

Western Bay of Plenty District Council

Change to the District Plan – First Review

Plan Change 32 Transferable Amalgamation Lots – Financial Contributions

Section 32 Report

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1.0 Introduction

- 1.1.** The purpose of this Plan Change is to address an existing omission in the District Plan rules relating to the use of Transferable Amalgamation Lots from the Rural Zone to create new lots in the Lifestyle Zone. Under the current Lifestyle Zone rules, there is no “top-up” provision allowing for previous financial contributions to be taken into account. The “top-up” is the difference between the financial contribution paid in conjunction with the original subdivision which created the lot to be amalgamated and the current level of the contribution for an additional lot which is payable under the present District Plan rules.
- 1.2.** Such a top-up provision is already provided for in respect of subdivision around existing dwellings in the Rural Zone [refer Rule 18.4.2 (f)(iii)] and the scope of this proposed Plan Change is limited to replicating that provision in the relevant rules applying to subdivision in the Lifestyle Zone.

2.0 Resource Management Act 1991 (RMA)

2.1. Section 32

- 2.1.1** Before a proposed plan change can be publically notified the Council is required under section 32 (“s.32”) of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council’s assessment of the proposed plan change s.32 requires the following:

- (3) *An evaluation must examine-*
- (a) *the benefits 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.*
- (4) *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.*

The benefits and costs include benefits and costs of any kind, whether monetary or not.

In short, this report must evaluate the extent to which the proposed plan change is the most appropriate way to achieve the purpose of the RMA.

- 2.1.2** Because of the limited, non-controversial scope of this particular Plan Change, a comprehensive RMA Section 32 analysis is not considered necessary. The only realistic options to consider are either the status quo (ie not remedying the existing omission and thereby not providing the desired “top-up” provision) or remedying the omission by changing the District Plan so as to provide the desired provision.

2.2. Section 74

In accordance with Section 74(2A), Council must take into account any relevant planning document recognised by an Iwi authority lodged with Council. This particular plan change is not considered to raise any issues of relevance to the Iwi Management Plans that have been lodged with Council.

3.0 Consultation

Public notices about a raft of possible plan changes (including Plan Change 32) were put in local newspapers and an information page was also put on the Council website. In addition, notice of these changes was put in the Council's regular "Surveyors' Newsletter". No responses were received from the foregoing.

4.0 Options

4.1. Option 1 – Status Quo – No change to District Plan

Advantages	<ul style="list-style-type: none">▪ None.
Disadvantages	<ul style="list-style-type: none">▪ The existing inconsistency created by the omission of a "top-up" provision in the financial contributions rule applying to the transfer of Amalgamation Lots to the Lifestyle Zone will continue.
Efficiency/Effectiveness	<ul style="list-style-type: none">▪ Allowing the omission to continue would be neither efficient nor effective.

4.2. Option 2 – Amend District Plan to provide for a "top-up" provision in the rules applying in the Lifestyle Zone

Advantages	<ul style="list-style-type: none">▪ Simple and straightforward;▪ Remedies an existing omission;▪ Achieves consistency with equivalent District Plan subdivision rules.
Disadvantages	<ul style="list-style-type: none">▪ None.
Efficiency/Effectiveness	<ul style="list-style-type: none">▪ Remedying the omission and achieving consistency in District Plan rules is both efficient and effective.

4.3 Preferred Option

It is recommended that Option 2 be adopted through amendments to the District Plan provisions, as shown below.

5.1 Amend Rule 17.5.1 (g) to read:

- (g) The application of financial contributions, **provided that any contributions shall be limited to the difference between the current level of such contributions and any contributions previously paid.**

5.2 Add the following new Rule 17.5.2 (f):

(g) The application of financial contributions, **provided that any contributions shall be limited to the difference between the current level of such contributions and any contributions previously paid.**