

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER of an appeal under cl 14 of Sch 1 to the RMA against decisions of the Marlborough District Council on the Proposed Marlborough Environment Plan

BETWEEN Levide Capital Ltd

AND Marlborough District Council

NOTICE OF APPEAL BY LEVIDE CAPITAL LTD

8 May 2020

TO The Registrar
 Environment Court
 Christchurch

1. **Levide Capital Ltd** (Levide) appeals against part of a decision of Marlborough District Council ("the Council") on the **Proposed Marlborough Environment Plan**.
2. Levide has the right to appeal the Council's decision to the Environment Court under clause 14 of Schedule 1 to the Resource Management Act 1991 ("RMA") because Levide made submissions (**Submitter / Further Submitter No. 907**) on the Proposed Marlborough Environment Plan in relation to the matters which are now appealed.
3. Levide Capital provides further details of the reasons for its appeals below.
4. Levide Capital is not a trade competitor [for the purposes of Section 308D of the Resource Management Act 1991.
5. Notice of the decisions that are being appealed, being the decisions on the Proposed Marlborough Environment Plan ("the Decision"), was received by Levide Capital on or about 21 February 2020, with notice of the "Tracked Changes Decision Version of the Plan" on 3 March 2020.
6. The Decision was made by the Council.
7. **THE PROVISIONS AND PARTS OF THE DECISION THAT ARE BEING APPEALED ARE AS FOLLOWS:**
 - (a) Topic 4: WATER ALLOCATION AND USE.
 - i.) The s32 analysis and Council's s42A Report do not support the objectives, policies methods applied in the Decision relating to the provision and allocation of water for existing agricultural activities.
 - ii.) The failure to recognise the status and importance of existing water allocations by referencing in existing or new policies, including the amendment of Policy 5.3.1 to refer to permanent crops such as viticulture and horticulture.
 - iii.) The failure to amend Policy 5.3.4 to include specific reference to the Riverlands Irrigation Scheme in the explanation as a "municipal water supply", and the amendment to this definition of the words "other than a supply exclusively providing an irrigation water supply" added by the decisions on submissions.
 - iv.) The failure to update the wording of Policy 5.3.6 or create new policies and rules if required such that it specifically mentions and requires the allocation of water by the Department of Assets and Services to users on a first come, first serve basis.
 - v.) The failure to amend Policy 5.3.11 to confirm that existing water use allocation is not affected by the proposed allocation model; these should apply only to new applications.
 - vi.) The failure to Introduce policies/rules/methods to provide for:
 - a. offsetting or compensating for the loss or reduction of water allocation to high investment rural activities such as permanent viticulture and horticulture crops on a property and which provide for further renewals taking into account commitments and dependence of particular users and industries:

- b. Water conservation measures and supply integration where feasible to maximise resource use efficiency.

(Levide Submission 907.001 to 907.012; No MDC Decision reference).

(b) Topic 5: LANDSCAPES

- i.) The failure to amend the Wairau Dry Hills Landscape overlay maps to fully exclude areas of the Levide property that are not visible to wide viewing.

(Levide Submission 907.032; MDC Decision Para 235 Topic 5).

(c) Topic 9: NATURAL HAZARDS

- i.) The failure to accurately map the detail and extent of liquefaction for the Dillons Point Formation and apply appropriate methods to manage potential adverse effects arising from such detailed mapping.

(Levide Submission 907.013 to 907.016; MDC Decision para 127 Topic 9).

(d) Topic 10: URBAN ENVIRONMENTS

- i.) The failure to amend the Business 1 Zone height standards as follows:
 - a. Building height Standard 9.2.1.5 by altering the maximum height from 12m to 20m plus an additional height for plant room and like structures of a further 3m over a maximum of 10% of the floor area of the building to enable multi-level apartment style buildings in the CBD.
 - b. Building height Standard 9.2.1.6 by deleting in its entirety the standard relating to building height in relation to neighbouring buildings or setting back.

(Levide Submission 907.035 to 907.036; No MDC Decision reference).

(e) Topic 12: RURAL ENVIRONMENTS

- i.) The failure to amend Policy 14.5.1 Use of the Rural Environment to delete reference to historical recognition of areas within the rural environment for residential activities

(Levide Submission 907.025; No MDC Decision reference).

(f) Topic 14: WASTE AND DISCHARGES TO LAND

- i.) The extent of reduction of the Soil Sensitive Areas Overlay applying to Levide's land and Revised Soil Sensitive Overlays – loess soil

(Levide Submission 907.033; MDC Decision paras 219, 220, 228 Topic 14).

(g) Topic 21 ZONING AND DEFINITIONS

- i.) The Council's s32 reports for both the Rural Environment and Industrial 2 Zones have not adequately addressed or considered supply and demand for both forms of land use activity over the planning period.

- ii.) The failure to rezone approximately 31ha of Levide’s property in 16th Valley Wither Hills from Rural Environment Zone to Rural Living.
(Levide Submission 907.031; Decision para 100 Topic 21)
- iii.) The failure to rezone part of Levide property in 15th Valley Wither Hills from Rural Environment Zone to Industrial 2.
(Levide Submission 907.030; Decision para 111 Topic 21)
- iv.) The failure to rezone land in the Hardings Road area in Riverlands from Rural Environment Zone to Rural Living.
(Levide Further Submission 907.292 to Submission 996.041 New Zealand Institute of Surveyors; No MDC Decision reference).

8. THE REASONS FOR THE APPEAL ARE AS FOLLOWS:

(a) Topic 4: WATER ALLOCATION AND USE.

- i.) Council has not undertaken a comprehensive s32 analysis on a District-wide basis that quantifies the available resource and likely projected water use demands in the long term for the various categories of user (i.e. a stocktake of the current and resource). The s32 analysis and Council’s s42A Report do not adequately support the objectives, policies and methods applied in the Decision, including the need into account the costs and benefits (including economic analysis) of providing water for existing agricultural activities, particularly high investment businesses such as viticulture and horticulture.
- ii.) Policy 5.3.1 should recognise the status and importance of existing water allocations, and relative importance of permanent crops such as viticulture and horticulture. These activities have a large financial investment and support significant local employment. As such, these warrant specific listing rather than being reliant on the generic “all other takes of water”
- iii.) Policy 5.3.4 should include specific reference to the Riverlands Irrigation Scheme in the policy explanation which nominally includes that part of Levide’s 15th Valley site sought for industrial zoning given its historical water usage and allocation. This area is or should be a distinct and recognised area for the existing or likely future “municipal water supply” and a protected class of water user, in addition to the referenced residential, commercial and industrial activity areas.
- iv.) The amended definition of “municipal water supply” by the addition of the words “other than a supply exclusively providing an irrigation water supply” excludes the wider Riverlands Irrigation Scheme and the nominal inclusion of part of Levide’s 15th Valley site. As identified above, this area has historical relevance and future urban use potential and should be included.
- v.) Policy 5.3.6 or new policies and rules should specifically mention the requirement for the Council’s Assets and Services Department to allocate water to users on a first in, first serve basis in such cases where the Department has itself obtained an allocation consent under the same policy. The explanation to Policy 5.2.18 relating to water restrictions at least has a reference to water restrictions being implemented by the Department, but in regard to the more permanent ‘first in, first serve’ allocation requirement, such reference should be in the policy itself.
- vi.) Policies, rules, and other methods should provide for offsetting or compensating for the loss or reduction of water allocation to high investment rural activities such as permanent

viticulture and horticulture crops on a property by providing the following or similar such methods:

- a. Grandfathering or similar provisions that recognise existing water allocations and provides for further renewals taking into account commitments and dependence of particular users and industries.
- b. Transfer of water allocation from other properties.
- c. Maximise water conservation measures and supply integration where feasible to maximise resource use efficiency.

Such measures will individually or mutually serve to avoid or mitigate the adverse effects of water allocation amendments.

(b) Topic 5: LANDSCAPES

Wairau Dry Hills Landscape overlay map 8

- i.) The Wairau Dry Hills Landscape overlay map 8 should fully exclude areas of the Levide property not visible to wide viewing. The amended map is overly constrained in this regard and unnecessarily restricts activities on the land.

(c) Topic 9: NATURAL HAZARDS

Mapping liquefaction risk for the Dillons Point Formation soil type

- i.) Levide's submission¹ sought to include accurate mapping in the PMEP of the Dillons Point Formation soil type subject to liquefaction risk, and appropriate rules, to mitigate adverse effects of liquefaction on subdivision and development.
- ii.) This is a matter that also goes directly to Levide's submission seeking Industrial 2 zoning over part of its land which is one of its points of appeal. The Decision on that matter included as a reason for not accepting the submission, "*... the availability of other zoned land in the vicinity for which infrastructure was already available or planned, meant that the potential was not appropriate during the expected life of the PMEP. The issue of the appropriate zoning of this land could be reassessed at time of next plan review*"².
- iii.) The Decision has separately acknowledged the severe limitations for industrial and other urban activity on land subject to liquefaction, referencing Policy 11.1.17 and its explanatory statement as part of its reasons for not accepting a submission seeking urban residential zoning in this area³.
- iv.) The Decision, although acknowledging the need for better areal definition of the areas with an elevated risk of liquefaction, did not go far enough in mapping this area, relying on amendments to the broad geographical description of its location. This does not support the application of specific rules addressing liquefaction effects on development, instead relying on possible identification at development and / or subdivision stage.
- v.) This does not provide an adequate basis for the analysis and provision of industrial land and building capacity serving Blenheim and the wider District in real terms, with flawed land supply and building density / floor area projections.

¹ B. Earthquake and Liquefaction; Levide Capital Ltd Submission to PMEP; 1 September 2016

² Para 110, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

³ Paras 131-133, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020

(d) Topic 10: URBAN ENVIRONMENTSBusiness 1 Zone: Building height

- i.) Apartment style living should be supported and encouraged in the MEP for Blenheim. The height restriction of 12m and setbacks for buildings from neighbouring properties in Rule 9.2.1.6. will limit new buildings to only three stories in height and unnecessarily limit the viability of CBD apartment living options. A 20m limit enables up to five stories which is a height that retains human scale development appropriate to Blenheim's character and scale.
- ii.) Various types of apartment and visitor accommodation style living options should be supported and encouraged in the MEP for Blenheim. Due to a lack of available sites in the CBD, Blenheim is still transitioning through an inner-city type accommodation change process, seen with the recent residential redevelopment of the six-storey PORSE building within the CBD on Market Street only approved by Marlborough District Council in October 2019.
- iii.) The appellant agrees that residential activity (Rule 9.1.7) and visitor accommodation (Rule 9.1.8) should continue to be permitted and encouraged in the CBD given the positive spin offs for the hospitality and tourism industry. Increased foot traffic and vibrancy within the CBD should also lead to increased retail spending. Such benefits are seen in many other centres around the country.
- iv.) The current 12m height standard does not support the Policy direction set out in Volume 1 of the PMEP; specifically, policies 12.4.2 and 12.5.1. Furthermore, to facilitate tourism growth post COVID-19 and to allow for future population growth, higher density housing and accommodation facilities close to the CBD should also be enabled to ensure the efficient use of energy [refer RMA, s7(ba)].

(e) Topic 12: RURAL ENVIRONMENTSAmend Policy 14.5.1 to remove reference to historical locations

- i.) Policy 14.5.1 should give effect to the relevant objective (14.5) which refers to residential activity taking place within appropriate locations in limits within rural environments. It is inappropriate to provide for residential options within the rural environment by only having regard to historical forms, as the policy explanation infers. Policy 14.5.2 in effect sets out locational criteria to determine the location for rural living activity, and it is notable that these do not include any historical basis.

(f) Topic 14: WASTE AND DISCHARGES TO LANDRemove Soil Sensitivity Overlay from parts of Levide property

- i.) While the Council's Decision partially amended the SSA Overlay on the Levide property, more precise analysis (acknowledged in the Decision report as being beneficial and proposed as a new indicator) is considered likely to result in more significant reduction in the area subject to the overlay and should be sourced and applied as soon as possible. Levide further understands that additional LiDAR mapping and data will advance this information.
- ii.) This precise information will enable alternative appropriate land uses on the property, including the Industrial 2 and Rural Living zones sought by Levide's specific submissions and appeals on these matters.

- iii.) The methodology of removing SSA Loess from land with slope less than 7.5 degree is arbitrary and ignored expert evidence guidance provided by Dr Campbell as the appropriate slopes on the Levide property that are free of tunnel gully erosion risk. Up to a 10degree slope at minimum is more appropriate and better reflects the available evidence.

(g) Topic 21 ZONING AND DEFINITIONS

Rural Living Zoning: 16th Valley Wither Hills

- i.) The Decision in relation to the Rural Living Zone sought for the defined area of Levide's land in the 16th Valley gave undue and inappropriate weight to the implications of flooding, deposition, fire hazard and loess soils largely unsupported by or at least contested by the expert evidence presented in support of Levide's submission, and the acknowledgement in the Council's separate decision concerning the SSA overlays that more precise information will be beneficial in providing more accurate mapping of this constraint.
- ii.) The presence of loess soils is stated as the chief concern for Council reaching its decision to not apply a Rural Living Zone, which was not agreed by the respective experts, and for which (if any) localised assessment can be undertaken as part of a proposed subdivision under the Rural Living Zone.
- iii.) The Council Decision included concerns of sporadic urban-type development, infrastructure servicing, and wastewater disposal on a site intersected by streams, but these matters were addressed in evidence to the Council in support of the Levide submission and were largely uncontested in the s42A reporting.
- iv.) The proposed location of the Rural Living Zone must by necessity be in a rural environment and is consistent with both existing Rural Living Zone locations and the relevant policies for residential living in rural environments.
- v.) The Decision's reference to "*Sporadic urban-type development ...*"⁴ is not consistent with the relief sought by the Levide submission which only seeks a Rural Living Zoning in which;
 - a. subdivision that meets the rules and standards of the Rural Living Zone where sites must be a minimum net site area of 7,500m² is anticipated, and
 - b. rural living subdivision is supported by policies and rules as both an appropriate rural activity in the rural environment and provided for in other rural areas in a similar manner, if not a more visible form.

Such development is neither 'urban-type' or sporadic, being like other Rural Living Zone locations in spatial terms, as well as being barely if all visible from most public viewing locations as confirmed by the landscape and visual impact evidence.

Rural Living Zoning: Hardings Road, Riverlands

- i.) Little or no consideration was given in the Decision to the Rural Living Zone sought for the Hardings Road Riverlands sought by the primary submission from New Zealand Institute of Surveyors submission.
- ii.) The location close to urban activities, contour and generally smaller cadastral pattern of sites in this area make them conducive to rural living activities.

⁴ Para 99, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

Industrial 2 Zoning:

- i.) The Decision gave undue weight to the implications of flooding, deposition and loess soils, and for infrastructure services of other currently undeveloped industrially zoned land were the Industrial 2 Zone sought by Levide applied.⁵
- ii.) The Decision does not properly consider the potential for alternative infrastructure services, particularly water supply, or methods to limit water volumes through site-specific methods such as a rule applying volumetric, phasing or other methods to avoid or minimise adverse effects.
- iii.) The Decision does not recognise the current and historical consented allocation of water to this land, or the policy and rules preferences in the Plan for municipal supply over viticulture and other agricultural irrigation uses, and the adverse economic and social well-being effects of these policies and methods on the latter uses as highlighted in Section 8.(a) above.
- iv.) The Decision also does not properly recognise the limitations on all or part of the alternative industrial land referenced despite having already acknowledged that in other parts of its decision, referred to in more detail in 8 **Error! Reference source not found.** Topic 9 Natural Hazards above.
- v.) Furthermore, an area of 16.3ha of this undeveloped Industrial 2 zoned land in Riverlands has been leased by the owners to a third party for viticulture. In the Resource Consent application to develop vineyards on Industrial land (U130446) the applicant included lease provisions noting the leased land will not be available to be reclaimed for Industrial development until after 12 months after June 2022.
- vi.) Given the lead time to develop this land for industrial purposes (if that is in fact initiated in June 2022) it seems highly unlikely industrial activities including buildings could be achieved before late 2024 at the earliest. This supports the industrial zoning of the Levide land as sought in its submission, given that it could be brought on-line before then end of 2021, well ahead of this alternative area.
- vii.) In determining that the evidence addressing deposition and flood flows was not appropriate to rely on, and there was no long term proposal as to the management of such issues, the Council erred in preferring the Council's evidence and not Levide's expert evidence or did not take into account the opportunity to require such detail at the time of subdivision, resource or building consent.
- viii.) Furthermore, the Decision acknowledged the potential suitability of the land for the Industrial 2 Zone subject to issues of long-term engineering and water supply solutions, and the availability of other zoned land in the vicinity for which infrastructure was already available or planned. It concluded that the appropriate zoning of this land could be reassessed at time of next plan review."⁶
- ix.) As the matters stated for introducing such zoning at a later stage have been addressed as described above, it is unreasonable to delay the application of the Industrial 2 Zoning and it should be included as part of the current Review. This approach would reflect the relative urgency of providing for necessary industrial development opportunities, especially in a post-Covid-19 world, as exemplified in Councils proactive steps to develop a Covid-19 economic recovery plan, presently being initiated by The Economic Action Marlborough group (TEAM).
- x.) Levide's land is a relatively straightforward extension to the existing Industrial 2 zone, is situated close to Council's sewage treatment plant, and there is limited infrastructure

⁵ Paras 105-107, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

⁶ Para 110, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

upgrading required to develop for industrial purposes. With the zone applied, consenting can be undertaken relatively quickly to bring the development to “shovel-ready” status.

9. LEVIDE SEEKS THE FOLLOWING RELIEF (NOTING ALL MEP NUMBER REFERENCES ARE TO THE DECISIONS VERSION):

(a) Topic 4: WATER ALLOCATION AND USE.

- i.) Add or amend policies to recognise the status and importance of existing water allocations and amend Policy 5.3.1 to refer to “*permanent crops such as viticulture and horticulture*” above “(f) all other takes of water” and renumber accordingly.
- ii.) Amend Policy 5.3.4 to include specific reference to the Riverlands Irrigation Scheme as a “municipal water supply” and a protected class of water user in the explanation alongside the other locations.
- iii.) Amend the amended definition of “municipal water supply” by deleting the words “*other than a supply exclusively providing an irrigation water supply*” or otherwise amending to exclude the Riverlands irrigation Scheme from this reference.
- iv.) Amend Policy 5.3.6 or add new policies and rules to specifically require the Council’s Assets and Services Department to allocate water to users on a first come, first serve basis.
- v.) Add policies/rules/methods to provide for and include:
 - a. grandfathering to recognise contracts for the full period of a water allocation consent.
 - b. further renewals taking into account commitments and dependence of particular users and industries.
 - c. tradable and / or transferable water allocations from one (or more) property to another (or several) property accessing the same resource.
 - d. generally applicable water conservation measures and supply integration where feasible to maximise resource use efficiency and limit the need to effect existing allocations.

(b) Topic 5: LANDSCAPES

- i.) Amend the Wairau Dry Hills Landscape overlay maps to exclude areas of the Levide property that are not visible to wide viewing as sought in its Submission.

(c) Topic 9: NATURAL HAZARDS

- i.) Include Overlay maps in the Plan to show in detail the extent of liquefaction and active faults, and appropriate rules to manage subdivision and development within the defined areas including the alteration of urban zoning location and extent if necessary.

(d) Topic 10: URBAN ENVIRONMENTS

- i.) Amend the Business 1 Zone Building height standards to:
 - a. alter the maximum height from 12m to 20m plus an additional height for plant room and like structures of a further 3m over a maximum of 10% of the floor area of the building to enable multi-level apartment style buildings in the CBD (Standard 9.2.1.5);

- b. delete in its entirety the standard relating to building height (Standard 9.2.1.6).

(e) Topic 12: RURAL ENVIRONMENTS

- i.) Amend Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate by deleting reference to areas historically recognised for rural lifestyle, as sought in its Submission, to read as follows (strikeout for deletions sought and underlining for word added):

A number of locations within rural environments ... These areas ~~have been recognised historically as providing~~ provide a rural lifestyle on a range of allotment sizes in a range of locations.

(f) Topic 14: WASTE AND DISCHARGES TO LAND

- i.) Amend the Soil Sensitive Overlay to remove those areas of Levide’s property not meeting the specifications or criteria for the overlay up to a 10degree slope at minimum.

(g) Topic 21 ZONING AND DEFINITIONS

- i.) Zone approximately 43ha of Levide’s property in the “15th Valley” from Rural Environment Zone to Industrial 2 as sought in its Submission.
- ii.) Zone approximately 31ha of Levide’s property in the “16th Valley” from Rural Environment Zone to Rural Living as sought in its Submission.
- iii.) Zone land in the Hardings Road, Riverlands area from Rural Environment to Rural Living as sought by the New Zealand Institute of Surveyors submission.

(h) Further or consequential relief

- i.) Levide seeks such further or other consequential relief as the Court deems appropriate to address Levide’s issues as raised for all of the above points of relief sought.

10. **Levide** attaches the following documents to this Notice of Appeal:

- (a) A copy of Levide’s submission and further submission (with a copy of the submission opposed or supported by Levide’s further submission) (**Attachment A**):
- (b) a copy of the relevant parts of the Decision (**Attachment B**):
- (c) any other documents necessary for an adequate understanding of the appeal (**Attachment C**):
- (d) a list of names and addresses of persons to be served with a copy of this notice appeal (**Attachment D**).

Signature of appellant
(or person authorised to sign
on behalf of appellant)

Dated at 4pm this eighth day of May 2020

Address for service of appellant: Dew and
Company; Richmond Court, 4 Richmond Street,
PO Box 889, Blenheim 7240

Telephone: 03 577 8858

Fax/email: david@dewco.co.nz; Contact person:
David Dew

ATTACHMENT A

Copy of Levide Capital submission and further submission and copy of the New Zealand Institute of Surveyors submission opposed or supported by Levide's further submission.

ATTACHMENT B

A copy of the relevant parts of the Decision

(a) Topic 4: WATER ALLOCATION AND USE.

No Decision reference

(b) Topic 5: LANDSCAPES

Decision

Consideration

234. Having itself visited the site the Panel agreed with the observations of the report writer recorded above.

Decision

235. Landscapes map 8 is amended to accord with Figure 1 attached to the report writer's response of 14 March 2018.

(c) Topic 9: NATURAL HAZARDS

Decision

Topic 9: Natural Hazards

127. To avoid ambiguity or uncertainty, the explanatory statement for Policy 11.1.17 is amended by the addition of the following sentence at the end of the first paragraph:

... The western extent of the Dillons Point formation (at a thickness that represents a significant liquefaction risk) is approximately State Highway 1 and Redwood Street. The northern and southern extent is generally the foothills of the ranges to the north and south of the Wairau Plain.

(d) Topic 10: URBAN ENVIRONMENTS

No Decision reference

(e) Topic 12: RURAL ENVIRONMENTS

No Decision reference

(f) Topic 14: WASTE AND DISCHARGES TO LAND

Decision

219. An addition is inserted to the end of Method 15.M.40 as follows:¹³⁸

The Council will promote the use of the Visual Soil Assessment tool to enable resource users to monitor soil quality on their own properties.

Identification Soils that are most susceptible to erosion or increase the vulnerability of groundwater or surface water to the adverse effects of discharges to land will be identified on the planning maps in Volume 4 of the MEP as Soil Sensitive Areas. A Soil Sensitive Area is an area of soil where certain activities may have a high risk of environmental harm, human health risks or property damage. Three different soils are categorised within the Soil Sensitive Area Overlay as follows:

- *Soil Sensitive Area-Free draining soils: the free draining soils are considered high risk because they are located over an underlying shallow, unconfined aquifer and therefore discharges onto these soils could result in groundwater contamination.*
- *Soil Sensitive Area-Impeded soils: soils that are considered high risk because of the potential for movement of liquid waste across the soil surface which can convey waste from land to surface water.*
- *Soil Sensitive Area-Loess soils: soils that are considered high risk because of their potential for tunnel-gully erosion.*

The Council will undertake further investigations of vulnerable soils to refine the accuracy of the Soil Sensitive Areas Overlay mapping by taking into account published literature on Marlborough soils and the risks of different activities on specific soil types, site specific soil information and LiDAR mapping.

220. As a consequential effect of this change, introduce a new indicator to 15.AER.9 as follows:

A review of the accuracy of the Soil Sensitive Overlays is completed.

Decision

228. The Soil Sensitive Areas overlay is amended to reflect Figure 4 of the Reply to Evidence, as follows:



(g) Topic 21 ZONING AND DEFINITIONS

Decision

16th Valley Wither Hills

Decision

100. Retain zoning as notified.

15th Valley Wither Hills

Decision

111. Retain the Rural Environment zoning in 15th Valley as notified.

Hardings Road Riverlands

No Decision reference

ATTACHMENT C

Proposed Marlborough Environment Plan Decisions Tracked Changes

Full PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version>

Objectives and Policies PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-1>

Rules PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-2>

Maps PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-4-maps>

ATTACHMENT D

List of names and addresses of persons to be served with a copy of this notice appeal

- i.) Chief Executive; Marlborough District Council; PO Box 443, Blenheim 7240
- ii.) New Zealand Institute of Surveyors (Nelson/Marlborough Branch) c/- Michael Russell, PO Box 704 Blenheim

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 appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

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

Schedule 1 form 7 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Further Submission Form

Further submission in support of, or in opposition to, a submission on the Proposed Marlborough Environment Plan



MARLBOROUGH DISTRICT COUNCIL

Form 6, Clause 8 of the First Schedule, Resource Management Act 1991

ISO 9001
Document Number:
EAF0006-CH1830

Further submitter details:

First Name	Rob		
Last Name	Anderson		
Organisation (if applicable)	Levide Capital Limited		
Contact Person (if applicable)	Rob Anderson		
Address for Service	229 Redwood Street		
	Witherlea		
	Blenheim	Post Code	7 2 0 1
Contact Details	Email Address:	robanderson@me.com	
	Phone: [Daytime]	03 577 7147	Phone: [Mobile] 021 808 525
Email address as preferred address for service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

Council hearing:

- Do you wish to be heard in support of your submission? Yes No
- If others made a similar submission, I will consider presenting a joint case with them at a hearing. Yes No

You must indicate which interest you represent:

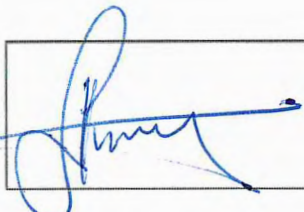
- I represent a relevant aspect of the public interest.
- I have an interest in the proposed plan greater than the interest that the general public has.

Specify the grounds for saying that you come within the category selected:

I am a potentially affected landowner

Signature:

Signature of further submitter (or person authorised to sign on behalf of further submitter. Signature not required if you make your further submission by electronic means)

 AGENT
SHANE HARTLEY
TERRA NOVA PLANNING

Date 23/6/17

You must serve a copy of your further submission on the original submitter within **five working days** of making the further submission to Marlborough District Council.

Subject to the Resource Management Act 1991, all information contained in a submission including the name and address of the submitter, will be made publicly available. Submitters have the right to access and correct personal information.

Return submission to Marlborough District Council by one of the following options:

Post to: Attention Rachel Anderson
Marlborough District Council
PO Box 443
Blenheim 7240

Deliver to: Marlborough District Council
15-21 Seymour Street
Blenheim

Fax: 03 520 7496
Email: mep@marlborough.govt.nz

My further submission relates to: (use a separate form for each original submitter)

Name of original submitter
Address of original submitter
Number of original submission

Submission Point No.: Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I oppose the inclusion of section of Fifteen and Sixteen Valley Streams into the Floodway Zone. I feel that a Floodway Zone Overlay may impact on or restrict future land use activities within the riparian zone (i.e. the establishment of wetland areas). In both of these valleys I have been investigating putting in new wetland areas with native replanting and bird habitats as part of my developments. A floodway zone overlay in these areas may restrict future use and conversion to wetland areas.
Any change of use resource consent will require the mitigation of stormwater impacts anyway so this can be engineered at that time.
I also object to this change coming by way of MDC submissions to the MEP without full disclosure prior and note that the point to point imaginary line is vague and not consistent with other floodway zonings.

Submission Point No.: Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.: Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.: Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

My further submission relates to: (use a separate form for each original submitter)

Name of original submitter

Address of original submitter

Number of original submission

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I agree with the content of the original submission.

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I agree with the content of the original submission.

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I agree with the content of the original submission. I would like to see the term "Intensively Farmed Livestock" included in the definitions.

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

My further submission relates to: *(use a separate form for each original submitter)*

Name of original submitter

Address of original submitter

Number of original submission

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I agree with the content of the original submission.

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.:

Support Oppose

I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

My further submission relates to: *(use a separate form for each original submitter)*

Name of original submitter
Address of original submitter
Number of original submission

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed
The reason for my Support/Opposition:

I agree that large areas of Harding Road should be rezoned from Rural Zone to Rural Living Zone.

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed
The reason for my Support/Opposition:

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed
The reason for my Support/Opposition:

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed
The reason for my Support/Opposition:

Further Submission Form

Further submission in support of, or in opposition to, a submission on the Proposed Marlborough Environment Plan



MARLBOROUGH DISTRICT COUNCIL

Form 6, Clause 8 of the First Schedule, Resource Management Act 1991

ISO 9001
Document Number:
EAF0006-C11830

Further submitter details:

First Name	Rob		
Last Name	Anderson		
Organisation (if applicable)	Levide Capital Limited		
Contact Person (if applicable)	Rob Anderson		
Address for Service	229 Redwood Street		
	Witherlea		
	Blenheim	Post Code	7 2 0 1
Contact Details	Email Address:	robanderson@me.com	
	Phone: [Daytime]	03 577 7147	Phone: [Mobile] 021 808 525
Email address as preferred address for service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

Council hearing:

- Do you wish to be heard in support of your submission? Yes No
- If others made a similar submission, I will consider presenting a joint case with them at a hearing. Yes No

You must indicate which interest you represent:

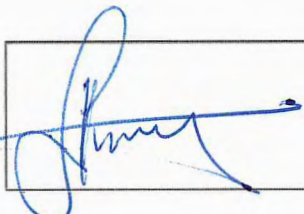
- I represent a relevant aspect of the public interest.
- I have an interest in the proposed plan greater than the interest that the general public has.

Specify the grounds for saying that you come within the category selected:

I am a potentially affected landowner

Signature:

Signature of further submitter (or person authorised to sign on behalf of further submitter. Signature not required if you make your further submission by electronic means)

 AGENT
SHANE HARTLEY
TERRA NOVA PLANNING

Date 23/6/17

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My further submission relates to: (use a separate form for each original submitter)

Name of original submitter
Address of original submitter
Number of original submission

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

I oppose the inclusion of section of Fifteen and Sixteen Valley Streams into the Floodway Zone. I feel that a Floodway Zone Overlay may impact on or restrict future land use activities within the riparian zone (i.e. the establishment of wetland areas). In both of these valleys I have been investigating putting in new wetland areas with native replanting and bird habitats as part of my developments. A floodway zone overlay in these areas may restrict future use and conversion to wetland areas.
Any change of use resource consent will require the mitigation of stormwater impacts anyway so this can be engineered at that time.
I also object to this change coming by way of MDC submissions to the MEP without full disclosure prior and note that the point to point imaginary line is vague and not consistent with other floodway zonings.

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

Submission Point No.: Support Oppose
I seek that the whole or part (describe part below) of this submission point be: Allowed Disallowed

The reason for my Support/Opposition:

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER of an appeal under cl 14 of Sch 1 to the RMA against decisions of the Marlborough District Council on the Proposed Marlborough Environment Plan

BETWEEN Levide Capital Ltd

AND Marlborough District Council

NOTICE OF APPEAL BY LEVIDE CAPITAL LTD

8 May 2020

TO The Registrar
 Environment Court
 Christchurch

1. **Levide Capital Ltd** (Levide) appeals against part of a decision of Marlborough District Council ("the Council") on the **Proposed Marlborough Environment Plan**.
2. Levide has the right to appeal the Council's decision to the Environment Court under clause 14 of Schedule 1 to the Resource Management Act 1991 ("RMA") because Levide made submissions (**Submitter / Further Submitter No. 907**) on the Proposed Marlborough Environment Plan in relation to the matters which are now appealed.
3. Levide Capital provides further details of the reasons for its appeals below.
4. Levide Capital is not a trade competitor [for the purposes of Section 308D of the Resource Management Act 1991.
5. Notice of the decisions that are being appealed, being the decisions on the Proposed Marlborough Environment Plan ("the Decision"), was received by Levide Capital on or about 21 February 2020, with notice of the "Tracked Changes Decision Version of the Plan" on 3 March 2020.
6. The Decision was made by the Council.

7. THE PROVISIONS AND PARTS OF THE DECISION THAT ARE BEING APPEALED ARE AS FOLLOWS:

(a) Topic 4: WATER ALLOCATION AND USE.

- i.) The s32 analysis and Council's s42A Report do not support the objectives, policies methods applied in the Decision relating to the provision and allocation of water for existing agricultural activities.
- ii.) The failure to recognise the status and importance of existing water allocations by referencing in existing or new policies, including the amendment of Policy 5.3.1 to refer to permanent crops such as viticulture and horticulture.
- iii.) The failure to amend Policy 5.3.4 to include specific reference to the Riverlands Irrigation Scheme in the explanation as a "municipal water supply", and the amendment to this definition of the words "other than a supply exclusively providing an irrigation water supply" added by the decisions on submissions.
- iv.) The failure to update the wording of Policy 5.3.6 or create new policies and rules if required such that it specifically mentions and requires the allocation of water by the Department of Assets and Services to users on a first come, first serve basis.
- v.) The failure to amend Policy 5.3.11 to confirm that existing water use allocation is not affected by the proposed allocation model; these should apply only to new applications.
- vi.) The failure to Introduce policies/rules/methods to provide for:
 - a. offsetting or compensating for the loss or reduction of water allocation to high investment rural activities such as permanent viticulture and horticulture crops on a property and which provide for further renewals taking into account commitments and dependence of particular users and industries:

- b. Water conservation measures and supply integration where feasible to maximise resource use efficiency.

(Levide Submission 907.001 to 907.012; No MDC Decision reference).

(b) Topic 5: LANDSCAPES

- i.) The failure to amend the Wairau Dry Hills Landscape overlay maps to fully exclude areas of the Levide property that are not visible to wide viewing.

(Levide Submission 907.032; MDC Decision Para 235 Topic 5).

(c) Topic 9: NATURAL HAZARDS

- i.) The failure to accurately map the detail and extent of liquefaction for the Dillons Point Formation and apply appropriate methods to manage potential adverse effects arising from such detailed mapping.

(Levide Submission 907.013 to 907.016; MDC Decision para 127 Topic 9).

(d) Topic 10: URBAN ENVIRONMENTS

- i.) The failure to amend the Business 1 Zone height standards as follows:
 - a. Building height Standard 9.2.1.5 by altering the maximum height from 12m to 20m plus an additional height for plant room and like structures of a further 3m over a maximum of 10% of the floor area of the building to enable multi-level apartment style buildings in the CBD.
 - b. Building height Standard 9.2.1.6 by deleting in its entirety the standard relating to building height in relation to neighbouring buildings or setting back.

(Levide Submission 907.035 to 907.036; No MDC Decision reference).

(e) Topic 12: RURAL ENVIRONMENTS

- i.) The failure to amend Policy 14.5.1 Use of the Rural Environment to delete reference to historical recognition of areas within the rural environment for residential activities

(Levide Submission 907.025; No MDC Decision reference).

(f) Topic 14: WASTE AND DISCHARGES TO LAND

- i.) The extent of reduction of the Soil Sensitive Areas Overlay applying to Levide's land and Revised Soil Sensitive Overlays – loess soil

(Levide Submission 907.033; MDC Decision paras 219, 220, 228 Topic 14).

(g) Topic 21 ZONING AND DEFINITIONS

- i.) The Council's s32 reports for both the Rural Environment and Industrial 2 Zones have not adequately addressed or considered supply and demand for both forms of land use activity over the planning period.

- ii.) The failure to rezone approximately 31ha of Levide’s property in 16th Valley Wither Hills from Rural Environment Zone to Rural Living.
(Levide Submission 907.031; Decision para 100 Topic 21)
- iii.) The failure to rezone part of Levide property in 15th Valley Wither Hills from Rural Environment Zone to Industrial 2.
(Levide Submission 907.030; Decision para 111 Topic 21)
- iv.) The failure to rezone land in the Hardings Road area in Riverlands from Rural Environment Zone to Rural Living.
(Levide Further Submission 907.292 to Submission 996.041 New Zealand Institute of Surveyors; No MDC Decision reference).

8. THE REASONS FOR THE APPEAL ARE AS FOLLOWS:

(a) Topic 4: WATER ALLOCATION AND USE.

- i.) Council has not undertaken a comprehensive s32 analysis on a District-wide basis that quantifies the available resource and likely projected water use demands in the long term for the various categories of user (i.e. a stocktake of the current and resource). The s32 analysis and Council’s s42A Report do not adequately support the objectives, policies and methods applied in the Decision, including the need into account the costs and benefits (including economic analysis) of providing water for existing agricultural activities, particularly high investment businesses such as viticulture and horticulture.
- ii.) Policy 5.3.1 should recognise the status and importance of existing water allocations, and relative importance of permanent crops such as viticulture and horticulture. These activities have a large financial investment and support significant local employment. As such, these warrant specific listing rather than being reliant on the generic “all other takes of water”
- iii.) Policy 5.3.4 should include specific reference to the Riverlands Irrigation Scheme in the policy explanation which nominally includes that part of Levide’s 15th Valley site sought for industrial zoning given its historical water usage and allocation. This area is or should be a distinct and recognised area for the existing or likely future “municipal water supply” and a protected class of water user, in addition to the referenced residential, commercial and industrial activity areas.
- iv.) The amended definition of “municipal water supply” by the addition of the words “other than a supply exclusively providing an irrigation water supply” excludes the wider Riverlands Irrigation Scheme and the nominal inclusion of part of Levide’s 15th Valley site. As identified above, this area has historical relevance and future urban use potential and should be included.
- v.) Policy 5.3.6 or new policies and rules should specifically mention the requirement for the Council’s Assets and Services Department to allocate water to users on a first in, first serve basis in such cases where the Department has itself obtained an allocation consent under the same policy. The explanation to Policy 5.2.18 relating to water restrictions at least has a reference to water restrictions being implemented by the Department, but in regard to the more permanent ‘first in, first serve’ allocation requirement, such reference should be in the policy itself.
- vi.) Policies, rules, and other methods should provide for offsetting or compensating for the loss or reduction of water allocation to high investment rural activities such as permanent

viticulture and horticulture crops on a property by providing the following or similar such methods:

- a. Grandfathering or similar provisions that recognise existing water allocations and provides for further renewals taking into account commitments and dependence of particular users and industries.
- b. Transfer of water allocation from other properties.
- c. Maximise water conservation measures and supply integration where feasible to maximise resource use efficiency.

Such measures will individually or mutually serve to avoid or mitigate the adverse effects of water allocation amendments.

(b) Topic 5: LANDSCAPES

Wairau Dry Hills Landscape overlay map 8

- i.) The Wairau Dry Hills Landscape overlay map 8 should fully exclude areas of the Levide property not visible to wide viewing. The amended map is overly constrained in this regard and unnecessarily restricts activities on the land.

(c) Topic 9: NATURAL HAZARDS

Mapping liquefaction risk for the Dillons Point Formation soil type

- i.) Levide's submission¹ sought to include accurate mapping in the PMEP of the Dillons Point Formation soil type subject to liquefaction risk, and appropriate rules, to mitigate adverse effects of liquefaction on subdivision and development.
- ii.) This is a matter that also goes directly to Levide's submission seeking Industrial 2 zoning over part of its land which is one of its points of appeal. The Decision on that matter included as a reason for not accepting the submission, " ... *the availability of other zoned land in the vicinity for which infrastructure was already available or planned, meant that the potential was not appropriate during the expected life of the PMEP. The issue of the appropriate zoning of this land could be reassessed at time of next plan review*"².
- iii.) The Decision has separately acknowledged the severe limitations for industrial and other urban activity on land subject to liquefaction, referencing Policy 11.1.17 and its explanatory statement as part of its reasons for not accepting a submission seeking urban residential zoning in this area³.
- iv.) The Decision, although acknowledging the need for better areal definition of the areas with an elevated risk of liquefaction, did not go far enough in mapping this area, relying on amendments to the broad geographical description of its location. This does not support the application of specific rules addressing liquefaction effects on development, instead relying on possible identification at development and / or subdivision stage.
- v.) This does not provide an adequate basis for the analysis and provision of industrial land and building capacity serving Blenheim and the wider District in real terms, with flawed land supply and building density / floor area projections.

¹ B. Earthquake and Liquefaction; Levide Capital Ltd Submission to PMEP; 1 September 2016

² Para 110, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

³ Paras 131-133, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020

(d) Topic 10: URBAN ENVIRONMENTSBusiness 1 Zone: Building height

- i.) Apartment style living should be supported and encouraged in the MEP for Blenheim. The height restriction of 12m and setbacks for buildings from neighbouring properties in Rule 9.2.1.6. will limit new buildings to only three stories in height and unnecessarily limit the viability of CBD apartment living options. A 20m limit enables up to five stories which is a height that retains human scale development appropriate to Blenheim's character and scale.
- ii.) Various types of apartment and visitor accommodation style living options should be supported and encouraged in the MEP for Blenheim. Due to a lack of available sites in the CBD, Blenheim is still transitioning through an inner-city type accommodation change process, seen with the recent residential redevelopment of the six-storey PORSE building within the CBD on Market Street only approved by Marlborough District Council in October 2019.
- iii.) The appellant agrees that residential activity (Rule 9.1.7) and visitor accommodation (Rule 9.1.8) should continue to be permitted and encouraged in the CBD given the positive spin offs for the hospitality and tourism industry. Increased foot traffic and vibrancy within the CBD should also lead to increased retail spending. Such benefits are seen in many other centres around the country.
- iv.) The current 12m height standard does not support the Policy direction set out in Volume 1 of the PMEP; specifically, policies 12.4.2 and 12.5.1. Furthermore, to facilitate tourism growth post COVID-19 and to allow for future population growth, higher density housing and accommodation facilities close to the CBD should also be enabled to ensure the efficient use of energy [refer RMA, s7(ba)].

(e) Topic 12: RURAL ENVIRONMENTSAmend Policy 14.5.1 to remove reference to historical locations

- i.) Policy 14.5.1 should give effect to the relevant objective (14.5) which refers to residential activity taking place within appropriate locations in limits within rural environments. It is inappropriate to provide for residential options within the rural environment by only having regard to historical forms, as the policy explanation infers. Policy 14.5.2 in effect sets out locational criteria to determine the location for rural living activity, and it is notable that these do not include any historical basis.

(f) Topic 14: WASTE AND DISCHARGES TO LANDRemove Soil Sensitivity Overlay from parts of Levide property

- i.) While the Council's Decision partially amended the SSA Overlay on the Levide property, more precise analysis (acknowledged in the Decision report as being beneficial and proposed as a new indicator) is considered likely to result in more significant reduction in the area subject to the overlay and should be sourced and applied as soon as possible. Levide further understands that additional LiDAR mapping and data will advance this information.
- ii.) This precise information will enable alternative appropriate land uses on the property, including the Industrial 2 and Rural Living zones sought by Levide's specific submissions and appeals on these matters.

- iii.) The methodology of removing SSA Loess from land with slope less than 7.5 degree is arbitrary and ignored expert evidence guidance provided by Dr Campbell as the appropriate slopes on the Levide property that are free of tunnel gully erosion risk. Up to a 10degree slope at minimum is more appropriate and better reflects the available evidence.

(g) Topic 21 ZONING AND DEFINITIONS

Rural Living Zoning: 16th Valley Wither Hills

- i.) The Decision in relation to the Rural Living Zone sought for the defined area of Levide's land in the 16th Valley gave undue and inappropriate weight to the implications of flooding, deposition, fire hazard and loess soils largely unsupported by or at least contested by the expert evidence presented in support of Levide's submission, and the acknowledgement in the Council's separate decision concerning the SSA overlays that more precise information will be beneficial in providing more accurate mapping of this constraint.
- ii.) The presence of loess soils is stated as the chief concern for Council reaching its decision to not apply a Rural Living Zone, which was not agreed by the respective experts, and for which (if any) localised assessment can be undertaken as part of a proposed subdivision under the Rural Living Zone.
- iii.) The Council Decision included concerns of sporadic urban-type development, infrastructure servicing, and wastewater disposal on a site intersected by streams, but these matters were addressed in evidence to the Council in support of the Levide submission and were largely uncontested in the s42A reporting.
- iv.) The proposed location of the Rural Living Zone must by necessity be in a rural environment and is consistent with both existing Rural Living Zone locations and the relevant policies for residential living in rural environments.
- v.) The Decision's reference to "*Sporadic urban-type development ...*"⁴ is not consistent with the relief sought by the Levide submission which only seeks a Rural Living Zoning in which;
 - a. subdivision that meets the rules and standards of the Rural Living Zone where sites must be a minimum net site area of 7,500m² is anticipated, and
 - b. rural living subdivision is supported by policies and rules as both an appropriate rural activity in the rural environment and provided for in other rural areas in a similar manner, if not a more visible form.

Such development is neither 'urban-type' or sporadic, being like other Rural Living Zone locations in spatial terms, as well as being barely if all visible from most public viewing locations as confirmed by the landscape and visual impact evidence.

Rural Living Zoning: Hardings Road, Riverlands

- i.) Little or no consideration was given in the Decision to the Rural Living Zone sought for the Hardings Road Riverlands sought by the primary submission from New Zealand Institute of Surveyors submission.
- ii.) The location close to urban activities, contour and generally smaller cadastral pattern of sites in this area make them conducive to rural living activities.

⁴ Para 99, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

Industrial 2 Zoning:

- i.) The Decision gave undue weight to the implications of flooding, deposition and loess soils, and for infrastructure services of other currently undeveloped industrially zoned land were the Industrial 2 Zone sought by Levide applied.⁵
- ii.) The Decision does not properly consider the potential for alternative infrastructure services, particularly water supply, or methods to limit water volumes though site-specific methods such as a rule applying volumetric, phasing or other methods to avoid or minimise adverse effects.
- iii.) The Decision does not recognise the current and historical consented allocation of water to this land, or the policy and rules preferences in the Plan for municipal supply over viticulture and other agricultural irrigation uses, and the adverse economic and social well-being effects of these policies and methods on the latter uses as highlighted in Section 8.(a) above.
- iv.) The Decision also does not properly recognise the limitations on all or part of the alternative industrial land referenced despite having already acknowledged that in other parts of its decision, referred to in more detail in 8 **Error! Reference source not found.** Topic 9 Natural Hazards above.
- v.) Furthermore, an area of 16.3ha of this undeveloped Industrial 2 zoned land in Riverlands has been leased by the owners to a third party for viticulture. In the Resource Consent application to develop vineyards on Industrial land (U130446) the applicant included lease provisions noting the leased land will not be available to be reclaimed for Industrial development until after 12 months after June 2022.
- vi.) Given the lead time to develop this land for industrial purposes (if that is in fact initiated in June 2022) it seems highly unlikely industrial activities including buildings could be achieved before late 2024 at the earliest. This supports the industrial zoning of the Levide land as sought in its submission, given that it could be brought on-line before then end of 2021, well ahead of this alternative area.
- vii.) In determining that the evidence addressing deposition and flood flows was not appropriate to rely on, and there was no long term proposal as to the management of such issues, the Council erred in preferring the Council's evidence and not Levide's expert evidence or did not take into account the opportunity to require such detail at the time of subdivision, resource or building consent.
- viii.) Furthermore, the Decision acknowledged the potential suitability of the land for the Industrial 2 Zone subject to issues of long-term engineering and water supply solutions, and the availability of other zoned land in the vicinity for which infrastructure was already available or planned. It concluded that the appropriate zoning of this land could be reassessed at time of next plan review."⁶
- ix.) As the matters stated for introducing such zoning at a later stage have been addressed as described above, it is unreasonable to delay the application of the Industrial 2 Zoning and it should be included as part of the current Review. This approach would reflect the relative urgency of providing for necessary industrial development opportunities, especially in a post-Covid-19 world, as exemplified in Councils proactive steps to develop a Covid-19 economic recovery plan, presently being initiated by The Economic Action Marlborough group (TEAM).
- x.) Levide's land is a relatively straightforward extension to the existing Industrial 2 zone, is situated close to Council's sewage treatment plant, and there is limited infrastructure

⁵ Paras 105-107, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

⁶ Para 110, Topic 21 Zoning and Definitions; Decision of the MEP Hearing Panel; 20 February 2020.

upgrading required to develop for industrial purposes. With the zone applied, consenting can be undertaken relatively quickly to bring the development to “shovel-ready” status.

9. LEVIDE SEEKS THE FOLLOWING RELIEF (NOTING ALL MEP NUMBER REFERENCES ARE TO THE DECISIONS VERSION):

(a) Topic 4: WATER ALLOCATION AND USE.

- i.) Add or amend policies to recognise the status and importance of existing water allocations and amend Policy 5.3.1 to refer to “*permanent crops such as viticulture and horticulture*” above “(f) all other takes of water” and renumber accordingly.
- ii.) Amend Policy 5.3.4 to include specific reference to the Riverlands Irrigation Scheme as a “municipal water supply” and a protected class of water user in the explanation alongside the other locations.
- iii.) Amend the amended definition of “municipal water supply” by deleting the words “*other than a supply exclusively providing an irrigation water supply*” or otherwise amending to exclude the Riverlands irrigation Scheme from this reference.
- iv.) Amend Policy 5.3.6 or add new policies and rules to specifically require the Council’s Assets and Services Department to allocate water to users on a first come, first serve basis.
- v.) Add policies/rules/methods to provide for and include:
 - a. grandfathering to recognise contracts for the full period of a water allocation consent.
 - b. further renewals taking into account commitments and dependence of particular users and industries.
 - c. tradable and / or transferable water allocations from one (or more) property to another (or several) property accessing the same resource.
 - d. generally applicable water conservation measures and supply integration where feasible to maximise resource use efficiency and limit the need to effect existing allocations.

(b) Topic 5: LANDSCAPES

- i.) Amend the Wairau Dry Hills Landscape overlay maps to exclude areas of the Levide property that are not visible to wide viewing as sought in its Submission.

(c) Topic 9: NATURAL HAZARDS

- i.) Include Overlay maps in the Plan to show in detail the extent of liquefaction and active faults, and appropriate rules to manage subdivision and development within the defined areas including the alteration of urban zoning location and extent if necessary.

(d) Topic 10: URBAN ENVIRONMENTS

- i.) Amend the Business 1 Zone Building height standards to:
 - a. alter the maximum height from 12m to 20m plus an additional height for plant room and like structures of a further 3m over a maximum of 10% of the floor area of the building to enable multi-level apartment style buildings in the CBD (Standard 9.2.1.5);

b. delete in its entirety the standard relating to building height (Standard 9.2.1.6).

(e) Topic 12: RURAL ENVIRONMENTS

- i.) Amend Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate by deleting reference to areas historically recognised for rural lifestyle, as sought in its Submission, to read as follows (strikeout for deletions sought and underlining for word added):

A number of locations within rural environments ... These areas ~~have been recognised historically as providing~~ provide a rural lifestyle on a range of allotment sizes in a range of locations.

(f) Topic 14: WASTE AND DISCHARGES TO LAND

- i.) Amend the Soil Sensitive Overlay to remove those areas of Levide’s property not meeting the specifications or criteria for the overlay up to a 10degree slope at minimum.

(g) Topic 21 ZONING AND DEFINITIONS

- i.) Zone approximately 43ha of Levide’s property in the “15th Valley” from Rural Environment Zone to Industrial 2 as sought in its Submission.
- ii.) Zone approximately 31ha of Levide’s property in the “16th Valley” from Rural Environment Zone to Rural Living as sought in its Submission.
- iii.) Zone land in the Hardings Road, Riverlands area from Rural Environment to Rural Living as sought by the New Zealand Institute of Surveyors submission.

(h) Further or consequential relief

- i.) Levide seeks such further or other consequential relief as the Court deems appropriate to address Levide’s issues as raised for all of the above points of relief sought.

10. **Levide** attaches the following documents to this Notice of Appeal:

- (a) A copy of Levide’s submission and further submission (with a copy of the submission opposed or supported by Levide’s further submission) (**Attachment A**):
- (b) a copy of the relevant parts of the Decision (**Attachment B**):
- (c) any other documents necessary for an adequate understanding of the appeal (**Attachment C**):
- (d) a list of names and addresses of persons to be served with a copy of this notice appeal (**Attachment D**).

Signature of appellant
(or person authorised to sign
on behalf of appellant)
Dated at 4pm this eighth day of May 2020

Address for service of appellant: Dew and
Company; Richmond Court, 4 Richmond Street,
PO Box 889, Blenheim 7240
Telephone: 03 577 8858
Fax/email: david@dewco.co.nz; Contact person:
David Dew

ATTACHMENT A

Copy of Levide Capital submission and further submission and copy of the New Zealand Institute of Surveyors submission opposed or supported by Levide's further submission.

ATTACHMENT B

A copy of the relevant parts of the Decision

(a) Topic 4: WATER ALLOCATION AND USE.

No Decision reference

(b) Topic 5: LANDSCAPES**Decision****Consideration**

234. Having itself visited the site the Panel agreed with the observations of the report writer recorded above.

Decision

235. Landscapes map 8 is amended to accord with Figure 1 attached to the report writer's response of 14 March 2018.

(c) Topic 9: NATURAL HAZARDS**Decision**

Topic 9: Natural Hazards

127. To avoid ambiguity or uncertainty, the explanatory statement for Policy 11.1.17 is amended by the addition of the following sentence at the end of the first paragraph:

... The western extent of the Dillons Point formation (at a thickness that represents a significant liquefaction risk) is approximately State Highway 1 and Redwood Street. The northern and southern extent is generally the foothills of the ranges to the north and south of the Wairau Plain.

(d) Topic 10: URBAN ENVIRONMENTS

No Decision reference

(e) Topic 12: RURAL ENVIRONMENTS

No Decision reference

(f) Topic 14: WASTE AND DISCHARGES TO LAND**Decision**

219. An addition is inserted to the end of Method 15.M.40 as follows:¹³⁸

The Council will promote the use of the Visual Soil Assessment tool to enable resource users to monitor soil quality on their own properties.

Identification Soils that are most susceptible to erosion or increase the vulnerability of groundwater or surface water to the adverse effects of discharges to land will be identified on the planning maps in Volume 4 of the MEP as Soil Sensitive Areas. A Soil Sensitive Area is an area of soil where certain activities may have a high risk of environmental harm, human health risks or property damage. Three different soils are categorised within the Soil Sensitive Area Overlay as follows:

- *Soil Sensitive Area-Free draining soils: the free draining soils are considered high risk because they are located over an underlying shallow, unconfined aquifer and therefore discharges onto these soils could result in groundwater contamination.*
- *Soil Sensitive Area-Impeded soils: soils that are considered high risk because of the potential for movement of liquid waste across the soil surface which can convey waste from land to surface water.*
- *Soil Sensitive Area-Loess soils: soils that are considered high risk because of their potential for tunnel-gully erosion.*

The Council will undertake further investigations of vulnerable soils to refine the accuracy of the Soil Sensitive Areas Overlay mapping by taking into account published literature on Marlborough soils and the risks of different activities on specific soil types, site specific soil information and LiDAR mapping.

220. As a consequential effect of this change, introduce a new indicator to 15.AER.9 as follows:

A review of the accuracy of the Soil Sensitive Overlays is completed.

Decision

228. The Soil Sensitive Areas overlay is amended to reflect Figure 4 of the Reply to Evidence, as follows:

(g) Topic 21 ZONING AND DEFINITIONS**Decision****16th Valley Wither Hills****Decision**

100. Retain zoning as notified.

15th Valley Wither Hills**Decision**

111. Retain the Rural Environment zoning in 15th Valley as notified.

Hardings Road Riverlands

No Decision reference

ATTACHMENT C

Proposed Marlborough Environment Plan Decisions Tracked Changes

Full PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version>

Objectives and Policies PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-1>

Rules PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-2>

Maps PMEP

<https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version/volume-4-maps>

ATTACHMENT D

List of names and addresses of persons to be served with a copy of this notice appeal

- i.) Chief Executive; Marlborough District Council; PO Box 443, Blenheim 7240
- ii.) New Zealand Institute of Surveyors (Nelson/Marlborough Branch) c/- Michael Russell, PO Box 704 Blenheim

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 appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

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

Schedule 1 form 7 heading: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by [regulation 5\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by [regulation 5\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

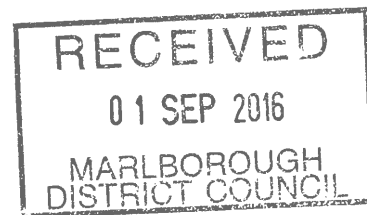
Schedule 1 form 7: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).



New Zealand Institute of Surveyors

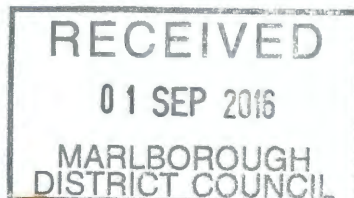
Nelson/Marlborough Branch



Marlborough Environment Plan

Nelson/Marlborough Branch of the New Zealand Institute of Surveyors' submission to the Marlborough District Council on the Marlborough Environment Plan Draft.

30 June 2016



Submission on the Proposed Marlborough Environment Plan



Submissions close 1 September 2016

ISO 9001
Document Number
EAF005-C1726

1. Submitter Details

Full Name: Michael John Russell

Organisation (if applicable): New Zealand Institute of Surveyors (Nelson/Marl Branch)

Contact Person (if applicable): Mike Russell

Postal Address: PO Box 704
Blenheim
Post Code: 7240

Contact Details: Email Address: mike.russell@nzis.co.nz
Phone: [Daytime] 928-4060 Phone: [Mobile] 021 511024

Address for Service: _____
(if different from above) _____
Post Code: _____

Signature (of submitter or person authorised to sign on behalf of submitter): [Signature] Date: 1.09.16

Subject to the Resource Management Act 1991 (RMA), all information contained in a submission including the name and address of the submitter, will be made publicly available. Submitters have the right to access and correct personal information.

2. Trade Competition

Could you gain an advantage in trade competition in making this submission? Yes No

If you answered yes, please note that there are restrictions on your ability to make a submission. Refer to Clause 6(4) of the First Schedule of the RMA for further information.

3. Council Hearing

Do you wish to be heard in support of your submission? Yes No

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission? Yes No

4. Return Submission to:

Attention Planning Technician
Marlborough District Council
PO Box 443
Blenheim 7240

Fax: 03 520 7496
Email: mep@marlborough.govt.nz

For Office Use
Submission No:

5. The specific parts of the Proposed Plan (Volume, Chapter and Provision No.) the submission relates to are as follows:

See attached.

Continue on a separate sheet if necessary

6. My submission is: *(state the nature of your submission whether you support or oppose (in full or in part) specific provisions)*

See attached

Continue on a separate sheet if necessary

7. The decision I seek from Council is: *(where amendments are sought, provide details of what changes you would like to see)*

See attached

Continue on a separate sheet if necessary

NZIS Nelson/Marlborough Branch
SUBMISSION ON THE MARLBOROUGH ENVIRONMENTAL PLAN

The proposed Marlborough Environment Plan (MEP) appears to be a continuation of the previous Resource Management Plans, with more detailed emphasis on environmental measures.

The MEP should be the overarching document to take the Marlborough District forward for the next 20 years (the last one was 1991-2016- 25 years).

It needs to provide a vision and direction, while providing the flexibility to adapt to the changes that will inevitably come.

VOLUME 1 - POLICIES & OBJECTIVES

CHAPTER 11 **NATURAL HAZARDS**

Policy 11.1.15

Support in Part

Submission: 80% of allotment is inappropriate. A 1 in 50 year flood event with shallow ponding does not restrict the use of land on an ongoing basis and will normally not cause material damage.

Decision Requested: Suggest reducing to 40%

CHAPTER 12 **URBAN ENVIRONMENTS**

Issue 12A, 12B & 12C

Support in Part

Submission: Reading this chapter the issues identified as below are based on the premise that they all have adverse effects on the environment. We consider that these activities need to occur in the urban areas and as such we need the emphasis on amenity and outcomes from any developments.

Issue 12A Meeting the residential needs of Marlborough's urban population whilst ensuring residential activity does not have adverse effects on the environment

Issue 12B A loss in the vitality, viability and/or identity of Marlborough's business environments may result either where inappropriate activities are located within these environments or where fragmentation of business area occurs

Issue 12C Subdivision and development within urban environments can lead to increased demand for essential infrastructure services

Decision Requested: The issues seem to remain silent on the many of the other activities in the Urban Environment such as:

- Retirement villages
- seasonal worker accommodation
- higher low level density housing
- affordable accommodation across all age groups

CHAPTER 13

USE OF THE COASTAL ENVIRONMENT

Policy 13.2.2(f)

Oppose

Submission: We need to recognise the coastal environment for what it is and acknowledge that subdivision is likely to occur. The current wording of Policy 13.2.2(f) discourages subdivision altogether which does not facilitate responsible development.

Decision Requested: We suggest to adding "inappropriate" to replace the reference to "sprawling or sporadic patterns of subdivision" Policy 13.2.2 (f) as this allows for consideration of appropriate subdivision in areas not presently zoned coastal living

CHAPTER 14

USE OF THE RURAL ENVIRONMENT

Issue 14A, 14B & 14C

Support in Part

Submission: Reading this chapter we consider that while it addresses many of the issues in the rural environment such as:

Issue 14A Safeguarding the potential of Marlborough's rural; resources for primary production.

Issue 14B Inappropriate subdivision, Land use and development, can lead to the degradation of rural character and amenity values, as well as increased conflict with existing activities(reverse sensitivity)

Issue 14C Responding to pressure to use, develop and subdivide land within rural use for residential use

Decision Requested: The issues seem to remain silent on the many of the other activities in the Rural Environment, apart from primary production, such as:

- renewable energy generation facilities
- network utilities infrastructure
- mineral & gravel extraction
- processing activities
- seasonal worker accommodation

In the rural environment, changes related to climate, product demands, industry and access to markets will ensure opportunities for diversification will continue to be explored.

We consider that the Objectives and Policies in the Rural Environment are where we need to place the positive outcomes that we are seeking. Reading the three issues identified, two focus on the adverse outcomes and pressure, and do not address provide positive outcomes from rural activities.

An example of a positive outcome statement:

- *By providing for more intensive and innovative site specific development where this results in better outcomes.*
- *By promoting the integration of subdivision, use or development with the protection, enhancement or establishment of natural features, landscape, vegetation and open space*

CHAPTER 17

TRANSPORTATION

Issue 17A, 17B, 17C, 17D & 17E

Support in Part

Submission:

Reading this chapter identifies:

Issue 17A – There are significant positive effects arising from the operation of Marlborough’s airports/airfield. It is important that these resources are recognised and provided for so that they can continue to serve the wider community now and in the future.

Issue 17B – Operation of airports and associated aircraft activities can be affected by various land use activities and generate effects that impact upon surrounding environments.

Issue 17C – The land transport network is an important regional resource, providing for the movement of people, goods, services and resources. It is important to ensure an efficient infrastructure is maintained to enable people and communities to provide for their economic and social wellbeing

Issue 17D – Land use, water and subdivision activities can have adverse effects on the sustainable use of the land transport network

Issue 17E – The land transport network can have adverse effects on Marlborough’s natural and physical resources and the wellbeing of the community.

Decision Requested: Not much on-

- Water Transport route through Sounds ?
- Rail network -Main Trunk Rail Line ?

This chapter should be more about providing for the effective integration of land use and transport planning decisions to achieve a sustainable land transport system.

VOLUME 2: RULES

CHAPTER 2

GENERAL RULES

Rule 2.3.1.1, 2.3.2.2, 2.3.4.1, 2.3.5.1 and 2.3.6.1

Oppose

Submission: 5% is too low

Decision Requested: Suggest 20% as it is often impossible to prove a take in small streams will be less than 5% of the minimum flow, however, the maximum take is generally low in any case.

Rule 2.3.16 Damming water and the subsequent use of that water

Oppose

Submission: 5,000m³ is too small an amount of water especially when it includes water below ground level

Decision Requested: Maintain WARMP Rule 27.1.6.1 for the Construction of a Dams and the Associated Damming of Water

Rule 2.17.3.1 **Discharge of Stormwater to Water**

Oppose

Submission: Reduction from 50litres/sec to 20 litres/sec in urban areas will complicate the servicing requirements for small developments and increase costs that will likely stop the development from proceeding.

Decision Requested: Maintain 50L/second as per WARMP

Rule 2.32

Table 2.1 **Parking and Queuing Space Requirements**

Oppose in Part

Submission: Commercial Activity – unless otherwise specified below, 1 per 100m² gross area of *land*

Decision Requested: “Land” should be changed to “building”

Rule 2.32.4 **Vehicle crossing associated with permitted activities in all zones**

Oppose

Submission: Figure 2.7 – Vehicle crossing for residential use for 2 – 6 rural users in rural environment. The upgrade is too excessive for only 2 users especially in low speed environments.

Decision Requested: Suggest at least 3 users before this layout is required.

Rule 2.35

Table 2.12

Minimum Distance Between Signs

Submission:

Minimum distances are too low between signs in the urban speed limits. Also heading incorrect stating “Visibility Distance (m)”, should drop the word “visibility”.

CHAPTER 4

COASTAL ENVIRONMENT ZONE

Rule 4.2.1.11(a)

Oppose

Submission:

Land owners have the expectation that they are able to build on existing titles as of right. This rule removes that right without obtaining a resource consent. On some properties there is no alternative but to build on ridgelines. S10 RMA may cover the existing right however this rule should be removed to remove doubt. New titles created under the MEP can have this restriction as a condition of consent.

CHAPTER 17

OPEN SPACE 1

Support in Part

Submission:

There appears to be little by way of development of future Active Recreational Areas

Decision Requested:

Provide information/maps showing future areas intended for future Active Recreational areas

CHAPTER 18

OPEN SPACE 2

Support in Part

Submission:

There appears to be little by way of development of future Active Recreational Areas

Decision Requested:

Provide information/maps showing future areas intended for future Active Recreational areas

CHAPTER 19

OPEN SPACE 3

Support in Part

Submission: There appears to be little by way of development of future Active Recreational Areas

Decision Requested: Provide information/maps showing future areas intended for future Active Recreational areas

CHAPTER 23 **AIRPORT ZONE**

Rule 23.2.1.1

Support in Part

Submission: Woodbourne has been excluded from the list of airports

Decision Requested: Include Woodbourne in the list of airports

Rule 23.2.2.1

Oppose

Submission: Confusion over times and levels. Nothing for Sunday 7am – 10pm, and different levels for same time Monday to Sunday 10pm to 7am.

Decision Requested: Update table

CHAPTER 24 **SUBDIVISION**

Rule 24.1

Oppose:

Submission: Certification of Services – this has potential to increase processing times as there is no time limit for certification to be provided. Currently there is 10 days for the Section 88 acceptance and a further 20 days for resource consent processing. Adding more time to an already extensive time line can most often be a bridge too far for some developers.

This will be particularly difficult with utility suppliers such as Chorus and Marlborough Lines where there is no guarantee that they will turn it around in any time frame.

Decision Requested: Suggest a timeframe (eg: 10 days) for service providers and Assets & Services to provide certification after they have received the information.

Rule 24.1.14 **Water Supply**

Support in Part

Submission: Occasionally there are “allotments” that are amalgamated and those allotments do not require water connections.

Decision Requested: “Allotment” should be amended to “Certificate of Title”.

Rule 24.1.16 **Esplanade Reserves and Esplanade Strips**
Subdivision of Allotments of less than 4 Hectares

Support in Part

Submission: There is no allowance for reduction of width.

Decision Requested: Request adding words “unless waived or width reduced by a resource consent”

Rule 24.3.1.2 **CONTROLLED ACTIVITIES**

Support in Part:

Submission: Many of the Minimum Net Allotment Areas have been increased from the WARM Plan which, in our opinion, was working well. The area increase for Urban Residential 2 zoned land will exclude most current infill development. Many properties that can be subdivided currently will not be able to when the plan becomes operative.

Perhaps that is the intention, but this will reduce choice as to where people live. More people will have to purchase property in green fields developments and that can stretch their financial resources. It will also reduce the availability of affordable sections that are the key to providing an affordable housing option within the existing town boundary.

Rural Living is proposed to increase from 4500m² to 7500m². Council has previously advised that the 7500m² minimum was decided upon by taking into account the existing average section sizes in developed areas. This is flawed logic in that the average is always significantly above the minimum due to individual site constraints and the historic “1 hectare average” requirement.

Boundary Adjustments and Integrated Residential Developments have been removed altogether which provided property owners with alternative development options.

Decision Requested: Maintain the existing Minimum Net Allotment Areas for all Zones as per the WARM and MSRM Plans except for Rural living which could be reduced from the proposed 7500m² down to 5000m²

Footnote 2 – must be clear of easements. Recommend deleting this requirement as purposes is to maintain acceptable living space and easements have no effect on that aspect.

Footnote 3 – reads as though frontage must be exclusive of access to subject allotments. Thus frontage would have to be 18.5m in Residential 2 Zone and 17.5m in Residential 1 Zone.

Maintain the existing Special Subdivisions Rules (28.3.7 WARMP and 27.3.3.2 MSRMP) to include:

- a) To facilitate the protection of significant environmental features.
- b) For special purpose lots.
- c) For boundary adjustments.
- d) To allow Limited Discretion - allotment and access minima.
- e) For Integrated Residential Developments.
- f) Special Provisions to Protect Large Lots

We suggest simple Boundary Adjustments could be considered a Permitted Activity if the following criteria is met:

- *Two or more adjacent lots*
- *No additional titles*
- *Net site area of any proposed allotment is approximately the same or does not differ by 10 % net site area that existed prior*

If the above criteria cannot be met, then we suggest it will trigger a Controlled Activity whereby Assessment Criteria as set-out in the WARM & MSRM Plans needs to be met.

Similarly with Special Purposes Allotments, Integrated Residential Developments, Special Provision to Create a Single Rural Residential Allotment and Special Provision to Protect Large Lots, we suggest that the options are included and similar wording to Rule 28.3.7 from the WARM Plan and Rule 27.3.3.2 from the MSRMP are adopted.

VOLUME 3: APPENDICES

Appendix 17

Oppose

Submission: eg Hammerichs Road is classified as a “Local Road”. (*normally Local Roads are classified with relation to low traffic volumes at low speeds*)

Under the Policy 17.6.1. this states to encourage the use of national and arterial routes and so any new activity on Hammerichs Road (which connects Old Renwick – Rapaura Road) becomes very difficult.

Decision Requested: Reassess the Roding hierarchy as set out in Appendix 17.

Appendix 24

Oppose

Submission: Appendix 24 is short sighted.

Decision Requested: Remove appendix 24 altogether

VOLUME 4: MAPS

Overlay Maps

- Many of the overlays have no Place, Bay or Road name to be able to orientate yourself as to where you are. Eg Coastal Natural Character, Landscape, Threatened environments, Steep Erosion prone land, Soil sensitive areas, Wairau Plain area
- On the Noise Control boundary overlay it does not refer to what decibel rating the inner and outer noise control boundaries refer to 35dB and 40dB?? This then relates to what dB rating has been placed on the resource consent conditions.
- Flood Hazard overlay requires updating to reflect current flood hazard reports ie: lower terraces located in Renwick.

Zoning Maps

- Scale of plans so small that it is difficult to find your way around.
- Can locations of maps be provided in bottom RH corner as in Wairau Awatere Plan. (and as seen on 1:5,000 maps)
- North of Renwick – below terrace and north of Gee Street / south of Gibsons Creek should be rezoned Residential 3 or Rural Living as recent investigation has suggested there is no flooding risk.
- Hardings Road – large areas rezone to Rural living.

- Consider adding additional land to the Urban Residential 1 Zone
- Consider adding additional land to the Urban Residential 3 Zone
- Consider adding additional land to the Rural Living Zone.

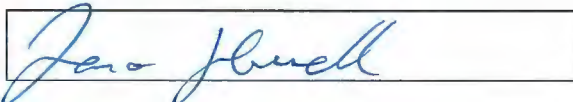
Submission on the Proposed Marlborough Environment Plan



Submissions close 1 September 2016

ISO 9001
Document Number:
EAF0005-C11726

1. Submitter Details

Full Name			
Organisation (if applicable)	Levide Capital Limited		
Contact Person (if applicable)	Rob Anderson		
Postal Address	229 Redwood Street		
	Witherlea		
	Blenheim	Post Code	7201
Contact Details	Email Address: robanderson@me.com		
	Phone: [Daytime] 03 5777147	Phone: [Mobile]	021 808 525
Address for Service	AS Above		
(if different from above)			
		Post Code	
Signature (of submitter or person authorised to sign on behalf of submitter)		Date	1-09-16

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3. Council Hearing

Do you wish to be heard in support of your submission? Yes No

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission? Yes No

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Marlborough District Council
PO Box 443
Blenheim 7240

Fax: 03 520 7496

Email: mep@marlborough.govt.nz

For Office Use
Submission No:

5. The specific parts of the Proposed Plan (Volume, Chapter and Provision No.) the submission relates to are as follows:

refer attached Document

Continue on a separate sheet if necessary

6. My submission is: (state the nature of your submission whether you support or oppose (in full or in part) specific provisions)

refer attached Document

Continue on a separate sheet if necessary

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refer attached Document

Continue on a separate sheet if necessary

SUBMISSION TO THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN: LEVIDE CAPITAL LIMITED (CONTINUED FROM SECTIONS 5, 6 AND 7 OF SUBMISSION FORM): 1 SEPTEMBER 2016

Specific Parts of the Plan Related to this Submission				
OBJECTIVES & POLICIES				
Topic	Volume	Chapter	Objective/s	Policy
A. Allocation and Use of Freshwater	1	5	5.3	5.3.1; 5.3.4; 5.3.6, 5.3.11
			5.4	5.4.1; 5.4.3; 5.4.4; 5.4.5
			5.7	5.7.5
B. Earthquake and Liquefaction	1	11	11.1	11.1.17; 11.1.21
C. Land Instability	1	11	11.1	11.1.19
D. Industrial Activities	1	12	12.4	12.4.1
			12.5	12.5.6
			12.8	12.8.1; 12.8.2; 12.8.3
E. Rural Living	1	14	14.5	14.5.1; 14.5.2; 14.5.6
F. Business	1	12	12.6	12.5.1; 12.6.3
ZONING				
Topic	Volume	Attached Appendix		
G. Industrial	4	A		
H. Rural Living	4	B		
OVERLAY MAPS				
Topic	Volume			
I. Landscape Overlay	4			
J. Soil Sensitive Area Overlay	4			
ACTIVITY RULES				
Topic	Volume	Chapter	Rule	
K. Freshwater Allocation	2	2		
L. Business Zone 1	2	9	9.2.1.6; 9.2.1.6	

OBJECTIVES AND POLICIES

A. ALLOCATION AND USE OF FRESH WATER

REASONS FOR SUBMISSIONS

1. The proposed fresh water allocation objectives and policies are inequitable. As such, they may compromise the continued operation of productive rural activities that are water-dependent and which have a reasonable expectation for continued supply.
2. Council has not undertaken a comprehensive s32 analysis on a District-wide basis that quantifies the available resource and likely projected water use demands in the long term for the various categories of user (i.e. a stocktake of the current and resource). This is needed to determine the impacts of policies, including those relating to commercial, industrial and irrigation users of municipal water supplies, in addition to the impacts for domestic municipal water users, and reticulation options.
3. The submitter requests that the Councils allocation of Municipal water by its Assets and Services Department be brought in line with the framework of the Resource Management Act. Assets and Services have historically believed that their activities are outside of the RMA framework. The Submitter understands that Assets and Services will recommend that any Industrial Zoning submissions be rejected on the basis that all the water held in Resource Consents by their department is pre-allocated to existing - though not yet developed - Industrial Zoned land.

If the Assets and Services Department are required to allocate water on a first come, first served basis, they will be unable to “water bank” for the undeveloped Industrial land and consequently will use this as the basis to recommend against the Submitter’s Industrial zoning request.

4. Established viticulture and horticulture activities in particular, are productive activities which depend on a consistent application of water and should be specifically referenced and given a higher allocation status in the policy regime.
5. It is important to ensure that water resources are utilised in an efficient and equitable manner and in this respect, appropriate water take and lapse periods should be applied.
6. The submitter would like to see Council support sustainable development initiatives in over-allocated Freshwater Management Units such as Riverlands. The Submitter seeks to have pipes over Council land to bring non-potable river water into the area to support and expand its current vineyard operation, and to have land zoned to expand the existing Cloudy Bay Business Park. However, Assets and Services have to date rejected any possibility of using their land to transfer additional water onto the Submitter’s land.

DECISIONS SOUGHT

1. Undertake a comprehensive s32 analysis on a District-wide basis that quantifies the available resource and likely projected water use demands in the long term for the various categories of user; and reticulation options. This should guide the final form of objectives, policies, methods and rules as sought.
2. Amend **Policy 5.3.1** and introduce other policies where necessary to recognise the status and importance of existing water allocations, and relative importance of

permanent crops such as viticulture and horticulture by inserting these in the allocation list above “(e) *all other takes of water*” and renumber the items.

3. Amend **Policy 5.3.4** to include specific reference to the Riverlands Irrigation Scheme; being by definition a “municipal water supply” and a protected class of water user, in addition to residential, commercial and industrial activities
4. Retain **Policy 5.3.11** to confirm that existing water use allocation is not affected by the proposed allocation model; these should apply only to new applications;
5. Update the wording of **Policy 5.3.6** such that it specifically mentions the allocation of water by the Department of Assets and Services to users on a first come, first serve basis. Create new Policies and Rules if required to implement this policy.
6. Introduce policies (and rules) to provide for a grandfathering provision to recognise contracts for the full period of the water allocation consent; and which provides for further renewals taking into account commitments and dependence of particular users and industries.
7. Introduce policies/rules/methods relating to water conservation measures and supply integration where feasible to maximise resource use efficiency;
8. Retain **policies 5.4.1, 5.4.3, 5.4.4 and 5.4.5.**
9. Amend **Policy 5.7.5** to remove the unnecessary confusion and possible ambiguity arising from the separate reference to “municipal” water use in addition to other activities, but with the definition of ‘municipal supply’ including all of these activities when the supply is administered by Council.
10. Add policies and rules stipulating that the Council is to encourage, and facilitate where possible, existing and future potable water users to make use of alternative water supplies within over-allocated Freshwater Management Units.
11. Add policies and rules stating that new Industrial subdivisions in water restricted areas (i.e. Riverlands), should be supported and encouraged to supply potable and non-potable (grey or river water) water connections in order to reduce the use of limited potable water for activities such as watering landscapes, washing down trucks etc.).
12. Add policies and rules which reward sustainable and wise use of Municipal water. Rewards could include giving responsible water users priority to Municipal water in the event that there are water restrictions due to availability issues. This type of tangible incentive would encourage businesses to invest in more expensive water conservation practices on their properties.
13. Ensure that in managing the freshwater resource, the Council properly separates its RMA functions from its service delivery functions, and that the allocations of water take and water use is based on RMA principles and the appropriate objectives and policies, including those sought to be included in the Plan by the Submission.

B. EARTHQUAKE AND LIQUEFACTION

REASONS FOR SUBMISSIONS

1. The province of Marlborough is situated at the top eastern corner of the South Island of New Zealand and contains a set of four large dextral strike-slip faults namely the Wairau Fault, Aware Fault, Clarence Fault and Hope Fault. These faults are in addition to other related structures which transfer displacement between the Alpine Fault and the Kermadec Trench.

2. MDC has been at the leading edge of mitigating risks that may result from a major seismic event insofar as managing its responsibilities under the Building Act 2004. In conducting a review of potentially Earthquake Prone buildings and generating its Earthquake-Prone Buildings Policy 2006, MDC said “Parts of Marlborough lie within the zone of highest earthquake risk in New Zealand”
3. Given Marlborough has one of the highest earthquake risks in New Zealand I submit that the proposed MEP is remiss in adequately implementing proportional Objectives, Policies and Rules to plan for effects that are anticipated in this region in the event of a significant seismic event. Reports such as the Earthquake-Prone Buildings Policy 2006 show MDC has been aware of the risks for a significant period of time and should have included Objectives, Policies and Rules for such a significant Natural Hazard.
4. Proposed MEP - Volume 1 Issues Objectives and Policies mention the word Earthquake 14 times and the word liquefaction 17 times yet the word loess in content of the Soil Sensitive Area 14 times and the words eroded or erosion 71 times.
5. Proposed MEP Volume 2 Rules mention the word earthquake 3 time and do not mention the word liquefaction at all, while mentioning the word loess 16 times and erosion 44 times.
6. MDC is required under RMA s30 (1) (c) to control the use of land for the purpose of - (i) soil conservation & (iv) the avoidance or mitigation of natural hazards. In only mentioning earthquake and liquefaction 34 times yet loess and erosion/eroded 179 times the MEP references 5.26 times greater importance to loess soil conservation issues which posed a low level risk to life and property damage than earthquake and liquefaction which pose a major risk to life and property damage.
7. Other local body governments such as the Greater Wellington Regional Council have provided overlay maps to identify the risks associated with seismic events in a high seismic risk zone. This approach should be adopted in the MEP so council and the public can avoid and mitigate the effects of these natural hazards.
http://www.gw.govt.nz/assets/Emergencies--Hazards/combined_earthquake_hazard_map_wellington.pdf
8. Policy 11.1.17 identifies that soils containing the Dillions Point Formation on the Wairau Plains have an elevated risk liquefaction. The MEP should identify the land that lies over the Dillions Point Formation so that suitable planning rules can be applied to mitigate potential adverse effects of development on this land.
9. Variation 49 - Industrial 2 accepted into the then current Wairau / Awatere Resource Management Plan made operative on 22 May 2008 included in its decision that a new Assessment Criteria under 3.5 Assessment Criteria (Discretionary and Non-Complying Subdivision Activities as follows: 3.5.6 A comprehensive geotechnical report, carried out by a geotechnical expert accredited by the Council in which a subdivision resource consent application applies to any part of the land legally described as Lot 1 & 2 DP 323372 and portions of Lot 1 DP 4447, Lots 1,3 and 4 DP 8762 and Lot 2 DP 379514 or their successors at Riverlands. The requirement for the inclusion of a geotechnical report for this land identified as liquefaction prone has been omitted by the proposed MEP.

DECISIONS SOUGHT

1. The Dillions Point Formation and any other liquefaction prone soils in Marlborough should be identified and mapped as Soil Sensitive Area Overlay - Liquefaction.
2. Soils subject to Slope Failure in a seismic event should be identified and mapped in a Soil Sensitive Area Overlay - Seismic Slope Failure.

3. Ground shaking potential in a seismic event should be identified and mapped in a Soil Sensitive Area Overlay - Ground Shaking.
4. Known Faults should be identified and mapped in a Soil Sensitive Area Overlay - Known Faults.
5. Tsunami risk areas should be identified and mapped in a Soil Sensitive Area Overlay - Tsunami.
6. Policies such as *Policy 11.1.19 - Control the erection and placement of structures within areas prone to tunnel gully erosion* and *Policy 11.1.21 - Locate new structures and works to: (a) avoid them being damaged from the adverse effects of land instability; and (b) avoid any increase in the adverse effects of slope instability that the structure or work may cause*, should be replicated for areas identified in the new overlays created for seismic risk potential.
7. New policies and rules be written such that any land identified in the Soil Sensitive Areas - Loess, Liquefaction, Seismic Slope Failure, Ground Shaking be suitable for subdivision and development if a comprehensive geotechnical report, carried out by a geotechnical expert accredited by the Council deems the land to be suitable.
8. A review of all objectives policies and rules that may impact future land use and create, amend or delete the objectives, policies and rules such that when viewed holistically the objectives, policies and rules apply restrictions, if any, proportional to the risks to life and property associated with the identified natural hazards.

C. LAND INSTABILITY

REASONS FOR SUBMISSIONS

1. Tunnel Gully Erosion on Loess soils in 16th Valley is significantly worse on the downhill slopes which do not have historic swales or cut-off drains. The Council should be supporting and encouraging land owners to maintain existing swales or cut-off drains to reduce and to install new swales or cut-off drains above slopes which may be susceptible.
2. It should be recognised that requiring Resource Consents for the maintenance of existing swales or cut-off drains is a disincentive to land owners to conduct that work if it falls outside the proposed rules relating to Loess soils. The same applies to the creation of new swales or cut-off drains.
3. Some areas identified as Loess soils are currently being operated as vineyards and more loess soil land is likely to be developed into vineyards in the future. Vineyards contribute significantly to the economic wellbeing of Marlborough. There are risks of tunnel gully erosion in vineyards operating on loess soils as a result of the frequent traversing of each vineyard row for pruning, wrapping, wire lifting, weed spraying, grass mowing, pest and fungus control. The soils are actively monitored every 7-10 days throughout the growing season for any signs of soil erosion. Vineyards are actively managed by farmers and the hazards associated with Loess soils are required to be included in the regularly audited SWINZ program and also through Health and Safety legislation.
4. Being the owner of a vineyard on Loess soil that has been operational for 12 years, the Submitter has learned from first-hand experience that Loess soils are not an impediment to a safe and well managed operation. The intensive nature of vineyards compared to the more passive involvement with the land in traditional pastoral farming practices is in itself an avoidance and mitigating factor of the natural hazards of erosion. Through the application of lime and gypsum and other soil conditioners

which is standard vineyard practice the soil is better conserved and protected than in a traditional pastoral farming environment.

DECISIONS SOUGHT

1. Include new objectives and policies in order to encourage land owners to mitigate the effects of tunnel gully erosion. This should include Council drafting best practice standards which should be followed in the creation of new swales or cutoff drains and have this information disseminated to all property owners Council has identified.
2. Include new objectives and policies to ensure that the continued operation of existing vineyards as well as the creation of new vineyards remains a permitted activity on loess soil.

D. INDUSTRIAL ACTIVITIES

REASONS FOR SUBMISSIONS

1. Industrial land and associated activities are an important part of Marlborough's economy. It is therefore essential that both existing and new industrial land is both protected and provided for in order to accommodate future demand. Appropriate provision should be made for the extension of industrial zoned land in appropriate locations, particularly where they adjoin existing industrial zoned land, and are a logical extension for industrial activities, with adverse effects being able to be avoided or mitigated.

DECISIONS SOUGHT

1. Retain Objective 12.4.
2. Retain Policy 12.4.1.
3. Retain Objective 12.5.
4. Retain Policy 12.5.6, and the explanation to this policy, in particular paragraph 2.
5. Retain Policy 12.8.1.
6. Retain Policy 12.8.2.
7. Retain Policy 12.8.3.

E. RURAL LIVING

REASONS FOR SUBMISSIONS

1. Provision for rural living opportunities is an important component of managing the rural environment. Rural living opportunities provide not only an alternative form of residential living in a generally rural environment, but also opportunities for supporting the local rural economy and social fabric; including farm management and labour, local schools and shops.

2. It is appropriate to manage the effects of rural living by the application of zones in appropriately located areas so as to avoid the potentially adverse effects of scattered rural living activities and subdivision. However, provision for rural living should not only be dependent on whether land or localities has been used for this activity on an historical basis; it is equally appropriate to provide for rural living in new areas where that achieves the objectives and policies.

DECISIONS SOUGHT

1. Retain Objective 14.5.
2. Retain Policy 14.5.1 but amend the last sentence of the explanation to this policy by deleting the words “*have been recognised historically as providing*” so that it reads;

These areas ~~have been recognised historically as providing~~ provide a rural lifestyle on a range of allotment sizes in a range of locations.

3. Retain Policy 14.5.2.
4. Retain Policy 14.5.5
5. Retain policy 14.5.6

F. BUSINESS

REASONS FOR SUBMISSIONS

1. Policy 12.5.1 – refers to the maintenance of specific characteristics within the central business areas of Blenheim, Renwick, Picton and Havelock. There is however no mention of multi-level apartments above businesses.

DECISIONS SOUGHT

1. Amend Policy 12.5.1 so that it also provides for multi-level apartments above businesses.
2. Review and amend all pertinent objectives, policies and rules within Chapter 12 (Urban Environments) so as to encourage rather than discourage multi-level apartment style living in the Blenheim CBD.

ZONING

G. INDUSTRIAL

REASONS FOR SUBMISSIONS

1. There is a requirement for more heavy industrial land in Blenheim. It is important that sufficient and suitable land be made available for future demand.
2. The most appropriate locations are those which form a natural extension of the existing industrial zones, and where infrastructure services are or can be made available.
3. The proposed extension is on land that is suitable for industrial activities.

DECISIONS SOUGHT

1. Apply an Industrial 2 zoning to part of the Submitter's site adjoining the existing Industrial 2 Zone, and generally falling outside the area identified as significant landscape (Wairau Dry Hills Landscape) as shown in **APPENDIX A** (attached).

H. RURAL LIVING

REASONS FOR SUBMISSIONS

1. There is a need for additional rural living opportunities close to Blenheim but within different localities and environments to the existing rural living zones. Areas of the Submitter's land are highly suitable for rural living and are;
 - a) able to absorb rural living development in a manner that has limited visual impacts and
 - b) is complementary to rural production activities on the same land, having regard to the limitations for rural production activities provided by both the site characteristics, and the constraints applied by proposed policies and rules (including overlays).

DECISIONS SOUGHT

1. Apply the Rural Living Zone to part of the Submitter's site as shown in **Appendix B** (attached);

or alternatively;

2. Include that part of the Submitter's site shown in Appendix B in Volume 3 Appendix 16 register of scheduled sites to provide specifically for a defined location and / or density and layout of rural living sites and activities.

OVERLAY MAPS

I. LANDSCAPE OVERLAY

REASONS FOR SUBMISSIONS

1. The Overlay Maps identify large areas of the submitter's property as Wairau Dry Hills Landscape. While parts of this property are potentially visible to a wider viewing audience (the more dominant ridgelines exceed 200m to 300m in height) many parts of the lower valley slopes with this overlay are considerably lower and are not visible beyond the site boundaries other than to a few immediately adjoining landowners.

DECISIONS SOUGHT

1. Amend the Wairau Dry Hills Landscape overlay to exclude those areas of the Submitter's property that are not visible to a wide viewing where such areas are currently included.

J. SOIL SENSITIVE AREA OVERLAY

REASONS FOR SUBMISSIONS

1. An extensive area of the Submitter's property immediately adjoining and to the west of the existing industrial area has been identified as being a soil sensitive area with loess soils. This identification links to specific rules relating to earthworks activities which will or may require a resource consent. In reality, large parts of the identified areas are either not loess soils, or do not exhibit any particular erosion characteristics, as is confirmed by the report by ENGeo (attached in Appendix C).
2. The creation and maintenance of top headlands and swales or cut-off drains fall outside the proposed rules in the MEP specifically the 7.5 degree limitation of permitted excavation rule 3.3.14.4 which states that *"The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils"* Furthermore, rule 3.3.16.12 states that *"the filling required for the maintenance of established vineyards as well as for the creation of new vineyards must not occur in a Soil Sensitive Area identified as loess soils"*. Existing vineyards' continued operation and newly established vineyards on loess soils need to be protected in the MEP from unneeded expense and bureaucracy.

DECISIONS SOUGHT

1. Amend the Soil Sensitive Area Overlay applying to the Submitter's sites to remove the areas identified as not meeting the criteria for a soil sensitive area in the ENGeo report.
2. Apply rules to encourage landowners to mitigate the effects of tunnel gulley erosion. This should include Council drafting best practice standards which should be followed in the creation of new swales or cutoff drains and have this information disseminated to all property owners Council has identified.
3. The maintenance of existing swales and cutoff drains be a permitted activity when meeting the prescribed (best practice) standards.

4. Excavation and such remedial actions as may be required to repair or remove Tunnel Gully Erosion on slopes less than 25 degrees be a permitted activity.
5. Create new rules to ensure the continued operation of vineyards and the creation of new vineyards remain a permitted activity on loess soil.

ACTIVITY RULES

K. FRESHWATER ALLOCATION

REASONS FOR SUBMISSIONS

1. The proposed rules in Volume 2 General Rules for water take, damming or diversion do not appropriately address issues identified in the submission relating to the objectives and policies for water take and use (Section A above).

Decisions sought

1. Amend the permitted activity and other rules as appropriate in Volume 2 General Rules for water take, damming or diversion to give effect to the changes sought by the submissions relating to the objectives and policies for water take and use in Section A above.
2. As specific relief, amend the Permitted Activity Rules in s2.2: General Rules in Volume 2 to include the take and use of water consented for viticulture and horticulture prior to the date of notification of the Proposed Marlborough Environment Plan.

L. BUSINESS 1 ZONE

REASONS FOR SUBMISSIONS

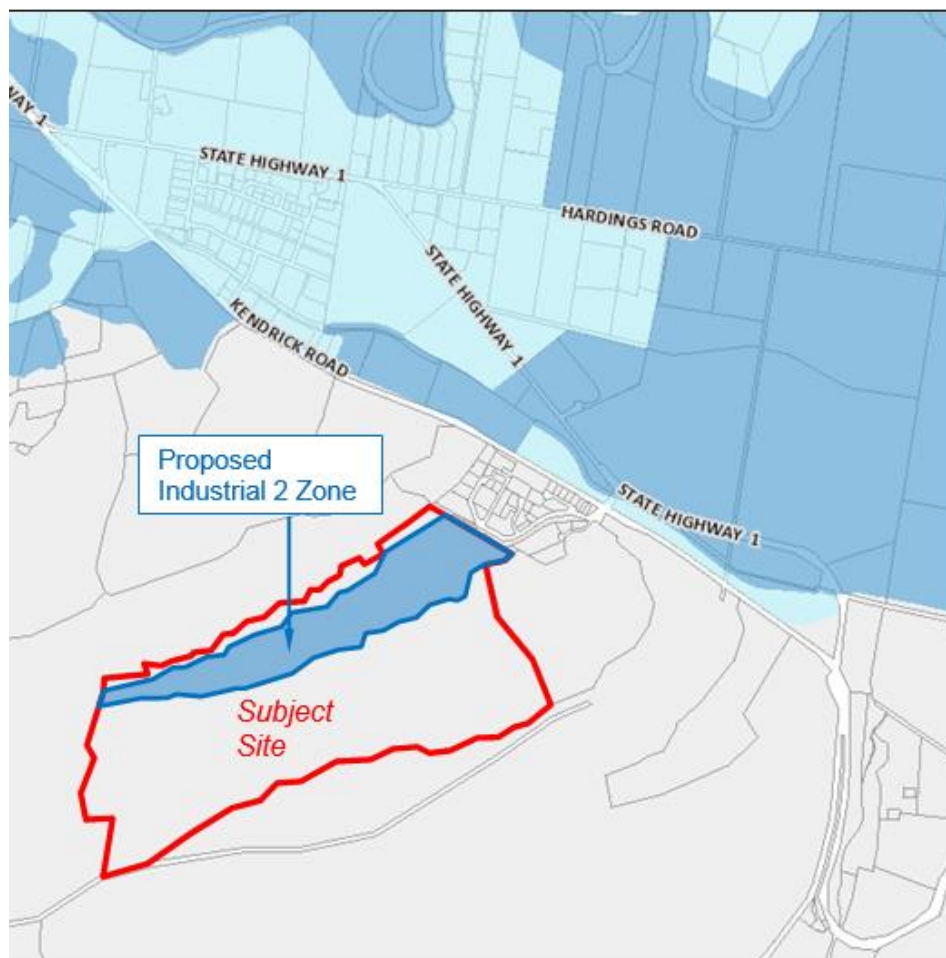
1. As yet Blenheim's CBD has not transitioned to an environment with inner-city apartment style living. One of the factors influencing this has been the lack of available sites in the CBD suitable for apartment development. Apartment style living should be supported and encouraged in the MEP due to the positive spin-off effects that have been witnessed in other towns and cities. These include increased patronage of cafe's, restaurants and bars by people living in the CBD. Increased foot traffic and vibrancy of the CBD and associated increased retail spending.
2. Policy 12.5.1(g) recognises the concept of apartments above businesses will occur during the period the MEP is operative, but the rules do not properly support this policy.
3. New height restrictions of 12m appear in the MEP rule 9.2.1.5 and setbacks for buildings from neighbouring properties in Rule 9.2.1.6. The previous Wairau / Awatere Plan had a height limit of 20m in the primary shopping area and 12m elsewhere.
4. The proposed 12m height limit will limit new buildings to 3 stories in height. This is likely to reduce efficiencies that could be gained by economies of scale for 4 or 5 story developments that would be possible under the 20m height restriction. This fails to satisfy the s5(2)(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations. To facilitate population growth in Marlborough, higher density housing opportunities

close to the CBD should be enabled to reduce the use of petrol powered vehicles and their CO² emissions as the MEP should consider under s7(ba) the efficiency of the end use of energy and 7(i) effects of climate change.

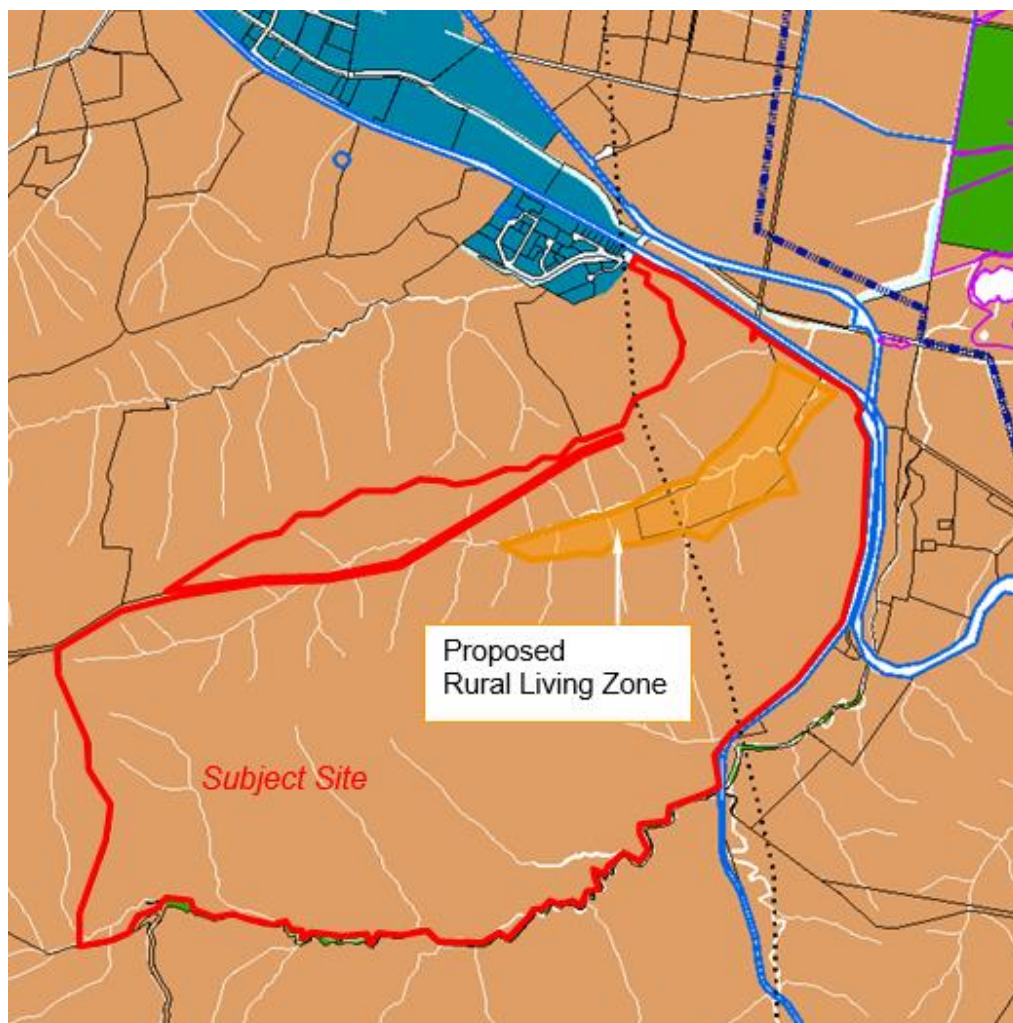
DECISIONS SOUGHT

1. Amend Rule 9.2.1.5 to a 20m height limit; plus an additional height for plant room and like structures of a further 3m over a maximum of 10% of the floor area of the building.
3. Delete Rule 9.2.1.6.
4. Otherwise amend, delete or add additional rules to enable multi-level apartment style dwellings in the CBD, and in particular, ensure their economic viability is not held back through unnecessarily restrictive height restrictions.

APPENDIX A- INDUSTRIAL 2 ZONING SOUGHT



APPENDIX B - RURAL LIVING ZONING SOUGHT



APPENDIX C
ENGEO GEOTECHNICAL AND SOILS REPORT

REPORT TO COME



ENGEO

— Expect Excellence —

Geotechnical Assessment

15th Valley Farm

Blenheim

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Table 1: Proposed Geohazard Mitigations

Figures

Figure 1: Site Location (image sourced from Google Earth)

Figure 2: Geological Setting (Begg & Johnston (2000))

Figure 3: Location of Active Faults

Appendices (at the rear of this report)

Appendix 1: Engineering Geological Plan

ENGEO Document Control:

Report Title	Geotechnical Assessment - 15th Valley Farm, <Suburb>			
Project No.	13291	Doc ID	01	
Client	Levide Capital Ltd	Client Contact	Rob Anderson	
Distribution (PDF)	robanderson@me.com			
Date	Revision Details/Status	WP	Author	Reviewer
31/08/16	Draft for Comment		RJ/LP	GM

1 Introduction and Scope of Work

ENGEO Ltd was requested by Levide Capital Ltd to undertake a geotechnical assessment of the 15th and 16th Valleys at the eastern end of the Wither Hills, Blenheim. We understand that these valleys are contained within the 15th Valley Farm and that the landowner (Mr Rob Andrews, Levide Capital Ltd) is proposing to seek a plan change through Marlborough District Council to rezone land in each valley. The purpose of our services was to identify geotechnical constraints that may exist in the area of the proposed plan changes.

We understand that the area of the proposed industrial zone comprises the 15th Valley, to the south of the existing Cloudy Bay Industrial Park. A residential area may be developed in the next valley to the southeast (16th Valley). Based on discussions with Mr Shane Hartley (Terra Nova Planning), we understand that you require geotechnical information on the following:

- The geological setting of the proposed plan change areas;
- Geological hazards (including liquefaction potential, fault rupture, soft ground, slope instability and flooding) that may constrain development of the area; and
- Potential mitigation measures (including offset zones, ground improvement or slope stabilisation) that could be employed to mitigate the effects of the identified geological hazards.

To fulfil these requirements, we have undertaken the following scope of work.

- Review of published geotechnical and geological information relevant to the site;
- Procurement of historical aerial photographs that predate development of the existing industrial park, and geomorphological assessment of these;
- Site assessment by an experienced ground engineering professional;
- Development of an engineering geological constraint map;
- Preliminary assessment of these hazards against the requirements of Section 106 of the Resource Management Act (RMA); and
- Production of a geotechnical report (this document) based on the findings of our enquiries, constraints mapping, and initial S106 assessment.

2 Site Description

The 15th Valley and 16th Valleys are located towards the eastern end of the Wither Hills to the southeast of Blenheim as shown in Figure 1 (following page). We understand that it is proposed to rezone 15th valley as Industrial, whilst 16th Valley is intended to become 'Rural Living'.

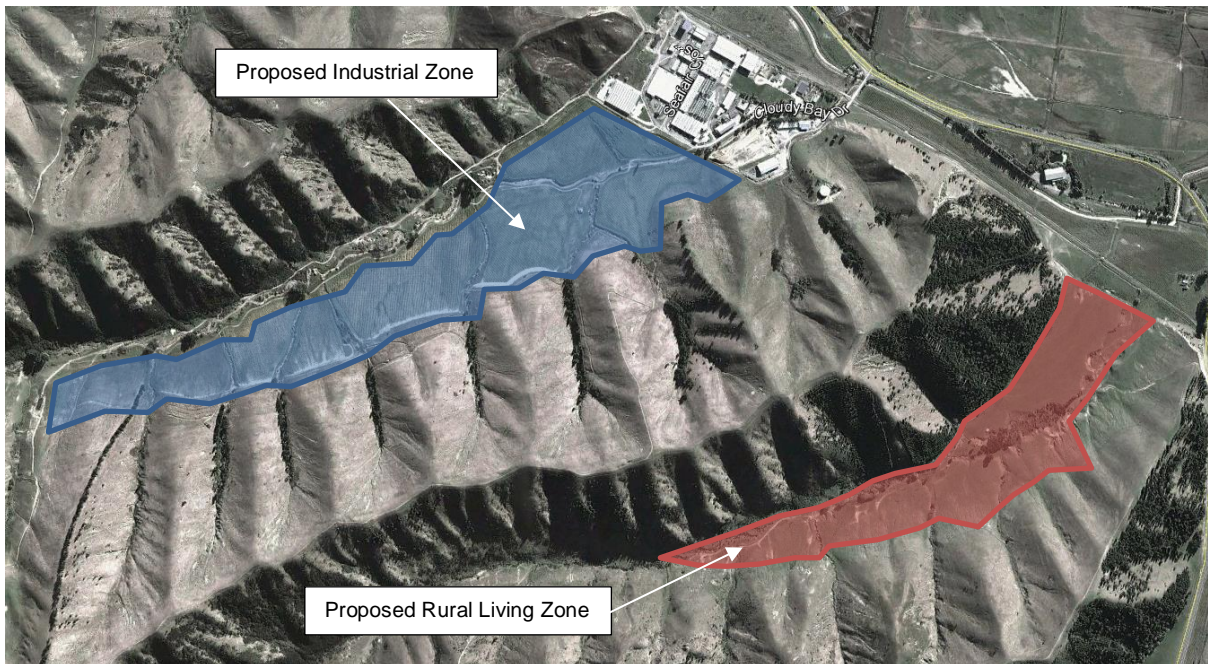
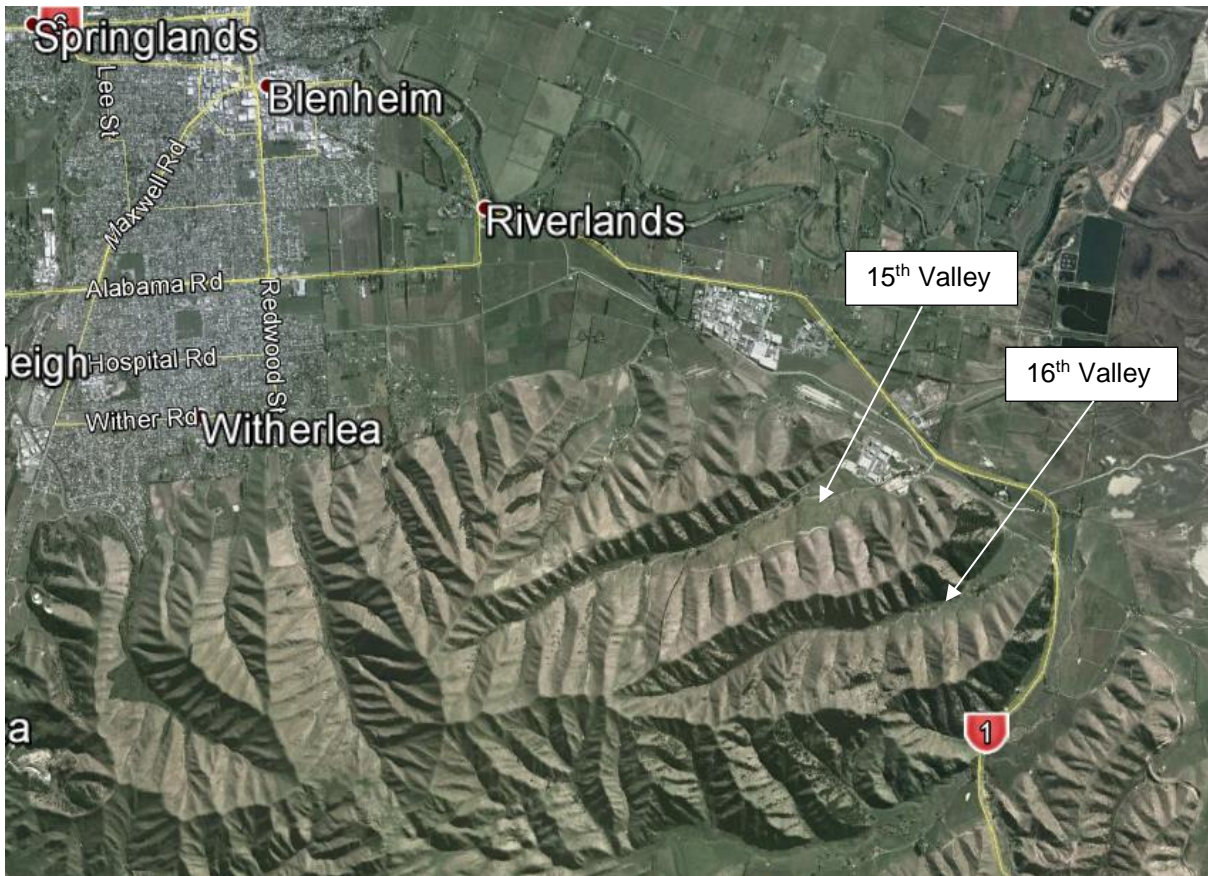


Figure 1: Site Location and Approximate Extent of areas of Proposed Plan Change (images sourced from Google Earth)

Overall, the 15th and 16th valleys are flanked by two subparallel, northeast to southwest trending ridges. The valleys typically have an asymmetrical profile, with the southern valley flanks sloping at between 15° and 25°, whilst the northern valley flanks typically slope at around 25° to 30°. The floors of the valleys generally slope at less than 10° towards the north-east.

Vegetation within the study area typically consists of low height scrub and limited grass cover on the hill slopes with pasture or vineyards on the valley floors. Regenerating scrub and bush is prominent on the steeper western hillslopes.

The 15th and 16th Valleys are included within the District Plan under the Sensitive Soil Overlay as being Loess Soils. As noted in various policies in the District Plan, these soils are prone to erosion and need specific consideration during any future development. Risks posed by soil erosion to the proposed development are discussed further in Section 5.

3 Geological Setting

Begg & Johnston (2000) indicate that the site area is underlain by Pliocene (5.3 to 1.8 Ma) age Wairau Conglomerate (described as poorly sorted and poorly bedded channelised greywacke Conglomerate), overlain by Hillersden Gravel (described as poorly sorted and poorly bedded clay-bound greywacke Gravel). The Hillersden Gravel overlies Wairau Conglomerate which is exposed on the ridge line to the south of 16th Valley.

Begg & Johnston (2000) indicate that bedding within the Gravel and Conglomerate materials typically has a valley parallel strike (070°) and is moderately inclined towards the north-northwest. Valley infill, comprising a series of lower to mid Quaternary (around 150,000 years bp) aggradation and degradational alluvial terrace surfaces is apparent within the valley floors. Overlying the conglomerate and gravel ridges is a variably thickness of wind-blown Silt (Loess), deposited during Quaternary Glaciations. The loess can reach thicknesses of several metres in sheltered, lee-slope environments.

At the northern ends of the valleys, recent (less than around 10,000 years bp) estuarine sediments underlie the coastal plain, formed as part of on-going deposition of sediment transported along the coastline and material transported down the Wairau River.

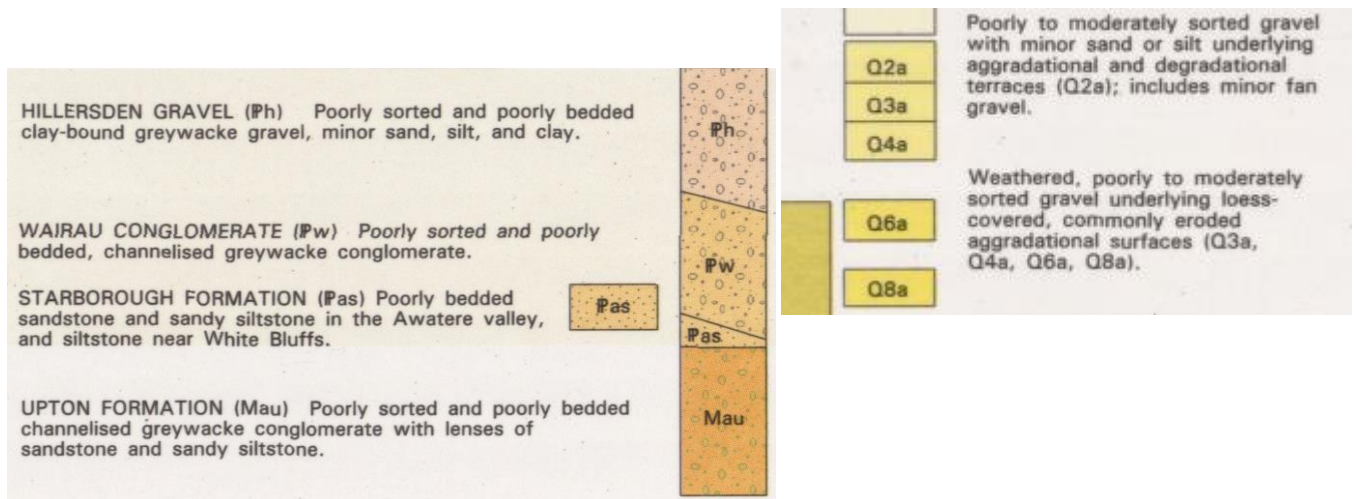
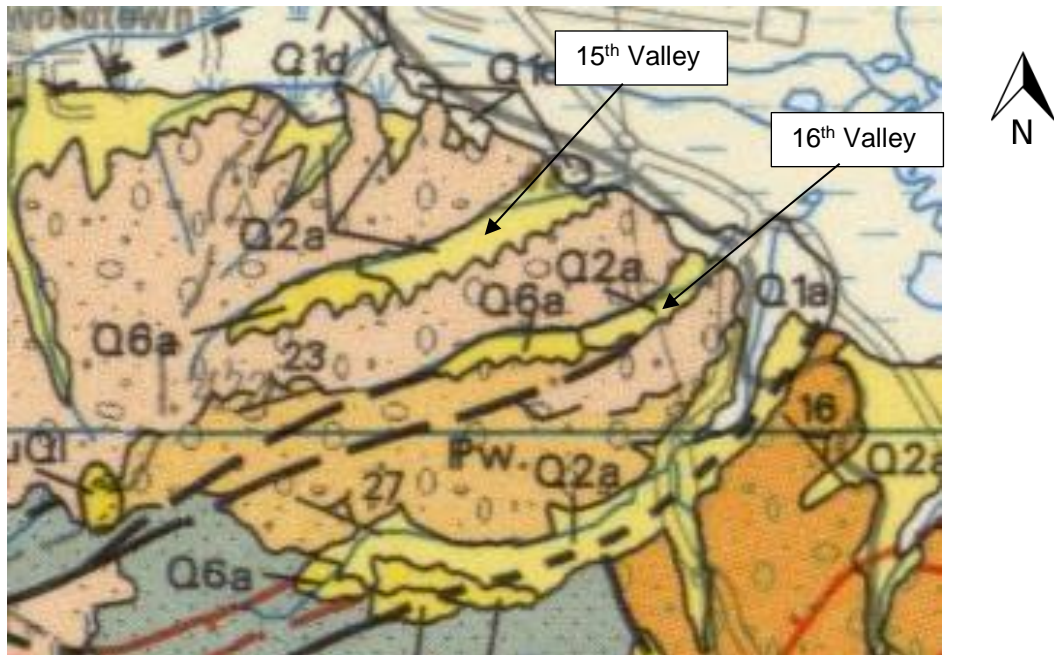


Figure 2: Geological Setting (Begg & Johnston (2000))

3.1 Active Faults

The New Zealand Active Faults Database (<http://data.gns.cri.nz/af/>) indicates that the nearest active faults are located to the south and southeast of the site as shown on Figure 3.

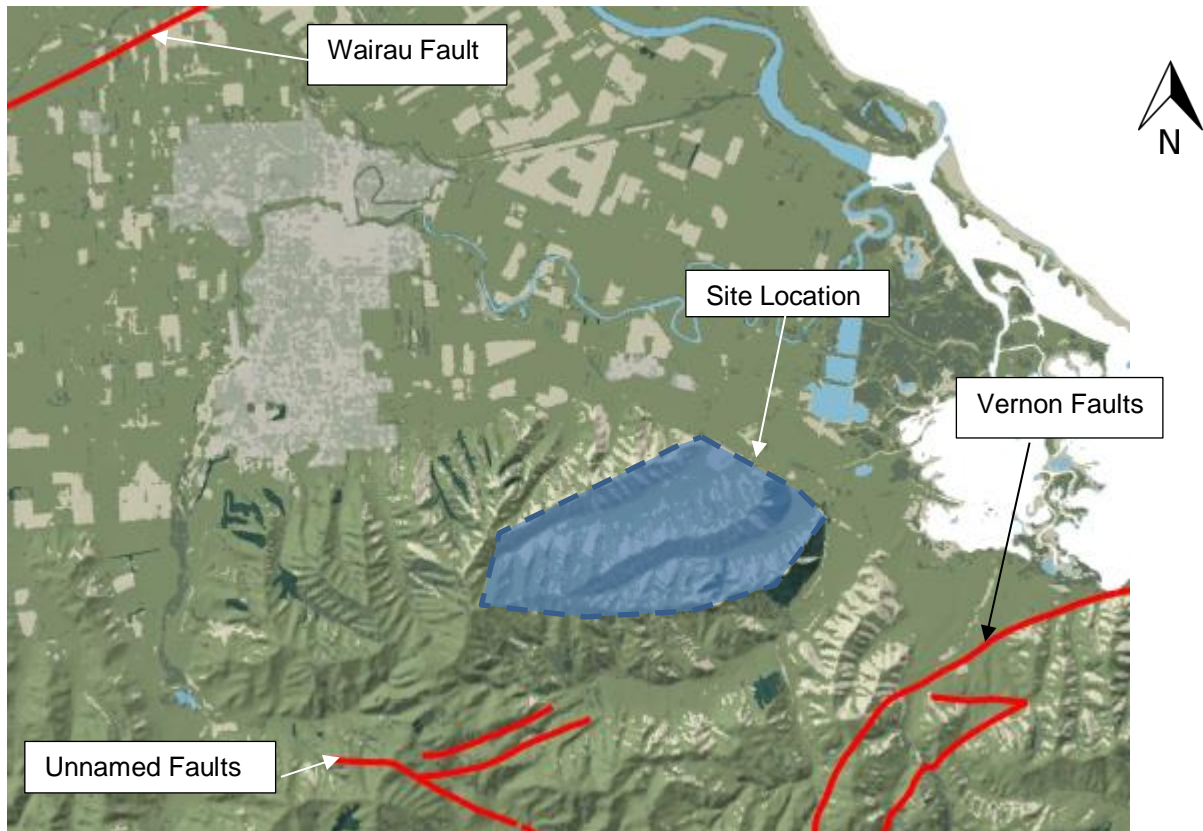


Figure 3: Location of Active Faults

All of the faults are indicated in the database to have a dextral strike-slip behaviour. The Vernon Fault system is indicated in the GNS database to have a recurrence interval (RI) between 2000 and 3500 years with a moderate (between 1 and 5m) single event displacement. Whilst considered as active, the fault system to the south of the site is unnamed, and there is no information on either recurrence interval or single event displacement.

The Wairau Fault is located approximately 9.6km northwest of the site. This fault is an extension of the Alpine Fault to the south and is indicated by GNS to have a RI of less than 2000 years with a major (>5m) single event displacement.

4 Engineering Geological Assessment

4.1 Site Walkover Assessment

A walkover assessment of the site was undertaken on 24 and 25 August 2016 by an Engineering Geologist from ENGEO. Key site observations are outlined below.

- The 15th and 16th valleys are flanked by two subparallel, northeast to southwest trending ridges. The valleys typically have an asymmetrical profile, with the southern valley flanks sloping at between 15° and 25°, whilst the northern valley flanks typically slope at around 25° to 30°. The floors of the valleys generally slope at less than 10° towards the north-east.

- The lower slopes and valley floors within the proposed plan change areas appear to be underlain by variable thicknesses of loess/loess-gravel colluvium, while the upper hillslopes appear to be underlain predominantly by gravel in a silty clay matrix with loess/loess-gravel colluvium in isolated areas;
- Permanent water courses/streams run along the floors of both valleys. Stream channels are incised up to approximately 4 m with recent alluvial deposits and terrace formations on either side of the stream banks;
- Secondary valleys located along the main valley flanks generally have deeply incised and well defined drainage channels descending to the main water courses in the valley floor;
- Evidence of tunnel gully and rilling erosion was observed within loess dominated soils generally along the north-facing moderately inclined mid and lower slopes of the valleys;
- Gravelly soils on the upper slopes and within the heads of secondary valleys are subject to shallow soil and rilling erosion;
- Shallow debris flows from within the secondary valleys appear to have occurred in the recent past, evidenced by the accumulation of sediment and debris behind fences located within the drainage channels;
- Cut off drains have been excavated along the midslopes of the southern hill flanks of both valleys to mitigate against erosion of soils on the lower slopes; erosion features appear to be more frequent where there is an absence of a cut off drain upslope;
- A spring feature was observed towards the southwest and base of 15th Valley; it is understood the feature has been excavated with a drain towards the main water course to prevent the formation of swampy ground;
- No evidence of deep-seated instability was observed above either of the proposed plan change areas in the 15th or 16th valleys.

Selected site photographs are provided on the following pages.



Photo 1: Vineyard developed on lower foot slopes of 15th valley. View towards north.



Photo 2: Tunnel gully and rilling erosion in north facing cut face on the southern flanks of 15th Valley



Photo 3: Tunnel gully erosion on north facing foot slope (southern valley flank) of 15th Valley



Photo 4: Shallow debris flow from secondary valley caught by fence within drainage channel



Photo 5: Collapsed tunnel gully on north facing slope within 15th Valley



Photo 6: Water course in the floor of the 15th Valley with approximately 4m high alluvial terrace on eastern (right hand) side.



Photo 7: View of 15th Valley towards northeast



Photo 8: View of 16th Valley towards southwest



Photo 9: Collapsed tunnel gully and rilling erosion within loess dominated soils towards the eastern end of 16th Valley

4.2 Aerial Photographic Interpretation

As part of our assessment, we have reviewed aerial photographic series SN 504 flown part May/ part September 1947 at 1:18000 scale. The photographs predate development of the Cloudy Bay Business Park and allow assessment of landforms that may have been modified during its development. The photographs are retained on our files and can be made available on request.

The results of our assessment are indicated on the Engineering Geological plan provided in Attachment 1. In general, the geomorphological features observed during our recent site walkover are apparent in the 1947 aerial photographs. The following key observations were made:

- Little alteration has occurred to the alignment of the valley floor water courses since 1947;
- The area of the Cloudy Bay Business Park appears to straddle a low height alluvial terrace. The western side of the park appears to be elevated to some extent above the coastal plain;
- Evidence of shallow soil erosion is apparent in the heads of most secondary valleys on the northern and southern flanks of the 15th and 16th Valleys. Soil erosion appears more extensive compared to our recent observations which may be a result of increased vegetation growth in the intervening 69-year period.
- Two or three possible large scale landslides are apparent along the central ridge between the 15th and 16th Valleys. The overall morphology of these features is softened and degraded, suggesting that if they are landslides, they are inactive or dormant.

5 Interpreted Engineering Geological Conditions

5.1 Ground Model

The proposed plan change area within 15th and 16th Valleys is predominately characterised by gentle to moderately inclined foot slopes (15° to 20°), along the valleys southern flanks, with areas of near level to gentle sloping ground (5° to 10°) towards the base and north-east ends of the valleys.

The lower slopes and valley floors are underlain by variable thicknesses (possibly up to 2.5 m to 3.0 m) of loess and loess-gravel colluvium, inferred to overly alluvial gravel deposits. Recently deposited alluvial silt, sand, and gravel occurs within the incised permanent water courses running along the base of the valleys towards the north-east, and within drainage channels descending from secondary valleys on the southern flanks.

The upper hill slopes are predominantly underlain by gravels in a silty clay matrix (Hillersdon Gravels) with shallow loess/loess-gravel colluvium cover in some areas. The Wairau Conglomerate outcrops towards the southwest of 16th Valley and is inferred to underlie alluvial gravels and Hillersden Gravels at shallow depths in the southwest extent of the proposed plan change areas.

Groundwater is assumed to be at depths greater than 3 m within much of the proposed plan change area. The occurrence of a spring feature towards the southwest and base of 15th Valley suggests localised seepage of groundwater may be occurring through underlying gravels.

5.2 Geohazards

5.2.1 Fault Rupture

As outlined in Section 3.1, no active faults are mapped within the area of the 15th or 16th Valleys. Accordingly, we do not consider that the areas of the proposed plan change are subject to fault rupture hazard.

5.2.2 Liquefaction

The New Zealand Geotechnical Society's 2016 Guideline for the Identification, Assessment and Mitigation of Liquefaction Hazards (NZGS, 2016) recommends that liquefaction and lateral spread assessments should be carried out where there is a possibility of loss of life or loss of amenity of a building of Importance Level 2 or higher (as defined by NZS 1170.0:2002). This has been considered below.

Published liquefaction maps are not available for the site. However, the 15th and 16th Valley areas are elevated above the coastal floodplain. Based on our understanding of the underlying geology of the site (comprising gravel bearing alluvium interbedded with loess and loess colluvium) and the low water table (generally assumed to be greater than 3 m depth below the alluvial terrace surfaces), we consider the liquefaction potential to be low.

5.2.3 Shallow Landslide and Debris Flow

As outlined in Section 4.2, there is significant historic evidence of shallow soil failures on the flanks of the ridge lines of the 15th and 16th Valleys. Whilst the direct risk to the areas of the proposed plan change is low from this style of failure, it may be possible that under large rainfall events, evacuative failure could occur into tributary stream channels in the event of reactivation, leading to temporary

damming of the channel and water may build up. The overtopping of such a dam could result in a relatively small debris flow hazard downstream as evidenced in Photograph 4.

We consider that whilst there is some likelihood of this hazard occurring, the risk posed is not particularly high as it can be mitigated with appropriate design as outlined in Section 6 following.

5.3 Deep Seated Landsliding

As outlined in Section 4.2, there is some evidence for relatively large scale landsliding along the central ridge between the 15th and 16th Valleys. Their morphology suggests that if they are landslides, they are inactive or dormant. We would expect reactivation of these features to only occur under extreme seismic or rainfall events. Accordingly, we consider the risk posed to any future development to be low.

5.4 Soil Erosion

In general terms, the Loess soils observed at the site are prone to erosion and behave identically to similar soils on the Canterbury Port Hills. As outlined by Geotech (2003), erosion styles fall into two main types:

1. **Rilling**; where overland flow scours and cut rills that further concentrate runoff, and can then deepen with collapse of the sides of the rill (Photograph x2, and
2. **Tunnel Gully Erosion**; where cracks in the surface of the soil allow water to penetrate into the subsoil resulting in the enlargement and interconnection of subsoil voids. Over time, interconnection and physical enlargement of the voids can occur, leading to tunnel development. Ongoing enlargement can lead ultimately to collapse and formation of a tunnel gully (Photograph 5). Bell & Trangmar (1987) note that tunnel gully erosion is especially prevalent on slopes with a westerly or northerly aspect where vegetation is often depleted during the summer months and desiccation cracking is more severe.

There is widespread evidence of loess erosion within the 15th and 16th Valleys. Without suitable engineering measures, future buildings may be subject to foundation instability due to soil erosion over time and tunnel gully collapse. Potential mitigation measures are outlined in Section 6 below.

5.5 Flooding

The stream channels observed along the valley floors are noted to be incised along the majority of their length within the extent of the proposed plan changes. Whilst specific hydrological assessment is outside the scope of our study, we expect that under significant flood events flows will be largely contained within the incised channel. Hydrological assessment during subdivision consent may be required to confirm this expectation

There is some likelihood of small to medium scale instability of the channel walls during or following flood flows. An appropriate building setback from the crest of the incised channels is recommended as described in Section 6.

6 Hazard Mitigation

In general terms, the areas of the 15th and 16th Valleys included within the proposed plan change are generally considered suitable for development. Whilst a number of geohazards have been identified within each area, we consider that these can be successfully mitigated in accordance with the recommendations outlined in Table 1.

Table 1: Proposed Geohazard Mitigations

Geohazard	Proposed Mitigation
Shallow Soil Failure	Development within gully flanks should be avoided. Specific geotechnical assessment should be undertaken for any development on slopes steeper than 15° to confirm that the site is not subject to soil failure and to design appropriate mitigation measures if necessary
Debris Flow	Building platforms should be sited to avoid the mouths of the tributary gullies. Engineering measures should be considered during detailed design to channelise debris flows away from building platforms. Debris flow fences could be considered if building platforms are required to be in close proximity to debris flow channels, however these may have significant on-going maintenance costs.
Soil Erosion	Specific stabilisation measures should be considered on a lot-by lot basis for each building platform. These should include: <ol style="list-style-type: none"> 1. Identification of tunnel gully erosion features above the building platform 2. Diversion of active tunnel gully systems via subsoil drain construction to discharge water to a suitable point away from the building platform 3. Tunnel gullies within the footprint of any proposed building may be excavated and replaced with hydrated lime stabilised soil (see for example, Bell et al 1986); alternatively existing cavities may be filled with an appropriate bentonite slurry mix 4. Vegetation should be encouraged on the slopes above the building platform
Flooding	Where valley floor streams are incised, a building setback of 3h should be adopted where h is the vertical height of the alluvial terrace above the stream. Specific hydrological assessment could be considered to confirm an appropriate flood stage height in each valley during detailed design as part of subdivision consent.

7 Preliminary Section 106 Assessment

We do not consider the areas of the proposed plan change to be presently subject to significant subsidence (including liquefaction), or falling debris in accordance with the provisions of Section 106 of the Resource Management Act 1991. As noted in Section 5 above, some areas of the proposed plan change may be subject to landslide (slippage), erosion or debris flow inundation.

However, we have provided recommendations to mitigate the effects of these hazards in Section 6 of this report. Provided these recommendations are followed, we consider it unlikely that the hazards would significantly affect developed sites within the area of the proposed plan changes. We do not consider that future development of the land is likely to accelerate, worsen or result in material damage to the land provided that proper engineering practices are followed during any development, including those recommended in this report.

Note that this assessment is preliminary and should be confirmed during subdivision consent, once subdivision plans have been developed.

8 Other Considerations

Earthworks Operations

- No fill should be placed on or at slopes greater than 26° unless approved by a Chartered Professional Engineer practicing in geotechnical engineering;
- All fill placed on the existing slope should be keyed and benched into good soil and drainage provided. We can provide specific keying, benching and drainage recommendations if placement of fill on the slope is planned;
- Permanent unsupported cuts should not be formed any steeper than 26° in loess soil, unless approved by a Chartered Professional Engineer practicing in geotechnical engineering; and
- Retained cuts higher than 1.5 m in soil or rock should be supported with a specifically designed retaining wall and will need to be approved by a Chartered Professional Engineer practicing in geotechnical or structural engineering.

Surface Water Management

- Stormwater from roofs and paved areas shall be taken in a piped system and disposed of into an approved stormwater system. Uncontrolled discharge onto land or disposal via in-ground systems must be avoided on areas underlain by loess-derived soils;
- All service trenches in loess soil shall be backfilled with low permeability materials (including lime stabilisation if loess material is used) so that excavations do not become points of entry for surface run-off;
- Surface cut-off drains or appropriate stormwater flow paths shall be maintained up slope to divert water away from any buildings; and
- Any exposed soil should be vegetated with deep rooting plants (flaxes or native shrubs) to help maintain ground stability and reduce erosion.

9 References

Begg, J.G; Johnston, M. R (2000). *Geology of the Wellington area*. GNS 1:250 000 geological map 10. Institute of Geological and Nuclear Sciences.

Bell, D. H, Glassey, P.J & Yetton, M. D (1986) *Chemical Stabilisation of Dispersive Loessial Soils, Banks Peninsula, Canterbury, New Zealand*. 5th International IAG Congress, Buenos Aires 1986

Bell, D. H & Trangmar, B. B. (1987) *Regolith Materials and Erosion Processes on the Port Hills, Christchurch, New Zealand*. Proc 5th Intl Conf and Field Workshop on Landslides, 1987

Geotech Consulting Ltd (2003). *Re Blenheim Developments Ltd – Proposed Subdivision in Fifteenth Valley, Blenheim*. Letter report prepared for Ayson & Associates, 25 May 2003.

Ministry of Business, Innovation and Employment (MBIE) (2016). Module 3: *Identification, Assessment and Mitigation of Liquefaction Hazards*. Rev0 May 2016.

10 Limitations

- i. We have prepared this report in accordance with the brief as provided. This report has been prepared for the use of our client, Levide Capital Ltd, their professional advisers and the relevant Territorial Authorities in relation to the specified project brief described in this report. No liability is accepted for the use of any part of the report for any other purpose or by any other person or entity.
- ii. The recommendations in this report are based on the ground conditions indicated from published sources, site assessments and subsurface investigations described in this report based on accepted normal methods of site investigations. Only a limited amount of information has been collected to meet the specific financial and technical requirements of the client's brief and this report does not purport to completely describe all the site characteristics and properties. The nature and continuity of the ground between test locations has been inferred using experience and judgement and it should be appreciated that actual conditions could vary from the assumed model.
- iii. Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual data provided. They should perform any additional tests as necessary for their own purposes.
- iv. This Limitation should be read in conjunction with the IPENZ/ACENZ Standard Terms of Engagement.
- v. This report is not to be reproduced either wholly or in part without our prior written permission.

We trust that this information meets your current requirements. Please do not hesitate to contact the undersigned on (03) 328 9012 if you require any further information.

Report prepared by



Richard Justice, PEngGeol

Principal Engineering Geologist

Report reviewed by

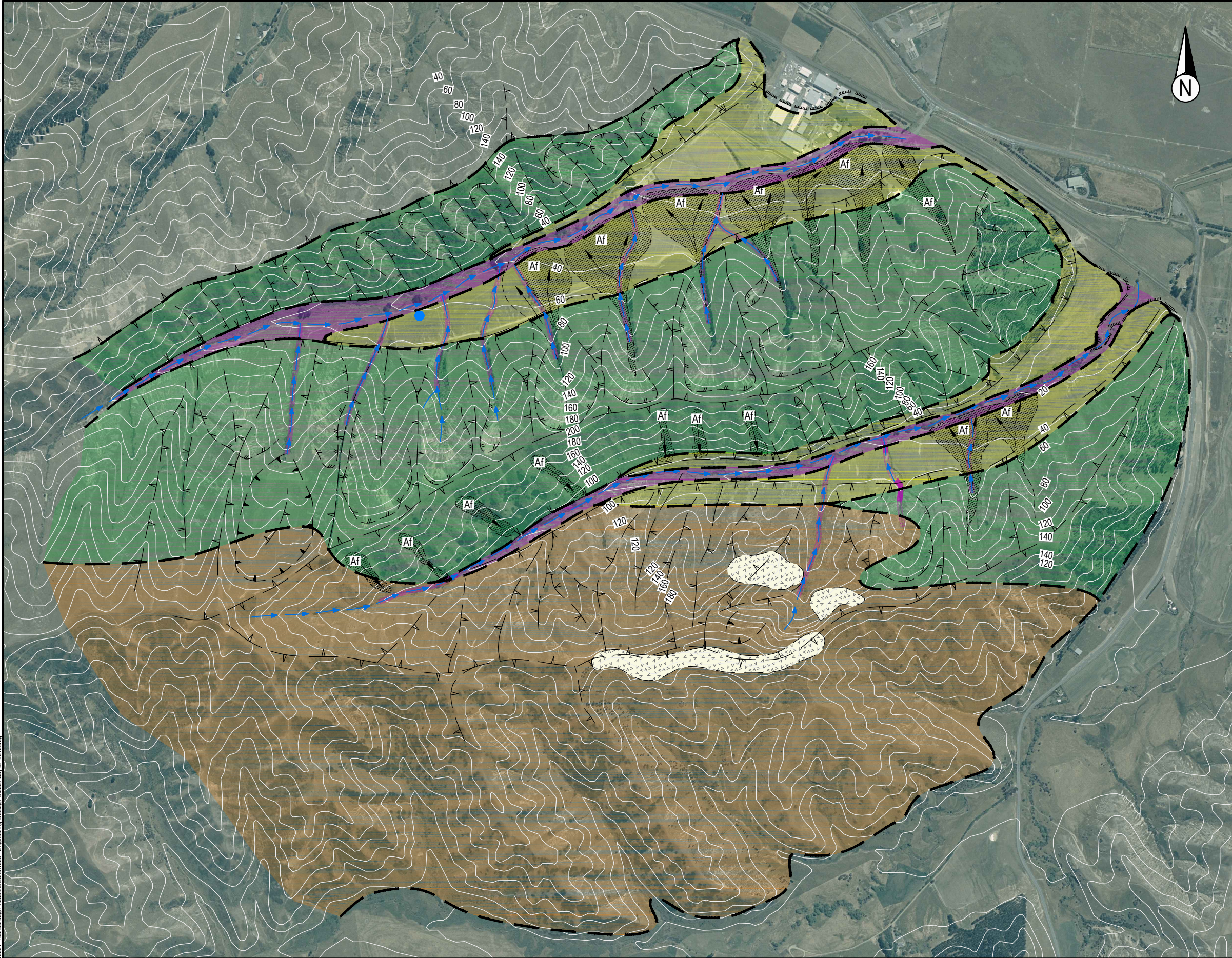


Greg Martin, PEngGeol

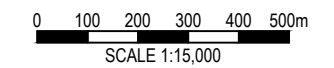
Principal Engineering Geologist

APPENDIX 1:
Engineering Geological Plan

DATE PLOTTED: 31 August 2016 2:10 pm BY: DOUG FINLAY



- LEGEND**
- RIDGE CREST
 - GULLY AXIS
 - BASE OF HILLSLOPE
 - ALLUVIAL FAN
 - ALLUVIAL TERRACE
 - AREAS OF SHALLOW SOIL EROSION
 - LANDSLIDE HEADSCARP
 - WATER COURSE
 - AREAS OF CONGLOMERATE ROCK OUTCROP
 - 120 CONTOUR LINE (20m INTERVAL)
 - INFERRED GEOLOGICAL BOUNDARY
 - OBSERVED SPRING
 - LOESS / LOESS COLLUVIUM GREATER THAN 0.5m THICKNESS
 - HILLERSDON GRAVEL WITH SHALLOW LOESS / LOESS COLLUVIUM COVER
 - WAIRAU CONGLOMERATE
 - ALLUVIAL SILT, SAND AND GRAVEL



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Rev	Date	Description	Drwn	Chkd



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Title: **15TH AND 16TH VALLEYS - ENGINEERING GEOLOGY**

Client: LEVIDE CAPITAL LIMITED	Designed: RJ	Figure No: 1
Project: PROPOSED PLAN CHANGE CLOUDY BAY DRIVE BELENHEIM	Drawn: DF	
Proj No: 13291.000.000	Checked: -	
	Date: 30.08.16	Size: A3
	Scale: 1:15,000	Rev: -