

**Wairau/Awatere Resource Management Plan**

**Plan Change 60 – Maxwell Hills Zone**

**Summary of Submissions**

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**June 2012**

## Numerical index of Submitters for Plan Change 60

PartNo	Submitter	Address
1	Nelson Forests Limited	Nelson Forests Limited Attention: Heather Arnold Private Bag 5 Richmond Nelson 7050
2	Russell Douglas Hopkins	60 Beaver Road Blenheim 7201
3	P M & Gilbert & P D Norton	PO Box 189 Blenheim 7240
4	Timothy & Pauline Mary Mead	PO Box 979 Blenheim 7240
5	AR & CD Turnbull & Bluegums 2003 Ltd	WilkesRM Solutions Attention: Steve Wilkes Temple Chambers 76 High Street Blenheim 7201
6	Meadowbank Station Limited, Meadowbank Holdings Limited & Meadowbank Vineyards Limited	WilkesRM Solutions Attention: Steve Wilkes Temple Chambers 76 High Street Blenheim 7201
7	Rob R Lawrence	88 Alfred Street Blenheim 7201
8	Upper Taylor Pass Residents	Vicki Nalder-Clyde 780 Taylor Pass Road RD 4 Blenheim 7274
9	David Thorn Speedy, Paul Speedy & Les Gray	David Speedy 912 Taylor Pass Road RD 4 Blenheim 7274
10	Renewable Resources New Zealand Ltd	Renewable Resources New Zealand Ltd Attention: Theo van Schoonhoven 37 Hicks Close Whitby Porirua 5024
11	New Zealand Fire Service Commission	New Zealand Fire Service Commission Attention: Clare Frisby PO Box 2133 Wellington 6140

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# *Submission Summary - Wairau/Awatere Resource Management Plan - Plan Change 60 - Maxwell Hills Zone - By Name*

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**Nelson Forests Limited ( Heather Arnold) - Submitter #: 1**

## **Section Reference 4.0 - Reverse Sensitivity**

**Submission:** Nelson Forests Limited owns plantation forest in Taylor Pass. Harvesting of Nelson Forests Ltd's forest is scheduled to commence in ten years, with all associated harvest traffic using Taylor Pass Road.

There is little recognition of the significance of the plantation forests in Taylor Pass in the Plan Change documentation and the interface between the proposed rural-residential subdivision and plantation forestry.

The submitter believes that the most effective long term method of addressing reverse sensitivity is through the use of rural activities easements, which have been used elsewhere. To both raise awareness of the potential land owners of the working rural environment and to effectively address reverse sensitivity issues.

**Relief sought:** To place a Rural Activities Easement over the Maxwell Hill Zone, through covenants on each title generated as a result of the Zoning would be encumbered with the same easement as a means to both raise awareness of the potential land owners of the working rural environment and to effectively address reverse sensitivity issues.

## **Section Reference 5.0 - Traffic**

**Submission:** The traffic assessment fails to recognise the use of the road by heavy traffic. Plantation forests are part of the existing environment and a significant resource to the Marlborough economy.

The proposed plan change will result in increased pressure to upgrade the road at a cost to all landowners.

The traffic assessment report notes that traffic volumes along Taylor Pass Road are low. This is correct in the absence of any plantation forest harvesting, but should be reviewed in light of future harvest levels.

**Relief sought:** The appropriateness of the intersection on the Maxwell Hill Zone with Taylor Pass Road should be questioned as they do not meet required sight distances.

## **Section Reference 6.0 - Fire Risk**

**Submission:** The proposal does not assess or address the fire risk background of the area from rural fires. Careful consideration needs to be given to this proposal with regards to the surrounding environment, its dry and known fire history, and the increased fire risk it will bring to the valley.

**Relief sought:** As a minimum there needs to be provision for;

- setbacks from the existing forest boundary of 100 metres, and
- provision of defensible space (i.e. low flammable vegetation - mown grass), and
- mechanisms in place to ensure all property owners have sufficient public liability and fire suppression insurance, and
- sufficient water in storage for fire fighting (as agreed with the local fire authority).

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**Russell Douglas Hopkins - Submitter #: 2**

**Section Reference 1.0 - Whole Plan Change**

**Submission:** The submitter supports the rezoning from the following reasons:

- The site is of low agriculture value and there is a need for future residential housing now that it has been identified that some of the areas earmarked by Council for residential housing are subject to liquefaction.
- There is good road access to the site.
- The site is located in a beautiful part of the Taylor Pass, yet it will not be visible from Blenheim.
- It is close to the services that a future subdivision will require.
- The site is near Council's own plans for Residential Subdivision in Taylor Pass.
- The site comes with ample reserve land contribution, that will assist Council in its recreational planning around the Taylor Dam.
- Modern methods of water and soil control will mitigate runoff and scouring on the site.
- The new zone will reduce demand for rural/residential subdivisional development on the Wairau Plains, with its more valuable agricultural land.

**Relief sought:** That Council grants the proposed zone change of the site, to a new Maxwell Hills Zone.

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**P M Gilbert & P D Norton ( Perry Gilbert) - Submitter #: 3**

**Section Reference 4.0 - Reverse Sensitivity**

**Submission:** The plan change documents do not provide adequate practical measures to guarantee that existing land uses, in particular forestry, can continue without unnecessary restriction.

**Relief sought:** If approval for the plan change is granted the reverse sensitivity issue can best be dealt with by way of activities easements (as suggested by Nelson Forest's submission) or alternatively by way of consent note on all resulting titles, in essence alerting all land owners to the presence of the other land uses and in particular along the Taylor Pass Road.

**Section Reference 5.0 - Traffic**

**Submission:** The submitters have concerns at the impact that the new development will have on Taylor Pass Road. In particular the sharing of the road with logging trucks, a significantly increased number of residential vehicles, cyclists and pedestrians, will increase safety concerns highly likely resulting in demands for roading improvement. It is of concern the cost of upgrading will not be solely borne by the new land owners in the development. The traffic assessment does not adequately address future harvesting traffic.

**Relief sought:** That if the application is granted there should be a thorough investigation undertaken to assess the need for any roading upgrade when full harvest of plantations coincides with full occupancy of the Maxwell Hills Zone development. Any resulting identified improvement required for safety or general road enjoyment should not rest with existing forestry owners.

**Section Reference 9.0 - Southern Marlborough Urban Growth Strategy**

The Council initiated Growth Study for Southern Marlborough included reference and analysis of the present plan change proposal. The report concluded the site was suitable in relation to open space, soils and stormwater while unsuitable in relation to community, landscape, transport and infrastructure. The result was a lower recommendation for the site than any of the other areas covered by the study.

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**Timothy & Pauline Mary Mead - Submitter #: 4**

**Section Reference 1.0 - Whole Plan Change**

*Submission:* The submitters are also joint submitters with the upper Taylor Pass Residents, and fully endorse all the points raised in this group's submission in opposition to the plan change, especially relating to visual and audible pollution of our rural environment, very real increased fire risk, run off, ever-present erosion, stormwater control, effluent disposal, traffic congestion and the economic use of and questionable supply of water.

*Relief sought:* Decline Plan Change 60 Maxwell Hills Zone.

**Section Reference 2.0 - Rural Amenity**

*Submission:* We live in a unique position directly overlooking the proposed development. We are likely to be adversely affected by the huge down-grading of the rural amenity values. And do not believe the development would protect rural values as set out in section 12.2.1.2 of the Plan.

From the elevated site of our dwelling, we can hear the swish of cyclists tyres as they go along the road, and can hear their private conversations and the fire siren in Blenheim when it blows an Easterly breeze. Imagine what another 160 lawn mowers and 320 cars will do to the noise pollution.

Will the clean air aspect of rural environment be preserved with 160 log fires and people burning garden rubbish?

We chose to live in the Taylor Pass because we understood the Council did not intend to develop an urban area in the Taylor Pass / Maxwell Pass area.

*Relief sought:* Decline Plan Change 60 Maxwell Hills Zone

**Section Reference 3.0 - Landscape**

*Submission:* We currently experience views down the valley of a tranquil rural outlook toward the tree lined Taylor River and the Taylor Dam and the south side of the rolling Wither Hills, broken only by the road. If the development goes ahead we will look out on an eyesore of 160 densely-packed houses with street lighting and lights associated with the houses.

The cutting into the hillside to level the sections will leave scars that will take years to heal and overcome, even more visual pollution, not to mention the substantially added risk of the ever-present on-going erosion in this unique eco-system.

*Relief sought:* Decline Plan Change 60 Maxwell Hills Zone

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**AR & CD Turnbull & Bluegums 2003 Ltd ( Steve Wilkes) - Submitter #: 5**

**Section Reference 1.0 - Whole Plan Change**

*Submission:* Bluegums has been settled as a pastoral farm since 1850's carrying out sheep, beef and mixed cropping primary production.

The submitter opposes the plan change with some specific concerns including an increase in dog numbers leading to stock management and stock health issues.

The sewerage disposal plan includes disposal fields that are located within unstable gully heads on severely erosion prone land and which may adversely affect the Bluegums water supply from the Taylor River.

Increased traffic usage will lead to increased risk for users of Taylor Pass Road.

The fire risk is increased by an increase in residential population.

The proposal fails to adequately identify a suitable and assured domestic water supply.

The proposal is inconsistent with the Southern Marlborough Growth and Development Strategy.

The proposal is considered to be inconsistent with Part II of the RMA.

**Relief sought:** That proposed Plan Change 60 be declined in entirety.

**Section Reference 2.0 - Rural Amenity**

**Submission:** Spot zoning and the development of a stand-alone urban residential community as proposed is not anticipated within the Plan and will result in adverse effects on rural amenity, compromising the productivity of rural land, and reverse sensitivity effect being realised.

**Relief sought:** That proposed Plan Change 60 be declined in entirety.

**Section Reference 4.0 - Reverse Sensitivity**

**Submission:** Bluegums features an existing consented clean-fill landfill in the immediate vicinity of the proposed plan change.

Farming practice requires the use of chemical sprays, machinery, frost fans and around the clock operating hours. Bluegums regularly utilises a helicopter landing pad adjacent to the site for top dressing and spraying.

The introduction of urban residents to a rural environment will lead to reverse sensitivity issues that have not been adequately assessed in the application.

Bluegums maintains its right to carry out farming practices in the future.

Plan Change 60 does not assist in achieving the outcomes established in the operative Wairau/Awatere Resource Management Plan. Especially at section 12.5 where it states in part the following:

"Residential activities should only be permitted to establish where clear steps have been taken to mitigate any adverse effects." And

"New locations will be considered where it can be demonstrated that there will be no adverse effect on existing legitimate rural activities."

The plan change does not identify any steps taken to mitigate effects such as reverse sensitivity and fails to demonstrate that there will be no adverse effects on legitimate rural activities.

Spot zoning and the development of a stand-alone urban residential community as proposed is not anticipated within the Plan and will result in adverse effects on rural amenity, compromising the productivity of rural land, and reverse sensitivity effects, being realised.

**Relief sought:** That proposed Plan Change 60 be declined in entirety.

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**Meadowbank Station Limited & Others ( Steve Wilkes) - Submitter #: 6**

**Section Reference 1.0 - Whole Plan Change**

**Submission:** Meadowbank has been settled as a pastoral farm since the 1850's carrying out sheep, beef and mixed cropping primary production. Vineyards have also been established adjacent to the Taylor River.

The submitter opposes the plan change with some specific concerns including and increase

in dog numbers leading to stock management and stock health issues.

Sewerage disposal plan includes disposal fields that are located within unstable gully heads on severely erosion prone land and which may adversely affect the Meadowbank domestic water supply from the Taylor River.

Increased traffic usage will lead to increased risk for users of Taylor Pass Road.

The fire risk is increased by an increase in residential population.

The proposal fails to adequately identify a suitable and assured domestic water supply.

The proposal is inconsistent with the Southern Marlborough Growth and Development Strategy.

The proposal is considered to be inconsistent with Part II of the RMA.

**Relief sought:** That proposed Plan Change 60 be declined in entirety.

#### **Section Reference 2.0 - Rural Amenity**

**Submission:** Spot zoning and the development of a stand-alone urban residential community as proposed is not anticipated within the Plan and will result in adverse effects on rural amenity, compromising the productivity of rural land, and reverse sensitivity effect being realised.

**Relief sought:** That the proposed Plan Change 60 be declined in entirety.

#### **Section Reference 4.0 - Reverse Sensitivity**

**Submission:** The introduction of urban residents to a rural environment will lead to reverse sensitivity issues that have not be adequately assessed in the application.

Meadowbank maintains its right to carry out farming practices in the future.

Plan Change 60 does not assist in achieving the outcomes established in the operative Wairau/Awatere Resource Management Plan. Especially at section 12.5 where it states in part the following:

"Residential activities should only be permitted to establish where clear steps have been taken to mitigate any adverse effects." And

"New locations will be considered where it can be demonstrated that there will be no adverse effect on existing legitimate rural activities."

The plan change does not identify any steps taken to mitigate effects such as reverse sensitivity and fails to demonstrate that there will be no adverse effects on legitimate rural activities.

Spot zoning and the development of a stand-alone urban residential community as proposed is not anticipated within the Plan and will result in adverse effects on rural amenity, compromising the productivity of rural land, and reverse sensitivity effects, being realised.

**Relief sought:** That proposed Plan Change 60 be declined in entirety.

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#### **Rob R Lawrence - Submitter #: 7**

#### **Section Reference 4.0 - Reverse Sensitivity**

**Submission:** The submitter is a forestry owner in the Taylor Pass.

People will be coming into the area that have not had experience with the workings of a rural environment. The forestry business will get noisy and dusty with unsociable hours. The forest site is a dynamic heavily industrialised place for part of the rotation while working

within the existing laws and regulations.

**Relief sought:** That people intending on settling in the area are made aware of the existence of forestry activities in the area before purchasing.

#### **Section Reference 5.0 - Traffic**

**Submission:** There is approximately 1000 hectares of managed forests in the upper Taylor Pass Catchment which will be reaching maturity from 2018 onwards.

As the logs become mature and ready for harvest there is likely to be 14-20 log trucks per day for 4-6 years using Taylor Pass Road. There will also be associated traffic such as maintenance vehicles and men getting to and from work.

**Relief sought:** That the forestry activity, while working within the Resource Consent guidelines, be free from interference from neighbours who have relocated to the area.

#### **Section Reference 6.0 - Fire Risk**

**Submission:** People start most unprescribed wild fires. An increase in residents in the Taylor Pass is going to increase danger from fire.

The Boxing Day fire devastated much of the Wither Hills arable land. Since then fires have impacted on the submitters land. The Wither Hills are highly flammable and we live in one of the driest parts of New Zealand with the highest fire risk of any part of New Zealand.

In March 2007 I lost 7 hectares of my 13 year old forest in Taylor Pass to fire. This was devastating. It represents 12.5% of my forest. To replant this area of land and watch it be harvested I will need to live until I am 83 years old.

**Relief sought:** That the development includes some precautions against fire and some utilities to assist fires control, like high pressure water points.

There should be a clause that makes burning in the open air prohibited, including burning in a drum. Flammable waste from any property should be removed or left to rot, not burned.

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#### **Upper Taylor Pass Residents ( Vicki Nalder-Clyde) - Submitter #: 8**

#### **Section Reference 1.0 - Whole Plan Change**

**Submission:** This submission is lodged on behalf of 16 landowners who work and reside in the Maxwell Pass Road.

It is contrary to many of the issues set out in the Objectives and Policies chapters particularly on Landscape section 5.5, Rural Environments section 12.5, and Subdivision.

There is also no supporting evidence to show a demand for development in this area, or that it would even be viable.

**Relief sought:** That the Council decline the application.

#### **Section Reference 2.0 - Rural Amenity**

**Submission:** Most of our group reside in the Taylor Pass as a lifestyle choice. With no cell phone coverage, 10 minutes from town, neighbours some distance away, Rural 4 zoning and living in a rural environment.

This plan change is a "one off" concept that could not have been foreseen when we all purchased our properties. The expectation was that it was Rural 4, well out of town and it would remain rural.

**Relief sought:** That the Council decline the application.



### **Section Reference 3.0 - Landscape**

**Submission:** The landscape assessment report provided lacked detail, and accuracy in the climate, soils and ecology sections pertaining to the actual Maxwell Road/Taylor Pass vicinity. It did not accurately describe the landscape in which we live. The report leaves out what makes our area special and unique.

The nature of the Taylor Pass is one of extreme climatic diversity. High rainfall events in the winter months, and spring providing good grass growth. Followed by high temperatures, little rain and increased fire risk. High winds generally accompany the spring and summer conditions. The ridges and gullies funnel and swirl the wind around the valley.

Scarring of the landscape is an issue that will continue over the life of the subdivision from when the roads are cut it, and then when the house platforms are cut. We still have cut faces visible that were cut over 15 years ago, and no amount of reference to hydro seeding or tree planting on these vertical cut faces will ever address this.

**Relief sought:** That the Council decline the application

### **Section Reference 4.0 - Reverse Sensitivity**

**Submission:** Plan change 60 is in a working rural area with the associated land use activities and effects of noise, smell and spray drift. There does not appear to be any thought given to 'reverse sensitivity issues' resulting from this working rural environment.

**Relief sought:** That the Council decline the application

### **Section Reference 5.0 - Traffic**

**Submission:** The traffic assessment report identified that the traffic volumes would increase by 90%. Currently the Taylor Pass Road is used by commercial traffic, cattle trucks, viticulture machinery, vineyard workers, cyclists and domestic users. In the future it will be used by logging trucks and forestry crews. There is no mention of the impact that the proposed development will have on the existing and future road users that live and work on the south side of the Plan Change area. There is currently a high level of usage by cyclists and passing them is difficult.

**Relief sought:** That the Council decline the application.

### **Section Reference 6.0 - Fire Risk**

**Submission:** A major concern with the proposed plan change is the fire risk that accompanies the increase in the number of residents, particularly from the relatively high density development proposed.

The prospect of a repeat of a fire akin to the magnitude of the Boxing fires is not one we relish, but one match, or cigarette butt carelessly discarded in such a high risk area could bring about such an event.

**Relief sought:** That the Council decline the application

### **Section Reference 7.0 - Servicing**

**Submission:** The submitter has concerns over the servicing proposed for water, effluent and stormwater. How will the community operated scheme work? What happens if only 10 people decide to build over 10 years? How long will the running costs be shared?

There are already a number of other rural townships and lifestyle blocks in Marlborough that have servicing issues. So why would Council contemplate rezoning an area of Rural 4 land where the same servicing issues may well arise.

The submitter opposes the use of disposal fields due to possible saturation of the fields on the flats, and possible effects on wells on the south side of the Taylor Dam.

The issue of where the potable water is being sourced for the development has not been addressed. If there is no water there is no development.

Stormwater control was a major concern to the submitter. Issues identified are the quality of treatment before reaching the Taylor River, volume of run off from roads and hard stand areas and already fretted slopes.

Tunnel erosion and localised landslips on the site show the effects of rainfall events. It is difficult to see how this can be adequately controlled on 2000 m2 sections.

**Relief sought:** That the Council decline the application

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**Section Reference 9.0 - Southern Marlborough Urban Growth Strategy**

**Submission:** The purpose of the Southern Marlborough Urban Growth & Development report commissioned by the Marlborough District Council was to look for growth options for Blenheim. The site for Plan Change 60 was referred to as KV in the SMUGD strategy. It did not score pre-requisites required for community, landscape character, activity centres, transport infrastructure and was neutral on ecology, and employment.

**Relief sought:** That the Council decline the application

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**David Thorn Speedy, Paul Speedy & Les Gray ( David Speedy) - Submitter #: 9**

**Section Reference 1.0 - Whole Plan Change**

**Submission:** The submitter as a resident and forestry owner supports the submission made by Nelson Forests Limited regarding the issues of reverse sensitivity, Taylor Pass Road traffic and fire risk.

**Relief sought:** As per the decisions requested in the Nelson Forests Limited (submitter 1) submission.

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**Renewable Resources New Zealand Ltd ( Theo van Schoonhoven) - Submitter #: 10**

**Section Reference 4.0 - Reverse Sensitivity**

**Submission:** Renewable Resources New Zealand Ltd owns a 20 hectare plantation forest in Taylor Pass.

There is little recognition of the significance of the plantation forests in Taylor Pass in the Plan Change documentation and the interface between the proposed rural-residential subdivision and plantation forestry.

The submitter believes that the most effective long term method of addressing reverse sensitivity is through the use of rural activities easements, which have been used elsewhere. To both raise awareness of the potential land owners of the working rural environment and to effectively address reverse sensitivity issues.

The easement would take the form of a covenant to be registered on the relevant titles and highlights to the registered proprietor and any potential purchasers that the subject land adjoins a forestry block/working rural environment which, as an operational entity, involves a number of nuisances such as noise, landscape change and dust from its various operations. The easement essentially prohibits the landowner from making any complaints against forestry/rural activities provided they are operating within legal requirements.

**Relief sought:** To place a Rural Activities Easement over the Maxwell Hill Zone, and ensure that each title generated as a result of the zoning would be encumbered with the same easement in the form of a covenant.

Any easement placed on the titles would need to be the developer's cost and to the satisfaction of the forestry owners in Taylor Pass (the affected parties).

## **Section Reference 5.0 - Traffic**

**Submission:** The traffic assessment fails to recognise the use of the road by heavy traffic. Plantation forests are part of the existing environment and a significant resource to the Marlborough economy.

**Relief sought:** The appropriateness of the intersection on the Maxwell Hill Zone with Taylor Pass Road should be questioned as they do not meet required sight distances.

## **Section Reference 6.0 - Fire Risk**

**Submission:** Fire risk has not been adequately assessed or addressed. Careful consideration needs to be given to this proposal with regards to the surrounding environment, its dry and known fire history, and the increased fire risk it will bring to the valley.

**Relief sought:** As a minimum there needs to be provision for;

- setbacks from the existing forest boundary of 100 metres, and
- provision of defensible space (i.e. low flammable vegetation - mown grass), and
- mechanisms in place to ensure all property owners have sufficient public liability and fire suppression insurance, and
- sufficient water in storage for fire fighting (as agreed with the local fire authority).

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## **New Zealand Fire Service Commission ( Clare Frisby) - Submitter #: 11**

### **Section Reference 6.0 - Fire Risk**

**Submission:** The Commission is neutral in regards to this submission. It does however want to make the applicant aware that the location of the area of this Proposed Plan Change is outside the Marlborough Fire District and the turnout times of the local fire service and therefore consideration needs to be given to provision for firefighting. It is strongly recommended installing domestic sprinkler systems would be the most effective means to deal with this matter.

**Relief sought:** Should Plan Change 60 be granted:

- The proposed rezoned area be serviced with a reticulated water supply that meets the requirements of the New Zealand Fire Service Water Supplies Code of Practice SNZ PAS 4509:2008,
- Contain a note, advising that the Commission considers the optimal means of compliance with the Code is the installation of a domestic sprinkler system in accordance with Fire Systems of House NZS 4517:2010