

## **APPENDIX 4:**

### **Section 32 Report**

## **PROPOSED DISTRICT PLAN CHANGE 34: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS**

### **1. Introduction**

Section 32 of the Resource Management Act 1991 (the Act) stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. This Plan Change proposes to make general minor amendments to the District Plan in order to ensure its smooth 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.

### **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 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 rules.

No alterations are proposed to the existing objectives and policies through this proposed Plan Change. This Plan Change relates primarily to amending the District Plan planning maps, including zone changes and corrections of errors, and the text of some rules of the District Plan.

### **3. Process & Consultation**

The process which led to the development of this Plan Change dates back to 27 July 2000 when the District Plan became operative. Since that time the District Plan team has collected a wide range of anomalies identified in the District Plan maps, planning zones and text.

Consultation has been undertaken with residents directly affected by the proposed District Plan Change in order to clarify the matters subject to this Plan Change and to identify potential challenges at an early stage. Letters to affected parties have been

sent out between late August and October 2004. About 10 per cent of those contacted responded to the letter. Most respondents requested more detailed information on land use zoning under the Wellington District Plan. The vast majority of respondents were in full support of the proposed Plan Change.

### **Consultation, in accordance with the 1<sup>st</sup> 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

## **4. Options**

The following three tables provide an analysis of the pros and cons of the proposed amendments to zoning (Table 1), District Plan maps (Table 2) and rules (Table 3) to assess the efficiency, effectiveness and appropriateness of the proposed Plan Change.

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.

Instead of assessing the selected cases individually, a cost/benefit and appropriateness assessment has been undertaken for each subject group: zone changes, map corrections and amendment of District Plan rules.

**Table 1: Matrix of Options for the Proposed District Plan Change (Zoning)**

	<p><b>OPTION 1: Do Nothing – leave land use zoning as is</b></p>	<p><b>OPTION 2: Rezone land as proposed</b> <b>This is the RECOMMENDED option.</b></p>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>• Environmental costs - if Open Space/Conservation Site zone is not applied to sites with natural character or prospective Town Belt sites</li> <li>• 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</li> <li>• Social costs – if prospective Open Space site become unavailable for active or passive recreational use due to inappropriate zoning and development</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental costs - if Open Space/Conservation Site zones are uplifted in order to allow development (applies only in cases where properties are in private ownership, e.g. 50 Homebush Road or 4 Fort Street)</li> <li>• Economic costs – costs of processing the Plan Change</li> <li>• Social costs – potential for the community to be unsatisfied with future use of a site</li> </ul>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>• Environmental benefits – no change</li> <li>• Economic benefits – none</li> <li>• Social benefits – none</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental benefits – future protection of Open Space/Conservation Site zones</li> <li>• Economic benefits – land value is maximised with appropriate zoning, land can be fully utilised for development on Residential/Suburban Centre zones</li> <li>• Social benefits – reassurance is given to local community that recreation opportunities will remain available in the future (e.g. at sport fields and town belt sites)</li> </ul>
<p><b>Efficiency and Effectiveness of achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• Limited. The Plan’s objectives cannot be efficiently nor effectively achieved in terms of land use planning</li> </ul>	<ul style="list-style-type: none"> <li>• High. Most efficient and effective in achieving the Plan’s objectives and policies in terms of land use planning</li> <li>• Guarantees the smooth functioning of the District Plan</li> </ul>
<p><b>Most appropriate for achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• 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)</li> </ul>	<ul style="list-style-type: none"> <li>• High. Appropriate, because proposed zone changes reflect current land use</li> </ul>

**Table 2: Matrix of Options for the Proposed District Plan Change (Maps)**

	<p><b>OPTION 1: Do Nothing – leave errors in District Plan maps</b></p>	<p><b>OPTION 2: Correct District Plan maps as proposed</b></p> <p><b>This is the RECOMMENDED option.</b></p>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>• Environmental costs – no change</li> <li>• Economic costs – if errors in maps have to be changed at a later stage through a Private Plan Change or if inappropriate decisions are made when errors remain in District Plan maps</li> <li>• Social costs – no change</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental costs - unlikely</li> <li>• Economic costs – costs of processing the Plan Change</li> <li>• Social costs – unlikely</li> </ul>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>• Environmental benefits – no change</li> <li>• Economic benefits – none</li> <li>• Social benefits – none</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental benefits – unlikely</li> <li>• Economic benefits – land value is maximised and land can be fully utilised for development without triggering specific District Plan rules (apply to deletion of transmission line)</li> <li>• Social benefits – unlikely</li> </ul>
<p><b>Efficiency and Effectiveness of achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• Limited. The Plan’s objectives cannot be efficiently nor effectively achieved as long as District Plan maps contain errors</li> </ul>	<ul style="list-style-type: none"> <li>• High. Most efficient and effective in achieving the Plan’s objectives</li> <li>• Improves the smooth functioning of the District Plan</li> </ul>
<p><b>Most appropriate for achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• Limited. Not considered appropriate as long as District Plan maps contain errors that may lead to confusion or ill-informed decisions</li> </ul>	<ul style="list-style-type: none"> <li>• High. Appropriate, because proposed amendments remove errors in District Plan maps</li> </ul>

**Table 3: Matrix of Options for the Proposed District Plan Change (Rules)**

	<p><b>OPTION 1: Do Nothing – leave anomalies in District Plan rules</b></p>	<p><b>OPTION 2: Amend District Plan rules as proposed</b> <b>This is the RECOMMENDED option.</b></p>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>• Environmental costs – if resource consent is obtained for inappropriate development due to District Plan anomalies and inconsistencies</li> <li>• 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</li> <li>• Social costs – potential for community to be unsatisfied with planning outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental costs - unlikely</li> <li>• Economic costs – costs of processing the Plan Change</li> <li>• Social costs – unlikely</li> </ul>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>• Environmental benefits – no change</li> <li>• Economic benefits – none</li> <li>• Social benefits – none</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental benefits – unlikely</li> <li>• Economic benefits – reduced risk of misinterpretation of rules due to improved clarity</li> <li>• Social benefits – Yes, for example by clarifying and revising rules 5.3.5.7 and 23.2.1.8 (Harbour views), and generally increasing consistency throughout the District Plan</li> </ul>
<p><b>Efficiency and Effectiveness of achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• Limited. The Plan’s objectives cannot be efficiently nor effectively achieved as long as District Plan rules are silent, inconsistent and/or contain anomalies</li> </ul>	<ul style="list-style-type: none"> <li>• High. Most efficient and effective in achieving the Plan’s objectives</li> <li>• Improves the smooth functioning of the District Plan</li> </ul>
<p><b>Most appropriate for achieving Objectives</b></p>	<ul style="list-style-type: none"> <li>• Limited. Not considered appropriate as long as District Plan rules are silent, inconsistent and/or contain anomalies</li> </ul>	<ul style="list-style-type: none"> <li>• High. Appropriate, because proposed minor amendment improve consistency throughout the District Plan</li> </ul>

## **6.0 Conclusion**

This Plan Change proposes the implementation of minor District Plan amendments to land use zones, District Plan maps and rules. These changes provide an opportunity to resolve anomalies and inconsistencies throughout the District Plan.

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 ongoing improvement of the District Plan that allows its smooth functioning.