

APPENDIX 2:

Section 32 Report

PROPOSED DISTRICT PLAN CHANGE 36: NORTHERN GROWTH MANAGEMENT FRAMEWORK REFERENCE

1. Introduction

Section 32 of the Resource Management Act 1991 (the Act) stipulates a requirement to consider alternatives and examine the appropriateness of objectives, as well as to evaluate the benefits and costs of adopting any policy, rule, or method in the District Plan.

This Plan Change proposes to make technical policy amendments to the District Plan. The Plan Change can be considered as an interim solution, a first step towards giving effect to the Northern Growth Management Framework (NGMF) in the District Plan. Due to the nature of the proposed amendments there are only limited options available, do nothing, or undertake the proposed Plan Change. This report has been prepared to address the section 32 requirements.

2. Context

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. This places a mandate on Council to amend the District Plan, if required.

The District Plan is the Council's primary vehicle for achieving the purpose of the Act. It provides for the management of activities in the Wellington City District through objectives, policies and methods (including rules).

No alterations are proposed to existing objectives and rules through this proposed Plan Change. This Plan Change relates primarily to amending some District Plan policies, methods and explanatory text in the Residential and Rural Area chapters of the District Plan.

3. Process & Consultation

The process which led to the development of this Plan Change is part of a wider agreement under the NGMF which was prepared in 2001/02. This is the first step towards the implementation of the NGMF by introducing a NGMF reference into the District Plan. The Council is currently undertaking further work, which looks at the implementation of the NGMF in greater detail (e.g. through zone changes, structure plan) and further District Plan Changes are likely.

As agreed by the Strategy and Policy Committee on 17 March 2005, the District Plan team has undertaken consultation on this proposed Plan Change with affected parties (including landowners, resident associations, other planning authorities, Ministry for the Environment and iwi). This approach fits into the wider consultation agenda of the NGMF, undertaken by John Culliford, City Projects Manager, City Development. Letters were sent out to stakeholders on 18 March 2005. The feedback received from this round of consultation is, in general, in support of the proposed Plan Change. Some of the suggestions provided have been incorporated into the Plan Change, others will be dealt with through work currently undertaken by the Council.

Consultation, in accordance with the 1st Schedule of the RMA

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

4. Options

The following table provides an analysis of the pros and cons of the proposed amendments to the District Plan policies to assess the efficiency, effectiveness and appropriateness of the proposed Plan Change.

Only two options have been considered for this assessment due to the relatively minor nature of these proposed amendments:

- a) to do nothing and deal with the issue as part of a wider District Plan review, or
- b) to amend the District Plan as an interim measure.

Table 1: Matrix of Options for the Proposed District Plan Change

	<p>OPTION 1: Do Nothing and deal with the issue as part of a wider District Plan review</p>	<p>OPTION 2: Amend the District Plan to make mention of the NGMF in the policies and methods of the Residential and Rural Area Chapters</p> <p>This is the RECOMMENDED option.</p>
<p>Costs</p>	<ul style="list-style-type: none"> • Environmental costs – potentially high: currently, Resource Consent planners have no legal grounds to assess development applications in the NGMF area according to the values and principles of the Framework which could result in undesired design of new greenfield subdivisions • Economic costs – potentially high: any development approval in the NGMF area is potentially subject to challenge which could impose costs to the Council as well as developers • Social costs – high: currently no certainty to developers, landowners and affected communities forming the ‘Partnership of the North’ 	<ul style="list-style-type: none"> • Environmental costs – relatively low: even though the NGMF is put in place to manage northern growth, it provides a set of values and principles under which sustainable growth can be managed • Economic costs – costs of processing the Plan Change • Social costs – the implementation of the NGMF could potentially constitute an unsatisfying outcome for some community members that prefer continuation of the status quo
<p>Benefits</p>	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – no cost of undertaking the Plan Change • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – NGMF provides a set of values and principles under which sustainable growth can be managed • Economic benefits – increased level of certainty for applicants of subdivision resource consents • Social benefits – reassurance is given to local community that NGMF will be implemented as agreed

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	<p>OPTION 1: Do Nothing and deal with the issue as part of a wider District Plan review</p>	<p>OPTION 2: Amend the District Plan to make mention of the NGMF in the policies and methods of the Residential and Rural Area Chapters</p> <p>This is the RECOMMENDED option.</p>
<p>Efficiency and Effectiveness of achieving Objectives</p>	<ul style="list-style-type: none"> Limited. The NGMF is a strategic document that has been subject to considerable analysis and public consultation. Failure to acknowledge the NGMF in the District Plan is considered to be inconsistent with objective 4.2.1 to “promote the efficient use and development of natural and physical resources”. At present, the NGMF sits outside the District Plan and therefore cannot be applied by Council officers to its fullest extent. 	<ul style="list-style-type: none"> Moderate. Will allow the NGMF’s objectives to be considered in the interim, until a wider, more extensive Plan Change is prepared to fully implement the Framework.
<p>Most appropriate means of achieving Objectives</p>	<ul style="list-style-type: none"> Limited. Not considered most appropriate, because the NFMG cannot be applied by Council officers to its fullest extent. 	<ul style="list-style-type: none"> Moderate. Appropriate to achieve the NGMF’s objectives in the interim until a wider, more extensive Plan Change is prepared to fully implement the Framework.

6.0 Conclusion

This Plan Change proposes to include a reference to the NGMF under the Residential and Rural Area greenfield subdivision policies. The proposed amendment would better assist the functioning of the District Plan in the interim until a wider, more extensive Plan Change is prepared to fully implement the Framework.

The assessment shows that there are only limited options available due to the nature of this Plan Change. By adopting the recommended option, Council would facilitate the first step towards the implementation of the NGMF.