

Appendix 10: Section 32 Evaluation

The following is an evaluation report to fulfil the requirements of section 32 of the Act. Section 32 states:

- (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.*

Objectives of the Plan Change

It is proposed to replace the existing zoning from Living 1 (deferred), Living 2 (deferred), and Outer Plains, to an area of Living 1 zone and Living 2 zone west of Leeston township, for residential purposes.

The objective of the Plan Change is to uplift the deferral of the Living 1 and Living 2 deferred zones by providing stormwater management that will enable the Leeston North Stormwater Bypass to be completed, and rezoning part of the site to Living 1 and Living 2 to provide for the future growth of Leeston.

An assessment of the objectives and policies has been undertaken and is attached as Appendix 8 and the Plan Change is considered to be not contrary to the objectives and policies of the Plan. No new objectives and policies are proposed, but rather the Plan Change seeks minor changes and additions to rules, and amendments to specified district planning maps. As the Plan Change is not contrary to the objectives and policies of the Plan, it is considered to meet Part 2 of the Act and is seen as a sustainable way to provide for future generations.

The proposed rezoning will provide for future residential development of the site in a manner which is appropriate, sustainable, integrated, promotes high amenity outcomes and social cohesion.

The site adjoins an existing residential zone to the east on Spring Place and Mountain View Place, and to the south, south of High Street. It will naturally extend the density of the adjoining residential zone and allow for a progression of allotment size towards the west. This will provide a consolidated urban development that can be serviced.

The site has been identified as being appropriate for Living 1 and Living 2 densities through the deferred zoning of the site for Living 1 and Living 2. The Outer Plains zoned land is identified as potential low density future development within existing Council strategies that have been through a public consultation process.

Three alternative options have been considered and are discussed below.

Continue with the status quo (do nothing)

This option involves retaining the existing Living 1 (deferred), Living 2 (deferred) and Outer Plains zone - where land use across the deferred zoning will continue to be deferred until the stormwater issues are resolved, and the rural zoned area will continue to be used for cropping and other agricultural uses.

Carry out the Plan Change to rezone the existing Living 1 (deferred), Living 2 (deferred) and Outer Plains zones to Living 1 and Living 2

A private plan change request to lift the deferral and rezone the site to Living 1 and Living 2 zones to enable residential development of the site. In order to meet the requirements of Policy B4.3.55, the Leeston Creek and Market Street capacity issues would need to be provided for and an ODP inserted into the Plan.

Apply for a non-complying resource consent for the proposed subdivision and development

An alternative approach is to apply for a non-complying resource consent for a subdivision and residential activity to achieve the same outcome of the Plan Change. Subdivision of the site for rural residential and residential development would be assessed as a non-complying activity under the rules of the Plan. Given the non-complying status and extensive amount of information required to undertake such a resource consent, it is considered that there are both legal and practical difficulties with this option. The proposal would have to pass one of the threshold tests in Section 104(D) of the Act, and it is possible that it would fail both of these tests when considered against the underlying zone rules. Furthermore, since *Operation Homer Ltd v Selwyn District Council* [C100/2007], the Court and Council both accept that significantly out-of-zone development should be subject to a rezoning proposal rather than a non-complying resource consent.

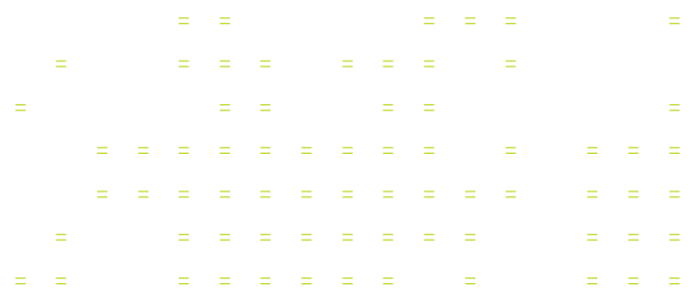
Assessment of Alternative Options

Section 32(2) of the Act requires an assessment to identify benefits and costs anticipated from the above options, taking into account environmental, economic, social, cultural effects. The assessment is as follows.

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency / Effectiveness
Option 1 Retain the status quo (do nothing)	<ul style="list-style-type: none"> • No time and money spent on the plan change process. • Rural production activities and rural land would be retained. • Rural outlook and amenity would be retained. • Limited to nil reverse sensitivity effects. • No requirement to upgrade infrastructure for servicing. 	<ul style="list-style-type: none"> • The strip of land on Lot 2 DP 365379 would not be available for stormwater management. • Stormwater issues resulting from the Leeston Creek would not be improved and flooding would still occur in high rainfall events. • Loss of opportunity to provide an integrated development on this site. • Increase potential for future ad-hoc development from a lack of ODP guidance. • Encourage development in areas less appropriate than the site. • The sites potential to provide for future growth will be unrealised. • Unrealised economic opportunity to develop land beyond farming purposes. • The demand for mixed density is not met, this may increase the price of residential sections due to supply and demand constraints. • Would not utilise the area of land identified as appropriate for residential development. 	Low This is not an effective option as the stormwater issues in Leeston would remain and flooding could occur in high rainfall events. The deferred living zones have been identified as appropriate for residential development subject to stormwater solutions and are required to accommodate the projected growth of Leeston.
Option 2 Undertake a Plan Change to uplift the	<ul style="list-style-type: none"> • Stormwater management will be implemented and flooding in Leeston will be reduced when the stormwater management is implemented. 	<ul style="list-style-type: none"> • Time and cost to undertake the plan change process. • There will be loss of productive 	Moderate - High Meets the provisions for the growth of

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency / Effectiveness
deferral and rezone the site (the current proposal).	<ul style="list-style-type: none"> • Provides for additional housing supply and a variety of section sizes in Leeston township. • Provides for development opportunities in an area identified as appropriate for residential development and future development. • Infrastructure can be extended and provided to the site at the time of residential development. • Compatibility with the consolidated urban form of Leeston and a clearer township, particularly along High Street, where the Living 1 zone will align with the existing Living XA zone on the south side of High Street. • The landowners will be able to realise the full potential of their land providing for approximately 410 allotments across the site. • Will encourage investment to Leeston and additional community members and rate payers. • Birdlings Brook will be vested as a reserve, ensuring its protection. • Future employment opportunities will be provided at the time of residential development and the construction phase. • Leeston Creek and its margins will be vested to Council as reserve, providing a high level of amenity. • Development of the site will be guided by an Outline Development, reducing the chance of ad-hoc development. 	<p>rural land.</p> <ul style="list-style-type: none"> • Some loss of amenity during construction phase, due to noise, increased traffic volumes. • May result in reverse sensitivity effects on the rural and business zones. 	<p>Leeston as set out in Policy B4.3.54 – 55.</p> <p>Provides and extends the outcome sought by the Plan including stormwater management.</p>

<p>Option 3</p> <p>Subdivide the site through a non-complying subdivision consent.</p>	<ul style="list-style-type: none"> Any proposal for residential development would be scrutinised through the resource consent process. Can apply for resource consent to subdivide and develop the site. Would provide additional housing supply and sections in Leeston. 	<ul style="list-style-type: none"> Inappropriate method of developing the site and highly likely to be contrary to the objectives and policies of the Plan and, based on case law, could be declined and may be appealed to the Environment Court. Subdivision consent would not be guided by an ODP and may result in a poor integration of roading, section layout, services and stormwater management. Less control over the scope of the application including allotment size and shape or methods to mitigate reverse sensitivity. If consent is granted, integrity of the Plan may be challenged. Cost of preparing application and potential Environment Court case which adds significant cost, time and delay. Loss of structured growth plan for township including consequential effects on ability to strategically plan for infrastructural works. Increased risk of ad-hoc development as the site is comprised of multiple land parcels owned by separate land owners. 	<p>Low</p> <p>Inconsistent with statutory provisions, meaning application is likely to be declined and potentially appealed to the Environment Court.</p> <p>The desired outcome may be achieved through the resource consent process and would therefore be somewhat effective. However, the resource consent would only grant a specific development proposal and would restrict alternative layouts being identified which may have lesser environmental effects, this reducing the efficiency of the resource consent process.</p>
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Conclusion

The retention of the current situation is not considered to be efficient and efficient use of the site. The stormwater management issues surrounding Leeston Creek and the Market Street Culvert will not be resolved and flooding will continue to occur in high rainfall events. Therefore, the deferred Living 1 and Living 2 zones would not be developed, as anticipated by the Plan until such time as the stormwater management issues are resolved.

A non-complying subdivision would result in the integrity of the Plan being questioned and could set precedent for other non-complying subdivisions similar in nature. A non-complying subdivision would likely result in poorly integrated servicing, layout and would require land use consents to enable residential development. The stormwater management issue would also not be resolved, as there would be no requirement to do so if the deferral was not being lifted, which would have the potential to increase stormwater runoff into the Leeston Creek and cause increased stormwater issues and flooding.

Lifting the deferral and rezoning the from Living 1 (deferred), Living 2 (deferred) and Outer Plains to Living 1 and Living 2 is considered to be the most appropriate and efficient option to best achieve the purpose of the Act. The proposed stormwater management will reduce the flooding risk and stormwater issues and will create a more sustainable and efficient stormwater system for the Leeston township. The Plan Change includes an ODP and will provide an integrated and strategic approach to any future development and stormwater guidelines and requirements to ensure flooding of Leeston Creek is mitigated.