



# **MARLBOROUGH DISTRICT COUNCIL**

**MARLBOROUGH DISTRICT COUNCIL  
MARLBOROUGH RIDGE PLAN CHANGE**

**PLAN CHANGE 72  
WAIRAU/AWATERE RESOURCE MANAGEMENT  
PLAN**

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# Marlborough Ridge - Plan Change 72

## Wairau/Awatere Resource Management Plan (WARMP)

### 1 Introduction

This report sets out an evaluation of proposed Plan Change 72 to the Wairau/Awatere Resource Management Plan (WARMP) introduced by Marlborough District Council (MDC).

The purpose of the plan change is to address issues that have arisen in respect of the Marlborough Ridge Zone. The zone applies to a predominantly residential development located approximately 5km south west of Blenheim off New Renwick Road.

It is apparent that the development that has occurred on the site does not in many respects reflect the original intention of the zone. In addition a number of the zone provisions are difficult to interpret and administer. Accordingly it is proposed to delete the existing Marlborough Ridge Zone in its entirety and replace it with existing WARMP Residential Township, Rural 4, Conservation and Local Recreation zones including some minor amendments to the rules.

This report contains the following sections in respect of the Plan Change:

- Background
- Development to date in the Zone
- Need for the Plan Change
- Proposed Provisions of Plan Change
- Statutory Assessment including Section 32 analysis.
- Consultation
- Conclusion

### 2 Background

#### 2.1 Zone Provisions

The Marlborough Ridge Zone is presently contained in Appendix K to Volume 2 of the WARMP. All of the zone provisions are contained within this Appendix. The zone provisions are attached as **Appendix 1** to this report.

The Zone contains the following provisions:

- Zone Statement
- Zone Objectives (but no policies)
- Rules
- Development Plan

#### The Zone Statement

The Zone Statement outlines the purpose of the zone and includes the following provisions.

*The zone is formulated to accommodate tourist development which can build upon, and enhance recreational, cultural and commercial opportunities in the region. It adjoins a golf club, and will provide a considerable range of outdoor and indoor sporting and recreational opportunities. It will include viticultural activity and other rural based attractions. The zone is well located close to the airport, to Blenheim and to major tourist attractions and clear of land of high value for food production. In addition, the zone will provide for opportunities to live in a rural environment in a variety of property sizes and thus remove pressure from more valuable productive land*

*The zone is generally confined to a ridge running south from New Renwick Road to the east of the golf course. It also includes an area of flat land adjacent to New Renwick Road and a small lake providing an area of ecological and recreational value.*

...

*The ridge is of lesser productive value than the flats and will be reserved for non-productive developments. A portion of the north western-most land adjacent to the north of the lake area is intended to be utilised for residential purposes as well as gaining the benefit of the amenity of the lake and wetland area there.*

...

*The zone provides for rural-residential activities and subdivisions for small rural lots with an average area of approximately one hectare, although no land has been zoned specifically for these purposes.*

*The zone is located within a rural environment and it is desirable that it does not compromise legitimate farming activity. The potential incompatibility of intensive rural productive activities and urban land use is mitigated partly through the provision of a buffer area at the road frontage of the property, and partly through rules which provide performance standards reflecting the needs of productive activities to operate within reasonable limits. These rules specifically recognise that productive activities should not be compromised by the addition of this zone and the proposed development in the zone.*

#### Objectives

There are eight objectives as follows

##### **1.1 Objective**

*To provide for the development of tourist and recreational facilities in the zone and at the same time, conserving and enhancing the physical, scenic and ecological values of the area.*

##### **1.2 Objective**

*To provide for limited comprehensive and co-ordinated medium to low density residential development to give a variety of residential and rural opportunities, lifestyle options and land uses.*

##### **1.3 Objective**

*To ensure that necessary services can be provided to and for development within the zone without adversely impacting on the environment and without affecting the amenities of the area.*

##### **1.4 Objective**

*To ensure that all development is carried out in a comprehensive manner in terms of an appropriate and agreed strategy.*

##### **1.5 Objective**

*To ensure that buildings and other structures erected within the Marlborough Ridge Zone are appropriate to the area in which they are located, with regard to external appearance, design and colour.*

##### **1.6 Objective**

*To implement a comprehensive land use and landscape development concept for the zone, allowing at the same time a reasonable degree of flexibility within the Council's discretionary powers.*

##### **1.7 Objective**

*To provide as of right for those activities which can be appropriately located and established within the zone, without the need for any further controls, other than those contained within the rules.*

### 1.8 Objective

*To recognise the establishment and management of activities in the zone, in that the zone is located within a rural environment, and that there are legitimate rural activities which should not thereby be restricted.*

As indicated above there are no policies.

### Rules

The Rules permit the following activities:

- Single unit dwellings (1 per lot) in residential and rural residential areas defined in the Development Plan.
- Recreational facilities
- Nurseries for the growing of trees
- Vineyards and horticulture on lots 2,000 m<sup>2</sup> or greater.
- Grazing of animals on lots 2,000 m<sup>2</sup> or greater.
- Dams and other structures
- Professional offices and home occupations provided these are ancillary to the principal dwelling activity
- Buildings accessory to the above
- Planting and harvesting of woodlots in rural, rural residential and conservation areas

Conditions for permitted activities include landscaping, erosion control, open space, appearance, height, yards, vehicle parking, noise, glare and vibration.

Controlled activities include:

- Hotels, conference centres, restaurants and cafes, shops and subdivision

### Development Plan

The Development Plan defines the Marlborough Ridge Zone Area, the Marlborough Ridge Zones and the Legal Boundary 2003. The plan notates different areas including Rural, Rural (vineyard), Residential, Recreation (Village Green), Hotel Complex and Conservation Areas.

The Development Plan is referred to a number of times in the rules of the Zone with activities required to be in accordance with the plan.

The relevant planning maps (135, 152 and 154) indicate the adjoining Rural Zone is Rural 4, which the WARMP defines as the General Rural Area applying to land less than 1,000m above sea level and not part of the lower Wairau Plain.

## 2.2 Development to date.

Since the inception of the zone the following development has been undertaken:

- Subdivision of approximately 150 lots for residential and rural residential purposes. Approximately 100 of these lots range in area from 800m<sup>2</sup> to 2,200m<sup>2</sup> and the remainder from 3,000m<sup>2</sup> to 3,500m<sup>2</sup>. The lots generally have single unit dwellings constructed on them. The site has reached its subdivision potential with the site subdivided or resource

consents issued for subdivision. It is estimated there are approximately 40-50 vacant consented sites available for building.

- The establishment of a Conservation area lake and wetland.
- The establishment of viticulture.
- The balance of the site has continued to be grazed by stock and contains an existing dwelling.

See Appendix 5 which shows the extent of development.

The site has generally reached its maximum development potential consisting primarily of residential housing. Hotel development, which was one of the primary drivers of the zone has not occurred and there is negligible likelihood of this occurring in the future because of a lack of market demand and available space in the zone.

### 3 Need for the Plan Change

It has become apparent that the development of the Marlborough Ridge Zone has not achieved the intentions and objectives of the Zone. In particular:

- There has not been any development of hotel or related facilities such as conference centres, cafes, bars etc
- There has not been any development of recreation facilities which are stated in the zone to also include water gardens, restaurants, and a viticulture museum. It is noted that the golf course is existing and does not form part of the zone.
- Rural residential development with a one ha average has not occurred as envisaged by Objective 1.5.
- The appearance of buildings does not always reflect the general design standards
- Comprehensive development in the manner envisaged has not occurred.
- While provision is made for medium to low density development this has not necessarily resulted in a variety of opportunities or been coordinated.
- Design themes and landscaping plans have not been always been implemented.
- The zone is reaching its maximum development potential and it is highly unlikely the activities which are provided for in the zone provisions but not yet built will be realised because of a lack of market demand and available space.

It is also apparent that difficulties arise in respect of the existing provisions of the zone as follows:

- The Development Plan is difficult to interpret in terms of boundaries and areas of activity.
- The southern part of the Development Plan does not have a notation.
- Uncertainty of the location of different activities having regard to the zone provisions and Development Plan.
- There are no rural residential areas identified on the Development Plan despite reference to them in the text
- Areas specified in the Development Plan for particular purposes have been developed for alternative purposes. In this respect the "Hotel Complex" and "Recreation (Village Green)

have largely been developed for residential purposes and the Rural area at the front of the site for large lot residential development.

- There is no “overview landscaping plan” included in the Zone provisions notwithstanding a reference to one in the zone provisions.
- Incorrect reference to Zone provisions.
- A lack of integration of the Zone provisions.
- There are no rules relating to regional matters and the status of these activities is unclear.

Given the failure of the Zone to achieve its desired outcomes, and in particular the provision of hotel development, and the somewhat confusing provisions it is proposed to amend the WARMP to enable better administration and to retain the integrity of the WARMP. Accordingly it is proposed to delete what has become an inappropriate zoning and replace it with zone provisions which better reflect development on the site.

## 4 Purpose of the Plan Change

The purpose of the Plan Change is to reflect the reality of development that has occurred at Marlborough Ridge; to guide any future development; and to retain the integrity of the WARMP:

## 5 Proposed Provisions of Plan Change

The following is proposed in respect of the Plan Change:

1. Delete Appendix K Marlborough Ridge Zone from Volume 2 of the WARMP in its entirety.
2. Amend Planning Maps 135, 152 and 154 by:
  - (i) the deletion of the words “(Marlborough Ridge Zone see Appendix K, Volume Two)”
  - (ii) the rezoning of the Marlborough Ridge Zone site with the following:
    - a Township Residential Zone and the notation “Marlborough Ridge”
    - a Rural 4 Zone
    - a Conservation Zone
    - a Local Recreation Zone

as shown on the attached plan in **Appendix 2**.

3. Add the following to Chapter 11.2.3 Method of Implementation after Zoning

**Marlborough Ridge Residential Township**

**At Marlborough Ridge in the the Residential Township Zone, subdivision is a non complying activity given that subdivision of vacant land has been completed and further subdivision of existing lots is not contemplated in order to maintain existing amenities and because there is insufficient water supply and sewage disposal capacity.**

4. Add the following to the table in Rule 28.2.2 Allotment Standards (Controlled Subdivision Activities) in the “Zone” column:

Township Residential (excluding Renwick **and Marlborough Ridge**)

5. Add the following to the table in Rule 28.3.2 Allotment Standards (Discretionary Subdivision Activities) in the "Zone" column:

Township Residential (excluding Renwick **and Marlborough Ridge**)

6. Add the following to "28.4.2 Subdivision is a Non-Complying Activity (with the exception of Utilities)" as follows:

**(g) Township Residential Zone (Marlborough Ridge)**

7. Add the following to Rule 33.3.1 first bullet point:

- Residential activity provided that only one dwelling house per Certificate of Title is allowed as a Permitted Activity
  - on allotments without reticulated sewerage **and;**
  - **on allotments at Marlborough Ridge.**

8. Add the following to Rule 33.1.7.2 On Site Sewage Disposal after 33.1.7.2.5

**33.1.7.2.6 Rule 33.1.7.2 does not apply to Marlborough Ridge**

9. Add the following bullet point to Rule 33.4.1

- **Family Flats (Marlborough Ridge)**

An Accordingly with the Marlborough Ridge Zone provisions inappropriate and no longer applicable it is proposed to delete the existing Marlborough Ridge Zone provisions in their entirety.

The zoning is to be replaced by the following existing zones of the WARMP - Township Residential Zone, Rural 4 Zone, Conservation Zone and Local Recreation provisions.

The Township Residential Zone applies to the existing built up and subdivided residential development given that the zone best reflects the development on the site. Some minor amendments to are however proposed to recognize the characteristics of the site. In particular:

-Subdivision is a non-complying activity given that all of the site is subdivided or has resource consents in place. Subdivision of existing lots is not favoured because it detracts from the existing amenities established by the density of development and because of water supply and sewage constraints of the existing mains that serve the site. These matters are referred to in the amended rules (including restricting on site sewage disposal as an alternative to connecting to the trunk mains) and Methods of Implementation.

-Due to the existing nature of the development which has established particular density and amenity standards only one dwelling per certificate of title is allowed. Family flats are also listed as a discretionary activity in order to retain the one dwelling per certificate of title in the first instance.

The Rural 4 Zone applies to those parts of the Marlborough Ridge Zone which are used for rural activities such as viticulture and the south area of the Zone which does not have a notation but is used for rural activities.

The Conservation Zone applies to a lake and wetland area on the eastern boundary established as part of the original development and which contains significant natural values.

The Local Recreation Zone applies to a small reserve (Lot 44 comprising .3485ha) created as part of a recent subdivision the subdivision.

It is noted that existing designated road widening at the front of the site adjoining New Renwick Road and existing Designation 178 for a Substation (Marlborough Lines Ltd) also fronting onto New Renwick Road remain in place and are not affected by the proposed rezoning.



## 6 Statutory Assessment

### 6.1 Introduction

The following sections of the RMA are of particular relevance to the plan change-Section 32, Section 72, Section 74 and Section 75-and these are discussed below.

### 6.2 Section 32

Section 32 of the RMA requires an evaluation of the plan change, including the extent to which the objectives are the most appropriate to achieve the purpose of the RMA; and whether the proposed provisions are the most appropriate way to achieve the objectives by identifying other options and assessing the efficiency and effectiveness of the provisions. An assessment must identify the benefits and costs including opportunities for economic growth and employment.

In particular Section 32(1) states:

*(1) An evaluation report required under this Act must—*

*(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

*(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

*(i) identifying other reasonably practicable options for achieving the objectives; and*

*(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

*(iii) summarising the reasons for deciding on the provisions; and*

*(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

Section 32(2) states:

*(2) An assessment under subsection (1)(b)(ii) must—*

*(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

*(i) economic growth that are anticipated to be provided or reduced; and*

*(ii) employment that are anticipated to be provided or reduced; and*

*(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*

*(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Section 32(3) indicates that if a proposal is amending an existing plan (which is the case here as it is a plan change) the examination under Section 32(1)(b) must relate to the provisions and objectives of

the plan change and the objectives of the existing plan to the extent that they are relevant to the plan change.

## 6.3 Options

The four options identified for the management of the Marlborough Ridge are considered below. These are

Option 1 - Status quo which retains the existing zoning of Marlborough Ridge Zone or;

Option 2 - Rezone the site to a new zone not currently in the WARMP or;

Option 3 - Rezone the site to Urban Residential 2, Rural 4, Conservation and Local Recreation or;

Option 4 - Rezone the site to Township Residential, Rural 4, Conservation and Local Recreation

These options are considered in more detail below. A further option to include the rezoning in the review of the WARMP is not considered realistic given the time frames associated with the review.

Marlborough Ridge is also subject to covenants registered on the respective certificates of title relating to such matters as type of buildings, appearance, materials etc (**attached as Appendix 3**). Relying solely on the covenants as a management technique is not favoured given that it is not nearly as comprehensive as the district plan provisions. Accordingly this option is also not considered further. The covenants remain in place but their administration is an issue between the Covenantors and Covenantees and does not involve the MDC.

### 6.3.1 Existing Objectives and Policies

The proposed plan change proposes to delete Objectives 1.1-1.8 of the Marlborough Ridge Zone as part of deleting all of the provisions of the zone. As indicated above only some of the objectives have been realised and in terms of Section 32 (1) it is considered the purpose of the Act is not achieved by these provisions given:

- The resources have not been managed to enable social and economic well being in the manner envisaged.
- The resources have not been retained to meet the reasonably foreseeable future needs in terms of hotel development or open space.
- Adverse effects are not necessarily mitigated to their greatest degree given the non compliance with designated activity areas and design and landscaping controls.

Accordingly as the existing objectives do not overall achieve the purpose of the Act more appropriate objectives should apply.

In terms of existing objectives in the WARMP the most relevant are considered to be those contained in the Urban Environments Chapter 11, the Rural Chapter 12, the Open Space/Recreation Chapter 13 and the Subdivision and Development Chapter 23 as detailed below.

## **11.0 Urban Environments**

The Urban Environments Chapter recognises three major land use components in the urban environments – Residential, Business and Industrial. Section 11.2 Residential Environments recognises the presence of smaller residential areas outside of Blenheim and is of most relevant to this Plan Change:

### **11.2 Residential Environments**

#### **11.2.2 Objectives and Policies**

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

Objective 1 is to maintain and create residential development that meets the existing and future needs of the community. None of the accompanying policies are particularly relevant to the plan change.

**Objective 2 To ensure that growth occurs in locations suitable for residential development**

Objective 2 is to ensure residential growth occurs in suitable locations. Relevant policies include Policy 2.1 which is to avoid development in areas subject to natural hazards and Policy 2.7 is to ensure urban growth does not adversely impact on the life supporting capacity of soils or on the productive capacity of rural land.

**Objective 3 Enable provision of opportunities for the establishment of a variety of activities within the Residential Zone whilst avoiding, remedying or mitigating the adverse effects of activities on the environment.**

The accompanying Policies 3.1-3.6 generally emphasise the provision of residential activities with some allowance made for residential related activities such as home occupations.

**Objective 4 The maintenance and enhancement of the amenities and visual character of residential environments.**

The relevant policies include Policy 4.1 which is to maintain and enhance the amenities and visual character of Township Residential areas; Policies 4.3 and 4.4 to control the bulk and location of buildings and Policy 4.5 which is to maintain a low to medium density of development.

**Objective 5 The development of residential areas at a rate which ensures the maintenance and enhancement of community health standards.**

The accompanying policies (Policies 5.1-5.7) seek to ensure that services such as sewage disposal and water supply do not compromise community health or contaminate the environment.

**11.2.3 Methods of Implementation** states "Residential areas outside of Blenheim are zoned "Township Residential."

## **12.0 Rural**

The Rural Chapter recognises three geographical components in the Rural Chapter – the Wairau Plain (Rural 3), Rural Uplands (Rural 2) and General Rural (Rural 4). The General Rural is that area located between the Wairau Plains and the Rural Uplands and applies to land adjoining the existing Marlborough Ridge Zone. This component is therefore of most relevance to this Plan Change.

### **12.4 General Rural**

#### **12.4.2 Objectives and Policies**

**Objective 1 Maintenance or enhancement of the life supporting capacity of the soils and the retention of primary production options for rural land.**

The accompanying policies encourage and promote existing vegetative cover and maintenance of soils and ensure that subdivision/development does not compromise existing primary production options.

**Objective 2 To provide for a range of activities which do not create an unacceptable working environment while avoiding, remedying or mitigating adverse effects on the environment.**

Relevant accompanying policies anticipate a wide range of rural activities are able to continue provided the rural amenity is protected.

**Objective 3 Manage the land resource and associated waste discharges in such a way as to protect the life supporting capacity of the soils, and surface and groundwater quality and quantity (consistent with the human consumption of groundwater and fish from surface waters), water**

**contact recreation, and the maintenance of the natural and scenic values of the water resources and their associated ecosystems.**

The accompanying policies are to manage land use activities and discharges so they do not adversely impact on water resources and to encourage the efficient use of water.

### **13.0 Open Space/Recreation**

The Open Space/Recreation Chapter refers to the management of reserve land and open space and is of relevance to the existing lake/wetland area and recreation reserve (Lot 44) of the Marlborough Ridge Zone.

**Objective 1 Open spaces and recreational facilities that are equitably distributed and conveniently located throughout the District.**

The accompanying Policies 1.1-1.2 are to identify areas where there are deficiencies in the provision of open space and recreational facilities and to provide for these in convenient locations and accessible to users.

**Objective 3 To recognise the role of reserves and covenanted areas in protecting and enhancing the natural environment.**

The accompanying Policies 3.1-3.3 are to support the establishment of reserves including freshwater resources to maintain and enhance the District's conservation values.

### **23.0 Subdivision and Development**

The Subdivision and Development Chapter refers to the subdivision and consequent development of land and is of relevance given the proposed changes to the subdivision rules in particular.

**Objective 1 That allotment design size and dimensions created through the subdivision process be determined with regard to the likely activities to be carried out on those allotments, and their effects on amenity values and other resources.**

The accompanying Policies 1.1 to 1.13 relates to avoiding, remedying and mitigating effects on natural features, rural character and amenities, soil conservation and functioning of services.

#### **23.5.1. Objectives and Policies**

**Objective 1 Ensure that the direct on-site adverse effects of subdivision/ development are avoided, remedied or mitigated through the necessary supporting framework of services and amenities.**

Objective 1 is to ensure on-site adverse effects of subdivision and development are avoided, remedied or mitigated through the provision of appropriate services and have a number of accompanying policies relating to the provision of appropriate water, wastewater, stormwater and appropriate transport links.

In addition it is proposed to rezone the wetland and lake area Conservation and the reserve area Local Recreation. The relevant objectives and policies are contained in Chapter 13 –Open Space/Recreation as follows:

#### **Assessment of Objectives and Policies**

The existing development on the site in the form of the residential development and the rural activities on the balance of the area are generally consistent with the above objectives and policies. Accordingly Options 3 and 4 which are to utilise the Rural Township or Urban Residential 2 and Rural 4 Zones are in accordance with these provisions. These objectives are assumed to meet the purpose of the Act in terms of Section 32(1)(a) given that they have been the subject of a Section 32 process as part of the preparation of the WARMP.

However Chapter 11 of the WARMP states that Residential areas outside of Blenheim are zoned Township Residential (11.2.3 page 11/11) whereas Urban Residential Zones apply to residential development in Blenheim (11.2.3 page 11/11).

Accordingly the Township Residential Zone (Option 4) is more applicable and accurate when referring to the Marlborough Ridge site.

The proposed amendments to the subdivision provisions are consistent with the objectives and policies of Chapter 23 in respect of retaining amenity and the provision of services.

The proposed rezoning of the existing wetland and lake area and the recreation reserve is consistent with the objectives and policies of Chapter 13.

Accordingly the existing objectives and policies of Chapters 11, 23 and 13 referred to above are considered to be appropriate and no new objectives and policies are proposed.

### 6.3.2 Rules

As indicated in Section 2.1 of this report the rules in the Marlborough Ridge Zone provide for a variety of activities subject to performance standards. A comparison of the Marlborough Ridge Zone rules is made with the rules of the Township Residential Zone (the preferred option) and comment is also made on the provisions of the Rural 4 Zone (the preferred option). It is also noted that the rules in the Urban Residential Zone 2 are similar to the Township Residential Zone although higher density is generally allowed in the Urban Residential 2 Zone.

Some relatively minor changes to the Subdivision Rules (Chapter 28) and Township Residential Rules (Chapter 33) are proposed. Changes to the rules of the Rural 4, Conservation and Local Recreation Zones are not required given the characteristics of the rural and open space areas of Marlborough Ridge site are generally not different to other areas of the district.

#### (i) Permitted Activities

Marlborough Ridge Provision	Corresponding Township Residential Provision	Comment
<u>Permitted Activities (2.1)</u>	<u>Permitted Activities (33.1)</u>	
Single unit dwellings (1 per lot)	One dwelling per certificate of Title for non reticulated areas only	Rule 33.1 proposed to be amended to restrict one dwelling per Certificate of title at Marlborough Ridge.
Recreational Facilities	Parks, reserves (administered by public)	Existing conservation area and reserve area specifically recognised by Conservation zoning and Local Recreation zoning.
Nurseries for growing of trees	No corresponding provision	No longer relevant as there are not any nurseries but this activity is permitted in the Rural 4 Zone.
Vineyards and horticulture on lots 2,000m <sup>2</sup> or greater	No corresponding provision	Vineyard contained in a single Lot 1 DP1163 which is proposed to be rezoned Rural 4. Vineyards are permitted in the Rural 4 Zone
Grazing of animals on lots 2,000m <sup>2</sup> or	No corresponding provision	Grazing of animals will be in Rural 4 Zone which is permitted

greater		
Dams and other structures	No corresponding provision	No longer relevant
Professional offices and home occupations	Homestays limited to no more than five visitors and Home occupations	Similar provisions in both zones although homestays not specifically referred to in the Marlborough Ridge Zone
Buildings accessory to the above	Generally provided for in respect to residential activity in zone	
Planting and harvesting of woodlots	No corresponding provision	No longer relevant as there are not any woodlots although woodlots are permitted in Rural 4 Zone
<u>Relevant Conditions for Permitted Activities (2.2)</u>	<u>Conditions for Permitted Activities (33.1.2)</u>	
2.2.1 Landscaping	No corresponding provision	No longer relevant as there is no landscaping plan.
2.2.2 Subdivision	No corresponding provision	Subdivision of site complete and Township Residential/Subdivision provisions contain matters of control
2.2.3 Roothing	No corresponding provision	Roothing mostly complete and subdivision of site complete and Township Residential/Subdivision provisions contain matters of control
2.2.4 Erosion Control	No corresponding provision	Erosion works complete
2.2.5 Open Space	No corresponding provision	Open spaces implemented
2.2.6 Appearance	No corresponding provision	Developer covenants apply in respect of appearance of buildings
2.2.7 Height Dwellings (2 storeys 10m) and building recession plane extending 3m from above the boundary at 45 degrees	33.1.3.3 – 7.5m maximum Recession plane also applies (see below)	More stringent height requirements in Township Residential Zone but a number of dwellings already erected at Marlborough Ridge and 7.5m height limit allows 2 storeys
2.2.9 Yards Minimum of 6 metres to zone boundary and building recession plane (see Rule 2.2.7).	33.1.3.4 Yard space in Township Residential Zone controlled by recession planes which generally require compliance with a plane drawn 1.8m above the boundary at an angle dependent on the	Recession plane in the Marlborough Ridge Zone (Rule 2.2.7) generally allows buildings to be erected closer to the boundary (except where adjacent to a zone boundary) than in the Township Residential Zone.

	orientation of the site and a plane drawn 2m above the road boundary at 55 degrees.	
2.2.10 Vehicle Parking	No corresponding provision but covered in Chapter 27 General Rules	Similar provisions.
2.2.11 Noise including bird scaring device and wind machines	33.1.3.6 Noise	Similar provisions applies to general noise and similar bird scaring device noise and wind machines controls apply in Rural 4 provisions.
2.2.12-2.2.15 Atmospheric provisions, glare, vibration and electrical interference	No corresponding provision but covered in other WARMPP chapters.	Similar provisions.

(ii) Controlled Activities including Subdivision (Rule 2.3)

The Marlborough Ridge Zone provides for hotels, conference and theatre facilities and restaurants and bars as controlled activities. As the hotel has not proceeded there is not a requirement to provide for these types of activities and they are generally not provided for in the Township Residential Zone except for retail activities as a discretionary activity.

Subdivision in the Marlborough Ridge Zone is provided for as a controlled activity by the following:

- (e) *Subdivision to provide lots for single unit dwellings within residential and rural residential areas defined in the Development Plan, provided that all permitted activity standards in Rule 2.5 for subdivision are complied with.*

*The matters over which the Council reserves control for the purpose of assessment are: the design, appearance and layout; landscaping; provision of nominal building sites; provision of services; and declining a subdivision that does not meet Section 106 of the Resource Management Act.*

The reference to Rule 2.5 appears incorrect as Rule 2.5 refers to non-complying activities. There are also no rural residential areas shown on the Development Plan. It is presumed any subdivision not complying with Rule 2.3 (e) is a non-complying activity.

With the deletion of the Marlborough Ridge Zone provisions the Township Residential subdivision provisions apply with subdivision as a non-complying activity given that subdivision is complete and the subdivision of existing lots is not encouraged in order to retain existing amenities and given the lack of capacity for water supply and sewage disposal

(iii) Limited Discretionary Activities (Rule 2.4)

The Marlborough Ridge Limited provides for buildings which exceed the height limit; and subdivision of lots less than 1ha in the Rural Residential areas as limited discretionary activities.

The Township Residential Zone has similar provisions in respect of height limit. In respect of subdivision there are no Rural Residential areas shown on the Development Plan so this part of the rule is not relevant.

Assessment of Rules

The Township Residential and Rural 4 Zone rules generally provide for the existing development although a number of minor amendments are proposed to the Township Residential and Subdivision Chapters to improve consistency. The Urban Residential Zone 2 rules are similar to the Township Residential but generally provide for higher density and are applicable to Blenheim only. In these circumstances the Township Residential rules are more appropriate to achieve the objectives.

### 6.3.3 Summary

Options 1-4 are summarised in terms of benefits/costs and effectiveness and efficiency in terms of Section 32 (1) and (2):

#### OPTION 1 Status Quo

<i><b>Benefits / Costs</b></i>	<i><b>Effectiveness / Efficiency</b></i>
<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>No change to WARMP so no costs for plan change preparation.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>Many of the Zone provisions no longer reflect the development that has occurred on the ground undermining the integrity of the WARMP and resulting in ad hoc decisions.</li> <li>Some of the Zone provisions are difficult to administer and interpret and this situation will continue resulting in costs for applicants.</li> <li>Adverse effects are not necessarily mitigated to their greatest degree by non compliance with designated activity areas and design and landscaping controls.</li> </ul> <p>NB The option is generally neutral in terms of providing or reducing economic growth or employment given that residential development is still provided for on the site.</p>	<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>Low effectiveness as many of Zone provisions are of limited relevance and not applicable and difficult to interpret.</li> </ul> <p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>Low efficiency as many of the Zone provisions are not applicable and difficult to interpret resulting in adhoc decisions.</li> </ul>

#### OPTION 2 Rezone site to new zone not currently in WARMP

<i><b>Benefits / Costs</b></i>	<i><b>Effectiveness / Efficiency</b></i>
<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>Enables new zone to be tailored exactly to existing development.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>Additional zone will require new set of provisions which increases complexity of WARMP by new spot zone applying to a small area.</li> <li>Additional costs to administer new provisions.</li> </ul>	<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>While site will have its own provisions not considered to be effective given similar zone and provisions already in WARMP (see Option 4).</li> </ul> <p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>While site will have its own provisions not considered to be efficient given similar zone and provisions already in WARMP (see Option 4).</li> </ul>



<i><b>Benefits / Costs</b></i>	<i><b>Effectiveness / Efficiency</b></i>
NB The option is generally neutral in terms of providing or reducing economic growth or employment given that residential development is still provided for on the site.	

OPTION 3 Rezone Area to Urban Residential 2, Rural 4, Conservation and Local Recreation

<i><b>Benefits / Costs</b></i>	<i><b>Effectiveness / Efficiency</b></i>
<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Better reflects development that has occurred than existing Marlborough Ridge zoning.</li> <li>• Zone provisions clearer and easily understood.</li> <li>• Utilises existing WARMP provisions</li> <li>• Rural 4 Zoning is existing adjoining zoning and the inferred zoning for Marlborough Ridge Zone.</li> <li>• Conservation and Local Recreation Zones are appropriate and can be applied with minimal change.</li> <li>• The proposed zonings generally retain existing environment and values of Marlborough Ridge except potentially higher density allowed in Urban Residential 2 Zone.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>• WARMP indicates that Urban Residential Zones apply to residential development in Blenheim rather than outside the township and therefore not accurate in terms of Marlborough Ridge (11.2.3 page 11/11) and subdivision standards significantly different.</li> <li>• Alteration required to subdivision provisions to reflect existing development.</li> <li>• NB The option is generally neutral in terms of providing or reducing economic growth or employment given that residential development is still provided for on the site.</li> </ul>	<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>• Although existing WARMP provisions are utilized low to medium effectiveness as WARMP indicates that Urban Residential Zone only applies to Blenheim.</li> <li>• Highly effective in terms of Rural 4 Zone, Conservation and Local Recreation Zones.</li> </ul> <p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>• Although existing WARMP provisions are utilized low to medium efficiency as still potential conflict with WARMP description in terms of Urban Residential Zone.</li> <li>• Highly efficient in terms of Rural 4 Zone, Conservation and Local Recreation Zones.</li> </ul>

OPTION 4

### Rezone site to Township Residential, Rural 4, Conservation and Local Recreation (as proposed)

<i><b>Benefits / Costs</b></i>	<i><b>Effectiveness / Efficiency</b></i>
<p><b>Benefits –</b></p> <ul style="list-style-type: none"> <li>Existing provisions enable easier integration into WARMP</li> <li>Better reflects development that has occurred than existing Marlborough Ridge zoning.</li> <li>WARMP states that “Residential areas outside of Blenheim are zoned Township Residential” (11.2.3 page 11/11) which applies to the Marlborough Ridge site.</li> <li>Zone provisions clearer and easily understood.</li> <li>Rural 4 Zoning is existing adjoining zoning and the inferred zoning for Marlborough Ridge Zone.</li> <li>Consistent with existing objectives and policies.</li> <li>Addresses particular characteristics of site without detracting from overall zone provisions.</li> <li>Conservation and Local Recreation Zones are appropriate and can be applied with minimal change.</li> <li>The proposed zonings retain existing environment and values of Marlborough Ridge.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>Alteration required to subdivision provisions to reflect existing development.</li> </ul> <p>NB The option is generally neutral in terms of providing or reducing economic growth or employment given the existing nature of Marlborough Ridge.</p>	<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>Medium to highly effective as largely reflects existing development at Marlborough Ridge although some alteration to subdivision standards required.</li> <li>Highly effective in terms of Rural 4 Zone, Conservation and Local Recreation Zones..</li> </ul> <p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>Medium to highly efficient as utilises existing WARMP provisions although some alteration to subdivision standards required.</li> <li>Highly efficient in terms of Rural 4 Zone Conservation, and Local Recreation Zones..</li> </ul>

#### 6.3.4 Risk of Uncertainty or Insufficient Information

In this section, the risk of acting or not acting where there is uncertainty or insufficient information about the subject matter of the policies, rules, or other methods is examined (Section 32(2)© of RMA). It is considered that there is not uncertain or insufficient information. Marlborough Ridge development has been underway for some years now and the type of activities and final form of development are relatively well established. The proposed Plan Change will provide an appropriate set of checks and balances for future development.

#### 6.3.5 Determination

Overall, the proposed Plan Change to rezone the site Township Residential, Rural 4, Conservation and Local Recreation is considered the most appropriate in achieving the purpose of the Act. The existing provisions are redundant due to the type of development that has occurred since the inception of the Marlborough Ridge Zone and difficulties in interpretation of the provisions.

The option of a new zone is not favoured as it adds a further spot zone to the WARMP and increases the complexity of the plan. With existing provisions in the WARMP able to provide for development on site another zone is not required.

It is therefore considered more efficient and effective to utilise existing provisions of the WARMP particularly when they can be applied to the site with some minor alterations. In this respect the Township Residential provisions are a better fit than the Urban Residential 2 Zone given that the former is intended to apply to residential areas outside of Blenheim and its density provisions are more similar to Marlborough Ridge development. The Rural 4, Conservation and Local Recreation are considered an ideal fit for the other existing land uses. The proposed zonings will best retain the existing environment and values of Marlborough Ridge.

All of the options are generally neutral in terms of providing or reducing economic growth or employment given the existing built up nature of Marlborough Ridge.

## 6.4 Section 72 of the RMA

Section 72 of the RMA states the purpose of a plan change is to assist authorities to carry out their functions in order to achieve the purpose of the Act. The functions of Council include "the integrated management of the effects, use and development of land and associated natural and physical resources of the district" (Section 31(1) (a)).

Part 2 (Sections 5-8) sets out the purpose of the Act. As indicated above the existing zone is not considered to be sustainable management in terms of Section 5 given the resources of the zone have not been managed to enable social and economic well being in the manner envisaged or been retained to meet the reasonably foreseeable future needs in terms of hotel development or open space. Adverse effects are not necessarily mitigated to their greatest degree by non compliance with designated activity areas and design and landscaping controls.

The proposed plan change provisions are consistent with relevant existing objectives and policies relating to Urban Environments, Rural Environments and Subdivision and Development and Open Space/Recreation and as such can be assumed to meet the purpose of the RMA.

In terms of Section 6 of the RMA the specific zoning of the wetland and lake will better meet Section 6(a) in terms of the preservation of these waterbodies. No other matters of national importance appear to be of particular relevance given that the site is not identified as being of significance in terms of landscapes, indigenous vegetation, or cultural and historical resources (Sections 6(b), (c), (e), and (f)).

Other matters in Section 7 of the RMA have been had regard to. The plan change should enable a more efficient use and development of resources on the site (Section 7(b) while existing amenity values, ecosystems and the quality of the environment will at least be maintained (Sections 7(c), (d), and (f)).

## 6.5 Section 74 of the RMA

Section 74(1) of the RMA states Council shall change a district plan in accordance with its functions under Section 31 of the Act, Part 2 of the Act, Section 32 of the Act and any regulations (although it is acknowledged MDC is a unitary authority and the WARMP is a combined plan although regional functions are not considered particularly relevant). In changing a plan, regard must be had to any strategies prepared under other Acts (section 74(2)(b) of the Act).

The functions of Council, Part 2 and Section 32 are dealt with above. In respect of other strategies the most relevant are the growth strategy documents which were prepared under the Local Government Act 2002 and the final document Growing Marlborough adopted by Council in March 2013. The proposed rezoning is not in conflict with the growth strategy in respect of Marlborough Ridge as the strategy did not envisage any further growth of the site.

No other strategies are considered relevant.

## 6.6 Section 75 of the RMA

Section 75 (3) of the RMA states effect must be given to any national policy statements and the regional policy statement.

There are not any national policy statements that are considered to be particularly relevant.

The Marlborough Regional Policy Statement (RPS) was made operative in 1995. The RPS does not directly address the Marlborough Ridge site but the following objectives and policies are considered to have some relevance to the Plan Change.

### **6.1.5 OBJECTIVE – SOIL PRODUCTIVITY AND AVOIDANCE OF SOIL EROSION AND DEGRADATION**

- ☐ *Practices which exacerbate soil erosion and degradation be avoided; and*
- ☐ *The potential and life supporting capacity of all soils be ensured by retaining the productive capability of those soils.*

### **7.1.2 OBJECTIVE – QUALITY OF LIFE**

*To maintain and enhance the quality of life of the people of Marlborough while ensuring that activities do not adversely affect the environment*

### **7.1.7 POLICY – AMENITY VALUES**

*Promote the enhancement of the amenity values provided by the unique character of Marlborough settlements and locations*

### **7.1.9 OBJECTIVE – PROVISION FOR ACTIVITIES**

*To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.*

### **7.1.10 POLICY – TYPE, SCALE & LOCATION OF ACTIVITIES**

*To enable appropriate type, scale and location of activities by:*

- ☐ *clustering activities with similar effects;*
- ☐ *ensuring activities reflect the character and facilities available in the communities in which they are located;*

### **7.1.14 OBJECTIVE – COMMUNITY INFRASTRUCTURE**

*Provide for the safe and efficient operation of community infrastructure in a sustainable way.*

### **7.1.21 POLICY – NETWORK UTILITIES AND PUBLIC WORKS**

*Enable the maintenance, enhancement and operation of utility networks needed by the community to ensure their health, safety and wellbeing.*

The plan change site is consistent with the above provisions in that:

- It will enable the continuation of a particular lifestyle in Marlborough and the retention of amenities associated with that lifestyle.
- Rural activities are assigned a Rural zoning which will assist to retain productive capacity of soils.
- The quality of life and amenity values will be protected by the proposed zoning and ensure adverse effects are avoided, remedied or mitigated. The residential activities are effectively “clustered”.

- The site is serviced by reticulated services and controls are proposed to protect the investment in this infrastructure.

As such the plan change will give effect to the RPS.

## 7 Consultation

The following consultation has taken place which has assisted in informing the plan changes:

- Discussions with the current developer Greg Smith of Deluxe Properties.
- Meeting held on 27 March 2014 with Marlborough Ridge residents and occupiers. Notes from the meeting are attached as **Appendix 4** with the main issues raised relating to covenants, the difference of the Township Residential Zone rules particularly as it relates to buildings in proximity to the boundary, and rating.

## 8 Conclusion

The existing Marlborough Ridge Zone has in many cases not achieved its objectives particularly in respect of hotel development. The site development does not necessarily reflect the Zone provisions including the Development Plan and some of the Zone provisions are difficult to interpret.

In order to reflect development that has occurred and to enable easier administration of the area as well as retaining the integrity of the WARMP it is appropriate to rezone the site. Utilisation of existing provisions of the WARMP, with minor amendments to reflect the characteristics of the site, are considered the most appropriate efficient and effective method to achieve the purpose of the RMA.

## Appendix 1

# Appendix K

## Marlborough Ridge Zone

### 1. Zone Statement

The zone is formulated to accommodate tourist development which can build upon, and enhance recreational, cultural and commercial opportunities in the region. It adjoins a golf club, and will provide a considerable range of outdoor and indoor sporting and recreational opportunities. It will include viticultural activity and other rural based attractions. The zone is well located close to the airport, to Blenheim and to major tourist attractions and clear of land of high value for food production. In addition, the zone will provide for opportunities to live in a rural environment in a variety of property sizes and thus remove pressure from more valuable productive land.

The zone is generally confined to a ridge running south from New Renwick Road to the east of the golf course. It also includes an area of flat land adjacent to New Renwick Road and a small lake providing an area of ecological and recreational value.

The Marlborough Ridge Resort will contribute significantly to tourism and economic development within the district and the region. This will arise through employment generated by the resort, the beneficial input of increased tourist numbers to the region, and the avoidance of urban pressures on land of high productive value. Given the significance of the proposed development, it is appropriate to provide a separate zoning which recognises the special site attributes and provides for its proper development.

The ridge is of lesser productive value than the flats and will be reserved for non-productive developments. A portion of the north western-most land adjacent to the north of the lake area is intended to be utilised for residential purposes as well as gaining the benefit of the amenity of the lake and wetland area there. There is a continuing demand for people to live or to have a holiday home in a non-urban environment close to recreation and amenity space and within reasonable commuting distance. This zone provides an opportunity to accommodate demand for low density residential development in a sensitive manner and at the same time preserving natural habitats and visual amenity, and high value productive land.

The zone provides for rural-residential activities and subdivisions for small rural lots with an average area of approximately one hectare, although no land has been zoned specifically for these purposes.

The zone is located within a rural environment and it is desirable that it does not compromise legitimate farming activity. The potential incompatibility of intensive rural productive activities and urban land use is mitigated partly through the provision of a buffer area at the road frontage of the property, and partly through rules which provide performance standards reflecting the needs of productive activities to operate within reasonable limits. These rules specifically recognise that productive activities should not be compromised by the addition of this zone and the proposed development in the zone.

## 1.1 Objective

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To provide for the development of tourist and recreational facilities in the zone and at the same time, conserving and enhancing the physical, scenic and ecological values of the area.

### Explanation

The site is well placed close to the major transportation network and in particular, the airport, to offer convenience of access to visitors. It is located adjacent to a major recreational facility (the golf course) and the major attraction of the Marlborough wine trail. Spectacular views and natural features of lake and wetland can be taken advantage of to enhance the attractiveness of the site and of the district in general.

## 1.2 Objective

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To provide for limited comprehensive and co-ordinated medium to low density residential development to give a variety of residential and rural opportunities, lifestyle options and land uses.

### Explanation

The site offers opportunities for low density residential development for urban people wishing to live in a more rural environment. The provision of this relieves pressure for residential use of land of high productive value, and enhances opportunities for recreational development, and tourist attractions.

## 1.3 Objective

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To ensure that necessary services can be provided to and for development within the zone without adversely impacting on the environment and without affecting the amenities of the area.

### Explanation

Development will result in a considerable number of people residing within the zone, both as tourists and permanent residents. The Council will require the developers of the resort to ensure that adequate essential services can be provided. These include:

- Sewage Disposal and Water Supply

There will be a requirement for the complete development to be linked either to Blenheim's reticulated sewerage and water supply systems or to any other systems which will provide a certainty of continuing supply and service. Because of the proximity of the Blenheim urban area, it was practicable to link with Blenheim's sewerage and water supply systems initially and that has been achieved at the sole cost of the developer. The Council has sufficient capacity for water supply and for sewage collection in the Blenheim system to service development at the Marlborough Ridge Resort. The developer has been, and will be, expected to meet all costs involved in servicing the development.

- Stormwater



The disposal of stormwater from individual properties and from the zone in total needs to be provided by the developer in such a manner that does not cause land instability or flooding.

## **1.4 Objective**

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To ensure that all development is carried out in a comprehensive manner in terms of an appropriate and agreed strategy.

### **Explanation**

Full development within the Marlborough Ridge Zone will extend beyond 2000. A comprehensive range of sporting, leisure and tourist activities will be undertaken within the zone, together with conference, commercial, hotel and other residential uses. The focus of the sporting activities will be the neighbouring golf course and the provision of other activities and residential use is to be related to this. The central area of the zone will be comprised of the hotel complex, on the periphery of which will be other recreational activities and clusters of residential dwellings of different types.

In order to facilitate the orderly development within the zone, development will be in accordance with the provisions of this Plan which recognises the character and amenities of the zone and the area in which it is located. The philosophy outlined within these objectives and policies provides for and enhances the amenities of the area and ameliorates any adverse effects of development.

## **1.5 Objective**

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To ensure that buildings and other structures erected within the Marlborough Ridge Zone are appropriate to the area in which they are located, with regard to external appearance, design and colour.

### **Explanation**

It is desirable that a range of design types be provided within the zone. However, it is considered important that a comprehensive design strategy be determined for the zone, and particular areas within it, that is compatible with the objectives of the zone and which minimises any adverse effects upon adjoining areas outside of the zone.

Buildings and other structures within the zone will be for the following purposes:

### **Hotel Accommodation**

The centre will be the focus for hotel guests within the zone. Buildings within this locality will include the full range of hotel accommodation alternatives, conference and administration facilities, shops, swimming pool and other recreation facilities and their ancillary buildings.

The scale and character of the accommodation will be managed so that it is not obtrusive from outside the area and does not detract from the open space character of the zone. This will be achieved through controls on design and height of building.

## **Residences**

Three types of homes have been provided for to cater for the permanent or semi-permanent resident and resort visitor:

- Dwellings arranged in clusters within maximum specified densities.
- A range of different dwelling designs and sizes is expected with the intention that building design will be controlled by the developer through covenants to ensure a high standard of development.
- Rural dwellings on sites of approximately 1 hectare in areas specified.

## **Location of Dwellings**

Areas appropriate for the location of residences are shown on the Development Plan. No dwellings will be permitted outside of these areas, unless otherwise approved by the Council.

## **Covenants and Controls**

All buildings within each particular residential area will follow a unified design theme based on the pitched roofed form and they will be sited to ensure each has a view and is closely related to the rural environment. Tree planting to integrate these buildings into their landscape setting is to be undertaken in advance of building construction. Building design will be controlled by the developer through covenants to ensure a high standard of development.

## **Recreation Facilities**

Other recreational facilities will be located at various locations in the zone, but particularly in the Village Green area. The proposed recreational centre will be available for hotel users and their guests and on a 'user pays' basis for owners of land in the Marlborough Ridge zone. The recreational centre may include tennis courts, other outdoor recreational facilities, water gardens, restaurants, viticultural museum and associated facilities. The area suitable for these activities and the Village Green is shown on the zoning plan as recreation areas.

Natural materials and colours will be favoured. Tree planting to integrate these buildings into their landscape setting is to be undertaken in advance of building construction.

## **1.6 Objective**

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To implement a comprehensive land use and landscape development concept for the zone, allowing at the same time a reasonable degree of flexibility within the Council's discretionary powers.

## **1.7 Objective**

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To provide as of right for those activities which can be appropriately located and established within the zone, without the need for any further controls, other than those contained within the rules.

### **Explanation**

It is appropriate that a range of activities be provided for as of right within the Marlborough Ridge Zone. These include single unit dwellings, limited farming, recreational activities, the provision of necessary roads and services and small buildings accessory to these uses.

## **1.8 Objective**

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To recognise the establishment and management of activities in the zone, in that the zone is located within a rural environment, and that there are legitimate rural activities which should not thereby be restricted.

### **Explanation**

Marlborough Ridge Zone is a new urban zone in the midst of a productive rural area. Those productive activities must be given protection consistent with the sustainable management of natural and physical resources, to provide a climate of certainty for the future protection and development of the area. In particular the addition of the Zone will not result in performance standards for productive rural activities in adjoining and nearby rural areas, greater than could be anticipated in any rural environment distant from urban areas. There is a limit to rules that can be imposed with respect to this objective, because much of the land potentially impacted by activities in the zone lies outside of the zone. Noise standards and other performance standards for the zone reflect the location in the midst of productive rural areas.

Private covenants on each residential title will include provisions to reflect its location in close proximity to productive rural areas, and the “working rural environment” philosophy.

## **2. Rules**

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### **2.1 Permitted Activities**

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The following activities are listed as permitted within the zone, provided that they conform with the Development Plan and the Permitted Activity standards specified.

- Single unit dwellings (1 per lot) in residential and rural residential areas defined in the Development Plan.
- Recreational facilities (both grounds and buildings) for active and passive purposes, including but not limited to those for the purpose of golf, tennis, swimming, outdoor concert and festival activities, health and fitness - within recreation and rural areas defined in the Development Plan; intermittent recreational and cultural activities in conservation areas; and passive recreation activities in residential areas to provide for walkways in areas outside residential allotment boundaries.
- Nurseries for the growing of trees, bushes and other plants, mainly for planting in the zone - within the rural areas defined in the Development Plan.
- Vineyards and horticulture on lots 2,000 m<sup>2</sup> or greater.

- Grazing of animals on lots 2,000 m<sup>2</sup> or greater.
- Dams and other structures for the retaining of water, associated lakes, ponds, wetlands and streams in the recreation and conservation areas defined in the Development Plan.
- Professional offices and home occupations provided these are ancillary to the principal dwelling activity and located within the residential areas defined in the Development Plan.
- Buildings accessory to the above, including pumping stations and transformers and associated structures, providing that such buildings do not exceed an area greater than 25 m<sup>2</sup>.
- Planting and harvesting of woodlots in rural, rural residential and conservation areas defined in the Development Plan.

## **2.2 Conditions for Permitted Activities**

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### **2.2.1 Landscaping**

An overview landscaping Plan is included as part of the zone's provisions. This zone landscaping will be undertaken as part of the zone development in association with roading and services development. Individual site planting does not form part of this and will be undertaken by the site owners. The zone landscaping shall be undertaken in accordance with layout and residential staging shown in the Development Plan, and shall be completed prior to the issue, by Council, of a completion certificate under Section 224(c) of the Resource Management Act for the subdivision of each stage.

### **2.2.2 Subdivision for residential lots:**

- Only permitted in areas identified for residential lots.
- Each lot shall have a frontage of no less than 20 metres.
- Subdivisions shall be planned, designed, constructed and maintained to preserve the landscape and amenity of the area.
- Specific consideration shall be given to preservation of natural topography, to preservation of significant vegetation and trees, to retention of major landforms, and to preservation of important vistas.
- The dimensions, shape and location of all building sites shall be determined with maximum regard to all natural terrain features, provision of open space, topography, land stability, landscaping, road access, off-street parking, circulation, design objectives, recreational potential and other relevant features, including orientation to prevailing winds, and minimum disturbance of the natural grade.

### **2.2.3 Roading**

The location, alignment design, grade, width and capacity of roads within the subdivisions shall:

- Preserve natural features and topography and minimise destruction of the natural environment
- Protect public health and safety

- Require the least amount of road surface necessary to adequately serve the type and intensity of proposed land uses within the subdivision, and future traffic demand calculated according to vehicle type and anticipated volume
- Require the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil
- Provide, to the extent feasible, for the separation of motor vehicle and pedestrian traffic
- Create conditions of proper drainage
- Provide for proper landscaping

Carriageways shall be laid out to encourage slow speed traffic. Vegetation shall be preserved to the greatest extent possible in the location and construction of roads. Road alignment should follow natural terrain and no unnecessary cuts and fills or vegetation removal shall be allowed.

Carriageway widths shall be 3.5 metres for private ways and a minimum of 5.5 metres in width for all other roads, including cul-de-sacs, except that the main collector is to have a minimum of 7 metres in width with provision for strategically located parking bays.

All carriageways (including private ways) are to be constructed to standards specified in the Plan.

On completion of the construction of all carriageways (excluding private ways) to the satisfaction of the Council, the roads are to be vested in the Council and will be maintained by the Council. Maintenance of private ways shall be the responsibility of the landowner(s).

#### **2.2.4 Erosion Control**

During all stages of development, the following shall apply to mitigate the risk of erosion:

- That the extent of any vegetation removal or topsoil stripping from the site be kept to a minimum.
- The provision of lined open channels to intercept surface runoff beyond the crest of any cut slopes, at the toe of any cut or fill slopes, at the edge of any sealed areas and at any other locations of concentrated runoff, such works to be in place prior to any excavations or topsoil stripping.
- The provision of appropriate surface protection to any ground which has been stripped or excavated to mitigate erosion and infiltration. In most areas this may comprise topsoil and grassing, however in areas where the deeper highly erodible loess has been exposed capping with a layer of low permeability fill or similar material may be necessary.
- The provision of a piped stormwater system to collect stormwater runoff from all sealed surfaces and open channels, such system to discharge stormwater to the lake in a controlled manner.
- The provision of appropriate backfill details to stormwater pipes and other underground services and structures to avoid creating flow paths for subsurface water.
- The avoidance of effluent soakage fields.

Applications for subdivision of residential and rural residential areas shall be accompanied by a Management Plan prepared by a registered engineer with expertise in soils, such Plan to provide guidelines for property owners to control erosion within their properties. Any subdivision consent will require that a copy of the Management Plan shall be provided to each property owner.

### **2.2.5 Open Space**

Those areas shown on the development plan as rural and recreation with frontage to New Renwick Road are intended to provide a buffer between residential activities (with the exception being that a dwelling for a caretaker may be provided for other rural activities). Buildings for rural related activities or recreation activities may be constructed as discretionary activities within those areas.

### **2.2.6 Appearance**

Buildings and other structures to be erected within the zone shall conform with the general design standards set out below.

- For buildings and other structures in the hotel and recreation areas:
  - External above ground building cladding are to be predominantly natural material such as local stone, plaster rendered for a cob like appearance, timber weatherboards.
- For residences in the residential areas defined in the Development Plan and for recreation facilities
  - Buildings within residential areas are to follow a unified design theme based on the gable roofed form.
  - All external above ground cladding should be of natural material such as local stone, plaster rendered for a cob like appearance and timber weatherboards.
  - All roofing materials should be corrugated iron roofs or shingles.

### **2.2.7 Height**

- Hotel, conference and theatre facilities - 3 storeys (14 metres) above the level of a line extending horizontally out from the top of the main ridge line at the hotel site.
- Dwellings, recreational buildings and others - 2 storeys (10 metres)
- All buildings shall be contained within a building envelope extending from 3 metres above the boundary into the site at an angle of 45°.

### **2.2.9 Yards**

No building or other structure (except fences) shall be located closer than 6 metres to the zone boundary

### **2.2.10 Vehicle Parking**

- Hotel complex
  - 1 car park for every 2 units
  - 1 bus park for every 60 units on average. Stage 1 of the hotel development is to incorporate 1 bus parking area

1 car park for each self-contained residential unit

- Dwellings

1 car park for each dwelling

- Other Activities

On-site carparking is to be provided at a rate that would ensure that a demand for on-street carparking is not generated

## **2.2.11 Noise**

The noise level generated within the zone as measured from the boundary of the zone, or at any point within an adjoining zone, shall not exceed the following noise level ratings:

- L<sub>95</sub> sound level of 45 dBA, subject to correction, 8.00 am - 8.00 pm, Monday to Sunday
- L<sub>10</sub> sound level (corrected noise level) of 56 dBA, 8.00 am - 8.00 pm, Monday to Sunday
- L<sub>95</sub> sound level of 38 dBA, at all other times
- L<sub>10</sub> sound level (corrected noise level) of 44 dBA, at all other times
- Noise level shall be measured and assessed in accordance with NZSS 6801:1977 and NZSS 6802:1977. Noise shall be measured with a sound meter complying with International Standard IEC651 (1979) Sound Level Metres: Type 1.

### **Bird Scaring Device**

The sound from any bird scaring device or devices shall not exceed 85 dBA unweighted peak level at the boundary or notional boundary of any rural or residential dwelling provided that:

- Where the property bounds a public road the devices shall be sited in compliance with the operational siting requirements applicable to public roads.
- No bird scaring device shall be operated within:
  - 100 metres of a public road; or
  - 100 metres of any rural or residential dwelling and if sited at this minimum distance from a public road or dwelling shall have an approved anti-noise baffle erected immediately behind the device between the dwelling or the public road; or
  - 250 metres of any other bird scaring device;
  - A radius of 800 metres of any public or private hospital.
- No bird scaring device shall:
  - Be set to operate at any greater frequency than 12 times in any period of one hour.
  - Be operated between 1900 hours and 0630 hours prior to the introduction of daylight saving and 2000 hours and 0700 hours during daylight saving months.

### **Wind Machines for Frost Control**

- Noise levels measured at 200 metres from the wind machine shall not exceed 60 dBA provided that:
- That the start-up air temperature for the machine should be no higher than 2°C.
- That the wind machine be allowed to operate during the frost danger period until the leaves of the plant are dry and the air temperature has reached 1°C.
- That the speed of the wind machine must be governed such that the top speed of the rotor does not exceed the speed of sound.
- That the wind machine be located no closer than 500 metres to a residential zone.

#### **2.2.12 Atmospheric Emissions**

Within any premises in the zone the best practical means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutant harmless and inoffensive.

#### **2.2.13 Glare**

All exterior lighting shall be directed away from adjacent properties and the street so as to avoid detracting from the amenities of the area or adverse effects on traffic safety and aircraft operations at Marlborough Airport. No building or fence clad in metal shall be left in such a condition that the reflection of sunlight would detract from the amenity of the zone, neighbouring zones or traffic safety. All buildings are to be designed to limit any glare from these buildings from affecting aircraft operations or the Air Traffic Control Tower building.

#### **2.2.14 Vibration**

All uses that could give rise to vibration shall be so managed and controlled so that no vibration is discernible beyond the boundaries of the zone and/or within residentially occupied premises within the zone.

#### **2.2.15 Electrical Interference**

All uses shall be so managed and controlled so that there is no electrical interference with television or radio reception or with the use of electrical appliances beyond the boundary of the zone or within residentially occupied premises within the zone.

### **2.3 Controlled Activities**

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**2.3.1** The following activities are listed as Controlled within the zone, provided that their location conforms with the Development Plan for the Marlborough Ridge Zone and they do not contravene any Permitted Activity standards.

- a) One hotel with minimum accommodation of 140 units, provided that a maximum of 20 of those units may be self-contained units, as shown on the Development Plan. After the first 140 units, any units may be self-contained. Terms and Standards - A condition of any resource consent which includes hotel accommodation will require that the operator of the hotel notify every guest in writing of matters relating to public safety and



the operation of vineyards, and the expected effects of viticulture such as bird scarers, sprays and helicopters, appropriate to the time of the year.

- b) Conference and theatre facilities in the hotel area defined by the Development Plan.
- c) Restaurants, cafes, bars in hotel or recreation areas defined by the Development Plan.

The matters over which the Council reserves control for the purpose of assessment of the above are appearance and location of buildings and car parking.

- d) Shops servicing the day to day needs of persons residing within or visiting the zone - in hotel or recreation areas defined by the Development Plan.

The matters over which the Council reserves control for the purpose of assessment are appearance, location, scale, number and car parking.

- e) Subdivision to provide lots for single unit dwellings within residential and rural residential areas defined in the Development Plan, provided that all permitted activity standards in Rule 2.5 for subdivision are complied with.

The matters over which the Council reserves control for the purpose of assessment are: the design, appearance and layout; landscaping; provision of nominal building sites; provision of services; and declining a subdivision that does not meet Section 106 of the Resource Management Act.

### **2.3.2 Assessment Criteria**

The Council recognises that a broad range of activities are appropriate within the zone. Given the particular nature of the zone and its location, the Council considers that all major development within the zone that involves buildings and other structures, needs to be assessed by the Council to ensure that the location and style of development complies with the design standards set out in Rule 2.5.7.

Resource consents need not be notified.

In assessing non-notified applications for controlled uses, the Council shall have regard to the following matters:

- The topography of the site, its vegetative cover, slope stability, gully erosion and the opportunity to minimise the impacts of any buildings or structures.
- Any effects on existing vegetation or trees.
- Proposals to integrate such buildings and structures into their landscape setting.
- The appropriateness of materials used in construction and other structures to the locality, taking into account the design criteria set out in Rule 2.5.7.

## **2.4 Limited Discretionary Activities**

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- Buildings which exceed the permitted height standards.
- The Council restricts the exercise of its discretion in respect of the height of the buildings to a maximum of 20%.

- Subdivisions which will provide lots of less than one hectare in the Rural Residential Areas, providing that Council restricts the exercise of its discretion to the location and size of the lots.

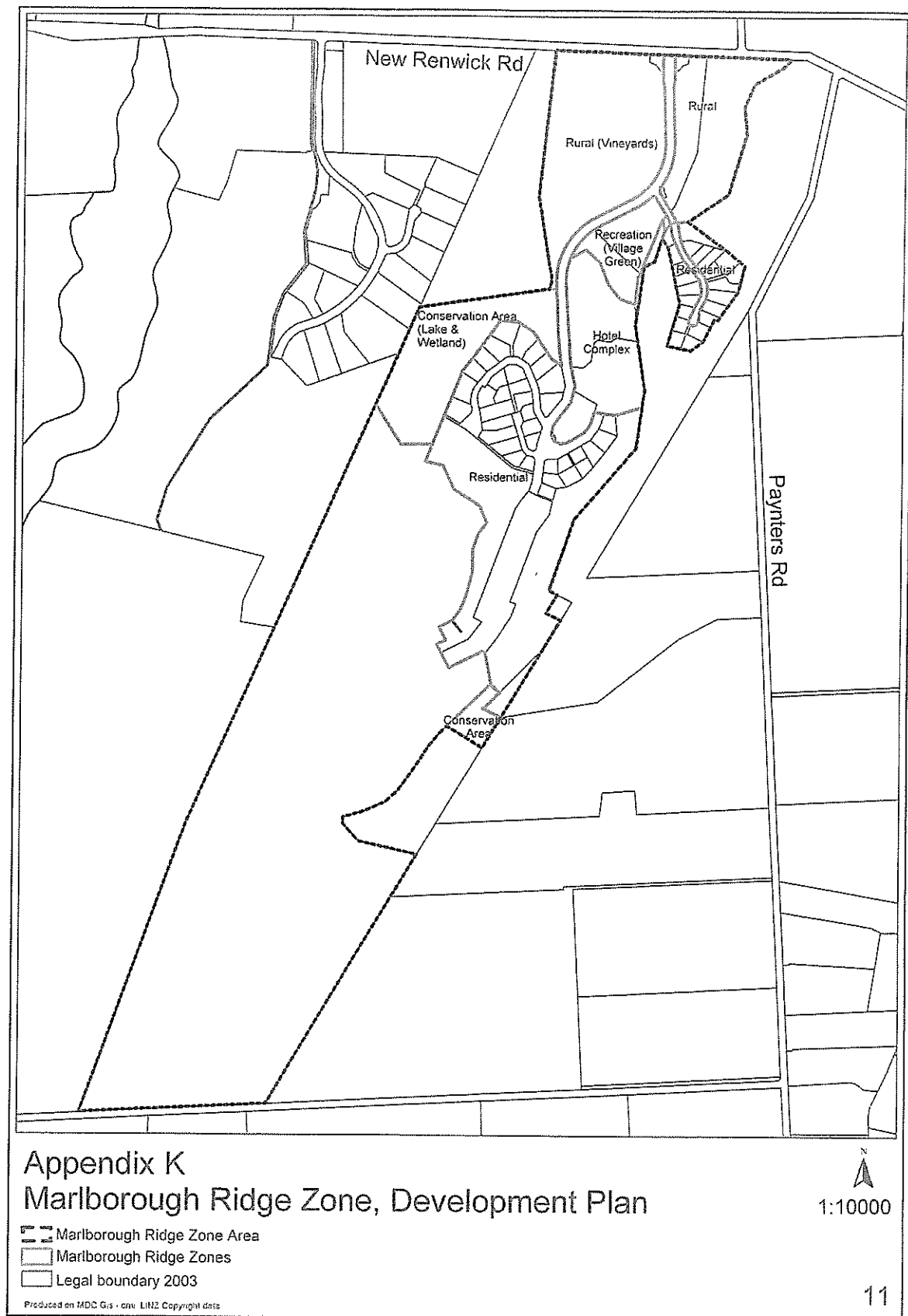
The Council restricts the exercise of its discretion to the staging of subdivision and development.

Application for limited discretionary activities shall be considered without notification.

## **2.5 Non-Complying Activities**

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All activities which are not Permitted, Controlled or Limited Discretionary Activities are Non-complying Activities.





## Appendix 2



## Plan Change 72 Proposed Zoning

Wairau Awatere Resource Management Plan

### Legend

Proposed Zones

- Conservation
- Reserve

Road

- Township Residential
- Rural Residential

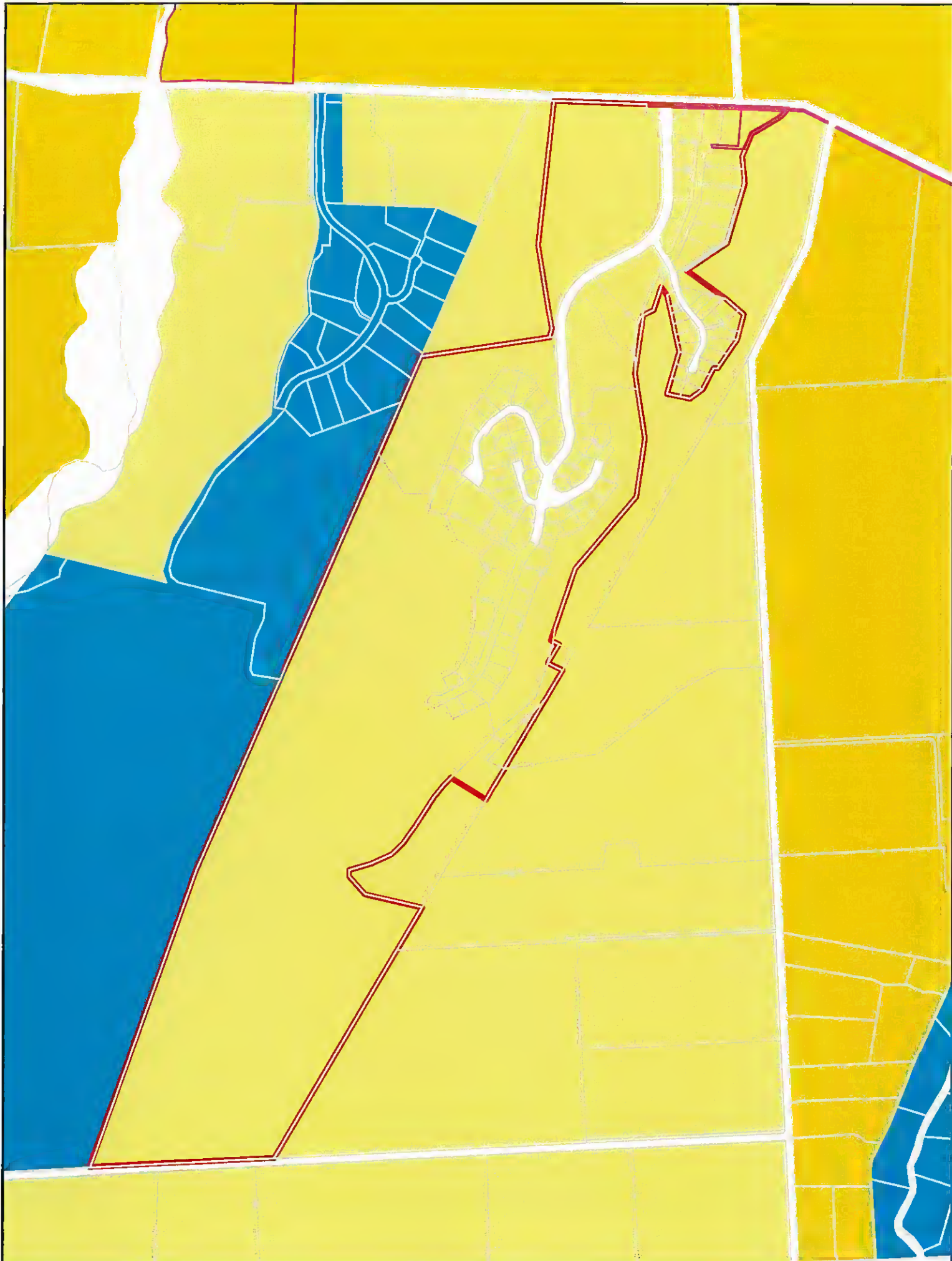
Rural Three

- Rural Four
- Land Parcel

N



1:10,000



# Plan Change 72 Current Zoning

Wairau Awatere Resource Management Plan

## Legend

- |                |                   |                   |
|----------------|-------------------|-------------------|
| Land Parcel    | Marlborough Ridge | Rural Three       |
| Cadastral Road |                   | Rural Four        |
|                |                   | Rural Residential |

N  
1:10,000

## Appendix 3



Fi.  
Private  
- 5.0m

202577.2 Y

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THE COVENANTORS

and

THE COVENANTEES

---

DEED CREATING POSITIVE AND RESTRICTIVE  
LAND COVENANTS

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~~REQUEST FOR PARTIAL REGISTRATION~~

~~Please register the within document as to Certificates of Title -  
6A/547, 6A/548, 6A/549, 6A/550, 6A/551, 6A/552, 6A/553, 6A/554, 6A/555, 6A/557,  
6A/558, 6A/559, 6A/560, 6A/562, 6A/563, 6A/564, 6A/565 and 6A/566~~

REQUEST FOR PARTIAL REGISTRATION

Please register the within document as to Certificates of Title -  
6A/547, 6A/548, 6A/549, 6A/550, 6A/551, 6A/554, 6A/555, 6A/557, 6A/558, 6A/559,  
6A/560, 6A/561, 6A/562, 6A/563, 6A/564, 6A/565 and 6A/566

---

**GASCOIGNE WICKS**  
Solicitors  
Blenheim

**DEED CREATING POSITIVE AND RESTRICTIVE LAND COVENANTS**

**DATED THE** 10<sup>th</sup> **DAY OF** December **1998**

**PARTIES:**

1. The Covenantors (more particularly described in Schedule A)
2. The Covenantees (more particularly described in Schedule A)

**BACKGROUND:**

- A. The Covenantors are the owners of the land described in Schedule B.
- B. The Covenantees are the owners of the land described in Schedule C.
- C. The Covenantors have agreed with the Covenantees to grant the restrictive and positive land covenants described in the operative part of this Deed.

**THIS DEED WITNESSETH:**

1. In consideration of the sum of \$1.00 paid by the Covenantees to the Covenantors (the receipt of which sum is acknowledged) the Covenantors HEREBY COVENANT AND AGREE with the Covenantees that each of the Restrictive or Positive Covenants set out in Schedule D shall run with the land described in Schedule B for the benefit of the land in Schedule C
2. The Covenantors shall be liable only in respect of breaches of such stipulations, restrictions and covenants which occur while the Covenantors are the registered proprietor or occupier of the lot or lots in respect of which any such breach occurs.
3. The Covenantors covenant and agree that any of the Covenantors who are in breach of the restrictive and positive covenants contained in this deed will at all times keep indemnified the Covenantees from all proceedings, costs, claims and demands in respect of breaches.

**SCHEDULE B**

**SCHEDULE C**

**Covenantors Land**

**Covenantees Land**

- |                       |   |
|-----------------------|---|
| 1. ✓ Lot 1 DP 10636   | ✓ Lots 2 - 20 DP 10636 inclusive                                      |
| 2. ✓ Lot 2 DP 10636   | ✓ Lot 1 DP 10636<br>✓ Lots 3 - 20 DP 10636                            |
| 3. ✓ Lot 3 DP 10636   | ✓ Lots 1 and 2 DP 10636<br>✓ Lots 4 - 20 DP 10636 inclusive           |
| 4. ✓ Lot 4 DP 10636   | ✓ Lots 1 - 3 DP 10636 inclusive<br>✓ Lots 5 - 20 DP 10636 inclusive   |
| 5. ✓ Lot 5 DP 10636   | ✓ Lots 1 - 4 DP 10636 inclusive<br>✓ Lots 6 - 20 DP 10636 inclusive   |
| 6. ✓ Lot 6 DP 10636   | ✓ Lots 1 - 5 DP 10636 inclusive<br>✓ Lots 7 - 20 DP 10636 inclusive   |
| 7. ✓ Lot 7 DP 10636   | ✓ Lots 1 - 6 DP 10636 inclusive<br>✓ Lots 8 - 20 DP 10636 inclusive   |
| 8. ✓ Lot 8 DP 10636   | ✓ Lots 1 - 7 DP 10636 inclusive<br>✓ Lots 9 - 20 DP 10636 inclusive   |
| 9. ✓ Lot 9 DP 10636   | ✓ Lots 1 - 8 DP 10636 inclusive<br>✓ Lots 10 - 20 DP 10636 inclusive  |
| 10. ✓ Lot 10 DP 10636 | ✓ Lots 1 - 9 DP 10636 inclusive<br>✓ Lots 11 - 20 DP 10636 inclusive  |
| 11. ✓ Lot 11 DP 10636 | ✓ Lots 1 - 10 DP 10636 inclusive<br>✓ Lots 12 - 20 DP 10636 inclusive |
| 12. ✓ Lot 12 DP 10636 | ✓ Lots 1 - 11 DP 10636 inclusive<br>✓ Lots 13 - 20 DP 10636 inclusive |
| 13. ✓ Lot 13 DP 10636 | ✓ Lots 1 - 12 DP 10636 inclusive<br>✓ Lots 14 - 20 DP 10636 inclusive |
| 14. ✓ Lot 14 DP 10636 | ✓ Lots 1 - 13 DP 10636 inclusive<br>✓ Lots 15 - 20 DP 10636 inclusive |

15. Lot 15 DP 10636    Lots 1 - 14 DP 10636 inclusive  
                              Lots 16 - 20 DP 10636 inclusive
16. Lot 16 DP 10636    Lots 1 - 15 DP 10636 inclusive  
                              Lots 17 - 20 DP 10636 inclusive
17. Lot 17 DP 10636    Lots 1 - 16 DP 10636 inclusive  
                              Lots 18 - 20 DP 10636 inclusive
18. Lot 18 DP 10636    Lots 1 - 17 DP 10636 inclusive  
                              Lots 19 & 20 DP 10636
19. Lot 19 DP 10636    Lots 1 - 18 DP 10636 inclusive  
                              Lot 20 DP 10636
20. Lot 20 DP 10636    Lots 1 - 19 DP 10636 inclusive

#### **SCHEDULE D**

#### **COVENANTS BY COVENANTOR**

The Registered Proprietor of the Covenantors' Land shall:

- 1.00 Not erect or place upon the Covenantors' Land any building other than a new single Domestic Dwelling, with or without a garage and domestic outbuildings.
- 2.00 Not erect any Domestic Dwelling, garage or domestic outbuilding, or commence any other construction work including fencing, paving or landscaping, or allow any subsequent alterations or additions to existing structures on the Covenantors' Land without Marlborough Ridge Limited first approving in writing the Site Plans, Specifications, and Building Plans pertaining to such work. The above approval shall not be withheld by Marlborough Ridge Limited where the Plans and Specifications comply with the Architectural Design Concepts, Construction Materials and Method of Construction for the standard of housing required by Marlborough Ridge Limited for Marlborough Ridge Limited's subdivision known as **Marlborough Ridge Resort**. Marlborough Ridge Limited shall have the right to delegate its power of approval under this clause to a body known as **The Marlborough Ridge Architectural Committee ("the Committee")**, the members of such Committee having been nominated in writing by Marlborough Ridge Limited. The criteria relating to Architectural Design Concepts, Construction Materials and Method of Construction shall be determined from time to time by Marlborough Ridge Limited or the Committee in its sole discretion.
- 3.00 Not erect or permit to be erected any Domestic Dwelling, garage or domestic building or complete any other construction work, or allow any subsequent alterations to existing structures on the Covenantors' Land except in accordance with the Plans and Specifications approved pursuant to Clause 2.00.

- 4.00 Not erect or permit to be erected any Domestic Dwelling (with or without a garage or carport or other building normally ancillary to a dwelling) upon the Covenantors' Land which has a value of less than TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) plus GST (the "Minimum Value"). The minimum value shall be increased as at the date twelve (12) months after the 13th day of December 1997 ("the first increase date") and at annual intervals ("the subsequent increase date") by the amount of the percentage increase shown in the Capital Goods Price Index for Residential Buildings prepared by Statistics New Zealand or its successor during the 12 month period immediately preceding the first increase date or the subsequent increase date as the case may be, and a Certificate of Value by a Registered Valuer or Architect shall be accepted by Marlborough Ridge Limited as prima facie evidence of such value.
- 5.00 Not erect or permit to be erected any Domestic Dwelling on the Covenantors' Land unless the floor area of the dwelling (measured from the outer faces of the external walls) is a minimum of 150m<sup>2</sup> excluding any garage, veranda, outdoor patio or outbuilding.
- 6.00 Not erect or permit to be erected a Domestic Dwelling, with or without a Garage and Domestic Outbuilding which is more than two storeys above ground level measured from the minimum setback distance from the Street-front boundary of the Covenantors' Land as defined by the MDC.
- 7.00 Not erect or permit to be erected or place on the Covenantors' Land any second-hand building or relocated building or any caravan, hut, shed, ancillary building or tent to be used as a Residential Dwelling or Temporary Dwelling, or use any second-hand materials in the construction of any Domestic Dwelling, garage or outbuilding on the Covenantors' Land OR erect or place or permit to be erected or placed on the Covenantors' Land any Domestic Dwelling which requires a Kitset or Pre-fabricated method of construction.
- 8.00 Not occupy use or permit to be used the Covenantors' Land as a domestic residence until the Domestic Dwelling has been completed in accordance with the approved plans and specifications and the Marlborough District Council building consent. The Purchaser shall supply to Marlborough Ridge Limited a copy of the Council's Certificate of Compliance prior to occupation.
- 9.00 Not allow the construction work of any Domestic Dwelling, Garage or Domestic Outbuilding being erected on the Covenantors' Land to remain uncompleted for a period any longer than nine (9) months from the date of commencement of the construction work, nor allow any fencing work in respect of fences on any of the boundaries to the Covenantors' Land to remain uncompleted for a period any longer than three (3) months after completion of the Domestic Dwelling.
- 10.00 Not allow or permit;
- (i) Any builders waste, waste material or rubbish to accumulate on the Covenantors' Land or any adjoining Covenantors' Land;
  - (ii) Any grass or weeds on the Covenantors' Land to exceed 100mm in height;

- (iii) Any open or outdoor fire to be lit on the Covenantors' Land, or allow any other nuisance or other activities on the Covenantors' Land which may be offensive to the owners of the adjoining properties.

**11.00** Not erect or permit to be erected any fence on the Covenantors' Land;

- (i) Of permanent materials of a height greater than six (6) feet or 1.83m, nor allow any live hedge or live fence to grow to a height in excess of six (6) feet or 1.83m.
- (ii) Closer to the street frontage boundary of the Covenantors' Land than the front building line, except where the fence forms part of a garage or carport.
- (iii) Without Marlborough Ridge Limited's approval as required under clause 2.00, utilising any materials commonly known as Polite materials, commonly known as Fibrolite, Hardyflex or Hardyplank.

**12.00** Not make any objection to any horticultural, viticultural, pastoral or other agricultural use by the owner or occupier of any adjoining property or rural property in the immediate vicinity of the Covenantors' Land so long as such activity is permitted under the provisions of the local authority's District Scheme.

**13.00** Not further subdivide (within the meaning of that expression as defined by the Resource Management Act 1991) the Covenantors' Land into more than one Lot.

**14.00** Not make any submission or objection to the Marlborough District Council or any other relevant authority against any Application made by Marlborough Ridge Limited in respect of Resource Consent Applications of whatever nature whatsoever for further subdivision or development of all or part of the land comprised in Certificates of Title 6A/80, 6A/76 or 6A/77.

**15.00** Not use the Covenantors' Land for any trading or commercial purpose.

**16.00** Ensure that the Domestic Dwelling, Garage and Outbuildings constructed on the Covenantors' Land contain a minimum two-car Garage and, if parking or storage is required for any boat, trailer, caravan or trade vehicle, then also provide a screened area for the storage or parking of any boat, trailer, caravan or trade vehicle, AND shall further ensure that any boat, trailer, caravan or trade vehicle be stored or parked in the screened area or garage so as not to be visible from any adjacent Road, Right of Way or from any neighbouring section.

**17.00** Ensure that the Domestic Dwelling and Outbuildings constructed on the Covenantors' Land incorporate a screened area for clothes drying and rubbish storage AND shall further ensure that any clothes drying activity or rubbish storage on the Covenantors' Land are not visible from any Road, Right of Way or from any neighbouring section.

**DEED CREATING POSITIVE AND RESTRICTIVE LAND COVENANTS**

Correct for the purposes of the Land Transfer Act

Solicitor for the Covenantee

THE COVENANTORS

THE COVENANTEES

Particulars entered in the Registers .....  
as shown herein on the date and at .....  
the time endorsed below. ....

Assistant/District Land Registrar of the  
District of Marlborough.

TO: The District Land Registrar, Marlborough

Pursuant to section 126A of the Property Law  
Act 1952 please enter a notification of the  
positive and/or restrictive covenants contained  
in the within deed in the appropriate folium  
of the register book relating to the Land subject  
to the burden of such covenants.

Solicitor for the Covenantor

GASCOIGNE WICKS  
SOLICITORS  
BLLENHEIM

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OFFICE COPY

11.50 11 Mar 99 2032521  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY MARLBOROUGH  
FOR REGISTRAR - GENERAL OF LAND



9:40 17 FEB 99

202577

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY MARLBOROUGH



## Appendix 4



Record Number: 1457977  
File Ref: W045-15-72-01  
Legal File Ref:  
Date: 03 March 2014

**File Note:**

**From:** Mark Caldwell

<b>Subject: Marlborough Ridge - Public Meeting - Thursday 27 February 2014</b>
--

The meeting was held in the Omaka/Fairhall Hall at 6.30 pm Thursday 27 February 2014. The purpose of the meeting was to consult with the residents of the Marlborough Ridge with regard to a possible rezoning of the Marlborough Ridge Zone.

The meeting was attended by Mark Caldwell Planning Technician for the Marlborough District Council and Paul Whyte Consultant Planner from the Beca Christchurch Office and 26 persons, most of whom were Marlborough Ridge residents.

Mr Whyte discussed the history of the Marlborough Ridge development and the departure of the development from what the zone had envisaged. As a consequence the Marlborough Ridge Zone is now out of step with the development that has occurred and what is consented to occur. In addition the existing provisions were somewhat confusing and difficult to administer. Mr Whyte outlined the proposed rezoning in which the existing Marlborough Ridge Zone would be deleted and replaced with the Township Residential, Conservation, Local Recreation and Rural 4 zones..

Mr Whyte and Mr Caldwell outlined the plan change process and noted that the meeting was intended to obtain feedback and that there would be the opportunity for a formal submission later on in the process.

Feedback was sought from those present on the proposal to rezone the Marlborough Ridge.

Discussions centred on the following issues:

- **Covenants v the Plan Rules**  
There was quite lengthy discussion regarding the covenants on the individual properties at Marlborough Ridge. Residents' concerns were in regard to future residential housing not matching the quality of the current amenity in terms of housing design and landscaping. Mr Whyte noted the covenants area matter between individual property owners and the developer and Council did not get involved in the administration of the covenants. This was confirmed by Mr Greg Smith, one of the developers at Marlborough Ridge, who was present at the meeting.
- **Questions were asked in regard to the permissiveness of the Township Residential rules for home occupations and homestays and if the rules were more permissive than the current zone and whether these activities were controlled by covenants in place.** Mr Whyte noted that home occupations were a permitted activity in both the Marlborough Ridge Zone and the Residential Township Zone. Homestays are permitted in the Township Residential Zone but not the Marlborough Ridge Zone. It was not clear from the discussions whether the covenants controlled home occupations/homestays.
- **Whether referral of plans to the Architectural Committee (of the developer) for approval before building could proceed would continue.** Mr Smith assured residents that this process would continue.
- **The differences between the Provisions of Appendix K and the proposed Township Residential Zone especially in terms of bulk and location for new buildings.** Mr Whyte noted there was some differences, mostly small, which would be identified in the plan change

- Whether the changes in zoning would have any effect on rating levels. Mr Caldwell and Mr Whyte were unable to answer this as it was outside their area of expertise but it was noted that the actual uses in the zone were not changing.


## Appendix 5




**Plan Change 72**  
**Marlborough Ridge Extent of Development**

**Legend**

 Vineyardland

 Marlborough Ridge Zone

 Lake & Wetland

 Land Parcel

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