

RESOURCE MANAGEMENT ACT 1991

SECTION 32 REPORT

PLAN CHANGES 6A, 6B and 6C

1. INTRODUCTION

This report accompanies Plan Changes 6A, 6B and 6C to the Central Otago District Plan. The Central Otago District Plan became operative on 1 April 2008.

Plan Changes 6A, 6B and 6C are proposed to increase the area of land available for residential subdivision and development at Naseby. Potential for “greenfields” subdivision is limited at Naseby, and the intent of Plan Changes 6A, 6B and 6C is to provide for additional land for residential subdivision and development at Naseby into the future.

This report summarises the evaluation that has been carried out by the Central Otago District Council pursuant to section 32 of the Resource Management Act 1991.

2. PURPOSE OF PLAN CHANGES

The purpose of Plan Changes 6A, 6B and 6C is to make amendments to various provisions of the Operative District Plan, to provide for additional subdivision and development for residential purposes at Naseby. The following portions of this section 32 report are generic, and have been presented at the outset to avoid repetition in the context of the individual Plan Changes 6A, 6B and 6C.

2.1 Achieving the Purpose of Act

The purpose of the Act is to promote the sustainable management of natural and physical resources.

Section 5 and section 7 are relevant to the plan changes that are subject to this report.

Section 5 of the Act states that:

“In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

(a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

...

(c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 7 of the Act states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

...
(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

...
(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:...”

Plan Changes 6A, 6B and 6C are considered to be necessary in achieving the purpose of the Act and to be consistent with the matters stated in section 7 of the Act quoted above that are relevant to the respective plan changes. Sections 6 and 8 of the Act are not considered to be of any particular relevance in the context of these plan changes.

2.2 Achieving the Objectives and Policies of the Plan

In addition to achieving the purpose of the Act, Plan Changes 6A, 6B and 6C must also achieve the objectives and policies of the Operative District Plan. The relevant objectives and policies are presented in Sections 6 and 7 of the Operative District Plan.

Plan Changes 6A, 6B and 6C are considered to be necessary in achieving the relevant objectives and policies of the Operative District Plan.

3. CONSULTATION

Plan Changes 6A, 6B and 6C have been prepared in accordance with the provisions of the First Schedule to the Act.

A community workshop was held at Naseby on 14 January 2009. Those present participated in group discussions and considered where the town should develop for residential purposes. Favoured options were identified which have been given further consideration by the Council. A report from the Council’s Planning Consultants dated 17 June 2009 was forwarded to Naseby Vision, and further comment received on that document. Further comment was received from Naseby Vision in response to a subsequent proposal from the landowner that land now subject to proposed Plan Change 6C also be made available for residential subdivision and development. The proposed Plan Changes 6A, 6B and 6C have resulted from this process.

The Council has consulted with those agencies nominated in Clause 3 of the First Schedule, including:

- The Minister for the Environment.
- The Otago Regional Council.
- Ngai Tahu and Kai Tahu.

This consultation occurred through correspondence which was forwarded to the agencies concerned prior to the formal decision being taken to publicly notify Plan Changes 6A, 6B and 6C.

It has not been possible to specifically consult with all other persons who may be affected by Plan Changes 6A, 6B and 6C which essentially provide for the reallocation of portions of land between the Rural and Residential Resource Areas. As noted above the plan changes have resulted from a community workshop held at Naseby on 14 January 2009 and subsequent consultation with Naseby Vision and a major landowner at Naseby.

In all the circumstances the preferred option has been to simply publicly notify Plan Changes 6A, 6B and 6C for public response through the submission and further submission (and appeal) process. As the plan changes are generally site specific those likely to be directly affected are to be sent a copy of the plan changes. It is emphasised that any person is entitled to make a submission in response to Plan Changes 6A, 6B and 6C, and any such submission will be given all due consideration in the context of the statutory process provided for in the First Schedule of the Act.

Each plan change (eg. Plan Change 6A) is a discrete and separate plan change. In these circumstances each plan change shall be merged in and become part of the Operative District Plan following the formal approval by the Council, subsequent to the submission and (any) appeal process.

5. EVALUATION OF ALTERNATIVES, BENEFITS AND COSTS

Statutory Context

Section 32(1) of the Act requires that before a plan change is publicly notified, an evaluation must be carried out by the local authority with respect to the plan change. Section 32(3) states that:

"An 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."*

Section 32(4) requires that:

"For the purposes of the examinations referred to in subsections (3) and (3A), an 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."*

Section 32(5) requires that the person carrying out an evaluation must prepare a report summarising the evaluation and giving reasons for that evaluation; and section 32(6) requires that the report be available for public inspection at the same time as the document (plan change) to which the report relates is publicly notified.

The Council's evaluation has identified and assessed various alternatives to each plan change. These include:

- 4.1. Status quo.
- 4.2. Take no action.
- 4.3. Use of alternative and non-regulatory methods.
- 4.4. Initiate plan change.

Each of these alternatives has been assessed on the basis of the following, for each of Plan Changes 6A, 6B and 6C.

- Whether method most appropriate
- Efficiency
- Effectiveness
- Environmental Benefits
- Environmental Costs
- Economic and Social Benefits
- Economic and Social Costs
- Appropriateness

The Council's overall conclusion in each instance, is that Plan Changes 6A, 6B and 6C are the most appropriate alternatives.

5. RISK OF ACTING/NOT ACTING

The risk of not acting at this time is significant, as the potential for "greenfields" subdivision is limited at Naseby. The community workshop process identified that additional land is required at Naseby for subdivision and development for residential purposes. The risks of acting are not considered significant, as the amendments are consistent with the purpose of the Act and the Council's functions in terms of section 31.

6. SPECIFIC PLAN CHANGES

6.1 Plan Change 6A : Map 22 Residential Resource Area, Naseby

Plan Change 6A amends Map 22 to include some 2.7 hectares of land described as part Lot 2 DP 347065 in the Residential Resource Area. This land is currently in the Rural Resource Area and is subject to the Rural Residential notation.

Residential Resource Area status will facilitate the subdivision and use of this land for residential subdivision and development. A 50 metre wide strip of land adjacent to the Ranfurly Naseby Road is to be retained in the Rural Resource Area (subject to the Rural Residential notation) to provide a buffer between future residential subdivision and development and the Ranfurly Naseby Road, at the entrance to Naseby. This area was cleared of trees about 3 years ago to reduce an ice hazard that existed in winter months. It

is proposed to amend the matters for discretion that are relevant to subdivision in the Residential Resource Area (in terms of Rule 7.3.3(i)) to provide for screening at the southern end of any future residential subdivision, to partially screen residential development from the road.

Land in the Rural Resource Area north-west of the site (which is in forest) will provide screening between future residential subdivision and development on land subject to proposed Plan Change 6A and the Naseby Cemetery.

Evaluation of Alternatives, Benefits and Costs

The status quo and taking no action is not considered appropriate, having regard to the suitability of the land subject to Plan Change 6A for residential subdivision and development. The Operative District Plan provides for land to be allocated to particular resource areas, and alternative and non-regulatory methods are therefore not appropriate. Plan Change 6A is considered to be the most appropriate way to achieve the purpose of the Act. Plan Change 6A will be efficient and effective as it will provide for subdivision and development in the context of the Residential Resource Area in a location that is adjacent to new residential subdivision and development (at Ballarat Avenue) and other land in the Residential Resource Area. There are no technical constraints to providing water and wastewater services to the 2.7 hectares of land subject to Plan Change 6A. Road access is to be achieved via Cemetery Road and Ballarat Avenue from Derwent Street.

The proposal will have environmental, economic and social benefits by providing for the efficient use of the land resource. Provision is to be made for screening between the land subject to Plan Change 6A and the Ranfurly Naseby Road, at the entrance to Naseby. A strip of land between the land subject to Plan Change 6A and the Ranfurly Naseby Road is to be retained in the Rural Resource Area (and subject to the Rural Residential notation) to provide a buffer area. Any environmental, economic and social costs associated with Plan Change 6A are considered to be no more than minor. Plan Change 6A is considered to be the most appropriate method to achieve the purpose of the Act, and is the most appropriate alternative. In particular Plan Change 6A (along with Plan Changes 6B and 6C) is considered superior to the alternatives identified at a community workshop held at Naseby on 14 January 2009, including development on the area designated for "Recreation Purposes" east of Lomond Street (D120) that is a recreation reserve vested in the Central Otago District Council.

6.2 Plan Change 6B : Maps 22 & 23 Residential Resource Area (3), Naseby

Plan Change 6B amends Maps 22 and 23 to apply the Residential Resource Area (3) to land that has frontage to Carrowmore Street, Belfast Street, Annalee Street and unformed legal road at Naseby. The Residential Resource Area (3) provides for land to be subdivided into allotments having a minimum area of 1000m².

It is anticipated that access to future residential subdivision and development will be achieved from Carrowmore Street. The lower portion of the land (adjacent to Carrowmore Street) is protected by a stop bank from the Hogburn. The land subject to Plan Change 6B provides the opportunity for subdivision and development to occur in a manner which provides for allotments to include elevated land clear of any flood risk. While elevated such future development will not be prominent when viewed from elsewhere in the town.

Plan Change 6B affects some 6.65 hectares of land that is described as Lot 2 DP 356188, Lots 1 and 2 DP 410748, Sections 1, 14, 17 and 25 Block IV Town of Naseby and Section 13 Block XXI Town of Naseby. Plan Change 6B provides for an amendment to the Explanation to Policy 7.2.7, which states where the Residential Resource Area (3) applies.

Evaluation of Alternatives, Benefits and Costs

The status quo and taking no action is not considered appropriate, having regard to the suitability of the land subject to Plan Change 6B for residential subdivision and development. The Operative District Plan provides for land to be allocated to particular resource areas, and alternative and non-regulatory methods are therefore not appropriate. Plan Change 6B is considered to be the most appropriate way to achieve the purpose of the Act. Plan Change 6B will be efficient and effective as it will provide for subdivision and development in the context of the Residential Resource Area (3) in a location that is accessible to the existing Residential Resource Area at Naseby over the Hogburn bridge at Oughter Street. There are no technical constraints to providing water and wastewater services to the 6.65 hectares of land subject to Plan Change 6B. Road access is to be achieved via Carrowmore Street.

The proposal will have environmental, economic and social benefits by providing for the efficient use of the land resource. The minimum allotment area of 1000m² provided for in the Residential Resource Area (3) is considered appropriate in the context of the elevated land subject to Plan Change 6B. Any environmental, economic and social costs associated with Plan Change 6B are considered to be no more than minor. Plan Change 6B is considered to be the most appropriate method to achieve the purpose of the Act, and is the most appropriate alternative. In particular Plan Change 6B (along with Plan Change 6A and 6C) is considered superior to the alternatives identified at a community workshop held at Naseby on 14 January 2009, including development on the area designated for "Recreation Purposes" east of Lomond Street (D120) that is a recreation reserve vested in the Central Otago District Council.

6.3 *Plan Change 6C : Map 22 Residential Resource Area (3) and Heritage Precinct notation, Naseby*

Plan Change 6C amends Map 22 to apply the Residential Resource Area (3) to land that has frontage to Broom Street, Rannoch Street, Avoca Street, Oughter Street, Carrowmore Street and Lomond Street at Naseby. The Residential Resource Area (3) provides for land to be subdivided into allotments having a minimum area of 1000m². Plan Change 6C also applies the Heritage Precinct notation to Sections 114, 164, 165 and 166 Block I Town of Naseby, Lot 1 DP 23928 and to that part of Section 7 SO 23708 that has frontage to Broom Street between Council Street and Rannoch Street.

It is anticipated that access to future residential subdivision and development will be achieved from Broom Street, Rannoch Street and Avoca Street. The upper portion of the land subject to Plan Change 6C (north of Council Street) is located in close proximity to land that has recently been subdivided for residential purposes at Naseby. The lower portion of the land (adjacent to Rannoch Street and Avoca Street) has been subject to a topographical survey, and this has demonstrated that the land is not subject to flooding.

The application of the Heritage Precinct notation to land that has frontage to Broom Street between Council Street and Rannoch Street will ensure that future residential development occurs in a sensitive manner, having regard to the heritage values of the existing Heritage Precinct at Naseby (that applies to part of the land that has frontage to Broom Street on the eastern side).

Plan Change 6C affects some 5.5 hectares of land that is described as Section 7 SO 23708, Sections 114, 164, 165 and 166 Block I Town of Naseby, Lot 1 DP 23928 and Lot 12 DP 385904. Plan Change 6C provides for an amendment to the Explanation to Policy 7.2.7, which states where the Residential Resource Area (3) applies.

Evaluation of Alternatives, Benefits and Costs

The status quo and taking no action is not considered appropriate, having regard to the suitability of the land subject to Plan Change 6C for residential subdivision and development. The Operative District Plan provides for land to be allocated to particular resource areas, and alternative and non-regulatory methods are therefore not appropriate. Plan Change 6C is considered to be the most appropriate way to achieve the purpose of the Act. Plan Change 6C will be efficient and effective as it will provide for subdivision and development in the context of the Residential Resource Area (3) in a location that is accessible to the existing Residential Resource Area and Business Resource Area at Naseby. There are no technical constraints to providing water and wastewater services to the 5.5 hectares of land subject to Plan Change 6C. Road access is to be achieved from Broom Street and other legal roads that are adjacent to the subject land.

The proposal will have environmental, economic and social benefits by providing for the efficient use of the land resource. The minimum allotment area of 1000m² provided for in the Residential Resource Area (3) is considered appropriate in the context of the land subject to Plan Change 6C, to provide larger lot subdivision than may occur elsewhere in the Residential Resource Area at Naseby. Any environmental, economic and social costs associated with Plan Change 6C are considered to be no more than minor. Plan Change 6C is considered to be the most appropriate method to achieve the purpose of the Act, and is the most appropriate alternative. In particular Plan Change 6C (along with Plan Changes 6A and 6B) are considered superior to the alternatives identified at a community workshop held at Naseby on 14 January 2009, including development on the area designated for "Recreation Purposes" east of Lomond Street (D120) that is a recreation reserve vested in the Central Otago District Council.

7. **CONCLUSION**

The Council has conducted an evaluation of alternatives in terms of section 32 of the Act. This evaluation has found that Plan Changes 6A, 6B and 6C are appropriate, and are proposed to be included in the Operative District Plan.

The provisions contained in Plan Changes 6A, 6B and 6C are considered to be efficient, effective and appropriate, and will impose minimum costs on the community whilst achieving benefits which are consistent with the propose and principles of the Act and with the relevant objectives and policies of the Operative District Plan. In essence Plan Changes 6A, 6B and 6C will provide for additional subdivision and development to occur at appropriate locations in Naseby.

