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Kapiti Views Trust

Proposed Rezoning from Rural 4
to Maxwell Hill Zone

Corner of Taylor Pass Road and
Maxwell Pass Road
Blenheim

Plan Change Request
Assessment of Environmental Effects
and Section 32 Assessment

26th April 2011



Kapiti Views Trust

**Proposed Rezoning from Rural 4 to Maxwell Hills Zone
Corner of Taylor Pass Road and Maxwell Pass Road, Blenheim**

**Plan Change Request
Assessment of Environmental Effects and
Section 32 Analysis**

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Corner of Taylor Pass Road and Maxwell Pass Road, Blenheim
Plan Change Request, Assessment of Environmental Effects and
Section 32 Analysis**

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APPENDIX B:	Certificates of Title
APPENDIX C:	Traffic Assessment Report – Traffic Concepts Limited
APPENDIX D:	Landscape Assessment Report – Chris Glasson Landscape Architects Limited
APPENDIX E:	Geotechnical Assessment Report - Riley Consultants Limited
APPENDIX F:	Flood Assessment Report - Riley Consultants Limited
APPENDIX G:	Schedule of Changes
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1.0 INTRODUCTION

This Plan Change request is being made by Kapiti Views Trust. Mr J E and Mrs A L Marris are the trustees of the Kapiti Views Trust. They own more than 300 hectares of land in the Taylor Valley near the intersection of Taylor Pass Road and Maxwell Pass Road (“the site”) (Appendix A). The site is currently used for pastoral activities and is zoned Rural 4. The legal description of the site is

- Lots 1-3 DP357141 and Lot 1 DP 9518, being 320.919 ha more or less on Certificate of Title 232445;
- Section 2 SO 7014, being 8.8900 ha more or less on Certificate of Title 5A/644.

Certificates of Title are included in Appendix B.

The total area to be rezoned is just under 50 hectares. The zone is proposed to be called Maxwell Hills Zone. It can be described as either a “rural – residential” development or as “large lot residential development”. The requester has no preference, but the latter is a recent planning term that may confuse some potential submitters.

The site is approximately 2.5 kilometres from the old borough boundary of Blenheim and seven kilometres from the Blenheim central post office.

The proposed Plan Change will enable the creation of approximately 160 lots ranging between 2,000m² and 4,000m². The chosen location, together with specific rules and an outline development plan is intended to enable a contained and sustainable development which visually integrates with the rural landscape. The area proposed to be rezoned is a relatively flat area at the base of the steeper “Maxwell Hills”, where development costs will be less, and sections more easily developed.

The current zoning of the site as Rural 4 does not provide for development at the density proposed for the Maxwell Hills Zone. A subdivision consent application for 160 lots of between 2,000m² and 4,000m² at this site would be assessed as a non-complying activity if it included a reticulated wastewater system.

2.0 THE SITE AND LOCALITY

2.1 Locality

The property is located seven kilometres from the centre of Blenheim's central business district and about 2.5 kilometres to the south of the existing urban boundary. It is on the eastern slopes of the Taylor River Valley. The Taylor Dam, and the associated recreation area, is approximately one kilometre north of the site.

The Taylor River is on the western boundary of the site and Maxwell Pass Road, and Maxwell Creek are on the northern boundary. The southern property boundary is the ridgeline at the top of the valley formation.

2.2 Land Use and Topography

Other activity in the locality is predominantly agricultural. Forestry is occurring on the southern side of the ridge at the top of the southern-most boundary of the subject site, on lots ranging in size from 15 hectares to 45 hectares. Other adjoining properties are in pastoral use and are about 200 hectares in area. A cluster of 15 rural allotments south of the site on Taylor Pass Road are between 17 and 40 hectares in area.

The site is located within the Rural 4 Zone in the Wairau/Awatere Resource Management Plan (WARMP) and is not located within any specific Rural Management Areas. The Rural 4 zone currently applies to all properties in the locality. The site is 2.5 kilometres from the Urban Residential Two Zone which is the nearest residential zoned land forming part of the urban area of Blenheim.

The site topography is characterised by alluvial flats and sloping areas at the base of the Maxwell Hills and provide the area for the proposed rural-residential lots. Above the proposed rural residential lots the topography is moderately to steeply sloping with intermittently flowing gullies.

2.3 The Traffic Environment

The site is located at the intersection of Taylor Pass Road and Maxwell Pass Road. Access to the locality from Blenheim is from Maxwell Road which is one of the main thoroughfares through Blenheim and provides access from the site to the wider road network. Maxwell Road connects to Taylor Pass Road, which is a formed and sealed legal road, with the seal extending approximately five kilometres beyond the property boundary. A traffic assessment report prepared by Traffic Concepts Limited gives a detailed description of the traffic environment and is contained in Appendix C.

Access to the site will be from Taylor Pass Road and from Maxwell Pass Road. These are classed as local roads in the WARMP. Taylor Pass Road carries traffic from a rural-residential area in the neighbouring valley and from farms within the valley. It also carries traffic using the road as an alternative to using SH1 to access the Awatere Valley. The road is likely to be used for forestry vehicles accessing forestry further up Taylor Pass Road, when those forests reach maturity.

Taylor Pass Road is around 6 metres wide, with no kerbs, channels or footpaths. The shoulders are grassed and drainage is via swales adjacent to the road. The traffic assessment cites traffic count data provided by Marlborough Roads which shows the traffic volumes along Taylor Pass Road at a point 150 metres south of Maxwell Pass Road to be around 150 vehicles per day, or fifteen vehicles per peak hour. The operational capacity of Taylor Pass Road is conservatively estimated in the traffic assessment at around 1,200 vehicles per hour.

Maxwell Pass Road was recently sealed to a width of around six metres. It does not provide a through route. The new sealed formation provides for two way traffic within the carriageway almost to the one lane bridge where the gravelled road continues from this point. The road was sealed to accommodate a new clean fill operation on the opposite side of the road to the site.

The operating capacity of Maxwell Pass Road has been calculated at around 1200 vehicles per hour. Vehicle speeds have been estimated at around 80 – 90 km/hr as a result of the road being sealed. There is a short one lane bridge at the eastern end of the site along Maxwell Pass Road which reduces the capacity to around 300 vehicles per day.

Within the vicinity of the site there have been nine reported crashes since 2005.

2.4 Landscape

The landscape, visual and amenity values of the site are described and assessed in the attached landscape report (Appendix D).

The Wairau Plain on which Blenheim is located is part of a large valley system. Blenheim is located on a large alluvial plain at the eastern end. The valley is defined by the hill ranges that surround it which are covered in indigenous vegetation, commercial forests or open farmland. Over the past 37 years the intensity of the rural areas has increased from traditional farming practices with the viticulture industry becoming very dominant, including its structured appearance, the presence of wineries and large well designed industrial buildings.

The Wairau Valley has many side river valleys which are indented into the dry hills south from the plain and into the moister Richmond Range. In some places roads penetrate the valleys including Taylor Pass, Waihopai Valley SH1 and SH 63.

Recent residential subdivisions have been created, generally on the outskirts of settlements such as Renwick, but some like Marlborough Ridge, Morven Lane and Fairbourne are standalone and on moderately rolling downlands. These subdivisions are becoming more integrated into the landscape through increased planting and provide a unique rural lifestyle opportunity. There are no other major developments on prominent hillsides on the edge of the plain. The Wairau Plains open flat landscape means that the surrounding hill country landscape is more visible and sensitive to change. However, the hidden river valleys such as the Taylor Pass are more discrete and less sensitive to change, making them more suitable for subdivision developments.

Wither Hills is an important back drop for Blenheim and is explained in more detail in the Landscape Assessment contained in Appendix D. In addition, the Wither Hills Farm Park is a conservation (soil) reserve and public open space, not available for residential development. The Council is constructing a new subdivision on both east and west sides of Maxwell Road/Taylor Pass Road adjacent to the Wither Hills Farm Park.

The route from Blenheim to the site is punctuated with various developments, including residential, a landfill, industry, farming, vineyards, and the Wither Hills Farm Park. The Taylor Dam and its recreational reserve area is one kilometre north of the site. The Council has indicated its intention to create a recreation corridor from Blenheim to the Taylor Dam, which could provide a unique opportunity to link up with this proposed new rural residential development and provide further connections to the walking and mountain biking tracks in this locality.

As expressed in the Landscape Assessment in Appendix D, the Taylor River Valley is an extension of the Wairau Plain with pasture, rural dwellings a small river, willow trees, low hills and the amenity feature of the Taylor Dam and picnic area. The indented valley means that it is a place that can absorb some development without being highly visible from other places. The skyline ridgeline, on the other hand, is considered by Chris Glasson Landscape Architects (Appendix D) to be a feature worthy of protection given its visibility from the Wairau Plain. The remainder of the site, however, has low visibility and generally low sensitivity to change.

The proposed area for rural-residential allotments has a north and North West facing aspect across Maxwell Pass Road and the Taylor River and out to the Wairau Plain, with the Richmond Range silhouetted as the background. Currently the site is not continuously linked to Blenheim

by development but there is significant development both residential, industrial and other activities along Taylor Pass Road including:

- Council developed residential subdivisions
- Landfill
- Industry, farming, vineyards
- Wither Hills Farm Park
- Mountain bike track
- Riding for the disabled facility
- New Church and School
- MDC transfer and recycling facility.

In terms of the site itself, it is of current rural character. A house exists on the site with access to Maxwell Pass Road. Numerous gullies indent the site and water flows in some of them in the winter months.

The landscape assessment (Appendix D) assesses landscape in the locality as being of low sensitivity to change. The development will be of low visibility. This is further described in the landscape report.

2.5 Ecology

The Council commissioned Boffa Miskell to prepare a report entitled "Wairau Awatere Landscape Assessment" which was completed in 1996. The report noted that there are nine species of notable plants in the Blenheim Ecological District that are identified as nationally threatened. These species include Sand Tussock, Pingao, Sea Holly, a buttercup, Mat Daisy, Swamp Nettle, Native Musk, White Fuzzweed, *Mazus novaezealandiae* spp and *Muehlenbeckia ephedroides*. None of these species have been observed on the site.

The report also identified that there are sixteen species of native fish in the District including the Giant Kokopu, the dwarf and the northern galaxias. The Giant Kokopu is considered rare in Marlborough but has been found at a small number of locations; however, it is not known to be present at this site. Fish such as tench and rudd have been illegally released into the Taylor Dam.

Thirteen native bird species are recorded in the Blenheim Ecological District that are on the New Zealand threatened species list, the majority are found in the Wairau Lagoon and Wairau River environs and again not known to be typically present at this locality.

Generally, the vegetation throughout the site is sparse and lacks indigenous biodiversity. It is dominated by pastoral grassland of low quality. Trees and shrubs are generally restricted to those that are resistant to grazing by sheep or are unpalatable to sheep, cattle, rabbits, and possums.

The area has a dry warm climate with high solar radiation and frequent drought. Occasional frosts occur in winter and winds are generally light to moderate. Trees and shrubs on the property are generally those that are resistant to grazing/browsing or unpalatable to sheep, cattle hares, rabbits and possums. Less resistant trees and shrubs have disappeared or are found only in very low numbers (see Landscape Assessment and Graphic Supplement, map 6.0, in Appendix D)

Trees and shrubs that occur in the valleys and side basins are predominantly manuka, matagouri, tauhinu, porcupine shrub, wiggly wig, pines, barbery, briar, gorse and broom. Mahoe, *Coprosma* sp., Hebe sp., native broom and kanuka occur in very low numbers (see Appendix D, images 9.1-9.6 in Graphic supplement).

There are no wetlands within the site as the site dries out in the summer months. The small Maxwell Creek is the moist significant surface water body on the site. This stream has along its

embankments elderberry, alder, plum, barberry, willow, briar, broom, hawthorn, *hebe sp.*, and *Coprosma sp.*, along with seges, ferns, herbs and grasses. These plants provide shade for the stream and wildlife habitat and a corridor for birdlife from Taylor River riparian margins

A more detailed assessment of the ecology of the site is included in the Landscape Assessment contained in Appendix D. Overall the site is considered to be lacking in biodiversity elements. The plan change provides opportunity to increase the biodiversity of the site through a planting programme.

2.6 General Geotechnical Description

A detailed geotechnical report on the feasibility of use of this site for rural-residential development is attached as Appendix E. This reports on the surface mapping and subsurface investigations undertaken for the site and is an important part of this assessment report as it outlines the current level of geotechnical hazards present at the site and surrounding area.

Hills rise moderately, or in some places steeply, from alluvial flats at the north-west end of the site to the ridgeline in the south-east. The flats are 50 metres to 200 metres wide. The proposed rural-residential allotments are on those alluvial flats and in some cases on the low part of the slopes behind. All are below the 140 metre contour.

The underlying geology is Mesozoic greywacke bedrock, which is uncomfortably overlain by terrestrial gravels and boulder formation known as Hillersden Gravel. Wind blown glacial silt and clay (loess) overlays the gravel and bedrock up to 7 metres in thickness. The loess has been reworked to form a colluvium containing fractions of the underlying bedrock and Hillersden Gravels. Alluvium (Late Quaternary to Recent) underlies Maxwell Pass and Taylor River valley flats.

Potential hazards include rockfall, shallow landslide, slumps and soil creep, tunnel gully erosion and seismicity associated with fault lines.

Soil Creep (very slow downslope movement of soil) is most apparent within the site on the south facing slopes of gullies 1 and 2 (see Appendix E, plan 04819/6GT-2). At this site soil creep is considered a minor hazard which can be mitigated by a number of techniques, including retaining walls, surface drains, planting and installing foundations into underlying competent material.

Tunnel gully erosion of loess soils is ongoing at this site, as it is throughout the Wither Hills. Tunnel gully erosion at the site does not, however, preclude residential development in affected areas. Potential hazards are successfully managed in erosion prone (loess) soils elsewhere (e.g. Christchurch Port Hills) by appropriate engineering and subdivision design. Riley advise that residential development, with associated surface and groundwater control, rehabilitation planting, and retention measures, can substantially reduce the potential for erosion and instability in tunnel gully areas.

There are no active fault lines crossing the site. An inactive fault line has been identified to the south of the site and at depth below Maxwell Pass Valley (Appendix E, page 7).

Four geotechnical hazard zones have been used to categorize the site by Riley's and reference to the report in Appendix E should be made for further details. In summary the four zones are described as low hazard, minor hazard, moderate hazard and high hazard zone. As shown on plan 04819/GT-4 in Appendix E, the majority of the Plan Change area falls within the low or minor hazard zones.

2.7 Potential for Flooding

An assessment of the susceptibility of the site to flood events is contained in the Flood Assessment that is attached as Appendix F

The Taylor Dam, located a short distance downstream of the site, is designed to retain water so as to provide flood protection for Blenheim. During normal flow conditions the dam has a small

permanent pond, with river flows running through a culvert in the base. The dam attenuates flows to the extent necessary to protect Blenheim. This results in higher water levels in the river upstream of the dam during extreme weather events.

The flood hazard areas are very approximately identified in the WARMP Map 185.

3.0 PLAN CHANGE PURPOSE AND REQUIRED AMENDMENTS

3.1 Purpose

The purpose of the Plan Change is to enable increased choice for rural-residential living close to Blenheim, whilst meeting the sustainability purpose of the Resource Management Act 1991 (RMA). This would include protecting the rural environment from adverse effects of residential activity in rural areas (largely reverse sensitivity effects). It is considered that a sector of the community is seeking the option to reside in medium sized or large homes on allotments in the rural environment. Provision in the locality proposed will reduce demand for such sites in the Wairau Plains and in and around Blenheim where their already exists pressure on soils suitable for viticulture and a wide range of rural activities.

Scattered and fragmented rural-residential development in the Rural 3 zone of the Wairau Plains has been reported to have resulted in adverse effects on rural amenity, compromising the productivity of rural land, and reverse sensitivity effects. The Wairau/Awatere Resource Management Plan (“the Plan”) generally seeks to avoid those adverse effects.

This site in Taylor River Valley offers an environment for rural-residential development that differs from that available at the existing rural-residential zones in and around Blenheim. Those zones include for example Fairbourne Drive, Morven Lane, Dry Hills Rise and Birdwood Ave. These developments contrast the Maxwell Hills site which is in an enclosed valley and hillside environment, close to the amenity values of the Taylor River and the Taylor Dam.

From a sustainability point of view, rural residential activity should not occur within the city boundaries on land zoned for higher density residential activity. This is because it is in the interests of urban consolidation and efficient use of infrastructure for a reasonable density to be achieved within the city boundary. However, some residents of the community prefer a larger site than what can be practically and sustainably provided within the city boundaries. Thus a site such as the one proposed for this plan change is ideally located to meet that need without compromising policies in the Plan to achieve consolidation of the main urban area. On the other hand this site being approximately only 2.5 km from the town boundary is not so far away from the city that it will result in inefficient energy use or infrastructure costs in terms of transportation or provision of services.

A number of new rural residential or larger lot residential communities have been provided in other parts of New Zealand without compromising sustainability principles, some of these have been greater than 10 kilometres from boundaries of the nearest main centre. An example is Lake Hood near Ashburton. Other small centres established by plan changes/reviews in the South Island have been successfully supported by rural residential development on their periphery at distances of up to 12 kilometres from the main centre to which commuter traffic will flow for work, high schools and recreation facilities (West Melton).

It is further noted that a number of residential, industrial and other activities occur along Taylor Pass Road between Blenheim and the site. The public hospital is within 5 km of the plan change site, and further along Taylor Pass Road from the hospital towards the plan change site is:

- Council developed residential subdivisions
- Landfill
- Industry, farming, vineyards
- Wither Hills Farm Park
- Mountain bike track
- Riding for the disabled facility
- New Church and School

- MDC transfer and recycling facility.

It is considered that it is a practical and efficient use of resources and infrastructure for growth to occur in the direction of Taylors Pass and Maxwell Pass Roads. However, it is also considered important that this rural residential enclave not become linked to Blenheim's current developments. The Wither Hills Farm Park will perform an important function as public open space between the Council's own subdivisions and this proposed rural residential environment.

Further, it is considered important that the plan change area itself is contained between the proposed zone boundary limits proposed in the outline development plan and the planning maps to confine development along Taylor Pass Road and Maxwell Pass Road. If any expansion is contemplated in the distant future it ought to be upslope to ensure a compact shape.

In these circumstances proximity for residents to local services are closer for the proposed site than for many other suburban locations both in and around Blenheim.

3.2 Proposed Plan Change

3.2.1 Zone Rules, and Outline Development Plan

This Plan Change Request seeks to change the Wairau Awatere Resource Management Plan (WARMP) to enable part of the site identified as "the plan change area" to be developed for rural-residential activity ("the site"). Currently the site is zoned Rural 4. The new zone is proposed to be known as the Maxwell Hills Zone. The proposed Schedule of Changes is included in Appendix G.

The general Plan Change proposal is a development that will provide a high amenity, low density rural-residential option in a rural environment within short commuting distance from Blenheim.

The Plan Change will enable development of lot sizes ranging from 2,000 square metres to around 4,000 square metres. Generally, the rezoning will enable development of the site as a controlled activity provided it is in general accordance with the Outline Development Plan included as part of the rules. However, some services such as wastewater will require restricted discretionary activity consent under the proposed plan change rules to implement the community waste water system proposed.

The Maxwell Hills Zone is proposed to provide:

- A rural living environment within close proximity to Blenheim;
- A high quality rural residential environment;
- A clustered pocket of development, rather than dispersed and scattered development;
- A density of development that lies between the residential density of Blenheim and the existing rural-residential density;
- Rural residential living in a hills environment rather than on the Wairau Plain;
- An opportunity for larger homes to be developed;
- Integrated wastewater treatment and discharge;
- A development that is not visible from the Wairau Plain;
- A new reserve area in the Taylor River Valley for the benefit of the community as a whole.

Taking into consideration a number of the specific characteristics of the site, the proposed Maxwell Hills Zone rules impose some constraints on the type and nature of residential development permitted. Rules will control site coverage, height, access to sunlight, dwelling location, and the provision of services, including a range of non-residential activities.

The Outline Development Plan (ODP) and/or the proposed rules:

- Provide indicative locations for the roads within the site and road connections to Taylor Pass Road and Maxwell Pass Road;
- Control the location of dwellings to avoid flood and other risks;
- Limit the number of possible dwellings to approximately 160;
- Indicate a large public reserve neighbouring the Taylor River;
- Indicate a pedestrian and cycle link between the reserve area and the Taylor dam reserve;
- Require rural-residential allotments to be a minimum of 2,000m² and an average of 2,400m²;
- Enable site coverage of 30% or 600m², whichever is the least.
- Limit height of buildings to 8m.
- Provide that subdivision development in accordance with the ODP, will be a controlled activity;
- Require wastewater to be treated and discharged to land in an on-site communal system as a restricted discretionary activity where it is located within the Maxwell Hills Zone, and to continue to comply with the Rural Zone Rules for discharges in that zone.

Planting and maintenance of indigenous and exotic vegetation will be required in wastewater and stormwater discharge areas, to mitigate the potential for erosion, and for amenity and landscape benefits.

Due to the proximity of this proposed rural-residential zone to Blenheim, cycling will be a viable transport option. The roads from the site to Blenheim are of appropriate width for cyclists and cars. Roads within the development will be suitable for safe use by cyclists and pedestrians due to the low traffic volumes.

The Outline Development Plan will provide for road access to the site in three locations, two from Taylor Pass Road and one from Maxwell Pass Road. The proposed rules do not provide for direct access from residential lots onto Taylor Pass Road.

Due to the site constraints, the sightlines and separation distances for permitted activities in the WARMP cannot be met for some vehicle crossings and intersections. However, in the Plan Change area all intersections, whether they are driveways or road junctions, will be designed to meet the best practice guideline in Austroads Part 5 “Intersections at Grade”. This will ensure that the sightlines at all intersections are appropriate for the speed environment, and for the presence of forestry vehicles. In the absence of particular rules for the zone, land use consent would be needed for breach of the WARMP rules for the distance of vehicle crossings from intersections (2.4.6), the design of vehicle accesses (2.4.7) and protection of sight lines at intersections (2.5). Accordingly, the proposed rules for the zone provide for that departure from specified road design rules elsewhere in the WARMP.

The proposed Plan Change provides more detailed flood hazard provisions. Building within Flood Hazard areas identified on the planning maps is deemed by the WARMP to be a discretionary activity. The flood hazard areas are only approximately identified in the planning maps. Most of the part of the site on the western side of Taylor Pass Road, and part of the site on the east side of Taylor Pass Road, is within the “hatching” for a flood hazard area in the planning maps. However, the flood hazard assessment report attached to this Plan Change request, establishes that all dwellings, and utility structures can be accommodated outside of the flood hazard area if appropriately located. These assessment recommendations have been translated onto the Outline Development Plan.

The supporting reports by Riley Consultants Limited form part of the assessment supporting this Plan Change request (Appendices E, F, G and H). They establish that there are feasible development design options available in relation to stormwater management, wastewater treatment and discharge, earthworks, and avoiding natural hazards. The reports make recommendations to manage and minimise the adverse effects of development within the

proposed Maxwell Pass Zone. The site is also able to be supplied with telecommunication services and electricity (Appendices J and K).

The design of bulk earthworks required for forming roads, improving areas for dwellings, stormwater disposal systems and wastewater disposal areas will be addressed at resource consent stage.

Provision of recreation areas for the community as a whole is integral to the Plan Change. Three lots located between Taylor Pass Road and the Taylor River are proposed for this. It is not intended to include this land as part of the rezoning proposal at this stage and no dwellings are intended on those lots. Excluding them from the Plan Change rezoning area ensures that there is no pressure for development of this land, and the zoning will remain Rural 4. Any later subdivision of these lots will be solely for the purposes of providing a reserve, and potentially for additional utilities. This is described further below.

3.2.2 Zone Statement and Objectives and Policies

A specific zone statement with accompanying objectives and policies has been written to provide a clear indication of the type of environment anticipated. It is important to have these specific objectives and policies for this zone, in order that they override some of the more general objectives and policies which may cause some ambiguity in interpretation.

The purpose of the zone statement is to enable provision for a lower density form of residential development than currently found in Blenheim, but not as low as that provided for in the existing rural residential zones in the Plan. This will provide a lifestyle choice not currently found in the traditional residential areas of the District with the additional advantage of being in a hill environment rather than the plains, yet not in a location that would compromise the Wither Hills as a backdrop to Blenheim. One new objective and four new policies are proposed to support this new zone to ensure the type of environment anticipated by the zone is achieved. Of particular importance to this development will be policies that require a high amenity residential environment to be maintained and encourage new opportunities for sustainable environments. This can include adoption of solar energy opportunities in residential building design and pedestrian and cycling connections to the Taylor Dam recreational facility and to Blenheim itself. The policies and rules do not specifically prescribe what these opportunities shall be, leaving that to the Council and developer to determine through the resource consent process how these objectives and policies are being given effect to.

3.2.3 Planning Maps

The site is on Planning Map 185. Map 185 and the legend to the maps are required to be amended to show this site as “Maxwell Hills Zone”, rather than “Rural 4”.

The land area included within the new zone on WARMP map 185 is not the whole property that is held by Mr and Mrs Marris. The new zone is limited to the part of the site that is proposed for the rural residential lots and a utility area. This excludes the land required for the public reserve, some utilities and the land treatment area for the treated wastewater. Those activities will occur on land that retains “Rural 4” zoning.

3.2.4 Outline Development Plan

To facilitate the proposed development of this site in a holistic and sustainable manner it is proposed that subdivision applications for this site be required to be in general accordance with an Outline Development Plan. Compliance with this Outline Development Plan will enable the subdivision consent application to be assessed as a controlled rather than a non-complying activity. The Outline Development Plan shows:

- The zone boundary indicating the part of the site within which rural residential activity, complying with the rules for the proposed Maxwell Hills Zone, can be located;

- The indicative location of the main road servicing the site and of the access roads from Taylor Pass Road and from Maxwell Pass Road. Cul-de-sacs or right-of-ways will be used to connect to that main road;
- A flood line and a building restriction line. These are referred to in the rules described below. The purpose of including these lines is to ensure that there is no building within areas of potential hazard;
- Indicative locations of utilities and a reserve area;
- A walking and cycling connection is to be provided between the new reserve area and the Taylor Dam reserve.

3.2.5 Minimum Lot Sizes

One of the objectives of this Plan Change is to provide for a sector of the community whose needs are not being met by the WARMP as currently drafted. That sector of the community is seeking a residential opportunity in the rural environment on lots that are significantly smaller than the one hectare average required by the current rules for rural residential zones in the Wairau/Awatere Resource Management Plan. An integrated “planned” development in this proposed location will provide for that need in a specifically designed zone.

The proposed rules for this site require lots to be a minimum of 2,000 m² and an average of 2,400 m² if they are to be assessed as a controlled activity.

The minimum lot size and average lot size requirements ensure that the internal amenity of development within the Maxwell Hills Zone will be of a very low density residential character.

3.2.6 Site Coverage

The lots for residential purposes will have a dwelling house on each and often accessory buildings. A maximum site coverage for dwellings of 30% or 600m² is provided for as a permitted activity. This is to ensure that the objective to provide a high amenity environment is able to be achieved with plenty of open space and landscape planting on each site. The larger sites mean that at this maximum level of site coverage a substantial house will be able to be accommodated on each site without a resource consent, and will not result in a subdivision with an over built appearance.

3.2.7 Reserves and Open Space Corridors

The land contained within the Maxwell Hills Zone for rural residential development does not include all of the Kapiti Views Trust property west of Taylor Pass Road. However, development of a public reserve and walking/cycling connection to the Taylor Dam reserve on the remainder of the Kapiti Views Trust land is integral to the proposed development.

The Plan Change proponents and their advisors have had extensive consultation with Marlborough District Council officers in relation to the land to be set aside between the Taylor River and Taylor Pass Road. This area will serve both local residents and the wider community. Further discussions on the eventual nature of this reserve area will be required as the plan change proposal progresses.

3.2.7.1 Reserve Options

The Outline Development Plan includes a reserve between Taylor Pass Road and the Taylor River. The reserve will be developed with:

- playground area,
- picnic area, toilet and
- car parks.

An appropriate location for the playground will be on the area of the reserve that is level with Taylor Pass Road between the proposed utility area and the unformed legal road. That locality enables easy access from the rural-residential lots. MDC Council officers have also expressed a desire for formed access strips in two locations through the reserve from Taylor Pass Road to the river. These are included in the Outline Development Plan. The timing of the building of the reserve facilities is expected to be determined through conditions of consent at the subdivision stage.

It is intended that the reserve will provide a valuable amenity for the Blenheim community as a whole. The use of this area as a reserve will closely interrelate with the use of pedestrian and cycle paths on the esplanade strip beside the Taylor River, and eventually connect the site to the Taylor Dam recreation area and to Blenheim. It is understood that the Council has a strategy of extending pedestrian and cycle routes within the District. The new reserve area combined with the existing Taylor Dam Reserve offers an opportunity to create a substantial regional park.

3.2.7.2 Esplanade Track - Taylor River

An existing 10 metre wide esplanade strip is recorded on the titles for lots 1-3 DP357141. The Council's reserves manager has expressed an interest in forming a track along the edge of the river for the length of these three allotments. This would enable a track from the Taylor Dam, along the river, and coming back out to Taylor Pass Road at the southern end of the site. However, Council officers have not yet assessed whether they consider that the track can be formed within the existing 10 metre wide strip, or whether they propose to seek a wider strip or reserve so as to enable better track creation. It is considered that the Council officers can make that assessment at subdivision consent stage.

The proposed Plan Change through the Outline Development Plan secures the requirement for development of a walking track as part of the subdivision consent approval and is expected to be translated to a condition of consent.

3.3 Water Supply Options

There are two main options for reticulated water supply for the rural-residential development of the site.

Option 1 – Resource Consent to Take and Use Groundwater – New Renwick Road

First, a resource consent application has been lodged for a water permit to extract from groundwater on a site owned by Mr and Mrs Marris seven kilometres away. Water can be piped from that site to this site. Minor resource consents are needed to provide for the route of conveying the water to the site for stream crossings and potentially other minor matters. A licence from the Council to occupy the road is among the details needed for this option. This resource consent application is currently on hold under Section 91 of the RMA.

Option 2 – Extend Blenheim Public Water supply

Water supply could be reticulated to the site by an extension to the Blenheim public reticulated water supply. If it is decided to use Blenheim reticulated water, the Council may need a variation to its existing consent to supply water to this site.

For either option, the water supply utilities could be either vested in the Council, or privately owned and supplied by private contract. A water supply company could be established for that purpose. Private supply agreements could be entered with every lot owner.

3.4 Resource Consent Applications

Following the Plan Change, a number of resource consents will be required for site development. These may include:

- Subdivision consent.
- Discharge consents.

- Water take/use consent or variation to existing consent.
- Various land use consents.

3.5 Fire Fighting Measures

Specific measures will be required in respect to fire fighting, however most of these will be required to be dealt with at the subdivision stage as dwellings will generally be a permitted activity.

Consultation with the New Zealand Fire Service with regard to the requirement for sprinkler systems has been undertaken.

3.6 Landowners' Company in Lieu of No Council Involvement

The Council may not want to take over the maintenance functions for this development upon completion. Appropriate reassessment of rates may need to be established for this area if the community itself pays for services normally provided by the Council. In this alternative maintenance and management process all landowners can be required to be shareholders in a company which is established for the sole purpose of maintaining utilities, vegetation areas and infrastructure with either originating responsibility, or with responsibility if the party with principal responsibility fails to perform that duty. These are issues for the subdivision consenting stage, once the rezoning has already been confirmed.

4.0 STATUTORY FRAMEWORK AND ENVIRONMENTAL CONTEXT

4.1 Framework for Requesting a Plan Change

Any person can request the Council to change the District Plan (s73). The request must be in the form required by the Act. The key components of the request are that it explains the purpose of, and reason for, the proposed changes, contains an **assessment of the environmental effects of the change**, and has an evaluation of the proposed changes under s32 of the Act (First Schedule, clauses 22 and 23).

The RMA requires the Council to consider particular matters when assessing the proposed contents of a District/Regional Plan.

First, the proposed Plan Change must be in accordance with the Council's functions under the Act (s74). The purpose of District Plans is to assist the Council to carry out its functions so as to achieve the purpose of the Act (s72 RMA). The relevant functions of the Council that the proposed Plan Change has to assist are (s31):

- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the District;
- Control of actual or potential effects of the use, development or protection of land, including for the purposes of avoiding natural hazards or maintaining indigenous biodiversity.

Secondly, the changes must ensure that the District Plan “*gives effect to*” the Regional Policy Statement (s75), and is “*not inconsistent with*” the Regional Plan (75) for matters specified in s30(1), including avoiding hazards, soil conservation and maintenance of water quality.

Thirdly, when considering the change, the Council shall (s74):

- “have regard to” any Proposed Regional Plan, any Proposed Regional Policy Statement and any strategy prepared under other Acts;
- “take into account” any lwi planning document lodged with the Council that is relevant to the Plan Change.

The Change must be in accordance with the purpose and principles of the Act (s74).

Crucially, the change must be in accordance with the Council's duty under s32 of the Act (s74). Section 32 requires the Council to:

- Examine the degree to which each change to an objective being proposed is the most appropriate way to achieve the purpose of the Act (which does not arise here, as no changes are proposed to the existing objectives in the Plan, but an objective is being added);
- Examine the extent to which policies, rules or other methods being proposed in the change are the most appropriate (meaning desirable, or expedient) way to achieve the objectives,
 - (a) Having regard to their efficiency and effectiveness; and
 - (b) Taking into account the benefits and costs of the policies, rules or other methods; and
 - (c) Taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed change.

Any rules being proposed for the District Plan must be for the purpose of the Council carrying out its functions under the Act, and must achieve the objectives and policies of the Plan (s76).

It should be noted that an examination of the **extent** to which a policy, rule or method is the most appropriate does not equate to a requirement that the policy, rule or method actually adopted in the Plan Change be the most appropriate, as this would require an exhaustive examination of hundreds of possibilities and only the one deemed “best” implemented.

Caselaw has established that in a Plan Change request there is no presumption in favour of the existing zoning. The assessment starts from a “blank piece of paper”. Also, the issue to be determined is the appropriate rules and zoning for this site. It is not one of assessing the relative merits of residential development on other sites. Section 32(1) of the RMA does not contemplate that determination of a site specific proposed Plan Change will involve comparison with alternative sites.

4.2 Background to Growth and Changing Land Use Issues

4.2.1 Population Projections and Demand

The population of Marlborough has been increasing rapidly over the past 10 years. Half of Marlborough’s population lives in Blenheim. The population of Blenheim increased by 7% between 2001 and 2006 (RPS Discussion Paper 2: Townships and Small Settlements). The MDC’s 2008 State of the Environment Report reported that there is insufficient urban land zoned for residential use under current density rules to meet demand to 2026 (page 241 and 249-250).

This population growth is expected to continue. People are moving to Blenheim, and to locations within commuting distance of Blenheim, for the lifestyle. Many of them are also seeking rural-residential environments, within commuting distance to urban areas, for rural lifestyle reasons. This requires the community and the Council to decide the extent to which, and where, new growth is to occur.

That societal demand for rural-residential and “lifestyle” development opportunities has been coupled with changes to rural land use in the Wairau Plain. The Council has been reviewing the management of the Wairau Plain (Rural 3), and by necessary implication, also the general rural zone (Rural 4).

4.2.2 Rural 4 Zone Report, 2005

A report prepared for the MDC in 2005 (Davie Lovell Smith, “*Proposed Wairau/Awatere Plan Area Rural 4 Zone: Impacts of Lifestyle and Small-lot Development*”, October 2005) largely following on from a previous casestudy: the Onamalutu Case Study, assessed the Rural 4 zone as a whole. It focussed on those parts of the Zone that are within approximately 40 minutes commuting distance of the Blenheim as this area was experiencing the most demand for lifestyle development within the Rural 4 Zone.

The report stated:

“Increasingly, however, and in part as a response to rising land prices and development pressures within the Rural 3 Zone, the Rural 4 Zone has experienced pressure for increased subdivision for lifestyle block development and more intensive land uses. This “intensification ripple” emanating from Blenheim and the Wairau Plain is expected to continue and develop momentum particularly in the areas where new irrigation schemes are coming on line.” (page 3).

“The restrictions placed on small lot subdivision in the Rural 3 and the ever-present pressure to expand viticulture has and will increasingly result in demand for Rural 4 land for more intensive purposes including lifestyle development. This demand is part of a national and international trend with people choosing countryside living either as a first or second home option.” (page 28)

In assessing the planning framework in the WARMP, that 2005 report identified an anomaly in the WARMP regarding the Plan’s description of the Rural 4 Zone, the report stated:

“The area of land zoned Rural 4 is extensive and the Plan notes that it is relatively isolated from major centres of population. It also notes that this distance and isolation means that the Zone is unlikely to be subjected to intensive development of any form within the foreseeable future. In much of the Rural 4 Zone this is probably true. However, these statements cannot apply to the Rural 4 Zone land closest to the Blenheim urban area; say

within 40 minutes of Blenheim, much of which is neither isolated nor particularly distant. Parts of it are also subject to intensive development, including for small lifestyle blocks. (Davie Lovell Smith, "Proposed Wairau/Awatere Plan Area Rural 4 Zone: Impacts of Lifestyle and Small-lot Development", October 2005, page 19).

The 2005 report recommended twice that the MDC be open to considering proposals for special zones for establishing clustered rural-residential development in the Rural 4 area (pages 32 and 33):

This proposed Plan Change is consistent with the theme of analysis in the above report, as it enables the Council to consider an opportunity to create a rural-residential zone in an appropriate location.

4.2.3 Variation 38

In July 2006 the MDC notified Variation 38 to the then PWARMP. This was the Variation intended to address the issues described in previous reports including the 2005 Report. In October 2007, following the hearing of submissions, it withdrew that proposed Variation. Despite this Variation 38 forms an informative part of the strategic planning process to address rural growth issues that has been underway since 1999.

The section 32 report identified the issue to be addressed by the Variation as follows (page 10):

increased pressure on resources from a range of land use activities, including subdivision, in both the Rural 3 and 4 Zones. An improved policy framework to address the effects of land use activities on these matters, in some cases also involving changes to rules, will be the focus of this variation.

The section 32 report for Variation 38 acknowledged that whilst the subject of the Variation was the three rural management areas of the Wairau Plain, the general rural area, and rural lifestyle localities (page 13), "Given the initial focus on the Rural 3 Zone, the changes proposed through the draft variation were largely centred on this Zone" (page 14). Submissions criticised the limited degree to which the proposed Variation took a strategic and holistic approach to rural-residential and lifestyle development and the relationship between the Wairau Plains, general rural and rural-residential zones. Some of the more significant matters to arise included managing the relationship of the urban/rural boundaries of Blenheim, where should Blenheim expand, and the extent of this expansion and the ongoing pressures for rural residential lifestyle living. The Council therefore decided to address these issues through the review of the MRPS.

4.3 Review of the Regional Policy Statement

A review of the Regional Policy Statement is underway. The procedural steps to date have included:

- June 2006: A review brochure sent to all ratepayers inviting submissions;
- November 2006: Summary of those submissions;
- 2007: Twelve RPS Review Discussion Papers released;
- March 2010: A draft Urban Development Strategy "received" by the MDC Environmental Services Committee.
- July and August/September 2010, submitters and Councillor "hearings" on Southern Marlborough Urban Growth Strategy (SMUGS)
- Council Meetings in April/May 2011 to discuss adopting the strategy.

The next phase will be for the Council to make final decisions on the content of the Strategy around June/July 2011. Following this the Council will commence the implementation of the Strategy which will feed into the RPS and the Resource Management Plan review. The Council will be required to have regard to SMUGS once adopted when it assesses Private and Council

initiated plan changes and resource consent applications (Section 75, RMA). It should be noted that “have regard to”, is of a lower order of consideration than the words “give effect to” or “not be inconsistent with”.

In August 2010, the Council decided to align the notification of the new Regional Policy Statement with the notification of the new Resource Management Plan. It is understood the two documents will be notified as a package in late 2011.

4.4 Underlying Issues and Principles –Growth of Marlborough

In summary, the documents discussed above express various views and positions on issues of relevance to this Plan Change and include:

- Population growth in the District is encouraged, but it needs to be accommodated appropriately;
- There are local and international trends of continuing and possibly increasing demands for rural-residential living opportunities (this needs to be reviewed in light of the recent Global Financial Crisis);
- The parts of the Rural 4 Zone that are within approximately 40 minutes commuting distance of the Blenheim urban area are experiencing the most demand for lifestyle development;
- People are moving to Blenheim for the lifestyle, and this includes the desire to live in rural-residential environments, within commuting distance to urban areas; but if that rural-residential development is not appropriately managed, it may have adverse effects on productive land, natural environment, landscape, and rural amenity values;
- There is significant pressure for rural-residential development in the Wairau Plain, which may have significant adverse effects on the rural character, landscape, and productive capacity of that land;
- Scattered lifestyle development may adversely affect productive land use, and create reverse sensitivity effects;
- A wider review of the proposed RPS and the WARMP in relation to the broad strategic planning issues is underway, including the preparation of the Southern Marlborough Urban Growth Strategy (SMUGS) and has been through an extensive consultation process. The main issues from this include:
 - The population of Marlborough is predicted to grow from approximately
 - 44,000 to approximately 54,000 by 2031 (high prediction).
 - The strategy needs to provide clear direction as to where growth should occur and equally where it should be discouraged.
 - Ensure as efficient provision of infrastructure / resource investment as possible by encouraging concentration of development, utilization of available capacity and intensification of existing urban areas. That is, the choice between greenfield expansion or infill / brownfield.
 - Provide the community with a level of choice in terms of locality, section price positioning and housing type. In addition the preference is for growth in areas that are or can be well serviced by community infrastructure (connectivity, cycle/walk paths, shops, services, transport etc).
 - For Blenheim the strategy concludes that not all growth can be accommodated through intensification, and would be a combination of new sites and intensification options.
 - Some preferred growth options are précised in the document. The Kapiti Views Trust site was given a cursory assessment during the compilation of the SMUGS

document. However, it should be noted that this proposal is different to the one originally assessed. This proposal contains a much smaller scale of development.

At the time of drafting this private Plan Change the SMUGS has not been adopted by the Council nor included in the RPS of the Plan; consequently at the time of writing this assessment it has no actual status.

This proposed Plan Change identifies the location for a new density of rural residential development in Taylor Pass Road and Maxwell Pass Road as being appropriate, and has advantages for the community at large in terms of the urban growth framework (SMUGS) as follows:

- it avoids the effects of sprawling development in the Wairau Plain, safeguarding scarce soils;
- it narrowly confines any adverse effects on rural amenity, and reverse sensitivity effects;
- it potentially provides a highly quality living environment choice, at a location that is close to the Blenheim urban area and employment opportunities;
- it directs residential hill development away from the highly visible Wither Hills, backdrop to Blenheim; and
- it is capable of providing efficient and cost effective services and infrastructure without cost to the community.

4.5 Regional Policy Statement

4.5.1 Overview

The Marlborough Regional Policy Statement (RPS) has been operative since 1995. There have been no changes to it. The RPS addresses the significant resource management issues of the region under four broad issues:

- protection of water ecosystems;
- protection of land ecosystems;
- enabling community wellbeing;
- protection of visual features; and control of waste.

The RPS has no express objectives and policies related to the location of new rural-residential and lifestyle communities, or urban growth. The consistency of the proposed rezoning with the RPS relates to objectives and policies concerning landscape areas, energy efficiency, enabling community wellbeing, and amenity values.

4.5.2 Protection of Water Ecosystems

The proposed activity assists to achieve the objective for freshwater quality, being sustainable management of fish and plant life (5.1.2), as it has minimal adverse effects on the degree to which the Taylor River reaches the Class F standard from the Third Schedule to the RMA. Policy 5.1.3 seeks a reduction in contaminated runoff from non-point-source discharges. The proposed activity, by controlling stormwater discharge and improving control of erosion and sedimentation runoff from the site, is likely to reduce the amount of sedimentation and other contamination leaving the site, and is therefore more likely to improve the quality of the Taylor River.

The natural character and amenity values of the Taylor River and Maxwell Stream are relevant (Objective 5.1.13 and Policy 5.1.14). A proposed local purposes reserve will enhance access to and enjoyment of the Taylor River.

The use of high quality wastewater treatment systems, with conservatively set loading rates, will ensure that the discharge of treated wastewater has minimal adverse effects on surface water (Objective 5.1.2) and groundwater (Objective 5.2.2).

4.5.3 Protection of Land Ecosystems

Objectives 6.1.2 and 6.1.5, and the related policies, address protection of soil productivity and indigenous land ecosystems.

The pastoral stocking of this site permitted in the WARMP results in hurdles to indigenous vegetation re-establishing on the site, soil erosion and slips. The use of the site for rural-residential lots enables improvements that protect soil productivity and land ecosystems. Diverse revegetation of the site is integral to the development coupled with stormwater control. It is considered that the proposed activity achieves these objectives at least as well as, and probably better than, permitted activities on the site.

4.5.4 Enabling Community Wellbeing

The objectives and policies regarding community wellbeing relevant to this activity are in six broad areas.

The first is to maintain and enhance the quality of life while ensuring that activities do not adversely affect the environment (Objective 7.1.2), with a policy of promoting the enhancement of amenity values of settlements and locations (Policy 7.1.7). Quality of life is enhanced by providing for the living opportunity that is enabled by the proposed rezoning.

The amenity values of this locality are assessed in the landscape report (Appendix D). The proposed activity has been designed to mitigate adverse effects on amenity values, by the proposed low lot densities and site coverage, and to enhance those amenity values, by provision of reserves and vegetated areas.

The second relevant area is provision of safe, efficient and sustainable infrastructure (Objective 7.1.4). This is described in detail in the Assessment of Environmental Effects (AEE) traffic impacts section of this report. It is considered that the AEE demonstrates that this objective is achieved.

The third is sustainable management of surface water and groundwater, addressing groundwater allocation and access (Objective 7.2.2, Policies 7.2.3 and 7.2.5). This section expressly overlaps with the section on Protection of Water Ecosystems and for the same reasons, the proposed rezoning is consistent with this objective.

The fourth relevant community wellbeing objective is avoiding or mitigating natural hazards (Objective 7.4.2). The policy is twofold: one of restricting activities in areas of known hazard, and the other of restricting activities that would increase the risk posed by known hazards (Policy 7.4.3). The explanation to the policy recognises that this may be achieved by design, location and construction detail. Mitigation measures are discussed in detail for this site in the geotechnical report in Appendix E and the hazards identified are considered to be able to be avoided remedied or mitigated consistent with these objectives and policies.

The fifth objective relates to efficient energy use. The policy seeks efficiency in relation to urban form and subdivision patterns (Objective 7.5.2, Policy 7.5.3). The proposed rezoning at this site is less efficient in terms of energy use than would be development at the edge of Blenheim. However, it is a location close to Blenheim, being approximately 2.5 kilometres from the borough boundary. There are few other locations away from the productive soils and sensitive landscape of the Wairau Plains within this short, minimal commuting distance to Blenheim. The contained development proposed also enables efficiencies from the community sharing transport, and providing cycleways and is more efficient than scattered and sporadic development through the rural areas.

The final relevant objective for community wellbeing is maintenance and enhancement of the visual character of indigenous, working and built landscapes (Objective 8.1.2), with a policy of promoting enhancement of the “*nature and character of indigenous, working, and built landscapes*” (Policy 8.1.5).

The landscape assessment (Appendix D) has addressed the harmony and coherence of the landforms in this valley setting, and concludes that the proposed development will maintain that harmony and coherence. The proposed rezoning at this locality also has the consequential effect of reducing the potential for scattered and sporadic development in the Wairau Plains or other locations where development could have more adverse effects on the harmony and coherence of the landscape.

4.5.5 Conclusion

In the absence of a reviewed RPS, reliance must be had in assessing the rezoning under the rather outdated RPS which was notified over 15 years ago. Despite this time lapse it is considered that the proposed rezoning assists to achieve all of the relevant objectives and policies of the RPS.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Introduction

An Assessment of Effects is required to be prepared in respect of a private plan change to satisfy Clause 22 (2) of the First Schedule of the RMA. This clause requires:

2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual and potential effects anticipated from the implementation of the change, policy statement, or plan.*

The key environmental effects associated with this plan change are considered to be:

- Landscape, visual impact and rural amenity
- Traffic Impacts
- Infrastructural/ Servicing
- Potential increase in hazards, including increased flooding, slippage, erosion
- Reverse Sensitivity (complaints by the new residents that may impact on rural production).

This section is supported by the following specialist reports and will be referred to in this overall assessment:

- Landscape Assessment and Graphic Supplement prepared by Chris Glasson Landscape Architects (Appendix D)
- Traffic Assessment prepared by Traffic Concepts Limited (Appendix C)
- Stormwater Assessment prepared by Riley Consultants (Appendix H)
- Wastewater Assessment prepared by Riley consultants (Appendix I)
- Flooding Report prepared by Riley Consultants (Appendix F)
- Geotechnical Assessment prepared by Riley Consultants (Appendix E)

The general Plan Change proposal is a development that will provide a high amenity, low density rural-residential option in a rural environment within short commuting distance from Blenheim.

5.2 Landscape, Visual and Rural Amenity Impacts

A detailed assessment of potential landscape, visual and amenity effects from this proposed rezoning is included in Appendix D. The landscape and visual effects are considered to be those effects of the Plan Change on the surrounding landscape. Part II matters in terms of maintenance and enhancement of amenity values and the quality of the environment (Section 7 (c) are covered in this assessment.

The site is not an outstanding natural feature or outstanding landscape. The assessment by Chris Glasson Landscape Architects (Appendix D) assesses the site as having moderate amenity value. The natural qualities of the site such as land cover are considered to be of relatively low quality, with little regeneration of vegetation occurring on the site. The site is also not considered to be particularly sensitive one due to lack of visibility from public view points. No development is proposed on the skyline ridgelines, with all development proposed on the lower river terraces. Furthermore, while the site is considered to have a moderately – high degree of coherence (see Appendix D, page 18) the site, overall, has low rarity value as it is one of many of this type of landscape repeated throughout the district.

The predominant landscape changes proposed by this Plan Change would be the introduction of buildings, roads and vegetation, which create a different landscape to that which currently exists. However, the larger rural residential lots will allow for a greater presence of trees so as to better integrate the houses into the landscape.

It is a discrete site. The proposed development will not be visible from Blenheim and will not be visible from the Taylor Dam site due to screening by trees and landforms. A view point assessment is contained in Appendix D at page 20. From this assessment it is recognised that foreground landscape treatment will become a significant feature in reducing any short term impacts of the development from Taylor Pass Road once the rezoning is achieved. These plantings will in time soften the effect of the houses on the lower terrace. The elevated topography of the lower terrace will also mitigate the visual impact of development from the road.

The roading and housing resulting from the rezoning will reduce the natural character of the site. However, the landscape assessment establishes that the site does not possess a great deal of intrinsic landscape character. Mitigation through tree planting will mean there is more vegetation on the site to improve amenity and diversity values.

The planting scheme proposed is outlined in Appendix D. The emphasis of this planting scheme is to plant suitable vegetation that will adapt to the dry site conditions and will contain native vegetation for riparian areas and native and exotic components for streetscape and amenity planting.

Density and bulk of housing is controlled through site coverage, maximum height and density rules for the zone. At present a maximum height of 10m is permitted in the rural zone. However, with the increased density proposed for the "rural residential" development a lower height of 8 m has been proposed for this zone, to enable views between dwellings to be maintained. The height restriction coupled with a site coverage of 30% (maximum of 600m²) will also ensure that buildings are not as prominent from outlying viewpoints (Appendix D, page 24). While considerable thought has been given to colour schemes, none has been proposed. It is considered that muted, natural or earthy tones are more appropriate in this environment rather than bright colours. However, trying to provide a colour palate may not achieve the desired environment if muted colours are chosen from limited palate, leading to a bland residential environment as has been the case in other subdivisions using such techniques.

The site overall is considered to be a discrete one with low sensitivity. It is a modified environment of pastoral grassland, and has been assessed as having high absorption capacity.

It is anticipated that the proposed Plan Change will allow opportunity for larger dwellings with extensive landscape treatment to be established on the proposed lots than may otherwise be possible on more urban lots. It is considered that locating the development on the lower areas of the overall site, as proposed, contributes to reducing the landscape and visual impacts, such that overall the effects will be insignificant.

5.3 Traffic Impacts

5.3.1 Overview

A detailed report by Traffic Design Concepts concerning safety aspects of the proposed road design, and traffic and transport effects of the rezoning, is attached as Appendix C. This report concludes that any adverse traffic effects can be addressed and mitigated to the point that they are insignificant.

An assessment of the proposal against the District Plan rules (Rules 2.3.1 parking spaces, 2.3.2 design of parking, 2.4.2 vehicle crossing standards, 2.4.3 length of vehicle standards, 2.4.4 minimum distances between crossings, 2.4.5 maximum number of vehicle crossings, 2.4.6 distance of vehicle crossing from intersections, 2.4.7 design of vehicle access and 2.5 protection

of sight lines at intersections) indicates that the proposal will meet all of the provisions except those relating to vehicle crossings and sight distances. On this issue it is noted that the provisions for sight distances in the District Plan are considered by the projects consultant traffic engineers - Traffic Concepts Limited to be well above the best current practice guidelines commonly used throughout New Zealand.

5.3.2 Road Capacity

Road capacity is based on road width, traffic flow, road geometry and vehicle composition. For this Plan Change, seven vehicle movements per household has been used to estimate the effects on the capacity of the road network, although it is considered that this is conservative and will generally be lower. This calculates to up to 155 vehicles during the peak hour when existing flows are added. Using a 90%/10% split between use of Taylor Pass Road and Maxwell Pass Road, results in a peak hour traffic volume of 140 vehicles during the peak hour for Taylor Pass Road, which is well below its operational capacity of 1200 vehicles per hour. The report by Traffic Concepts concludes that the operational capacity of Taylor Pass Road and its current Level of Service A will be largely unaffected by the proposed development, and will continue to provide the same level of service. Hence there is sufficient capacity in the existing road network to accommodate the additional flows generated by the proposed rezoning. With only 10% of the new traffic expected to use Maxwell Pass Road, adding 7 vehicles per hour to an existing vehicle generation of around 3 trips per hour on a road with an operational capacity of 1200 vehicles per hour results in the same conclusion for Maxwell Pass Road. Upon completion of the development, Maxwell Pass Road will continue to operate at a level of Service A, with no discernible difference in the operational capacity of the road. In addition, no queues will form at the intersections in the vicinity of the site. This is explained in more detail in the Traffic Concepts Limited Report in Appendix C.

5.3.3 Trip Generation

The trip generation as mentioned above has been estimated for this development as being 7 trips per household per day over 160 proposed new lots. Traffic Concepts Limited considers that seven trips per household may overestimate the expected trip generation and that 5 trips may be more realistic for rural residential subdivisions. However, it is acknowledged, that given that the development is close to the urban fringe (2.5 kilometres) a trip generation of 7 vehicles per day may be more appropriate and will give a level of comfort with regard to effects on the road network.

Given the 7 trips per household per day, the 160 new lots will result in a total trip generation for of around 1120 vehicle movements per day, which equates to 120 movements per peak hour. While this increase in traffic flow is relatively high compared to the current traffic flows, the overall number of movements is considered relatively low and well within the road capacities discussed above.

Combining existing volumes on Taylor Pass and Maxwell Pass Roads for existing properties with the proposed volumes as a result of the zone change results in an estimated post development volume (based on 7 trips per household per day) of approximately 1300 vehicles per day and around 135 vehicles per hour (although a range between 90 and 140 vehicles per hour is more likely).

In terms of downstream effects of these increases in traffic volumes from the Plan Change it is expected that the New Renwick Road and Maxwell Road intersection is likely to experience the highest traffic effects. It is considered by Traffic Concepts Limited that this intersection, (roundabout) which has been designed to a very high standard, can accommodate the increased flows. As the traffic distributes wider over the network and a number of route choices available the effects of the proposed Plan Change will be further reduced and absorbed within the Marlborough road network. Overall it is concluded that the relatively low flows generated by the proposed rezoning will have no discernible effect on the road network or other road users.

The one lane bridge on Maxwell Pass Road will experience an increase of 11 vehicles per hour, but this will only impact marginally on the operational capacity of the road at this point of around 300 vehicles per hour. There will be occasional delays when opposing traffic meets at the bridge, but this delay is small and there exists sufficient safe wait space when required.

5.3.4 Intersections

The assessment by Traffic Concepts Limited indicates that the operation of the existing Taylor Pass Maxwell Pass Road intersection will remain relatively unchanged. This results from the small proportionate increase in the use of Maxwell Pass Road resulting from the development.

Three new intersections are proposed, two to Taylor Pass Road (Entrance 1 at the south and entrance 2 to the north) and one onto Maxwell Pass Road (Entrance 3). A detailed assessment of these new intersections is included in the report in Appendix C. In terms of entrance 1 while there is a shortfall of 10 m required by the safe intersection sight distance (SISD) the likelihood of a vehicle needing to wait as they exit the new subdivision is anticipated to be small. The chance of a vehicle using Taylor Pass Road being held up by a vehicle exiting the plan change area is also considered to be low. However, it is also important to note that the safe stopping distance of 170 metres recommended by Austroads can be met at this new intersection.

At entrance 2 the minimum SISD provision in either direction cannot be met. However, this provision, as already mentioned above, cannot be equally applied to the lower traffic volume environment experienced in this location. The speed environment at this point is lower at around 80km/hour due to curves in the road and the nearby intersection at Maxwell Pass and Taylor Pass Roads. Traffic Concepts Limited considers that it is the safe stopping distance that is the key parameter that this intersection should meet to ensure no adverse effects on road users. At 80 km/hour, the required stopping distance is calculated as being 114 metres and can be met in both directions by this proposed intersection.

Entrance 3 is at the narrow gravel end of Maxwell Pass Road near the one lane bridge and is a slow speed environment of around 50km/hour. In this speed environment Austroads recommends a SISD of 96 metres and an absolute minimum of 89 metres. Traffic Concepts Limited analysis indicated that the proposed new access is able to meet all of the necessary SISD and ASD provisions. Accordingly they conclude the intersection is able to operate safely and efficiently in this environment.

Overall the intersection analysis provided in Appendix C shows that access can be safely and efficiently achieved at this site. Other accesses could be provided safely within the development provided that the Austroads Part 5 "Intersections at Grade" Guidelines in respect to intersections can be met. Traffic concepts conclude that these guidelines ought to be included in the Plan Change to update existing plan provisions to ensure any future new access points can be located safely and will result in minimal adverse impacts.

In terms of internal layout Traffic Concepts Limited propose that other guidelines from Austroads including the 2003 publication called "Rural Road Design". Similar guidelines are recommended for incorporating pedestrian and cycling needs within the road design for the plan change area, supporting and taking advantage of the close proximity of the site to the urban fringe.

5.3.4 Mitigation

Traffic Concepts Limited proposes the following mitigation measures to improve traffic safety in this location. Only the first of these mitigation measures listed below are required directly as a result of this proposal. The rest are considered to be matters that should be addressed regardless of the Plan Change:

- Addition of a rule in the Plan Change to provide for any new intersection/driveway to comply with the Austroads Part 5 "Intersections and Grade" guidelines.
- Flag lighting be installed at the intersection of Maxwell Pass and Taylor Pass Road

- Provision of speed warning signs and curve warnings
- Provision of chevrons
- Provision of edge lines and edge marker posts

Overall, it is considered that the proposed development can meet the purpose of the RMA by ensuring the sustainable management of the physical infrastructure of the immediate and wider Marlborough road network and minimising traffic effects, while providing a new rural residential environment.

5.4 Servicing Infrastructure Impacts

Feasibility and servicing requirements have been assessed for the proposal based on the level of rural residential development that is proposed by the rezoning.

5.4.1 Wastewater Reticulation

It is considered that all wastewater serving for the proposed Maxwell Hills Zone can be appropriately managed on wider Kapiti Views Trust site. A wastewater servicing report has been prepared specifically for the proposal by Riley Consultants (Appendix I). The report describes a communal wastewater system that will provide efficient and high quality treatment with minimal adverse effects on the environment. The proposed system can service all lots in the proposed new zone.

The proposed amendments to the WARMP for the Maxwell Hills Zone encourage the use of the system described in the wastewater service report by making communal systems a restricted discretionary activity.

The proposed provisions for the new zone include, as a matter for which discretion has been reserved, the ownership structure and the maintenance contracts and management plans produced for the operation and on-going maintenance of the wastewater treatment and disposal facility.

In the system described in the wastewater servicing report, it is proposed that the wastewater will be piped to a treatment plant located on a utility allotment created for the purpose on the west side of Taylor Pass Road. The treated wastewater will be pumped to the land application areas. The location of the treatment plant is shown on the proposed Outline Development Plan.

On site infrastructure is proposed to include primary treatment tanks or grinder pump chambers on each residential lot. They would be designed to have a minimum storage capacity of 24 hours (around 4.5 m³). Locational issues and design features to eliminate any nuisance odours are discussed in the wastewater report in detail. Effluent would be reticulated from that primary treatment tank or grinder pump chamber to the communal secondary treatment plant.

The plant would consist of blend tanks and a recirculation tank. The blend tank provides mixing before the remainder of the treatment process. The blend tank discharges into a recirculation tank at the start of the secondary treatment process. The recirculation tank pumps treated wastewater into “pods” for further treatment by percolation through textile sheets (Advantex recirculating textile packed bed reactor (rtPBR)), from where it is fed back to the recirculation tank.

The rtPBR is a totally aerobic process. No offensive odours are produced at the treatment stage this is because the biological processes taking place within the textile media are by aerobic micro-organisms and the by-products of these are not considered to be offensive. The treated effluent is also high in dissolved oxygen (8-10mg/litre) and is odourless. The nitrogen levels from the discharge are generally less than 20 mg/l (depending on incoming wastewater strength). The advantex treatment system can be configured to further increase nitrogen reduction if required.

Structures used for the treatment plant would be the tanks, pods and a storage shed. Only the lids of the tanks and pods will be visible. The proposed amendments to the WARMF for the Maxwell Hills Zone enable the Council to exercise discretion over the structures used for the treatment plant, and screening of them from public areas and from private lots.

The proposed system will treat effluent to an extremely high and environmentally benign level with minimal maintenance requirements. The treated wastewater leaving the treatment plant would have to comply with the standard of faecal coliforms under 10,000/100ml, BOD₅ under 100g/m³, and suspended solids under 60 g/m³. The discharged nitrogen levels would be generally less than 20 mg/l.

The site characteristics relevant to the wastewater land application areas on the site are:

- Topsoil thickness is generally 200mm to 300mm, consisting of silty sand or sandy silt;
- The lower areas consist of loess/ colluvial silts of at least 2m deep, underlain by alluvial silts or greywacke rock;
- The upper slopes consist of sandy gravels near the tops of ridges, or in the valleys, alluvial sandy clays to a depth of 1.5m, underlain by weathered greywacke sandstones;
- No groundwater was encountered in any test pits and is inferred to be greater than 3m below the ground surface; and
- Minor water flows were observed from the gullies to the north and west of the site.

From the treatment plant, the treated wastewater will be applied to land in a pressure irrigation system on land dedicated to the purpose. The disposal area is proposed to be vegetated so as to improve evapotranspiration.

The potential land application areas are identified in the wastewater report (Appendix I). The land application areas are proposed on private property to which the public will not have access.

Overall, it is considered that the proposed rezoning can be serviced by the technologically advanced communal wastewater treatment and disposal system recommended by Riley's (Appendix I). This system will collect and treat all wastewater in a secondary communal plant before disposing of the effluent to identified discharge areas. It is considered that such a treatment and disposal system will have minimal adverse effects on the environment.

5.4.2 Stormwater

Stormwater from the proposed Maxwell Hills Zone can be appropriately managed as part of the development and is described in the stormwater report prepared by Riley Consultants (Appendix H).

The proposed stormwater collection and disposal system will be designed principally to minimise erosion and instability on the site and maintain water quality downstream.

A preliminary lot layout has been developed for feasibility purposes only and to develop stormwater management measures to mitigate the effects of the run-off generated from new impervious surfaces.

The stormwater management network proposed for this site by Riley Consultants is based around a pipe network that will collect flows from the lots and roads where possible. Where this is not possible, it is proposed that soakage pits will be used for individual lots. House sites upslope of the road that have natural fall will be connected to a reticulated pipe network. Houses downslope of a road will connect into the pipe network where possible. Otherwise stormwater will be discharged into a soakage pit. The pipes will convey primary stormwater flows to water quality ponds (see Appendix H, Dwgs:04819/6SW-1 to -4). Where stormwater exceeds the capacity of the primary pipe network, the roads and "designated" corridors will become secondary overland flowpaths to convey stormwater run-off flows for up to a 1% AEP event.

Culverts will be required at numerous points throughout the development to convey water beneath roads and into gullies. Detailed design will be required based on site specific constraints.

The discharge points will be a critical part of stormwater management for the site due to the potential for erosion. Riley recommends energy dissipation structures such as concrete channels rip rap, and planting/vegetative methods.

The report by Riley presents increased runoff quantities from the catchment as a result of the development. The increase in peak flows is a result of the increase in impervious area in the unmitigated post development scenario. With appropriate mitigation measures described above for the development, the increase in runoff for the mitigated post development scenario will be reduced.

It is considered that the stormwater design proposed by Riley's will ensure that the natural clarity of the receiving waters is not "conspicuously changed" by sediment, meaning the visual clarity of the receiving water is not reduced by more than 33% or result in an increase in turbidity of the receiving water by more than 15%.

As noted in Appendix H, the stormwater design for the site is consistent with NZS 4404: 2004 *Land Development and Subdivision Engineering*, and has adopted "design storms" that are more conservative than that standard, and more conservative than the *MDC Code of Practice for Subdivision and Development*.

5.4.3 Water Supply

Several options exist to supply water to the site. Two options have been discussed earlier in this assessment. The site can be supplied with potable water from either the Council's water supply or an alternative supply sourced from groundwater from a site at New Renwick Road. Either source would be in accordance with current engineering standards and to the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. In either case resource consents or a variation to the Council's water supply may be required. A water take/use application for the New Renwick site has already been lodged and could be assessed concurrently with this Plan Change request.

5.4.4 Electricity

Marlborough Lines has confirmed that electricity is presently available to the site from overhead reticulation along Taylor Pass Road and that there is sufficient spare capacity within the existing network to provide the power supply to the site (Appendix J).

5.4.5 Telecommunications

Chorus, a Telecom New Zealand business, has confirmed that there is currently network with spare capacity in the vicinity of the site that can be extended to service this development (Appendix K).

5.5 Hazards – Flooding, Instability and Erosion

5.5.1 Geotechnical - Instability and Erosion

The geotechnical assessment completed by Riley Consultants (Appendix E) divides the site into four broad geotechnical zones: low, minor, moderate and high hazards. Most of the land within the proposed Maxwell Hills Zone is in the "low" hazard area. Part of the area is on land characterised in that hazard assessment as being of "minor" or "moderate" hazard potential. The identification of the boundaries between those four areas is based on feasibility level assessment.

The geotechnical assessment establishes that an appropriate subdivision design, coupled with specific engineering requirements for some dwellings that are within the "minor" and "moderate"

hazard areas, will result in a rural residential development that avoids those geotechnical risks provided that there are appropriate avoidance measures in place.

The existing Subdivision Requirements for Rural subdivision in the WARMP state:

29.1.5.2 Suitable Building Platforms

Each proposed allotment and balance parcel must provide for a building site. Complying building platforms on each lot shall be indicated on the subdivision plan and supported by a geotechnical report prepared by a Chartered Professional Engineer or a professional in the related field, for the purpose of supplying opinions as to the stability of land.

This will apply in the Plan Change area.

The geotechnical report provided at subdivision stage would need to make recommendations relating to dwelling location and design on each allotment. The geotechnical report (Appendix E) indicates that appropriate building platforms are available within the plan change area including those areas of moderate risk, but subject to any specific location and design details being confirmed. The report recommends specifically designed foundations and limited remedial earthworks and drainage around building areas.

5.5.2 Flood Hazard Avoidance

The Flood Assessment Report prepared by Riley Consultants is attached as Appendix F. The Assessment indicates that only a small proportion of the site is at risk of flooding. In general these are areas in the west of the site between streams one and two and land adjacent to Maxwell Creek (see plan 04819/6FL.MXD in Appendix F).

The Flood Assessment (Appendix F) overall identifies three possible sources of flood risk.

In summary the three possible flooding risks are:

1. Overland flow from the uphill parts of the site downhill into the rural-residential allotments;
2. Overland flow from Maxwell Creek in flood;
3. Impoundment of water behind the Taylor Dam when the Taylor River is in flood.

The first of those possible risks is addressed by the engineered solutions such as cut off drains that were described above in relation to geotechnical hazards and are dealt with in detail in the Stormwater Report in Appendix H.

A building setback of 8 metres from all streams is already contained in the District Plan and will apply to the Maxwell Hills Zone for all sites. All building platforms will be required to be located in areas outside the potential floodplain as shown on the Outline Development Plan. The flood assessment also establishes that an earth bund in the appropriate location will protect building sites on the area north of Maxwell Creek from flooding from Maxwell Creek. The Outline Development Plan specifies the approximate location of the earth bund.

Building within the river side area of the flood line specified on the Outline Development Plan will be a non-complying activity. This will ensure avoidance of the flood risk on the site.

Overall, all three identified flood risk areas can be avoided and mitigated by a combination of the District Plan provisions, by specific provisions for the Maxwell Hills Zone in the Plan Change, and by appropriate attention on the matter at subdivision consent stage.

5.6 Conclusion

Overall, it is considered that the proposed rezoning from Rural 4 to Maxwell Hills Zone will have no more than minor effects on the environment. The location of the zone can be economically provided with reticulated sewer and water supply at no financial cost to the community, and an

appropriate stormwater treatment and disposal system for the development is feasible. Landscape, visual and rural amenity issues can be adequately avoided or mitigated at this site. Traffic effects are considered minimal given the capacity of existing roads. The proposal also provides for recreational benefits for the proposed plan change residents which can also be shared by the wider community.

6.0 CONSULTATION

The Fourth Schedule of the Resource Management Act 1991 specifies that an AEE should include:

Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted (Clause 1 (h)).

Kapiti Views Trust undertook consultation in respect to this proposed Plan Change over a considerable period of time prior to submission of this request. This consultation is outlined in Appendix L. Views were sought from Council Planners and Marlborough Roads. On-going discussions have been undertaken with the Asset Management Section of Marlborough District Council and numerous Council Officers responsible for building controls, services, water supplies, engineering, rivers control and reserves management.

Discussions have also been had with the NZ Fire service.

Consultation has also taken place with Able Properties, Urbanism Plus, PALMS, RMH Associates (soils and grasses) , H Woodward (contamination), Millen Associates Ltd, Sue Kelly Water Systems, Telecom, Marlborough Lines, Marlborough Aero Club, Aviation Heritage Trust and local iwi.

The immediate neighbour to the site, and only nearby resident, is also the Kapiti Views Trust's farm manager and is aware of the proposal.

7.0 SECTION 32 ASSESSMENT

7.1 General Assessment

Section 32 of the Act requires a consideration of alternatives, an assessment of the costs and benefits of any Plan Change request and sets out a procedure to ensure that the relevant resource management issues are addressed and are consistent with the purpose of the Act. The forgoing assessment is intended to fulfil the requirements of Section 32 (1). However, it should be noted that the requirements of Section 32 are ongoing throughout a Plan Change process and the Act requires local authorities to undertake a further evaluation under Section 32 (2) before making a decision on a private Plan Change request under clause 29(4) of the First Schedule to the Act.

Section 32 (3) states that an evaluation must examine

- (a) *The extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) *Whether having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

Furthermore Section 32 (4) requires the evaluation to take the following matters into account:

- (a) *The benefits and costs of policies, rules, or other methods; and*
- (b) *The risk of acting or not acting if there is insufficient information about the subject matter of the policies, rules, or other methods.*

This proposed change to the District Plan does not change the existing objectives and policies of the District Plan; however, it does add to them. This assessment is therefore twofold:

- Whether the proposed objective is the most appropriate way to achieve the purpose of the Act
- Whether the changes to the planning maps, policies and the new rules being proposed are the most appropriate methods to achieve the objectives (both existing and proposed) of the Plan.

The courts have held that S32 does not contemplate the consent authority should compare one site with another or compare existing zone ordinances with those proposed. The Courts have also held that Section 32 is not an inquiry as to “need” in terms of whether the activity is present or if there is a sufficiency of that form of activity (*GUS Properties Ltd v Marlborough DC W075/94, 3 NZPTD 703*).

7.2 Analysis of Proposed New Objective

The proposed plan change seeks the insertion of one objective (Objective 1, see proposed new Appendix R in the Schedule of Changes provided in Appendix G of this report) specifically to provide for the proposed new zone. This objective has been proposed to ensure appropriate specific provision is made for rural residential development at the proposed site (Maxwell Hills) and to clarify this provision within the context of other more general objectives of the Plan.

The new objective for the Maxwell Hill Zone states:

Objective 1: An environment that provides a sustainable and alternative choice for residential living for the community while avoiding or mitigating any adverse effects on the amenity values and characteristics of the surrounding rural environment.

The proposed new objective is written to be generally consistent with the wording of objectives already contained in the WARMP. A separate objective for the proposed zone, worded as above, is considered to be an appropriate way to achieve the purpose of the Act. The purpose

of the Act is outlined in Part II and is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) as:

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

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

Without a separate objective, providing for this particular lifestyle choice in this location, there is a possibility of ambiguity with the Landscape Chapter objectives and policies, particularly Objective 1, policy 1.9 and Objective 2, policy 2.4. The purpose of the Act is better met by making it clear within the WARMP that this activity is being provided for in this location and that landscape objectives can be satisfactorily met through appropriate mitigation methods.

7.3 Assessment Against Objectives and Policies of the Plan

In addition to a new objective (and in giving effect to it), other amendments effectively create a standalone Maxwell Hills Zone which adds to those zones which already exist in the District Plan. Included within the zone is a specific set of policies and new rules, which have been outlined earlier in this assessment. The following assessment therefore focuses on whether, having regard to efficiency and effectiveness, the proposed amendments are the most appropriate for achieving the existing objectives. The primary issue is whether the existing outcomes sought in the District Plan will continue to be met through the introduction of the Maxwell Hills Zone over the land in question. In other words, the proposed amendments should not result in any incoherence or intolerable inconsistencies in the WARMP as it currently stands unless it also proposes to change those existing provisions or framework.

Table 1: Assessment of Proposed Plan Change against Relevant Objectives and Policies

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
3.0 Heritage	Retention of cultural heritage character of the District	Objective 1: The preservation/protection of heritage resources, including historic buildings, places and sites, wahi tapu, archaeological areas, and heritage trees. Policies 1.1-1.3.	Yes. No notable trees exist on the site; no sites of historic or archaeological significance; the site is not wahi tapu.
4.0 Flora and Fauna and their habitats	Degradation of indigenous flora and fauna and their habitats	Objective 1: The protection of areas of significant indigenous vegetation and habitats; including water ecosystems. Policy 1.1-1.13	Yes. Rezoning site is not in a significant natural or ecological area or bordering a Class A riparian margin.
5.0 Landscape	Degradation of natural features and landscapes with special characteristics;	<p>Objective 1: Management of the visual quality, and protection of outstanding natural features, of the District, from inappropriate development. Policies 1.5, 1.7, 1.9.</p> <p>Objective 2: Appropriate development in areas not identified as outstanding landscapes. Policy 2.4, 2.6.</p>	<p>Yes. Site is not part of an outstanding natural feature, or special area but falls within the Landscape Character Areas of Wither Hills and Tributary River Valleys (Waihopai, Taylor, and Omaka); with medium visual quality and low sensitivity (see Landscape Assessment in Appendix D). Land disturbance/earthworks will be able to be satisfactorily remediated. Visual Assessment indicates that visual effects can be mitigated and the contained nature of the development does not result in a sprawling subdivision outside areas occupied by residential settlement.</p> <p>Is a contained rural residential proposal located outside the Rural 3 Zone. Specific rules (site coverage, height, landscaping) and Outline Development Plan provisions will ensure surrounding rural character is retained and does not amount to suburbanisation of the rural environment (e.g. no individual rural residential lot access to Taylor Pass Road, landscape planting). Links to the Taylor River will be enhanced and increase opportunity for recreation through development of reserve land.</p>

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
6.0	Freshwater Use of freshwater may compromise its life supporting capacity.	Objective 2: Maintain and enhance existing freshwater quality. Policies 2.1 - 2.4 (water classifications and encouraging discharges to land where possible).	Yes. Proposed rezoning is accompanied by a proposal to discharge treated effluent to land through high tech community waste water collection, treatment and disposal system. Comprehensive stormwater collection, treatment (sedimentation ponds) and disposal system proposed.
8.0	Public Access Managing activities to maintain/enhance current levels of public access to rivers, etc.	Objective 1: Public access to rivers, lakes etc. shall be maintained / enhanced. Policies 1.3, 1.4, 1.5, 1.6.	Yes. Proposal includes enhanced access, through proposed reserve, (owned by Plan Change requester) to esplanade strips along Taylor River and connecting to Council owned reserve at the Taylor Dam.
10.0	Natural Character Preservation of the District's natural character from inappropriate development.	Objective 1: The preservation of the natural character of lakes, rivers and coastal areas of the District from inappropriate development. Policies 1.1,1.3,1.5,1.6	Yes. Proposed rezoning area is distant from the margins of the Taylor River. The small part of Maxwell Creek traversing the site is proposed to be kept in its natural state. Esplanade strip and access links within reserve area, proposed to be developed as part of proposal, will enable restoration of natural character where appropriate.
11.0	Urban Environments Recognising and providing for existing urban environments and appropriate new development, including managing effects on residential environments.	Objective 1: Maintenance and creation of residential environments which provide for existing and future needs of the community. Policy 1.4 (enable lower density residential use at the Blenheim periphery). Objective 2: Ensure that growth occurs in locations suitable for residential development. Policy 2.1 (avoid areas subject to natural hazards).	Yes. The proposal is a rural residential one (rather than standard residential) and located to enable lower density residential use at the Blenheim urban periphery and builds upon the already established transition in this location between expected urban and rural amenities. It enables people and communities to provide for their residential needs (at a lower residential density). The Proposed rezoning site is not subject to natural hazards that cannot be adequately avoided, remedied or mitigated (See Geotechnical Assessment in Appendix E and Flood Hazard Assessment in Appendix F). The site is generally suitable for the rezoning proposed. It is unclear whether the proposed zone would be classified as "Residential Zone" but nevertheless, a range of provisions have been included in the proposed rezoning to give effect to Objective 3 and associated relevant policies.

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
12.0 Rural Environment s (Wairau Plain, General Rural and Rural Residential)	<p>Recognition of the value of the versatile soils of the Wairau Plain; sustainable management of the more extensive general rural land below 1000 m (not part of the lower Wairau Plain); and accommodating rural residential living so that it is not incompatible with the rural environment</p>	<p>Objective 3: Enable establishment of variety of activities in the Residential Zone whilst avoiding, remedying, mitigating adverse effects. Policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6.</p> <p>Objective 4: Maintenance/enhancement of the amenities and visual character of residential environments. Policies 4.3, 4.7, 4.8.</p>	<p>Height of buildings has been limited to 8 m in the proposed zone to specifically mitigate shading of properties and maximise views. Noise limits consistent with other residential areas in the district have been proposed. Generous land areas have also been proposed with lower site coverage than standard residential.</p> <p>As a proposed residential environment the amenity and visual character will be maintained through the proposed rules and complementary Outline Development Plan.</p>
12.0 Rural Environment s (Wairau Plain, General Rural and Rural Residential)	<p>Recognition of the value of the versatile soils of the Wairau Plain; sustainable management of the more extensive general rural land below 1000 m (not part of the lower Wairau Plain); and accommodating rural residential living so that it is not incompatible with the rural environment</p>	<p>Rural 3 Zone: Objective 1 and 2 and policies 1.3 and 2.3 in respect to maintaining valuable and versatile soils for intensive rural production, by limiting the scale and range of activities, including limiting rural subdivision in respect to maintaining rural amenity of the Rural 3 Zone.</p> <p>Rural 4 Zone: Objective 1: Maintenance and enhancement of life supporting capacity of soils and retention of primary production. Policy 1.6</p>	<p>Yes. Pressure for subdivision for rural residential development on the versatile soils of the Rural 3 zone is diverted by this proposal to a contained development in the Rural 4, while still leaving “vast” areas of the Rural 4 zone for primary production. The proposed development can be achieved with minimal effects on life supporting capacity, and rural amenity, due to location near Blenheim and other urbanised activities. Residential development is progressing south along Taylor Pass Road. Hence a suitable location for rural residential development has been identified, which can be properly serviced, and where disposal of wastes through a community waste water treatment and disposal system can be developed that avoids, remedies or mitigates any potential adverse effects on water quality/ ecosystems (Appendix I).</p>

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
		<p>Objective 2: Providing for a range of activities while avoiding and mitigating adverse effects. Policy 2.3 development– identifying suitable locations for rural residential that take account of rural amenity and sustainable land use.</p> <p>Objective 3 – management of waste discharges. Policy 3.4 and 3.5 – ensure effects of activities avoid, remedy, and mitigate adverse effects on water resources.</p> <p>Rural Residential</p> <p>Objective 1: To provide for a range of persons wishing to live in the rural areas without placing undue demands on existing facilities, without diminishing primary production or life supporting capacity. Policy 1.1, 1.2, 1.4, 1.6, 1.7, and 1.8</p>	<p>Effects on rural amenity are also minimised by development occurring in a locality that is not highly visible. The individual policies for new rural residential development listed are able to be met through developer provision of services specifically for the site (and not as extension of existing Council ones), the low versatility of the soils in this location, adequate attention to geotechnical and hazard information in developing the site and mitigation of adverse effects on rural amenity by appropriate site specific and outline development plan rules.</p> <p>The proposal does not amount to sprawling or sporadic subdivision in the coastal environment as the coastal environment is some distance from the site.</p> <p>The implementation methods provide for plan changes to identify new rural residential areas in the Rural 4 zone.</p>
13.0	Open Space / Recreation	Accessibility, distribution and variety of land and facilities for open space/recreation	<p>Yes. The proposal provides the Council with reserves contributions for the development of esplanade strips or reserves and cycling/walking tracks, a reserve beside the Taylor River and potentially a reserve and walking track around the southern ridge of the development. The proposed development thereby enables the purchase and creation of a series of open space and recreation facilities particularly consistent with policies 3.2, 3.3 and 3.4.</p>

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
14.0	Land Disturbance Reduction of land production potential, damage to the natural values of land, or increase likelihood of flooding, erosion or deposition.	Policies 1.2,1.3, 1.4,1.5,1.6, 3.3, 3.4 are considered relevant Objective 1 is concerned with the avoidance, remediation or mitigation of adverse effects of inappropriate land use practices with supporting policies aimed at reducing specific effects due to land disturbance and that appropriate consultation takes place. Relevant policies are 1.2, 1.5, 1.6, 1.7, and 1.10.	The site is close to Blenheim and connects with the cycleway from Blenheim to the Taylor Dam, and further connection to the Taylor Dam reserve area can be achieved. Yes. The reports produced by Riley Consultants specify methods to reduce land disturbance and minimise erosion and instability (Appendices E, F,G and H).
15.0	Discharge of Contaminants to Land May create adverse effects on water quality, life supporting capacity of soils, and amenity values.	Objective 1 and policies 1.1, 1.3, seek to avoid, remedy or mitigate adverse effects arising from the discharge of solid and liquid contaminants.	Yes. This proposal does not offend this objective and policies. Further consents are likely for discharges of contaminants to land. Options for this site have been assessed in reports by Riley Consultants to minimise potential adverse effects when the site is developed (Appendices E, G and H).
17.0	Natural Hazards Effects from flooding and erosion, danger and damage from slope failure, loss of life and damage from seismic activity.	Objectives and policies relating to flooding, meteorological, landslide/soil erosion and seismic emphasise the need to avoid, remedy or mitigate the adverse effects of extreme events that may cause loss of life or damage to property/infrastructure. Objective 1, policies 1.2 and 1.4 is particularly relevant which requires houses and structures to be located so as to avoid damage	Yes. Reports prepared by Riley Consultants confirm that only a small proportion of the site is susceptible to flooding. Flood hazards can be avoided at this site, through the hazard overlay in the Plan and through the provisions in the proposed Outline Development Plan and associated rules. Landslide and soil/erosion hazards can be avoided through appropriate mitigation measures at site development stage. (Appendix E)

Plan Section	Relevant Issue	Relevant Objective and Policy	Appropriate and /or Achieved by Proposed Rezoning? Effective?
19.0 Land Transport	Adverse effects from development, maintenance and use of the Districts transport infrastructure	Objective 1 and its associated policies require land transport infrastructure to be developed, maintained and used so as to avoid, remedy or mitigate adverse effects on the Wairau/Awatere environment and on the health, safety and wellbeing of the community.	Yes. These objectives and policies can be achieved by the development in this location and is examined in detail in the Traffic Assessment contained in Appendix C. There will be no more than minimal adverse effects on the operation of the external road network as these roads have sufficient capacity. It is further considered that the internal network will be able to be developed in a safe and appropriate manner for the type of development proposed.
20.0 Utilities	Adverse effects from establishing, maintaining and operating utilities	Objective 1 provides for the operation and maintenance of utility networks in a way that promotes sustainable management of natural and physical resources. Policy 1.2 enables individuals to contribute to their own utility needs in appropriate areas. Policy 1.11 encourages utility structures to be located underground where practicable.	Yes. It is proposed that the infrastructure associated with waste water treatment be located substantially underground (Appendix I). The costs of utility provision are proposed to be met internally by the developer and purchasers of the lots.

The proposed Plan Change is considered to be consistent with the objectives and policies above. While there is some potential tension when interpreting policies 1.9 and 2.4 of the Landscape Objectives and Policies Chapter this tension is remedied by a more specific objective for the Maxwell Hills Zone, which makes it clear that the development is being specifically provided for in the WARMP.

On the basis of the assessment above, it is considered that an appropriately managed rural residential zoning is the most appropriate means to achieve the objectives of the District Plan having regard to efficiency and effectiveness and taking into account benefits and costs, as:

- It is not versatile soil, the density limits are appropriate for maintaining the life-supporting capacity of the soil, and rural residential zoning for this site may mitigate pressure for development on versatile soils elsewhere around Blenheim in the Rural 3 Zone;
- The provision of open space to vest in the Council, and the larger lot sizes proposed ensure rural amenity and open space objectives are achieved;
- The proposed constraints on the residential development of the site protect and enhance the key landscape features of the site, being the form of gullies, spurs, Maxwell Creek and the ridgeline; and
- The proposed zone with associated objective, policies, rules and methods for this site achieve Objective 1 – Part 11 (urban environments) being the maintenance and creation of residential environments which provide for existing and future needs of the community.

The proposed zone for the site avoids, remedies or mitigates adverse effects on the environment of residential development in an efficient and effective manner, having regard to increasing benefits and reducing costs, so as to provide for the sustainable management of the site and its surrounds. Site-specific residential zones have been used for this purpose in the WARMP for other locations (Marlborough Ridge).

7.4 The Proposed Rules

Given that the WARMP does not currently provide for rural residential living at the density proposed it is concluded that the most appropriate zoning to achieve the objectives of the Plan is the proposed specific stand alone Maxwell Hills Zone with its own specifically developed rules and provisions.

The Outline Development Plan and proposed rules relating to height, density, site coverage etc for the site that are proposed to be inserted in the WARMP gives all users of the Plan a clear and simple picture of the measures that will apply when an application is made to subdivide the site. The Outline Development Plan method provides certainty. This is more efficient and has fewer transactional and administrative costs than alternative methods. Greater clarity provides increased certainty for the community, the Council and the developer, and thereby results in fewer costs.

7.5 Summary of effectiveness of Objective, Policies and Rules

In summary, the proposed Plan Change amendments are appropriate (in terms of both efficiency and effectiveness) for the achievement of the existing objectives and policies of the District Plan. The proposed policies, rules and methods are also considered to also be appropriate (in terms of efficiency and effectiveness) to achieve the proposed new objective.

7.6 Alternatives Considered

In accordance with Section 32(4) the following means and methods have been considered and the costs and benefits assessed:

Option 1: Maintain existing Rural 4 zoning (do nothing)

Option 2: Rezone the site to a standalone Maxwell Hills Zone with an outline development plan and specific rules to be adhered to, including rules as proposed; and inclusion of a specific objective and policy regime for the zone.

Option 3: Amending the existing Rural Residential zone in the Plan to include a third type of rural residential development for lot areas of around 2000 square metres to achieve similar outcome to Option 2.

Option 4: Prepare detailed subdivision and land use resource consent application for the site.

Option 5: Wait for the Plan to be reviewed and make submissions to rezone the site.

Option 2 is considered to be the most appropriate means of achieving the overall objectives (including the new objective) of the Plan for the following reasons:

The use of an Outline Development Plan addresses the particular features and circumstances of this site and its planning history. This option will ensure integrated and comprehensive development of the site to a set and agreed plan. This option provides greater certainty of the expected outcome.

Option 2 provides for the avoidance and mitigation of adverse effects on the environment to levels that are acceptable and insignificant and will be consistent with Part II, Section 5 of the Act. In addition, Option 2 provides for the inclusion of a specific new objective recognising the desire to provide in the Plan the opportunity for this type of residential lifestyle choice at this site, and is therefore a more robust solution in planning terms.

Option 1 will fail to provide for increased choice in living environments for the present and future inhabitants of Blenheim (very low density, low noise, high amenity environment).

Option 3 could also work but will create greater complexity within the existing WARMP structure. The nature of the proposal means it may be a difficult fit given the higher density, amenity and servicing proposed for this rural residential environment compared with the existing rural residential environments. It is noted that the Council officers advised against this approach of grafting onto an existing zone. Their preference was for a standalone zone. However, with this option there would be no need for a specific objective and set of policies for this site.

It is considered that the application for resource consent required for Option 4 has a higher risk of being declined. This is because a development of this size and density is likely to be problematical when assessed against the existing objectives and policies the WARMP in particular the landscape objectives and policies and the rural objectives and policies, without a specific objective in the plan providing for the development in this location. The proposal does not fit well with the Rural 4 zone expectations and would be considered a non-complying activity.

Option 5 was eliminated because it is many years until a review of the Plan will be undertaken as this Plan has only been operative for two years.

Overall, it is considered that Option 2 is the best means of achieving the purpose of the Act and the objectives of the Plan, including the proposed new objective.

7.7 Risk of Acting or Not Acting if there is Insufficient Information

As noted above, section 32 of the RMA requires the assessment to also take into account the risks of acting or not acting if there is uncertain or insufficient information.

It is not considered that there is insufficient information available in respect to this proposed Plan Change. There is currently sufficient information available on the site and its surrounds to support acting in the manner recommended in this assessment. However, more information will become available as required through the processing of this request. Overall, it is considered that this risk must be assessed by the Marlborough District Council in its final assessment of this proposed private Plan Change.

7.8 Conclusion of Section 32 Analysis

Maintaining a rural zoning of this site is not necessary to protect the landscape and amenity values of the locality. Rezoning the site enables residential development in a location that is close to the town boundary. This rural residential zoning enables choice of residential environments in the Blenheim locality and therefore has a number of benefits with minimal actual costs accruing to the community in the form of extension of services/infrastructure.

The proposed rezoning is considered to be the most appropriate zoning for achieving the objectives in the Plan at this site. This conclusion is able to be made because particular rules and methods are introduced that ensure that the resultant development avoids or mitigates adverse effects on landscape and amenity values. The particular methods introduced here - the Outline Development Plan, the density requirement, including height and site coverage limits, ensure that the proposed Plan Change is an appropriate method to achieve the objectives of the Plan for this site.

8.0 PART II OF THE RMA

It is considered that the proposal will better achieve the purpose of the RMA than the current rural zone. This is because the enabling intention of the legislation comes from the provisions of Section 5, and 32 of the RMA. Pursuant to Section 5(1) Resource Management Act 1991, the purpose of the Act is to promote the sustainable management of natural and physical resources, to meet the reasonably foreseeable needs of current and future generations and to safeguard the life supporting capacity of soil and water.

Section 5 of the Act makes it clear that people's aspirations and property rights can only be controlled to the extent necessary to achieve the purpose of the RMA. If this Plan Change is in line with the purpose of the RMA such that adverse effects on the environment of the new activities are acceptable and "minimal" and safeguards the life supporting capacity of air, land, soil, and ecosystems while enabling people and communities to provide for their well being, then the provisions of the Plan Change request will better achieve the purpose of the Act. The above assessment and the assessment of effects contained earlier in this report indicate that the proposal is in line with Part II of the Act and in particular the enabling provisions of Section 5.

Sections 6 and 7 of the Act are a relevant consideration in assessing this Plan Change. These issues have already been covered in the Landscape Assessment (Appendix D), in the assessment of the proposal against the Objectives and Policies of the WARMP and the RPS and in the assessment of effects section.

The rezoning as proposed is considered to not offend Section 6 or Section 7 of the Act. It is considered that it is consistent with the relevant principles of the Act in relation to amenity values, quality of the environment, and landscape. It is considered that the amenity of the locality will be maintained and improved. The visual, amenity and ecological effects of the proposed development are considered to be insignificant and therefore in accordance with Section 6(a) of the Act relating to the preservation of the natural character of waterbodies and their margins.

The proposed rezoning is not located within any area identified as being of outstanding landscape value or having any special ecological significance. There are no outstanding natural features peculiar to this site nor are there any features of heritage value. The land to be rezoned does not adjoin the Taylor River or any waterbody of significance, but the proposal potentially enhances esplanade reserves or esplanade strips and access to the river.

On balance the proposal is considered to be consistent with Part II of the Act.

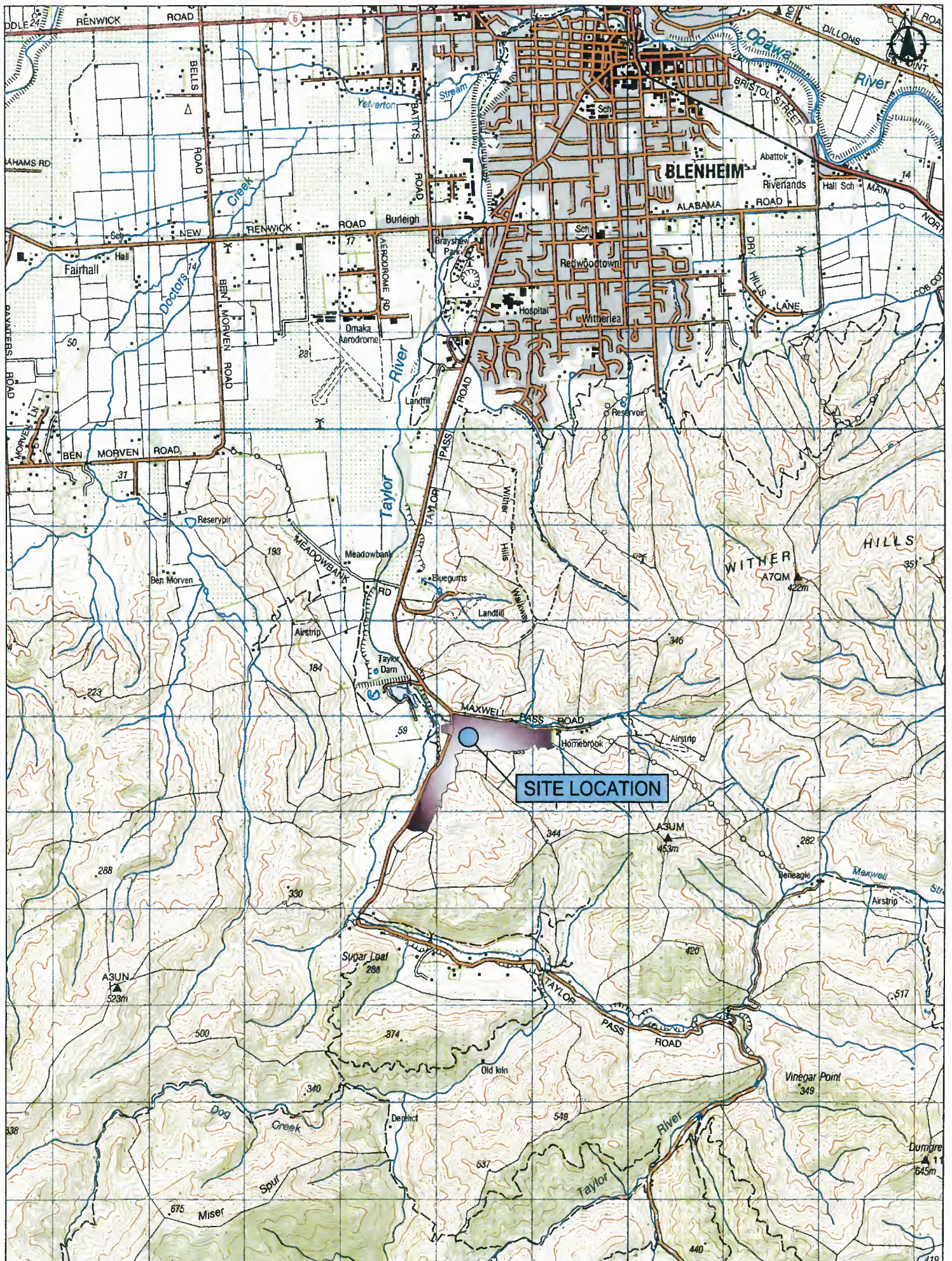
9.0 CONCLUSION

Rezoning the site to provide for the Maxwell Hill Zone represents an efficient and effective way for the Council to achieve the purpose of the RMA, as it enables the community to provide for its social, economic and cultural wellbeing by providing a choice of residential environment not currently readily available through the existing Plan provisions.

In terms of the the effects discussed in this report, it is considered that the rezoning of the land will have only minor effects on the environment provided the proposed amendments, including the Outline Development Plan are incorporated into the WARMP. The location of the rezoning as proposed in this request will not compromise the current objectives and policies in the WARMP, and the proposed new objective is written such that it is consistent with the overall tenor of the WARMP and will not lead to any inconsistency.

Overall, it is considered that the proposal meets the provisions of Part II of the Act and will add to the variety of living environments able to be provided to residents of the District with minimal adverse effects on the environment nor financial costs to the community.

APPENDIX A
Location Plan



Cilent
KAPITI VIEWS TRUST
 Project Title
MAXWELL HILLS

Sheet Title
LOCATION PLAN

Project **9025**
 Drawing **170**
 Revision **A**



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Revision
 A INITIAL ISSUE

App Date
 JC 26.04.11
 Project Title

APPENDIX B
Certificates Of Title