

APPENDIX 1 FURTHER EVALUATION UNDER SECTION 32AA – SUBSTANTIVE CHANGES

Evaluation of changes made to the proposal post-notification

In my report I have recommended a number of changes to the notified provisions as a result of the submissions. In accordance with s32AA(1), this further evaluation is limited to the changes I have recommended, since the section 32 report was completed. In assessing requests for changes I have followed the approach to evaluation in these section 32 reports for PC14 in particular:

- Part 3 – Residential (District Plan Chapter 14)
- Part 6 – Subdivision, Development and Earthworks (District Plan Chapter 8)

In recommending submissions be accepted or rejected or accepted in part I have considered the evaluation recorded in these published reports, and other than where I have stated otherwise, I have adopted and implemented the same conclusions in assessing the relevant objectives and policies and the effectiveness of different methods, benefits and costs. It can be taken as read that where a submission states support for a provision and this is recommended to be accepted, or where a change is requested and it is recommend this is rejected, I have agreed with the assessment of that issue in the existing section 32 reports in terms of the costs and benefits of options and assessment of the effectiveness of the notified provisions against the relevant objectives and policies.

Assessment of recommended rule change – Allowing changes of tenure for controlled activity subdivisions

Rule 8.6.1 Table 1 a. and Rule 8.6.11 Additional Standards for the Future Urban Zone Table 8:(c.) was introduced to impose a limit on the overall number of allotments allowed to be created or enabled by subdivision within the Cashmere and Worsley’s area in Appendix 8.10.6, in order to contain the overall quantum of development to the same number of lots which had been enabled through a series of consents and to protect the open space areas around the development areas. The following evaluates the costs and benefits of the rule changes I have recommended in my report, both requested and consequential.

Benefits
<p>Environmental: Potentially increased development capacity provided by the rezoning of the site to MDRZ and removing the 380 lot limit and non-complying activity trigger. Increases in capacity are limited by retention of the MDRZ Residential Hills Precinct and minimum 650m² minimum site size and minimum curtilage area and building area requirements. Enabling of higher density housing opportunities improves housing choice.</p> <p>Increasing intensification at the periphery of the city has the potential to increase private vehicle use and associated emissions.</p>

Economic: Lower consenting costs and an increased level of development enabled. Potential for reduced local housing purchase prices. Additional level of development opportunities provided.

Social: By zoning the site MDRZ multiple residential units are enabled over single parcels, which increases the ability for residents to provide for housing needs. Improvements in well-being with potentially greater housing competition, reducing costs and improving permanent housing tenure. Opportunities provided for people to live in high amenity areas.

Cultural: Culturally based housing options have limited support and are only possible through contestable resource consent processes providing a barrier for urban Māori housing options.

Costs

Environmental: Lessened ability to consider amenity and other impacts of higher densities if compliant with MDRS. Could contribute to a more dispersed urban form reducing walking propensity. Removal of yield control would mean localised area characteristics would likely be lessened as part of intensification.

Economic: Greater demand on infrastructure and other services on the periphery of urban Christchurch leading to an inefficient use of resources. Allowing more intensification in this area would likely increase dependency on private vehicle use.

Social: Development could be less likely to be aligned with long established community expectations for development of the area.

Cultural: No significant cultural costs identified.

Consistency with the policies and appropriateness in achieving the objectives

Efficiency: There are several issues that this change seeks to address, in particular, the need for flexibility to address the effects of development through the consent process and the workability of the provisions. The change will make the plan more efficient by reducing the likelihood and costs of non-complying consents. The changes will better achieve Objective 3.3.2 Clarity of language and efficiency by reducing the prescriptiveness of development controls and reducing transaction costs and reliance on resource consent processes.

Effectiveness: The change will assist with the effectiveness of the provisions in achieving the objective to enable development and to not constrain the ability to build according to the MDRS unnecessarily. The increased flexibility will assist in delivering residential development will create well-functioning urban environments.

Risk of acting/not acting. The risk that the ability to manage the effects of development will be restricted is considered to be limited by retaining the MDRZ Residential Hills Precinct for areas where subdivision has not already occurred.

The risk that the historic drain, vesting of land, cycle track, intersection design, configuration of development areas and access points could be compromised if the area were to be redeveloped in its entirety is limited given the extent to which consenting and subdivision activity have already resolved these matters.

Conclusions

Having undertaken a comparison of the costs and benefits as well as the efficiency and effectiveness of the recommended changes with the provisions as notified, including assessing the risks of acting and not acting, I have concluded that the recommended changes are the most appropriate way to achieve the objectives of the plan change, the relevant Plan objectives and the directions of the higher order documents.

Assessment of recommended rule change – Conversion of tenure in the MDRZ or HDRZ

Rule 8.5.1.2 Table 1 C2A and C2B imposes a minimum lot size (within 10% of the original allotment) for the conversion of tenure from unit title or cross lease to fee simple for subdivisions in the MDRZ and HDRZ and for the repair and rebuild of multi-unit residential complexes in other zones.

Part 6 of the section 32A report for the chapter states that the new rule for the MDRZ/HDRZ was created through PC14 to define that the requirement to be within 10% of the original allotment size “only applies to vacant allotments, unless the minimum lot size is met” however that intention does not seem to have been achieved with the notified wording. The notified wording limits the opportunity to “the repair and rebuild of multi-unit residential complexes” and in zones other than MDRZ or HDRZ. The only amendments to the existing rule proposed in the section 32 report are “to specify that where the 10% variation is not met, then the minimum lot sizes in Rule 8.6.1 apply”.

The recommended drafting is consistent with this intended outcome but clarifies the flexibility for non-vacant lots consistent with the standards in Clause 8 of Schedule 3A of the Act. Providing additional flexibility to other zones where the conversion of tenure does not involve repair and rebuild of multi-unit residential complexes other than MDRZ and HDRZ is beyond the scope of an IPI under the Act, as this change would affect land outside of the urban environment not subject to the NPS-UD.

Benefits
Environmental: Potentially increased development capacity provided by enabling greater flexibility and efficiency in the use of sites by enabling changes of tenure as a controlled activity, however this is not assessed to be significant. Increases in capacity are limited by limiting the size of the resulting lots to 10% of the original size or requiring compliance with the minimum allotment sizes for vacant sites in Rule 8.6.1.
Economic: Lower consenting costs and an increased flexibility for development is enabled. Potential for reduced local housing purchase prices by enabling more efficient use of sites could also result. The same level of development opportunities as was intended with the notified provisions is considered to be the most likely outcome as the type of tenure is unlikely to change the configuration of developments significantly.
Social: Potential to increase the ability for residents to provide for housing needs resulting in improvements in well-being with potentially greater housing competition, reducing costs and improving permanent housing tenure. The recommended change could add to opportunities for

people to live in high amenity areas.

Cultural: Could be some assistance in terms of flexibility for culturally based housing options by reducing contestable resource consent processes which provide a barrier for urban Māori housing.

Costs

Environmental: Somewhat lessened ability to consider amenity and other impacts of changes of tenure by widening the scope for controlled activities.

Economic: Minor decrease in consenting costs associated with changes of tenure anticipated.

Social: More flexibility to create fee simple titles could increase the permanence of occupation of residential areas.

Cultural: No significant cultural costs identified.

Consistency with the policies and appropriateness in achieving the objectives

Efficiency: The recommended changes will make the plan more efficient by clarifying the provisions and reducing the need for restricted discretionary activity consents. The changes will better achieve Objective 3.3.2 Clarity of language and efficiency by reducing transaction costs with resource consent processes and using clear, concise language.

Effectiveness: The recommended change will assist with the effectiveness of the provisions in improving their clarity. The increased flexibility will assist in delivering residential development which is consistent with creating well-functioning urban environments.

Risk of acting/not acting. The risk that the ability to change tenure will lead to a fragmentation of the land resource is limited by the standards (the 10% change limit unless minimum allotment sizes for vacant allotments are met and the requirement that such subdivisions do not increase any non-compliance with built form standards). These parcels are already subdivided and the controlled activity framework is appropriate to manage any effects of changing the tenure to address issues such as servicing and access.

Conclusions

For most zones, I have not recommended any changes to the provisions that increase the constraints and opportunities for development, compared with the notified provisions. Rather the recommended changes for the MDRZ and HDRZ zone are to clarify the intent and integrate with MDRS and the associated constraints on subdivisions.

Having undertaken a comparison of the costs and benefits as well as the efficiency and effectiveness of the recommended changes with the provisions as notified, including assessing the risks of acting and not acting, I have concluded that the recommended changes are the most appropriate way to achieve the objectives of the plan change, the relevant Plan objectives and directions of the higher order documents.

Assessment of minor changes

Minor amendments since the s32 evaluation are assessed in **Table 1** below. In evaluating the effects of the changes in accordance with 32AA, I have considered the following questions. Do the changes recommended:

- make a significant difference to the conclusions of the s32 evaluation?
- have significant effects on their own or in combination with the other amendments?
- address the identified problems?

Further evaluation under s32AA shows the recommended changes do not affect the conclusions of the s32 evaluation. The proposed objectives are the most appropriate way to achieve the purpose of the RMA and the proposed provisions are the most appropriate way to achieve the objectives of the District Plan.

Table 1 – Evaluation of recommended changes

Changes to PC 14 proposed amendments	Effects and evaluation of changes
<p>North Halswell Town Centre and Outline Development Plan</p> <p>The notified HDRZ boundary is recommended to be extended in accordance with the approach to implementing Policy 3 of the NPS-UD and zoning land to HDRZ within easy walking distance of identified town centres such as Halswell. This configuration is to take into account the recent Environment Court decision and other consents affecting the location and extent of the town centre, roads and other confirmed infrastructure details. The proposed Greenfield Development QM which seeks to better direct a strategic and integrated development form over those areas with notified zoning of FUZ beyond this extent is agreed as being necessary and appropriate in terms of the criteria for a QM.</p>	<p>These changes are intended as simply “tidying up” the notified provisions, making it clear what provisions apply through the ODP in the FUZ and what is applied as a QM within the town centre and residential zones around it, adjusting the zone boundaries and ODP features to better match the reality on the ground.</p>
<p>North Halswell related text changes – additional matters Subdivision and Matters of Control and Discretion</p>	<p>Further to the above, the intended effect of these changes is to clarify what land is affected by controls not contained within the ODP and to remove provisions from the Meadowlands Exemplar framework from the plan.</p>
<p>Removal of Moncks Spur Development Area provisions from the plan</p>	<p>This change was signalled in Issue 5 of the Residential section 32 evaluation report on the basis that the Moncks Spur development area does not meet applicable criteria for a QM, however, the</p>

	<p>notified provisions contained several references to this which have been subsequently removed.</p>
<p>Reinsert no minimum allotment size when subdividing around existing building recommended for the FUZ.</p>	<p>No minimum allotment size when subdividing around existing building recommended for the FUZ.</p> <p>The changes to standards for allotments with existing or proposed buildings in the RNNZ in the operative plan (which had no minimum allotment size), compared with the lack of an equivalent provision in the FUZ in the notified provisions in PC14 are considered out of scope. Reinstating the operative plan framework is considered to be a neutral change in terms of its effects other than to make the plan clearer.</p>
<p>Rule 8.5.1.2(C9)(b) be amended as follows: The subdivision shall not result in, or increase the degree of, non-compliance with the density built form standards of the applicable zone in rules 14.5.2 and 14.6.2. Note: Land use consent is also required where an applicable density standard is breached.</p>	<p>The change will improve the clarity of the provisions but should not have other effect.</p>
<p>Remove the Future Urban Zone at Summerset on Cavendish village (147 Cavendish Road, Casebrook, Christchurch), and legally described as Lot 1 DP 519380 (record of title 815809) and rezone to MDRZ.</p>	<p>As set out and evaluated in the Part 6 section 32 evaluation report, parts of what was formerly the RNNZ are considered to be residential areas which should be subject to the MDRS and rezoned to MDRZ or HDRZ.</p> <p>Integrated development issues are substantially resolved through resource consent such that FUZ is not required and MDRZ will better achieve the objectives and policies of the NPS-UD consistent with the intent of PC14. The effects of this change are the same as what has been documented in relation to PC14 as a whole.</p>

Overall conclusion

Having considered all of the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that the Plan Change 14 provisions in Chapter 8 (Subdivision Earthworks and Development) and Chapter 14 (FUZ provisions), with the amendments I am recommending, will:

- result in amended rule(s) that better implement the operative and proposed policies;
- result in an amended framework of zones overlays and ODP provisions that better implement the operative and proposed policies;
- give effect to relevant higher order documents, in particular the NPS-UD Policies 1 and 3;
- implement the direction in section 77G of the Act to incorporate the MDRS;
- remove a number of inconsistencies, errors and unclear cross references; and
- more appropriately achieve the District Plan objectives and better meet the purpose of the Act than the current Plan provisions.

For the reasons set out in this Section 32AA evaluation and matters relating to Section 32AA included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- achieve the purpose of the Act where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- achieve the relevant objectives of PC14, in respect to the proposed provisions.

I recommend therefore that:

- Plan Change 14 be approved with modifications as set out in the attached **Appendix 3**; and
- Submissions on the Plan Change be accepted or rejected as set out in **Appendix 2** to this report.