



**MARLBOROUGH SOUNDS  
RESOURCE MANAGEMENT PLAN**

**Plan Change 14: Schedule J: State Integrated School**

**And**

**PROPOSED WAIRAU/AWATERE  
RESOURCE MANAGEMENT PLAN**

**Variation 48: Schedule G: State Integrated Schools**

(Plan Change/Variation and section 32 analysis included)

**REPORT PREPARED TO FULFIL THE REQUIREMENTS OF  
SECTION 32 OF THE  
RESOURCE MANAGEMENT ACT 1991**

## Introduction

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This report sets out an evaluation behind the Marlborough District Council's decision to change/vary the Marlborough Sounds Resource Management Plan and the Proposed Wairau/Awatere Resource Management Plan (the Plans). The purpose of the plan change/variation is to update the Schedules contained in Volume Two of the Plans to include the State Integrated Schools within the region, and to enable community activities on existing school sites. The plan change/variation also includes new maps showing the schedules sites.

In notifying any change or variation to the Plans, the Council has a duty under section 32 of the RMA to evaluate a number of matters. In preparing Plans and changes to them, Councils are required to consider the alternative ways to achieve the environmental outcomes being sought and have to consider a broad range of policies, objectives and methods. An analysis of the benefits and costs in deciding which provisions are the most efficient has to be carried out.

The specific elements of section 32 that are covered in this report are as follows:

- (3) *An evaluation must examine—*
  - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
  - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account—*
  - (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

Councils are required then to:

- Determine the environmental issue.
- Evaluate the extent to which any new objective is the most appropriate way to achieve the purpose of the RMA.
- Evaluate whether the policies, rules, or other methods are the most appropriate for achieving the objective.
- Explore different methods/ways of dealing with the issue.
- Evaluate the benefits and costs of the proposed policies, rules, or other methods.
- Examine the risk of acting or not acting if there is uncertain or insufficient information on the policies, rules, or other methods.
- Decide which method or methods is the most appropriate to achieve the purpose of the RMA.

The RMA also requires that a report be prepared that summarises the evaluation and gives reasons for that evaluation. This report fulfils that requirement (section 32(5)).

## Resource Management Issue

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**State Integrated Schools** are those schools that are not within Crown ownership, however do follow the Ministry of Education curriculum, and are predominantly funded by the Crown.

**Private Schools** are not owned by the Crown, are governed by an independent board, and charge tuition fees in addition to limited state funding received.

**Designations** are included in the district plan, and enable the party responsible for the designation to undertake land use activities on the site, in accordance with the purpose stated in the designation, without the need to obtain a resource consent.

In preparing the Plans, the Council has zoned each property within the Plan areas. Sites are then able to be developed in accordance with the zone provisions for the zone they are located in.

Within the zone provisions that apply to existing State Integrated School sites, Schools were not identified as a permitted land use activity. Each of the existing State Integrated Schools is within the Urban Residential Zone. This has resulted in these schools requiring resource consent for every change in activity that was outside the existing use rights applicable to the school. This in some instances has meant consulting with a large number of neighbours to obtain written approvals.

State Schools however are able to be designated by the Ministry of Education under each of the Plans, and subject to the provisions of the Resource Management Act 1991, are able to be developed for the purpose as stated in the designation, often being 'school purposes' or 'education purposes'. These schools would not require land use consent to be obtained, or written approvals, for any changes proposed that are within the designation.

The Environment Court has looked at the situation in relation to State Integrated Schools and the inability to designate these in *Otago Presbyterian Girls College Board of Governors Inc (Columba College) v Dunedin CC EnvC C128/01*, noted [2001] BRM Gazette 129, and identified that as schools are a community support activity these should be permitted unless there is a good Resource Management Act reason not to, and directed the Dunedin City Council to amend the Plan to include a Schedule covering such facilities.

In order to give effect to the principal findings of the Environment Court and also in accordance with subsequent directions received from the Ministry of Education requesting Councils provide for State Integrated Schools, an update to each of the Plans is necessary to accommodate these schools.

The Nelson Marlborough Institute of Technology (NMIT) falls within the category of State Integrated Schools as it is not able to be designated, and while it is covered by existing Schedule provisions within the Proposed Wairau/Awatere Resource Management Plan, these are proposed to be updated and amended to reflect the changing nature of education activities undertaken on the site.

There is also one private school within the region, however this school is currently at a temporary site and no confirmed site is able to be provided. At this time therefore, the private school is not identified for inclusion within the Plan change.

A further Plan change is proposed for the Proposed Wairau/Awatere Resource Management Plan in relation to the Urban Residential Zone rules, to include provision for community activities

to be undertaken on the site of existing schools. This provision already occurs within the Marlborough Sounds Resource Management Plan under the Urban Residential Zone rules.

The changes to the Schedule within Volume Two of each Plan are to apply to the following sites:

- St Joseph's School, Lot 2 DP 6003
- NMIT, Pt Sec 50 SO 3824 Deeds Plan 43
- Richmond View School, Lot 1 DP 5351
- St Mary's School, Lots 602-604 Deed 15, Pt Lot 10 DP 3 and Pt Lots 406-410 Deed 15

The changes to Volume Three in each Plan are on the following Maps:

- Marlborough Sounds Resource Management Plan
  - Map 58 – St Joseph's School
- Proposed Wairau/Awatere Resource Management Plan
  - Map 5 – St Mary's School
  - Map 7 – Richmond View School

## Validation

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Research was conducted into the issue identified and a report prepared in relation to the current situation and anticipated growth for each of the schools.

All land owners and occupiers of the State Integrated School sites have been consulted. This was conducted via a letter outlining the Plan change process and development options for the sites. The letter was followed up with a phone call and subsequent meeting to determine future growth anticipated by each of the schools. Since 2000, discussions have occurred between at least one of the State Integrated Schools and the Council in relation to the potential for a Schedule and the inclusion of the schools within this.

Further consultation has also been undertaken with surrounding land owner and occupiers in relation to the above State Integrated School sites, and in the majority of cases feedback from land owners has been positive.

A summary of all consultation undertaken can be found at the end of this report.

The predominant concerns raised are in relation to heights of buildings permitted in relation to proximity to boundaries, and the impact this would have on views, sunlight and privacy on the residential sites adjacent to the schools.

The owner of a retail facility in close proximity to the NMIT has raised concerns with potential unrestricted retail activities on the NMIT site.

A comment received from the schools themselves is that the facilities are often used for community activities on weekends or school holidays, and that this should also be provided for. This is already reflected within the permitted standards of the Residential Zone within the Marlborough Sounds Resource Management Plan, and as part of this Plan change process a

like provision is to be included within the Proposed Wairau/Awatere Resource Management Plan under the Urban Residential Zone provisions.

On 28 July 2005 the proposal to change or vary the Plans in relation to State Integrated Schools was submitted to the Environment Committee.

## **Current Legislative Framework**

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### **Resource Management Act 1991**

#### **Purpose**

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Sustainable management means:

*“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

In achieving the purpose of sustainable management, the Council must have regard to a number of principles set out in the RMA. These include recognition and provision for a number of “matters of national importance” described in section 6 of the RMA. The Council must also have particular regard to matters such as “amenity” and “heritage values”, “kaitiakitanga”, and “quality of the environment” (section 7).

The RMA enables the use and development of resources as long as such use does not adversely affect the environment in a way that impacts on the foreseeable needs of future generations, the life supporting capacity of ecosystems, or other users of the environment. This is the concept of “sustainability” which the RMA promotes as its overriding purpose.

The Council’s Regional Policy Statement and Resource Management Plans have all been generated to reflect these RMA provisions. This plan change is consistent with both the RMA and the Councils Plans.

#### **Marlborough District Council Responsibilities**

The Council is a unitary authority, that is, it has the functions, powers and duties under the RMA of both a district council and a regional council.

Section 9 of the Act sets out ‘Restrictions on the use of land –’ and states that no person may use any land in a manner that contravenes a rule in a plan unless the activity is expressly permitted by a resource consent or is an existing use (s9(1) & (3)).

The entire region has been categorised into distinct zones. Objectives, policies and rules specific to each zone have been formulated for the purpose of regulating amongst other things the use of land. The use of sites is reflected in the zone provisions.

## **Marlborough Regional Policy Statement**

The Marlborough Regional Policy Statement (RPS) was made operative on 28 August 1995. It provides a community based vision and direction for the management of the natural and physical resources of Marlborough. The RPS identifies five regionally significant issues for Marlborough. These are:

- Protection of water ecosystems (which includes coastal water);
- Protection of land ecosystems;
- Enabling community wellbeing;
- Protection of visual features; and
- Control of waste.

A number of the subsequent objectives, policies and methods developed to deal with these issues are relevant in the Council's consideration of the provisions contained within the zones for the Plans.

Of particular relevance to this Plan change are the objectives and policies found in Part 7 'Community'. Objective 7.1.2 aims "to maintain and enhance the quality of life of the people of Marlborough while ensuring that activities do not adversely affect the environment". One of the methods employed in the Plan to ensure that activities do not adversely affect the environment is the application of appropriate zoning and subsequently appropriate objectives, policies and rules to each land parcel.

Objective 7.1.9 aims "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." The ability to meet continuing education demands for the region is imperative in providing for a communities social and cultural wellbeing.

In addition to preparing a regional policy statement, the Council's unitary authority status imposes an obligation to prepare a coastal plan, a district plan and such other regional plans as are necessary to promote the sustainable management of natural and physical resources. Because of its unitary authority status the Council has taken the opportunity to integrate the management of the resources of the region by preparing two combined regional, district and coastal plans, covering distinct geographical areas. These are known as the Marlborough Sounds Resource Management Plan and the Proposed Wairau/Awatere Resource Management Plan. Both these Plans contain objectives, policies, rules and methods that direct the Council in its obligation to regulate the use of land.

## **Marlborough Sounds Resource Management Plan**

The Marlborough Sounds Resource Management Plan provides for the continued existence of activities that are established and seeks to avoid the effects of these on other activities that are sensitive to lower standards of amenity (objective 10.1.1). The Plan also recognises that education facilities can cause localised effects on neighbouring properties, and as such should be considered on their merits. In this instance, each of the facilities to be included in the Schedule, is an existing facility. The schedule will not apply to new facilities.

The amenity of the Urban Residential Zone is predominantly maintained through bulk and location restrictions and a density of development restriction (Issue 10.2.3). Further to this, noise, privacy and traffic are matters that are appropriately controlled in this Zone. Each of these is covered within the Schedule proposed to ensure that the environmental effects arising from schools are not inconsistent with the residential area.

## Proposed Wairau/Awatere Resource Management Plan

The Proposed Wairau/Awatere Resource Management Plan recognises the need to protect the character and amenity of residential environments, while at the same time providing for adequate servicing of the residential areas. Servicing includes community facilities such as schools. Particular objectives and policies that are relevant include 11.2.2.3.2 which seeks to ensure existing non-residential activities that provide for social, economic and cultural wellbeing can continue. Policy 11.2.2.3.6 seeks to enable community facilities to establish where the effects of these are avoided, remedied or mitigated. Schools are a recognised community facility associated with residential development within Plan commentary under the above policies.

The amenity of the urban environment is, as similar with the Marlborough Sounds Resource Management Plan, predominantly maintained through bulk and location restrictions and density of development restrictions (objective 11.2.2.4 and the supporting policies).

The Plan commentary under 11.2.3 Methods of Implementation states *The Plan acknowledges that it is appropriate for community facilities to be located within residential areas. However, rather than prescribe a set of performance conditions anticipating all effects of community facilities, these will be assessed as applications for resource consents on their individual merits and in terms of their effects within the residential environment.* The schedule provisions developed for this Plan change will only apply to existing State Integrated Schools. No new schools or other community facilities are able to rely on the Schedule provisions, with each such new facility continuing to require consideration through the resource consent process.

## Options considered for dealing with the issue

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The Council has decided to use 'zoning' as a management tool in the both Plans. By implementing zoning as a management tool the Council has given recognition to the historic land resource management value of zoning. Within the zones are rules denoting permitted standards for development that is considered appropriate, and predominantly reflects the historic land use.

There is currently no zone within either Plan area that would enable the Schools to remain on site and grow, and at the same time ensure that the environment and amenity of the surrounding sites is not compromised.

Other zones within each Plan enable community facilities as a permitted activity such as the Industrial Zone within both Plans, the Town Commercial Zone within the Marlborough Sounds Resource Management Plan, and the Central and Neighbourhood Business Zones and the Rural Township Zone within the Proposed Wairau/Awatere Resource Management Plan. Each of these zones also however allows as permitted activities other activities that would not be appropriate on a school site or within the urban residential environment, e.g. commercial activities or vehicle sales. To therefore amend the underlying zoning is not an option available for the school sites that would also achieve the purposes of the Resource Management Act 1991 and the Plans.

To create an entirely new zone that would cover each of the State Integrated Schools would require the development of objectives, policies and permitted standards, and have the potential to compromise the existing integrity of the wider zone area. This option has the potential for some matters not to be included under the control of the rules of the new zone, or for an amenity to result on the sites and the surrounding sites that is not consistent with the surrounding environment and intentions of the Plans.

If the undertaking of community facilities were included in the Urban Residential zone provisions, being the category that schools fall within the definition of, other activities such as vet clinics, doctors, court houses or community correction centres would also be able to be developed on any Urban Residential zoned site. This has implications beyond the scope of the issue being addressed, i.e. providing for the existing State Integrated Schools and not for the entire area of land zoned Urban Residential.

To ensure that the intended purpose of the project is met, being that the sites are able to retain their current uses and expand as the community grows; and that the environmental effects are consistent with the surrounding land uses, i.e. residential, it is considered the most appropriate method is creating a Schedule for these sites.

The use of the existing zones already on the sites within the Plans, and then overlaying this with a Schedule will provide greater certainty for the Schools themselves and the surrounding land owners and occupiers.

The NMIT is already covered by a schedule and an update to this is most appropriate means of providing for this facility. The scheduling of the State Integrated Schools will also provide consistency between the NMIT and the schools in terms of how these are provided for in the Plans.

To provide consistency between the two Plans, and to ensure that current community activities that occur on these sites are reflected in the provisions, the addition of a permitted standard within the Residential Zone rules of the Proposed Wairau/Awatere Resource Management Plan is considered appropriate. This will ensure that community activities, not community facilities which is a defined term in the Plans, are able to be undertaken on the school sites, activities such as fundraisers, gala days, circus events or other community activities.

## **Evaluation under Section 32**

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The Quality Planning website, which promotes best practice by sharing knowledge about policy and plan development under the RMA, states that the section 32 process must be transparent and well documented, with all assumptions and decisions justified. This helps to ensure that:

- Good environmental outcomes are achieved, at the lowest practicable cost to individuals and the community.
- Plan provisions are targeted at achieving the purpose of the RMA by the most appropriate methods.
- Councillors (as decision makers) have sound policy analysis on which to base their decisions about resource management issues.
- A sound basis is provided for re-assessing whether the chosen provisions are necessary and appropriate once they are in use and the environmental outcomes become apparent.

### **Issue:**

The Council considers that the process it has gone through in identifying the resource management issue and the various steps it has taken in considering how to deal with that issue have assisted in reaching a more robust decision that will ultimately achieve better environmental outcomes for the community. This section of the report then draws together the various steps in the process, against the technical background of the requirements of section 32 of the RMA.



The Marlborough Sounds Resource Management Plan is an operative document that has been subject to section 32 analysis. The Proposed Wairau/Awatere Resource Management Plan is not at present an operative document, however has been notified and thereby subject to a section 32 analysis.

### **Effectiveness:**

Where activities are located on sites with a zoning that does not specifically enable the activity already undertaken, and the activity is such that it provides a community benefit, these sites have been Scheduled. Sites such as the Hospital, the Fire Station, and Lansdowne Park examples of sites already scheduled within the region.

The Environment Court decision in *Otago Presbyterian Girls College Board of Governors Inc (Columba College) v Dunedin CC* identified that as schools are a community support activity these should be permitted unless there is a good Resource Management Act reason not to, and also directed the Council to amend the Plan to include a Schedule, such as that proposed in this Plan change, that reflects the nature of the use of the site in light of its inability to be designated.

The Schedule proposed will achieve the directive of the Environment Court, and at the same time achieve the resource management objective identified as the purpose for this Plan change, being to enable schools as community facilities to grow and expand in response to community demands, while at the same time ensuring the environmental effects are able to be avoided, remedied and mitigated, while also providing consistency between State Schools which are able to be designated and State Integrated Schools which are not.

The effectiveness of the operation of the existing Schedule in conjunction with the underlying zoning provisions to date has not been raised as a concern by the community. As the NMIT site is already contained in the Schedule, this provides a working example of the impact of the Schedule provisions.

### **Plan Change Provisions:**

The Schedule provisions recognise that inherently a school activity is not a residential activity, and that the same standards for development may not be appropriate. Aspects such as setbacks from boundaries should be larger with schools which can contain buildings which of necessity are of larger heights. Boundary setbacks will enhance the privacy and sunlight on adjoining sites. The underlying zone rules require dwellings to comply with daylight controls. These buildings can therefore be built without setback from the site boundary up to 2m in height, being the height on the boundary where the daylight angle is measured from. The Schedule provisions proposed have recognised this and sought to have all buildings setback a minimum of 5m from all side boundaries and 10m from a road boundary.

The enabling of buildings up to 10m in height on these sites is higher than those allowed under the Urban Residential Zone rules, which is 7.5m. The benefits of this are that while enabling schools to provide class room facilities, there is also the ability to provide multiple level buildings or gymnasiums that may be higher. The minimum setback requirement from the boundary has the effect of reducing any privacy or sunlight implications as a result of the increased height.

Further amenity enhancement provisions arise with the imposition of compulsory landscaping requirements along the road frontage of the sites. This will provide a screening of the activity from the road and at the same time enhance the amenity on the site and in the surrounding area to ensure that this remains compatible with the residential environment.

The restriction on site coverage by buildings to 35%, being less than the permitted standards for the zone, reflects that the school sites are significantly larger than a typical residential allotment,

and the nature of the activity undertaken on them generates a building or group of buildings that has a different visual character to a dwelling. The amenity of the residential environment is subject to a reduced level of compromise through the restriction of the site coverage.

The noise provisions of the Schedule have been developed in recognition of the noise that children make in a school environment and that this is not typically within the standard noise parameters. The environmental effect of this is offset by the limited times of the noise, i.e. before school, break times and after school on weekdays only. Also the nature of the noise being children is considered to be more acceptable in a residential environment than mechanical or construction noises.

Each of the sites is also required to provide car parking appropriate to the level of staff employed at the facility and the age range of the students taught. This will ensure that reduced traffic hazards arise in terms of the peak traffic movement times that schools inherently give rise to.

The existing NMIT schedule is to be amended to ensure that the facility is retained as a tertiary education facility, to provide certainty as to the nature of onsite accommodation or child care facilities provided and who these are able to be used by, and the nature of temporary relocatable buildings that are often constructed on site as part of a training course.

In addition there is the ability for NMIT to undertake the sales of goods and services that arise directly from education activities, i.e. the sale of produce grown on site, or the provision of a hairdressers where the hairdressing is undertaken by students learning that skill. The standards in relation to this activity also restrict the ability of the sales to occur outside teaching hours to ensure that the two activities, sales and education, remain inherently linked and at the same time mitigate the potential for unrestricted sales activities to occur from the site.

The amending of the Urban Residential Zone rules in the Proposed Wairau/Awatere Resource Management Plan to include community activities on existing school sites provides consistency between the Council's two Plans, and also recognises that these activities typically already occur. This does not enable community facilities, which as discussed above incorporates a larger range of activities than desirable to achieve an amenity on the site that is compatible with the surrounding environment.

### **Benefits and Costs:**

The application of appropriate standards through the Schedule will result in the management of activities that have the potential to adversely affect the environment so to avoid, remedy or mitigate these adverse effects. This will benefit the physical environment.

A further environmental benefit achieved by the proposed Schedule is that all schools within the region are inherently treated in a like manner under the Plans.

Socially and economically the plan changes will result in considerable benefits to the community, due to the removal of unnecessary constraints on the use of land, and enabling school facilities to grow to accommodate the regions growing population base. This will occur at the same time as managing the environmental effects of the growth through the permitted standards of the Schedule.

Social and economic costs will also be minimised as the plan changes will result in land management that is consistent with the activities already undertaken on the land. The Schedule will not apply to new schools or restrict in any way the development of a new school facility on an alternative site which would require resource consent.

The plan change will not result in any effects that can be foreseen to have a cost to the environment. The underlying zoning of each of the sites is not amended, and where compliance with the permitted standards of the Schedule is not attained by a proposed development, resource consent will be required.

There are a number of the State Integrated School sites where the buildings are already encroaching the setback proposed in the Schedule, however in terms of the Schedule the provisions are not retrospective and therefore matters such as the bulk and location provisions would apply to new developments on the site rather than the existing. The costs associated with requiring existing buildings to be relocated to comply with the provisions would be substantial both economically and socially.

**Efficiency:**

Based on the above assessment of costs and benefits, and that there are few costs identified as a result of the proposed Schedule, it is considered that the Schedule will operate in an efficient manner, as will the Plans once the Schedule is incorporated.

**Risks of Acting or Not Acting:**

The Environment Court has directed Councils to consider Scheduling State Integrated Schools as a means of providing consistency with State Schools and their ability to be designated. This direction has also been passed down from the Minister of Education as a result of the Courts decision. To not undertake the Scheduling as has been requested by legal authorities could be seen as an avoidance of a legal obligation.

There are limited risks in acting as proposed. The Schedule proposed applies only to existing school facilities. No new facilities are restricted by the Schedule. The Schedule in no way restricts State Schools.

**Consultation Summary**

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The owners of land to which this plan change applies were all informed of the changes prior to the notification of the plan change and were encouraged to provide feedback.

The following is a summary of the consultation exercise. It describes the dialogue that occurred between the landowner and Council, and any changes that resulted from the consultation.

Reference	Consultation Feedback	Changes Made as a Result of Consultation
St Joseph's	That the scope of the permitted activities be extended to include community use of the school grounds, facilities and buildings	No change required to Schedule – this aspect is already provided as a permitted standard under the Urban Residential Zone provisions of the Marlborough Sounds Resource Management Plan.
	Support for the noise provisions and the recognition that school activities can be noisier than residential activities	No change required
	Support for the proposal as school was	No change required

	considered a good neighbour	
	Query whether the bulk and location provisions applied retrospectively to existing buildings	Confirmed do not apply retrospectively – no change to Schedule required
NMIT	Query regarding why education and training facilities and buildings are required to be associated with the tertiary education facility	Advised that the purpose of the schedule relates to education activities, not other types of activities occupiers of sites wish to undertake, i.e. churches.
	A desire to see research included in the permitted standards was raised	The first bullet point under 2.1 subsequently amended to include research with education and training facilities
	Raised that the nature of the sales undertaken would not always be in the same hours as the education activity – i.e. visual arts course have exhibitions in the evenings. Not happen very often though.	<p>If unrestricted sales were enabled from the site, this would potentially result in a different environmental effect to those anticipated by education activities, i.e. extended hours of operation at the facility, and thereby extended traffic effects.</p> <p>If sales activities are restricted to a certain number per year that can be outside hours of teaching, there would be generated an enforcement issue, in terms of ensuring that only those number of events occurs, and also a practicality of monitoring issue in terms of identifying when those events occurred.</p> <p>The ability to apply for resource consent for one-off sales exhibitions, outside the teaching hours, is retained with the provisions of the Schedule, and this is the same as the existing situation for all sales activities at NMIT.</p> <p>No change to schedule proposed.</p>
	Concerns regarding the amount of on site parking provided and being required, and the ability to restrict vehicles parking across private accesses was raised.	<p>The on site parking requirement in Schedule is not changing from the existing operative provisions. The practical enforcement of legal parking is a matter outside the legal parameters of the Resource Management Act 1991.</p> <p>No change to schedule proposed.</p>
	Concerns raised relating to height and setback from boundary for buildings.	These matters are the existing operative provisions of the Schedule and no change to these is

		proposed.
	Concerns were raised about uncontrolled amount of retailing, retail distribution throughout the City, retailing within the Zone, and the effects associated with the retailing.	<p>The retailing is restricted to be associated with education activities only, and will not therefore be uncontrolled. The Schedule provisions do not enable general merchandise to be retailed.</p> <p>The retailing is only able to be undertaken on the NMIT site as a result of the Schedule.</p> <p>There is an existing retail facility in proximity to the NMIT, and there is the potential for some cross over of sales, in particular produce, however trade competition is not a relevant matter for consideration under the Resource Management Act 1991.</p>
	Feedback was received from parties identifying that they had no concerns in relation to the amended Schedule provisions	No action required.
St Mary's	That the scope of the permitted activities be extended to include community use of the school grounds, facilities and buildings	This is proposed to be included as a permitted standard within the Urban Residential Zone rules of the Proposed Wairau/Awatere Resource Management Plan as part of the Plan change process.
	Support for the noise provisions and the recognition that school activities can be noisier than residential activities	No change required
	Alteration to the legal description of land included with the school to include the access to the school.	Legal description amended accordingly.
	Concerns were raised that the noise provisions did not recognise that schools can be noisier than residential activity.	Schedule proposed has a 10dBa allowance in recognition of schools being noisier than residential activity already incorporated into its proposed provisions. No further change required.
Richmond View	<p>Concerns were raised identifying that the maximum height of 10 metres will impact on privacy and sunlight for surrounding properties. The setback from the boundary at only 5m also impacts on privacy and sunlight. (raised by three separate parties)</p> <p>An alternative suggested was for a single storey building setback 10m from boundary. Alternatively, a preference was identified for compliance with the maximum height of the</p>	<p>The permitted standards of the Zone enable a building up to 7.5m in height to be at its closest 3.6m (northern or road boundary daylight measure). A 10m high building using this same angle is 5.5m away from the boundary before reaching the operative daylight provisions.</p> <p>No change is proposed in light of the existing permitted standards, and the effect of the proposed</p>

	Urban Residential Zone.	standards compared to the existing standards. The 10m setback identified would be significantly more stringent than the existing underlying zone provisions.
	Feedback was provided that raised no concerns with any provisions in the schedule (raised by two separate parties)	No changes required

# Schedule of Changes

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Where text is proposed to be added to the Plans through this plan change/variation, it has been shown as underlined. Where text is to be deleted from the Plan it has been shown with a line through it. Where text is shown in the following schedule without any underlining or strikethrough, it is existing text from the Plan and has been included for context and to assist the reader in determining where the changes occur, and does not form part of the variation.

## 1) Marlborough Sounds Resource Management Plan - Plan Change 14:

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### Volume 2:

### Appendix J

Insert the following new Schedule in Appendix J:

#### 4. St Joseph's School (on land described as Lot 2 DP 6003):

##### 4.1 On this site, the following activities shall be permitted, provided they meet the standards set out below:

- Education and training facilities and buildings, for primary, intermediate and secondary students;
- Sports grounds and recreational facilities associated with the education facility;
- Accessory buildings for any of the above uses.

##### 4.2 Standards

###### 4.2.1.0 Parking and Loading

The minimum amount of parking to be provided on this site shall be:

- one space per equivalent full time staff member;
- one space per equivalent 15 full time equivalent students aged 16 or over.

Parking and loading facilities shall otherwise be provided in accordance with general rules 26.2.2 and 26.2.3.

###### 4.2.2.0 Amenities

###### 4.2.2.1 Maximum Height

The maximum permitted height of any building or structure shall be 10 metres.

###### 4.2.2.2 Open Space

The maximum percentage of net site area which may be covered by buildings shall be 35%.

###### 4.2.2.3 Building Setback

All buildings shall be set back 10 metres from any road boundary and 5 metres from any side or rear boundary of the site.

#### 4.2.2.4 Lighting

All exterior lighting shall be directed away from the adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.

No activities shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential.

#### 4.2.2.5 Landscaping

The site shall include a landscape strip (as defined in the Plan) for a minimum depth of 2.0 metres from any road boundary.

#### 4.2.2.6 Noise

Outdoor activities associated with educational institutions conducted on the site of the institution between 0700 - 2100 hours, shall not exceed the noise standard of the zone in which it is being received, increased numerically by 10dBA, when measured at the boundary of the receiving site.

From 2100 to 0700 the Urban Residential Zone noise provisions shall apply.

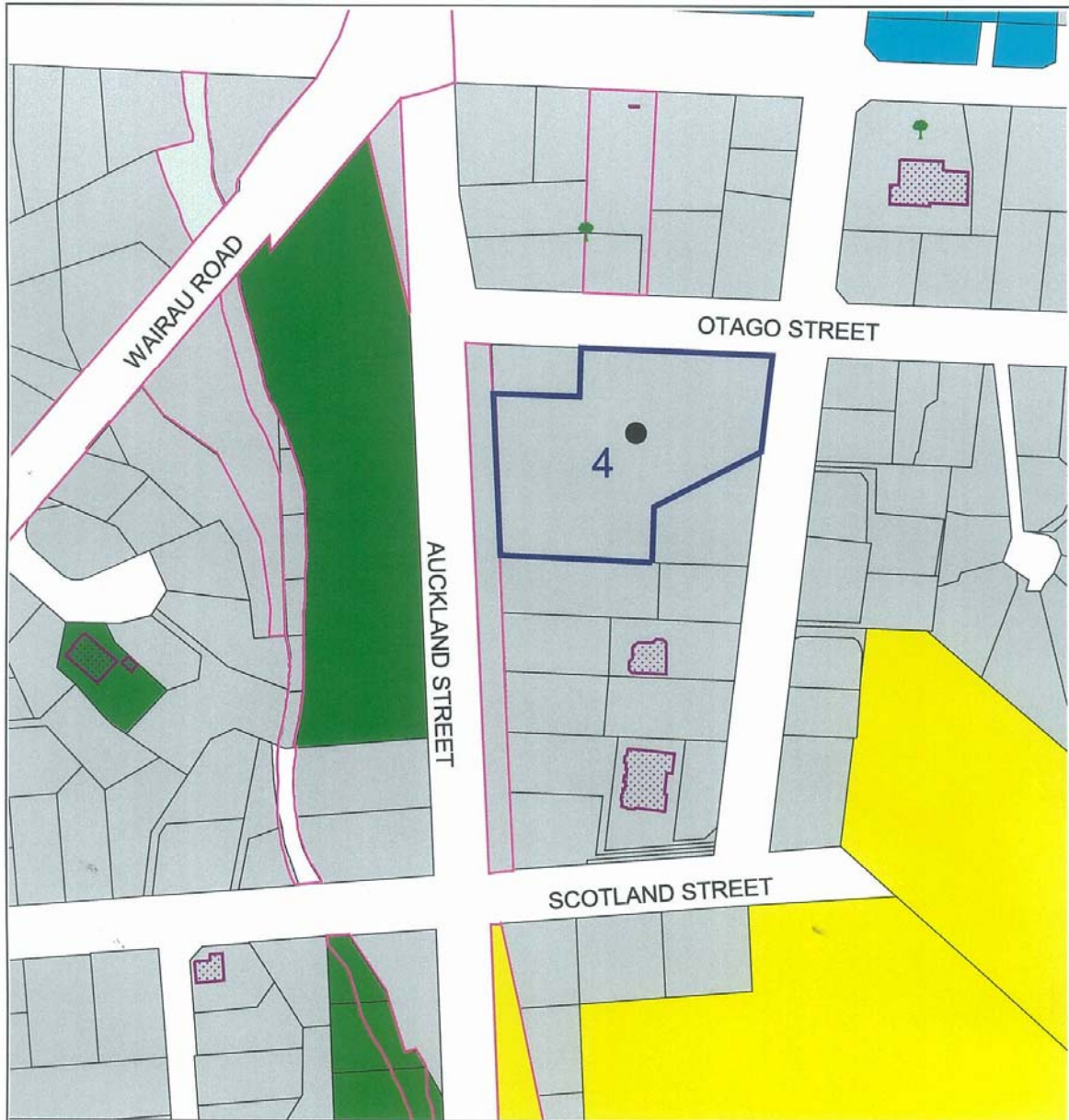
#### 4.2.3.0 General

All activities shall be carried out to comply with Rules 29.1.1.3.4 (Sunlight and Privacy), 29.1.3 (Conservation, Amenity and Heritage), 29.1.4 (Hazards) and 29.1.5 (Land Disturbance) of the Urban Residential Zone.

### **Volume 3:**

**Amend** the Planning Maps as shown in the attached map





### Marlborough Sounds Resource Management Plan

#### Plan Change: 14 (M135-15-14)

Addition of proposed Specific Activity Site in Appendix J being St Joseph's School, Picton listed as No. 4 covering Lot 2 DP 6003, and addition of text to maps.

1:2000 

 Site of change

Map: 5, 51, 58

Cadastral boundary	Coastal Marine Zone One	Rural Township Zone	Ecology Series
Designated Area	Coastal Marine Zone Two	Sounds Residential Zone	Ecological Areas
Heritage Trees	Conservation	Town Commercial Zone	Riparian Classification
Heritage Locations	District Recreation Zone	Urban Industrial Zone	Category 1
Harbour Limited Speed Boundary	Local Recreation Zone	Urban Residential Zone	Category 2
River Mouth	Marae	Natural Hazard Series	Landscape Series
Roads & Hydro	Marina Zone	Flooding	Areas of Outstanding
Transmission lines	Port Zone	Unstable	Landscape Value
Long Island Marine Reserve	Rural One Zone	Fault Line	Prominent Ridges
Specific Identified Activity Sites (Appendix J)	Rural Two Zone		

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Note: Cadastral boundaries are indicative only. Marlborough District Council provides no warranties in terms of property boundary positions.

Notified on xxxxxx 2006



## 2) Proposed Wairau/Awatere Resource Management Plan – Variation #

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### Volume 2:

### Urban Residential Zone Rules

#### 1. Permitted Activities

Add the following new bullet point to Rule 1.1:

- Community activities undertaken on existing school sites

#### Appendix G – Register of Specifically Identified Activities

#### 2. Polytechnic Marlborough on land described as Pt 50 SO 3824 Deeds Plan 43

Amend the existing Appendix G. 2 Polytechnic Marlborough schedule as follows:

2. ~~Polytechnic~~ Nelson Marlborough Institute of Technology (on land described as Pt 50 SO 3824 Deeds Plan 43);

2.1 On these sites, the following activities shall be permitted, provided they meet the standards set out below:

- Education, research and training facilities and buildings associated with the tertiary education facility;
- Sales of goods and services arising only as ancillary activities to educational activities
- On site accommodation facilities for students attending the facility;
- Child care facilities for staff and students attending the facility;
- Growing and processing of produce incidental to training activities;
- ~~- Construction of relocatable buildings;~~
- Temporary buildings constructed on site by students as part of an education programme;
- Sports grounds and recreational facilities associated with education activities;
- Accessory buildings for any of the ~~foregoing~~ above uses;
- Hazardous facilities;

#### 2.2 Standards

##### 2.2.1.0 Parking and Loading

The minimum amount of parking to be provided on this site shall be:

- one space per 7 effective equivalent full time staff members ~~and students~~;  
plus;
- one space per 7 equivalent full time students.

Parking and loading facilities shall otherwise be provided in accordance with general rules 2.2 and 2.3.

##### 2.2.2.0 Amenities

##### 2.2.2.1 Maximum Height

The maximum permitted height of any building or structure shall be 15 metres.

#### 2.2.2.2 Open Space

The maximum percentage of net site area which may be covered by buildings shall be 35%.

#### 2.2.2.3 Building Setback

All buildings shall be set back 10 metres from any road boundary and 5 metres from any side or rear boundary of the site.

#### 2.2.2.4 Lighting

All exterior lighting shall be directed away from the adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.

No activities shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential.

#### 2.2.2.5 Landscaping

The site shall ~~be landscaped~~ include a landscape strip (as defined in the Plan) for a minimum depth of 2.0 metres from any road boundary.

#### 2.2.2.6 Noise

Outdoor activities associated with educational facilities conducted on the site of the institution between 0700 - 2100 hours, shall not exceed the noise standard of the zone in which it is being received, increased numerically by 10dBA, when measured at the boundary of the receiving site.

From 2100 to 0700 the Urban Residential Zone noise provisions shall apply.

#### 2.2.3.0 General

All activities shall be carried out to comply with Rules 1.3.4 (Daylight Admission and Streetscape), 1.3.6, 1.4 (Heritage), 1.5 (Hazards), and 1.6 (Earthworks) of the Urban Residential Zone.

#### 2.2.4.0 Discharges

All discharges shall comply with Rule 1.7 of the Urban Residential Zone, except that in relation to the growing of produce, the application of fertiliser and agrichemicals shall be in accordance with Rules 1.7.3 and 1.7.5 of the Rural Zone.

#### 2.2.5.0 Hazardous Facilities

Any activity having an effects ratio of no greater than 0.2 shall be a permitted activity. The effects ratio shall be calculated in accordance with the hazardous facilities screening procedure set out in Appendix C.

Site design, waste management, fire safety, signage and emergency evacuation plans shall be in accordance with Rules 1.10.2 to 1.10.6 for the Rural Zone.

#### 2.2.6.0 Sale or Service Activities

All sale or service activities shall be limited to goods or services resulting directly from training activities undertaken on the site.

Sales or services shall take place only when educational activities are being undertaken, i.e. not outside teaching hours of the polytechnic.

### 2.2.7.0 Temporary Buildings

A maximum of one temporary building to be located on the site at any given time.

The temporary building to be on site for no longer than six months.

## **Appendix G**

**Insert** the following new schedule in Appendix G:

**9. St Mary's School** (on land described as Lots 602-604 Deed 15, Pt Lot 10 DP 3, Pt Lots 406-412 Deed 15, and Sec 249 Blk XVI Cloudy Bay Survey District); and **Richmond View School** (on land described as Lot 1 DP 5351)

**9.1** On these sites, the following activities shall be permitted, provided they meet the standards set out below:

- Education and training facilities and buildings, for primary, intermediate, and secondary students;
- Sports grounds and recreational facilities associated with the education facility;
- Accessory buildings for any of the above uses.

### 9.2 Standards

#### 9.2.1.0 Parking and Loading

The minimum amount of parking to be provided on this site shall be:

- one space per equivalent full time staff member; plus
- one space per 15 equivalent full time equivalent students aged 16 or over.

Parking and loading facilities shall otherwise be provided in accordance with general rules 2.2 and 2.3.

#### 9.2.2.0 Amenities

##### 9.2.2.1 Maximum Height

The maximum permitted height of any building or structure shall be 10 metres.

##### 9.2.2.2 Open Space

The maximum percentage of net site area which may be covered by buildings shall be 35%.

##### 9.2.2.3 Building Setback

All buildings shall be set back 10 metres from any road boundary and 5 metres from any side or rear boundary of the site.

##### 9.2.2.4 Lighting

All exterior lighting shall be directed away from the adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and/or traffic safety.

No activities shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential.

9.2.2.5 Landscaping

The site shall include a landscape strip (as defined in the Plan) for a minimum depth of 2.0 metres from any road boundary.

9.2.2.6 Noise

Outdoor activities associated with educational institutions conducted on the site of the institution between 0700 - 2100 hours, shall not exceed the noise standard of the zone in which it is being received, increased numerically by 10dBA, when measured at the boundary of the receiving site.

From 2100 to 0700 the Urban Residential Zone noise provisions shall apply.

9.2.3.0 General

All activities shall be carried out to comply with Rules 1.3.4 (Daylight Admission and Streetscape), 1.4 (Heritage), 1.5 (Hazards), and 1.6 (Earthworks) of the Urban Residential Zone.

**Volume 3:**

**Amend** the Planning Maps as shown in the attached maps:



**Proposed Wairau/Awatore Resource Management Plan  
Variation: # (W045-15-#)**

Addition of proposed Specific Activity Site in Appendix G being St Mary's School, Blenheim, listed as No. 9 covering Lots 602, 603, 604 & Pt Lots 406, 407, 408, 409, 410, 411, 412 Deeds 15, Pt Lot 10 DP 3, Sec 249 Blk XVI Cloudy Bay SD, and addition of text



Map: Zoning 4,  
Sheet 5 & 18

Catalyst Boundary	Central Business Zone/Primary Shopping Area	Local Recreation Zone	Wairau Lagoons Boundary (indicative only)
Designation	Coastal Marine Zone (CMZ) Conservation	Marborough Ridge Zone	Wairau/Awatore Resource Management Plan Boundary
River Mouth	Deemed Township Residential Zone	Marborough Ridge Inner Zones	
Coastal Marine Zone	Disposal Recreation Zone	Neighbourhood Business Zone	
Heritage Tree	Industrial One Zone	Port Zone	
Heritage Site	Industrial Two Zone	Rural Four Zone	
Tree Shields	Lake Grassmere Golf Works Zone	Rural Residential Zone	
Specific Identified Activity Sites (Appendix G)	Administration, Workshops, Call Retiring and Processing Area - Lake Grassmere Golf Works Zone	Rural Three Zone	
Transmission Lines	500m Special Water Boundary	Rural Township	
Water Features	Lake Grassmere Golf Works Zone	Shield Zone	
Airport Noise Exposure Overlay	500m Height Limitation Boundary	Township Residential Zone	
Airport Zone	Lake Grassmere Golf Works Zone	Urban Residential One Zone	
Area of Significant Conservation Value	Lake Grassmere Golf Works Zone	Urban Residential Two Zone	
Central Business Zone			

Sheet Scale:  
1:2750

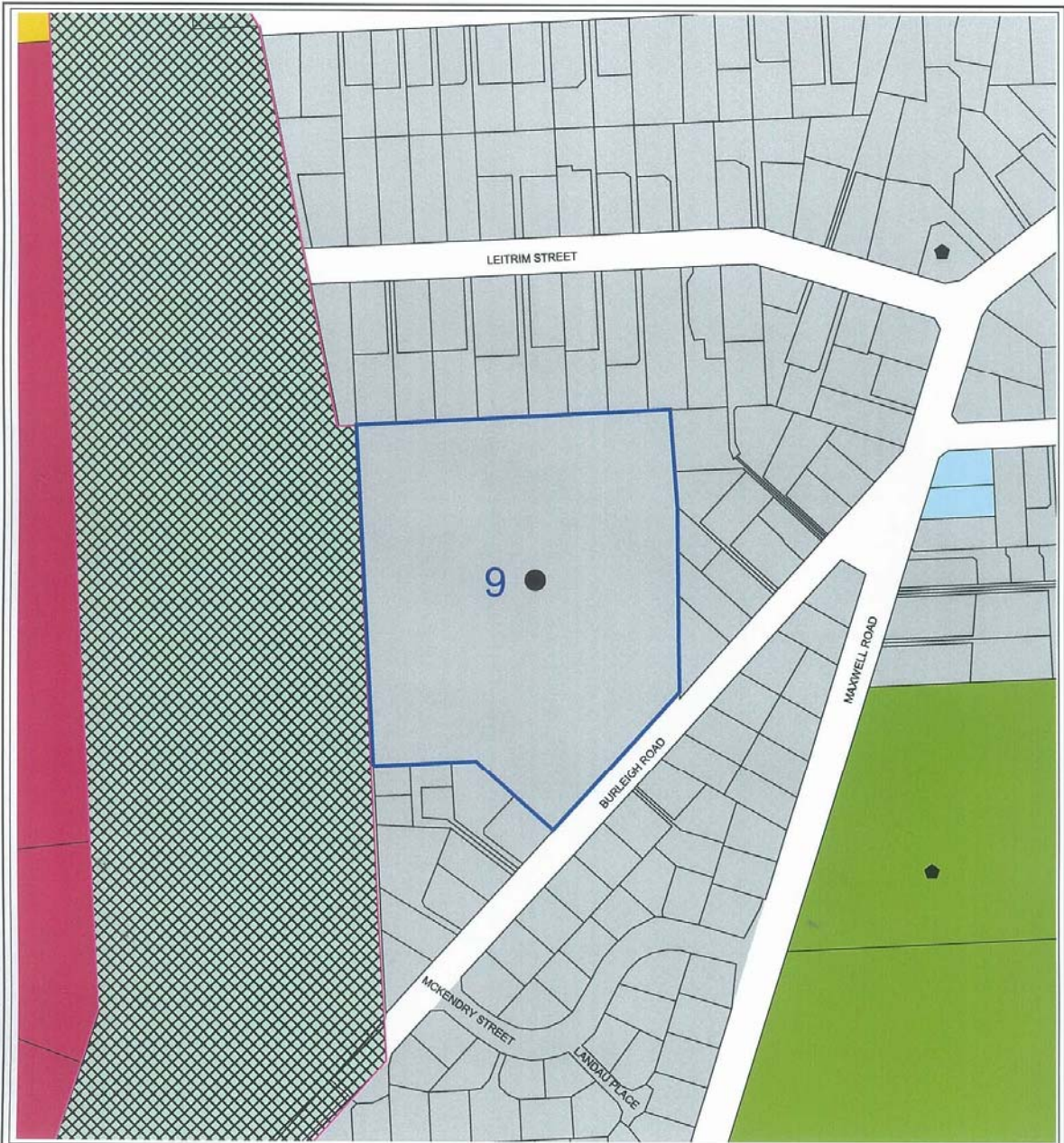
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**Proposed Wairau/Atwatre Resource Management Plan**  
**Variation: # (W045-15-#)**  
 Addition of proposed Specific Activity Site in Appendix G being Richmond View School, Blenheim, listed as No. 9 covering Lot 1 DP 5351, and addition of text



Map: Zoning 4, Sheet 7 & 18

<b>Legend</b>	<ul style="list-style-type: none"> <li>Central Business Zone/Primary Shopping Area</li> <li>Coastal Marine Zone (CMZ) Conservation</li> <li>Deferred Township Residential Zone</li> <li>District Recreation Zone</li> <li>Flood Hazard Overlay</li> <li>Industrial One Zone</li> <li>Industrial Two Zone</li> <li>Lake Grassmere Salt Works Zone</li> <li>Administration, Workshops, Salt Refining and Processing Area - Lake Grassmere Salt Works Zone</li> <li>Lake Grassmere Salt Works Zone</li> <li>500m Special Noise Boundary</li> <li>500m Height Limitation Boundary</li> <li>Lake Grassmere Salt Works Zone</li> </ul>	<ul style="list-style-type: none"> <li>Local Recreation Zone</li> <li>Marlborough Ridge Zone</li> <li>Marlborough Ridge Inner Zones</li> <li>Neighbourhood Business Zone</li> <li>Part Zone</li> <li>Rural Four Zone</li> <li>Rural Residential Zone</li> <li>Rural Three Zone</li> <li>Rural Township</li> <li>Skifield Zone</li> <li>Township Residential Zone</li> <li>Urban Residential One Zone</li> <li>Urban Residential Two Zone</li> </ul>	<ul style="list-style-type: none"> <li>Wairau Lagoons Boundary (indicative only)</li> <li>Wairau/Atwatre Resource Management Plan Boundary</li> </ul>
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Sheet Scale: 1:3000

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