

Appendix 4: s32 Analysis

Rider Park Private Plan Change - Section 32 Evaluation

Section 32 of the RMA requires any changes to the district plan to be evaluated for their appropriateness in achieving the purpose of the RMA, and for the policies and methods to be evaluated for their efficiency, effectiveness and risk. It requires an analysis of policy options, including an options assessment and consideration of costs and benefits, before settling on the preferred option.

The provisions of section 32 of the RMA are as follows:

An evaluation report required under this Act must—

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (d) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (e) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

1.1 Section 32(1)(A) Assessment

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed Plan Change are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA is to promote the sustainable management of natural and physical resources, recognise and provide for matters of national importance and have particular regard to specified matters. For the following reasons it is considered that the plan change objectives are the most appropriate way to achieve the purpose of the RMA.

1.1.1 Objectives of the Plan Change

The first step of the evaluation is to identify the issues that the plan change is intending to address. That is, the reason why the existing zoning of the site is not appropriate. The purpose of the plan change is to enable residential development within C5 Growth Cell C5 and the rural area to occur now, and to outline, via insertion of a structure plan into the WDP.

The vision of the Structure Plan is to “*establish a high-quality medium density residential community with a variety of living options that will increase the capacity and choice of housing in Cambridge. The overall objective for this development is to create a ‘sense of place’ and a community connection, befitting this special Cambridge location*”.

In order to allow for the residential development, the site needs to be rezoned. The reasons why the existing zoning and policy direction for the site is not appropriate include the following:

- The C5 Growth Cell is not scheduled for development until at least 2035. Until the site is rezoned, any development on the site is subject to the Rural Zone rules. The Rural Zone generally only allows for rural development and subdivision. Minimum lot area in the Rural Zone is 40ha, and permitted residential development includes one principal dwelling, one secondary dwelling per title and one farm workers dwelling that is relocatable on titles of at least 40ha in area. Subdivision that does not comply with the minimum lot size rules and residential development which is not in accordance with the permitted activities for the Rural Zone are non-complying activities. Residential development would also be a non-complying activity.
- Non-complying resource consents are not the preferred process. A plan change to rezone the site to make it appropriate for residential development is preferred.
- The growth cell is not yet serviced with infrastructure and the residential zoning would help enable the provision of infrastructure in the area.
- The adoption of the relevant strategic outcomes and objectives and policies identified in PC26 aligns with the overall vision and purpose of the C5 Structure Plan to deliver land for significant residential development capacity with supporting commercial nodes, strategic infrastructure and open space amenity.
- The adoption of the PC26 provisions are preferred because they most efficiently and effectively achieve the objectives of the PPC in a manner that is consistent with Council's overall policy direction for medium density development in the District.

1.2 Consideration of Alternatives

Having concluded that the existing Deferred Residential/Rural zoning is no longer appropriate, several options were considered to address the issue, as follows. For completeness, the do-nothing option was also considered:

1. Do nothing
2. Lodge non-complying activity resource consents
3. Wait until 2035, when land within Growth Cell C5 was scheduled to be developed
4. Wait for the next Waipa District Plan review and make submissions to seek the rezoning
5. Rezone the land by private plan change

1.3 Evaluation of Benefits and Costs

This section provides an assessment of the potential costs and benefits of the plan change as a result of its likely environmental, economic, social and cultural effects and as is required under sections 32(2)(a) and (b) of the RMA.

Option	Costs	Benefits
Option 1 – Do nothing	<u>Environmental</u> - There are no identifiable environmental costs. <u>Economic</u> - Loss of potential job opportunities in the construction of the residential subdivision. - Lack of competition in the housing market due to landowners holding large areas of land. <u>Social</u> - Lack of affordable housing options. <u>Cultural</u> - There are no identifiable cultural costs.	<u>Environmental</u> - No change to the current landscape character. <u>Economic</u> - No costs associated with the plan change process, resource consent process or development. <u>Social</u> - Rural outlook of surrounding land is retained so surrounding landowners and occupiers will not experience an increase of density and establishment of urban environment earlier than originally anticipated. <u>Cultural</u> - There are no identifiable cultural benefits.
Effectiveness and efficiency	This option is not effective or efficient in achieving the objectives of the plan change as the Deferred Residential and Rural zoning of the land will be retained and development will be unable to occur.	
Option 2 – Lodge non-complying resource consents	<u>Environmental</u> - Residential development would not be in keeping with the rural zoning. - Approval of non-complying resource consents may result in the establishment of a precedent, in that the balance of Growth Cell C5 land may be developed via non-complying resource consents and not rezoned. - A consistent approach to development across the entire growth cell would not be achieved and development would likely be disconnected and inefficient. - Piecemeal development within the Rural zone may lead to reverse sensitivity effects on farming operations.	<u>Environmental</u> - There may be some beneficial improvements to infrastructure, such as roading. <u>Economic</u> - If approved, resource consents would allow for residential development to occur and sale of lots in the area. <u>Social</u> - The delivery of developable sections and development of housing would provide additional housing supply for Cambridge providing a social benefit. <u>Cultural</u> - There are no identifiable cultural benefits.

	- With individual resource consents for development, there is risk of 'piecemeal' development layouts that can detract from the overall intention and comprehensive approach sought via a Structure Plan. - Key infrastructure (transport, wastewater, stormwater) may be delayed if a piecemeal approach is taken. <u>Economic</u> - The risk of a non-complying activity resource consent application being declined are high. Therefore, the cost of the application process may not be recoverable. - As resource consents need to be based on specific development proposals, a Non-Complying Activity consent application requires a higher level of design than a plan change and there are additional upfront design and consenting costs. - As a Non-Complying Activity consent is restricted by a specific design and a consent lapse period it is highly likely that design rework and subsequent consent changes will be needed, adding compliance costs. <u>Social</u> - The social benefits of a coordinated approach to provision of community infrastructure such as open space and transport networks, would be reduced. <u>Cultural</u> - No identifiable cultural effects.	
Effectiveness and efficiency	This option is not effective or efficient in achieving the objectives of the plan change as would lead to ad hoc development and not an integrated approach as a result of having to lodge non-complying resource consent applications.	
Option 3 – Wait until 2035 when land within C5 is scheduled to be developed	<u>Environmental</u> - There are no identifiable environmental costs. <u>Economic</u> - This alternative carries additional holding costs and lost opportunity costs of being unable to develop the land for another 15 years. <u>Social</u> - Loss of potential high quality residential development including higher density options.	<u>Environmental</u> - There is an assumption that urban infrastructure will be extended to the site by then. <u>Economic</u> - Rezoning could occur through Council lead plan change and minimise the total costs of development on the applicants. <u>Social</u> - Development would be in keeping with the existing anticipated timing of development in this location. Resulting

	<u>Cultural</u> No identifiable cultural effects.	in the potential for neighbouring landowners and occupiers being more comfortable with residential/urban development occurring on the site. <u>Cultural</u> No identifiable cultural effects.
Effectiveness and efficiency	This option is not effective or efficient in achieving the objectives of the plan change	
Option 4 – Wait for next Waipa District Plan review	<u>Environmental</u> - There are no identifiable environmental costs. <u>Economic</u> - The next District Plan review is likely to be approximately 7 years away. Therefore, this alternative carries additional holding costs and lost opportunity costs of being unable to develop the land for at least 7 years (most likely more than 7 years until District Plan is made fully operative). - There is also uncertainty around the RMA Reform process and timing of this which could potentially extend the District Plan review. <u>Social</u> - The development would still occur sooner than the anticipated date for development in this location (i.e. approximately 2030 rather than 2035). <u>Cultural</u> - There are no identifiable cultural costs.	<u>Environmental</u> - Including the proposal in the next District Plan review would provide the opportunity to holistically consider the site and set objectives, policies, rules and design guidelines that guide future development alongside the other considerations of the review. This would ensure any effects on the environment can be appropriately assessed and managed. <u>Economic</u> - If undertaken as a collaborative process, including the proposal in the next District Plan Review would likely share a large proportion of the costs with WDC providing an economic benefit to the applicant. - If included in the District Plan Review, it would allow the area to be eventually developed in accordance with the proposed provisions. <u>Social</u> - The development would provide additional housing supply for Cambridge, closer to when development was originally anticipated to occur in this location. <u>Cultural</u> - There are no identifiable cultural benefits.
Effectiveness and efficiency	This option is not effective or efficient in achieving the objectives of the plan change as there is uncertainty in the timeframe of the next District Plan review. The Deferred Residential and Rural zoning of the land will be retained and development will be unable to occur until the District Plan review was Operative.	
Option 5 – Rezone by private plan change	<u>Environmental</u> - There are no identifiable environmental costs. <u>Economic</u> - There are significant application and compliance costs associated with a private plan change that do not arise	<u>Environmental</u> The private plan change provides the opportunity to holistically consider the site and set objectives and policies that will guide future development. This will ensure any effects on the environment can be appropriately managed.

	with the do nothing option, but they are likely to be less than the non-complying activity option as the District Plan includes a clear framework for the plan change. <u>Social</u> • There are no identifiable social costs. <u>Cultural</u> • There are no identifiable cultural costs.	• Ecological enhancement opportunities of open space network. • Well-planned and high amenity residential development. <u>Economic</u> • The plan change can be based on concept design rather than the more detailed design. <u>Social</u> • Additional housing supply and additional options for different types of housing in Cambridge. • <u>Cultural</u> • Cultural enhancement opportunities to recognise the Pa sites.
Effectiveness and efficiency	This option is the most effective and efficient as it provides clear direction and provisions to enable residential development to occur now in C5 and the rural zone land. This will achieve the objective of the plan change.	

1.4 Risk of Not Acting

Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. This plan change request includes technical reports that have been prepared to understand the effects of the plan change. These reports assess matters relating landscape and visual, ecology, transportation, civil engineering, geotechnical, ground contamination and economic impacts.

Based on the above, it is concluded that sufficient information has been gathered to justify proceeding with the plan change and that the risk of acting on this information is less than not acting.

1.5 Reasons for Option Chosen

Rezoning of the land (Option 5) is considered the most appropriate planning method to address the issues and the limitations of the existing zoning. Rezoning of the land properly enables and supports residential land use to occur in the immediate future, that is not currently catered for adequately within the existing deferred or rural zoning of the properties. Insertion of a structure plan into the District Plan allows for infrastructure requirements to be considered in light of the larger development area to ensure that the land can be appropriately serviced, and the rezoning for residential purposes will assist in the provision of additional dwellings and a range of housing options. Rezoning of the land also allows appropriate provisions to be developed and implemented to ensure that development is of a high quality and provides a high level of liveability.

Other options of non-complying activity consents or waiting for the next District Plan review potentially could deliver the same outcome as Option 5, but they are inferior in terms of efficiency of process and do not provide the same long-term certainty to the landowners and other stakeholders. With a plan change, the intended land use outcomes can be properly and spatially defined and tested for acceptance by the community in a comprehensive manner.

As well as the high risk of an unsuccessful non-complying activity application, that also requires a substantial amount of costly upfront design to achieve the certainty required for a resource consent. The district plan review alternative represents a potential 10+ year delay. Only the private plan change alternative involves an efficient and effective process that also has the ability to address the elements of uncertainty associated with the early stage of design of the project. A plan change allows for District Plan rules to be designed to capture and address the detailed environmental effects, at the appropriate stage when sufficient design has been undertaken.

This report includes enough investigation and assessment work to confirm that the whole of the growth cell and the surrounding rural land is suitable for development and infrastructure can be made available and paid for by the applicant. Therefore, there is justification to remove the deferred zoning and rezone the rural land.

1.6 Section 32 Analysis Conclusion

On the basis of the above analysis, it is concluded that:

- The objectives of the proposal are appropriate in achieving the purpose of the Act.

- The provision of the plan change are an appropriate way of achieving the objective of the proposal and preferred to alternative options.
- The overall benefits of the proposal outweigh the costs on the community, economy and the environment.
- The provisions are an efficient and effective way of achieving the objectives.