

Appendix 13: Section 32 RMA Assessment

Brookside Road Re-zone Plan Change (10/3/22) clean version

Introduction and RMA requirements

1. Brookside Road Residential Ltd (the applicant) is lodging a plan change application to the Operative Selwyn District Plan to change the zoning of the 110 ha application site from Rural Outer Plains Zone to Living MD (LMD) and Business 1 (B1) Zones.
2. The application has outlined the background to and reasons for the requested plan change.
3. The amendments to the Operative Plan are outlined in the application. No adverse environmental effects are anticipated by the change of zoning, however the potential environmental effects of implementation of the application have been described in the relevant sections of the application.
4. Any change to a plan needs to be evaluated in accordance with section 32 of the Resource Management Act.
5. Section 32 states:

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.

5. 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).

6. In this case it is the appropriateness of rezoning Rural Outer Plains land for LZ and B1 zones that needs to be examined.

Objective of the Plan Change Application to the Operative District Plan

7. The objective of the application is to change the zoning of the application site in the Operative District Plan from Rural Outer Plains Zone to Living MD and Business 1 Zones in a controlled and managed way through an Outline Development Plan and by adopting, as far as possible, planning zones and subdivision, activity and development standards of the operative plan.
8. Accepting the application will:
- a) Provide for additional housing and residential land choice in Rolleston at Living MD standards and that achieve a minimum of 12 households/ha. Such densities will complement the immediately adjoining residential land and that proposed under PC 73 without compromising the character or amenity of that land;
 - b) Provide for urban development that will connect to the existing township to the east and the potential new urban areas promoted by Plan Change 73 to the north and south of the Site in a manner that enables efficient use of existing and future infrastructure and current land resources.

- c) Provide strong economic benefits by enabling the resident population to grow, including via additional development on the subject site, so that the district will eventually be able to support greater local retail/service provision and hence be less reliant on the city to meet its household needs. This, in turn, will not only support greater district economic activity and hence employment, but also reduce vehicle travel and the harmful emissions associated with it.

Environmental Outcomes – District Plan Objectives and Policies

9. The Operative Selwyn District Plan (OSDP) objectives give effect to the purpose of the Resource Management Act, and the OSDP 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
10. The proposed residential rezoning has been assessed against the relevant Operative District Plan objectives and policies. It concludes that the requested rezoning is consistent with and meets the outcomes sought by the objectives and policies, including for urban/township growth and new residential areas, except for the restriction of urban development to CRPS Map A greenfield areas and FDAs. However, these requirements are out of step with the NPS-UD 2020.
11. The Site is not identified on the OSDP planning maps as a future growth area.
12. However, a more efficient use of the Site as a whole, and more efficient development, is for full urban development over the 110 ha, given the high demand but impending shortfall in land for housing at Rolleston, and the Site's location within a logical urban growth path for Rolleston.
13. The two economics reports by Insight Economics and Brown, Copeland & Co Ltd included with the application evaluate the economic efficiency of the proposal, the economic benefits of the proposal, how it stacks up against the NPS-UD 2020 when considering the planning approach of the OSDP and the economic and community costs of constraining growth.
14. The applicant will continue with the existing lease of the chicken sheds on the 46 ha Dunns Crossing Road block until 2022 but the intention is it will not be renewed after this. At this point the sheds will be removed and the Site developed for residential purposes. Factors such as the age of breeder sheds and infrastructure, high

¹ See PSDP Part 1, HPW Plan Structure

operating costs relative to newer sheds and trends in the poultry industry mean they are unlikely to remain 'fit for purpose' without significant additional investment. Surrounding residential encroachment also points to urban rezoning being a better use of this land.

15. The above timing for residential development will also 'fit' with the timeframe for the planned upgrade of the Dunns Crossing Road/SH1 intersection. Occupation of houses at the Brookside Road Plan Change area will not proceed until this upgrade is completed.

Identification of options

16. In determining the most appropriate means to achieve the objectives of the application, a number of alternative planning options are assessed below.
17. These options are:
 - a) Option 1: status quo/do nothing: Do not rezone the Site.
 - b) Option 2: application to rezone the whole site for urban residential use zoned Living MD and Business 1.
 - c) Option 3: application to rezone whole site as Living 3.
 - 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.

S32 Matter	Option 1: Do nothing: Rural Outer Plains Zone	Option 2: Residential: Living MD & Business 1	Option 3: Living 3	Option 4: Consents
Cost	None for applicants. On-going costs for landowners with rural activities, including Tegel, managing effects of adjoining residential land uses.	Time and money cost to applicant for application processes and technical reports. Servicing costs. Development contributions for Council services. Contributes some potential commuter traffic to Greater Christchurch from a portion of the anticipated appx. 1320 additional households. (but site is accessible to public transport services)	Time and money cost to applicant for application processes and technical reports. 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 Rolleston. Less efficient development proposal affecting price of sections. 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 appx1320 households (but site is readily accessible to public transport services)	Time and money cost to submitters to seek one-off noncomplying land use and subdivision consents. Consents unlikely to be approved as exceed the permitted Rural Outer Plains zone 20ha 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 Outer Plains Zone	Option 2: Residential: Living MD & Business 1 (110 ha)	Option 3: Living 3	Option 4: Consents
Benefit	Ongoing rural production on the Site.	Additional housing stock with greater choice in typology than currently available, contributing to the growth of Rolleston.	Lesser volume of housing stock contributing to the growth of Rolleston.	No rezoning required. Benefit to applicant if succeeds (but

	Retains existing rural character and amenity.	Contributes additional supply of 1320 lots to market where there is very strong demand and diminishing remaining supply. ODP provides overall plan of integrated land development. Implements NPS-UD 2020. Provides more households to support township services/amenities and facilities.	Consistent with the existing Living 3 zoning of PC73 (if that zoning is retained).. Can be future proofed for urban rezoning Provides some additional households to support township services/amenities and facilities.	successful applications unlikely)
S32 Matter	Option 1: Do nothing: Rural Outer Plains Zone	Option 2: Residential: Living MD_& Business 1 (110ha)	Option 3: Living 3	Option 4: Consents
Efficiency/ Effectiveness (Brown, Copeland & Co Ltd Report specifically addresses this))	High intensity shed-based chicken production unlikely to continue post 2027 regardless of the outcome of the Brookside Road PC. Other existing rural land uses continue. Potential alternative uses for the chicken sheds considered (significant cost to demolish if no potential for higher valued uses for this 46ha block. Rolleston's housing needs are not met. An undersupply of residential land capacity.	Utility services can be efficiently provided by the Council, and stormwater can be managed on-site. Effective as it utilises rural land, including an existing chicken farm unlikely to remain 'fit for purpose' post 2027 without significant additional investment, 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 including through the ODP. Effective in meeting Rolleston housing needs in an appropriate location, and implements the NPS-UD 2020	Utility services can be efficiently provided by the Council, and stormwater can be managed on-site. Less effective and efficient than Option 2 because cannot achieve the same residential yield to meet Rolleston's housing needs, to provide development scale and efficiencies, 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 Living 3 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

18. The Council's strategic intentions for Rolleston are contained in the Rolleston Structure Plan 2010. However, this document is now out of date (the projected housing land supply demand for the period up to 2035 has already been reached), and does not reflect the reality of a current impending shortage of housing at Rolleston in the face of continuing very strong demand.
19. Both the Brown, Copeland & Co Ltd Report (examining economic efficiency and the consequences of inaptly applied land use constraints) and the Insight Economics Report (which establishes the fundamental issues with the Council's estimates of supply and demand) draw similar conclusions that:
 - a) constraining the market through policies that restrict land supply, and/ or
 - b) basing future growth decisions on out-of-date planning limits or mis-applied data cut across the Council's ability to give effect to the NPS-UD 2020 and its focus on having plan enabled, at least sufficient land supply provided for the short, medium and long term by being responsive to the market.
20. Zoning under the Operative District Plan 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 at least a sufficient supply of appropriately zoned and plan enabled land beyond that point.
21. The risk of not acting now to re-zone sufficient urban zoned land, and to provide security of land supply over that timeframe, is that Rolleston 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 Proposed Selwyn District Plan does not zone any more land at Rolleston so will not resolve the problem. A plan change application will progress more quickly than a District Plan submission so will be able to respond more quickly to the housing supply shortage.
22. The risk is that if necessary decisions are not taken today then the sustainable growth and development of Rolleston 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.

23. The applicants have commissioned a range of reports: soil contamination, urban design, geotechnical, traffic and infrastructure reports to inform and shape the development proposal.
24. There is no risk that a decision will be made in an absence of expert advice and appropriate technical solutions for servicing and design.
25. All these inputs to the proposal mean there is little, if any, uncertain or missing information in relation to this proposal.
26. It is therefore considered that there are no significant risks of acting to adopt the Plan Change or accept the application.

Summary of s32 evaluation

S32 Matter	Option 1: Do nothing: Rural Outer Plains Zone	Option 2: Residential: Living MD & Business 1 (110ha)	Option 3: Living 3	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

27. Based on the above assessment, it is concluded that the application to re-zone the Site from Rural Outer Plains Zone to Living MD and Business 1 Zones is the most appropriate method for achieving the objectives of the proposal, than the other alternatives also considered above.
28. Option 2 of the s32 assessment is consistent with a range of District Plan policies notwithstanding that it does not sit square with the timing of release of land in Rolleston Structure Plan 2009 (which is now out of date, and does not take account of

the new NPS-UD 2020 and the significant shortage of housing land at Rolleston in the face of very strong demand).

29. Option 2 to re-zone the whole site Living MD and Business 1 is the most appropriate given:
 - a) The proposals adopt an Operative District Plan zone, and development and activity standards. This ensures continuity of District Plan anticipated environmental outcomes and urban amenity for Rolleston and adjoining residential areas;
 - b) Will be consistent with and give effect to the relevant Operative District Plan objectives and policies, other than those relating to urban growth which are inconsistent with and do not give effect to the NPS-UD;
 - c) It is a logical extension to the developed and developing residential land adjacent to the Site, and the PC73 proposal, while achieving a compact, efficient urban form that removes pressure on isolated rural land elsewhere in the Rural Outer Plains Zone;
 - d) There is no additional cost to the Council in re-zoning the Site as proposed as there is capacity in the public utilities and the existing road network, including planned upgrades, will accommodate the traffic effects of about 1320 households;
 - e) The proposed ODP 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.
30. The adoption of the Living MD and Business 1 Zones in the proposal is considered to be appropriate to achieve the long term sustainable growth and development of Rolleston.
31. The economic, social and environmental benefits of the proposal outweigh the potential costs.
32. The Brown, Copeland & Co Ltd and Insight Economics Reports conclude that the overall efficiency and effectiveness of the proposal is high.
33. The proposal is considered to be the most appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991.