

Appendix 11: Section 32 Assessment

SECTION 32 ASSESSMENT
PRIVATE PLAN CHANGE TO THE SELWYN
DISTRICT PLAN
Corner of Creyke Road and Telegraph
Road, Darfield
For Judith Pascoe

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1. Introduction

The following evaluation has been prepared in accordance with Section 32 of the RMA as amended in December 2013. It assesses the appropriateness of the proposal to rezone a Living 2A deferred zone site on the southern edge of Darfield for low density residential purposes (Living 2 zone).

The proposed plan change seeks to amend the District Plan to enable the rezoning of the site and is therefore considered to be an amending proposal under Section 32(3) of the RMA. As an amending proposal it must be considered in the context of any proposed changes to the objectives and policies, and in terms of the existing objectives and policies of the relevant plan. This evaluation demonstrates that the changes sought to the District Plan by this plan change request, including rezoning to Living 2 will aid in achieving the relevant objectives and policies already contained in the District Plan. This proposal seeks only a minor amendment to one policy to enable the Living 2 zone densities on the site and also seeks to add an Outline Development Plan (ODP), add new rules, amend the district planning maps and make minor consequential changes to Appendix 25.

Proposal Objective

In accordance with s32 6(b), the proposal objective is to provide for the rezoning of approximately 13.5ha of land on southern side of Darfield for low density residential use in an integrated and sustainable manner.

The objective has arisen in response to a number of factors. First there is a known demand for low density residential sections in Darfield as a residential lifestyle destination located in close proximity to Christchurch City. Second the site has been signalled as appropriate for low density residential development through the deferred zoning of the site for Living 2A and it is now considered that the requirements for lifting this deferred zoning can be achieved.

Finally, the factors which limited the inclusion of the site in Plan Change 24 (PC24), namely the perceived reverse sensitivity effects arising from the noise generated Darfield Gun Club have

now been fully resolved, and development of the site can occur in a manner which avoids or mitigates noise related amenity effects for new dwellings on the site.

These factors along with the ideal location of the site to provide a 'buffer' between Living 1 zoned residential activities to the north and Outer Plains Rural zoned activities, means that the development of the site is appropriate.

2. Scale and Significance

Section 32 (1) (c) sets out the following:

"An evaluation report required under this Act must:

(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."

The adverse effects arising from the proposal have been identified and evaluated in Section 9 of the plan change request. Overall the effects are considered to be able to be adequately managed and relate to the following key matters:

- Reverse sensitivity – Including measures to avoid reverse sensitivity effects from surrounding rural farmland.
- Character and amenity – Rural character and visual amenity of the site will change across the site and provide for a low density residential area on the rural/residential fringe.
- Amenity – mitigation measures to ensure future residents do not experience adverse amenity effects arising from noise generated by the Gun Club.
- Sustainable use of land resource – Providing a positive housing choice in Darfield through the Living 2 zone and enabling a greater number of low density residential sections with the same or similar effects as the underlying deferred Living 2A Zone status.

Assessment of Scale and Significance

The scale of effects of a plan change relate to the size or magnitude of effects and the physical extent of effects. The proposal site is 13.5ha and located on the edge of Darfield township. Given the low density residential nature of the proposal, the rezoning of the site is likely to have only a localised impact.

Significance relates to the importance of likely adverse effects. It is noted that the range of effects will be localised in nature due to the small scale of the proposal. Effects relating to noise generated on neighbouring sites has been described as a nuisance or amenity effect rather than a long term health effect. Overall it is considered that the significance of effects is also low and localised.

3. Evaluation of the Objective

Section 32(1)(a) is as follows:

“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;”

The proposal objective identified in Section 1 above will generate the following anticipated outcomes:

- Provide for low density residential development between the Living 1 and Outer Plains zones on the southern side of Darfield.
- Provide for housing choice in Darfield.
- Provide for a low density development where an acceptable level of amenity is achieved.
- Provide for an integrated and coordinated pattern of development adjoining Darfield which contributes to the overall amenity of the township.
- Provide for a development that does not impact on cultural values

- Provides for the efficient use of the land resource

The purpose and principles of the RMA have been considered throughout the design and preparation of the ODP and the proposed plan change application. Part 2 of the RMA has specifically been considered in Section 7 of the plan change request. The main features of the proposal which achieve the relevant matters in Part 2 of the Act are as follows:

Section 5 sets out the purpose of the Act. The proposal achieves the outcomes sought in Section 5 through providing an integrated co-ordinated development which connects with existing and proposed future road networks, and enables walking and cycling opportunities to meet the needs of future generations. The site is appropriately able to be serviced with water supply and provision have been made for wastewater and stormwater disposal to safeguard the life-supporting capacity of soils. Appropriate consideration of reverse sensitivity effects will avoids potential adverse effects which may impact on the wellbeing of future residents.

Section 7 seeks the efficient use and development of resources, maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment. The proposal seeks to enable more sections on the site than anticipated without any relative increase in adverse effects. This results in a more efficient use of the land resource. The low density residential zoning provided for in this change will enable the spacious open character preferred and anticipated for this area in the District Plan, and this, along with retaining shelterbelts on the site and appropriate indoor and outdoor acoustic insulation from noise generated at the Gun Club, will ensure amenity values and the quality of the environment are maintained.

Section 8 seeks that the principles of the Treaty of Waitangi are taken into account. Consultation with Iwi has been undertaken to assess how the proposal is consistent with the values of the Treaty, and consideration of the matters raised have been made within the design of the site.

Based on the above discussion of the proposal, it is considered that the proposal objective meets the purpose of the RMA and is appropriate.

4. Options for Achieving the Objective

Section 32 (1) (b)(i) sets out the following:

“An evaluation report required under this Act must:

(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”

There are a number of options to consider when striving to achieve the objective of providing for low density residential sections on the site. As a starting point, simply retaining the status quo and doing nothing will not be consistent with the objective and is therefore discounted. Accordingly, the following options have been considered:

- Seek a plan change to remove the deferral on the current Living 2A deferred zoning
- Seek a plan change to enable a Living 2 zone density on the site
- Apply for a resource consent for the proposed subdivision and development

Each of these options and their implications are discussed below.

5. Identification of Environmental, Economic, Social and Cultural Effects

Section 32 (1)(b)(ii) is as follows:

“An evaluation report required under this Act must:

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives”

Section 32(2) qualifies this as follows:

“(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”*

Development of the site to the Living 2 zone densities in the manner proposed by the plan change request is likely to have the following positive or negative environmental, economic, social and cultural effects.

Environmental

Positive Effects:

- Avoids or mitigates noise related amenity and potential reverse sensitivity effects through appropriate ‘no additional building’ areas and requirements for acoustic levels to be achieved indoors and outdoors within new residential sections. The provision of larger sections along Telegraph Road will also ensure appropriate setback distances are achieved.
- Avoids or mitigates reverse sensitivity effects with rural land through larger sections sizes, opportunities for building setback, retention of existing mature trees along road boundaries.
- The creation of a high amenity, low density residential environment.
- Provides for compact township development of Darfield.

Negative effects:

- Some loss of productive land for semi-rural agricultural purposes. However in this case the site has already been identified as appropriate for development to avoid the division of other large lots which are more economical as rural land and located in the outer plains zone.

Economic

Positive effects

- Creates employment opportunities for development related consultants, real estate sales, construction and house building companies during the consenting and construction phase of the development of the site.
- Creates wealth for Council through development contributions and adding to the overall number of rateable properties in the Selwyn District.
- Increases the number of rateable properties which can contribute towards a new reticulated wastewater system, further dividing the costs of the system.
- Provides additional opportunities for more people to live and work in Darfield adding to the local economy.
- Enables the land owners to realise the economic value of their land.

Negative effects

- Ongoing maintenance costs for an additional road within the Selwyn District
- Slightly increases the number of properties which will potentially need to be served with a future wastewater solution for Darfield.

Social

Positive effects

- Provides a district urban/rural fringe helping to provide for a sense of place for the residents of Darfield.
- Encourages walking and cycling by providing the anticipated local road network to connect Telegraph Road to residential zoned land to the east.
- Ensures on-site amenity for future residents by mitigating the potential noise effects from noise generated at the Darfield Gun Club.

Negative effects

- None

Cultural

No specific relevant positive or negative cultural effects.

6. Efficiency of the Provisions

Section 32(1)(b)(ii) seeks that consideration of the efficiency of the provisions used to achieve the objective is made. The MFE guidance on Section 32 sets out that the most efficient policy or method will achieve the stated objective at the least costs. Therefore it is appropriate to consider each of the alternative options identified in Section 5 of this report in terms of the costs and benefits to determine their efficiency.

The following identifies the costs and benefits of each of the alternative options and identifies which entities are affected by the costs and benefits.

Option 1 – Apply for a plan change to lift Living 2A deferred status

A private plan change request to lift the deferral on the site to enable the Living 2A zoning (minimum average allotment size of 1ha) across the site, providing for an additional 12 allotments in this area. In order to meet the requirements of Policy B4.3.28, water supply would need to be provided, and ODP inserted into the District Plan and consideration of reverse sensitivity effects made. The Living 2A zone would provide a buffer between the Living 1 zone to the north and the Outer Plains Rural zone to the south. Consideration of the costs and benefits of this option have been made in Table 2 below.

Table 2: Costs and benefits for Option 1: lift deferred status

Entity affected	Costs	Benefits	Efficiency
Council	<p>Time cost to assess a plan change.</p> <p>Council will be responsible for maintaining a long network of roading and water supply infrastructure.</p> <p>Increases the potential number of landowners who will be seeking a retrofitted wastewater reticulation system for Darfield.</p>	<p>Provides for the anticipated preferred growth of Darfield.</p> <p>Enables the integrated development of the site in a co-ordinated manner consistent with the ODP provided on adjoining land as outlined in Appendix 41 of the District Plan.</p> <p>Avoids reverse sensitivity effects relating to noise generated by the Darfield Gun Club.</p>	<p>Moderate</p> <p>Meets the provisions for the growth of Darfield as set out in policy B4.3.28 and the provisions of the Regional Policy Statement.</p> <p>Provides the outcome sought by the District Plan provisions by providing an integrated development with appropriate infrastructure provisions and avoids reverse sensitivity effects.</p> <p>Provides for a less efficient use of the land resource to provide for low density residential development than Option 2, but will have the same or similar adverse effects on the environment.</p>

Landowners	There will be a monetary cost to applying for the plan change and undertaking the subsequent development.	The landowners will be able to realise some of the potential of their land providing for up to 12 allotments across the site.	As above.
Neighbourhood and wider community	There will be loss of rural land as anticipated by the deferred zoning	<p>An attractive and distinctive entrance to Darfield will be retained (ie the shelter belt along Telegraph Road).</p> <p>Provides housing choice within Darfield, although it will be similar in size and scale as many other sized allotments available to be developed in Darfield.</p> <p>Allows for the growth of Darfield in a sustainable manner, which ultimately will add to the local economy, although to a lesser degree than option 3.</p>	As above.

Option 2 – Apply for a Plan Change to provide Living 2 zoned land

A private plan change request to rezone the site to enable Living 2 zoned land (minimum average allotment size of 5000m²). In order to meet the requirements of policy B4.3.28, water supply would need to be provided, and ODP inserted into the District Plan and consideration of reverse sensitivity effects made. The Living 2 zone would also provide a suitable buffer between the Living 1 zone to the north and the Outer Plains Rural zone to the south. This method enables a new rule requiring acoustic indoor and outdoor levels to be achieved for new dwellings which will ensure noise amenity effects associated with noise generated at the Gun Club do not arise. Consideration of the costs and benefits of this option are made in Table 3 below.

Table 3: Costs and benefits for Option 2: rezone to Living 2

Entity affected	Costs	Benefits	Efficiency
Council	<p>Time cost to assess a plan change.</p> <p>Council will be responsible for maintaining a long network of roading and water supply infrastructure.</p> <p>Increases the potential number of landowners who will be seeking a retrofitted wastewater reticulation system for Darfield.</p>	<p>Provides for the anticipated preferred growth of Darfield.</p> <p>Enables the integrated development of the site in a co-ordinated manner consistent with the ODP provided on adjoining land as outlined in Appendix 41 of the District Plan.</p> <p>Avoids reverse sensitivity effects relating to noise generated by the Darfield Gun Club.</p> <p>Avoids costs associated with monitoring complex noise mitigation measures.</p>	<p>High</p> <p>Meets the provisions for the growth of Darfield as set out in Policy B4.3.28 and the provisions of the Regional Policy Statement.</p> <p>Provides the outcome sought by the District plan provisions by providing an integrated development with appropriate infrastructure provisions and avoids reverse sensitivity effects.</p>
Landowners	<p>There will be a monetary cost to applying for the plan change and undertaking the subsequent development.</p>	<p>The landowners will be able to realise the full potential of their land providing for 20-26 allotments across the site.</p>	<p>As above.</p>
Neighbourhood and wider community	<p>There will be loss of rural land, but less than if option 1 was utilised, as this option provides for a greater density of low density residential development with the same or similar effects as the Living 2A zoning.</p>	<p>Development of the site will occur ensuring the most efficient use of land occurs.</p> <p>An attractive and distinctive entrance to Darfield will be retained (ie the shelter belt along Telegraph Road).</p> <p>Provides housing choice within Darfield.</p>	<p>As above.</p>

		Allows for the growth of Darfield in a sustainable manner, which ultimately will add to the local economy.	
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Option 3 – Apply for a non-complying resource consent

Subdivision of the site would be considered under the Outer Plains Rural Zone rules which provide for a minimum subdivision size of 20ha. The subdivision of the site could not meet this requirement and would be considered as a non-complying activity.

The District Plan specifically seeks to avoid the subdivision of lots lower than 20ha in the rural Outer Plains Zone due to potential adverse effects on the remaining rural area, the potential to create satellite towns which then seek separate reticulated services from Council, and increase the potential reverse sensitivity effects on rural activities. A resource consent application is unlikely to be approved as was evidenced in declining of a non-complying resource consent application sought across land contained in the adjoining Sliver Stream Estates area, which sparked the need for PC24.

A resource consent application does not necessarily require the wider consideration of connections with anticipated development on adjoining land. The specific costs and benefits of this option have been considered in Table 4 below.

Table 4: Costs and benefits of Option 3: Non-complying resource consent application

Entity affected	Costs	Benefits	Efficiency
Council	<p>Financial cost of undertaking the processing of large resource consent application.</p> <p>As it would be contrary to the District Plan objectives and policies it is likely to be declined and potentially appealed to Environment Court.</p> <p>Potential to threaten the integrity of the District Plan if granted.</p> <p>Council has less control over the scope of the application including allotment size and shape or methods to avoid reverse sensitivity effects.</p>	<p>Very few benefits to this method as council would likely have to recommend declining of such a non-complying activity.</p>	<p>Low</p> <p>Inconsistent with statutory documents means that the application is likely to be declined and potentially appealed to the Environment Court.</p>
Landowners	<p>Unlikely to achieve the desired outcome based on the experience of Silver Stream Estates on the adjoining land.</p> <p>Potential environment court case which adds significant time and cost delays</p>	<p>Can apply for consent without delay</p>	<p>As above.</p>

Neighbourhood and wider community	<p>Loss of rural land across the site.</p> <p>Reduced opportunity for public input from the local community and in particular the Darfield Gun Club to ensure adverse reverse sensitivity effects are avoided.</p>	<p>The development may provide the outcome anticipated for growth of Darfield in this area.</p> <p>Development may compliment and add to amenity values in Darfield.</p>	As above.
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Preferred Option

The preferred approach is Option 2: rezone the site to Living 2. This option provides the greatest benefits and the least costs of the four options.

Rezoning the site to enable the site to be zoned Living 2 is considered most efficient and effective for the following reasons:

- Rezoning the site enables the provision of a compact township form which integrates the existing and anticipated roading patterns across the site and into land identified in Appendix 41 of the District Plan.
- Avoids or mitigates potential reverse sensitivity effects without compromising the ability to fully utilise the land resource.
- Can be incorporated into the district plan with minimal drafting and avoids onerous site specific provisions for administering the District Plan.
- Is immediately adjoining existing Living 1 zoned land and provides a 'buffer' between full residential zoned land and full outer plains rural zoned land.
- Is a more efficient use of the land resource to provide a greater number of allotments with the same or similar effects and the existing Living 2A deferred zoning.

7. Effectiveness

The development of the site can generally sit within the overarching and existing policy framework for the Living 2 zone including the District Plan and the Regional Policy Statement provisions. There is a minor exception to this, as Policy B4.3.28 has been sought to be amended to enable the development of the site to a minimum average of 0.5ha. The amendments to Policy B4.3.28 are as follows:

Policy B4.3.28

To provide for mixed densities in the Living X Zone, and rural residential development around the township in the Living 2A (Deferred) Zone to a minimum average area of 1ha, **in the Living 2 Zone identified on Appendix 41A – Creyke Road Outline Development Plan to a minimum average of 0.5ha,** and in the Living 2A1 Zone to a minimum average area of 2ha, subject to the following:

- That all new allotments are able to be serviced with a reticulated potable water supply;
- That outline development plans have been incorporated into the Plan for the coordinated development of four identified areas of land in the Living 2A Zone, the Living X Zone and part of the Living 2 Zone to address roading, reserve, and pedestrian/cycle linkages;
- Where applicable, provision has been made to address any reverse sensitivity issues.

The effectiveness of the proposed amendments and new rule has been considered as follows:

Table 5: Assessment of the effectiveness of proposed amendments

Rule addition or amendment	Effectiveness
Township Volume: proposed amendment to Policy B4.3.28	<p>This policy amendment enables development to occur to the Living 2 zone minimum average allotment size. The Policy in its current form does not provide for deferred land around Darfield to be rezoned to a higher density.</p> <p>This Darfield specific policy implements objectives a number of objectives including B4.3.1, B4.3.2 and B4.3.4 which generally seek to ensure development occurs adjoining existing townships in a compact form and provides for the integrated development of infrastructure including roading. The proposed amendments will continue to ensure that Policy B4.3.28 efficiently implements the relevant objectives of the District Plan.</p> <p>This amendment does not impact on the overall intent of the policy to achieve coordinated development around Darfield, and does not alter the effectiveness of the policy when considered alongside the remaining suite of objectives and policies of the District Plan.</p>
Township Volume: proposed new rule 4.9.43	<p>This new rule seeks to avoid additional dwellings in the area identified as most risk of adverse effects from noise generated by the gun club. Non-compliance with this rule requires consent as a discretionary activity to enable council to consider all matters associated with the establishment of a new dwelling including any potential reverse sensitivity effects.</p> <p>This proposed new rule is effective in ensuring new dwellings are not developed in that part of the site where reasonable mitigation measures cannot achieve acceptable noise limits.</p>
Township Volume: proposed new rule 4.9.44	<p>This new rule seeks that new dwellings across the remainder of the ODP area (outside the 60dB noise contour) are designed and sited such that appropriate indoor and outdoor acoustic levels are</p>

	<p>achieved to provide for on-site amenity in respect of the noise generated by the Gun Club.</p> <p>The rule seeks that landowners provide the necessary evidence to ensure such levels are achieved, thus avoiding council having to undertake any extensive monitoring of the rule.</p> <p>Given the amenity effects arise because of the location of the Gun Club and the nature of activities undertaken on the site, the rule only needs to be considered while the Gun Club continues to operate from the site.</p> <p>This proposed rule is effective in ensuring that new residential development is not adversely effected by existing activities, and avoids the opportunity for reverse sensitivity effects to occur.</p>
Township Volume: proposed new rules 4.9.51 - 52	<p>These rules seek that for where the provisions of rule 4.9.43 are not, or cannot be met, resource consent is required as a restricted discretionary activity, with restriction limited to measures to avoid adverse amenity effects caused by noise generated at the Gun Club.</p> <p>This rule is effective in ensuring that new residential owners avoid or mitigate the potential conflict with noise generated from the Gun Club, and also enables Council to consider the site specific features when assessing the likely adverse effects of noise. This rule is only necessary where the provisions of the permitted standard 4.9.43 cannot be met.</p>
Townships Volume: proposed new rule 12.1.3.16	<p>This new rule seeks to draw plan users attention to the ODP for the site, and seeks to ensure that development of the site complies with the provision of that ODP.</p> <p>The outcome sought is to ensure reverse sensitivity measures are considered and provided for including the need for the need for larger sections on the corner of Creyke and Telegraph Road.</p> <p>The proposed rule is effective in ensuring development of the site occurs in</p>

	accordance with the provisions of the ODP, and is consistent with the proposed amended Policy B4.3.28.
Addition of new Appendix 41A containing the proposed Outline Development Plan and associate text.	<p>The ODP and associated text provides a framework for where larger sections are to be located, where vegetation and water races are to be retained, and how future subdivision of the site is to be considered.</p> <p>This framework enables reverse sensitivity effects with adjoining rural land and with the Gun Club noise to be avoided. Additionally this framework provides for the integration of future development with surrounding development (existing and potential) and integration with the centre of Darfield.</p> <p>The proposed ODP is effective in ensuring that development of the site can occur in an integrated and sustainable manner while providing for the wellbeing of people and communities including by avoiding reverse sensitivity effects associated noise.</p>
Township Volume, Appendix 25; Consequential amendment to the notation on map contained in Appendix 25 to include the new ODP.	This amendment ensures plan users are directed to the correct ODP's when using Appendix 25.

8. Risk of acting or not acting

Section 32(1)(b)(ii) sets out that an assessment must *"assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions"*.

Where there is uncertain information, usually relating to a scientific or technical nature, authorities are required to consider the risk of acting or not acting when making decisions, and weigh up the information they do have. However in this case extensive information has been provided and there are no technical omissions. A decision based on the information contained in the plan change request, including the reports of noise, traffic, engineering and urban design experts is sufficient for the consent authority to may a fully informed decision. In this case it is considered that there is very little risk of making this decision.

9. National Environmental Standards

Section 32(4) sets out the following:

“If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.”

In this case the proposal will not impose a greater prohibition or restriction than any National Environmental Standard, and therefore this section is not relevant.

10. Conclusion

Taking into consideration that the objective of this proposal is to rezone the site for low density residential living purposes, and that this has been identified as achieving the purpose of the act, and considering that the option of a privately initiated plan change to rezone the site to the Living 2 zone is considered to be the most efficient and effective method of achieving the objective, it is clear that the proposed amended provisions are appropriate in this case.