

Appendix 11: Section 32 Assessment

Appendix 11: Section 32 RMA Assessment

Trices Road Rezoning Group

Introduction and RMA requirements

1. The Trices Road Rezoning Group (the applicant) is lodging a plan change application to the Operative Selwyn District Plan seeking the rezoning of the application site from Rural Inner Plains to Living Z (25.92 ha) and Living 3 (2.78 ha) Zone.
2. Before being publicly notified, any proposed plan change needs to be evaluated in accordance with section 32 of the Resource Management Act which provides:

Requirements for preparing and publishing evaluation reports

(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.

3. The Guidance Note on section 32 analysis on the Quality Planning website makes the following statement:

Appropriateness - means the suitability of any particular option in achieving the purpose of the RMA. To assist in determining whether the option (whether a policy, rule or other method) is appropriate the effectiveness and efficiency of the option should be considered:

- *Effectiveness - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.*
- *Efficiency - means the measuring by comparison of the benefits to costs (environmental benefits minus environmental costs compared to social and economic costs minus their benefits).*

4. In this case it is the appropriateness of rezoning rural land for Living Z purposes with a small area of rural residential use (2.8ha) that needs to be examined.

Objective of the Plan Change Request to the Operative District Plan

5. The objective of the plan change is to change the zoning of the application site in the Operative District Plan from Rural Inner Plains to Living Z and Living 3 residential zones in a controlled and managed way through a development Plan (Prebbleton Outline Development Plan 5) and by adopting, as far as possible, the Operative District Plan planning zones and subdivision, activity and development standards.
6. Overall it is considered that the proposed plan change is consistent with the SDC's outcomes for residential development in that it will:
 - a) Provide for short term additional housing and residential land choice in Prebbleton at Living Z standards that achieve the District Plan target of 10 households/ha. The densities proposed in the Plan Change are 12 households/ha; densities that will complement the immediately adjoining residential land without compromising the character or amenity of that land;
 - b) Provide a transition area within Prebbleton ODP Area 5 on the Birchs Road edge by adopting Living 3 standards, consistent with the existing developed Living 3 zone on the opposite side of Birchs Road, ensuring amenity and character is maintained.
 - c) Appropriately transition between the existing Prebbleton township and the future Council Reserve to be developed south of the application site.
 - d) Make more efficient use of the application site for residential activity, rather than rural, in terms of existing and future infrastructure, and current land resources.

Environmental Outcomes – Operative District Plan Objectives and Policies

7. The Operative Selwyn District Plan (OSDP) objectives give effect to the purpose of the Resource Management Act and the PSDP policies in turn give effect to the OSDP objectives. The objectives are the end goals or end states (including environmental outcomes) to be strived for and the policies are the broad strategies to achieve the objectives.¹
8. The application considers the proposed residential rezoning against both the relevant Operative Selwyn District Plan and proposed District Plan objectives and policies. It concludes that the requested rezoning is entirely consistent with and meets the outcomes sought by the objectives and policies, including for natural and physical resources (soils, water, contaminated land, transport), people's health, safety and values (natural hazards, quality of the environment), township growth and rural residential development (with respect to proposed 2.7ha L3 zone).

Identification of options

9. In determining the most appropriate means to achieve the objectives of the plan change, and to assess the benefits and costs, a number of alternative planning options are assessed below.
10. These options are:
 - a) Option 1: status quo/do nothing: Do not rezone the Site.
 - b) Option 2: rezone the whole site for urban residential use with a mix of densities reflecting the aspirations of the landowners but most of the land (26 ha) being zoned Living Z.
 - c) Option 3: rezone the whole site as Living 3 (rural residential).
 - d) Option 4: resource consent: ad hoc land use and subdivision consent for subdivision through non-complying subdivision and land use consents for residential use.

¹ See PSDP Part 1, HPW Plan Structure

S32 Matter	Option 1: Do nothing: Rural Zone	Option 2: Mix of Standard Residential Zones and Rural Residential	Option 3: Rural Residential	Option 4: Consents
Cost	None for applicant. On-going costs for landowners with rural activities managing effects of adjoining residential land uses.	Time and cost to applicant for plan change application processes and technical reports. Different servicing costs for respective development densities. Development contributions for Council services. Contributes some potential commuter traffic to Greater Christchurch from a portion of the anticipated appx. 290 additional households. (but site is very accessible to public transport services).	Time and cost to applicant for plan change application processes and technical reports. Rural residential densities are a less efficient use of the scarce resource of land so close to an existing, growing urban centre i.e. this is now a key urban growth path for Prebbleton, with Birchs Reserve to south providing the logical southern township boundary. Average 5000m² lots larger than market preference (which is for urban residential lots or lots in the 1000-3000m² size range). Additional consenting and servicing cost for any future relevant densities, if further zoning approved (development can be 'future proofed' for future urban densities). Contributes some traffic potential commuter traffic to Greater Christchurch from a portion of the anticipated appx 55 households (but site is readily accessible to public transport services).	Time and cost to applicant to seek one-off noncomplying land use and subdivision consents. Consents unlikely to be approved as exceed the permitted Rural zone dwelling density standards & policy requires higher densities to be 'avoided'. Community cost and uncertainty in responding to ad hoc applications and not seeing the full scale of possible development at any time.

S32 Matter	Option 1: Do nothing: Rural Zone	Option 2: Mix of Standard Residential Zones and Rural Residential	Option 3: Rural Residential	Option 4: Consents
Benefit	Ongoing low output rural production on some of the Site. Retains existing rural character and amenity.	Additional housing stock with greater choice in typology than currently available, contributing to the growth of Prebbleton. Contributes significant additional supply of housing to market where there is very strong demand and minimal remaining supply (1 year only). Prebbleton ODP Area 5 provides overall plan of integrated land development. Rural residential zoning along Birchs Road frontage compatible with existing rural residential character of land on opposite side of Birchs Road and has amenity benefits – enables retention of mature landscaping along Birchs Rd at town entry, as lot sizes large enough such that shading won't be an issue. Implements NPS-UD 2020 and provides more households to support township services/amenities and facilities.	Consistent with RPS - which provides for rural residential development of sites identified for this purpose in a Council rural residential strategy. The Site is Prebbleton Preferred Rural Residential Area 8 in the Selwyn Rural Residential Strategy 2014. Prebbleton ODP Area 5 provides overall plan of integrated land development for smaller site. Can be future proofed for urban rezoning Provides more households to support township services/amenities and facilities.	No rezoning required. Benefit to individuals that succeed (but successful applications unlikely).

S32 Matter	Option 1: Do nothing: Rural Zone	Option 2: Mix of Standard Residential and Rural Residential zones	Option 3: Rural Residential	Option 4: Consents
Efficiency/ Effectiveness	Application site remains low productivity rural land bounded by urban land use and a reserve. Prebbleton's housing needs are not met as there is only 1 year remaining of zoned land. Consistent with Prebbleton Structure Plan 2010 and RPS Map A (which are not consistent with the NPS-UD).	Utility services can be efficiently provided by the Council, and stormwater can be managed on-site for larger lots. Effective as it utilises low productivity rural land in a location undergoing rapid urbanisation. Effective in providing for the needs and well-being of landowners according to respective aspirations. Comprehensively provides for extension of the township as planned for. Effective in meeting Prebbleton housing needs in an appropriate location, and implements the NPS-UD	Utility services can be efficiently provided by the Council, and stormwater can be managed on-site for larger lots. Less effective and efficient than Option 2 because cannot achieve the same residential yield to meet Prebbleton's housing needs, and if 'future proofed' for future urban development, the yield will be less because there will be more 'interim' larger lots containing dwellings approved under the L3 residential zoning.	Least effective and efficient as outcomes from consent processes are uncertain, and potentially un-coordinated and lack proper planned integration with the township utilities.

Risks of Acting or Not Acting

The Council's strategic intentions for Prebbleton are contained in the Prebbleton Structure Plan 2010 and the Rural Residential Strategy 2014. However, these documents are both now out of date, and do not reflect the reality of a current severe shortage of housing at Prebbleton in the face of continuing very strong demand. Zoning under the PDP has to be robust enough to last the statutory life of the Plan (10 years), and the NPS-UD 2020 also requires that at the end of 10 years the Council is assured that there will be a sufficient supply of appropriately zoned land beyond that point. The PDP does not change the zoning of the Site so waiting for the Council to zone the Site is not an option. The risk of not acting in 2020 to re-zone sufficient urban zoned land, and to provide security of land supply over that timeframe, is that, Prebbleton will continue to experience the present day issues of uncatered for demand, undersupply of serviced land and a lurch in land and house prices.

The risk is that if necessary decisions are not taken today then the sustainable growth and development of Prebbleton over the foreseeable planning period is uncertain. Not re-zoning sufficient land that can support appropriate housing typologies to meet the needs of a range of household needs is not meeting the purpose of the Act, nor meeting the Council's obligations to sustainably manage the natural and physical resources of the Selwyn District for present and future generations, or the requirements of the NPS-UD 2020.

The applicants have commissioned a range of reports: soil contamination, urban design, integrated transport assessment, geotechnical, servicing reports and an economic analysis to inform and shape the development proposal. Relevant parties have been consulted so their advice and views have been taken in to account in the proposal.

There is no risk that a decision will be made in an absence of expert advice and appropriate technical solutions for servicing and design.

All these inputs to the proposal mean there is little, if any, uncertain or missing information in relation to this proposal.

It is therefore considered that there are no significant risks of acting to adopt the Plan Change,

Summary of s32 evaluation

S32 Evaluation Matter	Option 1: Do nothing: Rural Zone	Option 2: Mix of Standard Residential and Rural Residential zoning	Option 3: Rural Residential	Option 4: Consents
Objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act	±	+	±	×
Whether the provisions in the proposal are the most appropriate way to achieve the objectives	×	+	±	×
Benefits	+	+	+	×
Costs	×	++	++	±
Risks	+	×	×	++

+ Evaluation matter met

++ Evaluation matter strongly met

× Evaluation matter not met

± Evaluation matter neutral

Overall Assessment

- Based on the above assessment, it is concluded that the plan change application to re-zone the Site from Rural Inner Plains to Living Z with a small area (2.8ha) zoned Living 3 (Option 2) is the most appropriate method for achieving the objectives of the proposal, than the other alternatives also considered above.

12. Option 2 is consistent with a range of PDP policies notwithstanding that it does not align with the strategic intention signalled in Prebbleton Structure Plan 2010 and the Rural Residential Strategy 2014. However, both of these documents are now out of date, and do not take account of the new NPS-UD and the significant shortage of housing land at Prebbleton in the face of very strong demand.
13. Option 2 to re-zone the site for two different residential densities is the most appropriate given the proposal:
 - a) adopts existing Operative Selwyn District Plan zones, development and activity standards, except that a slightly higher density LZ zoning is proposed (minimum average lots size 650m² rather than 750m²). This is necessary to facilitate an appropriate mix of housing with more smaller affordable lots than the current LZ zones at Prebbleton. This ensures continuity of anticipated environmental outcomes and urban amenity for Prebbleton and adjoining residential areas;
 - b) is largely consistent with, and give effect to, the relevant Operative Selwyn District Plan objectives and policies;
 - c) it is a logical extension to the developed and developing residential land adjoining the Site while achieving a compact, efficient urban form that removes pressure on isolated rural land elsewhere in the Rural Inner Plains Zone;
 - d) there is no additional cost to the Council in re-zoning the Site in this proposal as there is capacity in the public utilities and the existing road network, including planned upgrades, will accommodate the traffic effects of about 290+ households; at subdivision consent stage the applicant will be required to pay development contributions as its share of providing for growth of any network and increased capacity in the relevant utilities;
 - e) the proposal will bridge the existing urban area to the proposed Birchs Road reserve; and
 - f) the proposed Prebbleton ODP Area 5 provides certainty of the final form and disposition of the re-zoned area including its proposals for reserves, roading, future linkages for pedestrian and vehicular traffic.
14. The inclusion of the LZ and L3 residential zones in the proposal is considered to be appropriate to achieve the long term sustainable growth and development of Prebbleton.
15. The economic, social and environmental benefits of the proposal outweigh the potential costs.
16. The overall efficiency and effectiveness of the proposal is high, in comparison the alternative options which are low (Options One and Four) or low to moderate (Option Three).

17. The proposal is considered to be the most appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991.