

	<p style="text-align: center;">Resource Management Act 1991 Waimakariri District Council Waimakariri District Plan Section 32 Report</p>	<p style="text-align: center;">Plan Change 12</p>
<p style="text-align: center;">Proposed New Rules In Relation To The Height And Location Of Utility Structures In The Rural Zone.</p>		

This report assesses proposed Plan Change 12 in terms of Section 32 of the Resource Management Act 1991. It needs to be read in conjunction with the Plan Change Report.

Section 32 requires territorial authorities to:

A. Evaluate:

1. The extent to which each objective (in the plan) is the most appropriate way to achieve the purpose of the Act, and
2. Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

B. Take into account in the course of that evaluation:

1. The likely benefits and costs of policies, rules, or other methods, and
2. The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

1.0 THE PURPOSE OF THE ACT

The purpose of the Resource Management Act 1991 is contained in Section 5 of the Act and is stated as being:

'.....to promote the sustainable management of natural and physical resources'

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 resource (excluding minerals) to meet the reasonable foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating and adverse effects of activities on the environment.

The Waimakariri District Plan sets out the resource management issues of the District. In association to these identified issues are various objectives, policies and rules. These provisions in the District Plan represent the most suitable mechanisms by which to promote the sustainable management of natural and physical resources within the District, and thereby to achieve the purpose of the Act.

If they do not, it is appropriate to change them so that they do achieve the desired outcomes.

In addition Sections 6 (*Matters of national importance*) and 7 (*Other matters*) set out other matters that need to be addressed in the process of achieving sustainable management of natural and physical resources.

PROPOSED NEW RULES

The proposed new rules are:

- 30.1.1.12 Any structure in the Rural Zone shall not exceed a height of 25 metres.
- 30.1.1.13 Any structure and its attachments in the Rural Zone greater in height than 14 metres shall be set back from any internal site boundary no less than its maximum height.

2.0 EXTENT TO WHICH THE PROPOSED NEW RULES ACHIEVE THE PURPOSE OF THE ACT

This approach addresses the relevant core factors of Section 5 of the Act, and specifically Section 7 c and f. The proposed new rules are considered to be an appropriate approach to achieve sustainable management of resources within the District (see Table 1).

2.1 Appropriateness of the Rules,

In assessing whether the rules or other methods are appropriate, the Council must have regard to the efficiency and effectiveness of those provisions in achieving the following:

- *Effectiveness* refers to the chosen option being a practical and workable solution with the potential to generate desired environmental, economic and social outcomes, as determined by the Objectives of the District Plan.
- *Efficiency* refers to the ratio of benefits to costs of a particular option. The option that produces the greatest level of environmental, economic and social net benefits to the community is the most efficient option. Efficiency is measured in both monetary and non-monetary terms.

An analysis of the appropriateness of the proposed rules in the context of this plan change are set out in Table 2. The overall conclusion is that the existing objectives and policies are appropriate in achieving the anticipated environmental outcomes as expressed in the Plan. However, it is considered greater effect will be given to these provisions with the implementation of the proposed two rules controlling the height and location of utility structures.

3.0 THE PLAN CHANGE - EVALUATION OF OPTIONS

3.1 Benefits and costs

The Council is required to evaluate the proposed Plan Change in terms of the potential costs and benefits to the community (s32(4)(a)).

Table 3 sets out the analysis of the potential benefits and costs of the assessed two options (including the do nothing option) for achieving the intent and purposes as expressed in the relevant objectives and policies of the District Plan.

Overall, the benefits of the proposed plan change are considered to be greater than the costs.

3.2 The risk of acting or not acting

The Council is required to evaluate the risk of acting or not acting if there is uncertain or insufficient information (s32(4)(b)).

The risk of not undertaking Plan Change 12 is to potentially compromise the existing level of rural amenity and character within the rural areas of the District. The current lack of any rules controlling the height or location of tall utility structures means that excessively tall utility structures could become established that may give rise to adverse environmental effects that impacts on landscape values over an extensive area or impact more directly on adjoining or nearby properties.

Such risks will largely be eliminated with the imposition of the height and location rules by requiring tall structures to be subject to a resource consent process should a development fail to comply with the proposed rules. This will require an application to address the environmental impacts arising together with the Part II matters of the Act, being primarily Sections 5, 7(c) and 7(f).

3.3 Is the Plan Change method an appropriate means to achieve efficient and effective outcomes?

The Council is required to determine whether, having regard to efficiency and effectiveness, the rule changes are appropriate to achieve the Objectives of the District Plan.

In order to ensure and enable comparative analysis, three alternative rule options have been proposed. Table 2 (Part 2) contains a comparative analysis of the efficiency and effectiveness of these options.

The option considered to best achieve Objective 12.1.1 and Policies 12.1.1.7, 12.1.1.8 and 16.1.1.3, and therefore to be the most appropriate, has been determined as Option 3. This is because it is the option likely to achieve both the most efficient and effective outcomes.

Option 2 is considered to be potentially less effective than Option 3 because the point of measure is attached to the notional boundary of a dwellinghouse which may, or may not, be the point of measure in the future. The point at which noise measurements are to be taken could therefore shift over time. It is considered more appropriate to reduce uncertainty by identifying a permanent fixed point for the measurement of noise effects from the Business 3 Zone. Option 2 is therefore less appropriate than Option 3.

TABLE 1: ANALYSIS OF THE EXTENT TO WHICH THE PROPOSED RULES ACHIEVES THE PURPOSE OF THE ACT

Section 5	Management of the use, development or protection of natural and physical resources.	Social, economic and cultural well being.	Protecting health and safety.	Sustaining the potential of natural and physical resources.	Safeguarding the life-supporting capacity of air, water, soil and ecosystems.	Avoiding, remedying or mitigating adverse effects of hazardous substances on the environment.	
Proposed Rules 30.1.1.12 & 30.1.1.13	✓	✓	✓	✓	N/A	N/A	
Section 6	Preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins.	Protection of outstanding natural features and landscapes.	Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.	Maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.	Maintaining the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	Protection of historic heritage.	
Proposed Rules 30.1.1.12 & 30.1.1.13	N/A	N/A	N/A	N/A	N/A	N/A	
Section 7	Kaitiakitanga/ the ethic of stewardship.	Efficient use and development of natural and physical resources.	Maintenance and enhancement of amenity values.	Intrinsic values of ecosystems,	Maintenance and enhancement of the quality of the environment	Any finite characteristics of natural and physical resources.	The protection of the habitat of trout and salmon.
Proposed Rules 30.1.1.12 & 30.1.1.13	N/A	✓	✓	N/A	✓	N/A	N/A
Section 8	Takes into account the principles of the Treaty of Waitangi.						
Proposed Rules 30.1.1.12 & 30.1.1.13	N/A						

TABLE 2: ANALYSIS OF EFFICIENCY AND EFFECTIVENESS OF THE PROPOSED RULES

	Dependable	Acceptable	Enforceable	Monitoring feasible/affordable	Practically feasible	Minimal time required to take effect	Low financial cost of implementation	Equitable
No rule	✗	✗	✓	✗	✗	✓	✓	✗
Proposed Rule 30.1.1.12	✓	✓	✓	✓	✓	✓	Degree of Uncertainty	✓
Proposed Rule 30.1.1.13	✓	✓	✓	✓	✓	✓	Degree of Uncertainty	✓

TABLE 3:

Environmental Benefits and Costs of Options Relative to the Proposed New Rules.

APPROACH	Environmental Benefits	Environmental Costs	Economic & Social Benefits	Economic & Social Costs
<p>OPTION 1</p> <p>No rules relating to the height and location of tall utility structures.</p>		<p>The establishing of tall utility structures may compromise the level of rural amenity on the wider environment and on adjoining or nearby properties.</p>	<p>May allow developments to proceed without the need to apply for a resource consent.</p>	<p>Uncertainty over the impacts arising on rural amenity of potential tall utilities being established in the absence of any height controls in the Plan.</p>
<p>OPTION 2</p> <p>Providing for the proposed Rules 30.1.1.12 and 30.1.1.13.</p>	<p>Maintenance of the overall natural character of the rural environment.</p> <p>Mitigation or avoidance of actual or potential adverse effects of tall utility structures impacting on the environment.</p>	<p>Nil</p>	<p>More certainty about the environmental effects to be expected with the establishing of tall utility structures.</p>	<p>An applicant and any submitters may incur increased costs with any resource consent application that may need to be applied for.</p> <p>There will also be time delay implications.</p>

4.0 CONCLUSION

The achievement of sustainable management of natural and physical resources is dependent on efficient and effective management of those resources.

By introducing the new rules to control the height and location of tall utility structures, this will ensure the sustainable management of the physical resources within the Rural Zone in a consistent, effective and efficient manner.

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