

**In the Environment Court of New Zealand  
Christchurch Registry**

**I Te Kooti Taiao O Aotearoa  
Ōtautahi Rohe**

**ENV-2020-CHC-**

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Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under Clause 14(1) of the First Schedule of the Act

and in the matter of Proposed Marlborough Environment Plan

Between **New Zealand Transport Agency**  
Appellant

And **Marlborough District Council**  
Respondent

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**Notice of appeal by the New Zealand Transport Agency**

Dated 8 May 2020

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Form 7 – Notice of appeal to Environment Court against decision on proposed plan

**To:** The Registrar  
Environment Court  
Christchurch

- 1 Waka Kotahi NZ Transport Agency (**'Transport Agency'**) appeals against the decisions of the Marlborough District Council (the **'Respondent'**) on the Proposed Marlborough Environment Plan (the **'Proposed Plan'** or **'PMEP'**).
- 2 The Transport Agency made a submission and further submission on the Proposed Plan.
- 3 The Transport Agency is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**'RMA'**).
- 4 The Transport Agency received notice of the decision on 21 February 2020.
- 5 The decision was made by the Respondent.

**Provisions being appealed**

- 6 The decisions that the Transport Agency is appealing are the Respondent's decisions on the Proposed Plan that relate to regionally significant infrastructure, and in particular the operation, maintenance, upgrading and development of the state highway network.
- 7 In particular, the Transport Agency appeals the Respondent's decisions on the following provisions of the Proposed Plan:
  - a Policy 5.2.3;
  - b Policy 8.3.8 (previously Policy 8.3.7);
  - c Policy 13.10.5;
  - d Not to add new policies to Issue 17D (Objective 17.4);
  - e Method 17.M.15;
  - f Not to add new rule and standards to Chapter 2: General Rules;
  - g Rule 2.16.3;
  - h Standard 2.17.3.5 (previously 2.17.3.1);

- i Rule 2.2.12;
- j Standard 2.3.11;
- k Rule 2.7.1;
- l Rule 2.7.2;
- m Standard 2.9.2;
- n Rule 2.7: not to add new rules;
- o Standard 2.9: not to add new standards;
- p Rule 2.11.1;
- q Rule 2.21.2;
- r Not to add a new definition to Chapter 25 of “Mobile source”;
- s Standard 2.22.2.4;
- t Standard 2.22.2.5;
- u Standard 2.33.4.3 (previously 2.32.4.3);
- v Not to add a new standard to 2.33.4 (previously 2.32.4);
- w Standard 2.36.1.1;
- x Standard 2.36.1.4 (previously 2.35.1.3);
- y Standard 2.37.2 (previously 2.36.2);
- z Standard 2.37.4.3 (previously 2.36.4.3);
- aa Not to add a standard to 3.3.8 (previously 3.3.7);
- bb Not to add a new controlled activity to section 3.4;
- cc Rule 16.1.26;
- dd Standard 16.2.2.2;
- ee Not to add new standards to Section 17.2.3.4;
- ff Not to add new standards to Section 18.2.3.4;

- gg Chapter 24 introduction;
- hh Standard 24.3.1.4;
- ii Standard 24.4.1.14 (previously 24.4.1.13);
- jj Not to add new permitted activity rules and standards and new discretionary activity rules to all zone chapters and a new Appendix in Volume 3;
- kk Chapter 25 definition of “Dam” and not to add new definition of “Damming”;
- ll Chapter 25 definition of “Land transport”;
- mm Chapter 25: not to add new definition of “Local road”;
- nn Appendix 17 Roding Hierarchy; and
- oo Not to add new overlay maps and Method 17.M.16.

**General reasons for the appeal**

- 8 The general reasons for this appeal are that, in the absence of the relief sought, the Respondent’s decisions:
  - a Will not promote the sustainable management of resources, and will therefore not achieve the purpose of the RMA, including by not meeting the reasonably foreseeable needs of future generations;
  - b Will not promote the efficient use and development of natural and physical resources;
  - c Will not achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources;
  - d Do not represent the most appropriate way of exercising the Respondent’s functions, having regard to the efficiency and effectiveness of other reasonably practicable options, and are therefore not appropriate in terms of section 32 and other provisions of the RMA; and
  - e Do not adequately provide for the state highway network as a significant physical resource, and therefore a matter of national importance under Part 2 of the RMA:

- i The state highway network plays a critical role in the Marlborough Region as a key journey route for many locals and visitors, for freight and as a connector between main centres and with the North Island; and
  - ii It plays a key role in providing for social, cultural and economic wellbeing and the need for this infrastructure to operate efficiently and safely on an ongoing basis.
- f Provide strong policy direction to enable the use, operation, maintenance, upgrade and development of state highway infrastructure in all environments where there is a functional need or operational requirement to do so;
  - g Provide for lawfully established structures and activities associated with state highway infrastructure as permitted activities;
  - h Provide for new noise sensitive activities adjacent to the state highway to be restricted unless appropriate mitigation is provided for; and
  - i Recognise that the linear nature of state highway infrastructure and the connected nature of the wider transport system often requires this infrastructure to be provided for in areas of high natural value.

#### **Reasons for appeal of particular provisions**

- 9 Without limiting the generality of the above, the Transport Agency's reasons for appealing the identified provisions are particularised in the table in **Appendix A** to this notice.

#### **Relief sought**

- 10 The Transport Agency seeks the following relief:
  - a Amendments to the specified and any related provisions in order to address the reasons for the appeal set out this notice and in **Appendix A** to this notice;
  - b The amendments set out in **Appendices A, B and C** to this appeal;
  - c Such further or alternative relief, or ancillary changes, that resolve the concerns set out in this notice; and
  - d Costs.

## Documents attached

11 We attach the following documents to this notice:

- a A copy of the Transport Agency's submission and further submissions (**Appendices D and E**); and
- b A list of the names and addresses of persons to be served with a copy of this notice (**Appendix F**).

Dated 8 May 2020



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**Nicola McIndoe**

Counsel for the New Zealand Transport Agency

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### Advice to recipients of copy of notice of appeal

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the part of the decision appealed. These documents may be obtained, on request, from the appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## Appendix A Relief sought by the New Zealand Transport Agency

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan		
Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
Policy 5.2.3	<p>The Transport Agency may be required to carry out works in the vicinity of, or within, the high value freshwater bodies specifically identified in this policy. In some instances these works will be necessary for maintaining or repairing key parts of the state highway network.</p> <p>State Highway 63 crosses the Branch River and Rule 2.6.4(b) specifically provides for the Transport Agency to take, use or divert water associated with the maintenance or upgrade of the State Highway 63 road bridge over the Branch River. This should be reflected in the policy explanation.</p>	<p>Amend the explanatory text to Policy 5.2.3 as follows:</p> <p>Taking, damming or diversion of water lawfully established prior to 9 June 2016 is also excluded from this prohibition. <u>Maintenance or upgrade works associated with regionally significant infrastructure are exempt from the policy.</u></p>
Policy 8.3.8 (previously Policy 8.3.7)	<p>Policy 8.3.8 is confusing as it refers to “vulnerable ecologically significant marine sites” but the rules flowing from this describe the relevant sites as Category A and Category B sites. It would be clearer if the Policy describes the sites where activities are to be avoided as intended, namely Category A and B.</p> <p>There should be a list of all Ecologically Significant Marine Sites in Appendix 27 not just Category A and B. At the moment Category C sites are only shown on the maps.</p>	<p>Amend Policy 8.3.8 as follows:</p> <p>Within <del>vulnerable</del> ecologically significant marine sites <u>identified as Category A or B sites in Appendix 27</u>, activities that disturb the seabed must be avoided.</p>
Policy 13.10.5	<p>The matters listed in this policy would be used as assessment criteria for structures in the coastal marine area. It would support coastal works by the Transport Agency in the CMA adjacent to State Highway 6 in Havelock, particularly standard (a) as the</p>	<p>Amend Policy 13.10.5 as follows:</p> <p>When assessing applications to locate structures within and immediately adjacent to the coastal marine area, the following</p>



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	<p>benefits would relate to the provision of regionally significant infrastructure. However, the policy would better provide for the Transport Agency's works in this location if standard (f) provided also for the operational need of the structure to be a consideration in determining whether the structure is appropriate. This would also reflect the amendments made in the Decision on Topic 5 to Policies 6.2.3(d), 6.2.7 and 7.2.7 which recognise the functional and operational need of regionally significant infrastructure. The Transport Agency also seeks that standard (f) reflects the first part of the Policy by inserting the words "or adjacent to".</p>	<p>matters will be considered in determining whether the structure is appropriate:</p> <p>(...)</p> <p>(f) the functional <u>and operational</u> need requiring the structure to be located within <u>or adjacent to</u> the coastal marine area;</p>
<p>Add new policies to Issue 17D (Objective 17.4)</p>	<p>It is important that the rules that the Transport Agency proposes to address the effects of road noise are supported by appropriate policies.</p> <p>The requested policies are consistent with Policies 1 and 2 in the Transport Agency's Reverse Sensitivity Guide.</p>	<p>Add two new policies under Objective 17.4 (Issue 17D) as follows (or wording to the same effect):</p> <p><u>Ensure noise sensitive activities are set back a sufficient distance from land transport network boundaries to avoid, remedy and mitigate effects.</u></p> <p><u>Allow noise sensitive activities to be located near land transport networks only where they do not compromise or limit the existing or planned function of the land transport network.</u></p>
<p>Method 17.M.15</p>	<p>The new method inserted refers to Council's powers under the Land Transport Act 1998 to manage potential damage to roads. The reference to the legislation is wrong and should be amended as suggested. Reference to "the Act" in paragraph 2 should be to the Land Transport Act as "the Act" is defined in Chapter 25 as the RMA.</p> <p>Further, the Transport Agency does not consider that the Method (on its own) adequately addresses effects of forestry trucks on</p>	<p>Amend Method 17.M.15 as follows:</p> <p>17.M.15 Roading controls under the Land Transport Act 1998</p> <p>The Council will consider using its powers under the Land Transport Act to manage the potential damage associated with the transportation of heavy loads, including harvested logs and quarried rock, on local roads or State Highways, or the imposition of temporary restrictions on heavy traffic under <u>section</u> <del>5</del>16A.</p>

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	<p>state highways. In addition to the amendments sought to Method 17.M.15, the Transport Agency seeks amendments to sections 3.3 and 3.4 of the PMEPP (see below).</p>	<p>This could involve bylaws under section 22AB of the <u>Land Transport Act</u>. The controls would be used to protect the physical condition and integrity of the road or for reasons of road safety.</p>
<p>Add new rule and standards to Chapter 2: General Rules.</p> <p>In the alternative, Rule 2.16.3 and Standard 2.17.3.5 (previously 2.17.3.1.)</p>	<p>Despite the direction provided by the policy framework in Volume 1, the PMEPP lacks rules for the discharge of stormwater to land.</p> <p>The Transport Agency seeks the addition of a new permitted activity rule to allow the discharge of stormwater to land. In some cases the drainage alongside the state highway network consists of open channels not connected to a discharge point and may result in the discharge of stormwater and road runoff to land.</p> <p>The suggested wording is drafted in a way that reflects the existing rule framework in the PMEPP, and in particular adopts the relevant components of permitted activity standards in 2.17.3 and 2.17.4.</p> <p>This rule would also better give effect to Policy 15.1.8 which establishes a clear preference for discharges to land.</p>	<p>Add a new rule and standards in Chapter 2: General Rules as follows:</p> <p><b><u>2.x. Permitted Activities</u></b></p> <p><u>2.X.1 Discharge of stormwater to land</u></p> <p><b><u>2.X Standards that apply to specific permitted activities</u></b></p> <p><u>2.X.1 The discharge must not cause flooding on land other than land within the Floodway Zone or a drainage channel;</u></p> <p><u>2.X.2 The discharge must not contain stormwater from an area where a hazardous substance is stored unless:</u></p> <p><u>(a) the hazardous substance cannot enter the stormwater;</u></p> <p><u>(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.</u></p> <p><u>2.X.3 For any discharge onto land in circumstances which may result in a contaminant entering water, the discharge must not have, after reasonable mixing, any of the following effects on water quality:</u></p> <p><u>(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</u></p> <p><u>(b) any conspicuous change in the colour or visual clarity;</u></p> <p><u>(c) any emission of objectionable odour;</u></p>

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		<p><u>(d) the rendering of fresh water unsuitable for consumption by farm animals;</u></p> <p><u>(e) any significant adverse effects on aquatic life.</u></p> <p>In the alternative, amend Rule 2.16.3 as follows:</p> <p>Discharge of stormwater to water <u>and land</u>.</p> <p>And, amend standard 2.17.3.5 as follows:</p> <p>The discharge must not cause flooding on land other than land within the Floodway Zone <u>or drainage channel</u>.</p>
<p>Rule 2.2.12 and Standard 2.3.11</p>	<p>This rule and standards should refer to network utility operator rather than just network utility.</p>	<p>Amend Rule 2.2.12 and Standard 2.3.11 as follows:</p> <p>2.2.12 Take of water for dewatering of a trench by a network utility <u>operator</u> or for regionally significant infrastructure.</p> <p>2.3.11. Take of water for dewatering of a trench by a network utility <u>operator</u> or for regionally significant infrastructure.</p>
<p>Rule 2.7.1</p>	<p>This rule currently authorises work to the structure only, and would not include associated dewatering and diversion of water. These associated activities are commonly required when undertaking bridge and culvert maintenance. Dewatering, diverting or damming and over-pumping can allow maintenance activities to take place in a dry stream bed (thereby reducing levels of suspended sediment).</p>	<p>Amend Rule 2.7.1 as follows:</p> <p>Alteration, repair or maintenance of an existing structure, including any associated temporary damming, <u>dewatering and diversion</u> of water or release of detritus, in, on or over the bed of a lake or river.</p>

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Rule 2.7.2 and Standard 2.9.2	<p>It is unclear whether this rule authorises gravel extraction works for the purpose of protecting an existing structure (e.g. road bridge piers and abutments), but the standards indicate this is not the intention of the rule (because they do not relate to gravel extraction). Gravel extraction is currently only provided for explicitly in Chapter 21 Floodway Zone, but the rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under specific legislation and plans.</p> <p>The Transport Agency may need to undertake gravel and sediment removal activities in riverbeds for the purpose of protecting its bridges from scour, and it is appropriate that this be permitted. The Transport Agency does not consider that this activity is clearly allowed by Rule 2.7.1 relating to the maintenance of existing structures. If the intention is that protection works established under Rule 2.7.2 can be altered, repaired and maintained under Rule 2.7.1, clarification is required in that rule.</p>	<p>Amend Rule 2.7.2 and Standard 2.9.2 as follows:</p> <p>2.7.2 Protection works (<u>including gravel extraction</u>) in, on or over the bed of a lake or river for existing structures.</p> <p>2.9.2. Protection works (<u>including gravel extraction</u>) in, on or over the bed of a lake or river for existing structures.</p>
Rule 2.7: add new rule; Standard 2.9: add new standards	<p>Temporary dams are often required on rivers (including drains that are rivers) to facilitate in-stream works. While the damming of water is permitted under Rule 2.2.17, the structure and its construction would require a discretionary activity consent under Rule 2.10.2 (for all but ephemeral rivers which is provided for in Rule 2.7.4) as there is no relevant rule. The Transport Agency requests that temporary dams be permitted.</p> <p>This work is carried out by the Transport Agency as part of its regular maintenance and not necessarily part of a large suite of</p>	<p>Include the following new rule in Section 2.7 and Standards in Section 2.9:</p> <p><u>Construction of a temporary dam</u></p> <p><u>Standards:</u></p> <p><u>2.9.X.1. The temporary dam must be for diverting river flow around works in the bed of a river.</u></p> <p><u>2.9.X.2. Provision must be made for river flows up to and including the 20-year average rain index (ARI) event to bypass the temporary</u></p>

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	<p>consents. In any event this would not be a reason to preclude a specific rule. A time limit is included. As Standard 2.8.1.7 inserted into the decision version of the PMEP now provides for fish passage, ecological effects of a temporary dam are addressed under that standard and do not need to be included in the new proposed standard relating to temporary dams.</p>	<p><u>dam with the bypass flow being returned to the bed of the river downstream of the dam.</u></p> <p><u>2.9.X.3. The dam structure must be no greater than 4m high when measured vertically from the downstream toe of the dam embankment to the highest point of the dam crest.</u></p> <p><u>2.9.X.4. The temporary dam must be constructed in accordance with best practice methods.</u></p> <p><u>2.9.X.5. The temporary dam must be removed as soon as is practicable and no later than two weeks following completion of the works.</u></p> <p><u>2.9.X.6. The dam must not be located in, or within 8m of, a Significant Wetland.</u></p>
<p>Rule 2.7: add new rule</p>	<p>Some drainage channels alongside state highways are likely to be defined as 'rivers'. Although modified, they may be natural rather than artificial watercourses. Section 13 of the RMA therefore restricts any excavation or other disturbance of these beds, which would include routine drain maintenance and clearance. This activity would require consent as a discretionary activity under Rule 2.10.2.</p> <p>It is appropriate that the Transport Agency is able to maintain, clear and alter its drainage channels as a permitted activity (subject to standards) to keep them in good operational order.</p> <p>The general standards in Section 2.8 address effects such as sediment and contaminant discharges, flooding and erosion, and</p>	<p>Include the following new rule in Section 2.7:</p> <p><u>The removal of vegetation or bed material and associated sediment from any drainage channel.</u></p>

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	<p>removal of vegetation, and are considered adequate to address the effects of the proposed rule.</p> <p>The Transport Agency does not consider that vegetation control enabled by Standard 2.8.2 (relating to the maintenance of existing structures) is sufficient for its purposes. The rules also need to specifically recognise vegetation management.</p> <p>The Transport Agency considers that requiring it to apply for a global consent for vegetation clearance (at a discretionary activity status) is not the most appropriate way of achieving the objectives of the Plan as it is not efficient. It considers this is impractical and onerous for an activity which is part of the regular maintenance of the state highway network.</p>	
Rule 2.11.1	<p>Rule 2.11.1 prohibits dams on listed lakes, rivers and their tributaries, and relates to the RMA s13 activity of erecting a structure on the bed only. (RMA s14 prohibited activities relating to water are addressed in Rule 2.6).</p> <p>The prohibited rivers include:</p> <ul style="list-style-type: none"> <li>• SH63 bridge over the Branch River; and</li> <li>• SH6 bridge over the Pelorus River.</li> </ul> <p>The definition of dam in the PMEP is broad, meaning this rule could be interpreted as applying to temporary coffer dams necessary during maintenance and construction on these bridges, which are of regional and national significance. It is inappropriate for this activity to be prohibited. Coffor dams are structures that</p>	<p>Amend Rule 2.11.1 as follows:</p> <p>2.11.1 Construction of a dam <u>(except for a temporary coffer dam)</u> on the following lakes and rivers, including their tributaries unless otherwise stipulated ...</p> <p>Alternatively, amend the definition of “dam” in Chapter 25, as sought below.</p>

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	are not dams as they are not impounding water, instead they keep water out of a small area during maintenance.	
Rule 2.21.2 and add a new definition to Chapter 25 of “Mobile source”	This definition is relevant to Rule 2.21.2 which relates to the discharge of contaminants to air from vehicles using the road or rail network and also from other mobile sources. Currently the definition does not include other mobile sources as recommended in the Section 42A report and supported by the Transport Agency. <sup>1</sup> This could result in discharges to air from other mobile sources which are not motor vehicles or trains not being a permitted activity.	<p>Add the following definition of “mobile source” to Chapter 25 Definitions:</p> <p><u>Mobile source means a moveable vehicle or piece of equipment, burning gaseous, liquid or solid fuel, whether self-propelled or not, including, but not limited to, motor vehicles (such as, trucks, light utility vehicles, buses, tractors and farm equipment), aircraft, trains, vessels (boats), mobile plant, including plant used for construction or maintenance purposes, and lawnmowers and similar garden or construction equipment.</u></p> <p>Consequently amend Rule 2.21.2 as follows:</p> <p>Discharge of contaminants to air from <del>the burning of fuel in a motor vehicle or train</del> <u>a mobile source.</u></p>
Standards 2.22.2.4 and 2.22.2.5	The Transport Agency uses wet and dry abrasive blasting and water blasting for cleaning and maintenance of road network structures, including bridges over rivers and retaining walls, and for removing painted road markings. This can potentially result in contaminant discharges to air, land, and water. It is appropriate for the PMEP to contain rules specific to these activities, to enable the effects to be adequately assessed and managed. However, the new Standards in relation to the new Rule providing for abrasive blasting as a permitted activity should apply to all material that is discharged whether to land or water. This will give the Council	<p>Amend Standard 2.22.2.4. as follows:</p> <p>All material that is discharged <del>to land</del> from the blasting must be collected and removed from the site to the extent practicable after blasting has been completed. The material must be disposed of to a facility that has authorisation to accept the contaminants in the material.</p> <p>Delete Standard 2.22.2.5.</p>

<sup>1</sup> Section 42A Reply to Evidence on Topic 13: Resource Quality – Air, page 37.

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	<p>assurance that the Transport Agency will collect material to the extent practicable after blasting is complete.</p> <p>Blasting which must occur near waterbodies or the coastal marine area would not comply with Standard 2.22.2.5, and would therefore require a discretionary activity consent. However, requiring a consent is not efficient, if the activity must occur for safety reasons, and the contaminated material is collected and removed from the site, to the extent practicable.</p>	
<p>Standard 2.33.4.3 (previously 2.32.4.3)</p>	<p>The Transport Agency considers that access for activities other than residential must be constructed to a commercial standard and designed taking into account the views and concerns of the relevant Road Controlling Authority.</p> <p>For clarity, this relief would be unnecessary if the relief in the row below is granted.</p>	<p>Amend Standard 2.33.4.3 as follows:</p> <p>Where vehicle access is required to properties with other than residential activity, the access must be by means of channel and crossing constructed to a commercial standard, and in accordance with Table 2.6 <u>and agreed by the Road Controlling Authority.</u></p>
<p>Add a new standard to 2.33.4 (previously 2.32.4)</p>	<p>Any new or altered vehicle crossings to the state highway should require a resource consent so that the Council can notify the Transport Agency as an affected party, and so that potential adverse effects on the state highway network can be adequately assessed and avoided or mitigated. Despite the Transport Agency having the power to control access points on Limited Access Roads through the Government Roding Powers Act 1989, the adverse effect on the transport network of new subdivisions close to the state highway, is an effect which needs to be assessed. Therefore, a resource consent should be required, and the Transport Agency be notified.</p>	<p>Add a new Standard to 2.33.4 as follows (or wording to the same effect):</p> <p><u>Any new or altered vehicle access shall not be formed on a State Highway.</u></p>



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Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
Standard 2.36.1.1	<p>Rule 2.35.10 provides as a permitted activity signs required for, or established by statute, rule, or regulation or bylaw. The general permitted activity standards in 2.36.1 do not apply to these signs (see Standard 2.36.1.1). The Transport Agency is concerned that this is a very wide exemption and provides no control over such signs adjacent to or on a state highway which may create a safety risk, for example, due to their size, orientation or material used.</p> <p>NB: The Transport Agency considers the rule contains a typographical error, and the intended references are to 2.35.10 and 2.35.12.</p>	<p>The Transport Agency seeks the following amendments to Standard 2.36.1.1:</p> <p>The following standards do not apply to signs permitted by Rules <del>2.34.10</del> and <u>2.35</u>4.12.</p>
Standard 2.36.1.4 (previously 2.35.1.3)	<p>Any sign on or over any part of a state highway is subject to the New Zealand Transport Agency (Signs on state highways) Bylaw 2010 and requires the approval from the Transport Agency under that bylaw. To ensure PMEPE users are aware of this requirement, the Transport Agency requests this is specifically noted in the signage section.</p> <p>The Transport Agency also considers it appropriate that resource consent be required for any sign proposed on or over a state highway where the prior written approval of the Transport Agency has not been obtained under the bylaw. The requested general permitted activity standard (a) would achieve this.</p> <p>Standard 2.36.1.4 is currently inconsistent with the bylaw, and should not apply to signs on the state highway in sections with a speed limit of 70km/hr or greater.</p>	<p>Amend Standard 2.36.1.4 as follows (or similar wording):</p> <p>2.36.1.4. A sign must not be erected on, or adjacent to, a legal road, where the sign:</p> <p><u>(a) is on or over a State Highway and the prior approval of the New Zealand Transport Agency (under clause 4 of the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010) has not been obtained;</u></p> <p>(...)</p> <p><del>(f)</del> <u>(g) is within 120m of any State Highway intersection or bridge, that has a speed limit of 70 km/hr or greater;</u></p> <p><del>(h)</del> <u>(h) is within 100 m of any State Highway that has a speed limit of 70km/hr or greater, and displays more than 6 words, symbols or graphics or more than 40 characters;</u></p> <p><del>(g)</del> <u>(gi) is infrangible.</u></p>

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
Standard 2.37.2 (previously 2.36.2 )	In its submission, the Transport Agency requested the addition of a new standard to Rule 2.35 (previously 2.34) but only part of this was accepted. The Transport Agency is concerned that illuminated signs adjacent to the state highway will cause a safety hazard to motorists. The Transport Agency considers it appropriate that all illuminated or moving signs on, over or clearly visible from state highways require a resource consent, to enable the potential effects on road safety to be assessed.	Amend Standard 2.37.2 as follows:  Illumination of a sign  <u>2.37.2.2.a. The sign must not be fronting or clearly visible from a State Highway in an area where the speed limit is greater than 70km/h.</u>  2.37.2.2b. A sign <u>otherwise</u> visible from a State Highway in <u>an area where the speed limit is greater than 70km/h</u> <del>a 100km/hr area</del> must not be illuminated unless the premises the sign relates to is open for business.
Standard 2.37.4.3 (previously 2.36.4.3)	For consistency refer to road reserve as "legal road".	Amend Standard 2.37.4.3 as follows:  The sign must be located within the boundary of the site; or if in the <u>legal road</u> <del>reserve</del> , they must not be further than 150mm from, and must be parallel to, the boundary of the site being advertised.
Add a standard to 3.3.8 (previously 3.3.7) and a new controlled activity to section 3.4	Plantation forestry harvesting can result in significant load increases to the road network over a short period of time and accesses may not be constructed in a way that anticipates this. Issues include unsafe sight lines, inadequate access design, and peaks in vehicle volumes impacting the surrounding network. These issues could not have been foreseen at the time a forest was planted (and any consents sought) because:  1. the road and traffic environment would have been very different at that time; and	Add a new Standard to 3.3.8 Plantation forestry harvesting as follows (or words to similar effect):  <u>3.3.8.x Forestry vehicles must not directly access the State Highway or access a road which connects directly and only with a State Highway.</u>  Add a new controlled activity to Section 3.4 as follows (or wording to the same effect):

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
	<p>2. harvesting dates are not precisely known at the time a forest is planted.</p> <p>The Transport Agency considers that plantation forestry harvesting that directly accesses a state highway or that accesses a road that connects directly and only to a state highway should be considered by a consent process, so that effects on the state highway can be fully assessed and the effects appropriately managed.</p> <p>The National Environmental Standards for Plantation Forestry does not control vehicle movements associated with harvesting. The Transport Agency considers that new Method 17.M.15 inserted into the decision version of the PMP providing for the Council to control roading under the Land Transport Act 1998, is not sufficient to assist the Transport Agency in managing the adverse effects from plantation forestry harvesting on the state highway network.</p> <p>To address effects on the state highway and its intersections with local roads, the Transport Agency seeks that plantation forestry harvesting which involves forestry vehicles using a state highway be a controlled activity. The Transport Agency requests that that a traffic management plan is provided to the Transport Agency for approval prior to plantation harvesting commencing.</p>	<p><u>3.4.5 Harvesting of plantation forestry which involves forestry vehicles directly accessing the State Highway or accessing a road which connects directly and only with a State Highway.</u></p> <p><u><i>Matters over which the Council has reserved control:</i></u></p> <p><u>3.4.5.1 Whether a traffic management plan has been provided to the New Zealand Transport Agency for approval setting out how the effects on the State Highway network are managed during the period of plantation forestry harvesting.</u></p>
Rule 16.1.26	Replacement of an existing lawfully established structure in the Coastal Marine Area ('CMA') is not included in the permitted activity rules. This appears to be an omission as Standard 16.2.2 deals with replacement of a building or structure but there is no	Amend Rule 16.1.26 as follows:  Repair, <u>replacement</u> and maintenance of existing lawfully established structures.

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

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	<p>corresponding rule. Otherwise, if replacement is not included in the rules, under Rule 16.6.8 it would be a discretionary activity in the CMA.</p>	
<p>Standard 16.2.2.2</p>	<p>Amend Rule 16.2.2.2 to allow small increases in the height, size or scale of a structure as a permitted activity when undertaking maintenance, repair and replacement work. The Transport Agency's suggested wording aligns with similar PMEP rules in riverbeds.</p>	<p>Amend Standard 16.2.2.2 as follows:  <del>There must be no increase in the height, size, or scale of the building or structure.</del> <u>The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure.</u></p>
<p>Add new standards to Sections 17.2.3.4 and 18.2.3.4</p>	<p>Outdoor lighting provisions in Open Space 1 and 2 Zones permit the activity subject to standards. These standards fail to acknowledge the potential adverse safety effects of lighting and glare on the road. There are sections of Open Space 1 and 2 Zoned areas adjacent to the state highway (for example, at Tuamarina and Picton). Therefore, the Transport Agency seeks to include additional standards in relation to outdoor lighting in the Open Space 1 and 2 Zone chapters to the similar effect as were included in the residential zone chapter in relation to external lighting.</p>	<p>Add new standards 17.2.3.4 and 18.2.3.4 to Chapter 17 Standard and 18 as follows (or to similar effect):  <u>All outdoor lighting and exterior lighting, excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.</u></p>
<p>Chapter 24 introduction</p>	<p>While Method 17.M.16 contains a note about Limited Access Roads (LARs) and the Transport Agency's role in managing these under the Government Roding Powers Act, the Transport Agency continues to seek a reference to LARs in the Chapter 24 Introduction. This would alert plan users to the requirement for the Transport Agency's approval for access to LARs.</p>	<p>Add an introductory sentence to beginning of Chapter 24 Subdivision:  <u>Any activity requiring access to a road which is a Limited Access Road will require a Licensed Crossing Point issued by the New Zealand Transport Agency in the case of a State Highway.</u></p>

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

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Standard 24.3.1.4	<p>The Transport Agency is concerned by new subdivision that both directly accesses the state highway and that which is accessed by a road that directly and only connects to a state highway (because of potential safety issues at intersections from increased traffic).</p> <p>The hearing panel supported that the rule defaults proposed subdivisions with direct access to state highways to a discretionary activity which is a reasonable level of restriction justifying detailed consideration of a recognised traffic risk.</p> <p>However, there remains a gap in the decision making framework where a proposed subdivision creates significant effects on the state highway network but these cannot be adequately mitigated because the permitted standard allows for this subdivision. At present the rule is only triggered by subdivision which proposes direct access to the state highway. While the Transport Agency supports this, it does not deal with all of the effects (coming from side roads). Specifically, where subdivision may have 'direct access' to a local road, but the local road can only distribute traffic to an intersection with a state highway.</p>	<p>Insert following (or similar) wording into Standard 24.3.1.4:</p> <p>The land being subdivided must not have direct access to or from a State Highway, <u>or access to a road that directly and only connects to a State Highway</u>, or have direct access to or from a level railway crossing.</p> <p>OR – if ONRC classification (below amendments to Appendix 17) is adopted use this wording:</p> <p>The land being subdivided must not have direct access to or from a State Highway <u>or access to a road, classified as access or low volume that connects directly and only to a State Highway</u>, or have direct access to or from a level railway crossing.</p>
Standard 24.4.1.14 (previously 24.4.1.13)	<p>This standard only applies to the Urban Residential 2 (Greenfield Zone) and the only land within that zone fronting a state highway that has remaining subdivision potential is the land 315 metres to the west of Westwood (Pak'n'Save building). However, future rezoning may create additional sites to which this standard relates and which may be adversely affected by noise from the state highway network.</p>	<p>Amend 24.4.1.14 as follows:</p> <p>The proximity of existing lawfully established rural and non-residential activities, <u>including the State Highway network</u>, and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:</p>

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

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	<p>The Section 42A report also noted that this may occur, stating that “there is the possibility that the location of this side road may move a little and that some residential allotments could be created adjoining the state highway while obtaining access from a local road. If that occurred, reverse sensitivities could arise from noise and vibration associated with the state highway, particularly from braking and accelerating if it retains its 100kph speed limit.”<sup>2</sup></p>	
<p>Add new permitted activity rules and standards and new discretionary activity rules to all zone chapters and a new Appendix in Volume 3</p>	<p>The Transport Agency seeks the inclusion of rules and criteria relating to the effects of noise sensitive activities on state highways. It seeks to insert new permitted activity rules and standards and restricted discretionary rules in all zone chapters, as sought in the Topic 18 hearing (it no longer seeks buffer and effects area map overlays as requested in its submission). Rather than seeking “no build” provisions adjacent to the state highway, these provisions would allow building within 100m subject to noise attenuation.</p> <p>Noise sensitive activities such as a new residential building near to an existing state highway can potentially be affected by road-traffic noise. This could cause annoyance and sleep disturbance potentially resulting in adverse health effects. In turn, this can cause reverse sensitivity effects on the state highway network. The dominant reasons for these provisions is to protect the ill effects on health and wellbeing of people, which is a fundamental consideration of the RMA. Reverse sensitivity is also not a new consideration. The Transport Agency simply wishes to codify a practice that is already occurring; that conditions are routinely put</p>	<p>Insert new permitted activity rules (and associated standards) and new restricted discretionary activity rules into all zone chapters (chapters 3 - 23) and a new Appendix in Volume 3 of the PMEP. The suggested wording for these provisions is provided in <b>Appendix C</b> to this notice of appeal.</p>

<sup>2</sup> Section 42A Hearings Report on Topic: 17 - Subdivision, paragraph 303.

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
	<p>on consents to manage reverse sensitivity.</p> <p>As the provisions apply to parties that are developing land adjacent to the state highway, it would be most appropriate to insert these provisions into the rules for each zone (rather than include them in Chapter 2: General Rules).</p> <p>The provisions would reference additional information in a new Appendix which provides assistance to developers and the Council in achieving compliance with the permitted activity standards, without needing expert noise input into design. It provides real and practical building techniques that can be used to achieve the required noise attenuation on buildings used for noise sensitive activities near the state highway network.</p>	
<p>Chapter 25 definition of “Dam” and add new definition of “Damming”</p>	<p>Rule 2.11.1 prohibits dams on listed lakes, rivers and their tributaries, and relates to the RMA s13 activity of erecting a structure on the bed only. (RMA s14 prohibited activities relating to water are addressed in Rule 2.6).</p> <p>The prohibited rivers include:</p> <ul style="list-style-type: none"> <li>• SH63 bridge over the Branch River; and</li> <li>• SH6 bridge over the Pelorus River.</li> </ul> <p>The definition of dam in the PMEP is broad, meaning this rule could be interpreted as applying to temporary coffer dams necessary during maintenance and construction on these bridges, which are of regional and national significance. It is inappropriate for this activity to be prohibited. Cofferd dams are structures that</p>	<p>Amend the definition of “Dam” in Chapter 25 Definitions as follows (or to similar effect):</p> <p>means a structure used, or to be used for damming of water <u>or waterbody where the structure is the full width of the waterbody and includes stormwater treatment ponds, sediment retention ponds and temporary impoundments used during site dewatering. It excludes bridges, coffer dams, intake bunding or structures for water takes provided the structures for water takes are not the full width of a waterbody, culverts except any culverts which have a mechanism that can be used to completely block the flow of water through the culvert, and any activities involved in the enhancement, creation or restoration of wetlands.</u> It may be above or below ground.</p> <p>Add the definition of “Damming” to Chapter 25 Definitions as follows:</p>

Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

Provisions appealed	Reasons for appeal	Relief sought (changes are tracked with additions underlined and deletions shown as strikethrough)
	<p>are not dams as they are not impounding water, instead they keep water out of a small area during maintenance.</p>	<p><u>means the impounding of water by a dam.</u></p> <p>Alternatively, amend Rule 2.11.1 as set out above.</p>
<p>Chapter 25 definition of “Land transport”</p>	<p>Land transport is defined by the LTMA and should be reflected in the PMEP as such.</p> <p>The Transport Agency considers that amending the definition in this manner would not have any unintended consequences on the use of this term in the PMEP. The term is used in Volume 1 of the PMEP, but not Volume 2 (rules).</p>	<p>Amend the definition of “Land transport” as follows:</p> <p><del>means all forms of land based transport, including road and rail.</del></p> <p><u>means</u></p> <p><u>(i) transport on land by any means; and</u></p> <p><u>(ii) the infrastructure, goods, and services facilitating that transport</u></p>
<p>Chapter 25: add new definition of “Local road”</p>	<p>The term “local road” is used frequently used in the PMEP but is not defined. Other terms are also used when referring to local roads, which leads to confusion over what the provisions relate to.</p> <p>The Transport Agency requests that “local road” be used consistently throughout the PMEP, and that a definition be included should the ONRC classification (below amendments to Appendix 17) not be adopted.</p>	<p>If the ONRC roading hierarchy is not adopted, the Transport Agency seeks insertion of a definition of “local road” into Chapter 25 as follows (or similar wording):</p> <p><u>"A road for which Council has a financial responsibility for".</u></p> <p>Ensure the term “local road” is used consistently throughout the PMEP.</p>
<p>Appendix 17 Roading Hierarchy</p>	<p>The Transport Agency has developed a One Network Road Classification (ONRC). The ONRC divides New Zealand’s roads into six categories based on vehicle movements, whether they connect to important destinations, or are the only route available. As a national classification system, it is important that it is consistent throughout the country to facilitate the Transport Agency working with various local authorities.</p>	<p>A replacement Appendix 17 Roading Hierarchy was annexed to the Transport Agency’s submission (Annexure 2), and is also attached to this notice of appeal as <b>Appendix C</b>. This classifies all roads in Marlborough according to the ONRC. The Transport Agency requests this be used in place of the roading hierarchy used in the decision version of the Proposed Plan.</p> <p>The Transport Agency requests that all appearances of the roading hierarchy terms throughout the PMEP (State Highways, Primary Arterial, Secondary Arterial, Collector Route, Local B Road and Local</p>



Relief sought by the New Zealand Transport Agency in relation to the Proposed Marlborough Environment Plan

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		Road) be updated to reflect the ONRC terminology (National Route, Regional Route, Arterial, Primary Collector, Secondary Collector, and Access Road).
Add new overlay maps and Method 17.M.16	<p>Under the Government Rounding Powers Act 1989, the Transport Agency is required to authorise any activities fronting a Limited Access Road ('<b>LAR</b>'), new crossings to a LAR, changes to LAR crossing layout, use or location, and subdivisions on LARs. However, it can be difficult for both Council and landowners to know where LARs exist. Including a LAR overlay plan in the PMEP would greatly assist with this, enabling better alignment between the Licenced Crossing Place requirement and resource consent process.</p> <p>The Transport Agency will provide these maps as a shape file to Council.</p>	<p>Include overlay maps in the PMEP (to be provided by the Transport Agency).</p> <p>If this is adopted the following consequential amendment is required:</p> <p>Amend Method 17.M.16 as follows:</p> <p>Limited Access Roads <u>are identified on the overlay maps and are sections of the State Highway identified declared</u> by the New Zealand Transport Agency <u>as such. They that</u> can only be accessed from authorised crossing points. Where access is proposed onto a section of the State Highway which has been declared a Limited Access Road, the approval of the New Zealand Transport Agency is required. Further information on Limited Access Roads is provided via the New Zealand Transport Agency website.</p>

## Appendix B Proposed provisions in relation to noise sensitive activities

### **Permitted activities**

[chapter number].1.X Noise sensitive activity near a State Highway or railway network

### **Standards that apply to specific permitted activities**

[chapter number].3.X Noise sensitive activity within 100 metres of a State Highway carriageway or 100 metres from the legal boundary of any railway network

[chapter number].3.X.1 Outdoor road noise: Any new building or alteration to an existing building that contains a noise sensitive activity where:

- a) external road noise levels are less than 57 dB  $L_{Aeq}(24h)$  at all points 1.5 metres above ground level within the proposed notional boundary; or
- b) there is a noise barrier at least 3 metres high which blocks the line-of-sight to the road surface from all points 1.5 metres above ground level within the proposed notional boundary.

[chapter number].3.X.2 Indoor road and railway noise: Any new building or alteration to an existing building that contains a noise sensitive activity where the building or alteration:

- a) is designed, constructed and maintained to achieve indoor design noise levels resulting from the road or railway not exceeding the maximum values in the following table; or

<b><u>Building type</u></b>	<b><u>Occupancy/activity</u></b>	<b><u>Maximum road noise level</u></b> <b><u><math>L_{Aeq}(24h)</math></u></b>	<b><u>Maximum railway noise level</u></b> <b><u><math>L_{Aeq}(1h)</math></u></b>
<u>Residential</u>	<u>Sleeping spaces</u>	<u>40 dB</u>	<u>35 dB</u>
	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>40 dB</u>
<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>35 dB</u>
	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>40 dB</u>
	<u>Libraries</u>	<u>45 dB</u>	<u>45 dB</u>
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>40 dB</u>

	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>45 dB</u>
<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>	<u>35 dB</u>

- b) is at least 50 metres from the carriageway of any State Highway or 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to the road surface and to all points 3.8 metres above railway tracks.

[chapter number].3.X.3 Mechanical ventilation: If windows must be closed to achieve the design noise levels in clause 2(a), the building is designed, constructed and maintained with a mechanical ventilation system that

- a) For habitable rooms for a residential activity, achieves the following requirements:
- i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
  - ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
  - iii. provides relief for equivalent volumes of spill air;
  - iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
  - v. does not generate more than 35 dB  $L_{Aeq(30s)}$  when measured 1 metre away from any grille or diffuser.
- b) For other spaces, is as determined by a suitably qualified and experienced person.

[chapter number].3.X.4 Indoor road and railway vibration: Any new buildings or alterations to existing buildings containing a noise sensitive activity closer than 40 metres to the carriageway of a State Highway or 60 metres from the boundary of a railway network, is designed, constructed and maintained to achieve road and rail vibration levels not exceeding 0.3 mm/s  $v_{w,95}$ .

[chapter number].3.X.5 Design report: A report is submitted to the council demonstrating compliance with clauses (1) to (4) above (as relevant) prior to the

construction or alteration of any building containing a noise sensitive activity. In the design:

- a) railway noise is assumed to be 70  $L_{Aeq(1h)}$  at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; and
- b) road noise is based on measured or predicted noise levels plus 3 dB.

**[chapter number].5 Restricted discretionary activities**

**[chapter number].5.X Noise sensitive activities within 100 metres of a State Highway carriageway or 100 metres from the legal boundary of any railway network that are unable to meet the permitted activity standards in 3.3.X**

Matters over which the Council has restricted its discretion:

[chapter number].5.X.1 Whether the noise sensitive activity could be located further from the State Highway or railway network.

[chapter number].5.X.2 The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.

[chapter number].5.X.3 The character of, and degree of, amenity provided by the existing environment and proposed activity.

[chapter number].5.X.4 The reverse sensitivity effects on the State Highway or rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.

[chapter number].5.X.5 Special topographical, building features or ground conditions which will mitigate vibration impacts.

[chapter number].5.X.6 The outcome of any consultation with the New Zealand Transport Agency or KiwiRail.

**Notification:**

Application for resource consent under this rule will be decided without public notification. The New Zealand Transport Agency or KiwiRail (as relevant) are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Schedule XX Construction schedule for indoor noise control

<b><u>Elements</u></b>	<b><u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</u></b>
<u>External walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m<sup>3</sup>)</u>
	<u>Cladding and internal wall lining complying with either Options A, B or C below:</u>
	<u>Option A - Light cladding: timber weatherboard or sheet materials with surface mass between</u> <u>Internal lining of minimum 17 kg/m<sup>2</sup> plasterboard, such as two layers of 10 mm thick high density</u>

	<p><u>8 kg/m<sup>2</sup> and 30 kg/m<sup>2</sup> of wall cladding</u></p> <p><u>Option B - Medium cladding: surface mass between 30 kg/m<sup>2</sup> and 80 kg/m<sup>2</sup> of wall cladding</u></p> <p><u>Option C - Heavy cladding: surface mass between 80 kg/m<sup>2</sup> and 220 kg/m<sup>2</sup> of wall cladding</u></p>	<p><u>plasterboard, on resilient/isolating mountings</u></p> <p><u>Internal lining of minimum 17 kg/m<sup>2</sup> plasterboard, such as two layers of 10 mm thick high density plasterboard</u></p> <p><u>No requirements additional to New Zealand Building Code</u></p>
<u>Roof/ceiling</u>	<p><u>Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m<sup>3</sup>)</u></p> <p><u>Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in</u></p> <p><u>Roof type and internal ceiling lining complying with either Options A, B or C below:</u></p>	
	<p><u>Option A - Skillion roof with light cladding: surface mass up to 20 kg/m<sup>2</sup> of roof cladding</u></p> <p><u>Option B - Pitched roof with light cladding: surface mass up to 20 kg/m<sup>2</sup> of roof cladding</u></p> <p><u>Option C - Roof with heavy cladding: surface mass between 20 kg/m<sup>2</sup> and 60 kg/m<sup>2</sup> of roof cladding</u></p>	<p><u>Internal lining of minimum 25 kg/m<sup>2</sup> plasterboard, such as two layers of 13 mm thick high density plasterboard</u></p> <p><u>Internal lining of minimum 17 kg/m<sup>2</sup> plasterboard, such as two layers of 10 mm thick high density plasterboard</u></p> <p><u>No requirements additional to New Zealand Building Code</u></p>
<u>Glazed areas</u>	<p><u>Aluminium frames with full compression seals on opening panes</u></p> <p><u>Glazed areas shall be less than 35% of each room floor area</u></p> <p><u>Either, double-glazing with:</u></p> <ul style="list-style-type: none"> <li>• <u>a laminated pane of glass at least 6 mm thick; and</u></li> <li>• <u>a cavity between the two panes of glass at least 12 mm deep; and</u></li> <li>• <u>a second pane of glass at least 4 mm thick</u></li> </ul> <p><u>Or, any other glazing with a minimum performance of Rw 33 dB</u></p>	
<u>Exterior doors</u>	<p><u>Exterior door with line-of-sight, to any part of the State Highway road surface or to any point 3.8 metres above railway tracks</u></p> <p><u>Exterior door shielded by the building so there is no line-of-sight to any parts of the State Highway road surface or any points 3.8 metres above railway tracks</u></p>	<p><u>Solid core exterior door, minimum surface mass 24 kg/m<sup>2</sup>, with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB</u></p> <p><u>Exterior door with edge and threshold compression seals</u></p>

**Appendix C      Appendix 17 Roading Hierarchy**

# Appendix 17

## Road Hierarchy

### 1 State Highways

- 1.1 State Highway 1 (class: national route)
- 1.2 State Highway 6 (class: regional route)
- 1.3 State Highway 62 (class: regional route)
- 1.4 State Highway 63 (class: secondary collector)

### 2 National Routes

- 2.1 State Highway 1

### 3 Regional Routes

- 3.1 State Highway 6
- 3.2 State Highway 62

### 4 Arterial Routes

- 4.1 Alabama Road (Maxwell Road – Redwood Street)
- 4.2 Alfred Street (SH1 Sinclair Street – Seymour Street)
- 4.3 Battys Road
- 4.4 Boyce Street (Blenheim)
- 4.5 High Street (Blenheim)
- 4.6 Hutcheson Street (Alfred Street – SH6)
- 4.7 Kent Street (Queen Charlotte Drive – SH1)
- 4.8 Lagoon Road
- 4.9 Main Street (Blenheim) (Scott St – SH1)
- 4.10 Maxwell Road (Scott St – Alabama Road)
- 4.11 New Renwick Road (Maxwell Road – Battys Road)
- 4.12 Redwood Street (Blenheim) (SH1 – Hospital Road)
- 4.13 Seymour Street
- 4.14 Symons Street
- 4.15 Waikawa Road

## **5 Primary Collector Routes**

- 5.1 Boyce Street (Renwick) (Anglesea St – SH6)
- 5.2 Bristol Street
- 5.3 Budge Street (SH1 – Gascoigne Street)
- 5.4 Cloudy Bay Drive
- 5.5 Colemans Road
- 5.6 Dodson Street (Blenheim)
- 5.7 Dog Point Road (New Renwick Rd – Brookby Rd)
- 5.8 Dublin Street (Kent St – High St)
- 5.9 Eltham Road
- 5.10 Freswick Street (SH1 – Kinross St)
- 5.11 Godfrey Road
- 5.12 Hammerichs Road
- 5.13 Hospital Road (Maxwell Road – Redwood Street)
- 5.14 Hutcheson Street (SH6 – Lansdowne Street)
- 5.15 Jacksons Road (SH6 – SH62)
- 5.16 Kinross Street (Redwood St – Freswick St)
- 5.17 Lansdowne Street
- 5.18 Lee Street
- 5.19 Market Street (Blenheim)
- 5.20 Murphys Road
- 5.21 New Renwick Road (Battys Rd – Dog Point Rd)
- 5.22 Old Renwick Road
- 5.23 Queen Charlotte Drive
- 5.24 Queen Street
- 5.25 Rarangi Road
- 5.26 Redwood Street (Blenheim) (South of Hospital Road)
- 5.27 Scott Street (Maxwell Rd – Hospital Road)



- 5.28 Sheffield Street
- 5.29 Stephenson Street (Maxwell Rd – Scott St)
- 5.30 Taylor Pass Road (Hospital Rd – Maxwell Pass)
- 5.31 Thomsons Ford Road
- 5.32 Weld Street (Blenheim) (Stephenson St – Hospital Rd)

## **6 Secondary Collector Routes**

- 6.1 State Highway 63
- 6.2 Aerodrome Road
- 6.3 Alabama Road (Redwood Street – SH1)
- 6.4 Arthur Street (Seymour Street – Market Street South)
- 6.5 Auckland Street (Blenheim)
- 6.6 Awatere Valley Road (SH1 – Medway Road)
- 6.7 Beach Road (Waikawa)
- 6.8 Bells Road
- 6.9 Brancott Road (New Renwick Road – Wrekin Road)
- 6.10 Brookby Road
- 6.11 Budge Street (Hutcheson Street – SH1, Gascoigne Street – Holdaway Street)
- 6.12 Bush Road
- 6.13 Charles Street (Seymour Street – Queen Street)
- 6.14 Cleghorn Street
- 6.15 Croisilles Road
- 6.16 Dillon Street (Maxwell Road – Leefield Street)
- 6.17 Dillons Point Road (SH1 – Swamp Road)
- 6.18 Esplanade (Renata Road – Okiwi Crescent)
- 6.19 Ferry Road
- 6.20 Francis Street (Seymour St – Redwood St)
- 6.21 George Street (Blenheim) (Henry St – Queen St)
- 6.22 Gouland Road (Ferry Rd – Hathaway St)

- 6.23 Hawkesbury Road (SH6 – Kennedys Road)
- 6.24 Henry Street (Maxwell Road – High Street)
- 6.25 Hodson Street (Blenheim) (Maxwell Rd – Francis St)
- 6.26 Hope Drive (Okiwi)
- 6.27 Howick Road (Maxwell Road – Wither Road)
- 6.28 Hunter Road
- 6.29 Inglis Street (SH6 – Havelock Quay)
- 6.30 Jeffries Road
- 6.31 Jones Road (Vickerman St – Morgans Rd)
- 6.32 Kaituna-Tuamarina Road
- 6.33 Kenepuru Road (Queen Charlotte Drive – Titirangi Rd)
- 6.34 Kinross Street (Scott St – Redwood St, Freswick St – Dunbeath St)
- 6.35 Lakings Road (Boyce St – Battys Rd)
- 6.36 Liverpool Street
- 6.37 London Quay
- 6.38 Lower Wairau Road
- 6.39 Mahers Road (SH6 – Sawmill)
- 6.40 Manchester Street
- 6.41 Marama Road
- 6.42 Marina Drive
- 6.43 Marlborough Ridge Drive (New Renwick Rd – Lake View Place)
- 6.44 Matthews Lane
- 6.45 McArtney Street
- 6.46 McLauchlan Street
- 6.47 Muller Road (Blenheim) (Maxwell Rd – Redwood St)
- 6.48 Neal Road
- 6.49 Northbank Road
- 6.50 O'Dwyers Road

- 6.51 Okiwi Crescent
- 6.52 Onamalutu Road
- 6.53 Opawa Street (Park Terrace – Kinross St)
- 6.54 Opouri Road (Ronga Rd – Tunakino Valley Rd)
- 6.55 Pak Lims Road
- 6.56 Park Terrace (SH1 – Stuart St)
- 6.57 Pembers Road
- 6.58 Pitchill Street (SH1 – Hutcheson St)
- 6.59 Port Underwood Road (Waikawa Rd – Karaka Point)
- 6.60 Rarangi Beach Road
- 6.61 Redwood Pass Road (Castles Rd – SH1)
- 6.62 Renata Road
- 6.63 Ronga Road
- 6.64 Rowberrys Road
- 6.65 School Road
- 6.66 Scott Street (Hospital Rd – Wither Rd)
- 6.67 Seaview Road (Fearon St – Reserve Rd)
- 6.68 St Leonards Road
- 6.69 Stephenson Street (Scott St – Stuart St)
- 6.70 Stuart Street
- 6.71 Swamp Road (Morgans Rd – Rowberrys Rd)
- 6.72 Timandra Place
- 6.73 Vernon Street
- 6.74 Vickerman Street
- 6.75 Vintage Lane
- 6.76 Waihopai Valley Road (SH63 – Maori Ford Bridge)
- 6.77 Wairau Bar Road
- 6.78 Waters Avenue

- 6.79 Weld Street (Blenheim) (South of Hospital Rd)
- 6.80 Wellington Street (London Quay – Broadway St)
- 6.81 Wither Road (Redwood St – Taylor Pass Rd)
- 6.82 Wynen Street

All other roads are classified as Access or Access Low Volume

**Appendix D      Transport Agency's submission**

**Appendix E      Transport Agency's further submission**

**Appendix F      A list of the names and addresses of persons to be served with a copy of this notice**

NAME	ADDRESS FOR SERVICE
Marlborough District Council	Kaye.McIlveney@marlborough.govt.nz

In accordance with the Court's Minute of 15 April 2020, service on other submitters is not required.