

Variation 6 to the Proposed Marlborough Environmental Plan – Kerepi Site Rezoning- 44-46 Old Renwick Road, Blenheim

MARLBOROUGH DISTRICT COUNCIL
7 MARCH 2024

Contents

1	Introduction	5
2	The Site	6
2.1	Physical Description	6
2.2	Legal Description	7
2.3	PMEP Zoning and overlays	8
2.4	Soils	10
3	The surrounding environment.....	12
4	Background to Variation	14
4.1	Growing Marlborough	14
4.2	Plan Change 68	15
4.3	Involvement of Kerepi Ltd	16
4.4	Residential Land Supply in Blenheim	17
5	The Proposed Variation.....	19
5.1	Description of the Proposal.....	19
5.2	Proposed Amendments to the PMEP	21
5.3	Servicing of Site	23
5.4	Telecommunications and Electrical Supply	25
5.5	Contaminated Land	25
5.6	Transport.....	26
5.7	Geotechnical	27
6	Assessment of Effects of the Variation	32
6.1	Positive Effects	32
6.2	Amenity Effects	32
6.3	Transportation.....	33
6.4	Services	33
6.5	Natural Hazards	33
6.6	Contaminated Land	34
6.7	Effects on Waterways	34
6.8	Cultural and Heritage Values.....	34
6.9	Loss of Highly Productive Land	34
6.10	Reverse Sensitivity Effects	34
6.11	Economic Effects	35
6.12	Summary of Effects	35
7	Consultation	36
7.1	Introduction	36
7.2	Iwi Consultation	36
7.3	Ministry of Housing and Urban Development	36
7.4	Kāinga Ora Consultation.....	36

7.5	Minister for the Environment.....	37
7.6	Minister of Agriculture and Associate Minister for Primary Industries	37
7.7	Waka Kotahi Consultation	37
7.8	Neighbour Consultation	37
7.9	Kerepi Limited.....	37
8	Statutory Requirements	38
8.1	Introduction	38
8.2	Section 32 of the Act.....	38
8.3	Section 74 of RMA.....	63
8.4	Functions of the Council - Sections 30 and 31	63
8.5	Section 75 – Contents of District Plans	64
8.6	Iwi Management Plan Review	75
9	Conclusion	78

Appendices

Figures

Figure 1. Location of site relative to Blenheim (blue outline).....	6
Figure 2. Proposed Rezoning from Rural Environment to:.....	8
Figure 3. The indicative site (black outline) and PMEP Zoning (brown shading is Rural Environment).	9
Figure 4. The indicative overall site (black), the surrounding Caseys Creek, and Cooper and Morrisons Drain (blue) and the high priority waterbody for public access (red).....	10
Figure 5. Land Use Capability Class for the area (Source: Our Environment Maps)	11
Figure 6. The indicative site (yellow) and the surrounding environment.	13
Figure 7. SMUGS growth areas	14
Figure 8. Plan Change 68 area (yellow) and the proposed site (red)	16
Figure 9. The site showing the proposed allotments and MDH layout and stormwater detention and attenuation ponds.(Source: Kerepi Limited)	20
Figure 10. Proposed MDC servicing of the overall site.	24
Figure 11. Foundation Design Zone A and B (Source: Geotechnical Investigation Report, September 2022)	29
Figure 12. Table 13 Summary of Foundation Design (Source: Geotechnical Investigation Report, September 2023).....	30
Figure 13. Potential sites available for infill subdivision	71

Tables

Table 1. Cost and benefit analysis of Option 2.....	42
Table 2. Cost and benefit analysis of Option 2.....	44
Table 3. Cost and benefit analysis of Option 4.....	46
Table 4. Assessment of the relevant objectives and policies in the PMEP	48
Table 5. Benefits of rezoning compared to the costs associated with the loss of highly productive land.....	72

1 Introduction

Marlborough District Council (MDC) is proposing Variation 6 to the Proposed Marlborough Environment Plan (PMEP) in which it is proposed to primarily rezone a 12.00ha site, currently zoned Rural Environment, to Urban Residential 2 (Greenfields), an existing zone, comprising 5.57ha; and Urban Residential 4, a new zone subject to Variation 7, comprising 6.43 ha, in accordance with the provisions of the Resource Management Act (RMA).

The site (or the Kerepi site) is located at 44-46 Old Renwick Road, on the north side of Blenheim and adjoins residentially zoned land comprising the Rose Manor development.

Provisions relevant to the rezoning process are primarily found in Schedule 1 and Sections 32 and 74 of the RMA. Clause 16A of the First Schedule states local authority may initiate variations (being alterations other than those under clause 16) to a proposed plan at any time before the approval of plan in which the provisions of the schedule, with all necessary modifications, shall apply to every variation as if it were a change.

In particular, the First Schedule requires that a variation:

- States the purpose of, and reasons for, the variation (clause 22, First Schedule 1)
- Includes an assessment of environmental effects (AEE) (clause 22, First Schedule 1)
- Is consistent with/has regard to relevant statutory documents and Council functions (section 74)
- Evaluates the appropriateness of the proposal in achieving the purpose of the RMA in the manner set out in section 32 of the RMA.

This document forms the Section 32 evaluation of the proposed variation, consisting of an evaluation of the contents of the proposed variation, and incorporates material from a number of specialist reports generally contained as appendices.

It is noted that the Wairau Awatere Resource Management Plan (WARMP) is still operative but in general there are no provisions in the PMEP relating to the matters in Variation 6 which are subject to appeal, and as such the relevant rules in the PMEP can be treated as operative in accordance with section 86F of the RMA. Significant weight can also be placed on the relevant objectives and policies of the PMEP given how far through the First Schedule process has progressed.

2 The Site

2.1 Physical Description

The proposed site subject to Variation 6, as shown in Figure 1, is located at 44-46 Old Renwick Road, adjoining the northern urban area of Blenheim.

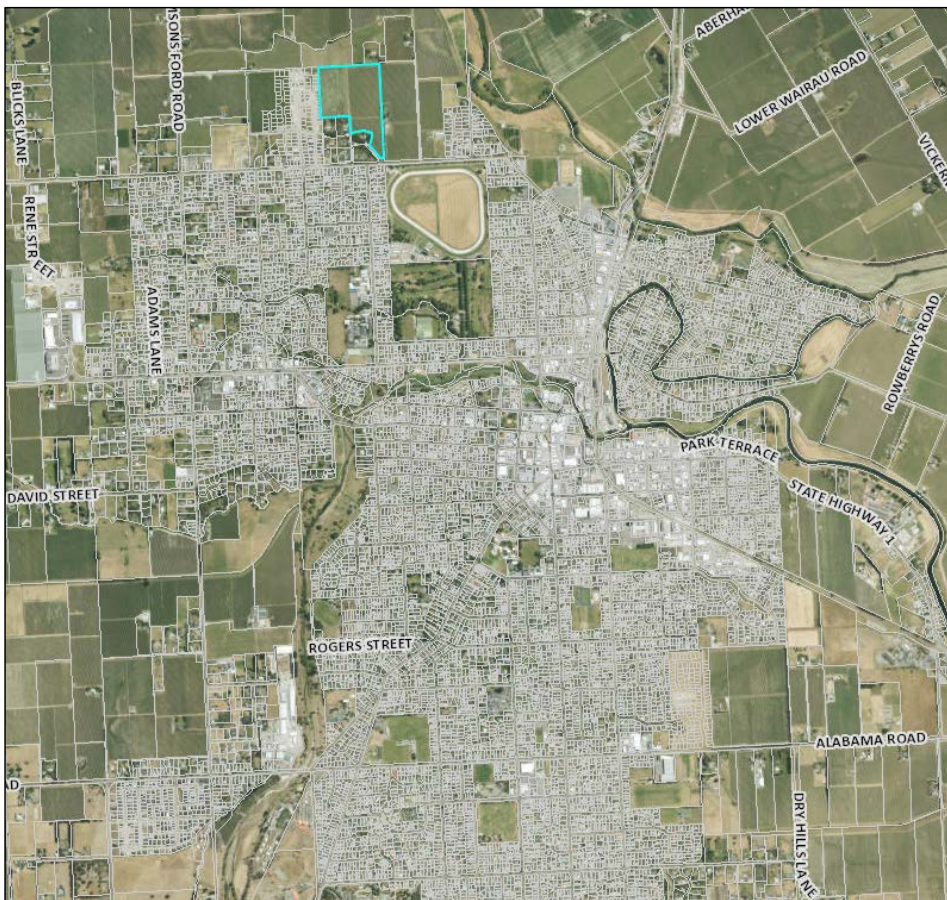


Figure 1. Location of site relative to Blenheim (blue outline).

The site generally comprises 12.00ha in area.

The area of the site to be rezoned from Rural Environment to Urban Residential 2 (Greenfields) is approximately 5.47ha and located towards the periphery of the site, as shown in Figure 2.

The balance of the site, towards its centre, as shown in Figure 2, comprises approximately 6.43ha, is to be rezoned from Rural Environment to Urban Residential 4 and developed for medium density housing (MDH). This zone is a new one in respect of the PMEP, with its provisions contained in Variation 7, which is to be publicly notified at the same time as Variation 6.

The overall site is generally flat with a fall of 1 m from the north-western corner to the south-eastern corner. This site has previously been highly modified for rural productive purposes and is currently used as a vineyard and lifestyle block with one existing dwelling currently on the property. Other improvements to the site are vineyard/ tractor sheds, pump sheds and a drainage channel (Cooper and Morrisons Drain maintained by MDC) that runs the length of the eastern boundary to drain into Caseys Creek to the south of the site.

Old Renwick Road is a sealed two-lane road with a sealed width of approximately 9m. The road is identified as a Secondary Arterial Road in the PMEP Rooding hierarchy (refer Appendix 17 of PMEP). Physical access to the site is currently provided via a right of way approximately 180m west of the existing frontage.

As part of the Variation, it is also proposed to rezone the adjoining Caseys Creek Local Purpose Reserve (Esplanade) to the south of the site, from Rural Environment Zone to Open Space 3 Zone. The area subject to this rezoning comprises 1,297m² comprised in Lots 100 and 102, and will enable MDC to better manage this parcel of land. This approach is consistent with the way in which other riparian reserves are treated under the PMEP.

In addition, a lot to "vest as road" (Lot 200), comprising 510m² adjacent to Middle Renwick Road, is proposed to be rezoned from Rural Environment to Urban Residential 2 (Greenfields) Indicative Rooding.

Caseys Creek, has a relatively small surface catchment, but receives water through emerging groundwater and several stormwater discharges from residential areas located along both sites of the waterway. In the context of Variation 6, Caseys Creek flows from the Rose Manor development to the northwest, along the southern boundary of the site, before flowing eastward parallel to Old Renwick Road on the north side of the road (where at this point the waterway is also referred to Caseys Drain).

The esplanade reserve has a mixture of mature native and exotic riparian planting on the south bank which appears associated with the adjoining rural residential allotment. The north bank has a grassed area associated with the existing vineyard and some riparian planting such as flaxes. Lot 200 is comprised of Caseys Creek and the vineyard.

2.2 Legal Description

The site proposed for development is contained in Lot 2 DP 578788 (Identifier 1072544, attached in **Appendix A**).

The Local Purpose Reserve (Esplanade), is legally described as Lot 100 DP 575788 (Identifier 1078137) and Lot 102 DP 575788 (Identifier 1078138) attached in **Appendix A**. Lot 101 which contains Caseys Creek riverbed and Lot 200 which comprises the lot to "vest as road" do not have Record of Titles - refer to plan in **Appendix A**.



Figure 2. Proposed Rezoning from Rural Environment to:

- (i) Urban Residential 2 (Greenfields) Zone - shown as grey shading with green hatching
- (ii) Urban Residential 2 Indicative Road layout - grey shading
- (iii) Urban Residential 4 Zone - black shading
- (iv) Open Space 3 Zone – green shading

2.3 PMEP Zoning and overlays

The site is currently zoned Rural Environment as shown on Figure 3.



Figure 3. The indicative site (black outline) and PMEP Zoning (brown shading is Rural Environment).

Caseys Creek, and Cooper and Morrisons Drain are also identified in the PMEP as part of the Council's "Drainage Channel Network". This network provides a vital role in maintaining flood control on the Lower Wairau Plains primarily to enable primary production activities to continue.

Caseys Creek is also identified as a high priority waterbody for public access in the PMEP (Overlays - Volume 4).

These features are shown on Figure 4.

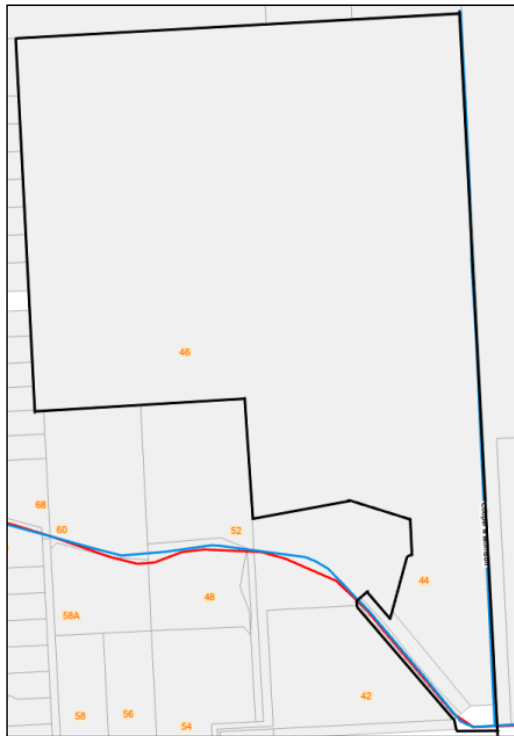


Figure 4. The indicative overall site (black), the surrounding Casey's Creek, and Cooper and Morrisons Drain (blue) and the high priority waterbody for public access (red).

There are no other overlays which affect the site such as those relating to flood hazards, groundwater protection area, riparian natural character management area, noise control boundary, fault buffer zone, or notable trees or significant wetlands.

2.4 Soils

Soils on site are likely to be typical of Wairau Plains Soils which developed from a range of parent materials including alluvium and organic deposits on the floodplains.

The site is identified as containing "Highly Productive Land" in relation to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) given the soils are Land Use Capability Class (LUC) 2 and zoned Rural.¹ Refer to Figure 5.

LUC 2 is land that has slight limitations for arable use and suitable for cultivated crops, pasture, or forestry. The dominant limitation for the land around the site is soil wetness resulting from a high-water table and poor drainage.

¹ Refer Clause 3.5 (7) of NPS-HPL

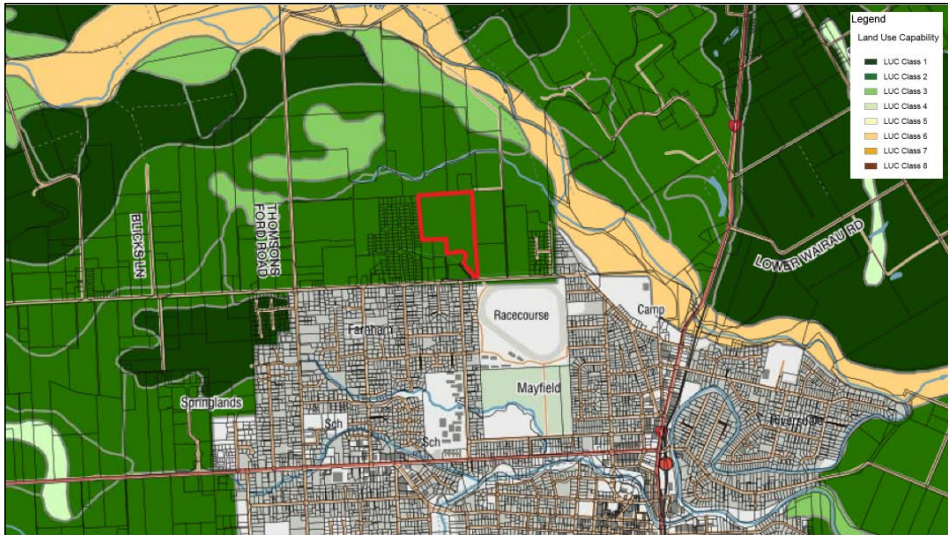


Figure 5. Land Use Capability Class for the area (Source: Our Environment Maps)

3 The surrounding environment

A description of the surrounding environment is as follows (refer to Figure 6):

- The land to the north and east of the site is largely used in a similar way to the site currently with a majority of vineyard and lifestyle uses and is zoned Rural Environment. The surrounding rural zoned land ranges in size from 1ha up to 15ha with the majority averaging 5-6ha. There is one frost fan within 300m of the site, which is located approximately 240m to the northwest, directly north of the Rose Manor development.
- Approximately 0.5km east of the site is the residential area off Waipuna Street, and the more recent Clearwater Place which was developed in 2006. That area consists of Urban Residential 2 zoned land ranging from 500m² - 1000m² sites and borders Lansdowne Park and the Ōpaoa River.
- Land south of the site and on the northern side of Old Renwick Road is a cluster of nine large lot lifestyle/residential sections, zoned Rural Environment and ranging in size from 3000m² - 9000m². To the south of Old Renwick Road is the established residential area of Springlands zoned Urban Residential 2. Further south along McLauchlan Street are the education facilities of Bohally Intermediate School and Marlborough Girls College.
- To the southeast of the site on the southern side of Old Renwick Road is the Waterlea Racecourse which is zoned Rural Environment. To the south of the racecourse is the recreation reserve of Pollard Park.
- Land to the west of the site is the Rose Manor development which is zoned Urban Residential 2 (Greenfields). The Rose Manor development generally consists of lots approximately 700m² in size and will yield upwards of 250 residential lots once completed. This site was rezoned as a result of Plan Change 64 to the WARMP in 2014.



Figure 6. The indicative site (yellow) and the surrounding environment.

4 Background to Variation

The relevant background to Variation 6 is as follows:

4.1 Growing Marlborough

In 2008 the MDC commenced work on “Growing Marlborough” a strategic project to plan ahead for the next 25 years. This project provided an integrated approach to guide strategic development decisions, with consideration given to the relationships between economic, environmental, social, and cultural perspectives.

In 2010 the Southern Marlborough Growth & Development Strategy (SMUGS) proposal was released to the public for consultation. This proposal outlined several growth pockets around Blenheim and continued to evaluate each of these areas. An area to the north of Blenheim was identified as a potential growth pocket, named N-A & N-B and shown as combined to create N1 on Figure 7 below.

The growth pocket N1 covered the land from the existing residential area around Waipuna Street to the east through to Thompsons Ford Road to the west and extended approximately 500m north from Old Renwick Road. Within N1 N-A consisted of the land to the south and east adjoining Old Renwick Road. N-A contained 35ha of potential growth area and located centrally within this pocket is the proposed Variation 6 site.

The growth strategy findings ranked the growth pocket N1 among the preferred options for development. Furthermore, the growth strategy laid out proposed timings/order that the land would likely be developed. Both scenarios saw the Omaka Landing development completed first followed by the area N-A. This has resulted in the Omaka Landing development completed in 2019 and the Rose Manor development adjacent underway.

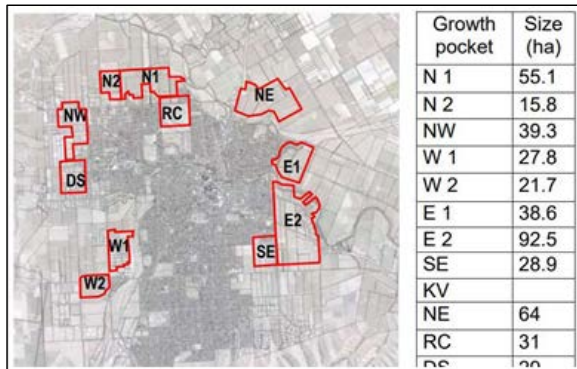


Figure 7. SMUGS growth areas

In 2013 the MDC released the Growing Marlborough overview and decisions summary following on from the SMUGS consultation document in a document “Revision to Growth Strategy” (the Revision Strategy). The decisions made in this strategy further focused residential growth to the north, north-west and west of Blenheim again highlighting N1, now referred to as Blenheim North, as a preferred area. Areas to the east of Blenheim (such as NE, E1 and E2) were removed from the growth strategy due to risk from liquefaction in the event of an earthquake.

In focusing growth to the north-west of Blenheim, the strategy acknowledged the fact that residential activity would encroach into versatile soils. Given the constraints of other areas the MDC believed there was no other viable option to provide for residential growth. The main change regarding the Blenheim North area

was the removal of the land at the eastern end of Blenheim North adjoining Caseys Creek. Insufficient geotechnical information was available at that time and the area was removed to reflect that.

4.2 Plan Change 68

Based on the findings of the Growing Marlborough Strategy, the MDC in 2013 notified seven plan changes to the Wairau Awatere Resource Management Plan (WARMP) in the form of Plan Changes 64-70 to implement the future growth residential areas. The Blenheim North area was split into four separate plan changes (Plan Changes 64,65,67 and 68).

Plan Change 68 (refer to Figure 8) incorporated the land to the west of Waipuna Street up to the boundary of the now Rose Manor development and includes a significant part of the current overall site, although the Plan change area did not have frontage to Old Renwick Road.

Plan Change 68 was ultimately declined by the Commissioners who stated in Paragraphs 155 and 156 of the decision documents that with the subsequent exclusion of the southern portion adjacent to Caseys Creek:

Para 155

"The result is a plan change area that no longer has the spatial attributes that lead to its selection as a preferred growth area.

Para 156

In particular:

- The area no longer enjoys good connection to Blenheim,*
- The area is a relatively isolated pocket juxtaposed between two rural areas, and*
- Provides limited transportation connections to the wider transportation network".*

The Commissioners concluded that whilst the plan change was declined there was merit in further investigation and reconsideration of the area for residential development if it was revealed on further investigation that the areas excluded from the plan change can be economically developed.

Para 160

"Further detailed investigation might reveal more information and a better understanding of the underlying geotechnical conditions, but that information was not provided by any of the landowners (this referred to landowners outside the plan change area)."

Para 162

"In short, we are not convinced based on the level of investigation that has currently occurred and the limited extent of the plan change area that Plan Change 68 should be approved. Further investigation design and planning is required. To preserve the opportunity for residential development in plan change area 68, we have maintained essential roading connections to that land in the adjoining block" (which is now part of the Rose Manor Development)

Council believes the constraints identified by the Commissioners can be overcome having particular regard to the further geotechnical investigations, the smaller area and proposed layout, the availability of frontage to Old Renwick Road and the transport connections available from Old Renwick Road and Rose Manor.



Figure 8. Plan Change 68 area (yellow) and the proposed site (red)

4.3 Involvement of Kerepi Limited

Kerepi Limited, an experienced developer who has completed a range of comprehensive residential developments in Tasman District and Nelson City previously, purchased the overall site in 2022 with a vision to create a residential development of mixed densities that facilitated a variety of housing options based on good urban design principals and which would lead to the creation of a diverse community. Kerepi Ltd envisaged that the development would yield approximately 172 residential lots and provide a more affordable new housing option, that is currently limited in the Blenheim market.

Kerepi Limited originally proposed the overall site be rezoned Urban Residential 2 (Greenfields) Zone with an overlay over part of the site allowing higher for density multi-unit development. MDC did not favour this approach as the overlay approach is in potential conflict with existing objectives and policies, particularly regarding the Urban Residential 2 (Greenfields) Zone and does not fit with the rules structure in the PMEP.

MDC favoured advancing the proposal as a variation² to the PMEP in accordance with Schedule 1 of the RMA in which Variation 6 rezones part of the site to the existing Urban Residential 2 (Greenfields) Zone and the balance of the site to a new zone, Urban Residential 4 for MDH.

The provisions of the Urban Residential 4 Zone are contained in a separate variation, Variation 7.

² Private plan change(s) option is not possible because the PMEP is not yet operative.

The Urban Residential 4 Zone provisions could also apply to other sites if other developments in greenfield/brownfield areas proposed to undertake MDH development. This would require a further plan change to rezone each site.

4.4 Residential Land Supply in Blenheim

4.4.1 Introduction

There is a widely reported nation-wide issue with housing availability and affordability, and in terms of Blenheim it is evident that there is a shortage in the housing market over the last five years with subdivision developments selling out before they can be completed and there are periods where no greenfield sections have been available to purchase in Blenheim.

The National Policy Statement on Urban Development 2020 (NPS-UD) supports productive and well-functioning cities and to ensure there are adequate opportunities for land to be developed to meet community, business, and housing needs. There is an emphasis on providing development capacity in locations, and of a form, which will meet the needs of communities, and encourage development of well-functioning urban environments (commentary on the NPS-UD is provided in Section 8.5.2).

Clause 3.11 of the NPS-UD 2020 requires local authorities to use evidence about land development markets and the results of monitoring when changing plans in a way that affects urban environments.

Under the NPS-UD, Local authorities are categorised as either Tier 1, 2 or 3 with MDC being Tier 3.

Tier 1 and 2 authorities have mandatory reporting and planning requirements, including preparation of 3-yearly 'housing and business development capacity assessments' (HBA) and 6-yearly 'future development strategies' (FDS). Tier 3 authorities may choose to prepare these documents.

Growth statistics for Blenheim meant it was originally classified as a 'medium growth area' for reporting purposes under the previous NPS-UD 2016 and as such made MDC a Tier 2 authority. However, MDC was later re-classified as 'low growth' and is now a Tier 3 authority.

Notwithstanding this, MDC elected to prepare an updated HBA, the *Marlborough District Council Housing and Business Development Capacity Assessment, 2021* which was reported to the MDC Finance Committee in February 2022 (attached as **Appendix B**) and discussed below.

4.4.2 Housing and Business Development Capacity Assessment 2021 (HBA)

The HBA identified a potential shortfall in the provision of land zoned for residential activity of 906 dwellings, in Blenheim equating to an area of 82 ha. While the majority of the shortfall appeared to occur largely in the long-term provision of land (30 years), the HBA identified potential constraints to developing already zoned land soon enough to meet anticipated demand over the next five years. These constraints relate to infrastructure-ready land available for development and issues of multiple ownership and sequential development (the need to wait until the land ahead has been developed to enable feasible and economic infrastructure connections).

As a consequence, the HBA recommended that Council should be prepared to consider proposals to rezone land not currently zoned for residential purposes as a means of managing the short-term risk of demand exceeding supply.

In terms of infill development, the HBA based on previous data, allowed for an annual average of 20 infill subdivisions per year out to the long term, with total infill capacity calculated at 703 dwellings over the next 30 years. Most of the infill occurs in the Urban Residential 1 Zone which is located in proximity to Central Blenheim to provide for MDH. The HBA noted that infill through subdivision is becoming less easy to execute and therefore more costly due to the nature of the sites, and cost of subdivision including Council fees, removal of existing building footprints, and remediation of contamination for example. However, the HBA

stated infill is likely to continue to occur at the same rate and possibly higher than in previous years and may become more attractive as greenfield sections increase in price.

The HBA recommended a review of PMEPP provisions for the Urban Residential 1 Zone and other methods to establish ways to incentivise intensification.

The HBA also identified that there is also likely a mismatch in the type of housing provided relative to the future population need (which will likely require smaller housing options), and an issue with affordability of housing for the current population. The HBA noted feedback from the housing and building sector suggests that smaller and attached homes are becoming more popular due to reasons of affordability, and preference, however covenants on new developments often mean that this type of housing is more likely achieved in infill/brownfield developments. The HBA referred to the need for 1–2-bedroom homes, particularly with an ageing population. In terms of housing affordability, this has decreased in Marlborough markedly in the last 5 years with the current house values approximately 6 times the average household income.

The findings and recommendations of the HBA were accepted by the MDC Finance Committee in respect of considering rezoning additional land in the short term and a review of the Urban Residential 1 Zone provisions. The MDC response to these recommendations is set out below in Sections 4.4.3 and 4.4.4.

4.4.3 Rezoning of Land for Residential Purposes

Council proposes to rezone the Kerepi site (Variation 6) for residential purposes to meet short term demand and which in addition to conventional housing densities on Urban Residential 2 (Greenfields) zoned land, provides for higher density on a greenfields site by the creation of the new zone, Urban Residential 4 (Variation 7), thereby increasing housing diversity and affordability.

The provisions of the Urban Residential 4 Zone have largely arisen as a result of the concept put forward by Kerepi Limited and the review of the Urban Residential 1 Zone provisions outlined in Section 4.4.4.

4.4.4 Review of the Urban Residential 1 Zone provisions

Council has also commenced a review of the Urban Residential 1 Zone provisions.

Urbanism Plus Ltd, Urban Designers was commissioned to report on medium density housing in the Marlborough and Blenheim context and which resulted in the report *Urban Design Advice - Medium Density Housing in Marlborough District (May 2023)* which is attached as **Appendix C**. The report contains a commentary on medium density housing in the Marlborough context and concluded that the Urban Residential 1 Zone provisions are not adequate for managing appropriate MDH outcomes, particularly in terms of best practice urban design outcomes.

The report goes on to set out urban design objectives and recommended rules and rationale for a new medium density housing zone.

The report also included a review of the Kerepi MDH proposal in which it noted that the standards in the Urban Residential 1 Zone are not reflective of the type of development which is proposed by Kerepi Limited and would not enable its development.

The suggested provisions in the Urbanism Plus Ltd report form the basis of the Variation 7 provisions, noting that the rules were reviewed and amended as appropriate following an ongoing review by MDC staff and also Kerepi Limited. Consultation was also undertaken with various parties as outlined in Section 7.

As such, MDC seeks to create a new zone, subject of Variation 7, which contains new policies, rules and performance standards that reflect a higher density form of residential development, and which will be applied to part of the Kerepi site.

The review of the Urban Residential 1 Zone is continuing with final outcomes to be determined.

5 The Proposed Variation

5.1 Description of the Proposal

Variation 6 proposes to:

(i) rezone approximately 5.57ha of the site from Rural Environment to Urban Residential 2 (Greenfields). This part of the site will generally be subject to the PMEP provisions that currently apply to the Urban Residential 2 (Greenfields) Zone. This zoning will generally apply to the periphery of the site, and it is envisaged that the rezoning will result in a yield of approximately 66 allotments, based on a density of approximately 10-12 dwellings per hectare as shown in Figure 9 ; and:

(ii) rezone the balance of the site which comprises of approximately 6.43ha from Rural Environment to Residential Urban 4 to enable the provision of MDH. The rezoning applies to the centre of the site, and it is envisaged that there will be yield of over 80 housing units, based on a density of approximately 16 - 17 dwellings per hectare.

(iii) rezone Lot 200 DP578788 from Rural Environment to Urban Residential 2 (Greenfields) Indicative Road comprising 510m². This lot is currently vested as Road in MDC.

(iv) rezone Lot 100 DP 578788 and Lot 102 DP578788 (Local Purpose Reserve) comprising 1,297m² from Rural Environment to Open Space 3. Lot 101, comprising the waterway, is to remain as "Indicative Riverbed" in the PMEP. This change implements a consistent zoning treatment of rivers and reserve land adjoining rivers in the PMEP³, and provides MDC with appropriate management options going forward, rather than relying on the Rural Environment zoning.

The development will connect into the existing roading network in two places, Old Renwick Road and Oakley Avenue (from the adjoining Rose Manor). Oakley Avenue is a local road in the MDC roading hierarchy and will be extended through to the site. Provision is made for a road connection to the east if this area is developed for residential purposes.

The development will connect to Old Renwick Road by a culvert/bridge over Caseys Creek, with access controlled by a T intersection.

Provision is made for stormwater detention and attenuation ponds at the south of the site which will be located in the Urban Residential 2 (Greenfields) Zone, in accordance with MDC stormwater neutrality principles.

Figure 9 shows an indicative layout of residential development on the site, with the larger lots on the periphery and the MDH at the centre of the site along with the proposed stormwater detention and attenuation ponds.

³ The PMEP under Methods of Implementation states the following:

9.M.1 Zoning

...

The zone for conservation purposes (Open Space 3 Zone) applies to open space intended to be retained largely in its natural state. Included in this zone are areas of native vegetation, natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership. An important aim for this zone is also the promotion of public access to and along the coast, lakes and rivers with the exception of the privately owned islands of Rangitoto/d'Urville Islands. The Zone will therefore be applied to areas identified as Sounds Foreshore Reserve, esplanade reserve or unformed road reserve that abuts the coastline.



Figure 9. The site showing the proposed allotments and MDH layout and stormwater detention and attenuation ponds. (Source: Kerepi Limited)

5.2 Proposed Amendments to the PMEP

5.2.1 Introduction

This section details the amendments in respect of Variation 6 as it relates to the proposed site. Part of the site will utilise the existing Residential 2 (Greenfields) Zone provisions which results in changes to the relevant planning map and some minor consequential changes to some provisions of the Urban Residential 2 (Greenfields) Zone as set out in section 5.2.2.

The remaining part of the site will be rezoned Urban Residential 4 Zone, which is a new zone in the PMEP and whose provisions are included in Variation 7. The amendment to Planning Map 3 to provide for this zone forms part of Variation 6.

The provisions of the Urban Residential 4 Zone are set out in Variation 7 and includes two new policies, a new Rules Chapter, amendment to the Subdivision Rules Chapter and other minor consequential amendments.

The Caseys Creek Local Purpose Reserve (Esplanade) will also be rezoned to Open Space 3.

5.2.2 Variation 6 Amendments

The proposed amendments of Variation 6 are set out in **Appendix D** and include:

(i) Planning Map 3

Amend Planning Map 3 to show the following:

- (a) Rezone the site from Rural Environment to Urban Residential 2 (Greenfields) and Urban Residential 4;
- (b) Indicative Road Layout and;
- (c) A notation "Growth Area 6" in respect of the Urban Residential 2 (Greenfields) Zone.
- (d) Rezone Lot 100 DP 678788 and Lot 102 DP678788 (Local Purpose Reserve (Esplanade) comprising 1,297m² from Rural Environment to Open Space 3. (Lot 101 is to remain as "Indicative Riverbed").

The indicative road layout and the new Growth Area (6) is consistent with existing Urban Residential 2 (Greenfields) Zone provisions.

(ii) Chapter 12 Urban Environments

- Change to Policy 12.2.4 in Chapter 12 Urban Residential provisions to acknowledge the presence of an additional "greenfields site" and the specific matters applicable to it, as follows (changes shown by ~~strikethrough~~ and underlining).

Policy 12.2.4 – In relation to ~~five~~ six areas zoned as Urban Residential 2 (Greenfields) Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:

- (a) farming activities are permitted to continue until residential development of the land occurs;*
- (b) subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes;*

(c) allotment sizes greater than 800m² are discouraged, other than at the boundary of the Urban Residential 2 Zone and any non-residential zone, and then only for the purposes of managing Greenfields reverse sensitivity effects from activities in adjoining zones;

(d) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully established rural and non-residential activities including State Highways and land designated for State Highway purposes;

(e) where indicative roading layouts are shown on the Marlborough Environment Plan maps for the Zone, the roading network proposed at the time of subdivision and development must be in general accordance with the indicative layout;

(f) contaminated sites must be identified, and contamination mitigated or remediated so that land is suitable for residential development;

Specific Matter Applicable to Area 2:

(g) activities within Area 2 in proximity to the National Grid Blenheim Substation must not compromise the operation and function of the substation;

Specific Matter Applicable to Areas 3 and 6:

(h) the indicative roading layout in Area 3 will be dependent upon and enhanced by connections to existing public or private roads over land outside Area 3;

Specific Matter Applicable to Areas 3 and 5:

(i) subdivision design within Areas 3 and 5 must have particular regard to activities within the adjoining Business 2 and 3 Zones and Industrial 1 Zone at Westwood to mitigate reverse sensitivity effects from noise, truck movements and light spill; and

Specific Matter Applicable to Areas 1, 2, 4 ~~and 5~~ and 6:

(j) subdivision design in Areas 1, 2, 4, ~~and 5~~ and 6 must have particular regard to farming activities on the northern boundary of the areas and on the western boundary of Areas 4 and 5, and on the eastern boundary of Area 1, in terms of the potential for spray drift, noise and traffic movements.

Following extensive growth strategy investigations, the Council identified five growth areas to the north and west of Blenheim in an Urban Residential 2 Greenfield Zone suitable for providing sufficient housing for approximately the next 20 years. These growth areas are numbered 1 to 5 in the Greenfield Zone. Subsequently, a further area, Growth Area 6, was identified adjoining Growth Area 1. A number of general matters apply to all areas within the Zone while some are specific to different areas; for example, the Blenheim Substation in Area 2 is specifically identified to give effect to the National Policy Statement on Electricity Transmission.

In general, existing farming activities are able to continue in the Zone until the area is developed for residential use. An efficient pattern of subdivision for medium density housing is encouraged, although in order to mitigate the effects of reverse sensitivity at the rural/urban interface allowance is made in some circumstances for larger lots of 4,000m². Subdivision for residential purposes should have regard to such matters as reverse sensitivity, subsoil conditions, efficient roading layout (which is indicatively shown in Areas 1-5 6 on the planning maps) and the location and provision of open space and other community facilities. Rezoning does not imply the presence of Council

infrastructure. Preference will be given to an orderly and sequential provision of services so that Council spending can be undertaken in a prudent manner.

Overall, the changes to Policy 12.2.4 are considered minor and of a factual nature to acknowledge the presence of the new zoning and enables the PMEPP to be a true and up to date document.

5.2.3 Relationship of Variation 6 and Variation 7

Variations 6 and 7 are submitted as separate variations and are independent of one another, although any amendments to the Residential 4 Zone provisions in Variation 7 will potentially affect the physical layout of development on the Kerepi site.

5.3 Servicing of Site

5.3.1 Introduction

The NPS-UD 2020 requires Councils to provide sufficient development capacity to meet expected demand for housing that is 'plan-enabled' and 'infrastructure-ready'. Development infrastructure is defined as water, wastewater, and stormwater to the extent these are controlled by the Council, and land transport (clause 3.4).

The site can be considered a natural extension of the existing urban areas, and is generally well located for extension of services infrastructure, and to take advantage of capacity in existing services networks that is available due to urban zoned-but as-yet undeveloped areas.

Marlborough Management Services (MMS) were initially engaged by Kerepi Limited to assess whether the site could be serviced with three waters to normal residential standards (refer to **Appendix E Three Waters Servicing Scoping Report, Marlborough Management Services, December 2022**).

The assessment was reviewed by the MDC Assets and Services Department who in a subsequent report (attached as **Appendix F Proposed Residential Plan Changes 2022 Servicing – Three Waters and Transport, MDC Assets and Services Department, February 2023**) confirmed the site can be serviced.

The servicing of the site is shown on Figure 10 which is taken from the MDC report and a summary of the servicing is presented below.



Figure 10. Proposed MDC servicing of the overall site.

5.3.2 Water

The proposed development will connect into existing water infrastructure at the boundary of Oakley Avenue as well as on the Northern side of Old Renwick Road near the intersection with McLauchlan Street. MDC have indicated planned upgrades of the existing DN 100 water main along the length of McLauchlan Street will need to be completed prior to development with the upgrades expected in the next three years. This work is within the scope of a standard residential development and does not pose any significant engineering issues.

5.3.3 Stormwater

The proposed development will drain stormwater to Caseys Creek at the south-eastern corner of the property. The existing flow in Caseys Creek will be maintained with the development using a detention pond for stormwater runoff to limit the post development flow rate into Caseys Creek to predevelopment levels, the proposed location of which is shown on Figure 9. With the implementation of "stormwater neutrality" which is now a requirement of MDC, there will be no adverse effect on or change to the ability of Caseys Creek to cope with expected flood flows.

Cooper and Morrisons Drain is proposed to be replaced with a stormwater pipe in which all of the run-off from the rural property to the north will be collected and diverted around the Kerepi site. Through implementing the stormwater pipe, the rural and residential stormwater be separated and the Kerepi development will not capture or treat the volume of stormwater received from the catchment to the north.

A stormwater first flush pond in the same location will also be used for treatment of the stormwater to align with the MDC Code of Practice in order to manage water quality from the additional discharge to predevelopment levels and in accordance with "stormwater neutrality".

5.3.4 Wastewater

The sewer system will discharge to the McLauchlan Street pump station located at the intersection of Fulton Street and McLauchlan Street via a pipe through the western edge of the Waterlea Racecourse (preferred option) or via McLauchlan Street. The MDC assets and services team advises that the sewer system downstream of this pump station can handle the increased volume with infrastructure designed and installed to cater for possible further rezoning to the East.

Internally within the development, the sewer system will be made up of mostly gravity sewer draining to pump stations as needed with a depth limitation of 2.5m for pipes.

This is considered a standard solution to wastewater disposal in Marlborough.

5.4 Telecommunications and Electrical Supply

Marlborough Lines and Chorus have both confirmed the adjacent network can serve the site if it is rezoned and developed as outlined.

5.5 Contaminated Land

Fraser Thomas Ltd was engaged to carry out a Detailed Site Investigation (DSI) to assess the suitability of the overall site relative to National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES CS). (Refer to **Appendix G Detailed Site Investigation – Contamination – Rezoning Submission – 46 Old Renwick Road, Blenheim, Frazer Thomas Ltd, October 2022**).

The main rationale and objectives for this investigation were:

- To identify any actual or potential issues due to historic use of land within the property;
- To confirm that the site is suitable or can be made suitable for the proposed subdivision; and
- To confirm whether excess excavated soil, if any, from any future site redevelopment can be retained on-site or must be disposed of off-site to an approved disposal facility.

The site was used for agricultural purposes up to the 1980's before being progressively converted to vineyards. The investigation found that the site is considered suitable for the proposed rezoning and future subdivision, provided localised issues relating to arsenic contamination associated with vineyard timber posts (including a stockpile of posts) are addressed.

The following confirmed Hazardous Activity Industry List (HAIL) activities were identified during the investigation:

- A10 - Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds: This relates to the current viticultural activity occurring at the site.

- A18 - Wood treatment or preservation including the commercial use of antisapstain chemicals, during milling, or bulk storage of treated timber outside: This relates to the stockpiled and in situ treated timber posts supporting the vines.

The investigation found that the site is considered suitable for the proposed rezoning and future subdivision, provided localised issues relating to arsenic contamination associated with vineyard timber posts (including a stockpile of posts) is addressed.

The DSI identifies that these issues can be resolved by stripping of the contaminated soil and mixing with clean topsoil. It is noted that dealing with vineyards in this way is now standard practice for residential expansion in Marlborough with the techniques and procedures well known and able to be accommodated as construction workflows.

The DSI notes that the rezoning will trigger “change in land use”, “subdivision” and “soil disturbance” activities under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The soil disturbance will ultimately require resource consent given the likely arsenic concentrations present at the time of development.

5.6 Transport

An internal roading layout is shown on the Variation 6 rezoning map in accordance with Policy 12.2.4 (e) of the PMP, in order to provide an efficient roading layout and to guide subdivision for:

- Development on the site and;
- Adjoining developments including development on the Variation 2 site; Rose Manor development on the western boundary (already zoned Urban Residential 2); and possible residential development on the eastern boundary (currently zoned Rural Environment).

Traffic Concepts Ltd was engaged to assess the transportation effects of the proposal on the surrounding network which is set out in *Transportation Impact Report (TIA) (December 2022)* attached as **Appendix H**.

The assessment was based on the two new roading connections into the existing network, being the extension of Oakley Avenue and an intersection with Old Renwick Road. The report findings are summarised below.

- The site is ideally suited to use existing road infrastructure on the northern side of Blenheim with the site being around two kilometres from the centre of the town, it provides an excellent opportunity to encourage alternative transport modes such as walking and cycling and the use of the adjacent public transport network.
- The adjacent road network is operating below capacity with some intersections on SH1 and Nelson Street (SH6) having congestion at peak times. While the site will add new trips to the road network, these are expected to disperse across the various routes reducing the impacts at these locations. It is noted that there are other greenfield sites which will add traffic to the wider road network.
- There is a need for some improvements to the road network to accommodate the site which include the upgrade of Old Renwick Road adjacent to the site to provide for a right turn bay and/or flush median. It is also suggested that the provision/improvements to cycle linkages from the north of Blenheim to the town centre are also implemented.

The MDC report *Proposed Residential Plan Changes 2022 Servicing – Three Waters and Transport (February 2023)* (**Appendix F**) based on a review by Laura Skilton of Marlborough Roads, identified the following relevant matters with respect to transport:

- Continued upgrading of Old Renwick Road (between #63 and to east of the site) to achieve a 10.9m wide carriageway is required.
- A right turn bay on Old Renwick Road is required (as proposed)
- A footpath on northern side of Old Renwick Road is required.
- It is likely that the McLaughlan Road/Nelson Street intersection will be upgraded as part of the Marlborough School project.
- In terms of the internal roading network, the connection to Old Renwick Road needs to be built to at least Collector Road standard.

The traffic assessment report was reviewed by NZTA/Waka Kotahi Regional Road Safety Engineer Andy High and Principal Planner Lea O'Sullivan in November 2023. The following overview was provided:

The Transportation Impact Report provided by Traffic Concepts (Gary Clark) broadly conforms to Integrated Transport Assessment (ITA) requirements - it does seek to investigate and explain wider effects for all transport modes including buses. The report provides different trip generation rates and attempts to predict the likely movements of traffic generated by the development, noting that effects will be dissipated by the time state highways are reached, or that route patterns will change in response to congestion or issues arising at various intersections. My biggest concern would be for McLaughlin/SH6 intersection which already has issues at peak times associated with the schools, but I consider that no improvements at the intersection can be assigned directly to this application (beyond MDC taking development contributions in the normal fashion). Note, that children living in the development would be able to access the colleges on McLaughlin Street without having to cross a state highway and I agree with the ITA that improved cycling facilities on McLaughlin would be beneficial.

The development Plan Change is basically in the right location to be able to provide appealing alternatives to the use of private vehicles and crucially is served by a bus route and is close enough to the CBD for active modes to be very viable.'

5.7 Geotechnical

A geotechnical investigation of the overall site was undertaken of the site by Fraser Thomas Ltd the findings of which are contained in the report *Geotechnical Investigation Report-Rezoning Submission – 46 Old Renwick Road, Blenheim, August 2023* which is attached in **Appendix I**.⁴

The site is identified in the document *Liquefaction Vulnerability Study (Lower Wairau Plains (May 2021))* as containing potentially liquefiable soils which are susceptible to earthquake events.

Investigations were therefore undertaken to determine the subsoil conditions beneath the subject site as they may affect future residential development, and to determine the suitability of the subject site for the proposed residential development including having regard to foundation design considerations.

The report has had regard to a recent MDC document *Liquefaction Assessment Guidelines, (September 2021)* which is intended to introduce consistency and more rigour to geotechnical investigation, reporting and mitigation when residential development takes place.

⁴ This report was revised after a Beca Ltd geotechnical review identified that further testing was required on the eastern part of the site, and which was subsequently undertaken.

The field investigations (Cone Penetration Test (CPT) probes and hand augured boreholes with associated Dynamic Cone Penetrometer (DCP) scala tests) found that the site is, in general, considered suitable for its intended use, with satisfactory conditions for the future residential building development, subject to the recommendations and qualifications in the report, and provided the design and inspections of foundations are carried out as would be done under normal circumstances in accordance with the requirements of the New Zealand Standard Codes of Practice.

In particular the following is noted:

- In respect of Caseys Creek/Drain, the presence of which was the reason for removing proposed residential areas in its vicinity as part of the Revision Strategy (refer to Section 4.1) until further investigation was carried out the report notes that *“based on the site specific investigation and analyses works reported herein, it is our opinion that the subject site, in proximity to Casey’s Drain and the proposed future stormwater attenuation pond, may be subject to minor lateral spread, as defined by the MBIE Canterbury guidelines (i.e. generally less than 100 mm), in response to a future large earthquake event (i.e. equivalent to a ULS design earthquake event)”* As such *“Foundation design recommendations to mitigate the risk of any liquefaction induced lateral ground spread adversely affecting future house foundations, are presented in Section 13.2 of this report.”*
- The northern part of the site, identified as Foundation Design Zone A (see Section 13.2 of the report), is unlikely to be subject to any significant ground deformation as a result of liquefaction of the underlying soils, in response to a future large earthquake event.
- The southern part of the site, identified as Foundation Design Zone B (see Section 13.2 of the report), subject site could be affected by liquefaction induced ground deformation, in response to a large earthquake event, and that the ground settlements in this area should be considered to be "minor to moderate" as defined by the MBIE guidance document, and the site may be subject to minor lateral spread, as defined by the MBIE Canterbury guidelines (i.e. generally less than 100 mm), in response to a future large earthquake event (i.e. equivalent to a ULS design earthquake event).

Foundation Design Zone A and B are shown in Figure 11. The southern part of Zone B is unlikely to be utilised for building development as it will be used for the stormwater ponds (see Figure 9).

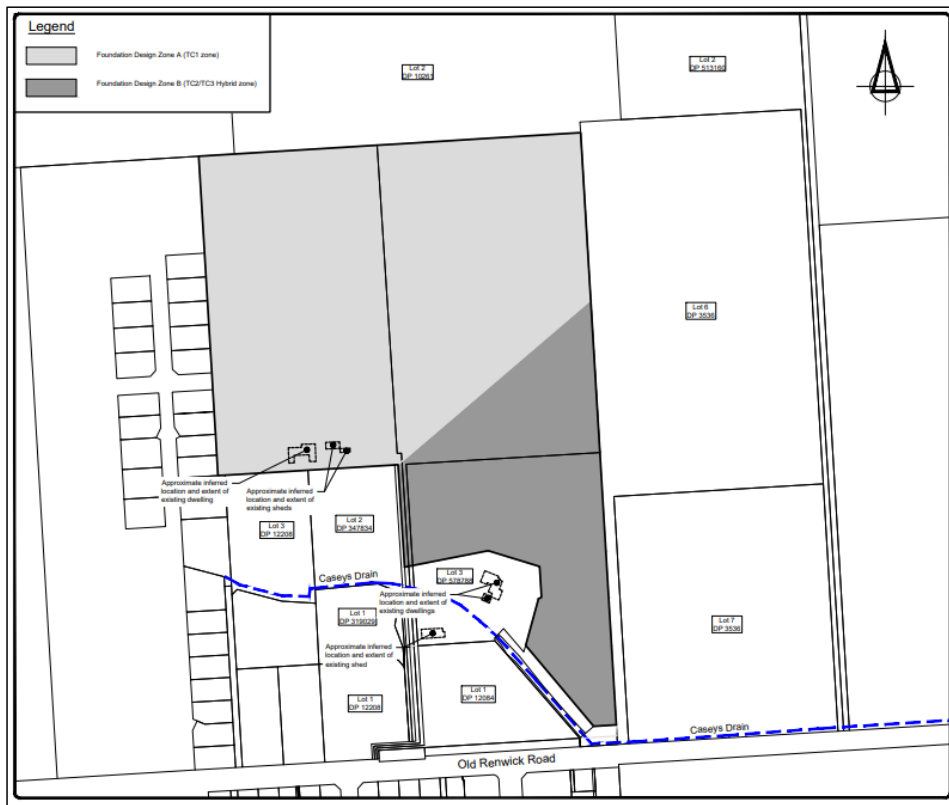


Figure 11. Foundation Design Zone A and B (Source: Geotechnical Investigation Report, September 2022)

Table 13 from the report (Figure 12) is a summary of the foundation recommendations for the design zones identified above.

TABLE 13: SUMMARY OF FOUNDATION DESIGN RECOMMENDATIONS FOR FOUNDATION DESIGN ZONES A AND B

Foundation Design Zone	Foundation Technical Category (as defined by the MBIE guidelines)	Foundation Design Recommendations
Zone A	TC1	Should be suitable for conventional shallow foundation systems, designed and constructed in accordance with NZS 3604: 2011 (as modified by B1/AS1), and in accordance with the recommendations presented in the Fraser Thomas Ltd Geotechnical Investigation Report, dated 28 September 2022.
Zone B	TC2/TC3 Hybrid	Suitable for an enhanced shallow concrete foundation system, such as a concrete waffle slab type foundation system, designed in accordance with the requirements of the MBIE guidance document, and in accordance with the recommendations presented in the Fraser Thomas Ltd Geotechnical Investigation Report, dated 28 September 2022. It is recommended, in order to further mitigate the risk of liquefaction induced differential ground deformation adversely affecting a proposed concrete floor type foundation system, that a minimum 600 mm thick "reinforced gravel raft" be constructed beneath the foundations of the proposed concrete waffle slab foundation system.

Figure 12. Table 13 Summary of Foundation Design (Source: Geotechnical Investigation Report, September 2023)

Further mitigation measures that are recommended in the report include:

- Foundations located in the vicinity of the areas that are inferred to be underlain by non-engineered fill, be founded beneath any non-engineered fill material into competent natural ground or engineered fill. Alternatively, the non-engineered fill material should be appropriately undercut/removed from site, as part of any proposed subdivisional earthworks.
- A minimum ultimate static bearing capacity value for vertical loading of 300kPa is recommended for shallow concrete pads or beam foundations, founded in the underlying alluvial sediments.
- The location and depth of any buried services should be verified at the site prior to the commencement of foundation construction. Due to the risk of consolidation settlement of the trench backfilling occurring, it is recommended that, if any foundations of any proposed new buildings are located within the zone of influence of any existing service line, either the trench backfill be excavated and replaced with compacted hardfill or the foundations and floor of the proposed new building be designed to span across the trench backfill and the adjacent zone of influence.
- Unless the stability of any developmental earthworks (i.e., constructed for an access driveway, building platform or landscaping) is considered in detail by a chartered professional engineer experienced in geotechnical engineering, and particularly slope stability considerations, permanent fill end and cut slopes should be constructed to a maximum batter slope of 26 degrees with maximum batter heights of approximately 1.0m. Any proposed higher permanent batter slopes should be subject to specific stability appreciation to determine stable limiting batter slopes.
- Any temporary excavated slopes be constructed to a maximum batter slope of 45 degrees, with a maximum batter height of approximately one meter. It is recommended that any temporary excavation

slopes not be left unsupported for a period exceeding one month. It is also recommended that stormwater run-off be diverted away from the crest of any proposed temporary excavation slopes.

6 Assessment of Effects of the Variation

This assessment is being undertaken in respect of Clause 22(2) of Schedule 1 to the RMA that requires the following to be undertaken:

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

Clause 6 outlines the information required in an assessment of environmental effects while Clause 7 specifies the range of matters that must be addressed by an assessment of environmental effects.

The actual or potential environmental effects arising from the Variation are as follows.

6.1 Positive Effects

The proposal will have positive effects by providing additional land for residential development and address issues of housing supply, type and affordability identified in the HBA by:

- Meeting the short-term demand for additional residentially zoned land on an infrastructure ready site.
- Providing for a diversity of housing, including smaller housing units to meet changing community needs.
- Increasing housing affordability by an increase in supply and choice of housing.
- Contributing to meet the identified long term short fall in the provision of land zoned for residential activity.

The site is also in proximity to the existing urban area of Springlands, and this location means that it is within a suitable distance to local shopping, business, recreation, and education facilities and also within walking distance of local open spaces and reserves. The proximity to the existing urban fabric of town means that effective walking, biking, and public transport connections can be made encouraging alternative modes of transport and hence supporting a reduction in greenhouse gas emissions. Potential exists for the overall site to connect with the existing North Route (Springlands - Riversdale) public bus route.

A higher density of housing will also result in a more efficient use of infrastructure.

The proposal to rezone the reserve from Rural Environment to Open Space 3 will be a positive effect by enabling a more appropriate zone for managing riparian areas such as this.

6.2 Amenity Effects

Residential development will inevitably lead to some effect on rural amenity such as loss of rural outlook and increased noise and lighting.

The site is not identified as a landscape of any significance in the PMEP and is generally flat and modified without any significant features.

There will be a localised change to the rural outlook and amenity in the direct vicinity of the proposed plan change, with conventional residential development in the form of detached dwellings, although it is noted that the Variation gives effect to Policy 12.2.4 by providing for larger lots on the boundary with Rural Environment Zones, such as on the northern and eastern boundaries of the site.

Existing amenity rules in the Urban Residential 2 (Greenfields) Zone will also apply to the site in terms of such matters as bulk and location, lighting, noise and discharges while the proposed rules of the Urban Residential 4 Zone are intended to provide a high degree of urban design to offset effects of a higher density and also contains similar rules to those in the Urban Residential 2 (Greenfields) Zone in terms of lighting, noise and discharges.

The locality around the site is in the transition zone between the rural and urban environment with a large residential influence within the rural environment, particularly given the presence of the Rose Manor Development to the west and residential development to the south of Old Renwick Road.

Overall, it is inevitable there will be a change in amenity effects but that this can be accommodated in the environment.

6.3 Transportation

The internal roading layout provides guidance for subdivisions in order to ensure a rational and integrated layout within and outside the site. Internal roads, footpaths etc will be formed in accordance with MDC standards.

As set out in Section 5.6 of this report, the transportation effects report concluded that the site is ideally suited to use existing road infrastructure on the northern side of Blenheim, with the site being approximately two kilometres from the centre of the town and providing an excellent opportunity to encourage alternative transport modes. In addition, the adjacent road network is operating below capacity and while the site will add new trips to the road network, these are expected to disperse across the various routes reducing the impacts at critical locations.

Some improvements will be required including the upgrade of Old Renwick Road adjacent to the site to provide for a right turn bay and/or flush median.

Overall, the traffic effects arising from the variation can be accommodated without causing an adverse impact.

6.4 Services

As set out in Section 5.3 of this report the site can be adequately serviced in terms of water, wastewater, stormwater and power and telecommunications.

It is noted that the site will be required to achieve stormwater neutrality in terms of both quantity and quality and as such the existing flow and water quality of Caseys Creek which the development will discharge to will be maintained at predevelopment levels.

With respect to Cooper and Morrisons Drain to the east of the site, it is considered that the piping of the drain will provide appropriate mitigation to separate the rural and residential stormwater. As such, the potential adverse effects on the network drainage capacity can be adequately avoided or mitigated.

6.5 Natural Hazards

As indicated in Section 5.7 of this report the site contains potentially liquefiable soils which are susceptible to earthquake events.

The findings from the Geotechnical Report concluded that with suitable foundation design and other mitigation, effects arising from earthquakes (including lateral spread) are able to be mitigated to an acceptable standard. The report was undertaken in accordance with recent MDC Guidelines (2021) which are intended to introduce consistency and more rigour to geotechnical investigation, reporting and mitigation when residential development takes place.

The southern part of the site, including that area in proximity to Caseys Creek will require a more robust foundation design for buildings, although it is noted a reasonably large part of the southern site will be used for stormwater ponds.

Future subdivision on the site will also be subject to detailed geotechnical provisions as set out in Policy 11.1.18, and in Rule 24.4.1 of the PMEP which requires specified investigation.

No other natural hazards on proposed variation site are identified. The site is not subject to flooding and is not identified on PMEP Flood Hazard Maps. As discussed above stormwater neutrality in respect of Caseys Creek will be maintained, so as not to cause flooding downstream.

Overall, the site is considered to be suitable for residential development.

6.6 Contaminated Land

As indicated in Section 5.5 the findings from the DSI undertaken of the site by Fraser Thomas Ltd concluded that the site is considered suitable for the proposed rezoning and future subdivision, provided the localised contamination issues identified in this report primarily relating to arsenic associated with vineyard posts are addressed. This is likely to be addressed stripping of contaminated soils and mixing with clean topsoil and is a technique that has been previously utilised for similar developments in Blenheim.

Overall, considered that the potential adverse effects arising from contaminated soils can be adequately remedied or mitigated.

6.7 Effects on Waterways

The development will utilise both first flush and retention ponds for stormwater runoff which will preserve the quality and quantity of runoff into the adjacent Caseys Creek.

The construction of the access over Caseys Creek will be required to have regard to the natural character of the waterway, although structures such as culverts are generally permitted activities in the PMEP.

The local purpose reserve at Caseys Creek adjoining the southern end of the Kerepi site will provide for public access and assist to preserve the natural character of the waterway.

6.8 Cultural and Heritage Values

The PMEP indicates that the site contains no natural surface waterbodies, no statutory acknowledgement areas and no known waahi tapu, taonga or other sites of significance to iwi. It is expected that any future resource consents for development of the zone, where required, will incorporate a condition of consent addressing accidental discovery protocol.

Consultation was undertaken with iwi regarding the proposed variation in which no concerns were raised.

6.9 Loss of Highly Productive Land

While the site is located on land classified as highly productive under the NPS-HPL, it is concluded in Section 8.5.3 of this report that there is no other feasible option for the proposed development.

In addition, the site does not have elite class 1 soils and is being used for viticulture/lifestyle, rather than food production. Viticulture can be successfully carried out, and is still being developed, elsewhere in the region on lesser quality soils.

6.10 Reverse Sensitivity Effects

Residential activities will be located adjacent to rural activities which may result in reverse sensitivity effects relating to such matters as noise and spray drift. No specific measures are proposed although Policy 12.2.4

(c) of the PMP can be given effect to with larger lots located on the interface with rural activities. Policy 12.2.4 (d) also requires subdivision design to have regard reverse sensitivity effects in subdivision design.

Rural activities are also subject to existing rules in respect of activities such as frost fans and spray drift to limit adverse effects.

Some tension between rural and residential activities already exists at present in the area given the location of Rose Manor and residential development is likely to be gradual which may assist in reducing impact.

6.11 Economic Effects

Kerepi Limited has identified the potential economic benefits of the proposed variation in which it is estimated that the development would contribute a total of approximately \$109 million to the Marlborough economy. This is based on an estimation of approximately \$93 million in house building costs (\$3,000 per m² at an average of 180m² for 172 units) and approximately \$16 million in infrastructure and site development costs. The estimated economic contribution of the proposed variation will have positive economic effects for the Marlborough community.

6.12 Summary of Effects

Overall, the proposal will have positive effects and the adverse effects can be remedied or mitigated to an acceptable standard.

7 Consultation

7.1 Introduction

Consultation undertaken is outlined below including consultation with Iwi, adjoining neighbours, and also Ministers in terms of the First Schedule to the RMA.

7.2 Iwi Consultation

Section 32(4A) of the RMA in respect of a variation requires a summary of advice and response to that advice receive from Iwi.

A letter of engagement from MDC about the proposal was sent on 18th October 2023 to the following Iwi:

- Ngāti Apa
- Ngāti Koata
- Ngāti Kuia
- Rangitāne
- Ngāti Rarua
- Ngāti Tama
- Ngāti Toa
- Te Ātiawa
- Ngāti Kuri/ Ngai Tahu

A follow up phone consultation was undertaken between the 28th and 30th November 2023 to Iwi in which no issues were identified at this stage of the process.

Comment was received from Te Ātiawa and Ngati Huri/Ngai Tahu that this should be deferred to the local Iwi.

A copy of the draft proposed provisions of Variations 6 and 7 were sent to the above Iwi on the 19th January 2024 in accordance with Clause 4A of the First Schedule to the RMA for comment. Council did not receive any feedback from Iwi on the proposed provisions.

7.3 Ministry of Housing and Urban Development

MDC held a meeting with Kate Styles, Jason Haskell and Nick Rinehart of the Ministry of Housing and Urban Development (MHUD) in November 2023. The primary focus was on the review of the Urban Residential 1 Zone but also included discussions around proposed Variations 6 and 7. Positive comments around the future provision of MDH in Marlborough, including in greenfield sites were expressed.

A copy of the draft proposed provisions of Variations 6 and 7 were also sent to the Minister of Housing, Chris Bishop on the 31st of January 2024. Council did not receive any feedback on the proposed provisions during the time that they were available for comment.

7.4 Kāinga Ora Consultation

MDC held a meeting with Josh Neville of Kainga Ora in November 2023. The primary focus of the meeting was to in relation to the review of the Urban Residential 1 Zone, but included discussions around proposed Variations 6 and 7. Positive comments were provided around the future provision of MDH in Marlborough and feedback was provided on the draft provisions.

7.5 Minister for the Environment

A copy of the draft proposed provisions of Variations 6 and 7 were sent to the Minister for the Environment, Penny Simmonds on the 31st of January 2024. Council did not receive any feedback on the proposed provisions during the time that they were available for comment.

7.6 Minister of Agriculture and Associate Minister for Primary Industries

A copy of the draft proposed provisions of Variations 6 and 7 were sent to the Minister of Agriculture and Associate Minister for Primary Industries, Todd McClay on the 31st of January 2024. Council did not receive any feedback on the proposed provisions during the four weeks that they were available for comment.

7.7 Waka Kotahi Consultation

As discussed in Section 5.6 Waka Kotahi/NZTA were consulted and provided feedback on the proposal.

7.8 Neighbour Consultation

Kerepi Limited sent out a letter of engagement regarding the proposal on 21st of August 2023 to the adjoining neighbours of the overall site.

The letter provided information concerning the proposed plan variation to enable residential development of mixed densities within the area to address the identified long-term shortfall of housing over the next 11-30 years. Further information was provided concerning the overall site, the vision for the proposed development, the development process, the experienced developer, and the available contact information.

There was further engagement from three neighbours in response to the proposal. They only sought limited additional information and were happy to see the proposal move to the Variation stage.

7.9 Kerepi Limited

Section 4.3 of this report outlines the involvement of Kerepi Limited in the proposed variation. It is noted that there has been ongoing discussion with Kerepi Limited and it has provided feedback on the proposed provisions of the variations which has been considered and incorporated where considered appropriate.

8 Statutory Requirements

8.1 Introduction

The following sections of the RMA are of particular relevance to the Variation - section 32, section 72, section 74 and section 75 and these are discussed below. These sections primarily focus on the residential rezoning part of the proposal rather than the rezoning of the Caseys Creek esplanade reserve, given the Open Space 3 rezoning is consistent with PMEP provisions (refer section 5.1).

8.2 Section 32 of the Act

Introduction

The main evaluation and assessment requirements of Section 32 are in subsections (1) – (3):

- (1) *An evaluation report required under this Act must –*
 - (a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *Identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *Summarising the reasons for deciding on the provisions; and*
 - (c) *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1) (b) (ii) must –*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1) (b) must relate to –*

- (a) *The provisions and objectives of the amending proposal; and*
- (b) *The objectives of the existing proposal to the extent that those objectives –*
 - (i) *Are relevant to the objectives of the amending proposal; and*
 - (ii) *Would remain if the amending proposal were to take effect.*

In addition, subsection (6) states:

(6) In this section

Objective means, -

(a) for a proposal that contains or states objectives, those objectives:

(b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act.

provisions means, —

(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:

(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

In this proposal, the above have the following meanings:

- Objective (here, “purpose of the proposal”): To increase housing development capacity in Blenheim by rezoning a site.
- Proposal means: To re-zone 12.0ha of rural land adjoining the northern extent of Blenheim’s existing urban area for residential development.
- Provisions means: Rezone existing Rural Environment Zone to existing Urban Residential 2 (Greenfields) Zone and a new Urban Residential 4 Zone (described in Variation 7)..

The matters in section 32(1)-(3) are assessed below.

8.2.2 The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.

Under Section 32(1)(a), the first part of the evaluation requires examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.

The proposal does not involve any new objectives, or the alteration of any existing objectives of the PMEP. The existing objectives are assumed to be the most appropriate for achieving the purpose of the RMA, having previously been assessed as such.

In regard to the objective of the proposal, being the purpose of the proposal, the objective is to increase housing development capacity in Blenheim by rezoning a site.

The evaluation must therefore consider the extent to which this objective achieves the purpose of the Act.

The purpose of the RMA is set out in Part 2, Sections 5-8.

Relevant matters are considered below.

Section 5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6 sets out matters of national importance which include the following relevant matters:

6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

6(h) the management of significant risks from natural hazards.

Section 7 sets out other matters which includes the following relevant matters:

7(b) the efficient use and development of natural and physical resources:

7(c) the maintenance and enhancement of amenity values:

7(f) maintenance and enhancement of the quality of the environment:

7(g) any finite characteristics of natural and physical resources:

Section 8 requires that Treaty principles are taken into account.

The objective of the proposal is consistent with the purpose of the RMA, for the following reasons:

- (i) It pro-actively and specifically manages the use and development of residential land and allows strategic planning for infrastructure, roading and allotment layout (over ad-hoc development through the resource consent process).
- (ii) The rezoning will meet an identified shortfall in appropriately zoned land in Blenheim and provide a diversity of housing that will promote social and economic well-being for the local community in a location that adjoins existing residentially zoned land.
- (iii) The policies proposed within Chapter 12 of Variation 7 set out the typical characteristics envisaged for the zone to achieve sustainable medium density housing, and stipulates urban design principles to provide for a well-functioning urban environment.
- (iv) The life-supporting capacity of water and soil can be addressed through requirements for earthworks and construction management in accordance with existing rules within the PMEP.
- (v) The development will utilise both first flush and retention ponds for stormwater runoff which will preserve the quality and quantity of runoff into the adjacent Caseys Creek.

- (vi) The Caseys Creek esplanade reserve will continue to provide for public access and assist to preserve natural character, but with a more appropriate zoning.
- (vii) The risks arising from natural hazards, primarily seismic activity, can be managed particularly with the implementation of appropriate foundation design.
- (viii) In terms of maintaining amenity values, rural amenity values in this receiving environment is already influenced by surrounding urban development (existing and plan-enabled for the future) and the pattern of past subdivision and development which includes many lifestyle uses such as those immediately to the south of the site.
- (ix) Potential amenity adverse effects can be effectively avoided or mitigated through compliance with the Urban Residential 2 (Greenfields) rules and the proposed Urban Residential 4 Zone provisions.
- (x) The quality of the environment can be maintained through appropriate servicing and management of waterways through the subdivision process.
- (xi) In terms of the finite rural land resource urban expansion inevitably involves a trade-off with rural production land but it is assessed that the trade-off is appropriate in this instance.
- (xii) Consultation has been undertaken with Iwi to identify any relevant issues. No issues have been identified at this stage.

8.2.3 Whether the provisions of the Proposal are the most appropriate way to achieve the objectives

Under section 32(1)(b) and (c) and section 32 (2), the second part of the evaluation involves determining whether the 'provisions' (of the re-zoning proposal) are the most appropriate way of achieving the objective (to increase housing development capacity in Blenheim by rezoning a site).

This assessment requires:

- identifying other reasonably practical options
- assessing the efficiency and effectiveness of the provisions, including consideration of the benefits and costs of the proposal in respect of environmental, economic, social and cultural effects and which contains a level of detail that corresponds to the scale and significance of the effects.
- the benefits and costs must include consideration of opportunities for economic growth and employment.

All effects are required to be quantified where practicable (s32(2)(b)) and Section 32(2)(c) also requires an assessment of the risk of acting or not acting if there is any uncertainty or insufficient information about the subject matter of the provisions.

In terms of "reasonably practical options" these include the following:

Option 1: Do nothing

The do-nothing approach would result in Council not taking any action. However, this would not address the concerns that were raised in the HBA and therefore not provide any rezoning of land for additional housing to meet the short term or long-term shortfall that was identified. It would also not provide any suitable mechanism for higher density housing of a different type to meet an identified need and potentially not increase housing affordability. This option would result in a resource consent if development was to occur (see Option 5).

Option 2: Re-Zone the site as Urban Residential 2 (Greenfields) and Urban Residential 4 (as proposed)

Option 3: Re-Zone the site as with a high-density overlay

Under this option the site is zoned Urban Residential 2 (Greenfields) with a “high density overlay” to provide for medium density housing (rather than a separate zoning).

Option 4 – Re-Zone a Different Site

Alternative areas have been investigated in Council’s Urban Growth Strategies. Some areas have been rezoned, particularly to Urban Residential 2 (Greenfields) while others have been ruled out such as the eastern side of Blenheim because of a high liquefaction risk. MDC has previously indicated the preferred direction for growth is to the north/north-west of Blenheim.

A different site in an appropriate location assumes that it is ready to proceed to the variation stage with sufficient investigations having been undertaken. At present, no other site that meets these criteria has been identified, but this does not preclude other sites being considered as a variation/plan change in the future. However, given the identification of a shortfall of residentially zoned land, there is no reason to await the outcome for a different site.

Option 5 – Resource Consents

The resource consent process utilising the Rural Environment Zone provisions could be used to enable residential development on the site.

8.2.4 Assessment of the Efficiency and Effectiveness of the Provisions

The Ministry for the Environment Guidance on Section 32 Evaluations (p37) recommends a pragmatic approach in screening options and then assessing the costs and benefits and effectiveness and efficiency of the key options under section 32.

Three of the five options have been selected for comparison:

- Option 2 – Re-Zone the site as Urban Residential 2 (Greenfields) and Urban Residential 4
- Option 3 – Re-Zone the overall site as Urban Residential 2 (Greenfields) with a high-density overlay.
- Option 5 – Resource Consents

Other options have been ruled out for the reasons discussed in the section above.

The options are assessed in the tables below:

Table 1. Cost and benefit analysis of Option 2.

Option 2: Re-Zone the site as Urban Residential 2 (Greenfields) and Urban Residential 4	Cost	Benefit
	<p>Environmental Effects</p> <p>Loss of productive rural land.</p> <p>Loss of rural amenity for surrounding landowners</p>	<p>Environmental Effects</p> <p>There will be a strategic approach for planning future development in which infrastructure (roading and services) can be developed in an integrated manner that is likely to lead to better environmental</p>

		<p>outcomes (e.g., centralised stormwater retention/treatment).</p> <p>Urban Residential 2 (Greenfields) zoning will provide residential sections and allow the development to smoothly transition onto the existing environment while the Urban Residential 4 zoning will provide medium density residential sections and housing in which proposed performance standards relating to lot size, outlook space, repetition of buildings, outlook areas and built form will promote on site amenity.</p> <p>The Urban Residential 4 zoning will also reinforce good urban design principles (as proposed in Chapter 12) including connectivity, orientation, activation, and visual character leading to a more attractive and stimulating streetscape, maximum solar access, better access to parks, better street layout and reduce the environmental effects on the surrounding environment.</p> <p>Encouragement of subdivision and development occurring together will promote integrated development.</p> <p>Providing higher density housing which will result in more efficient use of infrastructure making it more sustainable.</p> <p>The variation will enable development outside of eastern areas of Blenheim where there are climate change, sea level rise, high groundwater level, liquefaction and lateral spread issues along major drains and waterways providing constraints for development.</p>
	<p>Economic Effects</p> <p>Cost of re-zoning process including preparation of variation and hearing (if required)</p> <p>Loss of developed/producing vineyards (refer to Section 8.5.2 for further details)</p>	<p>Economic Effects</p> <p>Benefits for the landowner, and parties involved in planning and constructing the subdivision.</p> <p>Contribution of sections and housing to assist with a competitive land and development market.</p> <p>Provides choice for a type of housing that is not currently readily available in the Blenheim market providing more choice, particularly for those persons who require/prefer a smaller site or residential unit, and which may be more affordable.</p>

		Certainty will allow investment and allocation of scarce capital.
	<p>Social and Cultural Effects</p> <p>Potential for reverse sensitivity effects on surrounding rural activities.</p>	<p>Social and Cultural Effects</p> <p>Additional housing development capacity to assist with shortfall of land and housing affordability.</p> <p>Provides choice for a type of housing that is not readily available in the Blenheim market providing more choice, particularly for those persons who require/prefer a smaller site or residential unit, and which may be more affordable.</p> <p>Strategic approach for planning future development likely to lead to well-functioning urban environment and good community outcomes (high quality enjoyable residential suburb with connectivity, community spaces, cycle, and pedestrian paths).</p> <p>Iwi did not raise any concerns with the proposal or provisions at this stage.</p>
	<p>Effectiveness</p> <p>High effectiveness at yielding high number of residential sites to address shortfall whilst introducing smaller and more affordable housing to the Blenheim market.</p>	<p>Efficiency</p> <p>High efficiency as it provides certainty for conventional MDH with suitable performance standards in place to protect amenity and promote good principles of urban design.</p>

Table 2. Cost and benefit analysis of Option 2

Option 3: Re-Zone the overall site as Urban Residential 2 (Greenfields) with a high-density overlay	<i>Cost</i>	<i>Benefit</i>
	<p>Environmental Effects</p> <p>Loss of productive rural land.</p>	<p>Environmental Effects</p> <p>Strategic approach for planning future development in terms of low and medium</p>

<p>Loss of rural amenity for surrounding landowners.</p> <p>Potential uncertainty in application of overlay rules could result in undesirable environmental effects</p>	<p>density development, although some uncertainty how overlay applies in the zone.</p> <p>Infrastructure (roading and services) can be developed in an integrated manner that is likely to lead to better environmental outcomes (e.g., centralised stormwater retention/treatment).</p> <p>Urban Residential 2 (Greenfields) zoning with a high-density overlay will yield a large number of residential sections of varying density and allow the development to smoothly transition onto the existing environment.</p>
<p>Economic Effects</p> <p>Variation process likely to be more complicated and lengthier as "zoning" overlays are not part of PMEP structure. In particular, the overlay would apply to one part of the Urban Residential 2 (Greenfields) site, in which objectives and policies would likely require amendment, given the zone does not provide for this development.</p> <p>Loss of developed/producing vineyard (see Section 8.5.2).</p>	<p>Economic Effects</p> <p>Benefits for the landowner, and parties involved in planning and constructing the subdivision.</p> <p>Future benefit to those purchasing dwellings particularly with a smaller and more affordable option in the Blenheim market.</p> <p>Contribution of sections to assist with a competitive land and development market.</p> <p>Certainty will allow investment and allocation of scarce capital.</p>
<p>Social and Cultural Effects</p> <p>Potential for reverse sensitivity effects on surrounding rural activities.</p>	<p>Social and Cultural Effects</p> <p>Additional housing development capacity to assist with shortfall of land and housing affordability with the high-density overlay providing a further choice in the housing market.</p> <p>Strategic approach for planning future development likely to lead to well-functioning urban environment and good community outcomes (high quality enjoyable residential suburb with connectivity, community spaces, cycle, and pedestrian paths).</p>
<p>Effectiveness</p> <p>Unlikely to be effective because higher density is not provided for in the Urban Residential 2 (Greenfields Zone) and overlays are not part of PMEP structure.</p>	<p>Efficiency</p> <p>While there is efficiency in considering low density and higher density under one zoning the difficulty with regulatory approval in terms of high density overlay in an Urban Residential</p>

<p>Further amendment is required for this option to be consistent with the PMP.</p> <p>Accordingly, it would be difficult to approve this option in terms of RMA requirements and unlikely to result in significant housing.</p>	<p>2 (Greenfields) Zone is unlikely to make this option an efficient one.</p>
--	---

Table 3. Cost and benefit analysis of Option 4

Option 5: Resource Consents	Cost	Benefit
	<p>Environmental Effects</p> <p>Loss of productive rural land.</p> <p>Loss of rural amenity for surrounding landowners due to intensification.</p> <p>Less ability to provide cohesive, structured, and integrated environmental outcomes.</p> <p>Non-compact and incohesive urban form. Inefficient use of land resource.</p> <p>There are no urban design principles/guidelines which would help to tailor the development to meet a high urban design standard.</p>	<p>Environmental Effects</p> <p>Productive rural land is retained for longer and the class 2 versatile soils are also retained for longer.</p> <p>Environmental outcomes controlled - at a smaller scale on a site-by-site basis.</p>
	<p>Economic Effects</p> <p>Cost to community and submitters in submitting on multiple resource consent proposals.</p> <p>Changes to the consents commonly required as the site develops and matures, resulting in ongoing time and costs to the consent holders (preparation of applications), the Council (processing and administrations), and potentially for adjoining landowners (where they may be identified as affected parties).</p>	<p>Economic Effects</p> <p>No resources expended on Variation process.</p> <p>Land can remain productive longer.</p>

<p>The existing suite of objectives, policies and rules applying in the Rural Environment Zone are very restrictive in regard to non-rural uses, and residential development likely to be in conflict with the policy framework and as such the resource consent process would provide a great deal of uncertainty as to the outcomes that can be achieved.</p> <p>Likely added servicing costs of incremental development rather than strategically planned servicing.</p> <p>Risk of insufficient residential land to meet future growth needs and corresponding increase in housing costs.</p>	
<p>Social and Cultural Effects</p> <p>Less opportunity for the provision of a cohesive development.</p> <p>Future rezoning proposals will be more difficult due to more fractured landholdings.</p> <p>Development managed on an ad-hoc basis with no urban design principles to provide guidance or controls.</p>	<p>Social and Cultural Effects</p> <p>Rural amenity retained for longer.</p>
<p>Effectiveness</p> <p>Low effectiveness as residential development will only occur with difficulty and in an ad-hoc manner. This will slow down development and not produce good urban design outcomes. Housing needed to support growing industry will not be available.</p>	<p>Efficiency</p> <p>Low efficiency as resource consent process is likely to be slow and costly with low chance of success given its conflict with the Rural Environment Zone policy framework.</p> <p>Fragmented development will likely lead to inefficient design of lot and roading layouts as well as inefficient services design.</p>

8.2.5 Risk of Acting or not Acting

Section 32(2)(c) requires that the risk of acting or not acting is assessed if there is uncertain or insufficient information about the subject matter of the provisions.

It is considered that there is sufficient information to support the Variation. The site has been subject to a detailed growth strategy review and is accompanied by specialist reports covering geotechnical, soil contamination, infrastructure, and traffic investigations. It has been identified that the site can be serviced.

The risk of not acting would result in the MDC not giving effect to the NPS-UD which requires that there are adequate opportunities for land to be developed to meet community and housing needs, particularly as the HBA has identified a shortfall in housing capacity.

Not acting would also result in less choice of housing being available in respect of medium density housing, which meets a social need, including increased affordability, for those persons preferring this type of development.

8.2.6 Examine whether the provisions in the proposal are the most appropriate to achieve the objectives of the existing District Plan to the extent that those are relevant (s32(3))

As discussed above, the provisions of Variation 6 include:

- Amend Planning Map 3 to show rezoning from Rural Environment Zone to Urban Residential 2 (Greenfields) Zone and Urban Residential 4 Zone, and Open Space 3 Zone.
- Change to Policy 12.2.4 in Chapter 12 Urban Residential provisions to acknowledge the presence of an additional “greenfields site” and the specific matters applicable to it.

The provisions of Urban Residential 4 are set out in Variation 7 and includes two new policies, a new Rules Chapter, amendment to the Subdivision Rules Chapter and other minor consequential amendments.

Table 4 below provides an assessment of the proposed provisions of the Variation against the relevant existing objectives of the PMEP. Reference is also made to supporting policies in respect of each objective, where relevant. The provisions of Variation 7 are referred to where relevant in the table.

The PMEP is a combined regional policy statement, regional plan and district plan. Annotations within the PMEP indicate regional policy statement (RPS), district (D), or regional (R) provisions. Where there is a new or amended policy as a result of Variations 6 and 7, this will be shown through underlining and strikethroughs in Table 4 below.

Table 4. Assessment of the relevant objectives and policies in the PMEP

Objective	Comment
Chapter 3 – Tangata Whenua	
[RPS] Objective 3.1 – The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in the exercise of the functions and powers under the Resource Management Act 1991.	Council has consulted with Iwi who did not raise any concerns with the proposal.
[RRS]	

<p>Objective 3.3 – Natural and physical resources are managed in a manner that has particular regard to the spiritual and cultural values of Marlborough’s tangata whenua as kaitiaki and respects and supports tikanga Māori.</p>	
<p>[RPS]</p> <p>Objective 3.4 – The cultural and traditional relationships of Marlborough’s tangata whenua with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga are recognised and provided for.</p>	
<p>Chapter 11 – Natural Hazards</p>	
<p>[RPS, R, D]</p> <p>Objective 11.1 – Reduce the risks to life, property and regionally significant infrastructure from natural hazards.</p>	<p>The site is not in any hazard or flood overlays and is not prone to flooding.</p> <p>In terms of the liquefaction and earthquake hazard the geotechnical investigation identified that with the implementation of appropriate foundation design the potential adverse effects can be mitigated. More robust foundations will be required closer to Caseys Creek and further investigation will occur at a subdivision stage as envisaged by Policy 11.1.18 and Rule 2.24.1.</p>
<p>[D]</p> <p>Policy 11.1.18 - Where it is proposed to subdivide land zoned Urban Residential 2 (Greenfields) and land identified in Appendix 23 for residential purposes, the subsoil of the site must be investigated to establish if specific foundation designs of buildings are required to mitigate the effects of liquefaction or lateral spread.</p>	
<p>Chapter 12 – Urban Environments</p>	
<p>[D]</p> <p>Objective 12.1 – Residential zones are primarily utilised for residential activities and a range of opportunities for different forms and densities of residential activity are available in Marlborough’s urban environments.</p>	<p>Re-zoning this site which is adjacent to Blenheim’s existing urban environment will meet these provisions. The proposed Urban Residential 2 (Greenfields) zone is an existing zone while the proposed Urban residential 4 Zone will provide for development at a different density.</p> <p>Generally, the site has access to local business, education, and recreation facilities.</p>
<p>[D]</p> <p>Policy 12.1.1 - Specific areas are identified for residential activities within Marlborough’s urban environments.</p>	<p>The proposed Urban Residential 2 (Greenfields) Zone has many of the characteristics envisaged by Policy 12.1.3 and while there will be MDH in relative proximity in terms of (j), this development will be in a separate and new zone.</p>
<p>[D]</p> <p>Policy 12.1.3 - Maintain the following characteristics within the residential environment of the Urban</p>	<p>Larger lots around the exterior of the site will create a smooth transition to the rural environment as</p>

<p>Residential 2 Zone, including within the Urban Residential 2 (Greenfields) Zone:</p>	<p>envisaged by Policy 12.1.4 (a) (i) and integrate with the higher density development associated with the Urban Residential 4 Zone.</p>
<p>(a) some connection to the central business areas, recreational, social and health facilities;</p>	<p>Proposed Policy 12.1.7 which enables the development of medium density housing will give effect to Objective 12.1 as this objective promotes residential activities of different forms and densities throughout the urban environment.</p>
<p>(b) often located in close proximity to suburban businesses in the Business 2 Zone;</p>	<p>Policy 12.1.7 sets out the characteristics which distinguish the Urban Residential 4 Zone from other zones in the district. The new policy is also entirely consistent with Policy 12.1.1.</p>
<p>(c) catering for a lower population density;</p>	
<p>(d) intensification development rather than infill development except where infill development can provide high levels of on-site and off-site amenity in keeping with the expected residential character and amenity values for Urban Residential Zones;</p>	
<p>(e) located within reasonable proximity to schools, kindergartens and shopping;</p>	
<p>(f) located closer to open space areas;</p>	
<p>(g) larger lot sizes;</p>	
<p>(h) lower density living;</p>	
<p>(i) greater privacy between individual properties;</p>	
<p>(j) areas surrounded by lower building form, i.e. fewer multi-level storied buildings or apartments;</p>	
<p>(k) generally lower traffic volumes; and</p>	
<p>(l) access to infrastructure and other services (stormwater, sewerage and kerbside rubbish and recycling) may be limited in smaller settlements.</p>	

[D]

Policy 12.1.4 – In addition to the characteristics listed in Policy 12.1.3, the following additional characteristics are to be maintained and apply to:

(a) the Urban Residential 2 (Greenfields) Zone, where:

(i) there is a stronger connection with the Rural Environment Zone; and

(ii) farming is enabled prior to residential development;

...

[D]

Policy 12.1.7 – Enable the development of medium density housing (MDH) in the district in the Urban Residential 4 Zone with the following characteristics:

(a) Comprehensive integrated development on sites and adjoining sites with an anticipated density in the range of 150m² – 375m² per unit;

(b) Dwellings can be detached, attached, semi-detached (or duplex), terraced housing or apartments within a building of two storeys or less provided the density prescribed in (a) is achieved;

(c) Located on either single or aggregated sites, or part of larger master planned developments;

(d) In close proximity (within 500m walking distance) to open space;

(e) High standards of urban design including the following:

- i. Connectivity by dispersing vehicular traffic and making walking, cycling and vehicular distances within neighbourhoods and to destinations outside those

<p><u>neighbourhoods as short as possible;</u></p> <p>ii. <u>Orientation to provide maximum solar access to living spaces within dwellings as well as to private open spaces;</u></p> <p>iii. <u>Safe, legible, well over-looked active and visually attractive streetscapes.</u></p> <p>iv. <u>An efficient use of infrastructure by providing for higher density residential development than conventional low-density housing.</u></p>	
<p>[D]</p> <p>Objective 12.2 – A high standard of amenity for residential development and attractive residential areas makes the urban environment a place where people want to live.</p>	<p>Policy 12.2.4 requires amendments in order to provide for the additional Kerepi site (Area 6). These changes (which are shown) are relatively minor and are of a factual nature that enables the PMEP to be up to date.</p>
<p>[D]</p> <p>Policy 12.2.1 - The character and amenity of residential areas in Marlborough's urban environments will be maintained and enhanced by:</p> <p>(a) providing for a range of areas with different residential densities and lot sizes, including for infill, greenfield and large lot developments.</p> <p>(b) Ensuring there are residential areas within walkable distance to community, social and business facilities.</p> <p>(c) Providing for sufficient open spaces and parks that are equitably distributed, and integrated, accessible and safe, and vary in size, form and purpose to meet people's recreational needs,</p> <p>(d) Providing for walking and cycling linkages to support connected neighbourhoods and</p>	<p>There is nothing to suggest that the requirements of Policy 12.2.4 cannot be met particularly as there is provision for a road layout, and assessments undertaken for contaminated soils and reverse sensitivity effects.</p> <p>Proposed Policy 12.2.4A gives effect to Objective 12.2 by listing the urban design principles that will enable a high standard of amenity and make development an attractive place to live. Matters of urban design that must be given effect to include connectivity, orientation, activation, on site amenity and visual character.</p> <p>The rules and performance standards set out in proposed Chapter 6A and the rules in the proposed changes to Chapter 24 Subdivision will implement the urban design controls through bulk and location controls, outdoor space and outlook requirements, streetscapes, and provision of parks.</p> <p>The provisions are also consistent with Policies 12.2.1-12.2.3 and Policy 12.2.5 and 12.2.7. The proposed amendments to Policy 12.2.5 (marked)</p>

<p>communities, active transport options and recreational opportunities,</p> <p>(e) Higher standards of urban design that positively contribute to public space amenity, safety, and visual interest.</p> <p>(f) Ensuring people’s health and wellbeing through good building design, including energy efficiency and the provision of natural light.</p> <p>(g) Effective and efficient use of existing and new infrastructure networks; and</p> <p>(h) Street and road reserve areas that are attractively planted and maintained, including trees appropriate to the character and amenity of the area.</p>	<p>ensure that new Policies 12.1.7 and 12.2.4A are taken into account.</p>
<p>[D]</p> <p>Policy 12.2.2 – Protect and enhance the character and amenity values of residential environments for individual allotments by:</p> <p>(a) Controlling the height of buildings to avoid shading of adjoining properties and to maintain privacy;</p> <p>(b) Ensuring that buildings located close to property boundaries do not unreasonably shade adjoining properties;</p> <p>(c) Requiring functional, sunny, and accessible outdoor living spaces within individual allotments; and</p> <p>(d) Retaining adequate open space free of buildings and having adequate space available for service areas.</p>	
<p>[D]</p> <p>Policy 12.2.3 – Require development to maintain and enhance streetscape amenity by ensuring:</p> <p>(a) Garages, carports, and car parking do not dominate the street;</p>	

<ul style="list-style-type: none"> (b) There are adequate areas free from buildings; (c) Building height, proximity to street boundaries and scale reflect the existing or intended future residential character; (d) Shared service areas are not visible from ground level outside the site; and (e) Outdoor storage is managed in a way that does not result in unreasonable amenity value effects or the creation of nuisance effects. 	
<p>[D]</p> <p>Policy 12.2.4 – In relation to five <u>six</u> areas zoned as Urban Residential 2 (Greenfields) Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:</p> <ul style="list-style-type: none"> (a) farming activities are permitted to continue until residential development of the land occurs; (b) subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes; (c) allotment sizes greater than 800m² are discouraged, other than at the boundary of the Urban Residential 2 (Greenfields) Zone and any non-residential zone, and then only for the purposes of managing reverse sensitivity effects from activities in adjoining zones; (d) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully established rural and non-residential activities including State Highways and land designated for State Highway purposes; (e) where indicative roading layouts are shown on the Marlborough Environment Plan Maps for the Zone, the roading network proposed at the time of subdivision and development must be in general accordance with the indicative layout; 	

(f) contaminated sites must be identified, and contamination mitigated or remediated so that land is suitable for residential development;

Specific Matter Applicable to Area 2:

(g) activities within Area 2 in proximity to the National Grid Blenheim Substation must not compromise the operation and function of the substation;

Specific Matter Applicable to Areas 3 and 6:

(h) the indicative roading layout in Area 3 and Area 6 will be dependent upon and enhanced by connections to existing public or private roads over land outside Area 3 and Area 6;

Specific Matter Applicable to Areas 3 and 5:

(i) subdivision design within Areas 3 and 5 must have particular regard to

activities within the adjoining Business 2 and 3 Zones and Industrial 1 Zone at

Westwood to mitigate reverse sensitivity effects from noise, truck movements and light spill; and

Specific Matter Applicable to Areas 1, 2, 4 and 5 and 6:

(j) subdivision design in Areas 1, 2, 4, and 5 and 6 must have particular regard to farming activities on the northern boundary of the areas and on the western boundary of Areas 4 and 5, and on the eastern boundary of Area 6, in terms of the potential for spray drift, noise and traffic movements.

[D]

Policy 12.2.4A - Ensure that subdivision and/or residential development within Urban Residential Zone 4 is undertaken in a manner that the following matters of good urban design are given effect to:

(a) Connectivity

To offset higher density to provide for:

i. Connections with neighbouring sites

ii. Interconnected street network with not exit streets kept to a minimum.

iii. A maximum length of attached dwellings.

(b) Orientation

To enable maximum solar access to avoid private open spaces along the street:

i. Where possible orientate development blocks on a north-south axis so lots are on east west axis.

ii. Allow more width for north fronting lots to provide a space to the side of the house.

(c) Activation

Activate the street frontage to provide for a safe, legible and a visually attractive streetscape by the following:

i. Stimulating the creation of perimeter blocks with fronts of lots facing the street and backs of lots bordering each other.

ii. Locating streets on park edges to ensure parks have a truly public character and are well overlooked from moving traffic and from dwellings and other uses fronting onto this street.

iii. Deterring the backs of lots to face all roads, including arterial roads, by locating lots side-on, or accessed via a rear lane or slip lane to ensure overlooking of the street environment.

iv. Encouraging the visibility of the front door.

v. Requiring dwellings on corner lots to contribute to the activation of both streets that these are located on.

vi. The width of a dwelling to allow for a living room, or dining room or kitchen on the street side, in addition to the garage

and the front door, provided single-storey dwellings with the street located to the south of the dwelling are exempt from this requirement.

vii. Windows facing the street.

viii. Ensuring garage doors do not dominate.

ix. Limiting height of fences between the dwelling and the street.

(d) On-site Amenity

Provide acceptable on-site amenity in respect to privacy, solar access, daylight, and outlook by stipulating:

i. A minimum area of private open space in terms of area, dimensions, orientation, and accessibility

ii. A maximum height of 2 stories

iii. Minimum setbacks from boundaries

iv. A height in relation to boundaries

(e) Visual Character

To provide a visually attractive streetscape by the following:

i. Limit the degree of repetition of dwellings including through architectural variations.

ii. Provide streetscape with trees, planting, footpaths, safe cycling conditions, and some parking.

iii. Provide stormwater facilities (reserves with ponds, swales, and raingardens) that also serve an amenity purpose.

[D]

Policy 12.2.5 – Where resource consent is required, ensure that subdivision and/or residential

<p>development within Urban Residential Zones is undertaken in a manner that:</p> <ul style="list-style-type: none"> (a) Provides for the maintenance of those attributes contributing to the residential character of the locality, as expressed in Policies 12.1.2 to 12.1.4, Policy 12.1.6, <u>Policy 12.1.7</u>, and Policies 12.2.1 to 12.2.3 and <u>Policy 12.2.4A</u> (b) Maintains and enhances the residential environmental of the area for the wider community. (c) Ensures that the site can be adequately serviced (stormwater, sewer and water), accessed and/or otherwise adequately managed. (d) Ensure that the effects of any natural hazard are able to be avoided, remedied or mitigated, and (e) Protects the historic heritage values of heritage resources identified in Appendix 13. 	
<p>[D] Policy 12.2.6 – Establish a minimum allotment standard for the subdivision of land for residential purposes to ensure outcomes in Policy 12.2.5 are met.</p>	
<p>[D] Policy 12.2.7 – To provide for the protection of community health and wellbeing, noise limits have been established that are consistent with the character and amenity of the residential areas.</p>	
<p>[RPS, D] Objective 12.9 – The condition, capacity, efficiency and affordability of essential infrastructure services reflects the needs of Marlborough’s urban environments.</p>	<p>Objective 12.9 and associated policies are given effect to by the proposal. There are no new provisions in the proposal in respect of this matter except for Policy 12.1.7 (g) which encourages an efficient use of infrastructure by providing for higher density residential development and which will achieve the outcome sought in Objective 12.9.</p>
<p>[D]</p>	

Policy 12.9.1 – Encourage connections to public or community reticulated water supply systems, sewerage and stormwater management systems wherever they are available.

[D]

Policy 12.9.2 – Ensure that in an area with public water supply and/or sewerage infrastructure or stormwater management, subdivision and development activities only occur where they will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted by rules within a relevant urban environment zone.

[D]

Policy 12.9.6 – Before residential subdivision and development of the following land proceeds, reticulated services owned by or to be vested in the Council shall be available for connection and utilised and/or financial provision made for them:

- (a) the ~~five~~ six areas zoned as Urban Residential 2 (Greenfields) Zone to the north and west of Blenheim and Urban Residential 4; or
- (b) the land zoned Urban Residential 2 and 3 identified in Appendix 23.

Those areas able to be serviced by a sequential and orderly extension of existing infrastructure services are to be given priority by the Council.

[D]

Policy 12.9.7 – Require that subdividers and/or developers provide all on-site services to avoid, remedy or mitigate any adverse effects arising from the subdivision/development of the land resource.

[D]

Policy 12.9.8 – Manage stormwater from urban subdivision and development by:

- (a) requiring stormwater disposal in a manner that maintains the quality of surface and groundwater;
- (b) requiring stormwater disposal in a manner that avoids inundation of land, both within and beyond the boundaries of the site; and

(c) encouraging the retention of natural open waterway systems for stormwater disposal as an alternative to piping.	
---	--

Chapter 14 – Rural Environments

<p>[RPS, D]</p> <p>Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to social and economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.</p>	<p>The proposed development would not be consistent with the objectives and policies of the Rural Environment, hence the need for a zoning change through the variation. As above there is a trade-off between developing land for residential purposes and retaining it as productive land. For this development the positives of re-zoning to residential outweigh the negatives. The site is located in a prime position adjacent to the existing urban framework and will provide a high level of amenity to its inhabitants.</p>
<p>[R, D]</p> <p>Policy 14.1.9 – Control water levels in the Marlborough District Council – administered drainage network by removing surplus water from the soils of the Lower Wairau Plan to enable primary production activities to continue.</p>	<p>The proposed development will make efficient use of the land by providing for higher density and more affordable housing, an area that the HBA specifically noted as requiring attention. The development will reduce the risk of reverse sensitivity effects by locating larger residential lots on the exterior of the development to create a smooth transition to the rural environment.</p>
<p>[RPS, D]</p> <p>Objective 14.3 – Activities that are not related to primary production are only located within rural environments if they are appropriate within that environment.</p>	<p>In terms of the MDC channel drainage network highlighted in Policy 14.1.9 and Policy 14.4.14 (c), two drains, Caseys Creek and Cooper and Morrisons Drain are identified as part of this network. These policies will be given effect to as such the existing flow and water quality of Caseys Creek which the development will discharge to will be maintained at predevelopment levels and with respect to Cooper and Morrisons Drain at the east of the site, a separate stormwater pipe will be installed to capture “urban stormwater” runoff.</p>
<p>[RPS, D]</p> <p>Objective 14.4 – Rural character and amenity values are maintained or enhanced where appropriate and reverse sensitivity effects are avoided.</p>	
<p>[D]</p> <p>Policy 14.4.14 – Recognise that the Wairau Plain is characterised by the following:</p> <ul style="list-style-type: none"> (a) A highly productive land resource and the most intensively developed and farmed rural area in Marlborough (b) An extensive area of flat land available for primary production; (c) An extensive floodplain and drainage network; 	

<ul style="list-style-type: none"> (d) The large, braided Wairau River and its tributaries, floodplain terraces, associated backswamp wetlands, streams, coastal swamp deposits and minor inland sand dunes; (e) Ground-fed springs in the lower plain; (f) Viticulture as a dominant land use; (g) Open character across the plain; (h) Encompassing Marlborough's main urban centre of Blenheim (i) The arterial roading network traversing the plain; and (j) A centrally located regional airport and New Zealand Defence Force airbase. 	
<p>[RPS, D]</p> <p>Objective 14.5 – Residential activity takes place within appropriate locations and limits within rural environments.</p>	

Chapter 17 – Transportation

<p>[RPS, D]</p> <p>Objective 17.3 – An efficient land transport network that recognises and provides for different users.</p>	<p>Objective 17.3 and associated policies will be met given the proposed internal roading layout and the site has two road linkages (Old Renwick Road and to Rose Manor) that will promote efficiency.</p>
<p>[D]</p> <p>Policy 17.4.3 – Avoid development or subdivision where there would be significant adverse effects on social, cultural, economic, or environmental values from extending or upgrading the road network.</p>	<p>An appropriate hierarchy of roads (Old Renwick Road is a Secondary Arterial) provides good connectivity and allows the potential addition of walking and cycling links to the existing network if required.</p>
<p>[D]</p> <p>Policy 17.4.4 - Ensure that the cost of new roading required to provide access to new subdivision or development is met by the developer and that upgrading of existing roads needed as a result of development is contributed to by the developer.</p>	<p>The cost of new roading will be met by developers.</p>

8.2.7 Summary

Overall, the option (Option 2) to rezone the subject site to the Urban Residential 2 (Greenfields) Zone and Urban Residential 4 Zone is considered the most effective and efficient option. The site's proximity to the existing urban fabric of Blenheim and traffic and servicing options means that it is an optimum site for residential development.

Rezoning the property with two zones will be more beneficial than Option 3, as an overlay would be a more complicated and lengthier process. The overlay concept is not in accordance with the PMEP structure and the MDH density is likely to be contrary to the objectives and policies of the Urban Residential 2 (Greenfields) Zone.

Option 5, the preparation of resource consents, will potentially be in conflict with the Rural Environment Zone framework with a low chance of success and likely to result in a fragmented and ad-hoc planning and development process.

The proposed rezoning of the set out in Option 2 is considered the most effective and efficient way to achieve the purpose of the RMA and the objective of the proposal and the objectives of the PMEP as discussed above.

8.3 Section 74 of RMA

Section 74(1) of the RMA states Council shall change a district plan in accordance with its functions under section 31 of the Act, Part 2 of the Act, section 32 of the Act and any regulations. (It is noted that MDC is a unitary authority and the WARMP is a combined plan prepared under section 80 of the RMA. The matters subject of the Variation are primarily district plan matters and accordingly section 74 is the most relevant section).

The functions of Council are referred to below in Section 8.4 while Part 2 and Section 32 are dealt with in Section 8.2.

In changing a plan, regard must be had to any strategies prepared under other Acts (section 74(2)(b) of the Act). The growth strategy documents which were prepared under the Local Government Act 2002 by MDC between 2010 – 2013 have been had regard to and their findings are utilised in the preparation of this Variation. The Marlborough Land Transport Strategy has also been had regard to in the preparation of the variation. No other strategies are considered relevant.

Section 74(2) requires the District Council to also have regard to proposed regional plans, management plans, the Historic Places Register, regulations or the Plans of adjoining territorial authorities to the extent that these may be relevant.

It is noted that the proposal does not involve any cross territorial issues, any matters of historical reference or matters addressed by management plans or strategies prepared under other Acts. With respect to Regional Plans, these are identified and addressed in Section 8.2.6.

Section 74(2A) also requires the Council to take into account relevant planning documents recognised by an iwi authority, to the extent that its content has a bearing on resource management issues. The relevant iwi planning documents have been assessed in Section 8.6.

8.4 Functions of the Council - Sections 30 and 31

Any variation must assist the Council to carry out its functions so as to achieve the purpose of the RMA. MDC is a unitary authority which has functions under both section 30 (regional council) and section 31 (territorial authority) of the RMA.

As discussed above, the Variation is primarily related to functions of a territorial authority in section 31, and which include:

- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
- (b) *controlling actual or potential effects of the use and development of land.*

The Variation accords with these stated functions. The proposal provides for the use and development of land for residential activities to provide sufficient housing development capacity by implementing existing and new provisions over the site as appropriate, including managing potential effects arising from the development of the land.

8.5 Section 75 – Contents of District Plans

8.5.1 Introduction

Section 75 requires a District Plan to state objectives for the district, policies to implement the objectives and rules to then implement the policies.

The proposal does not introduce any new objectives, but Variation 7 proposes Policy 12.1.7 and Policy 12.2.4A (and some consequential amendments to other policies for accuracy) in relation to the characteristics of the Urban Residential 4 Zone and urban design outcomes for the zone respectively; and introduces rules set out in proposed Chapter 6A and Chapter 24 Subdivision.

Section 75(3)(a), (b) and (c) also requires a District Plan to give effect to any National Policy Statement, the New Zealand Coastal Policy Statement, and the Regional Policy Statement respectively.

Section 75 (4) requires a District Plan to not be inconsistent with Regional Plans.

These are discussed as follows:

In terms of giving effect to the ‘Regional Policy Statement’” this is addressed in Section 8.2.6 of this report.

In terms of the National Policy Statements, as the PEMP was prepared only recently (notified in 2016), and as such its provisions take account of the NZCPS and National Policy Statements existing at that time.

Given this, the focus is on relevant national direction that has been revised since the PEMP was prepared and which includes:

- National Policy Statement on Urban Development 2020 (NPS-UD 2020) which replaced the NPS-UDC 2016.
- National Policy Statement for Highly Productive Land 2022 (NPS-HPL 2022)
- National Policy Statement on Freshwater Management 2020 (NPS-FM 2020) which replaced the earlier 2014/2017 version.
- The National Policy Statement for Indigenous Biodiversity 2023
- National Policy Statement for Greenhouse Gas Emissions 2023

The NPS-UD, NPS-HPL, NPS-FM and NPS-IB are considered to be most relevant to the proposed variation and are discussed below in Sections 8.5.2. – 8.5.5.

In terms of Section 75(4) which requires a District Plan to not be inconsistent with Regional Plans this matter is addressed in Section 8.2.6 of this report.

8.5.2 The National Policy Statement on Urban Development 2020 (NPS-UD 2020)

The NPS-UD (2020) was updated in 2020 to support productive and well-functioning cities and to ensure there are adequate opportunities for land to be developed to meet community, business, and housing needs.

There is an emphasis on providing development capacity in locations, and of a form, which will meet the needs of communities, and encourage development of well-functioning urban environments.

Local authorities are to provide sufficient development capacity to meet expected demand for housing and business sectors in the short, medium, and long term that is:

- plan-enabled,
- infrastructure-ready, and

- feasible and reasonably expected to be realised.

As discussed in Section 4.4 MDC has prepared an updated HBA, the *Marlborough District Council Housing and Business Development Capacity Assessment, 2021* to assist in meeting the NPS-UD which was reported to the MDC Finance Committee in February 2022 (attached as **Appendix B**).

The NPS-UD 2020 has 8 objectives (in Part 1), 11 supporting policies (in Part 2) and direction on implementation of these (in Part 3).

Relevant objectives and policies include the following:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities*
- (b) the area is well-serviced by existing or planned public transport*
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:*
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and*

- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.*

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- (b) relative demand for housing and business use in that location.*

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect**
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or*
- (b) out-of-sequence with planned land release*

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- (d) operate in a way that is consistent with iwi participation legislation.*

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*
- (c) engage with the development sector to identify significant opportunities for urban development.*

Part 3 of the NPS-UD contains provisions for implementing the objectives and policies. As above, the fundamental obligation is for a local authority to provide sufficient development capacity for housing and business land to meet expected demand in its region in the short, medium, and long term that is plan enabled, infrastructure ready and feasible and reasonably expected to be realised (cl 3.2 and 3.3).

Provisions of relevance are:

3.4 Meaning of plan-enabled and infrastructure-ready

(1) Development capacity is plan-enabled for housing or for business land if:

- (a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan*
- (b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan*
- (c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy.*

(2) For the purpose of subclause (1), land is zoned for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.

(3) Development capacity is infrastructure-ready if:

- (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land*

(b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan

(c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

3.5 Availability of additional infrastructure

(1) Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

3.11 Using evidence and analysis

(1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:

(a) clearly identify the resource management issues being managed; and

(b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:

(i) achieving well-functioning urban environments; and

(ii) meeting the requirements to provide at least sufficient development capacity.

(2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.

Variation 6 is considered to give effect to the provisions of the NPS-UD 2020 given:

- The site is in a desirable location on the periphery of the urban area and close to businesses, community facilities and transport networks.
- The proposed development will create a well-functioning urban environment by integrating into the existing urban framework of Blenheim.
- The proposal is feasible and expected to be realised given the commitment by Kerepi Limited.
- Rezoning will make a significant contribution of over approximately 172 housing units in terms of housing supply and assist to meet the need identified in the latest HBA report for Marlborough. As indicated above, the report identified that there was a shortfall of 906 dwellings and short-term constraints related to infrastructure ready land available for development. The HBA also highlighted the need to provide for smaller housing units and for methods to establish ways to incentivise intensification. The proposal will provide a significant amount of housing, including at higher densities on an infrastructure ready site.
- Rezoning will provide an additional option to promote the competitive operation of land and development markets whilst increasing the type and affordability of housing locally.
- Engagement with the infrastructure providers (MDC, Marlborough Roads, Chorus, Marlborough Lines) confirm the infrastructure that can be integrated into the existing networks.

8.5.3 The National Policy Statement for Highly Productive Land (NPS-HPL) 2022

The provisions of the NPS-HPL are directly relevant to the rezoning proposal given the site contains Highly Productive Land (HPL) as set out in Section 2.4, given the site is zoned Rural and contains Land Use Capability 2 land.

The NPS-HPL was introduced to improve the way highly productive land is managed under the RMA and gives guidance on how to map and zone highly productive land.

The NPS-HPL has the objective that “Highly productive land is protected for use in land-based primary production, both now and for future generations.”

To achieve this objective the NPS-HPL sets out 9 policies (Part 2) and direction on implementation of these (part 3). The policies are as follows:

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The most relevant policies to this variation are considered to be Policies 5, 8, and 9 and are commented on below.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 5 is implemented in the NPS-HPL under section 3.6.4, which is set out in full below.

(4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

These matters are addressed in more detail below.

- (a) The urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district.

As discussed in Section 4.4.2, the HBA identified a shortfall of over 900 dwellings largely in the long term, and potential constraints on development in the short term which primarily relate to infrastructure-ready land available for development and constraints due to multiple ownership and sequential development. It also noted the desirability of providing smaller housing units and increasing housing affordability, although it indicated infill through subdivision is becoming less easy to execute and more costly. The HBA recommended a review of PMEP provisions for Urban Residential 1 Zone and other methods to establish ways to incentivise intensification. The Council review of Urban Residential 1 Zone provisions has confirmed that the provisions are a potential constraint on this type of housing and require amendment (refer Section 4.4.4). The review is yet to be completed and the housing contribution able to be achieved through greater enablement of intensification is unknown at this stage.

Figure 13. Potential sites available for infill subdivision shows the Council's spatial mapping indicator which was generated as part of the NPS-UD Monitoring Report 2021-2022. The spatial analysis identified a total of 191ha of "land bank" which is residentially zoned land that was undeveloped at the time the Marlborough Environmental Plan (MEP) was released in June 2020. Since the MEP decision version was released 31ha from the 191ha has been developed (shown in grey) with 154ha of greenfield remaining for further residential development (shown in red). This shows that the number of sites potentially available for development is relatively limited.

This Variation will result in the rezoning of 12.0 hectares of land for residential activities in the short term, which the HBA recommended be undertaken. In addition, a significant portion of the site will be for MDH, which will meet the identified need in the HBA of providing for smaller units and increased housing affordability. The rezoning will also contribute towards meeting the identified long-term shortage with creation of approximately 172 housing units/sections which is approximately 18% of the shortfall. In these particular circumstances, the rezoning is considered in accordance with 3.6.4 (5) of NPS HPL⁵ which requires that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity.

⁵ 3.6.4 (5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.

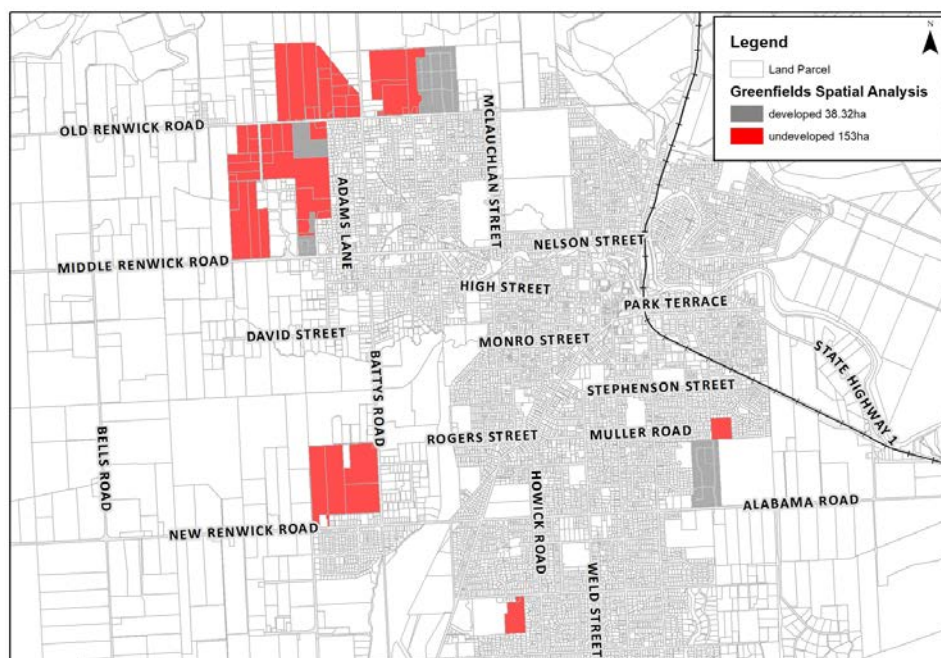


Figure 13. Potential sites available for infill subdivision

- (b) there are no other reasonably practicable and feasible options for providing the required development capacity.

As background, the Growing Marlborough Growth Strategy released in 2013 by MDC indicated the preferred growth options were to the north and west of Blenheim and in doing so made the following comment.

“In assessing the suitability of these sites, it was clear that the residential activity would encroach onto versatile soils to the north and north-west of Blenheim. The decision to expand in this direction was not taken lightly. However, given the constraints that exist at other locations, the council did not believe it had any other options to provide for residential growth. The decision was made also knowing that land fragmentation in some of the growth areas had already reduced the productive capacity of the soil.”

As shown in Figure 5 the existing residential areas of Blenheim are almost completely surrounded by Class 1 & 2 soils. To the south of Blenheim are areas of Class 3 and lower soils but development in this direction is limited by the slopes of the Wither Hills. In the southwest around the Burleigh area is another area of Class 3 soils. A large portion of this area has already been zoned for residential and industrial purposes with further expansion into this area limited by servicing and proximity to the Omaka Airfield. This further confirms the comments from the Growing Marlborough Growth Strategy that growth to the north and west of Blenheim and encroachment into areas with versatile soils is the only viable option.

It is also noted that Kerepi Limited approached the Council following their purchase of the site and preparation of a development proposal, and in which after consultation with Council, it was determined the proposal is both practicable and feasible.

Other options and alternatives are considered in Section 8.2.3 of Variation 6 and Section 6.2.3 of Variation 7 including zoning of other sites, do nothing, utilisation of other zones and reliance on resource consents. As

indicated above there are constraints on intensifying development in existing Urban Residential 1 zoned areas (refer Section 4.4.4). The review of the provisions is yet to be completed and the housing contribution able to be achieved through greater enablement of intensification is unknown at this stage.

Overall, it is considered there are no other reasonably practicable and feasible options.

c) The environmental, social, cultural, and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Table 5 sets out the environmental, social, cultural, and economic benefits of rezoning the land compared to the costs associated with the loss of highly productive land for land-based primary production.

Table 5. Benefits of rezoning compared to the costs associated with the loss of highly productive land.

Costs associated with the loss of highly productive land for land-based primary production.	Benefits of rezoning.
<p>Environmental</p> <p>Primary production is pushed further from Blenheim but in this location, the township is surrounded by LUC 1, 2 and 3 soils. Loss is not considered to be significant but acknowledge that could become an issue for the Council in considering future rezonings.</p> <p>Potential for reverse sensitivity as the site adjoins residential development on two boundaries.</p>	<p>Environmental</p> <p>The site represents a small percentage of LUC 1-3 land around Blenheim and the area of highly productive land lost to development will be very small in the context of the Blenheim hinterland. The site comprises 12 ha which in terms of total viticulture land of 31,000ha (2021 figures) is less than .03%.</p> <p>The proposed rezoning will not fragment highly productive land as it adjoins the existing residential area of Blenheim.</p> <p>Potentially contaminated soils will be removed/remediated and risk of leaching to groundwater reduced.</p> <p>The use of agrichemicals will cease.</p>
<p>Social</p> <p>Loss of rural outlook in amenity terms and loss of existing dwelling on the site.</p>	<p>Social</p> <p>Provide for housing that will address housing shortfall as identified in the HBA, particularly in the short term and will enable MDH, that will provide a choice of smaller housing units to meet an identified demand, and which is more affordable.</p> <p>Integration with existing residential areas including Springlands and Rose Manor) which in general will achieve a well-functioning urban environment.</p>

<p>Cultural</p> <p>MDC has consulted with Iwi who did not raise any concerns at this stage.</p>	<p>Cultural</p> <p>MDC has consulted with Iwi who did not raise any concerns.</p>
<p>Economic</p> <p>The vineyard generates income for the landowner, and for the wider community through jobs, processing, and marketing of the wine.</p> <p>However, prior to 1983 the Kerepi development site was predominantly used for cropping and pastoral purposes.</p> <p>Between 1983 and 1996 the site was converted to vineyards and remains unchanged to the present day with approximately 10.5ha of planted area. Viticulture can successfully be carried out in a range of different soil types and is still being developed elsewhere in the region with the help of water schemes and frost protection.</p> <p>The trade-off of rural land for urban expansion is discussed in the October 2019 Marlborough Winegrowers Association Inc submission on the proposed NPS for Highly Productive Land. Their submission includes the following points:</p> <ul style="list-style-type: none"> • The Wine Sector is the largest industry in Marlborough (19% of GDP) and employing 1 in 5 Marlburians. • Marlborough has 31,000ha of vineyard (2021 figures) and a further 5000ha likely to be developed by 2025. • Provision of sufficient housing is essential for the continued success of Marlborough's wine industry which is a relatively labour-intensive activity compared with other types of farming. <p>In respect of the above, the proposed site represents 0.03% of 31,000ha and as such economic losses are relatively minor.</p>	<p>Economic</p> <p>In the short term there will be substantial economic benefits in respect of development of the site. Kerepi Limited indicates the estimated cost of development of the site including infrastructure is approximately \$16 million. This is primarily for infrastructure and service providers and installers on site as well as downstream infrastructure development costs.</p> <p>Construction of the houses will also have substantial benefits for builders and sub-contractors. The cost of development likely to be \$3,000 per m², based on an average house being 180m². Assuming 172 houses are constructed the material and labour costs equates to a total of approximately \$93 million.</p> <p>Whilst difficult to quantify, an intangible benefit is the provision of housing including affordable housing, which may attract workers into the local economy and mitigate perceived labour shortages that are constraining the economy.</p> <p>The financial benefits are considered to be 'new' as there is existing demand for residential development that is not being met as identified in the HBA and is not resulting from competing demand.</p>

The environmental, social, cultural, and economic benefits of rezoning outweigh the environmental, social, cultural, and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

The site can be rezoned because:

- the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
- there are no other reasonably practicable and feasible options for providing the required development capacity; and
- the environmental, social, cultural, and economic benefits of rezoning outweigh the environmental, social, cultural, and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Policy 8: Highly productive land is protected from inappropriate use and development.

As discussed above the proposed development arising from the Variation is not considered inappropriate.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

As discussed above, residential activities will be located adjacent to rural activities on two boundaries of the site, which may result in reverse sensitivity effects relating to such matters as noise and spray drift. While no specific measures are proposed, Policy 12.2.4 (c) and (d) respectively of the PMEP require larger lots to be located on the interface with rural activities and subdivision design is to have regard reverse sensitivity effects in subdivision design. Rural activities are also subject to existing rules in respect of activities such as frost fans and spray drift to limit adverse effects and are considered sufficient to manage effects.

8.5.4 The National Policy Statement for Freshwater Management (NPS-FM 2020)

The residential re-zoning proposal gives effect to the provisions of the NPS-FM 2020 by ensuring that stormwater quantity and quality in respect of Caseys Creek is at least maintained. Retention and treatment details are to be determined at subdivision stage, but it is anticipated that stormwater pond/s similar to other recent residential developments in Blenheim will be used to maintain freshwater values.

The NPS-FM 2020 will be relevant in considering future subdivision applications in relation to discharge of stormwater and any associated structures in/over waterways.

It is noted that Caseys Creek and riparian areas is protected by the existing esplanade reserve, in which the proposed rezoning of the reserve will enable more appropriate management of this resource and give better effect to the NPS-FM.

8.5.5 The National Policy Statement for Indigenous Biodiversity (NPS-IB 2023)

The decision-making principles of the NPS-IB 2023 in Section 1.5 states the NPS prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity. The health and wellbeing of people and communities are dependent on the health and wellbeing of indigenous biodiversity and that in return people have a responsibility to care for and nurture it.

As discussed in Section 2.3, the site has been highly modified in the past by previous farming activities as well as the current use as a vineyard, and as such there is minimal indigenous vegetation remaining on the site. There are no SNAs identified on the site.

Nonetheless, the NPS-IB 2023 applies to the Variation with the following particularly relevant:

(1) *The objective of the National Policy Statement is:*

(a) *To maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*

(b) To achieve this:

- (i) *Through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
- (ii) *By recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
- (iii) *By protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
- (iv) *While providing for the social, economic and cultural wellbeing of people and communities now and in the future.*

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

It is envisaged that the Variation will give effect to the relevant objective and policy of the NPS-IB by indigenous vegetation planting on reserves and public spaces, such as in and around the stormwater detention pond, and as a part of the streetscapes.

The rezoning of the esplanade reserve for Caseys Creek will also allow better effect to be given to the NPS-IB 2023 given the nature of the Open Space 3 Zone.

8.6 Iwi Management Plan Review

8.6.1 Introduction

Relevant Iwi Management Plans and provisions are set out below with comment provided in Section 8.6.4. While there are other Iwi Management Plans for the rohe these are not relevant to the proposed site.

8.6.2 Te Rūnanga o Kaikōura Environmental Management Plan:

Part 3.1 Ō Te Hau – Atmosphere and Air

3.1.3 Amenity Values – Protecting amenity values includes addressing issues associated with discharges to air in the form of noise, odours, and light. It also includes assessing visual impacts of specific activities. For example, developments such as hotels, tourism ventures, or subdivisions may be inappropriate in some places if they are considered intrusive on an otherwise natural landscape with high amenity value.

- *Policy 1: In some areas, Te Rūnanga o Kaikōura may recommend light suppression or limitation, and / or height restrictions on buildings, to protect amenity values, including celestial darkness.*
- *Policy 4: Any new development that may have high visual impacts on the natural or cultural landscape may be encouraged to use suitable screening devices, such as indigenous plant species and cultural materials, to protect the natural and cultural landscape.*
- *Policy 5: Any new development that may have high visual impacts on the natural or cultural landscape may be encouraged to work with Te Rūnanga o Kaikōura to discuss and agree on appropriate design for the proposed development in relation to the protecting the natural and cultural landscape.*

3.4.1 Residential development

Part 3.4 Te Ahi Kaikōura a Tama ki te Rangī

3.4.1 Residential development – Subdivision – For Te Rūnanga o Kaikōura, an important component of assessing any subdivision application is consideration of long term and cumulative effects. Assessments must take into account the future land use opportunities and expectations associated with a subdivision application.

- Policy 2: To encourage early consultation, prior to lodging resource consent applications for subdivision.
- Policy 6: To avoid adverse effects on the natural environment as a consequence of increased demands placed upon land, water and community infrastructure resulting from the granting of new subdivision consents for residential development.
- Policy 15: To require that the disposal of stormwater occur in a manner that avoids inundation of land within or adjoining the subdivision and does not adversely affect the quality of surface and groundwater. The Rūnanga has a general policy of no discharge to water.

8.6.3 Te Rūnanga o Ngāti Rārua Environmental Strategy - Poipoi Te Ao Tūroa:

12 Whenua/ Land use activities and development,

12.1 Papa kāinga development - Ngāti Rārua consider that in this context 'papa kāinga' is development that allows traditional patterns of use (including, but not limited to, housing) on land owned communally by mana whenua iwi, whānau or hapū, so enabling them to maintain their culture and traditions.

12.1.2

- II. Seek definitions of 'papa kāinga' development in planning documents that allow whānau, hapū and iwi to use their land in ways that maintain their culture and traditions and which incorporate:
 - land regarded as Māori land in terms of Te Ture Whenua Māori Act 1996, including multiple owned Māori land and customary land,
 - otherland returned to iwi through settlement processes, and
 - all other land owned by Ngāti Rārua within the rohe
- III. Encourage the development of consistent planning provisions for papa kāinga across Marlborough, Nelson and Tasman councils.

12.2 Urban development

12.2.2 Tikanga/ Policies and methods

1.2 Statutory acknowledgements

Notice of applications - When a council receives an application for a resource consent on or near one of the SA areas, it is required to send notice of that application to Te Rūnanga o Ngāti Rārua, so that the iwi will be aware of potential developments while there is still time to take part in the process.

8.6.4 Summary Assessment

The proposed variation is considered to be consistent with the above Iwi Management Plans for the following reasons:

- The proposed variation will increase housing availability across Blenheim whilst also providing a range of housing options.

- The proposed provisions as part of this variation seek to appropriately manage amenity associated with housing developments.
- Assessments have concluded that the site can be appropriately serviced with infrastructure.
- It is considered that the threats on mauri from subdivision and earthworks would be appropriately addressed at that stage of development.
- As part of the proposal, stormwater has been considered through the implementation of a stormwater basin and piping of Coopers and Morrisons Drain to protect Casey's Creek.
- Iwi have been consulted on the variation and proposed provisions.

9 Conclusion

Variation 6 will assist to meet the demand for housing in Blenheim, including MDH, and addresses a residential shortfall identified in MDC strategic documents. The Variation generally reflects existing urban growth strategies which is the expansion of the existing urban area in a compact form. The Variation will not give rise to significant adverse effects and addresses potential constraints such as liquefaction. While there will be encroachment onto rural areas and highly productive land the options for Blenheim are limited given the soils found on the Wairau Plains.

Overall, having regard Part 2 of the RMA, relevant NPS's, the PMEP and other documents it is considered the variation can be approved having regard to sections 32, 74 and 75 of the RMA.

A

Appendix A – Record of Title

B

Appendix B – Housing and Business Development Capacity Assessment (HBA)

C

Appendix C – Urban Design Advice – Medium Density Housing in Marlborough

D

Appendix D – Proposed Amendments to the PMEP

E

Appendix E – Three Water Servicing Scoping Report

F

Appendix F – Proposed Residential Plan Changes 2022 – Servicing – Three Waters and Transport

G

Appendix G – Detailed Site Investigation – Contamination – Rezoning
Submission – 46 Old Renwick Road, Blenheim

H

Appendix H – Transportation Impact Report

Appendix I – Geotechnical Investigation Report – Rezoning Submission – 46
Old Renwick Road, Blenheim