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# ***Submission Summary - Wairau/Awatere Resource Management Plan - Plan Change 61 - Minor Amendments - By Section***

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## **01 - General**

### **Heather Jillian Letbe - Submitter #: 79 Submission Point : 115**

Would like to see some clarification of what consists of a Hazard rather than removal altogether but other than that support the changes the Council proposes

**Relief sought:** Supports the proposed plan changes.

### **Marlborough Province of Federated Farmers of NZ ( Michael Bennett) - Submitter #: 59 Submission Point : 88**

The Regional/District plan, which will supersede Plan Change 61 will be notified mid 2013. It would be preferable to invest the time of staff and submitters in principled and open discussion on aspects of the Regional and District Plan now in preparation.

**Relief sought:** Withdraw Item 1 and Item 12 of the Plan Change 61 to the Wairau/Awatere Resource Management Plan.

### **TrustPower Limited ( Laura Marra) - Submitter #: 19 Submission Point : 22**

TrustPower is one of New Zealand's largest electricity retailers, serving just under a quarter of a million customers throughout the country.

TrustPower owns and operates two hydroelectric power schemes and holds consent for the proposed Wairau Hydro Electric Power Scheme.

TrustPower is of the view that the proposed changes may have the potential to affect its interest in maintaining and enhancing efficient generation and transmission.

**Relief sought:** That the amendments outlined in Table 1 of its submission be accepted.

Such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in TrustPower's submission (Table 1);

That, in the event the amendments set out in Table 1 are not accepted that the Plan Change be withdrawn.

## **Item 1 - Policy on term of water permits to take and use water**

### **Awatere Water Users Group ( Guy Lissaman) - Submitter #: 31 Submission Point : 38**

There is a substantial financial investment in establishing irrigation infrastructure, development and technology to utilise water efficiency. These are long term investments and require certainty of access to water over a 20 to 30 year period to safe guard the investment required.

The Water Allocation Plan is currently under review as part of the Wairau/Awatere Regional Policy Statement Review. This proposed amendment through a Plan change would be premature and pre-emptive while the Water Allocation Review is yet to be completed.

**Relief sought:** Delete entirely item 1 "Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes"

No further action on this item be contemplated until the completion of the Water Allocation Plan Review

**Blind River Irrigation Limited ( Steve Wilkes) - Submitter #: 61 Submission Point : 93**

Blind River Irrigation Limited opposes Item 1 and the proposed change to Policy 6.3.1.1.3.

The proposed change is a substantial change to a long standing policy that was developed and endorsed by the Marlborough Community.

Blind River Irrigation Limited consider that for surface water bodies with established and agreed sustainable flow regimes in place such as the Awatere, Waihopai and Wairau Rivers it is more appropriate that water permits be granted for a minimum term of 20 years.

Such a term is consistent with the Third Report of the Land and Water Forum which recommends that regional councils should grant water allocation consents for 20 to 35 years.

**Relief sought:** Blind River Irrigation Limited submit that Item 1 and the proposed change to Policy 6.3.1.1.3 be rejected in entirety. If it is considered that a change to Policy 6.3.1.1.3 is necessary for that water bodies that do not have in place Sustainable Flow Regimes, then Blind River Irrigation Limited submits that:

i. Policy 6.3.1.1.3 be amended as follows:

To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality requires enhancement.

To issue water permits to take and use water for a period of 10 years where water resources are over-allocated relative to the allocation limits set in this Plan or where water is to be taken from a resource for which no SFR has been established in the Plan.

To issue water permits to take and use water for a period of 20 years for water resources where a Sustainable Flow Regime (SFR) has been established in the Plan and where the water resource is not over-allocated.

To issue discharge permits for a maximum period of 15 years for resources where the existing water quality is to be maintained and to issue discharge permits for a maximum period of 10 years in resources where the existing water quality require enhancement.

**Clintondale Trust - Whyte Trustee Company Limited ( David Whyte) - Submitter #: 62 Submission Point : 95**

With regard to vineyard development a return of investment is realistically a long term prospect, calculated in decades similar to the life of the vines on which the investment is predicated. Vine viability is reliant upon a reliable and consistent water supply. Any impact upon the water supply jeopardises the likelihood of a return on investment.

The importance of consistency and continuity would appear to be recognised by the Resource Management Act 1991 in making provision for water permits to be issued for periods of 30 years.

Any reduction in the duration of a water supply to a point where achieving a return on investment is no longer feasible would significantly impact upon confidence in committing significant financial resources into the local industry, and the Region as a whole.

To reduce the term of water permits to take and use water from 30 years to 10 years is significant and cannot be considered a "Minor Amendment".

- Further detail is provided in the full submission

**Relief sought:** The submitter seeks the Council's determination to:

(a) Delete entirely Item 1 Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes.

(b) No further action on this item be contemplated until the completion of the Water Allocation Plan Review.

(c) Consideration be accorded addressing this aspect in the next full review of the Plan which would enable sufficient time for all ongoing reviews to be conducted to secure better hydrological information and knowledge on which to base more definitively the extent of the water resources and the severity of adverse effects upon them.

**Coatbridge Limited ( Scott Rae William Adams) - Submitter #: 16 Submission Point : 20**

Oppose. Leave as status quo leaving terms of up to 30 years.

**Relief sought:** Leave as is.

**Delegat's Wine Estate Ltd ( R Bala) - Submitter #: 53 Submission Point : 81**

In the submitters view the policy change seeks to unduly restrict the term for water permit. Additionally the proposed new policy does not adequately reflect:

- i. the existing Plan provisions regarding water allocation; and
- ii. The level of knowledge surrounding Marlborough water resources in particular the surface water resources of the Awatere, Whaihopai and Wairau Rivers.

Delegat's considers that surface water bodies that have established SFR's it is more appropriate that water permits be granted for a term of 30 years.

Such a term is consistent with the Third Report of the Land and Water Forum which recommends that regional councils should grant water allocation consents for 20 to 35 years.

**Relief sought:** Opposes the proposed changes to Policy 6.3.1.1.3(i) and (ii).

Retain the current intention and wording of this Policy - reject the proposed changes in entirety.

**GS & FW Orchard Ltd ( Graeme Orchard) - Submitter #: 82 Submission Point : 123**

This submission opposes the maximum term for a water permit being reduced to 10 years.

Ten years does not allow for certainty in on going planning for future diversification and land development which can only be implemented with the knowledge that irrigation is a certainty.

**Relief sought:** No further action to be taken on this until the completion of the water allocation plan review.

**John Elvy - Submitter #: 28 Submission Point : 127**

the submitter supports the proposed changes on two fronts:

(a) Leaving the domestic water extraction 'as is'.

(b) Reducing the term for non domestic water extraction to a maximum of 10 years. A reduced term would allow improved management of this valuable resource, especially in cases where over allocation may be a reality.

If the term is reduced MDC should look at ways to streamline the application/renewal process so that the costs are not excessive for commercial users.

**Relief sought:** Leave the domestic water extraction provision as is.

Reduce the extraction term for commercial users to 10 years.

In instances where 'Commercial Extraction' currently occurs, that rather than the user apply for renewal that MDC reverse the policy and offer the user what is fair and reasonable based on their previous metered extraction records and what the resource can provide. This should streamline the renewal process and minimise costs in most cases.

That where an increase in abstraction is sought that this be subject to a new Consent Application.

That MDC investigate incentives for 'Smart Water Use' and promote this.

**John Webber - Submitter #: 56 Submission Point : 85**

The submitter opposes the proposed plan change.

There is significant financial investment in the establishment of water infrastructure plus ongoing costs of delivering water to vines. Such developments are long term investments that require long term water certainty.

Shorter consent terms will increase the frequency of renewals (depending on consent number and cycles) and this is a costly and time consuming process.

**Relief sought:** That the policy on term of water permits to take and use water remain unchanged.

That no further action on this item be contemplated until the completion of the Water Allocation Plan Review.

Further consultation with Marlborough Water Forum is undertaken and users are kept informed of progress.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 40**

The value of the infrastructure and crop requires long term certainty of water supply.

Over allocation should be responded to in another way other than the reducing of the water permit term.

**Relief sought:** Maintain the 30 year period for water permits.

**Landfall Estate Limited ( Jeremy Laurenson) - Submitter #: 21 Submission Point : 27**

Irrigation systems are expensive to install and operate

The land is expensive to purchase and to establish an agricultural/horticultural activity requires significant capital.

The land use based on these irrigations systems is very capital intensive and typically has at least a 50 year horizon.

The cost of renewing a permit has increased from about \$200 to the now prevalent \$2,400 per application. Under the current plan one application would be required -\$2,400- to three times \$2,400 + inflation and council bloat, say \$15,000.

All currently issued permits provided that in certain circumstances the terms of the permit may be varied and indeed, the Plan as amended, says "Resource reviews will be undertaken every 5 or 10 years depending on location, to ensure ongoing sustainable and equitable management of the resource:" ...

Water permits are issued with safeguards for changes in circumstance so there is no need to reduce the term from 30 years.

Under the current Plan the terms of water permits have been arbitrarily applied with consent terms of 30, 15 and 10 years be issued. It is not clear that Council would not continue to exercise a discretion.

Water consents are already issued with appropriate safeguards for changes in circumstances so there is no need to reduce the initial term from 30 years.

**Relief sought:** Reissue all water permits for a term of 30 years from their initial issue date.

The council would have no discretion to vary this term (Other than in the event of adverse circumstances)

The council would continue to monitor all permits for adverse circumstances which might suggest that the terms of permit be varied.

Any variation to a permit be supported by contestable data.

**Marama Irrigation Co Ltd ( David Robert Hammond) - Submitter #: 30 Submission Point : 37**

Marama Irrigation Co Ltd oppose the limiting of water permits to a 10 year term.

Given the amount of investment made by Marama Irrigation Co shareholders over the initial 10 year period we require sufficient certainty of a longer consent period to enable full development and planning of our existing water permit to occur.

**Relief sought:** A minimum of 20 years as has been noted in the 3rd Report of the Land & Water Forum that has been developed after a very extensive study and consultation process with all interested parties throughout NZ.

**Marlborough Province of Federated Farmers of NZ ( Michael Bennett) - Submitter #: 59 Submission Point : 89**

Federated Farmers acknowledge Council's efforts to address over-allocation. It does not however believe that the proposed change provides an appropriate mechanism to achieve this.

The section 32 analysis of Plan Change 61 lacks appropriate supporting information, and in particular lacks the depth of understanding that would have been achieved by wider involvement of industry and affected community members. It is not appropriate to rely on the assumption that item 1 is a minor change that does not affect the functionality of the Wairau/Awatere Resource Management Plan.

The proposed change will make it more difficult to raise capital for further development, and be unfair to those who have invested substantially in irrigation systems. It will also create significant uncertainty for schemes that rely on community owned water storage and infrastructure.

**Relief sought:** If Item 1 of Plan Change 61 to the Wairau/Awatere Resource Management Plan can not be withdrawn, extend the term of water permits to 20 years, with special provision of up to 30 years for abstraction via community water infrastructure including storage.

**Marlborough Vegetable and Process Growers Assoc ( Andrew Jones) - Submitter #: 29 Submission Point : 36**

There is a substantial financial investment in establishing irrigation infrastructure, development and technology to utilise water efficiency. These are long term investments and require certainty of access to water over a 20 to 30 year period to safe guard the investment required.

The Water Allocation Plan is currently under review as part of the Wairau/Awatere Regional Policy Statement Review. This proposed amendment through a Plan change would be premature and pre-emptive while the Water Allocation Review is yet to be completed.

**Relief sought:** Delete entirely Item 1 "Term of Water Permits for the Taking of Water from the proposed Plan Change - Schedule of Changes".

No further action on this item to be contemplated until the completion of the Water Allocation Plan Review.

**Marlborough Winegrowers Association Incorporated ( Marcus Pickens) - Submitter #: 81 Submission Point : 122**

The proposed change to shorten consent terms will put wine industry participants using this resource under undue financial pressure. There is significant financial investment in the establishment of water infrastructure and significant development costs to establish viticulture enterprises. Such developments are long term investments and as such require long term water certainty over a 20 - 30 year time frame to underpin these investments.

The third report of the Land and Water forum has signalled that Councils should grant consents for a minimum of 20 years and that longer durations should become the norm. A shorter consent term will increase the frequency of renewals and this is a costly and time consuming process.

**Relief sought:** Delete entirely Item 1 "Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes" That no further action on this item be contemplated until the completion of the Water Allocation Plan Review.  
Further consultation with the Marlborough Water Forum is undertaken and MWGA is kept informed of progress.

**Royal Forest and Bird Protection Society NZ (Inc) ( Debs Martin) - Submitter #: 80 Submission Point : 116**

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

**Relief sought:** Retain proposed change

**Starborough Farming Company ( Andrew Jones) - Submitter #: 76 Submission Point : 109**

The submissions opposes the maximum term of a resource consent to take and use water being limited to 10 years.

Intensive land use requires substantial investment in establishing irrigation infrastructure. These developments are long-term investments that require certainty of access to water over a 20 to 30 year permit term to safeguard this commitment.

The Land and Water Forum has signalled that Councils should grant consents for a minimum of 20 years and that longer durations should become the norm.

The Water Allocation Plan is currently under review as part of the Wairau/Awatere Resource Management Plan - Regional Policy Statement Review. This proposed amendment would be premature and pre-emptive while the Water Allocation Review is yet to be completed.

**Relief sought:** Delete entirely Item 1 "Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes"

No further action on this item be contemplated until the completion of the Water Allocation Plan Review.

**Trelawne Farm Limited ( Richard Guy Lissaman) - Submitter #: 32 Submission Point : 39**

There is a substantial financial investment in establishing irrigation infrastructure, development and technology to utilise water efficiency. These are long term investments and require certainty of access to water over a 20 to 30 year period to safe guard the investment required.

The Water Allocation Plan is currently under review as part of the Wairau/Awatere Regional Policy Statement Review. This proposed amendment through a Plan change would be premature and pre-emptive while the Water Allocation Review is yet to be completed.

**Relief sought:** Delete entirely item 1 "Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes"

**TrustPower Limited ( Laura Marra) - Submitter #: 19 Submission Point : 23**

While TrustPower agrees that a 30 year consent term may not be appropriate in all circumstances, it is TrustPowers view that in some circumstances a term greater than 10 years is appropriate. Particularly where significant investment is required, such as the case for infrastructure development.

Consent authorities have the discretion under current legislation to limit the term for which a consent is granted. Limiting all water permits to a maximum term of 10 years may not always be in the best interests of achieving sustainable management and promoting such a limit on consent term is arbitrary.

Council should make a decision on the appropriate length of time for individual permits on a case-by-case basis.

**Relief sought:** That, rather than specifying a timeframe the Council will grant water permits for the policy is reworded so that the term of individual water permits can be considered on a case-by-case basis.



**van Asch Irrigation Limited ( Geoffrey Edward van Asch) - Submitter #: 57 Submission Point : 86**

The submissions opposes the proposed plan change.

There is significant financial investment in the establishment of water infrastructure plus ongoing costs of delivering water to vines. Such developments are long term investments that require long term water certainty.

Shorter consent terms will increase the frequency of renewals (depending on consent number and cycles) and this is a costly and time consuming process.

**Relief sought:** Delete entirely Item 1 "Term of Water Permits for the Taking of Water from the Proposed Plan Change - Schedule of Changes"

No further action on this item be contemplated until the completion of the Water Allocation Plan Review.

**Item 2 - Definition of 'Family Flat'**

**Alan Walter Smith - Submitter #: 2 Submission Point : 2**

The concept of a family flat is beneficial to society and the family unit.

A family flat needs to have independence and size. The 70 square metres Marlborough District Council is specifying for a family flat is too small, its not much larger than a family motel unit.

The submitter believes that the concerns Marlborough District Council have on an independent family flat are, 1 a loss of productive land, 2 reductions in ruralness, and 3 subdivisions. The submitter finds it a contradiction of Marlborough District Council's concerns when many permitted activities, some of which are not wholly rural based are allowed, and size is apparently not an issue with some. Resource consent is required for sub-division so that is already under Marlborough District Council's control.

**Relief sought:** The submitter agrees the definition of a family flat needs to be sorted out, but Marlborough District Council is making the title too restrictive at 70 square metres together with being close if not attached to the main dwelling. It is the submitters opinion a "family flat" (dwelling) be a maximum size of 150 square metres and anywhere on the property visible from the main dwelling.

**Beavon Investments Limited ( DJ Clark) - Submitter #: 58 Submission Point : 87**

The proposal to make a "family flat" limited to 70m2 is arbitrary and too small, and does not account for the various possibilities that should be encompassed.

Also there is no distinction drawn between an existing building and a new building.

Utilisation of an existing building should be more flexible.

**Relief sought:** For a new building the limit should be 100m2

Where the building is relocatable there should be no limit of size.

There should be no limit of size where the building exists (and has a building permit) prior to the coming into force of the minor amendment to the Plan.



**Bronwyn Heather Wadsworth - Submitter #: 3 Submission Point : 3**

The size prescribed in the proposed change is restrictive and will not meet the requirements of some families in the district.

Some people will require a family flat to accommodate more than a single resident. In these instances, 70 m2 may be too small, especially on a large rural holding where the parents live in the main house, and their children and families live in a subsequent flat and all work at running the farm.

**Relief sought:** Modify the wording to allow for a larger family flat where the title is over a certain size e.g. 4ha, provided that the family flat is "at least 10% less in floor size than the principal residential unit on the property".

**Fiona Mary Patchett - Submitter #: 65 Submission Point : 98**

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

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

(i) Defining the term family - the addition of the word "immediate" before family would assist.

(ii) Requiring the family flat building to be located adjacent and/or proximate to the principal residence.

(iii) Requiring the building to be secondary and ancillary in size and scale to the principal dwelling.

(iv) Prescribing a time limit from the status of a permitted use, i.e. they are to be permitted for a fixed term only.

(v) Require payment of a bond to secure removal of the family flat at the end of the term of the permitted use either by reference to time or end of family occupation.

(vi) Such other decisions as are necessary to make clear that family flats are in fact a very limited and restricted exception to the provisions that permit only one dwelling house per title as of right and ensure "family flats" are properly controlled and restricted to their primary purpose which is to provide accommodation often for dependent family and often for a limited time frame.

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 43**

The definition of a family should allow for a husband and wife and possibly a dependent person.

The proposed definition is too restrictive

**Relief sought:** Reword to cater for a husband & wife situation plus a dependent child.

**Jonathon Andrew Falloon - Submitter #: 1 Submission Point : 1**

The inclusion of the family relationship criterion in the preferred option 4 introduces uncertainty of ongoing compliance considerations.

The 70m2 floor area limit sets a practical limit on family flat accommodation.

**Relief sought:** Adopt option 2 for the definition of family flat - restriction on size only.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 41**

The definition of a family flat should allow for a husband and wife and possibly a dependent person.

The proposed definition is too restrictive.

**Relief sought:** Reword to cater for a husband & wife situation plus a dependent child.

**Kevin and Linda Morgan ( Murray Hunt) - Submitter #: 63 Submission Point : 96**

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

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

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

**Khalid Suleiman - Submitter #: 17 Submission Point : 131**

Opposed - No reason given

**Relief sought:** Non specified

**NZI of Surveyors Nelson/Marlborough Branch ( Phil Morton) - Submitter #: 4 Submission Point : 6**

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

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

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

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

There may be periods when such a dwelling is not occupied by a family member or dependent relative, and that unrestricted occupation should be permitted.

Policing the use of family flats and the subsequent action would involve considerable cost and is unnecessary.

The construction cost of a family flat is significant, and it is unlikely that there will be great demand for such accommodation.

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

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

**Richard Warwick Evans - Submitter #: 77 Submission Point : 110**

Size limit in arbitral defined, personal choice is excluded.

**Relief sought:** Remove size limit

### Item 3 - Setback from water bodies for reasons other than avoiding flood hazard

#### John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 52

The proposed change prevents the activity of earthworks in an area identified as a flood hazard.

It is not clear from the evaluation what is the rationale for this change.

*Relief sought:* Remove the words "or earthworks" in the proposed change unless a much clearer reasoning is provided why these words should stay.

#### Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 42

The proposed change prevents the activity of earthworks in an area identified as a flood hazard.

It is not clear from the evaluation what the rationale for this change.

*Relief sought:* Remove the words "or earthworks" in the proposed change unless a much clearer reasoning is provided why these words should stay.

#### Richard Warwick Evans - Submitter #: 77 Submission Point : 111

Inclusion of "earthworks" in (iii) is limiting to owners and will increase development costs.

*Relief sought:* Exclude "earthworks" from clause.

#### Royal Forest and Bird Protection Society NZ (Inc) ( Debs Martin) - Submitter #: 80 Submission Point : 117

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

*Relief sought:* Retain proposed change.

### Item 5 - Controlled activity rule for development

#### Marlborough District Council ( Mark Caldwell) - Submitter #: 25 Submission Point : 31

I oppose in part the deletion of provisions (as specified below) under rule 30.2.1 Chapter 30 and rule 32.2.1 Chapter 32.

The purpose of deleting the provisions is that development contributions are those imposed under the Local Government Act 2002 and the Council Long Term Plan. The provisions are therefore redundant and can be deleted. There are however provisions under rule 30.2.1 and rule 32.2.1 that are not linked to the imposition of development levies that are still relevant and should be retained.

*Relief sought:* The decision I seek is that rule 30.2.1 and rule 32.2.1 should be retained but with the deletion of the provisions within the rules to the imposition of development levies being deleted. So that they read:

Rule 30.2.1 Application must be made for a resource consent for a controlled Activity for the following:

- The sale of farm produce from a rural selling place
- Excavation exceeding 1,000 m3 on land over 20 degree slope.
- Relocated buildings over 36 m2 in area
- Temporary Military Training Activities (not a permitted activity).

Urban Residential (Chapter 32)

Rule 32.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Relocated buildings of greater than 36 m2

## Item 6 - Clarify utility provisions apply to "requiring authority"

### **Bernard R Lankshear - Submitter #: 36 Submission Point : 62**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

### **Bryan Foss Leach - Submitter #: 26 Submission Point : 34**

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

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

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

### **Christine Helen Grant - Submitter #: 22 Submission Point : 28**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Colleen Lawson - Submitter #: 41 Submission Point : 67**

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

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

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I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**David Andrew Hanover - Submitter #: 37 Submission Point : 63**

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**Donald Sinclair Bradfield - Submitter #: 39 Submission Point : 65**

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**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Dr Anthony John Trevor Whitaker - Submitter #: 23 Submission Point : 29**

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

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

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**George Keith Buck - Submitter #: 74 Submission Point : 107**

The submitter opposes the proposed plan change. The requirement for the utility to be "a network utility operation", and be carried out by a requiring authority may have some unintended results and may not achieve Council's aims.

The changes assume that all utilities are installed as part of a network by operators who can be requiring authorities. However there can be a number of instances where a landowner may employ private electrical, drainage and cabling contractors who are not network operators and cannot become requiring authorities. In the absence of rules permitting the activity, the owner will need to apply for a Resource Consent.

One of the reasons for the change is the fear private persons may install tall aerials in their yards.

One needs to ask how often in the past have private people installed tall aerials.

It appears that the Council is using a sledge hammer to crack a nut. And that this is a huge over-reaction to a problem which appears not to exist.

The most likely person to install a large aerial is a member of the Amateur Radio fraternity. Generally speaking this group is fairly responsible and community minded. Further it is a group which has traditionally been of benefit to the community in times of civil emergency.

In proposing the change Council ignores the physics involved in radio communication. An aerial is rather more than a simple piece of wire. To act efficiently it must be tuned to the frequency being used. Common frequencies used by amateur radio operators are in the 40, 80 and 160 metre bands. Given that the minimum length for an efficient aerial is one quarter of a wavelength (that is 10, 20 or 40 metres), a height of seven and a half metres is inadequate.

This particular change does not seem to be well thought out and has potential problems. There does not appear to be any particular urgency to make the change since the present provision has been in place for many years with few if any problems.

It would seem sensible to take a step back and consider whether there may be a better way of achieving Council's objective without creating unintended issues.

**Relief sought:** I would ask Council to abandon this particular portion of its proposed change and let the status quo remain.



**Gerard van Antwerpen - Submitter #: 5 Submission Point : 9**

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

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

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**Harry Ernest Stephens - Submitter #: 13 Submission Point : 17**

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

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**Ian William Conway - Submitter #: 11 Submission Point : 15**

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

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

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**Jack Reddan - Submitter #: 20 Submission Point : 26**

That only a company classified as a utility, in the Council's eyes can operate under the utility provisions is anti competitive.

The submission details issues encountered by submitter when dealing with Council over the proposed installation of a power line over a river.

*Relief sought:* That the proposed change be declined

**Janet Marjorie Davidson - Submitter #: 15 Submission Point : 19**

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

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**Jarred Kidwell - Submitter #: 40 Submission Point : 66**

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

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**Jeremy Lamb - Submitter #: 72 Submission Point : 105**

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

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**John David Chass Walding - Submitter #: 38 Submission Point : 64**

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

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

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**John Elvy - Submitter #: 28 Submission Point : 126**

The proposed change is a logical move as it removes any doubt about legitimate providers for this activity.

A consequence of MDC's proposal is that Other Groups within the community could potentially be affected. These groups would benefit by the implementation of guidelines.

The proposed change could affect various groups within the community. Most of these groups would benefit by the implementation of guidelines.

Groups which come to mind are:

1. Commercial Operators which service Communications equipment as a Business
2. Amateur Radio Operators (Ham Radio)
3. Other i.e.; Marine / Viticulture / General Farming / Broadband Linking Antenna Systems

All Groups use antennas and masts/poles as part of their activity, these may be a "Fixed Installation or a mobile installation".

It is desirable for MDC to provide for these groups within Wairau/Awatere Plan, to not do so would ultimately create issues for MDC and the Community at large. Other TLA's within NZ have defined what is acceptable within their respective areas, MDC has yet to do this.

Aerials and masts are found on almost every building in Marlborough so they have become accepted into our community as they form part of our everyday lives whether it is business or pleasure.

What the community objects to is their property or amenity values being affected by the erection of larger than normal structures especially if the appropriate consultation has not taken place.

**Relief sought:** The erection of any Antenna should be a permitted activity providing the point of attachment for that antenna is no greater than 3 meters above the roofline.

For Antennas with the Urban environment requiring a height of greater than 3 metres above the point of attachment a consent is necessary.

For legitimate radio servicing Business's operating within the Urban Commercial Zone a Max permitted mast height of 5 m be allowable.

A consent is required for Wooden Poles, (Phone, power types) Masts and Towers situated within an urban environment regardless of height and location (To include the respective mounted Antennas).

No restrictions are proposed for Antennas/systems within the Rural environment.

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 53**

The definition of utility is still ambiguous. Does it include a privately run waste water & effluent treatment or irrigation scheme?

Would the change effect the establishment of a water supply reticulation, waste water and effluent disposal scheme in a residential development?

**Relief sought:** Clarification of the intent of the proposed change is required.

**John Powick Griffiths - Submitter #: 7 Submission Point : 11**

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

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

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I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**John Roger Lawson - Submitter #: 70 Submission Point : 103**

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

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

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I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**John Vernon Neal - Submitter #: 10 Submission Point : 14**

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

Amateur Radio ('Hams') is a service hobby which provides communications in remote and disaster areas where civil networks are overloaded or inoperative. A 'Ham' generally has the resources to get signals through. But they need antenna. Any restrictions on normal ham aeriels or antenna, restricts this ability.

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**John Wavell Herbert - Submitter #: 67 Submission Point : 100**

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

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**Joshua Samuel Wooding - Submitter #: 45 Submission Point : 71**

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

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**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 44**

The definition of utility is still ambiguous. Does it include a privately run waste water & effluent treatment or irrigation scheme?

Would the change effect the establishment of a water supply reticulation, waste water and effluent disposal scheme in a residential development?

**Relief sought:** Clarification of the intent of the proposed change is required.

**Kaye Hannagan - Submitter #: 9 Submission Point : 13**

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

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**Keith John Menzies - Submitter #: 75 Submission Point : 108**

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**Kenneth Edwin Hynds - Submitter #: 8 Submission Point : 12**

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**Kevin Pope - Submitter #: 47 Submission Point : 73**

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

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**Leslie John Rice - Submitter #: 46 Submission Point : 72**

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

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**Lloyd John Taylor - Submitter #: 43 Submission Point : 69**

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

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**Mark O'Neil - Submitter #: 73 Submission Point : 106**

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**Marlborough Amateur Radio Club ( William G Cousins) - Submitter #: 24 Submission Point : 30**

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

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

**Maxwell George Wooding - Submitter #: 48 Submission Point : 74**

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

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**Neville Marr - Submitter #: 55 Submission Point : 84**

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

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## **New Zealand Association of Radio Transmitters ( Mike Newman) - Submitter #: 64 Submission Point : 97**

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

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

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

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

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

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

The following documents are appended to the submission.

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

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

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

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

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

Such rules must:-

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

allow surmounted whip and discone antennas above the mast heights

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

allow penetrations of the daylight control recession planes.

New rules must be devised in consultation with the amateur radio service, and in particular

**Nigel Wilhelmus - Submitter #: 6 Submission Point : 10**

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

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**Oliver Joseph Reed - Submitter #: 49 Submission Point : 75**

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**Paul William Gordon Rennie - Submitter #: 14 Submission Point : 18**

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**Phillip Rayaner - Submitter #: 44 Submission Point : 70**

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**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Robert Jacob Nicoll - Submitter #: 71 Submission Point : 104**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Robin Stacy Carter - Submitter #: 12 Submission Point : 16**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Robin William Francis York - Submitter #: 50 Submission Point : 76**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Samuel Tennent - Submitter #: 69 Submission Point : 102**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Stuart Nisbet Rae - Submitter #: 18 Submission Point : 21**

The alteration of the meaning of Section 27.5 will remove the existing right of private individuals and businesses to undertake the construction of any form of aerial and its support structure. This could have serious implications for current and future Licensed Spectrum Users, as defined in Part 6, Section 49, of the Radio Communications Act 1989. The proposed amendment may be interpreted as meaning that any form of aerial structure, (including satellite receiving antennas), would become a discretionary activity, requiring resource consent.

In addition the proposed amendment to the plan would give an inequitable and unfair advantage for network utility operators, as requiring authorities, in relation to private individuals and businesses.

This does not appear to have been the intent of the Resource Management Act in making provision for approved "network utility operators" and "requiring authorities".

**Relief sought:** My objection would be met by the Council abandoning this particular proposed plan amendment.

Alternatively my objection would be also met by altering the proposed amendment to read:

"means a network utility operation undertaken by a requiring authority as these terms are defined in Section 166 of the Resource Management Act 1991, or a licensed Spectrum Users as defined in Part 6 Section 49 of the Radio Communications Act 1989".



**Tonino Caccimani - Submitter #: 60 Submission Point : 91**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Tony Richard Daken - Submitter #: 27 Submission Point : 35**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**TrustPower Limited ( Laura Marra) - Submitter #: 19 Submission Point : 24**

TrustPower opposes the insertion of the proposed 'utility' provision.

Not all network utility operators are requiring authorities and thus as proposed, the utility rules would no longer apply to all network utility operators. In addition, many network utility operators are private businesses, so the purpose of the changes as stated in the s32 report is not achieved.

TrustPower does not agree that the changes sought in the s32 report on this matter are appropriate as the plan should seek to manage effect rather than by ownership type.

Some network utility operators are requiring authorities for certain functions. Therefore only components of some network utility operations activities will be provided for by these rules.

In TrustPowers view this would be unreasonable and cumbersome to plan users. The plan should provide for and seek to manage all utilities and infrastructure in a consistent manner.

**Relief sought:** That the proposed definition and effect of limiting the utility chapter to requiring authorities is rejected.

Alternatively, that the utility chapter is expanded to also provide for infrastructure (as defined in the RMA).



**Wayne Francis Lucas - Submitter #: 51 Submission Point : 77**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**William Ronald Brunton - Submitter #: 42 Submission Point : 68**

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

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

**Relief sought:** That the amateur radio service be included in the utility provisions, along with the requiring authorities, with regard to antenna and their supporting structures.

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

I seek to include the Amateur Radio Service along with the 'requiring authority', so that the existing requirements can continue to apply to Amateur Radio antenna structures.

**Item 7.1 - Reconcile subdivision standards to Township Residential zone with site density standards**

**Khalid Suleiman - Submitter #: 17 Submission Point : 133**

Opposed - No reason given

**Relief sought:** Non specified

**Item 7.2 - Clarify that building platforms must be free from easements and yard setbacks**

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 54**

Where Council is wanting infill to take place there will be occasions that require the flexibility to utilise, on occasion, yard set backs.

This new rule appears to reduce this flexibility.

**Relief sought:** Keep the status quo which provides flexibility for infill & "tight" situations e.g. in the Marlborough Sounds

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 45**

Where Council is wanting infill to take place there will be occasions that require the flexibility to utilise, on occasion, yard set backs.

This new rule appears to reduce this flexibility.

*Relief sought:* Keep the status quo which provides flexibility for infill & "tight" situations e.g. in the Marlborough Sounds.

**NZI of Surveyors Nelson/Marlborough Branch ( Phil Morton) - Submitter #: 4 Submission Point : 7**

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

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

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

**Richard Warwick Evans - Submitter #: 77 Submission Point : 112**

Will restrict infill subdivision and remove choice of owners to develop.

*Relief sought:* Remove "building setbacks" from clause.

**Item 7.4 - Remove references to compliance with Assessment Matters from the rule relating to controlled and discretionary subdivision activities**

**Marlborough District Council ( Mark Caldwell) - Submitter #: 25 Submission Point : 32**

There is a typographical error in that the rule referenced is 28.5 in the proposed amended rule 28.2 (Controlled Activities) the rule that should be referenced is rule 28.2.5.

*Relief sought:* The decision I seek is that rule 28.2 be amended as follows:

If subdivision proposals for these zones meet all of the following standards (Rules 28.2.2, 28.2.3) the Council will reserve control over the matters prescribed in Rule 28.2.5.

**Item 8 - Include rules for the damming of water**

**Blind River Irrigation Limited ( Steve Wilkes) - Submitter #: 61 Submission Point : 92**

The proposed change to Rule 27.1.6 represents a pragmatic and sensible change that seeks to remove unnecessary resource consenting requirements as the existing Plan provisions are confusing with respect to the damming of water associated with constructing storage dams.

*Relief sought:* Blind River Irrigation supports Item 8 and the proposed change to Rule 27.1.6 in entirety.

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 55**

The submitter supports this proposed change.

*Relief sought:* Support the proposed change as worded.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 46**

the submitter supports this proposed change.

*Relief sought:* Support the proposed change as worded.

**Royal Forest and Bird Protection Society NZ (Inc) ( Debs Martin) - Submitter #: 80 Submission Point : 118**

It is a logical step to include the damming of water as an effect of constructing the dam. However, Council would need to ensure that the consequences of constructing a dam then considered the effects of damming water behind it.

**Relief sought:** Neutral on proposal for change. If it is changed, ensure factors are present in the plan to consider the effects of damming the water, e.g. inundation effects, riparian, etc.

**TrustPower Limited ( Laura Marra) - Submitter #: 19 Submission Point : 25**

TrustPower agrees with s32 report that the changes will "streamline the consent process and reduce costs associated with unnecessary consents".

TrustPower has identified a potential grammatical error. That may have implications for interpretation as the current drafting suggests that a separate water permit will be required for the damming of water, which is at odds with the rest of the changes proposed.

**Relief sought:** That these changes are accepted provided that the following minor amendment is made to the text following the heading "Rule 27.1.6"

A consent for the construction of any dam and the associated damming of water, does not cover the taking, use, or diversion of water controlled under Section 14 of the Act. A separate water permit will be required for the taking, use, diversion of water associated with a dam and the damming of water.

## **Item 9 - Subdivision in the Conservation Zone**

**Royal Forest and Bird Protection Society NZ (Inc) ( Debs Martin) - Submitter #: 80 Submission Point : 119**

Support the proposed change.

**Relief sought:** Retain proposed change.

## **Item 10 - Wineries, distilleries, and breweries in rural environments**

**Bronwyn Heather Wadsworth - Submitter #: 3 Submission Point : 4**

A processing and / or production facility is vastly different to a retail and / or dining facility in regard to its effects on the environment in terms of noise, hours of operation, traffic density, waste discharge, building density and water usage.

It is important that the distinction between these two types of activities is maintained. This will ensure that production facilities require their own specific consent to be granted.

**Relief sought:** To provide a definition for "Beverage Processing and / or Production facilities in rural environments", distinct from the existing definition for "Wineries, distilleries, and breweries in rural environments".

To add specific assessment criteria for "Beverage Processing and / or Production facilities in rural environments" to the Plan.

To modify the existing definition of "Wineries, distilleries, and breweries in rural environments" to allow for non alcoholic beverage production, or production of alcoholic beverages that do not fit within the existing definition.

**Clintondale Trust - Whyte Trustee Company Limited ( David Whyte) - Submitter #: 62 Submission Point : 124**

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

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

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

**Constellation Brands Limited ( Vicki Nalder) - Submitter #: 35 Submission Point : 61**

There has been inadequate s.32 analysis relating to the change

The definition is not sufficiently broad to encompass all those components of activities which should be included in the definition of a winery under the plan. The term winery should also be broadly referred to as a winery facility.

The definition is contrary to the common and normal meaning of what a winery incorporates in the Marlborough District.

**Relief sought:** The proposed definition of a winery be broadened to include the matters raised in our submission.

For the purpose of this definition a winery facility shall also include the following:

1. Storage (including in tanks and barrels), ageing, blending, bottling, packaging and distribution of wine/fruit juice.
2. Storage and disposal of waste water, and the disposal of marc.
3. Transportation of bulk juice/wine both to and from the winery.
4. Associated warehousing, office space, laboratory and associated administration activities.

**Delegat's Wine Estate Ltd ( R Bala) - Submitter #: 53 Submission Point : 82**

The current definition does not provide for all aspects of how most wineries function. It is appropriate to amend the definition of 'Winery' to reflect the commercial and operational functions associated with most wineries.

- Receive and process grapes into juice
- Receive juice from another winery.
- Process juice into wine, blend and store the finished wine.
- Receive bulk wine from another winery
- Associated bottling, packaging and dispatching of wine.

Any definition that restricts any of these commercial and functional activities cannot be contemplated by the wine sector.

**Relief sought:** Delegat's supports that a change to the definition in Chapter 26 of the Plan is required by opposes the proposed wording by Council.

Amend the proposed definition of Wineries in Chapter 26 of the Plan and replace with an alternative.

Delegat's suggests that the definition of "Wineries" in Chapter 26 be amended to the following:

"a facility for the receiving, processing, production, storage and despatch of grapes, grape juice and finished wine. The facility may or may not also include premises for the bottling and packaging and despatch of wine, public tasting, retail sale of wine, associated wine promotion material and associated dining facilities.

**Guernsey Road Residents Association Incorporated ( M Leigh-Lancaster) - Submitter #: 68 Submission Point : 101**

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

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

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

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

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

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

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

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

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

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

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

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 56**

The definition of "Winery" fall short of an accurate description. The definition needs to cover things like taking in juice from another winery for blending, bottling and sale on site.

A winery should be defined to include the ability to bottle and package the product ready for the market place.

**Relief sought:** Reword the definition of Winery to more clearly reflect the activities that are able to take place in the Winery.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 47**

The definition of "Winery" falls short of an accurate description. The definition needs to cover things like taking in juice from another winery for blending and sale, and bottling on site.

A winery should be defined to include the ability to bottle and package the product ready for the market place.

**Relief sought:** Reword the definition of Winery to more clearly reflect the activities that are able to take place in the Winery.

**Marlborough District Council ( Mark Caldwell) - Submitter #: 25 Submission Point : 33**

Reference to premises for the retail sale of wine, associated wine promotional material and associated dining facilities in the definition for a Winery is not required as these activities are covered by the definition for Commercial Activity in Chapter 26.

**Relief sought:** The decision I seek is as follows:

Delete the following definition from Chapter 25 (Definitions)

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

Add the following definition to Chapter 26 (Definitions)

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

**Marlborough Winegrowers Association Incorporated ( Marcus Pickens) - Submitter #: 81 Submission Point : 121**

The definition should be widened to include the following points.

A winery is a facility for:  
the receipt of grapes and other products associated with the production wine;

The processing of grapes or other fruit or juice for the production of wine;

The blending and storing of wine;

The dispatch of wine;

There is uncertainty regarding the commercial activities that some wineries undertake and what part of the Wairau/Awatere Resource Management Plan these activities are defined within. It is noted that the commercial activities are also included in the proposed Marlborough District Council new definition of a Winery. The submitters definition would be widened so the commercial activities include "The consumer tasting of wine(s), premises for the retail sale of wine, associated wine promotional activities and associated dining facilities".

**Relief sought:** Amend Item 10 Wineries, distilleries, and breweries in rural environments and the definition within this to include the above activities which are important aspects of a winery operation.

**WilkesRM Solutions Ltd - Submitter #: 78 Submission Point : 114**

A revised definition of the term "winery" is necessary as the current Plans definition doesn't specifically address the bulk wine market (being sale and movement of bulk wine between wineries as opposed to the export of bulk wine) or the efficient use of fermentation capacity within the industry from crushing grapes to juice and then movement between wineries.

While the proposed change is a significant improvement on the current definition, it does not sufficiently define the actual processes that occur within wineries throughout Marlborough.

**Relief sought:** That the following definition of a "Winery" be adopted:

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

**Item 11 - Amend definition of 'Home Occupation' to reflect the intention that it can only be undertaken by a member of the household, plus one additional person**

**Bronwyn Heather Wadsworth - Submitter #: 3 Submission Point : 5**

The wording of the proposed change can be interpreted as only a single person from the household being allowed to work in the home occupation. It is indeed the intention to only allow a single member of the household to work in the Home Occupation, then this is restrictive and unreasonable. There are no additional impacts in allowing more than one member of the household to work in the Home Occupation.

Additional employees will not necessarily generate a level of activity out of keeping with the amenity and character of residential neighbourhoods.

There is no provision for part time employees, such as cleaners.

There are existing Home Occupations with more than 1 employee that have not "developed to a scale or intensity as would cause detriment to local residential character".

**Relief sought:** Modify the wording to read (a) Performed only by members of the household residing in the dwelling unit or accessory building in which it is carried out;

Do not add "The person undertaking the home occupation is entitled to employ one additional person that does not normally reside in the dwelling unit or accessory building" as it provides additional restriction without achieving the stated objectives. The existing wording in the plan is sufficient.

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 57**

The definition is too restrictive in that it does not allow a husband and wife to work from the home in separate businesses.

**Relief sought:** In (a) add the words "or members" after the word "member" in the first line.

In (b) the paragraph underlined change the word "person" to read "persons" in the first line and change the word "is" to read "are" in the same line.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 48**

The definition is too restrictive in that it does not allow both a husband and wife to work from the home in separate businesses.

**Relief sought:** In (a) add the words "or members" after the word "member" in the first line.

In (b) in the paragraph underlined change the word "person" to read "persons" in the first line and change the word "is" to read "are" in the same line.

**Richard Warwick Evans - Submitter #: 77 Submission Point : 128**

Single person limit is restrictive and will limit growth of business.

**Relief sought:** Remove 1 person limit, match with 5 person home stay.



## **Sheridan Jerrett - Submitter #: 66 Submission Point : 99**

Oppose the insertion of the word 'brothels', as I do to the current inclusion of 'escort agency' and 'massage parlours' as excluded activities. The exclusion of these specific personal services, is discriminatory.

Oppose the inclusion of 'motor vehicle repairs', under the 'Excluded from this definition' paragraph. This is too vague, and should instead be added to 'motor body building' as 'motor body building or repairs'.

Inserting the word 'Discretely' and its definition would assist in defining a home occupation.

**Relief sought:** To omit the intended word 'brothels' from the definition of Home Occupation.

Amendments:

1. Insert the word's 'carried out discretely' into the definition of Home Occupation.

Home Occupation - means an occupation, business, trade, craft or profession, carried out discretely, the primary purpose of which is to derive income and is: ...'.

2 Insert a definition for the word 'Discretely'.

Discretely - means that the person undertaking the Home Occupation has ensured that:

All necessary permits, certification, and resource consents have been obtained;

Signage is restricted to their Trading Name and Phone Number, a maximum size of A4, and attached to or alongside their letterbox;

Client parking is available on their property;

Noise emissions are infrequent and within the acceptable urban level, night and day;

Particle emissions meet the current Log Fire standards, and

Emitted odours are low level and infrequent, or undetectable by their neighbours.

3 Remove the words 'other than escort agencies and massage parlours" from the definition of Home Occupation (Chapter 26).

4 Delete the words 'motor vehicle repairs' under the 'Excluded from this definition' paragraph, part of the definition of Home Occupation (Chapter 26).

'Exclude from ... Spray painting, fibre-glassing, ... or locality.'

5 Insert 'or repairs' after 'motor body building', under the 'Excluded from this definition' paragraph, part of the definition of Home Occupation (Chapter 26).

'Excluded from this definition ... fish processing, motor body building or repairs ... or locality.'

## **Item 12 - Include drainage channels in the rules requiring discharge setbacks from water bodies**

### **John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 58**

The submitter supports the proposed change providing it is restricted to sewerage and waste water disposal and does not include storm water disposal.

**Relief sought:** That any proposed wording is restricted to wastewater and or effluent discharges and NOT storm water.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 49**

The submitter supports the proposed change providing it is restricted to sewerage and waste water disposal and does not include storm water disposal.

*Relief sought:* That any proposed wording is restricted to wastewater and or effluent discharges and NOT storm water.

**Khalid Suleiman - Submitter #: 17 Submission Point : 132**

Opposed - No reason given

*Relief sought:* Non specified

**Marlborough Province of Federated Farmers of NZ ( Michael Bennett) - Submitter #: 59 Submission Point : 90**

The implications of this proposed change have not been fully understood and are not 'minor'. Therefore it is not appropriate to add 'drainage channel' to all of the existing setback rules.

In some cases the proposed setbacks may result in reverse sensitivity effects as occupiers of nearby land are hindered in installing new drainage channels, or if an existing activity requires resource consent because a neighbour has constructed a 'drainage channel' within the setback distance.

Item 12 is inappropriate for several reasons:

- Some drainage channels discharge to an open paddock or constructed wetland other than a waterway.

- Some activities utilise drainage channels to divert stormwater around the activity.

- Many drainage channels are ephemeral.

- Subsurface drainage channels are not easily located so it will not be apparent whether compliance has been achieved.

*Relief sought:* If Item 12 of Plan Change 61 to the Wairau/Awatere Resource Management Plan can not be withdrawn, include a definition of 'drainage channel' that excludes ephemeral channels, subsurface drains, drainage channels used to divert runoff water around and away from sensitive areas, and drainage channels that do not eventually 'discharge' to a water body.

**Royal Forest and Bird Protection Society NZ (Inc) ( Debs Martin) - Submitter #: 80 Submission Point : 120**

Support proposed change.

*Relief sought:* Retain proposed change.

**Item 13 - Earthwork volume limit exemptions**

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 59**

The submitter does not consider the reasons given for the proposed change are adequate to justify its need. The proposed change will add another layer of costs to development.

*Relief sought:* Let the status quo remain and all the exemptions a) to d) inclusive remain.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 50**

The submitter does not consider the reasons given for the proposed change are adequate to justify its need. The proposed change will add another layer of costs to development.

*Relief sought:* Let the status quo remain and all the exemptions a) to d) inclusive remain.

**Khalid Suleiman - Submitter #: 17 Submission Point : 134**

Opposed - No reason given

*Relief sought:* Non specified

**NZI of Surveyors Nelson/Marlborough Branch ( Phil Morton) - Submitter #: 4 Submission Point : 8**

The proposed 20m3 limit is a ridiculously small amount, particularly in the Rural Residential Zones where allotment sizes are significant.

Many minor works will require resource consents. For example excavation for a swimming pool or a driveway in the Rural Residential Zone will almost certainly trigger the requirement for resource consent

*Relief sought:* It is considered the 20m3 maximum should be raised to 150m3, particularly if the exemptions are removed. By way of example this will allow a medium sized pool to be placed or a driveway (50m long) or house footprint to be stripped. Rule 31.1.7.1.1 refers

It is considered that the time period applicable should be reduced to one year. This will mean that the above mentioned separate minor works can be undertaken within an acceptable building time zone. Rule 31.1.7.1.2 refers.

Significant earthworks relating to sloping ground or large areas will still be under the control of Council.

Alternatively it is suggested that there should be no maximum volume limit on land under 20 degree slope as per the adjoining Urban Residential and Rural Zones.

**Richard Warwick Evans - Submitter #: 77 Submission Point : 129**

This will require 'subdivision earthworks' to obtain resource consent at additional costs.

*Relief sought:* Delete 'subdivision earthworks' from clause.

**Item 14 - Garden Maintenance**

**Clintondale Trust - Whyte Trustee Company Limited ( David Whyte) - Submitter #: 62 Submission Point : 125**

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

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

**John Ernest & Alison Lillian Marris - Submitter #: 34 Submission Point : 60**

The submitter supports the proposed change.

*Relief sought:* Supports the proposed change.

**Kapiti Views Trust ( John Marris) - Submitter #: 33 Submission Point : 51**

The Submitter supports the proposed change.

*Relief sought:* Supports the proposed wording.

**Item 15 - Zoning Amendments - Map 131 (Rarangi)**

**Rarangi District Residents Association ( Beverley Doole) - Submitter #: 54 Submission Point : 83**

The Rarangi Districts Residents Association supports the proposed plan change and its intention to ensure our water supplies are kept clear of septic tank contamination.

*Relief sought:* That the plan change is approved

**Richard Warwick Evans - Submitter #: 77 Submission Point : 130**

Deferred Township Residential Zone limits development, owner should have choice to pay for treatment.

*Relief sought:* Decline this proposal.