

# APPENDIX C: SECTION 32AA EVALUATION

## 1 Introduction

This section 32AA evaluation relates to the recommended amendments to the NOSZ, OSZ and SARZ and supports the discussion, analysis and recommendations in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

The section 32AA evaluation is structured to group and assess amendments where the rationale for the amendments are the same.

The section 32AA evaluation has been structured as follows:

1. Amendments to Policy OSZ-P1
2. Amendments to Policy OSZ-P5
3. New conservation rules
4. New demolition rules
5. Amendments to CMA setback standards

## 2 Objective of the proposal

Section 32(6) of the RMA defines the objectives as either the stated objective(s) or the purpose of the proposal. As no objectives are recommended to be amended, the purpose of the proposal is twofold:

1. Recognise the values in the zone; and
2. Make the provisions more enabling for activities appropriate for the zone.

These objectives of the proposal are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	The objectives will support the sustainable management of natural resources in alignment with Section 5(a). The objectives recognise the values of the three different zones and provide for a variety of recreational facilities appropriate to the purpose of each zone, while ensuring any adverse effects of activities in these zones on natural, ecological, historical heritage and cultural values are avoided, remedied or mitigated in accordance with section 5(2)(c).

Evaluation of objectives	
Part 2 RMA	Comment
	<p>The objectives will enable people and communities to provide for their cultural and social well-being by enabling a wide range of recreational and sport and active recreational opportunities in the Kaipara District. This will help to achieve section 5(2) of the RMA.</p> <p>The objectives ensure natural, ecological, historic heritage and cultural values of the zones are managed and protected for future generations.</p>
Section 6 Matters of national importance	Ensuring recreation activities manage effects on the natural, ecological, cultural and heritage values in the zone will help support the preservation of environments within the zone that are listed as section 6 matters.
Section 7 Other matters	The objectives will support the maintenance and enhancement of the quality of the environment in the OSZ in accordance with Section 7(f).
Section 8 Treaty of Waitangi	The objectives seek to manage effects on cultural values in the zones and do not raise any issues with the principles of the Treaty of Waitangi.

### 3 Amendments to Policy OSZ-P1

Amendments are recommended to Policy OSZ-P1: Range of recreation activities as follows:

OSZ-P1	Range of recreation activities
	<p>Enable a range of passive and active recreation activities in the Open space zone that:</p> <ol style="list-style-type: none"> <li>1. Are compatible with the values of the zone; the reserve classification and purpose, and any relevant conservation strategy or reserve management plan;</li> <li>2. Provide for the social and cultural well-being of the community</li> <li>3. <u>Manage effects on the natural, ecological, cultural and heritage values in the zone; and</u></li> <li>4. Manage effects on the character and amenity of any adjacent General residential zone and the surrounding area.</li> </ol>

#### 3.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified as follows:

**Option 1** – Status quo: No amendments to OSZ-P1

**Option 2** – Proposed amendments to the OSZ-P1

Preferred Option

As discussed in the s42A report, OSZ-P1 does not align with Objective OSZ-O1 which seeks to maintain natural, ecological, heritage, cultural and character values of the zone. As notified OSZ-P1 refers to managing effects on character and amenity, but does not refer to natural, ecological, cultural and heritage values, despite these being identified in the objectives and overview of the chapter. While many activities within the zone are anticipated to be compatible with its purpose, the scale, location and intensity of development can still result in adverse effects on the values of the zone and the effects of recreation activities on these values needs to be managed. For these reasons option 1 is not the preferred option.

Option 2 amends OSZ-P1 to ensure that a range of passive and active recreation activities are enabled in the OSZ that manage effects on the natural, ecological, cultural and heritage values in the zone. The proposed amendments direct that effects on these values from recreation activities are managed, to ensure that any adverse effects are appropriately addressed through the resource consent process where required. The proposed amendments will better align OSZ-P1 with other provisions in the PDP that manage effects based on the identified values of a zone and will assist in ensuring a consistent and integrated approach across the Plan. For these reasons, Option 2 will best achieve the objectives of the OSZ.

### 3.2 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	No identified environmental costs.	Effects on the natural and ecological values of the zone will be appropriately managed.
<b>Economic</b>	No identified economic costs.	No identified economic benefits.
<b>Social</b>	No identified social costs.	Effects on the heritage values of the OSZ will be appropriately managed.
<b>Cultural</b>	No identified cultural costs.	Effects on the cultural values of the OSZ will be appropriately managed.
<b>Economic growth provided or reduced</b>	No potential impact on economic growth identified.	
<b>Employment opportunities</b>	No potential impact on employment opportunities identified.	
<b>Uncertain or insufficient info</b>	The information supporting these new rules is sufficient. As outlined in the s42a report, Objective OSZ-O1 of the OSZ seeks to maintain natural, ecological,	

	heritage, cultural and character values of the zone and the amendments ensure the policy aligns with this objective.
<b>Risk of acting or not acting</b>	Low risk of acting as the recommended changes better align the policy with proposed Objective OSZ-O1 zone.
<b>Effectiveness</b>	
The amendments will ensure that a range of passive and active recreation activities are enabled in the OSZ whilst managing any effects from these activities on the natural, ecological, cultural and heritage values of the zone. The amendments better align the policy with Objective OSZ-O1 and will ensure adverse effects are appropriately addressed through the resource consent process where required.	
<b>Efficiency</b>	
The proposed amendments will be efficient as they align with the objectives of the zone and clarify that effects from passive and active recreation activities on the zone's values must be managed.	
<b>Summary</b>	
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the purpose of the OSZ. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.	

## 4 Amendments to Policy OSZ-P5

Amendments are recommended to OSZ-P5 to better align the objective with Objective OSZ-O1 as follows:

<b>OSZ-P5</b>	<b>Incompatible activities</b>
Minimise land uses and activities that would compromise <u>the natural, ecological, cultural and heritage values of the zone, and</u> public use, <del>and</del> enjoyment and access to the Open space zone.	

As outlined in the s42a report, OSZ-P5 does not align with OSZ-O1 of the OSZ which seeks to maintain natural, ecological, heritage, cultural and character values of the zone.

### 4.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified as follows:

**Option 1** – Status quo: OSZ-P5 as notified in the PDP.

**Option 2** – Proposed amendments to OSZ-P5 to minimise land uses and activities that would compromise the natural, ecological, cultural and heritage values of the zone and public use, enjoyment and access to the OSZ.

#### Preferred Option

As discussed in the s42A report, the policy framework for the zone comprises of Objective OSZ-O1 which seeks to maintain any amenity, natural, ecological, heritage, cultural and character values of the zone. Objective OSZ-O2 supports public access to recreation activities and facilities in the zone. Policies OSZ-P1, OSZ-P2 and OSZ-P5 support activities that are either compatible with or complement the values of the zone. As notified OSZ-P5 does not seek to minimise incompatible land uses and activities that would compromise the values of the zone identified in OSZ-O1. As notified OSZ-P5 only seeks to minimise incompatible activities that would compromise public use, enjoyment and access to the OSZ and OSZ-P5. For these reasons option 1 is not the preferred option.

Option 2 amends OSZ-P5 to minimise land uses and activities that would compromise the natural, ecological, cultural and heritage values of the zone and public use, enjoyment and access to the OSZ in alignment with Objective OSZ-O1. These amendments ensure activities that would compromise these values are minimised. The OSZ rule framework aligns with these amendments as it enables activities that are compatible with the OSZ as permitted activities. Incompatible activities require resource consent for a discretionary activity in accordance with OSZ-R8. For these reasons, it is considered that Option 2 will best achieve the objectives of the OSZ.

## 4.2 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	No identified environmental costs.	Activities that compromise natural and ecological values in the zone will be minimised to support the maintenance of these values.
<b>Economic</b>	No identified economic costs	No identified economic benefits.
<b>Social</b>	No identified social costs.	No identified social benefits.
<b>Cultural</b>	No identified cultural costs.	Activities that compromise the cultural and heritage values of the zone will be minimised.
<b>Economic growth provided or reduced</b>	No potential impact on economic growth identified.	
<b>Employment opportunities</b>	No potential impact on employment opportunities identified.	
<b>Uncertain or insufficient info</b>	The information supporting these amendments is sufficient. Objective OSZ-O1 is clear that the natural, ecological, historical heritage, and cultural values of the zone are to be managed and protected for future generations.	

<b>Risk of acting or not acting</b>	Low risk of acting as the recommended changes align with the zones objectives and policies.
<b>Effectiveness</b>	
The amendments will ensure the policy framework aligns with the objectives of the zone and is clearer to plan users that incompatible activities that would compromise the compromise the natural, ecological, cultural and heritage values of the zone and public use, enjoyment and access to the OSZ are to be minimised.	
<b>Efficiency</b>	
The proposed amendments will be efficient as they align with the objective of the zone and clarify when incompatible activities should be minimised in the zone.	
<b>Summary</b>	
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the purpose of the OSZ. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.	

## 5 New conservation rules

I recommend a new permitted activity rule for conservation activities in the OSZ and SARZ. Conservation activities are already provided for as permitted activities in the NOSZ. To ensure consistency across the open space and recreation chapters, I recommend the following permitted activity rules for conservation activities in the OSZ and SARZ as follows:

<b><u>OSZ-R8</u></b>	<b><u>Conservation activity</u></b>	
	<b><u>1. Activity status: Permitted</u></b>	<b><u>2. Activity status when compliance not achieved: Not Applicable</u></b>

<b><u>SARZ-R7</u></b>	<b><u>Conservation activity</u></b>	
	<b><u>1. Activity status: Permitted</u></b>	<b><u>2. Activity status when compliance not achieved: Not Applicable</u></b>

### 5.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified as follows:

**Option 1** – Status Quo: Requiring a discretionary activity resource consent for conservation activities in the OSZ and SARZ.

**Option 2** – New permitted activity rules for conservation activities in the OSZ and SARZ.

### Preferred Option

As outlined in the s42a report, the policy framework supports conservation activities that would result in a low level of development and are compatible with the established values of the OSZ and SARZ. Several chapters of the PDP have a permitted activity rule for conservation activities. These chapters include the General Rural Zone, Rural Lifestyle Zone, Natural Open Space Zone and Māori Purpose Zone. In my view, enabling conservation activities as a permitted activity in the zone would promote consistency across the PDP. Requiring a discretionary resource consent for conservation activities in the OSZ and SARZ would inappropriately limit and restrict these activities in the zone and result in increased consenting costs on DOC and council when undertaking required conservation activities anticipated in the zone. For these reasons, Option 1 is not the preferred option.

Option 2 enables a new permitted activity rule for conservation activities in the OSZ and SARZ. This option supports an activity status for conservation activities in the OSZ and SARZ that aligns with the policy framework. This option provides increased certainty for applicants undertaking conservation activities and promotes consistency with the NOSZ and other chapters across the PDP which provide for conservation activities as a permitted activity. For these reasons, Option 2 is the preferred option.

## 5.2 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	No identified environmental costs.	No identified environmental benefits
<b>Economic</b>	No identified economic costs.	Potential cost savings for resource consent applicants.
<b>Social</b>	No identified social costs.	No identified social benefits.
<b>Cultural</b>	No identified cultural costs.	No identified cultural benefits.
<b>Economic growth provided or reduced</b>	No potential impact on economic growth identified.	
<b>Employment opportunities</b>	No potential impact on employment opportunities identified.	
<b>Uncertain or insufficient info</b>	The information supporting these new rules is sufficient. Conservation activities are anticipated activities in the OSZ and SARZ.	

<b>Risk of acting or not acting</b>	Low risk of acting as the recommended changes better align with other chapters in the PDP which have adopted this approach.
<b>Effectiveness</b>	
This option provides increased certainty for applicants undertaking conservation activities and promotes consistency with the NOSZ which provides for conservation activities as a permitted activity.	
<b>Efficiency</b>	
This option is efficient as it makes it clear that resource consent is not required for conservation activities in the OSZ and SARZ.	
<b>Summary</b>	
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the purpose of the NOSZ and OSZ. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.	

## 6 New demolition rules

I recommend a new permitted activity rule for the demolition of a building or structure in the NOSZ, OSZ and SARZ. I recommend the following permitted activity rules for the demolition of a building or structure as follows:

<b><u>NOSZ-R5</u></b>	<b><u>Demolition of a building or structure</u></b>	
	<b><u>1. Activity status: Permitted</u></b>	<b><u>2. Activity status when compliance not achieved: Not Applicable</u></b>

<b><u>OSZ-R9</u></b>	<b><u>Demolition of a building or structure</u></b>	
	<b><u>1. Activity status: Permitted</u></b>	<b><u>2. Activity status when compliance not achieved: Not Applicable</u></b>

<b><u>SARZ-R8</u></b>	<b><u>Demolition of a building or structure</u></b>	
	<b><u>1. Activity status: Permitted</u></b>	<b><u>2. Activity status when compliance not achieved: Not Applicable</u></b>

As outlined in the s42a report, the demolition of buildings and structures is an activity anticipated in these zones.

## 6.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified as follows:

**Option 1** – Status Quo: No rules for the demolition of buildings and structures in the NOSZ, OSZ and SARZ.

**Option 2** – New permitted activity rules for the demolition of buildings and structures in the NOSZ, OSZ and SARZ.

### Preferred Option

Option 1 retains the chapters as notified with no rules for the demolition of buildings and structures. Where demolition would not contravene another rule in the PDP, the activity would be a permitted activity in accordance with S9(2) of the RMA. As discussed in the 42A report, several chapters in the PDP have a permitted activity rule for the demolition of buildings. Not including clear permitted activity rules for the demolition of buildings and structures would be inconsistent with the rest of the PDP chapters and may make establishing the activity status of this activity difficult for plan users. An activity not otherwise listed is classed as a discretionary activity.

Option 2 involves the adoption of a new permitted activity rule for the demolition of buildings and Structures in the NOSZ, OSZ and SARZ. This improves consistency across the PDP chapters and is clearer for plan users.

Overall, it is considered that Option 2 will best achieve the objectives of the NOSZ, OSZ and SARZ.

## 6.2 Evaluation of Preferred Option Against Objective


This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	No identified environmental costs.	No identified environmental benefits
<b>Economic</b>	No identified economic costs.	Potential cost savings for resource consent applicants – clarifying that consent is not required to demolish a building or structure in the zones.
<b>Social</b>	No identified social costs.	No identified social benefits
<b>Cultural</b>	No identified cultural costs.	No identified cultural benefits
<b>Economic growth provided or reduced</b>	No potential impact on economic growth identified.	


<b>Employment opportunities</b>	No potential impact on employment opportunities identified.
<b>Uncertain or insufficient info</b>	The information supporting these new rules is sufficient. As outlined in the s42a report, the demolition of buildings and structures is an activity provided for as a permitted activity across PDP chapters.
<b>Risk of acting or not acting</b>	Low risk of acting as the recommended changes better align with other chapters in the PDP which have adopted this approach.
<b>Effectiveness</b>	
The new rules will align these chapters with other chapters of the PDP and remove any confusion for plan users to determine resource consent is not required in the zones.	
<b>Efficiency</b>	
The new rules will remove any confusion for plan users to determine resource consent is not required for the demolition of buildings and structures in the zones. This makes reading and understanding the zone rules more efficient for plan users.	
<b>Summary</b>	
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the purpose of the NOSZ, OSZ and SARZ. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.	


## 7 Amendments to CMA setback standards

I recommend amendments to the standards for setbacks from a CMA in the NOSZ, OSZ and SARZ to remove the exemption for network utility infrastructure from the 25m setback from the edge of the CMA. To achieve this, I recommend the following amendments to these standards across all zones.

<b>NOSZ-S3</b>	<b>Setbacks from a coastal marine area NOTE:</b>  <b>This standard has immediate legal effect</b>
----------------	--

<p>1. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area.</p> <p>2. The setbacks in NOSZ-S3.1 do not apply to:</p> <ul style="list-style-type: none"> <li>a. Buildings and structures that are permitted under the Natural Character chapter;</li> <li>b. Where there is a legally formed and maintained road;</li> <li>c. Fences;</li> <li>d. <del>Infrastructure provided by a network utility operator; and</del></li> <li>e. Structures associated with vehicle or pedestrian access.</li> </ul>	<p><b>3. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>4. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody;</li> <li>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins;</li> <li>c. screening, planting and landscaping on the site; and</li> <li>d. Natural hazard risks.</li> </ul>
--	--

<p><b>OSZ-S4</b></p>	<p><b>Setbacks from a coastal marine area NOTE:</b></p> <p> <b>This standard has immediate legal effect</b></p>	
<p>1. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area.</p> <p>2. The setbacks in OSZ-S4.1 do not apply to:</p> <ul style="list-style-type: none"> <li>a. Buildings and structures that are permitted under the Natural Character chapter;</li> <li>b. Where there is a legally formed and maintained road;</li> <li>c. Fences; <u>and</u></li> <li>d. <del>Infrastructure provided by a network utility operator; and</del></li> <li>e. Structures associated with vehicle or pedestrian access.</li> </ul>	<p><b>3. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>4. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody;</li> <li>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins;</li> <li>c. screening, planting and landscaping on the site; and</li> <li>d. Natural hazard risks.</li> </ul>	

<p><b>SARZ-S4</b></p>	<p><b>Setbacks from a coastal marine area NOTE:</b></p> <p> <b>This standard has immediate legal effect</b></p>	
-----------------------	--	--

<p>3. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area.</p> <p>4. The setbacks in SARZ-S4.1 do not apply to:</p> <ul style="list-style-type: none"> <li>a. Buildings and structures that are permitted under the Natural Character chapter;</li> <li>b. Where there is a legally formed and maintained road;</li> <li>c. Fences; <u>and</u></li> <li><del>d. Infrastructure provided by a network utility operator; and</del></li> <li>e. Structures associated with vehicle or pedestrian access.</li> </ul>	<p><b>5. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>6. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody;</li> <li>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins;</li> <li>c. screening, planting and landscaping on the site; and</li> <li>d. Natural hazard risks.</li> </ul>
---	--

As outlined in the s42a report, the demolition of buildings and structures is an activity anticipated in these zones.

## 7.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified:

**Option 1** – Status Quo: Retain the standards as notified

**Option 2** – Delete clause 2.d from the Setbacks from a CMA Standards in the NOSZ, OSZ and SARZ to remove the exemption for infrastructure provided by a network utility operator from the 25m setback from the edge of the CMA.

### Preferred Option

As discussed in the s42A report, the Standards for setbacks from the CMA in the NOSZ, OSZ and SARZ include an exception for infrastructure provided by a network utility operator, and this creates inconsistency with the Infrastructure Chapter of the PDP. This chapter states the underlying zone rules in Part 3 of the District Plan – Area Specific Matters do not apply to infrastructure. Infrastructure is defined in the PDP as having the same meaning as Section 2 of the RMA and this includes network utility operators. As currently notified these standards may result in confusion for plan users. As such, Option 1 is not the preferred option.

Option 2 deletes clause 2.d from these standards as the exemption for infrastructure is clearly identified in the infrastructure chapter though Note 2 which states the underlying zone rules in Part 3 of the District Plan – Area Specific Matters do not apply to infrastructure. Deleting this clause in all applicable standards will remove any potential confusion for plan users and ensure these standards are consistent with the Infrastructure Chapter of the PDP.

Overall, it is considered that option 2 will best achieve the objectives of the respective zones and enable consistency across the PDP.

## 7.2 Evaluation of Preferred Option Against Objectives

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	No identified environmental costs.	No identified environmental benefits
<b>Economic</b>	No identified economic costs.	No identified economic benefits.
<b>Social</b>	No identified social costs.	No identified social benefits.
<b>Cultural</b>	No identified cultural costs.	No identified cultural benefits.
<b>Economic growth provided or reduced</b>	No potential impact on economic growth identified.	
<b>Employment opportunities</b>	No potential impact on employment opportunities identified.	
<b>Uncertain or insufficient info</b>	Information is sufficient. As discussed in the S42A report a consistent approach has been agreed upon across other chapters of the PDP to recommend the deletion of this exemption from the CMA setback standard for infrastructure across all applicable zones.	
<b>Risk of acting or not acting</b>	Low risk of acting as the recommended changes are primarily to clarify the original chapter intent and enable clearer drafting.	
<b>Effectiveness</b>		
The proposed amendments are effective as they align with the infrastructure chapter of the PDP and will remove any confusion for plan users.		
<b>Efficiency</b>		
The proposed amendments will be more efficient as it removes any confusion around the application of the Infrastructure Chapter. This makes reading and understanding the CMA setback standards in the NOSZ, OSZ and SARZ more efficient for plan users.		
<b>Summary</b>		
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the purpose of the NOSZ, OSZ and SARZ. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.		