concept plan was to be added as part of Appendix G to WARMP. Under the proposed amendments to Appendix G development must be in general accordance with Appendix G to qualify as a controlled activity. If it is not in general accordance with the concept plan then it is a restricted discretionary activity. The matters of discretion addressing urban design matters, transportation matters and the provision of open space.
21. The concept plan was prepared in response to a recommendation by MDC's planner Mr Paul Whyte in his s.42A report. The concept plan was prepared by Mr Sissons who was engaged somewhat late in the piece by CVL to provide urban design advice. Key features of the concept plan are:
 - (a) Greater clarity as to the internal roading configuration of the main roads providing access to the site and their relationship to the existing roading network.
 - (b) A three metre wide landscape buffer with adjoining land to the south.
 - (c) A specific recreation link to the Taylor River.
 - (d) Different and reduced sized green space areas.
22. At the resumed hearing on 18 June 2012, CVL proposed further amendments as CVL's final version that are contained in Appendix 5 to this decision. The most significant change is the change to Appendix G so that all subdivision on the site is

³ We presume the 'exception' referred to is an exception to the normal requirements of the Standard to avoid residential development in the OCB.

limited discretionary under section 11.4 with performance conditions to achieve the following outcomes:

- (a) Very low density (2,000 m² minimum) on the southern boundary;
- (b) Low density (800 m² minimum) on the balance area within 100 metres of the southern boundary;
- (c) Standard density on the rest of the site.

- 23. These changes were reflected in a change to the concept plan which is shown as Figure 4 in Appendix 2. Significantly that amended plan introduces an area called 'Area A: Low Density Residential Overlay on Urban Residential 2'.
- 24. The changes identified above were a further response to the concern regarding reverse sensitivity effects arising from the noise from the Omaka Aerodrome including the 55 contour (helicopter).

The environmental context generally

- 25. The site is bounded by New Renwick Road, Aerodrome Road and Richardson Avenue. New Renwick Road is a collector route and the other roads are local roads. The site is well located with respect to State Highway 6 and each of Battys Road, Bell Road and Godfrey Road and to the CBD of Blenheim via New Renwick Road. It is therefore well located in MDC's road network.
- 26. The Fairhall Primary School for which the site is zoned is located some three kilometres to the west along New Renwick Road.
- 27. The site is located to the Taylor River Reserve and the associated walkway and cycleway amenities associated with the Taylor River Reserve.
- 28. The nearest shopping centre is at Redwoodtown.

29. Aerodrome Road provides access to the Omaka Aerodrome and Aviation Heritage Centre. Richardson Avenue provides access to the existing residential dwellings on the western side of Richardson Avenue as well as access to Taylor River Reserve.
30. On the northern side of New Renwick Road is a small ribbon of residential development. To the west is the rural zone with a patchwork of vineyards typical of the rural environment in this locale.
31. To the south is the Omaka Aerodrome. On the immediate southern boundary is land known as the Carlton Corlett land (see Appendix 2, Figure 14). This is land owned by the Carlton Corlett Trust and the land owner has long term aspirations for the development of activities that are complementary to and support uses associated with the Omaka Aerodrome. The Carlton Corlett Trust formerly owned land on which the Omaka Classic Cars Museum is presently established.
32. The Aviation Heritage Centre can be seen in Figure 14 and is a world class museum in which a precious collection of classic aircraft and aviation memorabilia are displayed.
33. The Omaka Aerodrome is used for a range of purposes and by a range of aircraft types. These include helicopters and classic aircraft as well as aircraft associated with MAC. At the Omaka Aerodrome are a cluster of aviation related industries particularly focussed on supporting the maintenance, repair and construction of classic aircraft.
34. On the eastern side of the Taylor River is a subdivision undertaken by MDC called the Taylor Pass subdivision. That subdivision is directly under the main runway of the Omaka Aerodrome (07-25) and houses in that location are not required to have special noise insulation.
35. Based on the census results for the New Zealand Census 2006 the Council's projection for Blenheim is a total population of 29,410 in 2031.⁴ That means an increase of 6,300 people by 2031 and equates to 2625 new households based on an occupancy rate of 2.4. After allowing for intensification (of 500 lots) and development of currently zoned but undeveloped land (of 632 lots). MDC calculates that 1,493 dwellings are to be accommodated in new zones. Assuming 14 dwellings

⁴ Section 42 report by Wayne Bredemijer at paragraph 4.8.

per hectare that equates to between 107 and 149 additional hectares required for new residential development to meet Blenheim's urban growth demand over a reasonable planning horizon.

The principal issues in contention

36. There were no significant issues identified relating to the site on the following topics:
- (a) Hazards;
 - (b) Contamination;
 - (c) Transportation;⁵
 - (d) Servicing.
37. Three principal issues in contention arose that we must address as follows:
- (a) **Principal issue 1:** - The sufficiency of the information in the application regarding the intended layout and design of the development and the potential adverse effects of poor urban design and interface management on adjoining land uses. The main submitter on principal issue 1 was Wither Hills vineyard.
 - (b) **Principal issue 2:** - That the application pre-empts the wider strategic planning assessment that MDC will undertake as part of the review of WARMP. The area's special location and proximity to the Omaka Aerodrome warrants a comprehensive strategic planning exercise that considers not only the site in isolation but its relationship to adjoining land and future activities that may occur on that land as part of the strategic review of WARMP. The plan change should, it is contended, await that strategic review to ensure the most effective and efficient use of natural and physical resources of Marlborough and ensure the integrated management of effects. Principal issue 2 was advanced primarily by the Carlton Corlett Trust.

⁵ Mr Petrie did recommend that the number of intersections onto New Renwick Road be limited because of its increasingly important roll in the district's primary road network (Petrie SOE, para 49).

(c) **Principal Issue 3:** - The subdivision will be sensitive to noise generated from the operation of the Omaka airfield. That sensitivity will lead to the phenomenon known in planning as 'reverse sensitivity' that is the product of juxtaposing incompatible land uses. The principal submitters advancing this issue are interests associated with the Omaka Aerodrome.

38. We will deal with these three principal issues later in this decision and in the order set out above.

Relevant existing WARMP provisions

39. PC59 does not seek to alter the goals/objectives and policies of WARMP. PC59 does propose some supplementary policies. Part of the statutory assessment is whether or not the policies and methods proposed by PC59 effectively achieve the established objectives and policies of WARMP.⁶ This section of the decision identifies those existing provisions of WARMP that we consider relevant to our consideration.

40. Section 22 of WARMP addresses noise. Section 22.3 sets out the objectives and policies. Relevant for present purposes are the following:

Policy 1.1 Avoid, remedy or mitigate community disturbance, disruption or interference by noise within coastal, rural and urban areas.

Policy 1.3 Accommodate inherently noisy activities and processes which are ancillary to normal activities within industrial and rural areas.

41. The anticipated environmental results of the plan in relation to noise are set out in section 22.5 as follows:

Implementation of the policies and methods for management of noise will result in:

- Enhancement of individual and community health, and amenity values; and
- Improved conditions within which the community can provide for its social economic and cultural wellbeing.

⁶ See RMA s. 32.

42. Policy 1.6 of section 23.4.1 of WARMP concerning subdivision and development reads:

Recognise the potential for amenity conflict between the rural environment and the activities on the urban periphery.

43. Section 11 of WARMP addresses the goals for residential environments including existing and new areas. Objective 1, in section 11.2.2 reads:

The maintenance and creation of residential environments which provide for the existing and future needs of the community.

44. Policy 1.5 supporting Objective 1 in section 11.2.5 reads:

Ensure where proposals for the expansion of urban areas are proposed, the relationship between urban limits and surrounding rural areas is managed to achieve the following:

- Compact urban form;
- Integrity of the road network;
- Maintenance of rural character and amenity values;
- Appropriate planning for service infrastructure;
- Maintenance and enhancement of the productive soils of rural land.

45. Objective 2 in section 11.2.2 of WARMP reads:

To ensure that growth occurs in locations suitable for residential development.

46. The Omaka Aerodrome is in the rural zone. The following objectives and policies are relevant to it as a physical resource:

12.7.2 Objectives and Policies

Objective 1 The effective, efficient and safe operation of the District's airport facilities.

Policy 1.2

To establish maximum acceptable levels of aircraft noise exposure around Marlborough Airport and Omaka Aerodrome for the protection of community health and amenity values whilst recognising the need to operate the airport efficiently and provide for its reasonable growth.

Policy 1.3

To protect airport operations from the effects of noise sensitive activities

Statutory Matters

47. The application was made pursuant to RMA Schedule 1, Part 2. Clause 22 of that schedule requires:

Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential effects anticipated from the implementation of the change, policy statement or plan.

48. MDC considered the request. It did not adopt the request but notified it. Submissions were called for in the usual fashion. The plan change was notified on 8 September 2011. A total of 49 submissions were received and six further submissions. 36 submissions opposed the plan change and 13 were in support.

49. The statutory matters to be considered in evaluating plan change 59 are set out in the RMA and summarised in various case law including *Long Bay – Okura Great Park Society Incorporation v Northshore City Council*⁷ and *High County Rosehip Orchards Limited v Mackenzie District Council*.⁸

50. PPC59 does not set off in a new direction establishing different objectives and policies for WARMP. Hence the settled goals and supporting policies are not in dispute. The central premise of PPC59 is that the proposed plan change does not require changes to the general goals and policies of WARMP. Rather PPC59 implements them efficiently and effectively. Therefore, our inquiry is more limited than with a plan change that sets out in a completely different direction and the focus of our evaluation must be the extent to which new policies, rules and methods (including zoning) are the most appropriate for achieving the objectives of the district plan taking into account:

- (a) The benefits and costs of the proposed policies and methods (including rules);

⁷ EnvCD No. A078/2008.

⁸ [2011] NZEnvC 307.

(b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

51. In evaluating rules we must have regard to any actual or potential effect of activities on the environment, especially any adverse effect.⁹ Pursuant to s.76, district rules have the purpose of carrying out the functions of MDC under the Act. The primary function of a territorial authority is set out in RMA s.31(1)(a) that reads:

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

SMUGS

52. The site is identified as a preferred urban growth node in SMUGS and called 'W2'. As outlined earlier in this decision a central claim of the application is that the site is appropriate for rezoning to residential for the same reasons as are contained in SMUGS. MDC did not formally resolve to support area W2 when analysing the conclusions of SMUGS. That was to be determined in the evaluation of PPC59 under the RMA. It is worthwhile in this decision to consider:

- (a) What SMUGS was about;
- (b) What SMUGS conclusions were;
- (c) The overall significance of SMUGS in our evaluation.

53. In early 2009 the urban development consultancy, Urbanismplus, was engaged by MDC to assist in developing a strategy for growth and development needs of Blenheim, Picton and many other Marlborough townships.¹⁰ Mr Bredemeijer from Urbanismplus explained in his s.42A report the purpose of SMUGS, the methodology adopted and the outputs of SMUGS.

⁹ See RMA s.76(3).

¹⁰ See Wayne Bredemeijer s.42 report, para 2.1.

54. The purpose of SMUGS was to incorporate best practice urban design principles in the development of an urban growth strategy and its implementation. The methodology incorporated a number of phases including consultation, pre-workshop reporting, Inquiry-By-Design workshops, internal reporting, further consultation, draft reporting and final reporting. To ensure an integrated approach multiple technical specialities assisted in the process so that good information was provided on the following topics:
- (a) Community infrastructure;
 - (b) Residential growth;
 - (c) Ecology and landscape;
 - (d) Open space and recreation;
 - (e) Soils;
 - (f) Stormwater and flooding;
 - (g) Employment and economy;
 - (h) Retail and tourism;
 - (i) Traffic;
 - (j) Infrastructure.
55. The required outputs of the project included:
- (a) Solid proposals to guide decision making;
 - (b) Proposals for actions and interventions that are practical and affordable;
 - (c) Guidance for future plan changes.
56. The analysis of growth options for Blenheim was an analysis of opportunities and constraints informed by a range of disciplines, urban design considerations and preliminary assessments of the economics of development. Land pockets were ranked using a traffic light ranking system. Green indicated a high degree of suitability. Indicative layouts for pockets that had a green 'rank' were included within the report.
57. Because area W2 scored highly, concept layout options were presented in SMUGS. These are shown in Appendix 2, Figures 6 – 9.

58. Potential noise issues with W2 were identified in SMUGS but not regarded as significant. Mr Bredemeijer confirmed orally when questioned by the hearing panel that the assessment of the significance of the noise issue was based on the 2008 prediction of the 55dBALdn contour contained in page 68 of the application and also depicted in Appendix 2 as Figure 11. It is common ground that the contours were not prepared in accordance with the Standard. The 55dBALdn contour Urbanismplus relied on does not encroach onto the site.
59. Mr Bredemeijer also confirmed to the hearing panel:
- (a) SMUGS was not a quantitative study but a qualitative study;
 - (b) Weighted attributes were not applied to factors considered;
 - (c) There was not extensive consultation with Omaka Aerodrome stakeholders;
 - (d) Aural amenity should be a significant factor in the selection of residential growth areas.
60. Later, MDC commissioned a study by Opus as to the susceptibility of those pockets (identified in SMUGS as preferred growth locations) to liquefaction as a result of seismic shaking. The Opus report on that subject is entitled 'Blenheim Urba Growth Study Geotechnical Evaluation'. As a result of that analysis areas E1, E2 and SE were eliminated from MDC's Growth Strategy. Oddly, hazards were not a part of site selection in SMUGS.
61. We consider that SMUGS is a relevant study that we are entitled to take into account. Much of its analysis is based on sound urban design principles and its conclusions reinforce our view that in a number of key respects the site is suitable for residential development. We are also mindful of the limitations of SMUGS. These limitations arise from the more limited process that was undertaken than that which is provided in RMA Schedule 1. The Schedule 1 process provides for submissions from all interested parties and the consideration of detailed evidence on matters in contention. We consider that in this case SMUGS:

- (a) Was based on incorrect information as to the significance of the potential reverse sensitivity effects arising from the Omaka Aerodrome operations and failed, therefore, to appropriately weigh the significance of these matters in the conclusion that W2 was suitable for residential development;
 - (b) Did not sufficiently consider the natural and physical resources adjoining the site, particularly on the southern boundary and the importance of strategically planning for the entire locale not just the identified pocket. This is particularly revealed in the concept layouts produced in SMUGS which provide for extensive connections to land to the south without considering what the nature of that potential development might be and the extent to which interface issues must be managed (see, for example, Appendix 2, Figure 9).
62. So SMUGS was useful so far as it went and on its key methodological axis of sound urban design it was well conceived. It is not, however, a document which has conclusions we can or should 'rubber stamp'.

More detail on the Omaka Aerodrome: its existing and future operations

63. We heard from a number of witnesses representing interests associated with the Omaka Aerodrome. Interests associated with the Omaka Aerodrome include:
- (a) The Marlborough Aeroclub Incorporated (MAC);
 - (b) The Omaka Aviation Heritage Centre;
 - (c) Helicopter operators;
 - (d) Aviation support industries.
64. It is plain from the evidence the Omaka Aerodrome represents a dynamic cluster of aviation related activities and is committed to:
- (a) The development and training of Marlborough aviators;
 - (b) A place for the enjoyment of flying;
 - (c) Celebration and communication of the aviation story with a New Zealand flavour;

- (d) The maintenance and restoration of vintage aircraft;
 - (e) The centre of aviation related activities necessary to service Marlborough's industrial and rural economic base.
65. The significance of the Omaka Aerodrome to the future economic vitality of the Marlborough region should not be underestimated. Some of the evidence below is only a snapshot of a facility that is a source of considerable pride to the Marlborough region.
66. Mr Johns of MAC told us about the activities of MAC. MAC was formed in 1928 and is one of the first flying clubs in New Zealand. MAC has 320 members with two full time equivalent employees which are the chief flying instructor and club secretary. The Omaka Aerodrome is home to 80 commercial, agricultural and private aircraft including the five aircraft owned and operated by MAC.
67. MAC has been instrumental in working with MDC to ensure that the Omaka Aerodrome's operations are not constrained by reverse sensitivity effects. As part of that exercise MAC has urged MDC to obtain appropriate acoustic advice as to the realistic noise contours for the Omaka Aerodrome based on the Standard and having regard to projected growth.
68. In January 2012 the work of MDC culminated in the production of a report by Hegley Consultants that modelled the Air Noise Boundary and Outer Control Boundary in accordance with the Standard. The modelling was peer reviewed by MAC's consultants, Marshall Day Acoustics.
69. The Hegley report dated January 2012 notes in respect of aircraft movements that:
- The Standard requires assessment over the busiest three month period at some future design year. These future movements have been based on the existing aircraft movements at Omaka and expanding them out over a period of 20 years, which airfield management advises is the furthestest period that can reasonably be predicted.
70. Key assumptions of the prediction included an increase by 70% of fixed wing aircraft movements to 2028. Movements from the largest helicopter company are expected to increase by 300% while the two smaller companies will grow at a faster rate to be

the same size as Marlborough Helicopters by 2028. That represents a prediction over the busiest three month period for 2028 as follows:

Table 1. 2028 Daily Aircraft Movements

	Day Time Movements	Night Time Movements
Fixed Wing	166.9	1.9
Helicopter	60.0	4.7

71. The modelling did not include an assessment of frost fighting helicopter movements. Nevertheless, this impact was modelled separately to give an appreciation of the likely effects of that activity on adjoining land.¹¹
72. There are three existing helipads at Omaka. These relate to the three helicopter operators which are Precision Helicopters, Ridge Air and Marlborough Helicopters.
73. The following text from the Hegley report dated January 2012 is relevant to the flight paths that informed the noise modelling in the report:

3.5 Fixed Wing Aircraft Flight Tracks

Fixed wing aircraft departing from, or arriving at, any of the six runways can use a number of different tracks. The tracks can be described as circuit tracks for the single engine aircraft, a larger circuit for the twin engine aircraft, departures to/arrivals from the north, south, southwest and Wellington and the tracks and the glider tow planes. The exceptions are that there are no approaches on 19 and no twin engine circuits on either 07 or 25. The individual flight tracks are shown graphically in Appendix C.

The departure tracks are simple in that after takeoff, aircraft follow the circuit track until they attain a suitable heading at which point they depart the circuit track. The arrival tracks are more complicated in that aircraft first cross over the 'join point' from where they proceed to fly over the end of the runway they will be landing on before joining the circuit and landing.

¹¹ See Appendix 2, Figure 12.

While the flight tracks describe the path that the aircraft intend to take, it is usual for aircraft to deviate either side of that track with the amount being proportional to the distance from the end of the runway. INM models this 'dispersion' by distributing aircraft across the flight track with the majority being close to the centreline with reducing numbers towards the extremities of the track. Omaka Airfield advised on these extremities, which are shown as dotted lines on the Figures in Appendix C. In the case of some of the circuit tracks, the aircraft could not be dispersed to their full extent over the inside of the track as the resulting dispersed track length was too short for aircraft to complete the circuit. This has resulted in the asymmetrical dispersions for circuits on 07 and 25.

The tracks that aircraft follow on departing from each runway are given in Table 4 below.

Table 4. Track Usage by Fixed Wing Aircraft

Runway	Circuits	North	South	South West	Wellington	Gliders
Cessna 172 (Glider Tow)	0%	0%	0%	0%	0%	100%
Fletcher (Agricultural)	0%	33.3%	33.3%	33.3%	0%	0%
Remainder of Fixed Wing	70%	3%	7.5%	12%	7.5%	NA

74. Mr Orphan gave evidence as chairperson of the Classic Fighters Airshow. He is also a founding trustee of the Omaka Aviation Heritage Centre. He advised that the Omaka Aviation Heritage Centre has brought over 100,000 people to the region and was described by the Sydney Morning Herald as 'The World's Best Museum'. He described the significant growth in the activities at the Omaka Aerodrome to the point where it is an important aviation business hub. He emphasised that for it to continue and sustain the growth it is dependent on an operational airfield that is not constrained unduly by air noise concerns.
75. Mr McIntyre is a director of JEM Aviation Limited. JEM Aviation is an example of an aviation related business that is established as part of the Omaka Aerodrome Aviation business hub. JEM Aviation has invested heavily in hangarage, plant and equipment and is now looking after routine maintenance and rebuilding of around 40 aircraft. This number continues to grow. JEM Aviation commenced as a one man

band but over the past five years has progressively grown to include a staff of four full time engineers, one part time avionics engineer and one part time office administrator.

76. Mr Dodson is the managing director of Marlborough Helicopters Limited. He described the importance of the helicopter service to a wide range of activities within the Marlborough region. He also pointed out the unusual hours at which helicopters operated. Between October and May at least two helicopters depart Omaka at dawn to carry out application work. Before January this is as early as 5:15 – 5:30 am. Application work can also occur at weekends if there is good weather. Application is an entirely weather dependent activity. Mr Dodson also pointed out that in the last 12 years in Marlborough, his company has fought fires on Christmas eve, Christmas day, Boxing day, New Year's day and Easter. Typically the machines return to Omaka well after dark once the fires are extinguished. Two years ago Marlborough Helicopters Limited's helicopters returned to Omaka at 10:30 pm on Christmas eve. The following day a machine departed at 7:30 am.
77. Mr Dodson said that noise modelling to develop the noise footprint for Omaka did not make any allowance for changes in helicopter type. The tenor of his evidence was that a 'margin of safety' needed to be built into the planning of Omaka Aerodrome and its surrounding activities.
78. One of the noise consultants for MAC was Ms Smith of Marshall Day Acoustic Limited. She explained that the helicopter movements from the Omaka Aerodrome are not included in the revised noise contours in the Hegley report dated January 2012. That is because of the infrequent, irregular and uncontrollable nature of the activity. Helicopter noise was separately modelled to inform decision making on noise impacts. She pointed out that during a frost event helicopters from all over the country use Omaka Airfield as a staging post before frost hits and then for refuelling throughout the night. The frost fighting noise contour includes 300 helicopter movements in one night.¹² She opined that helicopter noise was particularly likely to evoke adverse reaction from residents if PPC59 was approved.

¹² See Ms Smith SOE, para 5.4.

79. The frost fighting contour (55 contour (helicopters)) is based on 55 dBLAeq(9)hour for projected helicopter movements during one night of frost fighting (10:00 pm – 7:00 am). The contour is shown in Appendix 2, Figure 12.

The Standard

80. The existence of residential activity next to aircrafts can result in reverse sensitivity effects. The Standard provides guidance to territorial authorities in implementing appropriate planning provisions for airports and heliports.
81. The Standard requires the prediction of noise contours for future aircraft operations. The Standard recommends a minimum projection of ten years and typically 20 – 30 year forecasts are provided for.¹³
82. The two key noise contours the Standard recommends is:
- (a) The Air Noise Boundary (ANB) defined by the 65 dBLdn contour;
 - (b) The Outer Control Boundary (OCB) which is defined by the 55 dBLdn contour.
83. The acousticians before the hearing panel (Mr Hegley, Ms Smith, Mr Day and Dr Trevathan) agreed that the Standard should be applied. What they disagreed about was what the Standard required in respect of new residential activity within an existing or modelled OCB. MAC's acousticians contended the Standard prohibited new residential development being provided for within the OCB. Dr Trevathan for the applicant contended that the Standard allowed for new residential activity within the OCB in appropriate circumstances. Mr Hegley said (in answer to questions from the hearing panel) avoidance of new residential activity in the OCB was to be preferred in his professional opinion without considering in depth the interpretation of the Standard. The interpretation question is dealt with in the section entitled 'Principal Issue Three: Reverse Sensitivity: Aircraft Noise'. This section of the decision simply records key components of the Standard.

¹³ See Smith SOE, para 2.4.

84. The Standard contemplates the application of its principles, requirements and methodology when territorial authorities undertake land use planning and airfield planning. As part of its district plan review the MDC would be required in accordance with the Standard to consider both the setting of contours in accordance with the Standard as well as any related land use planning issues. The establishment of contours in WARMP is not part of the purpose of this plan change but the location of them for the purposes of the Standard are identified in the Hegley report dated January 2012. It was agreed these contours should inform our assessment of the compatibility of new residential activity with Omaka Aerodrome applying the Standard. The conclusions of the Hegley report dated January 2012 are not challenged by any party. Dr Trevathan for CVL, at paragraph 4.15 of his statement of evidence in chief said:

I understand that the modelling of HAC has been peer reviewed by Marshall Day Acoustics (MDA) and that both the report author and peer reviewer are in general agreement with the result in contours. I am therefore confident the noise contours presented in the HAC report are an accurate portrayal of expected noise levels from aircraft movements based on the assumptions made.

[HAC refers to the Hegley report of January 2012]

85. The relevant provisions of the Standard are set out below:

1.1 Scope

1.1.1

This Standard is for use by territorial or regional government for the control of airport noise. It establishes maximum acceptable levels of aircraft noise exposure around airports for the protection of community health and amenity values whilst recognizing the need to operate an airport efficiently. The Standard provides a guide for territorial authorities wishing to include appropriate land use controls in their district plans, as provided for in the Resource Management Act 1991. In this Standard the words "Airport" and "Aerodrome" are synonymous.

1.1.3

The approach advocated is a recommendation for the implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports.

1.1.4

The Standard provides the minimum requirement needed to protect people from the adverse effects of airport noise. A local authority may determine that a higher level of protection is required in a particular locality, either through use of the Airnoise Boundary concept or any other control mechanism. Any proposal for a higher level of protection, to be included in a district plan, or rule in a plan, would be subject to the public consultation process, as well as the requirement to consider alternative methods of achieving the objectives of the local authority under the Resource Management Act 1991. However, if a higher level of protection is to be included in a district plan there shall be no deviation from standard aircraft operating procedures and there shall be no special flight procedures for noise abatement purposes to meet any unusual local situation. This Standard shall not be used as a mechanism for

downgrading existing or future noise controls designed to ensure a high standard of environmental health and amenity values.

1.4 Control boundaries

1.4.1 *The airnoise boundary*

1.4.1.1

The airnoise boundary defines an area around an airport within which the current or future daily amount of aircraft noise exposure will be sufficiently high as to require appropriate land use controls (table 1) or other measures to avoid, remedy or mitigate any adverse effect on the environment, including effects on community health and amenity values whilst recognizing the need to operate an airport efficiently.

1.4.2 *The outer control boundary*

1.4.2.1

The outer control boundary defines an area outside the airnoise boundary within which there shall be no new incompatible land uses (see table 2).

1.4.3 *Locating the airnoise boundary and the outer control boundary*

1.4.3.1

A projection should be made of future aircraft operations to determine the 10, 35, 100, 350 and 1000 Pa2s (or 55, 60, 65, 70 and 75 Ldn) sound exposure contours. It is recommended that a minimum of a 10 year period be used as the basis of the projected contours, and their location may be estimated for planning purposes using the FAA Integrated Noise Model or other appropriate models.

1.4.3.7

The local authority should consider whether those contours would be a reasonable basis for future land use planning taking into account:

- (a) The time frame of the projection;
- (b) The extent of non-compliance of existing land uses with table 1 ;
- (c) The impacts, including economic, social, health and safety of airport development on surrounding land use;
- (d) National, regional and local development, and national and international transportation requirements;
- (e) The effects of aircraft noise on the welfare, amenity values and health of any affected community;
- (f) The effect of the contours on existing aircraft operators' flexibility to meet the community's demand for services in a commercially and economically viable way;
- (g) New Zealand's obligations to international standards relating to aircraft noise emissions, and programmes to phase out noisier aircraft types;
- (h) The costs and benefits of land use controls, based on the airnoise boundary, compared to other options which would achieve the same objective of managing the adverse effects of airport noise

1.4.3.8

After considering the matters specified in 1.4.3.6 above, the local authority should incorporate into its district plan a map showing the projected sound exposure contours, or showing the contours in a position further from, or closer to the airport, if it considers it more reasonable to do so in the special circumstances of the case. An area shall be chosen to contain the 100 Pa2s (or 65 Ldn) contour. The perimeter of this area is the airnoise boundary. Similarly an area shall be chosen to contain the 10 Pa2s (or 55 Ldn) contour. The perimeter of this area is the outer control boundary. These boundaries should also be shown on the map.

1.4.3.11

Having completed the planning process the local authority shall take such steps as are necessary to give effect to the compatible land use criteria recommended in table 1 and table 2.

Table 2
RECOMMENDED NOISE CONTROL CRITERIA FOR LAND USE PLANNING INSIDE THE
OUTER CONTROL BOUNDARY BUT OUTSIDE THE AIR NOISE BOUNDARY

Sound exposure Pa ² s ⁽¹⁾	Recommended control measures	Day/night level Ldn ⁽²⁾
>10	<p>Now residential, schools, hospitals or other noise sensitive uses should be prohibited unless a district plan permits such uses, subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.</p> <p>Alterations or additions to existing residences or other noise sensitive uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment throughout the rest of the building.</p>	>55

Principal Issue 1: Sufficiency of information in urban design

86. Wither Hills Vineyards Marlborough Limited (Wither Hills) operates a winery and associated vineyard on 20 hectares of land at 210 New Renwick Road, Marlborough. Wither Hills also owns or leases 350 hectares of viticulture land in the Wairau Valley. It is a 10,000 tonne facility and consented to grow 15,000 tonne over the next three years. Wither Hills employs 54 permanent employees. Wither Hills opposed Plan Change 59 on the following grounds:
- (a) reverse sensitivity effects with other rural uses;
 - (b) loss of productive rural land;
 - (c) uncertainty concerning the design of the development and its appropriateness in the locale.
87. The last concern (the uncertainty concern) was described by the director of Wither Hills, Mr Matthews as the 'key' concern.¹⁴ The other concerns are, on our analysis, of limited significance in our evaluation. Wither Hills identified the general area as a 'flag ship' component of Marlborough's brand as a premiere wine growing district. For that reason appropriate urban design was essential. Wither Hills contended that there was insufficient information as to the design and configuration of the

¹⁴ Matthews SOE, para 3.8.

subdivision and the management of the interface with the rural zone. Wither Hills contended that that lack of information prevented them effectively participating in decision making on the sustainable management of natural and physical resources of their neighbourhood.

88. The general evidence by Mr Matthews for Wither Hills was supplemented by extensive legal submissions on behalf of Wither Hills by Ms Arthur-Young.
89. It was made plain that Wither Hills uncertainty concern was not a jurisdictional challenge. Wither Hills accepted that if the challenge was a jurisdictional one then that was a question going to the jurisdiction of MDC to accept the plan change and notify it. In such a case the proper forum for that challenge is the High Court by means of judicial review. Our delegated authority is limited to addressing the merits of the plan change on behalf of MDC in accordance with RMA Schedule 1. We agree with Wither Hills that the application was 'skinny' on information relating to the urban design elements. It did, however, incorporate by reference the SMUGS report. SMUGS was a more comprehensive urban design analysis of the merits of CVL's site. SMUGS, in combination with the application, identifies the key reasons why the site was selected on urban design grounds for urban growth. We agree with Wither Hills that the concept plan in the application was not sufficiently embedded (by means of rules and policies) to achieve the intended outcome. That does not mean, however, that the public did not have sufficient information as to the intended outcome. The application makes plain that the concept plan is the sort of outcome intended by the applicant. CVL did not materially resile from the broad concept in the various iterations of the plan change that it proposed. We therefore consider that the concerns of Wither Hills were overstated and that there was sufficient information having regard to the application and the documents incorporated by reference for Wither Hills to obtain expert advice and effectively participate in ensuring an urban design outcome (including management of interfaces) that would meet its concerns.
90. As outlined earlier in this decision, CVL has proposed a number of amendments to its plan change to ensure that the concept plan outcomes would be achieved in any subdivision application. We consider that the methods proposed would be effective in ensuring those outcomes were achieved CVL's final version in Appendix 5. The restricted discretionary classification for subdivision in combination with the policies

and concept plan provided a sufficient mechanism to provide a satisfactory outcome for the site if we concluded that the overall development was appropriate and the overall concept plan appropriate.

91. The application suffered from other limitations including:
- (a) The absence of any expert assessment of the strategic planning issues associated with adjoining land and their connection to the site;
 - (b) The absence of an independent acoustic analysis (beyond the noise assumptions contained in SMUGS) with a resulting failure to understand the true significance of the reverse sensitivity effects with the Omapa Aerodrome.
92. These deficiencies are best dealt with when considering principal issues 2 and 3.

Principal Issue 2: Absence of strategic planning

93. PPC 59 proposes a significant area of new growth on the periphery of Blenheim. This is not a case where a private plan change proposes a change of zoning for a relatively discrete pocket of land of limited spatial extent. PPC59 is therefore proposing changes of a scale that demand that its assessment take into account the wider strategic planning implications for adjoining land which are also physical resources to be sustainably managed. If the proposal was part of the review of the district plan that strategic planning would necessarily be part of the territorial authorities function as set out in RMA s. 31(1)(a). Private plan changes should be subject to the same considerations. There is no statutory basis for concluding that the private plan change mechanism was intended to produce less optimal outcomes than those that might be produced by a territorial authority when fulfilling its statutory functions. It is also important to remember that the community is investing in extending its infrastructure when significant greenfield areas are opened for development. The community has a legitimate expectation that it will maximise the efficiency and effectiveness of the use of those services having regard to its requirements for the social, cultural and economic wellbeing of the community.

94. To the south of the site is the Carlton Corlett land. The Carlton Corlett Trust that owns the land was not consulted in relation to SMUGS. SMUGS, however, did identify the possibility of further development on the Carlton Corlett land. See for example, Appendix 2, Figure 9.
95. Principal issue 2 was primarily advanced by the Carlton Corlett Trust. Mr Radich in his capacity as a trustee presented evidence on behalf of the trust. Mr Radich outline the trust's land holdings that include:
- (a) 10.48 hectares being Lot 3, DP 333071;
 - (b) 10 hectares being Lot 2, DP 333071;
 - (c) 7 hectares being Lot 1, DP 333071;
 - (d) 3 hectares being Lot 4, DP 333071.
96. The 10.48 hectares is immediately south of the site. The area of 7 hectares is land on which the Omaka Aviation Heritage Centre is established.
97. The arrangements between the Carlton Corlett Trust and the Aviation Heritage Centre are based on the following principles:
- (a) Long term and permanent future of the Omaka Aerodrome has to be secured;
 - (b) The interests of MAC and the Aviation Heritage Centre will be advanced if the trust was to make its land available for compatible activities such as light industrial, aircraft and vehicle servicing and manufacture, storage (including aircraft storage) and warehousing.
98. Therefore the Omaka Aerodrome and the Carlton Corlett Trust have reached a level of agreement about the best and most effective use of their resources. Presently these are not reflected in any specific planning provisions on the Carlton Corlett land because that is zoned rural under the operative WARMP. The Carlton Corlett Trust will, however, explore changes to the planning regime applying to its land as part of the review of WARMP.
99. Mr Radich essentially made two points:

- (a) The Carlton Corlett Trust wishes to see the site's future determined not now but in the context of MDC's review of the plan to avoid a situation where the aspirations of CVL's neighbours are unfairly thwarted;
 - (b) Ensuring, as part of the review of the district plan, that integrated planning is undertaken rather than decision making based on isolated applications.
100. As a secondary position and to protect the Trust's long term aspirations Mr Radich indicated that the Carlton Corlett Trust sought a interface buffer zone of 20 metres in width and a vegetative barrier along the southern boundary.
101. Mr Radich expressed the view that diversity of economic activity is important and the area has strategic value for providing light industrial and aviation related activities.
102. We accept the proposition advanced by the Carlton Corlett Trust that a rezoning of the magnitude proposed by PPC59 raises wider strategic planning issues as it proposes directing urban development into a significant newer node with potential implications for the effective and efficient use of adjoining land. The strategic planning question is therefore:
- (a) What is the sustainable outcome for the locale not just the site;
 - (b) How is that best achieved through plan provisions.
103. In taking this approach we accept the proposition that in our evaluation of the merits of the plan change it is not sufficient for CVL to say that the application is limited to changing the methods applying to its site and as it is not proposing a wider strategic planning of the locale therefore the wider strategic planning issues are irrelevant. We did not understand CVL to contend otherwise.

Principal Issue 3: Reverse sensitivity: Aircraft noise

104. A leading case on reverse sensitivity is *Winstone Aggregates v Matamata-Piako District Council*.¹⁵ In that decision the Environment Court discussed the meaning of reverse sensitivity in the following passage:

¹⁵ (2004) 11 ELRNZ 48.

[2] How all these industries can, in resource management terms, co-
 15 exist with other activities is the common thread through these references.
 Sustainable co-existence is important because, inevitably, industries of these
 kinds and scales may produce effects on their surrounding environments, or
 at least people believe they do. In turn, reactions to those effects, or
 20 perceived effects, by way of complaints or actions in nuisance can give rise
 to pressures on the industries that can stifle their growth or, in an extreme
 case, drive them elsewhere. That stifling, or that loss, may be locally,
 regionally or even nationally significant. If an industry or activity likely to
 emit adverse effects seeks to come into a sensitive environment, the
 25 problem should be manageable by designing appropriate standards and
 conditions, or by refusing consent altogether. It is when sensitive activities
 [usually, but not always, residential activities] seek to establish within range
 of a lawfully established effect emitting industry or activity that
 management may become difficult. This is the concept known as *reverse*
 30 *sensitivity*. A very helpful definition of the concept is given in an article by
 Bruce Tardy and Janine Kerr: *Reverse Sensitivity -- the Common Law*
Giveth and the RMA Taketh Away:

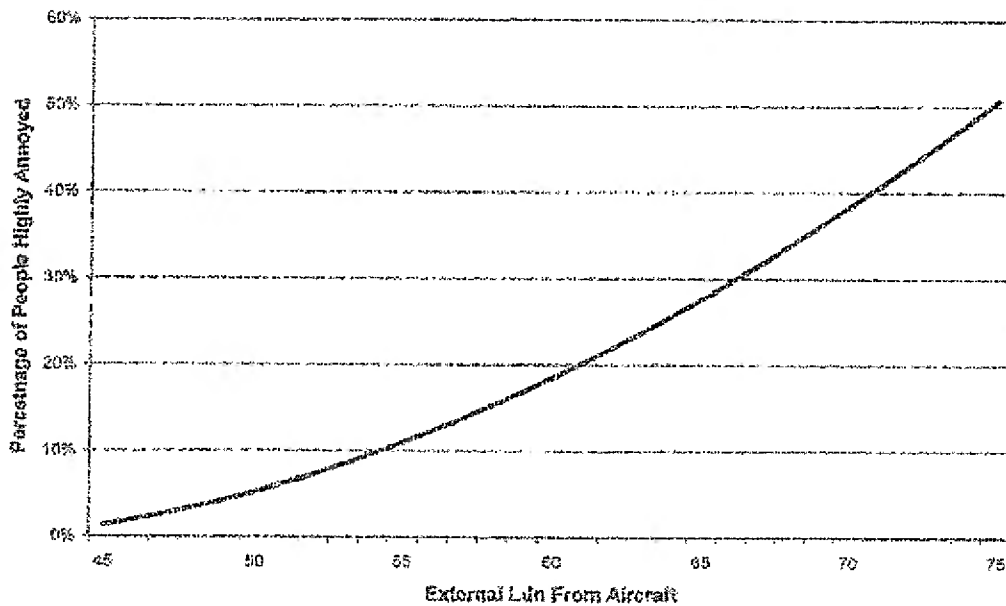
*Reverse sensitivity is the legal vulnerability of an established
 activity to complaint from a new land use. It arises when an
 established use is causing adverse environmental impact to nearby
 35 land, and a new, benign activity is proposed for the land. The*
"sensitivity" is this: if the new use is permitted, the established use
may be required to restrict its operations or mitigate its effects so
as not to adversely affect the new activity.

105. In managing reverse sensitivity effects arising from aircraft noise all the acousticians
 that gave evidence before us agreed that the Standard should be applied.
106. For the purposes of our analysis we obtained from MDC's GIS unit a plan that
 subdivided the site into two areas called areas 'A' and 'B' based on which parts of the
 site, more or less, fell within the 55 contour (fixed wing) or outside it. This was
 based on a straight line even though the 55 contour (fixed wing) was not a straight
 line. Area A is 96,870 m² and Area B is 117,105 m². These areas are shown in
 Appendix 2, Figure 15.
107. Neither CVL nor MAC subdivided the site in this way in putting their proposals for the
 appropriate outcome. Mr Day (who replaced Ms Smith at the resumed hearing) did
 agree with Dr Trevethan that the 55 contour (fixed wing) did not represent a sudden
 change in acoustic environment depending on whether one was inside the line or
 outside the line. Mr Day, however, acknowledged that it is necessary to draw a line

somewhere and that the 55 contour (fixed wing) is an appropriate line to draw. At paragraph 8.2 of his statement of evidence Mr Day said:

8.2 I should take this opportunity to clarify the issue of the area between the 53 dB and 55 dB contours. Most of my comments in this evidence relate to noise levels of greater than 55 dB Ldn and this is the level normally used for the Outer Control Boundary at most airports (other than Christchurch and Masterton). As Dr Trevathan has pointed out, the effects do not suddenly stop at 'lines on a page' - the effects gradually reduce. At 55 dB Ldn 11% of the population are expected to be Highly Annoyed and at 53 dB Ldn 9%. Thus my comments on adverse effects can also generally be related to residential activity between 53 and 55 dB, but comments relating to the Standard would normally relate to 55 dB Ldn - you have to draw the line somewhere. If the application were altered to propose residential development only up to 55 dB Ldn then my approach would be potentially different. [emphasis added]

108. Given that all acousticians agree that we should apply the Standard it seems plain that the reverse sensitivity effect should only provide a basis for declining the plan change by reason for reverse sensitivity for that part of the site inside the 55 contour (fixed wing) ie Area B. We use the subdivision between Area A and Area B as a useful basis for our analysis recognising the difference between land inside the 55 contour (fixed wing) and that outside does not represent a sudden change in the projected noise environment.
109. The Standard is based on international research in relation to the impacts of aircraft noise on sensitive activities such as residential use. It is unnecessary for us to consider in great detail the evidence behind the Standard given the common position expressed by the acousticians.
110. Ms Smith pointed out that individual responses to aircraft noise vary greatly. International studies have attempted to determine that response and that research has informed the Standard. A number of researchers were of the opinion (according to Ms Smith) that people respond differently to aircraft noise than other noise and consequently specific aircraft noise relationships have been developed. The most recent relationship was defined in 2001 by Miedema and Oudshoorn. That relationship is shown in the following diagram.



111. Ms Smith used the relationship in the figure above to quantify potential annoyance. Her assessment was based on the site accommodating 300 dwellings and the occupancy rate being 2.54 people per household giving a total of approximately 720 residents. The future outdoor noise exposure for the site in its entirety would range from 53 to 59 dBLdn which corresponds to 9% - 70% of people being highly annoyed. That would equate to approximately 86 people highly annoyed within the site.¹⁶
112. Annoyance is also exacerbated by vibration. Vibration from aircraft causing building elements to rattle has been suggested to have an effect equivalent to a ten decibel increase in Ldn.¹⁷ Ms Smith said that from her experience with Hamilton and Kapiti Coast airports (that involved commercial aviation but are primarily general aviation airports) residents tend to identify general aviation or helicopter noise as the main cause of annoyance and these activities produce strong reactions.¹⁸

¹⁶ See Smith SOE, para 7.3.

¹⁷ Schomer, Paul D (2002) "On Normalising DNL to Provide Better Correlation with Response", Sound and Vibration December 2002 14-23.

¹⁸ See Smith SOE, para 7.9.

113. Ms Smith referred to airport examples in New Zealand where she says conditions of reverse sensitivity exist arising from airport noise that demonstrate the desirability of avoiding residential activity in the OCB. Dr Trevathan, however, also refers to other examples which he says demonstrate that residential activity is allowed inside the OCB and that demonstrate that mitigation through soundproofing is a sufficient mitigation. We consider most of these examples are very specific to their historical circumstances and their application of the Standard depends on the subsisting plan provisions at the time noise contours are established. There is no doubt that if there are existing plan provisions that allow for residential activity within the OCB but outside the ABN then the Standard may provide for mitigation as an option. The issue before us, however, is different. It is whether new residential activities should be provided for outside the ABN but inside the OCB on land currently zoned rural. What the Standard directs as an appropriate outcome is highly significant in such a circumstance.
114. In approaching the question of the interpretation Standard, we use the usual methodology which is to consider the plain and ordinary meaning of the words used in light of their context and purpose.
115. On the interpretation question Ms Smith and Mr Day share a common view. That view is that the Standard correctly identifies new residential activities as *noise sensitive uses*.¹⁹ The plain meaning of Standard, including clauses 1.1.4, 1.1.5 and 1.4.2.1 and 1.4.3.11 is that new residential activities should be prohibited from land within the OCB. Dr Trevathan on the other hand relies on interpretation of the words in Table 2 of the Standard where it says:
- New residential, schools, hospitals or other noise sensitive uses should be prohibited unless a district plan permits such uses subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.
[emphasis added]
116. Dr Trevathan says that these words suggest that a district plan may permit new residential development within the OCB provided appropriate acoustic insulation is incorporated in any development.

¹⁹ See Table 2 of the Standard.

117. The qualifying words commencing with the word *unless* in Table 2 must have some meaning.
118. There appears to be two alternatives we should consider viable:
- (a) That the qualification after the word *unless* only applies if the District Plan presently permits residential activity within the OCB. In such a case the Standard does not consider that the existing 'development rights' attaching to the land should be withdrawn on acoustic grounds alone. In such a case mitigation will be a sufficient response; *or*
 - (b) That the qualification after *unless* applies to both existing and new district plan provisions where new residential activity is proposed subject to appropriate acoustic insulation.
119. We prefer the first interpretation. Our reasons are as follows:
- (a) The words *unless a District Plan permits* is in the present tense;
 - (b) Given the express preference for prohibition and the intent of the Standard that it provide clear guidance on management of incompatible land uses one would expect clear language (not hidden in a table) that new development could be provided for in a district plan within the OCB by means of rezoning;
 - (c) The other interpretation would do the very thing that clause 1.1.4 says we must not do which is use the Standard as a mechanism *for downgrading existing or future noise controls designed to ensure a high standard of environmental health and amenity values*;
 - (d) The interpretation we prefer is more consistent with the clauses in the Standard including clauses 1.1.4, 1.1.5 and 1.4.3.11;
 - (e) The interpretation we prefer reconciles well with clause 1.4.2.1 that reads:

The outer control boundary defines an area outside the inwards boundary within which there shall be no new incompatible land uses (see Table 2).
120. In view of our determination on the interpretation question we do not need to consider the further issue of whether or not CVL proposed sufficient mitigation. Had we had to determine that issue we would have decided:

- (a) That full noise insulation (not just of bedrooms) was required;
- (b) That insulation would have been inadequate mitigation because it did not allow for natural airflow from open windows which is an adverse amenity effect;
- (c) Noise insulation within the building fabric does not address wider amenity concerns;
- (d) We do not support the use of no complaint methods in this context as an adequate mitigation method to achieve the social wellbeing of the community which is a key component of sustainability.

Overall assessment and conclusion

121. We assess Areas A and B separately.
122. We consider that Area B should not be rezoned to accommodate new residential development. Sufficient reasons for that conclusion are:
- (a) The Standard directs that new residential activity should not be located in the OCB;
 - (b) The reverse sensitivity effects on the Omaka Aerodrome from new residential development will be serious and potentially imperil the present and future operations of the Omaka Aerodrome not least by demand by residents to limit aviation related activities;
 - (c) New residential development will not achieve the settled WARMP goals as expressed in the following provisions:
 - (i) Section 11.2.1, Objective 1:
Section 12.7.2, Objective 1. Section 11.2.2, Objective 2.
 - (ii) Section 22.3, Policy 1.1
Section 23.4.1, Policy 23.4.1 and Section 12.7.2, Policies 1.2 & 1.3.
 - (d) By reason of (a) – (c) above MDC is not assisted by PPC 59 in carrying out its functions under RMA s. 31(1)(a) and PPC 59 does not achieve the overarching purpose of the RMA of sustainable management.
123. Our assessment of Area A represented more of a challenge. It lies outside the OCB. It is generally suitable for residential development. It could conceivably

accommodate 170 lots if the average lot size is 400 m² or 113 lots if the average lot size is 600 m². That is a worthwhile contribution to the future demand for residential development in the Blenheim.²⁰

124. The difficulties are:

- (a) The total urban design concept presented by CVL is based on the whole site being developed for new residential use;
- (b) There was no urban design assessment of the appropriateness of development on Area A alone;
- (c) There is no concept plan for Area A alone that can be used in order to ensure an appropriate planning outcome is achieved;
- (d) It is unclear how the balance of the site (Area B) will be utilised in the long term. Conceivably it can be used for other purposes such as industrial development. An integrated solution will need to be carefully thought through and more detailed analysis undertaken.

125. On balance we consider that the risk of approving new residential development on Area A by rezoning presents an unacceptable risk of poor strategic planning and lack of integrated development. A comprehensive strategic planning exercise is part of MDC's workstream in the review of WARMP and there is no pressing need for new residential land.

126. Our conclusion therefore is that the application should in its entirety be declined.

127. Our decision on submissions is in Appendix 8.



John Maassen (Chairperson)

Date: 31 July 2012

²⁰ The calculation is based on an area of 96,870 m² and an allowance of 30% for the provision of roads and services.

Appendix 1

	Time	Submitter	Presenter
Wednesday	11:00:00 AM	Chairman's Introductions/House Keeping	Mark Davis, Johnathon Bushell, Ron Sutherland, Jeremy Trevathan, David Sissons, Dave Petrie, Tony Quickfall, Murray Hunt
Wednesday	11:10:00 AM	Applicant - Colonial Vineyards Limited	
Thursday	9:00:00 AM	John Sinclair	
Thursday	9:10:00 AM	Marlborough Car Club	Barry Voss
Thursday	9:20:00 AM	Sounds Air Travel & Tourism Ltd	Andrew Crawford
Thursday	9:50:00 AM	Antique Aero Engineering, Sounds Aero Maintenance & Jennifer Lowe	Craig Anderson
Thursday	10:00:00 AM	Veronica May	Edward Chapman-Cohen
Thursday	10:10:00 AM	Veronica May	Edward Chapman-Cohen
Thursday	10:20:00 AM	Graham Orphan	
Thursday	10:30:00 AM	Break	
Thursday	10:40:00 AM	Urbanism +	Wayne Bredemeijer
Thursday	10:50:00 AM	Urbanism +	
Thursday	11:00:00 AM	Urbanism +	
Thursday	11:10:00 AM	Hegley Acoustics	Rhys Hegley
Thursday	11:20:00 AM	Hegley Acoustics	
Thursday	11:30:00 AM	Hegley Acoustics	
Thursday	11:40:00 AM	Marinus Wagenvoort	
Thursday	11:50:00 AM	Marinus Wagenvoort	
Thursday	12:00:00 PM	New Zealand Aviation Museum Trust	Brian Greenall
Thursday	12:10:00 PM	New Zealand Aviation Museum Trust	Brian Greenall
Thursday	12:20:00 PM	Grosvenor Jones	
Thursday	12:30:00 PM	Lunch	
Thursday	12:40:00 PM	Lunch	
Thursday	12:50:00 PM	Lunch	
Thursday	1:00:00 PM	Lunch	
Thursday	1:10:00 PM	Lunch	
Thursday	1:20:00 PM	Lunch	
Thursday	1:30:00 PM	Marlborough Helicopters	Owen Dodson
Thursday	1:40:00 PM	Carlton Corlett Trust	Peter Radich
Thursday	1:50:00 PM		
Thursday	2:00:00 PM	Site Visit	
Friday	9:00:00 AM	Marlborough Aero Club	Quentin Davies
Friday	11:30:00 PM	Marlborough Aero Club	
	11:30:00 AM	Wither Hills Marlborough Limited Marlborough District Council	Allison Arthur-Young Paul Whyte

	Time	Submitter	Presenter
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Thursday	9:20:00 AM	Sounds Air Travel & Tourism Ltd Antique Aero Engineering, Sounds Aero	Andrew Crawford
Thursday	9:50:00 AM	Maintenance & Jennifer Lowe	Craig Anderson
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	11:30:00 AM	Wither Hills Marlborough Limited Marlborough District Council	Allison Arthur-Young Paul Whyte

Appendix 2



Figure 1



Figure 2

<p>TRAFFIC ENGINEERING AND PLANNING</p>	PD BOX 1583, NELSON 7040 03 549 4256 WWW.VIASTRADA.CO.NZ	COLONIAL VINEYARDS		Sheet No.	SCALE (A4) 1: 5000
		ZONE PLAN		02d	
COPYRIGHT © VIASTRADA				Job No.	Date
				12096	09.2011
				Drawn by:	R Houghton

Figure 3

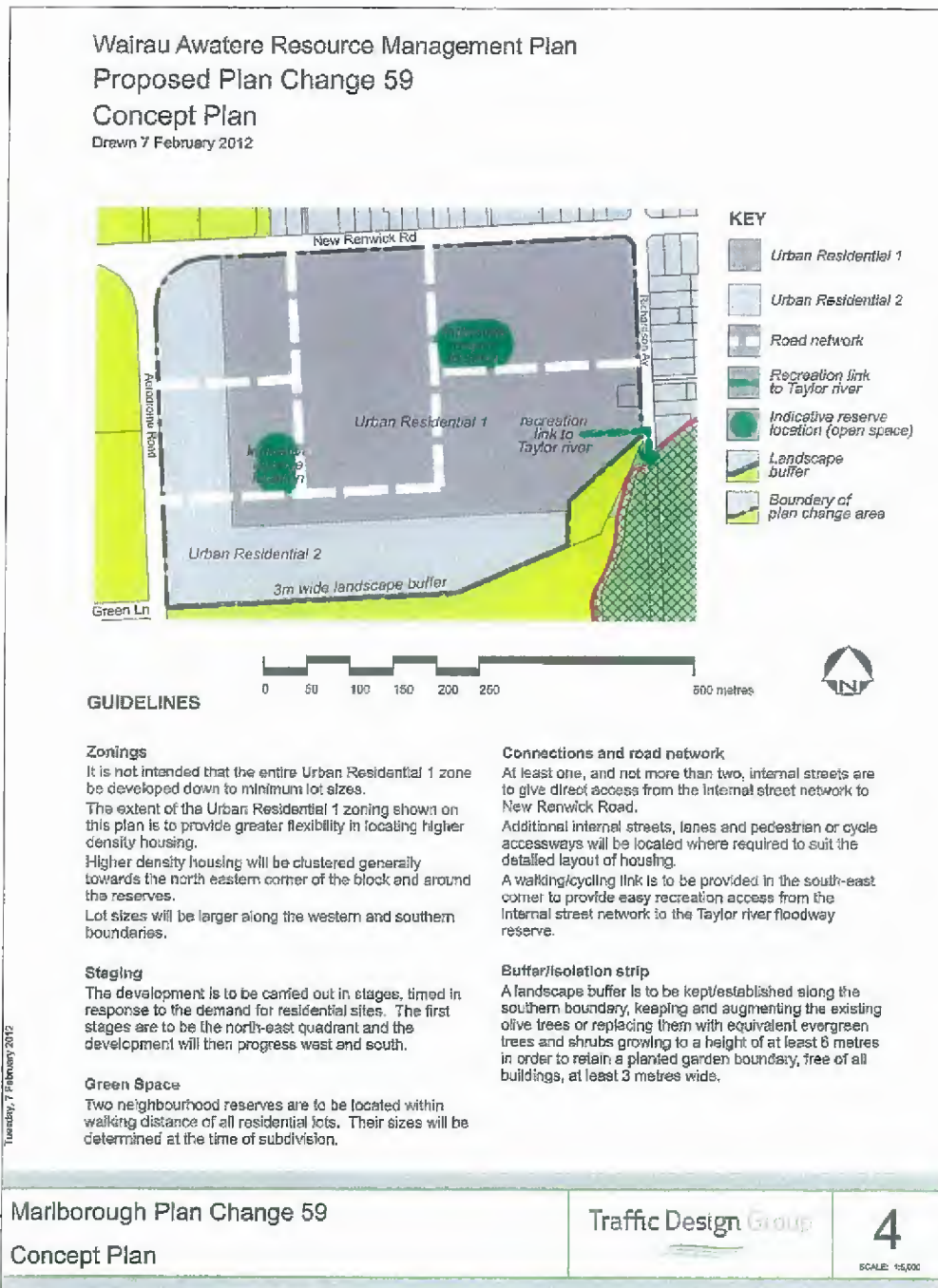
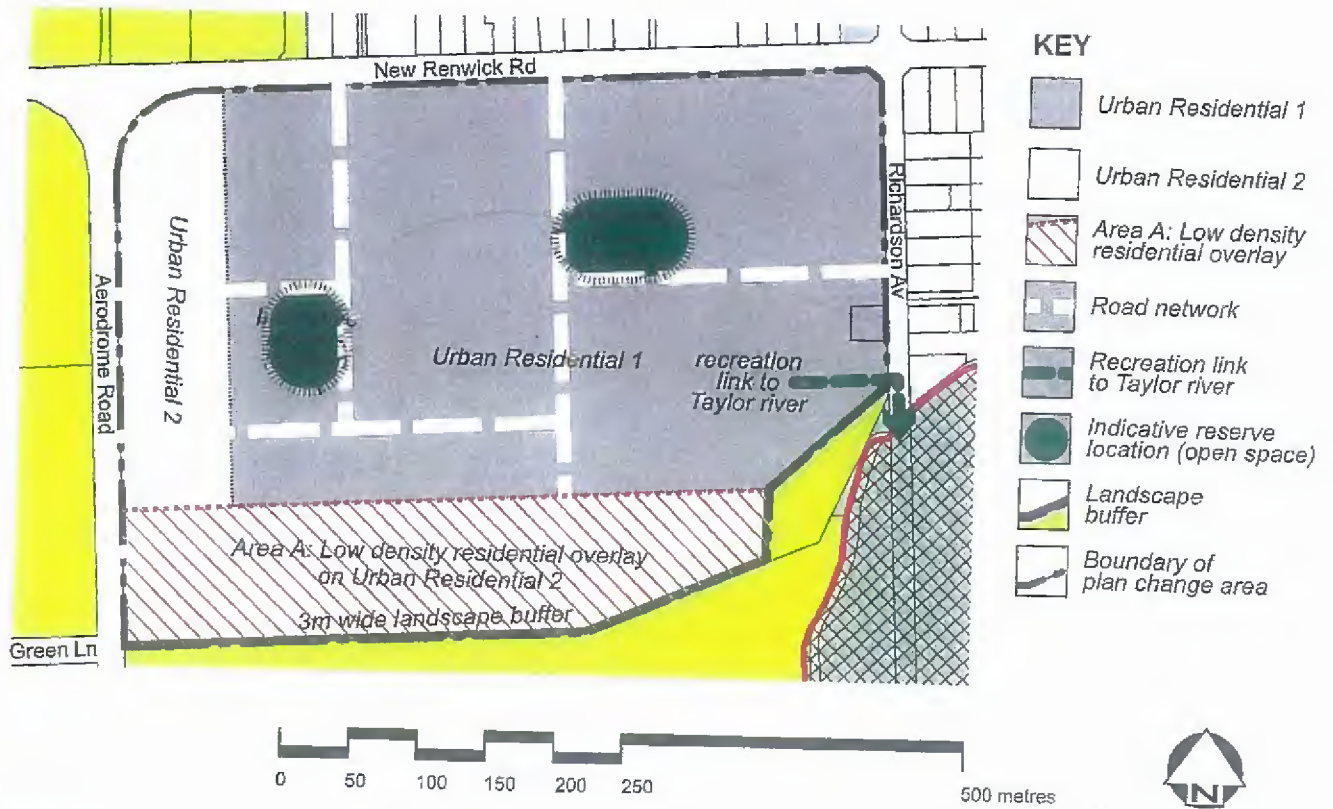


Figure 4

Wairau Awatere Resource Management Plan
 Proposed Plan Change 59
 Concept Plan

Revised 23 February 2012



NOTES

Lot sizes in Area A are larger (2,000 sq m on the southern boundary and 800 sq m minimum on the balance of Area A) to establish a lower density buffer between Omaka Aerodrome and standard residential densities

Additional internal roads, lanes and pedestrian or cycle access ways will be located where required to suit the detailed layout of housing

Figure 1: Application Site

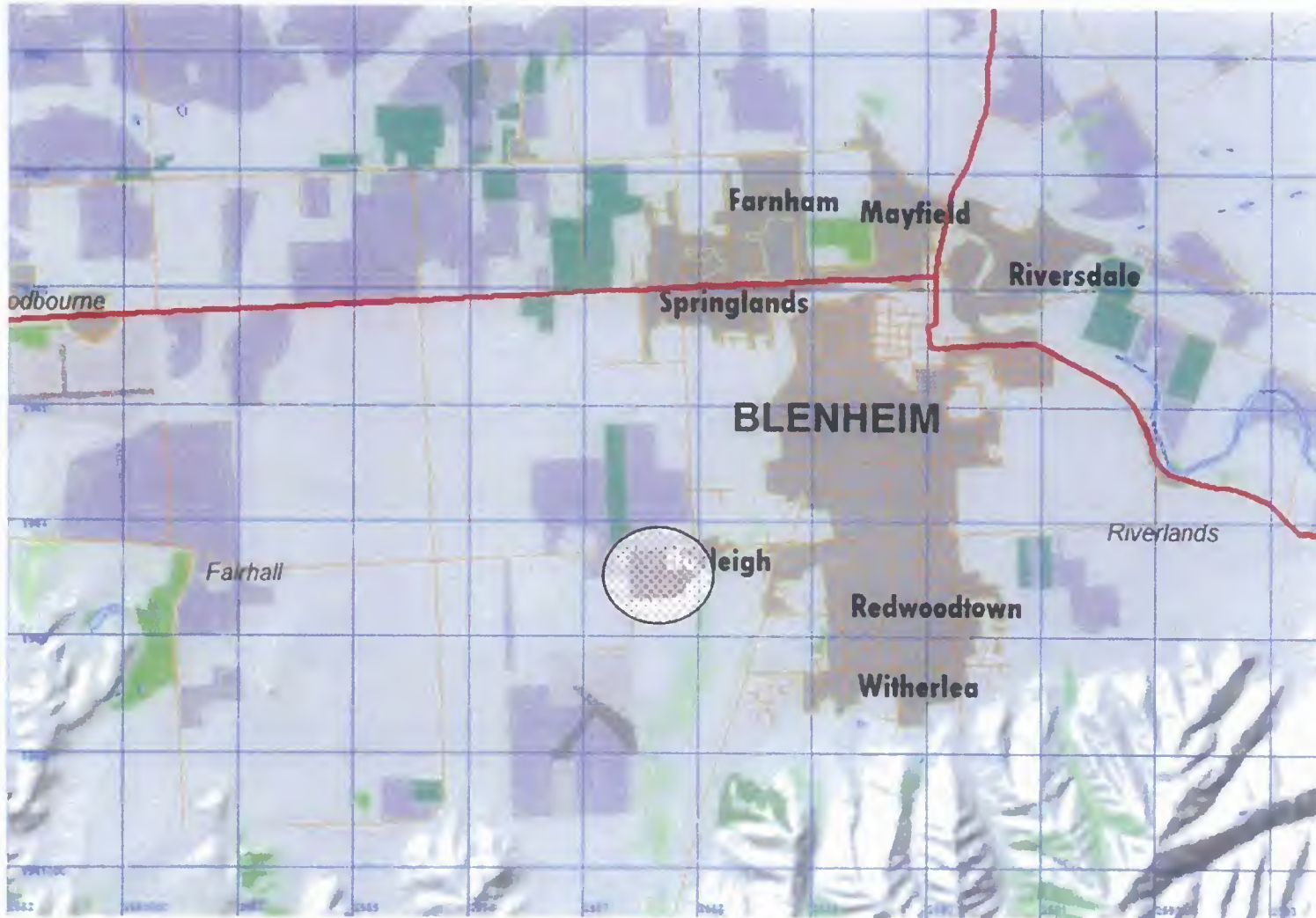
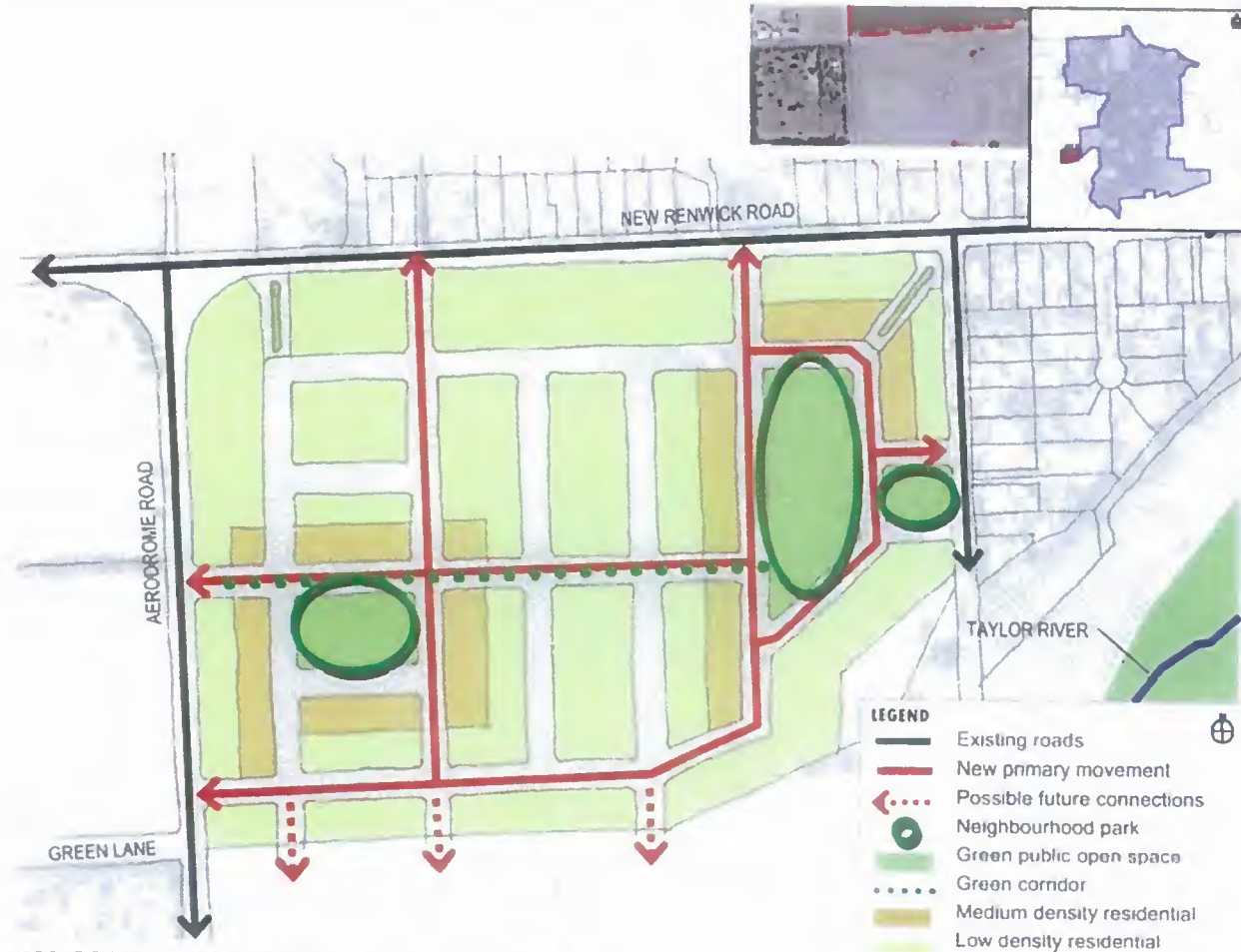


Figure 5

The plan change seeks to implement the Southern Marlborough Urban Growth and Development Strategy ("the Growth Strategy"). The plan change largely adopts the principles underlying the

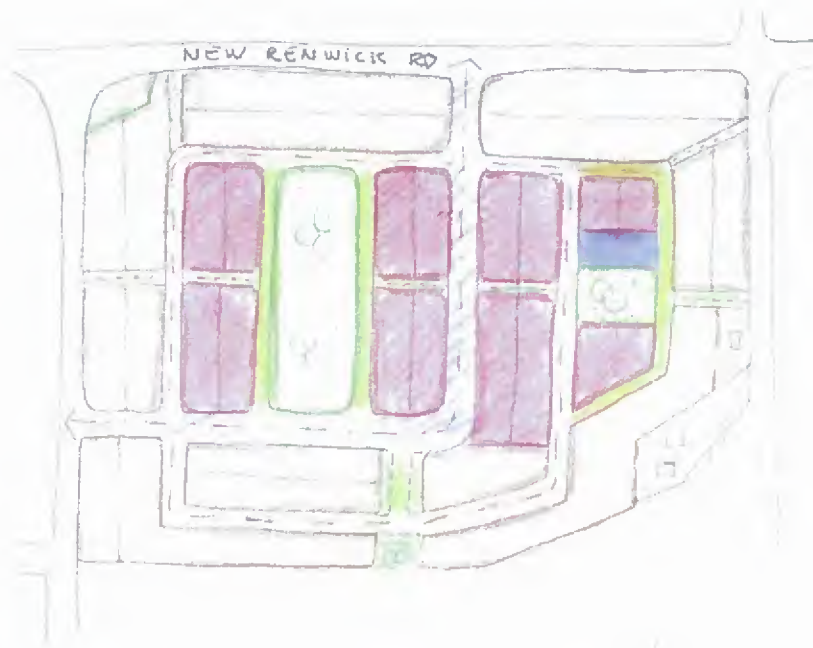
Figure 2a: Growth Strategy Concept Layout (Produced by Urbanismplus. Reproduced with permission form Urbanismplus and Marlborough District Council)



ABOVE FIG. 6-32: Indicative layout for growth pocket W2 (not to scale)

Figure 7

Figure 2c: Revised Development Concept Layout Option 1










- | | |
|---|--|
|  MIXED RES. 2-ZONE |  LOCAL COMMERCIAL |
|  URBAN RES. 1-ZONE |  RESIDENTIAL STR. |
|  LOCAL COMMERCIAL |  GREEN CORRIDOR (MIDDLE GREENSPACE) |
|  MIDDLE GREENSPACE | |

Figure 2d: Revised Development Concept Layout Option 2

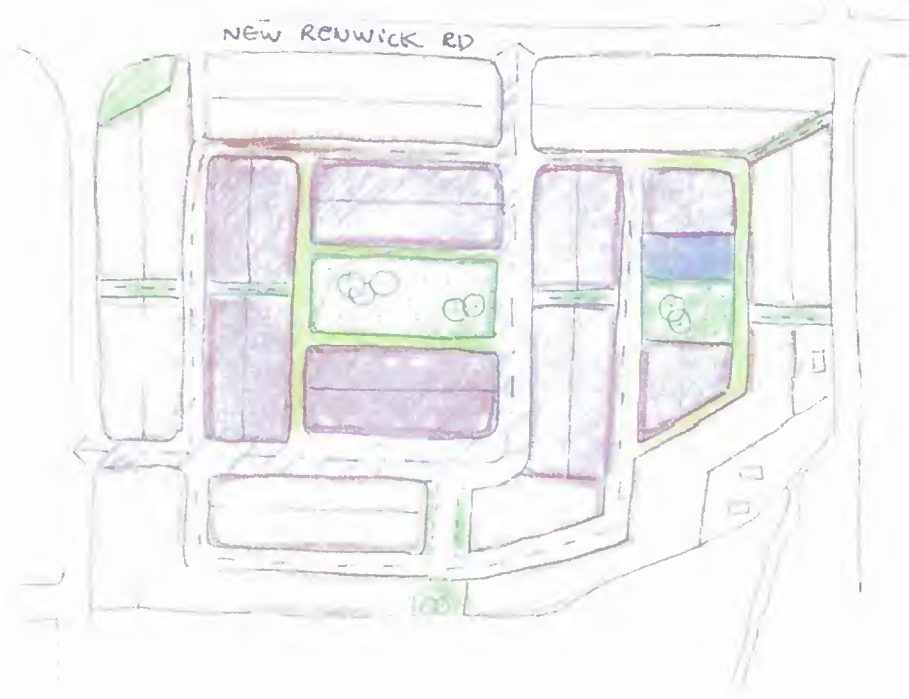


Figure 8

ARTIST IMPRESSION OF POSSIBLE DEVELOPMENT ON THE COLONIAL VINEYARD SOUTH OF NEW RENWICK ROAD AND BETWEEN RICHARDSON AVENUE AND AERODROME ROAD

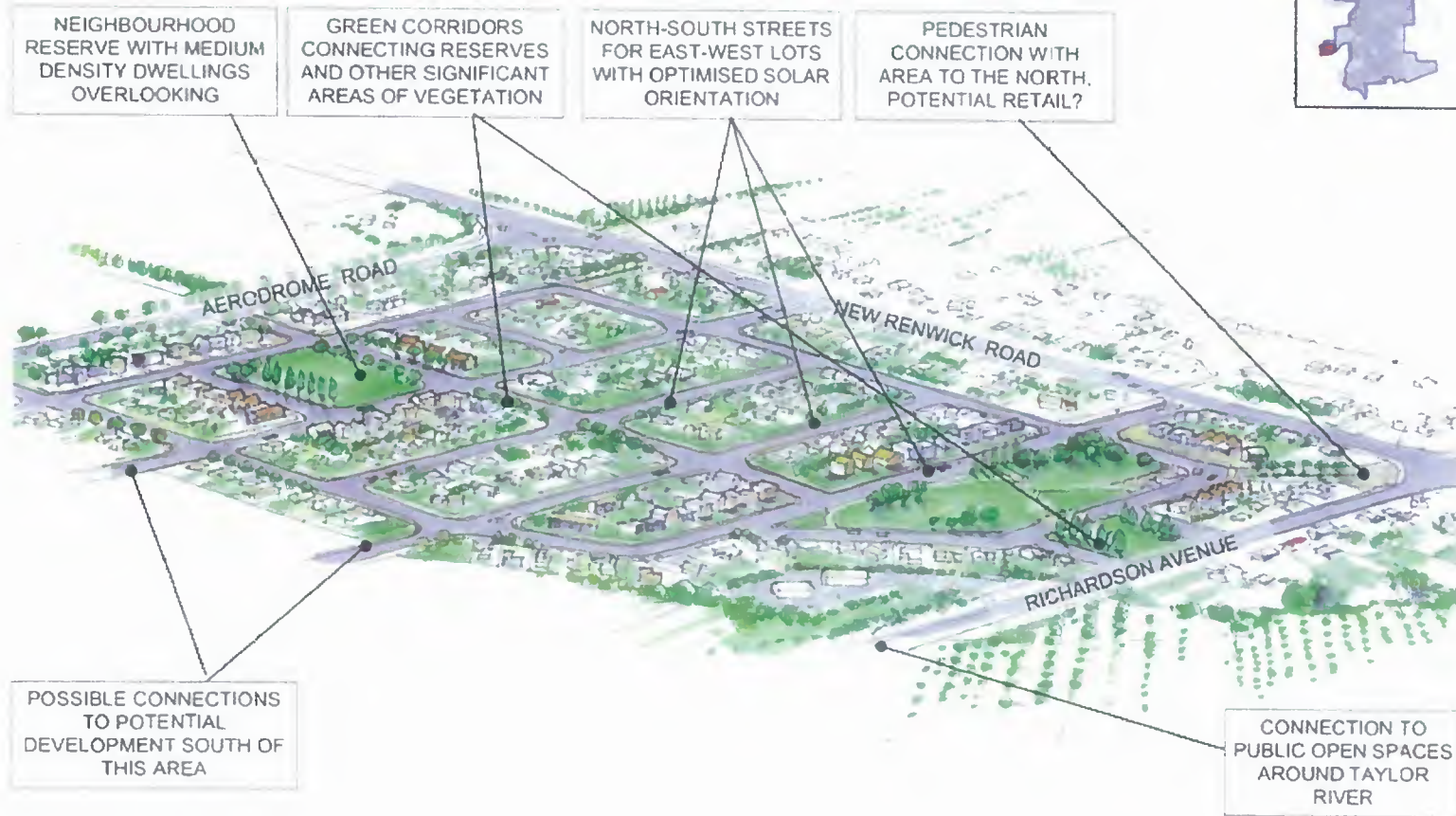


Figure 9

Figure 10



FIGURE 3: Growth pockets and their sizes considered at the Inquiry-by-Design

OMAKA AIRFIELD NOISE CONTOURS AND AREA W2



Figure 11



Figure 12



Figure 13

Figure 14



Wairau Awatere Resource Management Plan

Proposed Plan Change 59

Annexure to David Sissons evidence

Locations of views to the southern boundary

Drawn 7 February 2012

Figure 15



Appendix 3

APPENDIX 1 PROPOSED AMENDMENTS

This plan change seeks the following amendments to the WARMP.

All proposed changes are shown with deletions shown as a ~~strike through~~, and new text additions shown as underlined.

Colonial Vineyard Plan Change -- Make the Following Changes to the Wairau Awatere Resource Management Plan

Volume 1 Objectives and Policies

Chapter 11 Urban Environments

11.2.2 Objectives and policies

Objective 1 The maintenance and creation of residential environments which provide for the existing and future needs of the community.

Policy 1.3 Maintain higher density residential use close to open spaces and within the inner residential sector of Blenheim located within easy walking distance to the west and sought for the Central Business Zone.

The objectives and policies recognise...

...The north western ~~and south western peripheries~~ has ~~have~~ been identified as the areas most capable of accommodating future growth of Blenheim, ~~and existing transitional plans have been changed accordingly.~~ ...

11.2.3 Methods of Implementation

Zoning...

Schedule Sites...

Rules

Plan rules permit residential activity within the Urban Residential 1, Urban Residential 2 and Township Residential Zones subject to performance standards being met. Site specific rules also apply to sites identified in Appendix G.

Chapter 19 Land Transport

19.3

Objectives and Policies

Policy 1.7

Require all new roads...and enable safety and efficiency of vehicle movement including:

- Urban...
- Rural...
- Public roads have sufficient width to provide, where appropriate vehicle carriageways capable of carrying two lanes of moving traffic (except for very short local roads where traffic volumes are insufficient to warrant two lanes and except for low speed residential lanes);
- Public facilities including pedestrian footpaths (on one or both sides of the road except for low-speed residential lanes) as appropriate in urban situations;...

These policies recognise...

As a matter of public safety and convenience all new roads, except those which are very short no-exit roads or are low-speed residential lanes, should be capable...

19.7 Objectives and policies

Policy 1.8

require new urban subdivisions...

- Footpaths or access ways...
- Provision for...
- Pedestrian access...
- Pedestrian footpaths in urban areas:
 - Adjacent to be separated from vehicle carriageways and private property (except for low-speed residential lanes) by appropriate safety structures...

4.8 Methods of Implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards Provision will be made for subdivision and development to be designed in accordance with recognised Subdivisions Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

Chapter 23 Subdivision and Development

23.5.1 Objectives and Policies

Policy 1.17 Where indicative layouts for roads have been provided, ensure that the roading proposed at the time of subdivision and development is:

- (a) Compatible with the Council's roading hierarchy or alternative design standards approved by Council;
- (b) Reflects the density of development; and
- (c) Connects to the existing roading network and contains internal connections to the extent that is practicable.
- (d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

Policy 1.18 Where indicative locations for open space have been provided, ensure that the open space proposed at the time of subdivision and development:

- (a) Reflects the density of development;
- (b) Is of sufficient area to provide for the amenity needs of those living and/or utilising the development;
- (c) Is accessible (with the degree of accessibility increasing with increasing density of development);
- (d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

4.9 Methods of Implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards Provision will be made for subdivision and development to be designed in accordance with recognised Subdivisions Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

Appendix G Register of Specifically Identified Activities

11. Colonial Vineyard, Corner of New Renwick Road and Aerodrome Road, Lot 2 DP 350626

11.1 On this site, the rules and standards of the underlying zone shall apply except as follows:

11.1.1 Roading

Roading within the site shall meet either the standards in table 29.2.8.1, or shall be designed in accordance with the roading standards in New Zealand Standard NZS 4404:2010.

11.1.2 Building Acoustic Insulation

- i) All buildings shall be designed and constructed to achieve or exceed the Indoor Design Sound Levels set out in Appendix M.
- ii) Any building which does not achieve the standards in Appendix M is a discretionary activity.

Note: The roading and open space shown on the planning maps is indicative only and may vary at the time of subdivision.

Volume 3: Planning Maps

Amend Planning Maps 155; 164 as shown overleaf to rezone Colonial Vineyard to:

- a. Urban Residential 1
- b. Urban Residential 2

Chapter 29 Standard requirements for Subdivision and Development

29.2.8.1 Roads and Access

29.2.8.1 Compliance with Roading Hierarchy

All proposed new roads shall connect with and be compatible with the Council's roading hierarchy (refer Table 29.2.8.1). The classification, width and pavement structure are included in that Table. An exemption from compliance with table 29.2.8.1 will apply where provided for in Appendix G.

Appendix 4

APPENDIX 1 PROPOSED AMENDMENTS

All originally proposed changes are shown with deletions shown as a ~~strikerough~~, and new text additions shown as underlined.

Amendments in response to submissions are shown as highlighted

Volume 1 Objectives and Policies

Chapter 11 Urban Environments

11.2.2 Objectives and policies

Objective 1 The maintenance and creation of residential environments which provide for the existing and future needs of the community.

Policy 1.3 Maintain higher density residential use close to open spaces and within the inner residential sector of Blenheim located within easy walking distance to the west and sought for the Central Business Zone.

<p>Comment: The s42A planning report recommends inclusion of "and/or". I do not consider this necessary.</p>

The objectives and policies recognise...

...The north western and south western peripheryies ~~has~~ have been identified as the areas most capable of accommodating future growth of Blenheim, ~~and existing transitional plans have been changed accordingly.~~ ...

11.2.3 Methods of Implementation

Zoning...

Schedule Sites...

Rules Plan rules permit residential activity within the Urban Residential 1, Urban Residential 2 and Township Residential Zones subject to performance standards being met. Site specific rules also apply to sites identified in Appendix G.

Chapter 19 Land Transport

19.3 Objectives and Policies

- Policy 1.7 Require all new roads...and enable safety and efficiency of vehicle movement including:
- Urban...
 - Rural...
 - Public roads have sufficient width to provide, where appropriate vehicle carriageways capable of carrying two lanes of moving traffic (except for very short local roads where traffic volumes are insufficient to warrant two lanes and except for low speed residential lanes);
 - Public facilities including pedestrian footpaths (on one or both sides of the road except for low-speed residential lanes) as appropriate in urban situations;...

These policies recognise...

As a matter of public safety and convenience all new roads, except those which are very short no-exit roads or are low-speed residential lanes, should be capable...

19.7 Objectives and policies

- Policy 1.8 require new urban subdivisions...
- Footpaths or access ways...
 - Provision for...
 - Pedestrian access...
 - Pedestrian footpaths in urban areas:
 - Adjacent to be separated from vehicle carriageways and private property (except for low-speed residential lanes) by appropriate safety structures...

19.8 Methods of implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards Provision will be made for subdivision and development to be designed in accordance with recognised Subdivisions Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

Chapter 22 Noise

22.3 Objectives and Policies

New Policy 1.6 Require appropriate consent conditions and legal instruments for any new subdivision at Colonial Vineyard (refer Schedule G) to ensure that aircraft events and associated ground activities can continue to operate from Omaka Aerodrome and to avoid any reverse sensitivity effects on Omaka Aerodrome and its operators.

Residential areas have noise levels...

Commercial and industrial...

Transport corridors...

Notwithstanding existing use...

Rural areas...

Although there is a duty...as a result of primary production activities in the rural environment.

An exception has been made to allow aircraft and associated noise from Omaka Airfield to encroach into the Colonial Vineyard Residential Zone (refer Schedule G). This is achieved by way of consent conditions and legal instruments on titles. Omaka is of significant economic and historical importance to the region and it is essential to provide for its continued operation.

22.4 Methods of Implementation

Rules...

Guidelines...

Resource consents - Impose appropriate conditions and legal instruments on subdivision consents and residential development to ensure continued operation of lawfully established activities which emit noise.

Enforcement...

Chapter 23 Subdivision and Development

23.5.1 Objectives and Policies

Policy 1.187 Where indicative layouts for roads have been provided, ensure that the roading proposed at the time of subdivision and development is:

(a) Compatible with the Council's roading hierarchy or alternative design standards approved by Council;

(b) Reflects the density of development; and

(c) Connects to the existing roading network and contains internal connections to the extent that is practicable.

(d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

Policy 1.198 Where indicative locations for open space have been provided, ensure that the open space proposed at the time of subdivision and development:

(a) Reflects the density of development;

(b) Is of sufficient area to provide for the amenity needs of those living and/or utilising the development;

(c) Is accessible (with the degree of accessibility increasing with increasing density of development).

(d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

23.6 Methods of Implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards . Provision will be made for subdivision and development to be designed in accordance with recognised Subdivisions Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

Chapter 29 Standard requirements for Subdivision and Development

29.2.8.1 Roads and Access

29.2.8.1 Compliance with Roading Hierarchy

All proposed new roads shall connect with and be compatible with the Council's roading hierarchy (refer Table 29.2.8.1). The classification, width and pavement structure are included in that Table. An exemption from compliance with table 29.2.8.1 will apply where provided for in Appendix G.

Appendix G Register of Specifically Identified Activities

11. Colonial Vineyard, Corner of New Renwick Road and Aerodrome Road, Lot 2 DP 350626 and Lot 1 DP 11019

11.1 On this site, the rules and standards of the underlying zone shall apply except as follows:

11.1.1 Roading

Roading within the site shall meet either the standards in table 29.2.8.1, or shall be designed in accordance with the roading standards in New Zealand Standard NZS 4404:2010 (or any subsequent amendment or replacement to that standard):

11.1.2 Building Acoustic Insulation

- i) All buildings shall be designed and constructed to achieve or exceed the Indoor Design Sound Levels set out in Appendix M. In achieving the Appendix M internal levels, habitable building design for acoustic insulation shall assume an external sound level of 59dBA Ldn incident on all buildings on the site.
- ii) Any building which does not achieve the standards in 11.1.2(i) Appendix M is a discretionary activity.

Note: The roading and open space shown on the planning maps is indicative only and may vary at the time of subdivision.

11.1.3 Southern boundary – restricted activities

- i) No building may be located within a setback of 3 metres from the Southern Boundary of Colonial Vineyard for the full length of the boundary with Lot 2 DP 440543 (certificate of title 547489).

11.1.4 Subdivision

Requirements

- i) Subdivision to create any new lot adjoining Lot 2 DP 440543 (certificate of title 547489) shall include a legal instrument requiring the planting of a landscape strip, minimum 3 metres wide and with a minimum planted height of 6 metres, along the full length of the boundary with Lot 2 DP 440543. This shall make provision for maintenance and upkeep of landscaping.
- ii) Subdivision to create any new lot adjoining Lot 2 DP 440543 (certificate of title 547489) shall include a legal instrument requiring fences on the boundary of Lot 2 DP 440543 (certificate of title 547489) which exceed 1.2 metres in height to retain 80% permeability above 1.2m.

iii) All subdivision shall include a noise emanations easement (or other legal instrument as appropriate) to be registered on each title which includes the following provisions:

- a. A provision which authorises the emission of noise over the title from any of the following:
 - aviation activities, aviation events, and associated ground operations at Omaka Aerodrome;
 - activities and events at the Omaka Aviation Heritage Centre;
 - any lawfully established rural activities;
 - any lawfully established activities of the Marlborough Car Club.
- b. A provision which authorises activities described above to be carried out without interference or restraint (subject to any applicable resource consent or plan rules).
- c. A provision restricting the owners or occupiers from making, lodging, being party to, financing or contributing to the cost of any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the activities listed in (ii)(a).

Additional Matter of Control

iv) In addition to the matters of control for controlled activity subdivisions listed in Chapter 28 (rule 28.2.5) the following matters of control shall apply:

- a. Consent conditions and the securing of any necessary covenants or other instruments to require visual screening (and maintenance) with a minimum depth of 3 metres for the full length of Lot 2 DP 440543 (certificate of title 547489).
- b. Consent conditions and the securing of any necessary covenants or other instruments to require fences on the boundary of Lot 2 DP 440543 (certificate of title 547489) which exceed 1.2 metres in height to retain 80% permeability above 1.2m.
- c. Consent conditions and the securing of any necessary covenants or other instruments to protect the continued operation of Omaka Aerodrome, the Aviation Heritage Museum, and any lawfully permitted activities.
- d. Any provision for reflecting the nearby aviation activities in the design and features of the subdivision (e.g. proposed street names, public art, information panels).

Additional Limits of Discretion

- y) In addition to the limits of Council's discretion listed in rule 28.3.4, Council's discretion shall include the following additional limits:
- a. Any reverse sensitive effects on the continued operation of Omapa Aerodrome, the Aviation Heritage Museum, and any lawfully permitted activities;
 - b. Consent conditions and the securing of any necessary covenants or other instruments to require visual screening (and maintenance) with a minimum depth of 3 metres for the full length of Lot 2 DP 440543 (certificate of title 547489);
 - c. Consent conditions and the securing of any necessary covenants or other instruments to require fences on the boundary of Lot 2 DP 440543 (certificate of title 547489) which exceed 1.2 metres in height to retain 80% permeability above 1.2m.

11.1.5 Any activity which does not comply with rules 11.1.3, 11.1.4(i), 11.1.4(ii) or 11.1.4(iii) is a discretionary activity.

11.1.6 Concept Plan

- i) Development of the site shall be in general accordance with the Appendix C concept plan.
- ii) Any development that is not in general accordance with the Concept plan is a restricted discretionary activity. Matters of discretion are restricted to the following:
 - a. Reasonable provision for roading, walking and cycling connections both within and through the site;
 - b. Any effect on the function and efficiency of connections including roading and cycleway/walkway connections;
 - c. Reasonable provision for open space;
 - d. Ability for offset in reserve fund contributions where the land area or value of open space/reserves provided exceeds the reserve land area or the reserve fund value required under the Plan;
 - e. Any benefits or improvements arising from the proposed design over the Concept plan;
 - f. Any urban design principles which justify a departure from the Concept plan.

Add in Concept plan to Appendix C

Volume 3: Planning Maps

Amend Proposed Planning Maps 155; 164 as shown separately

Appendix 5

APPENDIX 1 PROPOSED AMENDMENTS

As notified changes

All originally proposed changes as notified are shown with deletions shown as a strikethrough, and new text additions shown as underlined.

Amendments in response to submissions and hearing

Amendments in response to submissions and the hearing are combined and shown as highlighted, with deletions shown as a highlighted ~~strikethrough~~, and new text additions shown as highlighted underlined.

SCOPE OF AMENDMENTS

By way of summary, the proposed amendments include the following. Changes since notification refine the plan change in accordance with relief sought by submitters and in response to the hearing including specific requests from the chairman / commissioners.

a. Urban design

- Minor changes to urban design objective and policy section. Refer:
 - 11.2.2 policy 1.3 (addition of word "or");
 - explanation statement (replacement from notified explanation statement);
 - changes to methods (as notified).
- Changes to the district-wide roading objectives and policies to allow greater flexibility for road design to include low speed lanes (changed from "residential" lanes to "suburban" lanes) and the application of the latest NZ standard for subdivision and development (NZA4404:2010). See policy 1.7 and 1.8; and methods of implementation.
- New (as notified) district-wide policy 1.18 and 1.19 (renumbered) which provide for consideration of urban design when assessing road and open space layout.
- Change (as notified) to roading hierarchy compliance to provide an exception for Appendix G (Colonial site).

b. Noise policy

- New noise policy (policy 1.6), new explanation and new methods (amendments following submissions and hearing) which provides for and recognises Omaka Airfield.

c. New Subdivision and Development Objectives and Policies Section (new section 23.6 in response to the hearing including urban design policies)

- Specifically relates to the Colonial site
- Introduces a new urban design objective and new policies relating to urban design (invited / requested by the Chairman)
- Introduces a new set of urban design guidelines to guide development at Colonial

- Introduces a new objective and policy specifically recognising the importance of Omaka and the implementation of acoustic insulation
- d. New rule (following hearing) linking Appendix G (colonial vineyard schedule) with chapter 28 subdivision rules
 - Refer 28.3.1.
- e. Establishment of a new Schedule (Schedule G) specifically relating to the Colonial site.
 - This new appendix formed part of the changes as notified. However, the appendix has been reformatted following discussion during the hearing to better align with the existing plan format for schedule appendices to ensure consistent formatting. The reformatting has not introduced any new changes beyond the scope of the plan change as notified or submissions.
 - Applies the same rules for activities within the Colonial Urban Residential zoning as other Urban Residential Zones with the following exceptions:
 - Schedule G Roads
 - May be designed in accordance with NZS4404:2010 – “or subsequent amendments” has been added, see 11.2.1.1.
 - Schedule G Noise mitigation
 - Habitable buildings must have acoustic insulation (as notified, with minor formatting changes).
 - New addition (post notification) of mechanical ventilation for any dwellings within 50m of the southern boundary (11.2.1.2(ii)).
 - New addition of “habitable” buildings.
 - Schedule G Screening (added following submissions and hearing)
 - Requirement for a southern boundary setback (11.23.1.3)
 - Schedule G Subdivision (rule 11.4.2 – new as a result of submissions and hearing)
 - All subdivision is limited (restricted) discretionary
 - Subdivision is not notified and notice not served
 - Subdivision conditions require screening on the southern boundary; fence heights; and legal instruments to avoid & mitigate reverse sensitivity complaints against noise from Omaka
 - Establishment of three tiers of density to reduce the potential for complaints closest to the Omaka boundary:
 - + very low density (2000m² minimum) on the southern boundary;
 - + low density (800m² minimum) on the balance area within 100m of the southern boundary;
 - + standard density (as per the existing subdivision minimums) on the rest of the site.
 - Additional limits of discretion
 - Reference to new concept plan (rule 11.4.3)

Plan Change 59 Colonial Vineyard – Schedule of Changes

- Additional Schedule G non-complying activities (as a result of submissions and hearing)
 - Any subdivision below minimum lot sizes in the low density area is non-complying
 - Second dwelling on any site in the low density area is non-complying
- f. New concept plan (following submissions and hearing)
 - Establishment of a new concept plan with development to be in general accordance with the concept layout (Appendix G rule 11.4.3)
 - Identifies road layout
 - Identifies open spaces general location
 - Identifies low density (Area A)
 - Minor reduction in the area of the Urban Residential 1 Zone (southern boundary as notified has been moved north estimated 3 metres to establish and align with new low density "Area A")

Tony Quickfall

Volume 1 Objectives and Policies

Chapter 11 Urban Environments

11.2.2 Objectives and policies

Objective 1 The maintenance and creation of residential environments which provide for the existing and future needs of the community.

Policy 1.3 Maintain higher density residential use close to open spaces and / or within the inner residential sector of Blenheim located within easy walking distance to the west and sought for the Central Business Zone.

The objectives and policies recognise...

...The north western periphery...

~~*The south-western periphery (Burleigh) has also been zoned to provide for residential growth with particular emphasis on urban design and acoustic insulation.*~~

11.2.3 Methods of implementation

Zoning...

Schedule Sites...

Rules Plan rules permit residential activity within the Urban Residential 1, Urban Residential 2 and Township Residential Zones subject to performance standards being met. Site specific rules also apply to sites identified in Appendix G.

Chapter 19 Land Transport

19.3 Objectives and Policies

- Policy 1.7 Require all new roads...and enable safety and efficiency of vehicle movement including:
- Urban...
 - Rural...
 - Public roads have sufficient width to provide, where appropriate vehicle carriageways capable of carrying two lanes of moving traffic (except for very short local roads where traffic volumes are insufficient to warrant two lanes and except for low speed suburban residential lanes (such as those referenced in NZS 4404: 2010 – Land Development and Subdivision Infrastructure);
 - Public facilities including pedestrian footpaths (on one or both sides of the road except for low speed suburban residential lanes (such as those referenced in NZS 4404: 2010 – Land Development and Subdivision Infrastructure) as appropriate in urban situations).

These policies recognise...

As a matter of public safety and convenience all new roads, except those which are very short no-exit roads or are low-speed suburban residential lanes, should be capable...

19.7 Objectives and policies

- Policy 1.8 Require new urban subdivisions...
- Footpaths or access ways...
 - Provision for...
 - Pedestrian access...
 - Pedestrian footpaths in urban areas:
 - Adjacent to but separated from vehicle carriageways and private property (except for low-speed suburban residential lanes such as those referenced in NZS 4404: 2010 – Land Development and Subdivision Infrastructure) by appropriate safety structures...

19.8 Methods of Implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards Provision will be made for subdivision and development to be designed in accordance

Plan Change 59 Colonial Vineyard – Schedule of Changes

with recognised Subdivision Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

Chapter 22 Noise

22.3 Objectives and Policies

New Policy 1.6: Recognise, provide for and protect the on-going operation and strategic importance of Omaka Airfield and the related aviation cluster by requiring appropriate consent conditions and legal instruments for any new subdivision at Colonial Vineyard (refer Schedule G) to mitigate any reverse sensitivity effects on Omaka Aerodrome and its operators.

Residential areas have noise levels...

Although there is a duty... as a result of primary production activities in the rural environment.

Provision is made for development of the Colonial Vineyard Site (refer Schedule G) not to impinge on Omaka Airfield, in recognition of Omaka having economic and historical importance to the region.

22.4 Methods of implementation

Rules...

Guidelines...

Resource consents: Impose appropriate conditions and legal instruments on subdivision consents and residential development to recognise and provide for the continued operation of lawfully established activities.

Enforcement...

Chapter 23 Subdivision and Development

23.5.1 Objectives and Policies

Policy 1.1~~82~~ Where indicative layouts for roads have been provided, ensure that the roading proposed at the time of subdivision and development is:

- (a) Compatible with the Council's roading hierarchy or alternative design standards approved by Council;
- (b) Reflects the density of development; and
- (c) Connects to the existing roading network and contains internal connections to the extent that is practicable.
- (d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

Policy 1.1~~83~~ Where indicative locations for open space ~~are shown~~ have been provided, ensure that the open space proposed at the time of subdivision and development:

- (a) Reflects the density of development;
- (b) Is of sufficient area to provide for the amenity needs of those living and/or utilising the development;
- (c) Is accessible (with the degree of accessibility increasing with increasing density of development).
- (d) Does not result in a subdivision layout that would cause poor amenity outcomes for individual properties, particularly in terms of property orientation (for solar access or relative to any road or other residential property) and shape.

NEW SECTION

23.6 Issue

Colonial Vineyard is an area zoned for residential development (refer Appendix G). Residential development within the site recognises Omaka Aerodrome and related activities (the Omaka Aviation Cluster) and ensures that reverse sensitivity arising from complaints about noise does not arise.

The Aerodrome and surrounds is Zoned Airport, and a range of aviation activities are permitted. Development of the Colonial site is to be undertaken in a way which provides for the on-going operation of the Aviation Cluster.

It is important that development of the Colonial site follows best practice urban design. This site presents an opportunity to establish an enduring residential community of high quality. Specific standards and a concept layout plan are incorporated within Appendix G.

Appendix G, together with the following Objectives and Policies, will ensure the development of Colonial Vineyard follows best practice urban design and provides for the ability for Omaka to operate into the future.

23.6.1 Objectives and Policies

Objective 1: To recognise, provide for and protect the Omaka aerodrome and aviation cluster (activities related to the aerodrome).

Policy 1.1: Mitigate any reverse sensitivity effects on Omaka Airfield by:

- a. requiring appropriate consent conditions and legal instruments for any new subdivision at Colonial Vineyard (refer Schedule G)
- b. providing for appropriate densities and appropriate acoustic building design

Policy 1.2: Provide for aviation related themes (such as the development name and street names) within the design and establishment of the Colonial Vineyard residential area.

Policy 1.3: Require that the proximity of Omaka as an historic aerodrome of regional significance is promoted prominently to prospective residents, to ensure that potential buyers are fully aware of the proximity of Colonial Vineyard to an operational aerodrome and related activities.

Omaka Aerodrome is recognised as a facility of historic and regional importance. These policies provide for the continuation of Omaka and its related activities, with minimal risk of any reverse sensitivity effects.

Objective 2: To ensure that Colonial Vineyard is developed following best practice urban design principles

Policy 2.1: The detailed design of the subdivision and development of the Colonial block satisfies best practice urban design principles.

Comment [T1]: Deleted – may be misread as limited to these matters

Policy 2.2: The subdivision design meets the following design guidelines:

- a. It is not intended that the entire Urban Residential 1 zone be developed down to minimum lot sizes. The extent of the Urban Residential 1 zoning shown on the Appendix C (Chapter 11) Concept Plan is to provide greater flexibility in locating higher density housing.
- b. Higher density housing will be clustered generally towards the north eastern corner of the block and around the reserves.
- c. Lot sizes will be larger along and near the western and southern boundaries.
- d. The development is to be carried out in stages, timed in response to the demand for residential sites. The first stages are to be the north-east quadrant and the development will then progress west and south.
- e. At least one, and not more than two, internal roads are to give direct access from the internal road network to New Renwick Road.
- f. At least three internal roads are to give direct access from the internal road network to Airedrome Road.
- g. Walking linkages are to be provided to give access to New Renwick Road.
- h. Additional internal roads, lanes and pedestrian-cycle accessways will be located where required to suit the detailed layout of housing, including provision for pedestrian-cycle connections at appropriate points. A pedestrian-cycle link is to be provided in the south-east corner to provide easy/recreation access from the internal road network to the Taylor River/boodway reserve.
- i. The internal road network is to provide easy connections throughout the block and to discourage excessive vehicle speeds. Each stage is to include provision of connections to future stages to ensure that the final road network functions seamlessly.
- j. Two neighbourhood reserves are to be located within walking distance of all residential lots. Their sizes will be determined at the time of subdivision.
- k. Each reserve is to be bounded by roads on at least two sides of its perimeter.
- l. Seek to optimise solar access to main living room windows or main private open spaces throughout the block.

m. A landscape buffer is to be kept and/or established along the southern boundary, keeping and augmenting the existing olive trees, or replacing them, with equivalent evergreen trees and shrubs, growing to a height of at least 6 metres in order to retain a planted garden boundary, free of all buildings, at least 3 metres wide.

Urban development is trending towards achieving higher levels of urban amenity by following accepted urban design principles. Traditional subdivision (e.g. involving limited connections) has tended to result in poor urban amenity, higher reliance on motor vehicles and a lower quality streetscape. Urban design is a method for promoting not only good visual and amenity outcomes but good social outcomes through encouraging walking and creating a greater sense of community. Currently the Plan has no specific urban design principles. Colonial Vineyard (rezoned via a private plan change) provides the first opportunity to incorporate specific urban design principles into the Plan. The intention is to provide specific design guidelines which will result in a high level of urban amenity and a pleasant living environment.

23.6 23.7 Methods of Implementation

Rules...

Annual Plan...

Code of Practice...

Subdivision Standards

Provision will be made for subdivision and development to be designed in accordance with recognised Subdivision Standards (such as NZS4404:2010) where meeting such standards meets or exceeds the anticipated environmental results.

23.7 23.8 Anticipated Environmental results

Implementation...

- Avoidance of subdivision...

• High standard of urban amenity achieved in Colonial Vineyard...

Chapter 29 Subdivision

28.3 Discretionary Subdivision Activities

28.3.1 Generally subdivision in these zones is a Discretionary Activity if the proposal meets all of the specified standards ~~except that it is a limited (restricted) discretionary activity if it meets the limited discretionary standards in Appendix G (chapter 11).~~

Chapter 29 Standard requirements for Subdivision and Development

29.2.8.1 Roads and Access

29.2.8.1 Compliance with Roading Hierarchy

All proposed new roads shall connect with and be compatible with the Council's roading hierarchy (refer Table 29.2.8.1). The classification, width and pavement structure are included in that Table. An exception from compliance with table 29.2.8.1 will apply where provided for in Appendix G (chapter 11).

Appendix G (chapter 11) Register of Specifically Identified Activities

11. Colonial Vineyard, Corner of New Renwick Road and Aerodrome Road, Lot 2 DP 350626 and Lot 1 DP 11019

Comment [R2]: This section has been reformatted to fit within the existing Plan format

11.1. Application of this Schedule

This schedule applies to sites on maps 155 and 164 (Colonial Vineyard) as identified above.

11.2. Permitted activities

Any Permitted Activity in the Urban Residential Zone is a permitted activity Colonial Vineyard site, except as specified otherwise in Schedule G.

11.2.1 Conditions for Permitted Activities

11.2.1.1 Roading

Roading within the site shall meet either the standards in table 29.2.8.1, or shall be designed in accordance with the roading standards in New Zealand Standard NZS 4404:2010 (or any subsequent amendment or replacement to that standard).

11.2.1.2 Building Acoustic Insulation

- i) All habitable buildings shall be designed and constructed to achieve the Indoor Design Sound Levels set out in Appendix M assuming an external sound level of 59dBA Ldn.
- ii) All habitable buildings within 50 metres of the southern boundary (boundary with Lot 2 DP 440543/certificate of title 547489) shall include mechanical ventilation adequate to ensure compliance with the minimum ventilation requirements of section G4 of the New Zealand Building Code with doors and windows closed.
- iii) Any habitable building which does not achieve the standards in 11.2.1.2(i) Appendix M is a discretionary activity.

Note: The roading and open space shown on the planning maps is indicative only and may vary at the time of subdivision.

11.2.1.3 Southern boundary – restricted activities

- i) No building may be located within a setback of 3 metres from the Southern Boundary of Colonial Vineyard for the full length of the boundary with Lot 2 DP 440543 (certificate of title 547489).

11.3. Controlled Activities

Any controlled activity (except subdivision) in the Urban Residential Zones is a controlled activity on the Colonial Vineyard site except as specified otherwise in Schedule G.

11.4. Limited Discretionary Activities

11.4.1 Any limited discretionary activity in the Urban Residential Zones is a limited discretionary activity on the Colonial Site except as specified otherwise in Schedule G.

11.4.2 Any subdivision in the Colonial Vineyard Urban Residential Zones is a limited discretionary subdivision provided that

- a) it meets the following conditions in 11.4.2.1 (which are in addition to the conditions for limited discretionary activities in Chapter 28) and**
- b) it is in general accordance with the Appendix G (Chapter 11) concept plan and**
- c) it is in general accordance with Chapter 28.6 urban design guidelines (policy 22).**

Subdivision shall be considered without public notice and without the service of notice on affected parties

11.4.2.1 Subdivision Conditions (in addition to the conditions for limited discretionary activities in chapter 28)

i) Subdivision to create any new lot adjoining Lot 2 DP 440543 (certificate of title 347489) shall include a legal instrument requiring the planting of a landscape strip minimum 6 metres wide and growing to a minimum height of 6 metres along the full length of the boundary with Lot 2 DP 440543. This shall make provision for maintenance and upkeep of landscaping.

ii) Subdivision to create any new lot adjoining Lot 2 DP 440543 (certificate of title 347489) shall include a legal instrument requiring fences on the boundary of Lot 2 DP 440543 (certificate of title 347489) which exceed 1.2 metres in height to retain 80% permeability above 1.2m.

iii) Lots in the low density area labelled 'A' on the concept plan and which are located on the southern boundary (the boundary with Lot 2 DP 440534) shall be limited to a maximum of 15 lots with a lot size not less than 2000m².

iv) Lots on the balance of the low density area labelled 'A' on the concept plan (within 100m of the southern boundary with Lot 2 DP 440534) and which are not adjoining the southern boundary shall have a minimum lot size of 800m². The minimum lot size on the balance of the site is as specified in chapter 28 for the applicable zone.

v) All subdivision shall include a legal instrument as appropriate to be registered on each title which includes the following provisions:

- a. A provision which authorises the following activities to be carried out without interference or restraint (subject to any applicable resource consent or plan rules):
 - aviation activities, aviation events, and associated ground operations at Omaka Aerodrome;
 - activities and events at the Omaka Aviation Heritage Centre;
 - any lawfully established rural activities;
 - any lawfully established activities of the Marlborough Car Club.
- b. A provision restricting the owners or occupiers from making, lodging, being party to, financing or contributing to the cost of any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the activities listed in (ii)(a).

11.4.3 Additional Limits of Discretion

In addition to the limits of Council's discretion for limited discretionary subdivisions listed in Chapter 28, the limits of discretion shall include the conditions set out in 11.4.2.1. The following limits of discretion shall apply to the concept plan:

- a. Reasonable provision for roading, walking and cycling connections both within and through the site;
- b. Any effect on the function and efficiency of connections including roading and cycleway/walkway connections;
- c. Reasonable provision for open space;
- d. Any benefits or improvements arising from the proposed design over the Concept plan;
- e. Any urban design principles which justify a departure from the Concept plan or the urban design guidelines in chapter 23.6.

11.5 Discretionary Activities

11.5.1 Any activity not complying with the conditions of 11.2, 11.3 or 11.4 of this schedule (except for subdivision standard 11.4.2.1(iii) and (iv)) is a discretionary activity.

11.5.2 Any non-compliance with 11.4.2(b) (generally in accordance with the concept plan) or 11.4.2(c) (generally in accordance with the urban design guidelines) shall not be publicly notified and notice shall not be served on any affected party.

11.6. Non-complying activities

11.6.1 **Any non-complying activity in the Urban Residential Zone is a non-complying activity on the Colonial Vineyard site, except as specified otherwise in Schedule C.**

11.6.2 **Any subdivision not meeting the subdivision standard in 11.4.2.1(iii) and 11.4.2.1(iv) is a non-complying activity.**

11.6.3 **The erection of a second dwelling on any site within the area labelled A on the Concept plan is a non-complying activity.**

Add in Concept plan to Appendix C (Chapter 11)

Volume 3: Planning Maps

Amend Proposed Planning Maps 155; 164 as shown

Appendix 6

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Colonial Vineyard Limited

Grantee

Aerodrome Land

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Covenant			

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

~~The implied rights and powers are hereby [varied] [negated] [added to] or [substituted] by:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule _____]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule 1]

Annexure Schedule 1

Page 1 of 2 Pages

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

1. The Grantor acknowledges and agrees that:
 - (a) The dominant tenement is utilised by the Grantee as an Aerodrome and various aviation related activities are undertaken on and from the dominant tenement including activities permitted in the Airport zone under the Wairau/Awatere Resource Management Plan.
 - (b) Noise generation from both the dominant tenement and the air space surrounding the dominant tenement is an unavoidable effect of aviation activities.
 - (c) Such noise generation includes but is in no way limited to noise from aircraft taking off and landing from the airstrip on the dominant tenement, mechanical works and repairs being undertaken on aircraft situated on the dominant tenement, including the testing of engines and helicopter and related aircraft activity required for frost protection.
 - (d) The Grantee undertakes various public events from the dominant tenement and the land surrounding which may cause noise generation and traffic disturbance particularly in the holding of aircraft displays and air shows.
 - (e) The use of the dominant tenement as an aero club and for other aviation activities is a permitted activity being conducted in accordance with the standards of the Wairau / Awatere Resource Management Plan to which the dominant tenement is subject and / or resource consent(s) that have been granted.

2. The Grantor acknowledges and covenants that:
 - (a) The Grantor will allow the Grantee to carry on the operation of the aero club on the dominant tenement and other aviation activities without interference or restraint from the Grantor.

(b) The Grantor will not, so long as the operation of the aero club and other aviation activities are carried out in accordance with the Wairau / Awatere Resource Management Plan or any replacement Plan or any granted resource consent, bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of the dominant tenement as an aero club or any other aviation activities undertaken from the dominant tenement

(c) The Grantor will not:

- (i) Make nor lodge; or
- (ii) Be party to; nor
- (iii) Finance nor contribute to the cost of any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operation of the aero club or any other aviation activities on the dominant tenement, including without limitation any action to require the Grantee to modify the operations carried out on the dominant tenement.

3. The covenants on the part of the Grantor are to continue to apply so long as the aero club operated on the dominant tenement and other aviation activities including any intensification in or change of method of operation of the aero club or aviation activities meets the permitted activities standards in the Wairau / Awatere Resource Management Plan or any replacement Plan.

**Easement instrument to grant easement or *profit à prendre*, or create
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Colonial Vineyard Limited

Grantee

Marlborough Car Club Incorporated

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the **Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule _____]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 1]~~

Annexure Schedule 1

Page 1 of 2 Pages

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

1. The Grantor acknowledges and agrees that:
 - (a) The Grantee Car Club is an incorporated society which owns land which operates from the dominant tenement within the Rural zone. The Car Club operates motor sport events, Car Club functions, motorcans and similar car related activities on the Car Club site from time to time. It also operates rural activities including the annual Pyne Gold Guinness machinery sale and similar events, Dressage activities and carparking for events at other sites and lawfully established activities permitted in the rural zone. Noise generation, dust and other effects occur from time to time and are an unavoidable effect of the activities as specified.
 - (b) The operations of the Car Club and those utilizing the site in respect of any lawful activities onsite, permitted activities conducted in accordance with standards of the Wairau/Awatere Resource Management Plan or replacement planning document and/or in terms of any existing use rights of the site and/or any resource consents issued to the Car Club from time to time are to continue.
2. The Grantor acknowledges and covenants that:
 - (a) The Grantor agrees that the Grantee is allowed to and has the continued rights to carry on the operation of the Car Club on the dominant tenement, including but not limited to the activities specified above without interference or restraint from the Grantor.
 - (b) The Grantor will not so long as the operation of the activities onsite are carried out in accordance with the Wairau/Awatere Resource Management Plan, any replacement plan or any granted resource consent any existing use rights or in any other way lawfully established bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of the dominant tenement for the specified purposes.
 - (c) The Grantor will not:

- (i) Make nor lodge; or
- (ii) Be party to; nor
- (iii) Finance nor contribute to the cost of any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict:

- a. The continuation of the activities at the Car Club site or a reasonable expansion of the same, including but not limited to any displays, additional buildings or other structures to better facilitate the use of the Car Club by the site including without limitation any actions that require the Grantee to modify the operations carried out on the dominant tenement or change the type of current related activities, rural activities, Dressage and other activities undertaken by the Car Club or their licensees on the dominant tenement;

3. The covenants on the part of the Grantor are to continue to apply so long as the Grantee Car Club owns and holds the site or Car Club related activities, or other activities as specified, as provided for in the document are operated on the dominant tenement.

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Colonial Vineyard Limited

Grantee

Adjoining Rural Land

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007.~~

~~The implied rights and powers are hereby [varied] [negatived] [added to] or [substituted] by:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule _____]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 1]~~

Annexure Schedule 1

Page 1 of 2 Pages

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

1. The Grantor acknowledges and agrees that:
 - (a) The Grantee owns and operates a vineyard and/or rural activity on the dominant tenement which is rural land.
 - (b) Traditional rural farming, viticulture and concentrated horticultural activities such as the cultivation, crop spraying, harvesting, frost protection, pruning and including use of machinery creates some noise, dust, vibration and smell and are normal and expected activities.
 - (c) Noise generation is an unavoidable effect of vineyard, concentrated horticultural and other farming activities.
 - (d) Spraying is a requirement of viticulture, concentrated horticulture and other farming activities and the discharge of agrichemicals is a permitted activity conducted in accordance with the Wairau / Awatere Resource Management Plan and any granted resource consents.
 - (e) The operation of the vineyard, concentrated horticultural activities and farming in general are permitted activities when conducted in accordance with the standards of the Wairau / Awatere Resource Management Plan to which the dominant tenement is subject and / or resource consent(s) have been granted.

2. The Grantor acknowledges and covenants that:
 - (a) The Grantor will allow the Grantee to carry on the operation of the vineyard, concentrated horticultural and other farming activities, without interference or restraint from the Grantor.
 - (b) The Grantor will not, so long as the operation of the vineyard and other concentrated horticultural and / or farming activities are carried out in accordance with the Wairau / Awatere Resource Management Plan or any replacement Plan or any granted resource consent, bring any proceedings for damages, negligence, nuisance or interference arising from the use of the dominant tenement for viticulture or any other farming activities.
 - (c) The Grantor will not:

- (i) Make nor lodge; or
- (ii) Be party to; nor
- (iii) Finance nor contribute to the cost of any submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict:
 - a. The continuation of the operation of the vineyard or other concentrated horticultural and /or farming activities on the dominant tenement, including without limitation any action to require the Grantee to modify the operations carried out on the dominant tenement or change the type of farming activity on the dominant tenement;
 - b. Any application by the Grantee to renew, vary the terms of or increase their take and use of ground water on the dominant tenement for irrigation, stock and domestic use.

3. The covenants on the part of the Grantor are to continue to apply so long as the viticulture or other farming activities are operated on the dominant tenement including any intensification in or change of method of operation of the vineyard or change of use to other farming and / or horticultural activities that meets the permitted activities standards in the Wairau / Awatere Resource Management Plan.

Appendix 7

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

Proposed Private Plan Change 59 to
the Wairau Awatere Resource
Management Plan

**JOINT STATEMENT OF EXPERT WITNESSES
JEREMY TREVATHAN AND CHRISTOPHER DAY**

1.0 INTRODUCTION

- 1.1 This statement has been prepared by Mr Day and Dr Trevathan. We have undertaken conferencing as requested in Minute 3 relating to the above matter.

2.0 ISSUES IN DISAGREEMENT

Interpretation of NZS6805:1992

- 2.1 Dr Trevathan considers that as new residential land uses incorporating acoustic insulation are anticipated to be established under some circumstances between the 55 and 65 dB L_{dn} noise contours in Table 2 of NZS6805:1992 (such activities are clearly prohibited in table 1 where noise levels are higher) and the stated purpose of the standard is to protect people from the adverse effects of aircraft noise, it must be concluded that the adverse effects of aircraft noise on potential residents of the PC59 site (where expected noise levels range from 53 to 59 dB L_{dn}) will not be more than minor. When also taking into account the proposed no-complaints covenant, reverse-sensitivity effects on Omaka Airfield will be less than minor.
- 2.2 Dr Trevathan considers that no part of the standard lends support to the concept that new residences should only be established under such conditions in extreme or unusual circumstances, and is of the view that a graduated approach as is presented under his reading of Tables 1 and 2 is entirely consistent with that encountered in other areas of acoustics. Dr Trevathan considers that in referring to "no new incompatible land uses (see table 2)", clause 1.4.2.1 of the standard is referring to new noise sensitive activities which do not incorporate acoustic insulation (otherwise the standard would be self-contradicting).
- 2.3 Mr Day is of the view that the Standard (NZS6805) is very clear on its intent for new noise sensitive activities between the OCB and ANB (55 to 65 dB L_{dn}) in that Clause 1.4.2.1 states "The outer control boundary defines an area outside the airnoise boundary within which there shall be no new incompatible land uses (see table 2)." This is the preferred position – no new residential between 55 to 65 dB L_{dn}.

guidance for Territorial Authorities and decision makers. The standard allows decision makers to exercise discretion in certain aspects of implementing the standard. A detailed assessment of noise effects is important to enable informed decisions.

- 3.2 The stated purpose of NZS6805 is to provide residents in the vicinity of airports with a proper level of protection (see NZS6805 Foreword). Further to this the standard states that it provides the minimum requirement needed to protect people from the adverse effects of aircraft noise (section 1.1.4). An example of a higher level of protection is in the Christchurch City District, where it is a City Plan policy to “discourage noise sensitive activities within the 50 dB Ldn noise contour around the Christchurch Airport”.
- 3.3 The Omaka 55 and 65 dB Ldn noise contours currently do not appear in the District Plan and there are no airport noise rules for Omaka in the plan.
- 3.4 A number of existing dwellings are located within the projected 55 and 65 dB Ldn noise contours for Omaka. There is no requirement in the District Plan for these dwellings to be acoustically insulated to ensure a satisfactory internal noise environment.
- 3.5 From a review of the various district plan provisions for New Zealand airports, it appears that in most cases new noise sensitive uses between the OCB and the ANB are allowed subject to sound insulation. The reasons behind each of these decisions may include the extent of existing residential encroachment and local shortages of residential land.
- 3.6 Each airport has a unique set of circumstances which have led to the land use planning controls currently observed.
- 3.7 All other things being equal, a new residential development in an area not exposed to aircraft noise should be considered superior to one in an area which is exposed to aircraft noise. However in reality there are many factors which when viewed on aggregate determine the appropriateness of a specific development. These other issues may be planning and economic – i.e. outside the area of expertise for noise experts.

Frost Fighting Helicopters

- 3.8 The situation with frost fighting helicopters at Omaka is unique, and so consideration should be given to the matter outside the standard NZS 6805 requirements. Frost fighting helicopters will be clearly audible at the PC59 site.
- 3.9 Mr Day has provided further information from the INM indicating noise levels from frost fighting helicopters on the PC59 are expected to be in the order of 74 to 78 dB L_{Amax} .
- 3.10 Based on these external levels, the sound insulation provided by a typical dwelling is expected to be adequate to ensure internal levels do not exceed the level of 55 dB L_{Amax} recommended in NZS6807 for the prevention of sleep disturbance, if dwelling windows are closed. During frost conditions windows are likely to be closed.

The Effects of Aircraft Noise on Residential Amenitý

- 3.11 Sleep disturbance effects are expected to be negligible for the PC59 site assuming people will have their windows closed during frost events, as discussed above.



Dr Jeremy Trevathan



Mr Christopher Day

13 June 2012

Appendix 8

Decision on Submissions Received to Plan Change 59

Submitter #	Submitter	Address	Support/Oppose/	Recommendation
1	Chippies Vineyard Limited (Chris Wilson)	PO Box 51, Blenheim 7240	Support	Reject
2	St Leonards Limited (Chris Wilson)	PO Box 51, Blenheim 7240	Support	Reject
3	Woodhouse – Trevor and Shirley	50 New Renwick Road, Burleigh, Blenheim 7201	Oppose	Accept
4	Stratford – Jacqueline	2 Ridgetop Rise, RD 2, Blenheim 7272	Support	Reject
5	Rodgers – Wendelena	48 New Renwick Road, Burleigh, Blenheim 7201	Oppose	Accept
6	Stratford – Kerry	2 Ridgetop Rise, RD 2, Blenheim 7272	Support	Reject
7	Paul – Simon	47 Forest Park Drive, Blenheim 7201	Oppose	Accept
8	Johnson – Edward George	86A New Renwick Road, Blenheim 7201	Oppose	Accept
9	New Zealand Aviation Museum Trust (Brian Greenall) <i>Further submission: Colonial Vineyard Ltd (support in part)</i>	PO Box 641, Blenheim	Oppose	Accept
10	Adams – Prudence	32a Boyce Street, Renwick 7201	Support	Reject
11	Sinclair – John <i>Further submission: Colonial Vineyard Ltd (support in part)</i>	8a Manor Place, Redwoodtown, Blenheim 7201	Oppose	Accept
12	Adye – Angela Wilhelmina	1 Richardson Avenue, Blenheim 7201	Oppose	Accept
13	Macnee – Niki	3 Richardson Avenue, Blenheim 7201	Support	Reject
14	Bushell – Johnathon Bernard	14a Richardson Avenue, Blenheim	Support	Reject
15	Quickfall – Tony	PO Box 1593, Nelson 7040	Support	Reject
16	Ham – Paul	29 Hillside Terrace, Blenheim 7201	Support	Reject
17	Gleeson – Phillip	92 Ben Morven Road, RD 2, Blenheim	Support	Reject
18	Blenheim Indoor Sports Limited – Battys Road (A Brian Fitzpatrick)	25 Goodman Street, Blenheim 7201	Support	Reject
19	Carlton Corlett Trust (PJ Radich) <i>Further submission: Colonial Vineyard Ltd (support in part)</i>	Radich Law PO Box 842 Blenheim	Oppose	Accept
20	Fyfe – Ian	12 Monro Street, Blenheim 7201	Oppose	Accept

	<i>Further submission: Colonial Vineyard Ltd (support in part)</i>			
21	Verkaaik – Gerard & Joy <i>Further submission: KR Suleiman – support</i>	41 New Renwick Road, Blenheim	Oppose	Accept
22	Ayson – Ross Barclay Stewart	9 Pope Crescent, Witherlea, Blenheim 7201	Support	Reject
23	Marlborough Aero Club Incorporated (Quentin AM Davies) <i>Further submissions:</i> <i>(i) Colonial Vineyards Ltd – support in part</i> <i>(ii) Patchett HG Air Ltd - support</i> <i>(iii) Wanganui Aero Club – support</i> <i>(iv) AO Whelan – support</i> <i>(v) T Wytenburg – support</i>	Gascoigne Wicks, PO Box 2, Blenheim 7240	Oppose	Accept
24	Latimer – Icilma Dorothy	PO Box 818, Blenheim 7240	Oppose	Accept
25	O'Connor – Christopher David	10 Covent Gardens, Blenheim 7201	Oppose	Accept
26	Bennett – Debbie Anne	40 Green Lane, RD2 Blenheim 7272	Oppose	Accept
27	Marlborough Car Club Incorporated (Barry Voss)	Box 473, Blenheim 7432	Oppose	Accept
28	New Zealand Fire Service Commission (Alexander Strawbridge)	Beca Carter Hollings & Ferner Ltd, PO Box 3942, Wellington 6140	Neither support or oppose	Reject
29	O'Hagan – Patrick and Carey	22 Green Lane, RD2 Blenheim	Oppose	Accept
30	Sounds Air Travel and Tourism Ltd (Andrew Crawford)	PO Box 116, Picton 7250	Oppose	Accept
31	Wither Hills Vineyards Marlborough (Antoinette Golden)	Russell McVeagh, PO Box 8, Shortland Street, Auckland 1140	Oppose	Accept
32	Antique Aero Engineering Ltd (Wayne Tantrum) <i>Further submission: Colonial Vineyard Ltd – support in part</i>	95 Aerodrome Road, Omaka Airfield, Blenheim 7272	Oppose	Accept
33	Sounds Aero Maintenance Ltd (Craig Anderson) <i>Further submission: Colonial</i>	PO Box 650, Blenheim	Oppose	Accept

	<i>Vineyard Ltd – support in part</i>			
34	Lowe – Jennifer <i>Further submission: Colonial Vineyard Ltd – support in part</i>	C/o Sounds Aero Maintenance Ltd, PO Box 650, Blenheim 7240	Oppose	Accept
35	Cowan – Clifford Charles	36 Green Lane, RD 2, Blenheim 7272	Oppose	Accept
36	May – Veronica	C/- Ayson & Partners Limited, PO Box 256, Blenheim 7240	Support in part	Reject
37	Marlborough Helicopters Limited (Owen Dodson) <i>Further submission: Colonial Vineyard Ltd – support in part</i>	PO Box 731, Blenheim 7240	Oppose	Accept
38	Marris – John Ernest & Alison Lillion	114 New Renwick Road, RD2 Blenheim 7272	Oppose	Accept
39	McIntyre - Jay	35a Arthur Baker Place, Redwoodtown, Blenheim 7201	Oppose	Accept
40	Orphan – Graham	43a Murphys Road, Springlands, Blenheim 7201	Oppose	Accept
41	Collins – Trevor	PO Box 28, Spring Creek 7244	Oppose	Accept
42	Jones – David & Bridget	3 Cook Ridge, Waikawa Bay	Oppose	Accept
43	Wilkie – Craig	106A New Renwick Road, Blenheim	Oppose	Accept
44	Simcox Construction Ltd (Antony Clark)	14 Taylor Pass Road, Blenheim 7201	Support in part	Reject
45	Wagenvoort – Marinus	7 Richardson Avenue, Burleigh, Blenheim 7201	Oppose	Accept
46	Jones – Dai <i>Further submission: Colonial Vineyard Ltd – oppose</i>	72 New Renwick Road, Blenheim	Oppose	Accept
47	Ridge Air Limited (Paul Williams)	Rmco Ltd, PO Box 820, Blenheim 7240	Oppose	Accept
48	Jones – Grosvenor & Margaret	67 New Renwick Road, Blenheim 7201	Oppose	Accept
49	Harris – Roger Ferris Hedley	210 Oakwood Lane, Witherlea, Blenheim 7201	Oppose	Accept