

	<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 15</p>
<p style="text-align: center;">Proposed amendments to the explanations to policies and to change the status for erecting structures in the localised flooding area of the Rural Zone</p>		

This report assesses proposed Plan Change 15 in terms of section 32 of the Resource Management Act 1991; it should 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 to achieve 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. Relative to the identified issues are appropriate objectives and policies. The objectives and policies in the District Plan should 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.

In addition sections 6 (matters of national importance) and 7 (other matters) set out certain matters that are to be addressed in the process of achieving sustainable management of natural and physical resources.

2.0 EXTENT TO WHICH THE RELEVANT OBJECTIVE ACHIEVES THE PURPOSE OF THE ACT

The Plan currently contains a number of objectives relevant to structures in the localised flooding area within the Rural Zone.

Objective 8.2.1

The community's desired level of protection from flood events is achieved through an appropriate combination of measures to modify the level of flooding, modify susceptibility to damage and deal with the consequences of floods.

Objective 12.1.1

Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.

Objective 14.1.1

Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:

- a. the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;*
- b. separation between dwellinghouses to maintain privacy and a sense of openness;*
- c. a dwellinghouse clustered with ancillary buildings and structures on the same site;*
- d. farm buildings and structures close to lot boundaries including roads;*
- e. generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;*
- f. clean air – but with some significant short term and/or seasonal smells associated with farming activities; and*
- g. limited or no roadside advertising.'*

These matters are fundamental within section 5, the purpose of the Act, and within sections 6 and 7 of the Act.

2.1 Appropriateness of the Policies, Rules, or Other Methods in achieving the Objective

In assessing whether the policies, rules, or other methods are appropriate, the Council must have regarded their efficiency and effectiveness in achieving the objectives.

- *Effectiveness* refers to the chosen option being a practical and workable solution with the potential to generate desired environmental 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.

There are a number of existing policies within the Plan that are relevant to this Plan Change;

Policy 8.2.1.2

In areas identified in the District Plan as having a history of localised flooding, and in areas adjacent to water bodies, give specific consideration to the consequences and probability of flooding at the time of subdivision or land use consent, to avoid or mitigate a flood hazard.

Policy 8.2.1.3

Avoid floodwaters entering residential, commercial and industrial buildings.

Policy 8.2.1.4

Avoid, remedy, or mitigate the adverse effects of activities that impede or redirect the movement of floodwater on a site, and/or exacerbate flood risk.

Policy 12.1.1.3

In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses.

Policy 14.1.1.1

Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

Policy 14.1.1.3

Maintain and enhance the environmental qualities such as natural features, air and noise levels and limited signage that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.'

The policies for the Health, Safety and Wellbeing of people, the Rural Zone and Natural Hazards all underpin the standards for structures in the Rural Zone.

The Rural Zone and Health, Safety and Wellbeing objectives and policies are currently not triggered by the current rule status discretionary (restricted). In addition, the matters for discretion are not adequately wide enough to address all the issues identified by the policy structure relevant to the Rural Zone. The policies adequately provide for the environmental outcomes sought by the objectives of the Plan, however, the current rule, as it stands, is too restrictive to cover all the relevant objectives and policies.

Changing the status of the rule relating to structures in the localised flooding area in the Rural Zone will enable a more holistic assessment under the Plans policy structure. It will enable all the relevant objectives and policies to be assessed, rather than the assessment be restricted to the current list of matters for discretion. I consider that this will be effective, as it will enable a complete assessment of environmental effects as well as an assessment of the objectives and policies of the Plan. The status change will lead to better decision making and a more complete representation of the environmental outcomes sought by the Plan. Adding an additional paragraph to the explanations to Policies 12.1.1.3 and 14.1.1.3 will clarify the link between the Rural Zone and Health, Safety and Wellbeing objectives and policies and those within the Natural Hazards chapter.

3.0 THE PLAN CHANGE – EVALUATION OF OPTIONS

3.1 Benefits and costs (see Table 2)

The Council is required to evaluate the proposed changes in terms of the potential costs and benefits to the community.

(1) Do Nothing

This would result in a continued inability to take into account the effects of structures being placed on artificial platforms (for example, mounded earth, poles) on the amenity of rural areas and an inability to take into account the integrity of the District Plan objectives and policies. The benefits of this would be a financial saving in terms of the plan change process not being required. The cost includes the detriment of the District Plan objectives, and potentially negative effects on the character and amenity of the Rural Zone.

(2) Add “Effects on Rural Character and Amenity” to the Matters for Restricted Discretion

This would widen the assessment matters the decision maker/s could use. The activity would however, still be restricted to the list of matters, and no assessment of the objectives and policies of the Plan would be necessary. Addition of “the effects on rural amenity and character” would broaden the assessment, but in my opinion would not necessarily enable the Plan objectives and policies to be fully considered and met, to the detriment of the Plan.

(3) Add to the Policy Explanation and Change the Status from Discretionary (Restricted) to Discretionary

A better representation of the Plans objectives for the Rural Zone and for Health, Safety and Wellbeing, and better environmental outcomes in the District are benefits that will be derived from changing the status of erecting a structure in the localised flood area in the Rural Zone and by adding to the policy explanations. This will have a flow on effect of providing for peoples economic wellbeing by insuring that the most appropriate methods of protecting their material and personal property is achieved, without compromising environmental quality and the characteristics that have been identified through consultation as important in the Rural Zone.

Changing the status of the rule will continue to trigger the need for a resource consent application for a land use for an activity other than bulk, height and location, and thus the application fees will be no different. Bypassing the need for affected party approvals may lead to additional costs for hearings in order to make decisions on some applications. This is a financial cost associated with better decision making, and for that reason I consider it should have less bearing on the assessment.

3.2 The risk of acting or not acting

The Resource Management Act requires the Council to evaluate the risk of acting or not acting if there is uncertain or insufficient information.

The cost associated with retaining the status quo is illustrated in some buildings within the localised flooding area that have been approved under the resource consent assessment procedures for discretionary (restricted) activities. There are a few examples of dwellings that have been erected in the localised flooding area that are on extremely high piles or obvious mounds of earth in order to avoid the effects of flooding, but which have caused concern by dominating the surrounded environment and detracting from the characteristics of the Rural Zone in that receiving environment. Resource consents to erect structures in the localised flooding area on

artificial platforms will continue to be applied for, and would have to be assessed without consideration for the effects on rural character and rural amenity. An increase in applications for structures in the localised flooding area is likely due to the demand for rural land at affordable prices. Development pressure will increase on marginal land, and the cost will include undermining the characteristics identified by the Plan as important in the Rural Zone.

The risk of undertaking the Plan Change is negligible. The plan change does not extend the areas of land subject to the rule, nor will it capture more applications than if the status quo were retained. The only difference is the way in which resource consent applications are assessed; the change will enable a more holistic assessment that takes full account of the Plan objectives and policies.

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

Overall I consider Option 3 being the change in status of the rule relating to erecting structures in the localised flooding area of the Rural Zone, and additions to policy explanations, is both an effective means of meeting the Plans desired outcomes, and is an efficient method of achieving the Plans anticipated environmental results.

TABLE 1: ANALYSIS OF THE EXTENT TO WHICH THE RELEVANT OBJECTIVE ACHIEVES THE PURPOSE OF THE ACT

Section 5	Management of the use, development or protection of natural and physical resources	Social, economic and cultural wellbeing	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				
Objective: 8.2.1 12.1.1 14.1.1	✓	✓	✓	✓	✓	✓				
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	Protection of recognised customary activities			
Objective: 8.2.1 12.1.1 14.1.1	NA NA NA	NA NA NA	NA NA NA	NA NA NA	NA NA NA	NA NA NA	NA NA NA			
Section 7	Kaitiakitanga/the ethic of stewardship	Efficient use and development of natural and physical resources	Efficiency of the end use of energy	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	The effects of climate change	Benefits from use and development of renewable energy
Objective: 8.2.1 12.1.1 14.1.1	NA NA NA	✓ ✓ ✓	NA NA NA	NA ✓ ✓	NA NA NA	✓ ✓ ✓	NA NA NA	NA NA NA	✓ NA NA	NA NA NA
Section 8	Takes into account the principles of the Treaty of Waitangi									
Objective: 8.2.1 12.1.1 14.1.1	NA NA NA									

TABLE 2: Analysis of Efficiency and Effectiveness of Policies, Rules, or Other Methods in achieving the Objective.

Analysis Criteria – Policies								
	Contributes to maintenance of amenity values.	Contributes to maintenance of the quality of the environment	Contributes to protecting health, safety and well being of people and communities			Contributes to avoiding or mitigating adverse effects		
Policy 8.2.1.2	✗	✗	✓			✓		
Policy 8.2.1.3	✗	✗	✓			✓		
Policy 12.1.1.3	✓	✓	✓			✓		
Policy 14.1.1.1	✓	✓	✓			✓		
Policy 14.1.1.3	✓	✓	✓			✓		
Analysis Criteria – Rules and Other Methods								
	Dependable	Acceptable	Enforceable	Monitoring feasible/affordable	Practically feasible	Minimal time required to take effect	Low financial cost of implementation	Equitable
Option 1 – Do nothing	✗	✗	✓	✓	✗	✓	✓	✗
Option 2 – Introduce “rural character and amenity” as matters for discretion and leave the status of the rule discretionary (restricted)	✗	✗	✓	✓	✓	✓	✓	✗
Option 3 – Add to Policy 12.1.1.3 and Policy 14.1.1.3 explanations and change the status of the rule from discretionary (restricted) to discretionary.	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 3: Environmental benefits and costs of options relative to the objectives and policies of the District Plan.

Approach	Environmental Benefits	Environmental Costs	Economic & Social Benefits	Economic & Social Costs
<p>OPTION 1 – Do nothing (status quo remains)</p>	<p>Continued protection of people and property from flood waters</p>	<p>Adverse effects on amenity and character of the Rural Zone.</p> <p>Objectives and policies of the Plan not met or assessed.</p>	<p>No requirement for the plan change process.</p>	<p>No ability for affected parties to be identified and give their consent.</p>
<p>OPTION 2 – Introduce “rural character and amenity” as matters for discretion and leave the status of the rule discretionary (restricted)</p>	<p>The effects on rural amenity and character will be able to be assessed as part of the resource consent process.</p> <p>Continued protection of people and property from flood waters</p>	<p>Objectives and policies of the Plan met, but not fully assessed.</p>	<p>None</p>	<p>No ability for affected parties to be identified and give their consent.</p> <p>Cost of plan change process.</p>
<p>OPTION 3 – Add to Policy 12.1.1.3 and Policy 14.1.1.3 explanations and change the status of the rule from discretionary (restricted) to discretionary.</p>	<p>The effects on rural amenity and character will be able to be assessed as part of the resource consent process.</p> <p>Ability to assess application against the Plan objectives and policies, leading to better decision making.</p> <p>Continued protection of people and property from flood waters</p>		<p>Opportunity for affected party approvals to be sought, and hence a better understanding of the effects the activity on them.</p>	<p>Cost of plan change process.</p> <p>Some land may not be suitable for building on.</p>

4.0 REASONS FOR ADOPTING THE CHOSEN OPTION

In order for the relevant objectives and policies of the Plan to be fulfilled in an efficient and effective manner and to meet the purpose of the Act, resource consent to build in the localised flooding area must take into account the effects of artificial building platforms on the character and amenity of the Rural Zone as well as the Health, Safety and Wellbeing of people and property.

Option 3 will contribute effectively and efficiently to the sustainable management of the localised flooding area; taking into account not just the threat of flood waters but the threats to the rural character and rural amenity introduced by the desire to avoid the effects of flood waters. Option 3 will enhance sustainable management in the District by:

- Providing the greatest amount of environmental, economic and social benefits while contributing no significant environmental, economic or social costs.
- Providing for integrated management of the environment, and a holistic approach to assessing applications for structures in the localised flooding area.
- Controlling any actual or potential effects of the use or development of land.
- Ensuring that the objectives and policies of the District Plan are fulfilled.

It is considered that **OPTION 3** would provide the most efficient, effective and therefore appropriate means to mitigate and/or avoid the adverse impacts of structures in the localised flood area at the same time as fulfilling the objectives and policies of the Plan.

File:	Prepared by: E Frazer Resource Management Planner Reviewed by: V Caseley District Plan Manager	Date Publicly Notified: Date Operative:
-------	------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------