

APPENDIX 2

**SECTION 32 REPORT
PROPOSED DISTRICT PLAN
CHANGE 71**

Section 32 Report

PROPOSED DISTRICT PLAN CHANGE 71: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS

1.0 Introduction

The Council is required to undertake an evaluation of the Proposed Plan Change before the Plan Change can be publicly notified. This duty is conferred by Section 32 of the Resource Management Act 1991 (the Act). This evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) 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.*

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation, and must be available for public inspection at the time the proposed Plan Change is publicly notified. This report is Wellington City Council's response to this statutory requirement.

2.0 Statutory Context

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

Section 6 of the Act contains an explicit obligation for territorial authorities to *maintain and enhance amenity values and the quality of the environment, and to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Section 7 of the Act states that in managing the use, development, and protection of natural and physical resources, Council must have particular regard to (amongst other things):

- (b) the efficient use and development of natural and physical resources*

- (c) the maintenance and enhancement of amenity values,*
- (d) intrinsic values of ecosystems.*

3.0 Description of the Plan Change

This Plan Change comprises fifteen separate changes to the District Plan. The changes include correcting minor errors to the siting and listing of one heritage building and two heritage trees. A number of re-zonings of existing reserves to Open Space A or B are also proposed. The errors and omissions have been identified as part of the development of the Northern Reserve Management Plan process.

A zone change is proposed for the western part of Stebbings Valley, northwards of Amesbury Drive. This will enable further residential development of the area to continue.

The proposal involves land owned by Best Farms (Rodney Callender) to be re-zoned from Rural Area to Residential (Outer) Area. Mr Callender has been consulted on the proposed re-zoning and is fully supportive of it. Residential development of this area is also consistent with Councils intentions for the land as set out in the Northern Growth Management Framework.

Rural Area land will also be re-zoned Open Space B to give effect to the draft 'South Stebbings Reserves Agreement'. This agreement will be presented for Council's approval within the next few months. The 7.7 hectares of land will be known as the 'Knoll and Reservoir' Reserve and the 'Western Tributaries' Reserve. These reserves will be vested in Council and used to off-set the landowners Greenfield and Citywide Reserve Contributions resulting from the ongoing residential development of the area.

The Plan Change does not involve any changes to the existing objectives and policies. This Plan Change proposes to make general minor amendments to the District Plan in order to ensure its efficient functioning. Due to the nature of the proposed amendments there are only limited options available and this report has been prepared to address the Section 32 requirements.

4.0 Process & Consultation

Since the District Plan became operative a file has been maintained of issues or items that might be dealt with by way of a change to the Plan. At least once a year more minor items have been collected and put forward as a composite Plan Change.

The owner and developer of the most of the land in Stebbings Valley (Rodney Callender) has been consulted on the proposed re-zoning of land in Stebbings Valley from Rural to Open Space B and Residential (Outer) Area. Mr Callender is very supportive of what is proposed as it is consistent with his development intentions for the area.

Consultation on the entire proposed District Plan Change was also undertaken with those parties identified in the First Schedule of the RMA as follows:

- Ministry for the Environment
- Tenth's Trust (Te Atiawa)
- Te Runanga O Toa Rangatira Inc
- Greater Wellington (Regional Council)
- Department of Conservation

5.0 Options

The following three tables provide an analysis of the costs and benefits of the proposed amendments relating to:

- Heritage building and heritage trees (Table 1),
- Open space zones, not including Stebbings Valley (Table 2)
- Re-zoning of Rural land to Open Space B and Residential (Outer) Area in Stebbings Valley (Table 3)

This assessment enables an assessment of the efficiency, effectiveness and appropriateness of the proposed Plan Change. Instead of assessing the selected cases individually, a cost/benefit and appropriateness assessment has been undertaken for each subject group.

Only two options have been considered for this assessment due to the nature of these proposed minor amendments: do nothing or to amend the District Plan as proposed.

Table 1: S32 analysis of the changes to the heritage items

	OPTION 1: Do Nothing – Retain Existing Plan Provisions	OPTION 2: Amend District Plan rules as proposed This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – if inappropriate development occurs due to District Plan anomalies and inconsistencies • Economic costs – if anomalies in rules have to be corrected at a later stage through a Private Plan Change or if inappropriate decisions are made when anomalies remain in District Plan rules • Social costs – potential for community to be unsatisfied with planning outcomes 	<ul style="list-style-type: none"> • Environmental costs - unlikely • Economic costs – costs of processing the Plan Change • Social costs – unlikely
Benefits	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – none • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – avoids the possibility that a tree may be cut down or the heritage building damaged/removed without a full assessment of effects through the resource consent process • Economic benefits – reduced risk of misinterpretation of rules due to improved clarity • Social benefits – The heritage items are important to the community. Ensuring their proper identification and protection will have social benefits for the immediate and wider community
Efficiency & effectiveness of achieving Objectives	<ul style="list-style-type: none"> • Limited. The Plan’s objectives cannot be efficiently nor effectively achieved as long as District Plan rules are inconsistent and/or contain anomalies 	<ul style="list-style-type: none"> • High. Most efficient and effective in achieving the Plan’s objectives • Improves the efficient functioning of the District Plan
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Limited. Not considered appropriate as long as District Plan rules are inconsistent and/or contain anomalies 	<ul style="list-style-type: none"> • This approach is appropriate as the proposed minor amendments will improve consistency throughout the District Plan

Table 2: Section 32 analysis of the Open Space Zone Changes

	OPTION 1: Do Nothing – Retain Existing Zonings	OPTION 2: Rezone land as proposed This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs - if proposed zoning is not applied to sites with natural character or recreation values (Open Space) then these values may be lost. • Economic costs – if inappropriate zoning has to be changed at a later stage through a Private Plan Change (additional costs of compliance) or if inappropriate decisions are made when sites are not zoned appropriately • Inappropriate zoning may also result in Council having to obtain Resource Consent for an activity that would normally be permitted under the correct zoning • Social costs – if the Open Space sites become unavailable for active or passive recreational use due to inappropriate zoning and development 	<ul style="list-style-type: none"> • Environmental costs – unlikely • Economic costs – costs of processing the Plan Change • Social costs – unlikely
Benefits	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – none • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – Open Space land can be maintained and enhanced (with landscaping, plantings, paths etc) which will enable the ecological and landscape values of the land to be protected and enhanced • Economic benefits – improvements in Open Space areas can help improve property values • Social benefits – recreational opportunities can be enhanced (e.g. at playground and park sites, bush walks etc)
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • Limited. The Plan's objectives cannot be efficiently nor effectively achieved in terms of land use planning 	<ul style="list-style-type: none"> • High. Most efficient and effective in achieving the Plan's objectives and policies in terms of land use planning • Guarantees the efficient functioning of the District Plan
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Limited. Not considered appropriate, because the zoning of selected sites does not reflect the current land use (and may lead to land use conflicts and greater costs of compliance) 	<ul style="list-style-type: none"> • High. Appropriate, because proposed zone changes reflect current land use

Table 3: S32 analysis of the Open Space and Residential (Outer) Area zone change in Stebbings Valley

	OPTION 1: Do Nothing – Retain Existing Map Provisions	OPTION 2: Correct and annotate District Plan maps as proposed This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – no change • Economic costs – land cannot be used for further residential development except through an expensive Private Plan Change process • Social costs – Stebbings Valley is an important area for enabling new Greenfield residential development to occur. Preventing residential development in this area could restrict the number of houses available to new and existing Wellington residents. 	<ul style="list-style-type: none"> • Environmental costs – if inappropriately managed through the Resource Consent, future residential development could negatively impact on the local environment. • Economic costs – costs of processing the Plan Change • Social costs – unlikely
Benefits	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – none • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – if appropriately managed through the Resource Consent, future residential and reserve development could enhance the local environment. • Economic benefits – land value is maximised and land can be fully utilised for development without Rural Area provisions restricting development • Social benefits – an enhanced reserve network will add to the amenities of the neighbourhood
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • Limited. The Northern Growth Management Framework identifies this general area as being suitable for residential development. The Rural Area objectives provide an inappropriate policy framework for residential development to occur efficiently or effectively. 	<ul style="list-style-type: none"> • High. Most efficient and effective in achieving the Plan's objectives • Improves the efficient and effective functioning of the District Plan
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Limited. Not considered appropriate as the Rural Area zone does not provide for urban scale residential development to occur. 	<ul style="list-style-type: none"> • High. Appropriate, because the re-zoning will enable residential and reserves development to occur.