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|  | <p style="text-align: center;">Resource Management Act 1991 Waimakariri District Council Proposed Waimakariri District Plan</p> <p style="text-align: center;">Section 32 Report</p> | <p style="text-align: center;">Plan Change 16</p> |
| <p style="text-align: center;">Incorporation of the Woodend East Outline Development Plan (ODP) and associated plan provisions</p> | | |

This report assesses proposed Plan Change 16 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 (TABLE 1)

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...are avoided or mitigated.

Objective 12.1.1 aims to protect the health and safety of people and avoid or mitigate adverse environmental effects through management of buildings and structures so that amenity values and environmental quality are not reduced. The prime directive of section 5 of the Resource Management Act is addressed through these principles.

Objective 17.1.1

Residential zones that provide for residents' health, safety and wellbeing and that provide a range of living environments with distinctive characteristics.

Objective 17.1.1 aims to secure the ongoing health, safety and wellbeing of current and future residents. This is a clearly a consistent objective of section 5 of the Resource Management Act 1991.

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 regard to the efficiency and effectiveness of those Policies and Rules in achieving the Objective.

- *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.

The relevant Policies in the District Plan are Policies 12.1.1.1, 17.1.1.1 and 17.1.1.2.

Policy 12.1.1.1: *Maintain and enhance the positive contribution that buildings and structures, and the spaces between them, make to the character and amenity of urban areas where people reside, the neighbourhood and streetscape.*

Policy 17.1.1.1: *Maintain and enhance the characteristics of Residential Zones that give them their particular character and quality of environment.*

Policy 17.1.1.2: *Recognise and provide for differences between Residential Zones reflecting the community's expectations that a range of living environments will be maintained and enhanced.*

Plan Change 16 is not proposing to amend any of these policies. The insertion of an Outline Development Plan (ODP) for the East Woodend area will assist in the development of the

land achieving the aforementioned policies. The inclusion of an accident discovery protocol rule will not be inconsistent with these policies.

An analysis of the appropriateness of the Policies, Rules and Other Methods in achieving the Objectives of the District Plan is set out in Table 2.

3.0 THE PLAN CHANGE – EVALUATION OF OPTIONS

3.1 Benefits and costs

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

Table 3 sets out an analysis of the potential benefits and costs of assessed options for achieving the Objectives and Policies of the Proposed District Plan.

Option 2 is considered to provide the greatest benefit to cost ratio.

The incorporation into the District Plan of the Outline Development Plan and Accidental Discovery Protocol provides the community with a template in which the rezoning can be given effect to. In providing an Outline Development Plan the Council is signalling the manner and mechanism in which development can occur in a timely and structured manner. The inclusion of a single stormwater treatment system for the area reduces the impact of a large number of individual stormwater treatment systems and provides an integrated and coordinated approach to the treatment and detention of stormwater runoff. The Outline Development Plan provides for currently below standard roads to be upgraded to appropriate residential standards.

The provision for integrated pedestrian and cycleway linkages is seen as a critical criteria in the establishment of the Outline Development Plan. The direct and wider community will benefit from the greater level of permeability through the eastern area of Woodend. By including an Outline Development Plan the community will benefit from a greater level of infrastructural service as well as a greater level of permeability through the site.

It is considered the minor economic cost to developers of the accidental discovery protocol is outweighed by the potential social benefit to tangata whenua should anything be discovered in accordance with the protocol.

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 potential risk of not acting due to uncertain or insufficient information is that it may delay the potential for residential sections being available in Woodend. This may continue to raise the general house prices in and around Woodend. Delays may also lead to higher construction costs associated with installing the key infrastructure. It is however acknowledged that there is a risk associated with approving the plan change under the ambit of uncertain or insufficient information. The known uncertainties relate to the location of key infrastructure such as the reserve and roading. This is somewhat offset by the decision of Council under section 20 of the Resource Management Act 1991 to defer making the plan change operative until the decision is publicly notified. It is also understood that the flooding information held by the Regional Council is currently quite basic. However, given that the risk is likely to be relatively low this can be dealt with adequately through the subdivision consent process. This will not affect the form of the Outline Development Plan.

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.

Table 3 contains a comparative analysis of the efficiency and effectiveness of the selected options.

As previously mentioned this plan change does not address the merits of a rezoning, or that an Outline Development Plan is the desired mechanism. This plan change and its desired outcome is to ensure that the detail within the Outline Development Plan give effect to the intent and purpose of the objectives and policies as they relate to the Residential 2 Zone. Due consideration has been provided to giving effect to those intentions through developing a plan that allows for permeability, effective servicing and continuing to maintain the communities health, safety and well-being associated with a residential area.

The inclusion of a accidental discovery protocol is viewed as an effective and efficient means of dealing with any potential uncertainties in the area relating to historical and or cultural artefacts of significance. In doing this it is clearly giving effect to the intentions contained within Chapters 2 and 9 of the District Plan.

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: 12.1.1 17.1.1 | ✓ ✓ | ✓ ✓ | ✓ ✓ | ✓ ✓ | ✓ ✓ | NA NA | | | | |
| 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: 12.1.1 17.1.1 | 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: 12.1.1 17.1.1 | 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: 12.1.1 17.1.1 | 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 12.1.1.1 | ✓ | ✓ | ✓ | ✓ | | | | |
| Policy 17.1.1.1 | ✓ | ✓ | ✓ | ✓ | | | | |
| Policy 17.1.1.2 | ✓ | ✓ | ✓ | ✓ | | | | |
| 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 – Insert ODP and new accidental discovery protocol for East Woodend | ✗ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

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 |
|---|---|--|--|---|
| OPTION 1 – Do nothing (status quo remains) | Current Rural outlook would continue to exist | Land remains Deferred Residential 2 with the underlying Rural Zone rules applying | None | Woodend's ability to provide for a range of residential environments is compromised |
| OPTION 2 – Insert ODP and new accidental discovery protocol for East Woodend | The community benefits with an Outline Development Plan that provides a greater level of integration, particularly permeability. The management of stormwater runoff. Provision of reticulated services will provide significant environmental benefits | There will potentially be a visual amenity cost to the community due to the construction of the main north-south link road. Potential loss of land for those land owners subject to road widening. | In purchasing and constructing the stormwater ponds there will be a number of economic and social benefits to the community associated with integrated management and economies of scale. The inclusion of an accidental discovery protocol will provide a social benefit to the tangata whenua of the region. | There is the potential for an economic cost to be placed on the developers if artefacts are discovered under the protocol. The need for the removal of a shed located on the proposed road will have an economic cost to that particular owner. Development Contributions are proposed to be higher than those contributions being imposed elsewhere in the District. |

4.0 REASONS FOR ADOPTING THE CHOSEN OPTION

The primary reason for adopting option 2 is that it gives effect to the Council decision to rezone the land to residential 2. This is achieved through the introduction of an Outline Development Plan into the District Plan, as well as confirmation that the Woodend Sewage Treatment Plan has been sufficiently upgraded to meet the greater population base. Several meetings have been held with the landowners in the area to ensure that the outline proposed provides the best environmental outcome with the least adverse impact on the landowners involved. The high number of landowners on a relatively small area of land has meant that the Council has had to take a proactive approach in developing and giving effect to the plan change. In adopting option 2 the Council gives effect to a decision that has already been made.

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