

## SECTION 32 EVALUATION SUMMARY

### Statutory Requirements

1. Before making a decision in respect of the submissions and further submissions Section 32 (2) of the Resource Management Act (RMA) requires Council to undertake an evaluation of the following:
  - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this 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. (S32(3))*
2. The evaluation must 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.(S32(4))*

The proposed Variation 18 was the subject of a Section 32 evaluation prior to public notification. In response to the submissions and further submissions received, recommendations are made that modifications are made to the Variation. The revised provisions are set out in Appendix B. The following evaluation relates to the modified provisions.

### Section 32 (3) (a)

#### **The extent to which each objective is the most appropriate way to achieve the purpose of the Act.**

3. Council has already determined that it is necessary to manage activities in the City's rural areas to ensure that they do not compromise eventual urban use. The general policy approach established by the District Plan and complemented by Variation 18 provides a policy context that anticipates urban expansion whilst protecting critical environmental values such as landscapes and natural features. In terms of future land use the policy framework provides for significant expansion of residential and industrial development and provides context for the development of retail and community facilities that will be needed to service new communities.
4. Recommended amendments to Variation 18 propose minor changes to Objective 6.5.5 concerned with the Rotokauri Employment Area. The proposed amendment recognises that future development will need to establish a strong relationship with public places rather than maintain it, acknowledging that the area to which it applies is currently a greenfield situation. The amendment is therefore simply one of expression and makes no change to the purpose or intent of the Objective.
5. Accordingly the amendment ensures that the Objective remains the most appropriate way to achieve the purpose of the Act.
6. Objective 5.1.6 is proposed to be amended in a similar fashion to improve the expression of important features that are to be managed through the policies

and rules. The amendment has no effect on the purpose or scope of the objective and therefore it remains the most appropriate way to achieve the purpose of the Act.

7. No other amendments are proposed to the Objectives of the District Plan.

### **Section 32 (3)(b)**

**Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.**

8. Within the context of existing objectives and policies, Variation 18 introduced additional objectives relating to the future development of the Rotokauri area for urban purposes. Additional policies were introduced that explained that the principal method for guiding future development decisions would be through a Structure Plan. The objectives and policies provided further detail on the matters that are of significance for inclusion within that Plan.
9. The Structure Plan is a Rule within the Plan and it provides a reference point for the broad suite of Rules that develop the policies in respect of specific matters. The Structure Plan consists of a series of maps and diagrams and text that identifies specific matters within the Rotokauri area where a more targeted suite of management controls is necessary to achieve the objectives of the Plan. The method adopted was for these matters to be addressed by specific Rules, either as amendments to existing Plan provisions or as entirely new provisions. In addition, and recognising that the proposed provisions introduced additional elements of discretion into resource management decision making in the Rotokauri area, the Variation included Design Guidance. Whilst the effect of this is that it is also a Rule within the statutory plan, its content provides advice and guidance on a range of issues and potential solutions that might be appropriate for a particular area, rather than being prescriptive.
10. The submissions and further submissions received in respect of Variation 18 identify matters that require further consideration. In doing so the scope of possible amendment of the provisions is defined by the scope of the submissions themselves. In this respect, the submissions and further submissions suggest other possible means of achieving the purpose of the Act, namely:
  - Retain the Variation without modification;
  - Amend the Variation to add further detail;
  - Amend the Variation to remove detail; or
  - Amend the Variation through modification of its existing provisions.

#### **i) Retain the Variation without modification**

11. Variation 18 introduced a suite of Plan provisions that will increase compliance costs on developers as a result of additional consenting requirements or more demanding design criteria. The proposals also indicate the extent of land that will be required for public purposes, specifically for roading, stormwater drainage and recreation. As well as the costs to the public purse these proposals are also complemented by Plan policies, rules and design guidance that will require development to establish a strong

relationship to these areas. There is likely to be a cost implication for developers in achieving these outcomes.

12. In terms of achieving the objectives the submissions have identified matters within the policies, rules and design guidance that need to be addressed if they are to enable achievement of the objectives. Examination of these matters has identified a number of issues:
  - Some inconsistency between existing and proposed plan provisions;
  - Some inflexibility in the plan provisions such that they could unnecessarily constrain development opportunities;
  - Some room for amendment that would enhance the performance of specific provisions in terms of desired outcomes;
  - Changed circumstances that cause or enable modification of the Plan provisions; and feedback from affected landowners on the deliverability of the Plan provisions.
13. Some of these matters have been identified by Council itself and are the subject of submissions to the Variation. In view of these matters the retention of the Variation in an unmodified form would impose costs onto the community without the required efficiency and effectiveness that is required to meet the Plan objectives. Consequently it would not fulfil the purpose and principles of the Act to retain the Variation without amendment.

**ii) Amend the Variation to add further detail**

14. Some submissions seek the inclusion of additional detail within the Variation, most notably within the Structure Plan, particularly in relation to the proposed transportation network, to specify provision that will be made for pedestrians, cyclists and public transport. To an extent these requests are also reflected in submissions to the policies and rules.
15. The purpose of the Structure Plan is to indicate the likely pattern of future land use and infrastructure provision, to provide a framework for future decisions by Council, landowners and developers. The Structure Plan is intentionally non-specific as it will have to remain robust over a number of years that can be expected to bring with them a reasonable degree of change. Too high a degree of prescription and the Plan will need early review to accommodate change.
16. Many of the changes sought require the specification of land to be dedicated for cycling, walking and public transport. The Structure Plan provisions already provide sufficient detail to demonstrate that provision will be made for all travel modes. Peer review of the proposals by transport specialists confirmed their adequacy. The precise detailing of any public infrastructure project will be determined closer to the time that it is required but to specify requirements that are not deemed necessary could have the effect of sterilising land and committing significant public expenditure that would be better utilised on other projects.
17. As the detail that the submitters seek to be included within the Structure Plan component of the Variation is not required it would not be efficient or effective in addressing the Plan objectives and would impose an unnecessary cost on developers and Council to provide.

18. The Variation also includes an area proposed as a Stage 1 land release with zoning proposals that will provide for the development of specific sites. As such the Plan can be expected to provide an increased level of detail in relation to these provisions. In this respect a number of amendments have been made that are considered to be more a refinement of the Plan provisions rather than new detail. Some of the matters suggested, such as the design detailing of individual cycle parking racks, is clearly inappropriate for inclusion within the Variation given the focus of the Act on the management of effects.

**iii) Amend the Variation to remove detail**

19. A number of submitters seek to remove some of the detailed provisions of the Plan that affect the development potential of specific land parcels. These submissions include the removal of specific proposals that are indicated on the Structure Plan diagrams and the removal of detailed controls within the Plan provisions. These include controls that effectively determine the extent of the Stage 1 area and also controls within the Plan provisions that will limit the nature of the activities and their potential for generating traffic. The need to manage the extent and rate of traffic growth is not challenged, only the means by which this achieved.
20. The purpose of the Structure Plan is to provide a framework that will enable the comprehensive development of the entire area in a manner that will fulfil the purpose and principles of the Act but also consistent with the need to ensure that the area is integrated with and contributes to the rest of the City. The Variation embodies these aspects through a Vision Statement that has not been challenged. The delivery of the Vision Statement requires that the key factors that will enable its achievement are addressed in a manner that will provide a degree of certainty.
21. The transport network is a critical resource that will enable the successful development of the area and its integration with the City. Traffic modelling has identified that its performance will deteriorate to an unacceptable level of performance without some means of control of traffic growth to within known thresholds. These thresholds are time limited as adequate capacity will be available once the Te Rapa Bypass and the planned programme of works set out in the staging provisions are complete. Until that point there is no challenge to the need for management, only the method through which it is to be achieved.
22. The extent of network capacity supports the identification of a Stage 1 area based on controls over trip generation per site. Raising the level of trip generation would necessitate a commensurate reduction in the extent of the Stage 1 area, to the extent that it would preclude the construction of key elements of the planned road network. Consequently, the traffic growth would result in unacceptable effects on the road network. Extending the area of the Stage 1 land release would increase opportunities for development but would need to be subject to a tighter degree of control so that a more rigorous resource consent regime would be required. The compliance costs of such an approach would therefore increase and there would be less certainty that development would occur in a manner that would enable construction of the planned road network. These alternative approaches are therefore considered inefficient and ineffective in meeting the objectives of the Plan.

23. Some submissions seek the removal of specific proposals from the Structure Plan. To do so would remove an element of desirable certainty that certain features will be developed, broadly as indicated on the Structure Plan. Elements of the Green Corridor are the subject of such submissions. The Green Corridor is strategically important to the overall development concept of integrated neighbourhoods, a comprehensive approach to stormwater management and the development of a network of off road transport options. The removal of this level of detail from the Variation would weaken the basis of this comprehensive and holistic approach and would result in an ad hoc approach to development and infrastructure provision. Such an approach would be less efficient and effective in terms of utilisation of physical resources and would therefore be less effective in delivering the Plan objectives.

**iv) Amend the Variation through modification of its existing provisions**

24. Essentially this amounts to fine tuning rather than direct replacement or addition of Plan provisions. A significant number of submissions and further submissions suggest such an approach. Nevertheless, the modifications themselves need to ensure that they will deliver the Plan Objectives if they area to fulfil the purpose and principles of the Act.
25. Modification of the Plan objectives has provided improved focus and clarity. To improve delivery of the objectives, the policies have been amended to improve their specificity and enhance their understanding and implementation.
26. Policy amendments include minor wording amendment to Policy 5.1.6 a) to reflect the sharpening of focus to Objective 5.1.6 (Lake Waiwhakereke Landscape Character Area).
27. Within the context of the amended objectives and policies relating to residential development, further amendments are made to the Rules. These amendments, which essentially affect Rule 4.1A (Rotokauri Residential Zone) and Rules 6.3 (Subdivisional standards for Individual Zones), provide improved clarity regarding the separate geographical areas to which different Plan provisions apply and explain how they relate to other sections of the Plan. These changes will improve understanding and implementation of the Plan and will therefore be more efficient and effective in delivering the Plan objectives.
28. Standards in relation to development within the Rotokauri High Density Interface area are amended to ensure that the orientation and layout of individual sites will achieve the desired level of enclosure to public space that will improve levels of public safety and usage of the space. Similarly, amended standards in relation to the Lake Waiwhakereke Landscape Character Area will increase the density of population close to the Heritage Park, ensuring that future development will provide a high level of passive surveillance of the Park, increasing public safety. Design Guidance provided as Rule 10.0 of the Plan will assist the preparation and consideration of development proposals to ensure that increased development densities will be achieved in a manner that is consistent with Objective 5.1.6 (Lake Waiwhakereke Landscape Character Area).

29. Amendments in respect of Residential Centres, Rest Homes and Managed Care Facilities are made to ensure consistency with Plan provisions applying elsewhere in the City as there is no justification either in the local area or within the Plan Objectives to suggest that a different approach should apply within Rotokauri.
30. Additional referencing is made within the Policies and Rules relating to the proposed Neighbourhood Centre to ensure that cycling and cycling facilities are appropriately referenced. These amendments will ensure that the policies and rules will be more effective in delivering Objective 6.2.3 (Design of Suburban Centres in New Growth Areas) and its focus on the establishment of an integrated, pedestrian friendly community focal point. Further amendments clarify matters such as public notification, activity status, definitions and cross referencing to other plan provisions, and will therefore improve understanding and implementation of the Plan.
31. In response to submission concerning the identification of a potential school site within the Stage 1 area, an amendment is made to the Rule 9.0 (Structure Plan diagram) to reposition this facility onto an alternative site. The amended location shares all the advantages of the original location in terms of its relationship to the road network, proposed residential areas and the neighbourhood centre and is supported by the landowners and the Ministry of Education. As such, the amended location will be more effective in meeting the expectations of Objective 5.3.1 (Community Facilities).
32. The proposed rezoning of land on Rotokauri Road from Residential to Community Facilities in response to submissions recognises that this site is now the subject of resource consent approval for the construction of a Church. The rezoning therefore provides a more efficient and effective framework for the future management of this area.
33. Amendments to the Plan provisions in respect of industrial development and staging affect Policy section 6.5 (Industrial Activities), Rules 4.5 (Industrial Zone), 4.11 (Future Urban Zone), 6.3 (Subdivisional Standards for Individual Zones) and 6.9 (Staging of Development). These amendments respond to concerns that the Variation requires additional flexibility to accommodate changing circumstances, particularly in respect of the availability of network capacity to support additional development.
34. Within the context of Plan objectives that seek to ensure that urban development contributes to the achievement of an integrated mixed use environment within which urban design principles are applied to recognise the importance of the public realm these minor policy amendments will improve understanding and implementation of the Plan.
35. The Variation recognises that network capacity will be a constraint on development until completion of the Te Rapa Bypass and other planned works. Nevertheless, the extent to which available network capacity is utilised by future development is unknown. Therefore the amendments provide additional flexibility to enable development to occur through a variety of provisions, including provisions that will enable further development to proceed as a permitted activity within the Stage 1 area, or to proceed outside of the Stage 1 area as a discretionary activity. Amendments provide further clarity regarding the operation of specific rules, the effect being that additional

trip generation potential is likely to be available than anticipated in the submissions without resulting in unacceptable effects on the network. Amendments to the assessment criteria recognise that future development within the Stage 1 area may not fully utilise available capacity and therefore provide a clear context for considering development proposals outside of the Stage 1 area. Additional minor changes to Rule 4.5 (Industrial Zone) remove unnecessary provisions that are already addressed elsewhere in the Plan and improve the clarity of specific provisions.

36. As such the amendments will ensure that optimal use is made of available network capacity pending completion of the planned road improvements. Unnecessary provisions are removed and the clarity of the Rules is improved.
37. Accordingly the amendments to the Policies and Rules will improve their efficiency and effectiveness in terms of meeting the Objectives of the Plan.

### **Summary**

38. The Variation is a critical element in Council's long term growth strategy and is of particular importance in terms of ensuring a continuing land supply for industrial development. The Structure Plan provides a framework for long term development. It identifies matters and makes proposals for land use and transportation elements that will have a significant role to play in the future development of the City. The Variation makes provision for a Stage 1 land release within the context of this Structure Plan. The extent and terms of the land release are directly affected by constraints on available network capacity and the need for major network enhancements including the completion of the Te Rapa Bypass. The Plan provisions seek to enable development that will achieve specific outcomes, particularly in relation to recognising local landscape character and promoting quality urban design outcomes that will increase the attraction and use of public space and community focal points.
39. In this context the submissions have identified matters that require amendment to ensure that they deliver the desired outcome and, in particular, to ensure that the Plan does not unnecessarily constrain opportunities for further industrial development. The retention of the Variation without amendment would not achieve these outcomes. Neither would the removal of detail from the Variation as it would remove matters that are needed to provide certainty and context for future investment decisions. The introduction of additional detail in the manner sought by some submitters would burden the Variation with detail that is not necessary and might constrain future development options. The amendment of the Variation has enabled unnecessary detail to be removed, has sharpened the focus of some provisions that lacked clarity and, most importantly, it has introduced flexibility that will enable development proposals to be accommodated where adequate infrastructure capacity is available or will be made available, providing they will contribute towards the implementation of the Structure Plan.
40. Whilst some of these amendments will have a compliance cost associated with them, these costs are appropriate given the need to ensure that future development contributes towards the achievement of the Structure Plan Vision without resulting in unacceptable effects elsewhere in the City, particularly in relation to operation of the road network.