

## APPENDIX D: SECTION 32AA EVALUATION

### Introduction

This section 32AA evaluation relates to the recommended amendments to the Natural Character chapter (**NATC Chapter**) and supports the discussion, analysis and recommendation in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification of the PDP; 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.

Numerous changes to provisions are recommended for which a s32AA evaluation is not necessary because they are within the scope of assessed costs, benefits, effectiveness and efficiency of the notified plan approach in the s32 evaluation, and do not result in a material change<sup>1</sup>.

In addition, any amendments to aspects that are not provisions (such as the Overview) have not been evaluated, as a section 32AA evaluation applies only to objectives, policies, and rules (including standards).

The report is organised to firstly consider the scale and significance of the proposal, before addressing in turn the following relevant tests:

- a. the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA;<sup>2</sup>
- b. whether the relevant policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness<sup>3</sup> and taking into account:<sup>4</sup>
  - i. the benefits and costs of the proposed policies and methods; and
  - ii. the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

Section 32AA(1)(a) specifies that a further evaluation is required “only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed

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<sup>1</sup> For example: removing duplication, structural changes, removing clear conflicts with objective(s), and fixing errors.

<sup>2</sup> RMA, section 32(1)(a).

<sup>3</sup> Ibid, section 32(1)(b).

<sup>4</sup> Section 32(2).

(the changes)". Section 32AA(3) defines "proposal" as meaning a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

For the purposes of assessing the provisions, the recommended amendments have been packaged as follows:

- a. Package 1 - Refinement of enabling policy framework (NATC-P2 and NATC-P5)
- b. Package 2 - Building and structure rules (NATC-R1, NATC-R2 and NATC-S1)
- c. Package 3 - Earthworks and indigenous vegetation clearance rules (NATC-R3 and NATC-R4)

#### Scale and Significance of the Effects

Further evaluation reports of this nature are required by the RMA to be undertaken at a level of detail that corresponds to the scale and significance of the change proposed<sup>5</sup>. The changes in this case are summarised as follows:

- Amendments to NATC-P2 clarify and expand the activities enabled within wetland, lake and river margins. Changes include adding operation alongside repair and maintenance of lawfully established activities, replacing general references to biosecurity with pest plant and animal management, and explicitly enabling restoration planting, erosion and sediment control, infrastructure upgrading or removal, buildings or structures with a functional or operational need, and access associated with enabled activities.
- Changes to NATC-P5 refine the assessment framework by limiting the functional or operational need test to buildings and structures, improving alignment with the rules.
- Amendments to NATC-R1 and NATC-R2 tighten permitted thresholds for buildings and structures, including reducing larger permitted building allowances (with former allowances of up to 300 m<sup>2</sup> replaced by 50 m<sup>2</sup> and 100 m<sup>2</sup> thresholds), clarifying infrastructure-related structures that may be permitted, and retaining a 10 m height standard for infrastructure within roads through NATC-S1.
- Former earthworks and vegetation clearance standards are restructured into NATC-R3 and NATC-R4. NATC-R3 permits earthworks up to 50 m<sup>3</sup> generally, and up to 100 m<sup>3</sup> for specified activities such as infrastructure works, restoration, pest management and hazard mitigation. NATC-R4 reduces general permitted indigenous vegetation clearance from 50 m<sup>2</sup> to 25 m<sup>2</sup>, while retaining a 50 m<sup>2</sup> allowance for infrastructure activities and tracks.
- Overall, the amendments adopt more conservative default thresholds, improve internal alignment between policies and rules, and provide clearer enabling pathways for small-scale infrastructure, restoration, pest management and hazard mitigation activities, while strengthening protection of natural character values.

The scale and significance of the proposed changes are considered **moderate** for the following for the following reasons:

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<sup>5</sup> Section 32AA(1)(c).

- Changes do not alter the objective (NATC-01) or the fundamental policy direction to preserve and protect natural character.
- Amendments refine and clarify policies and rules (e.g. NATC-P2, NATC-P5) rather than introducing new management outcomes.
- There are material changes to permitted activity thresholds (e.g. reduced vegetation clearance and building size limits; re-calibrated earthworks volumes in NATC-R3 and NATC-R4), which affect regulatory scope and activity status.
- Infrastructure, restoration, pest management and hazard mitigation activities are more clearly enabled, improving workability while retaining conservative defaults.

## Assessment of the objectives of the proposal

The objective of the proposal is to refine and improve the Natural Character chapter framework so that it more clearly and effectively preserves and protects natural character while enabling appropriate activities, by providing clearer policy direction, more consistent and proportionate rules, and improved alignment between provisions.

Having considered a range of options, including retaining the notified provisions, I consider that this objective is the most appropriate way to achieve the purpose of the RMA for the reasons set out below.

<b>Evaluation of objective of the proposal</b>	
<b>Part 2 RMA</b>	<b>Comment</b>
Section 5 Purpose	The objective promotes the sustainable management of natural and physical resources by ensuring the preservation and protection of natural character while enabling the use and development of land in a way that avoids significant adverse effects. The refined framework better balances environmental protection with appropriate use, and improves certainty and efficiency in plan implementation, thereby promoting social, economic, environmental and cultural wellbeing.
Section 6 Matters of national importance	The objective directly responds to section 6(a) by strengthening the preservation of the natural character of the coastal environment, wetlands, lakes and rivers, and their margins, and protecting them from inappropriate subdivision, use and development. The amendments reinforce this by tightening permitted activity thresholds and clarifying policy direction, while still enabling activities that are consistent with maintaining natural character values.
Section 7 Other matters	The objective has regard to section 7 matters, particularly: the efficient use and development of natural and physical resources (s7(b)), by reducing unnecessary consenting for low-impact activities; the maintenance and enhancement of amenity values (s7(c)), through better control of buildings, earthworks and vegetation clearance; and the intrinsic values of ecosystems (s7(d)), through strengthened protection of vegetation and freshwater margins.

Evaluation of objective of the proposal	
Part 2 RMA	Comment
Section 8 Treaty of Waitangi	The objective is consistent with the principles of the Treaty of Waitangi by supporting the protection of natural character, which is closely linked to cultural values, mahinga kai, and the relationship of Māori with ancestral lands and water. The clearer enabling of restoration, pest management and environmental enhancement activities also supports kaitiakitanga.

## Identification of Options to Achieve the Objective

### Package 1 - Refinement of enabling policy framework

This package comprises amendments to policies **NATC-P2** and **NATC-P5** to refine and clarify the policy framework for activities within wetland, lake and river margins.

Key amendments:

- NATC-P2:
  - Adds *operation* alongside repair and maintenance of lawfully established activities.
  - Replaces vague “biosecurity reasons” with “removal or management of pest plant and animal species”.
  - Adds explicit support for:
    - restoration planting,
    - access necessary for enabled activities,
    - upgrade, operation, maintenance, repair or removal of existing infrastructure,
    - buildings or structures with an operational or functional need, and
    - erosion and sediment control.
- NATC-P5:
  - Broadening assessment of functional or operational need of regionally significant infrastructure only to all buildings and structures.

The amendments do not change the overarching policy directive to avoid significant adverse effects on natural character.

The following reasonably practicable options have been identified for this package:

- Option 1** – Retain as notified
- Option 2** – Adopt recommended amendments

#### Preferred Option

Option 2 is the preferred option.

The recommended policy amendments provide clearer and more workable guidance on how activities within wetland, lake and river margins are to be managed, without changing the overall intent or direction of the chapter.

The preferred approach improves clarity by explicitly identifying the types of activities that are anticipated to occur in freshwater margins and that can be appropriately managed without undermining natural character values. These activities are often necessary, and in many cases beneficial.

Importantly, the amendments do not relax the fundamental policy expectation that significant adverse effects on natural character are avoided. The core policy direction remains unchanged. Instead, the amendments sharpen the focus of the policy so that it operates as intended alongside the rules framework. On this basis, the recommended approach is considered more effective and practical than retaining the notified provisions.

Overall, it is considered that Option 2 will best achieve the objectives

This section contains an evaluation of the preferred option identified above. The evaluation only considers changes compared to the notified PDP provisions.

<b>Evaluation of Preferred Option</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	Minor risk that clearer enabling language could marginally increase activity within freshwater margins, although any effects remain subject to NATC-P1 and the rules framework.	Improved environmental outcomes where activities such as restoration planting, erosion and sediment control, and pest management are explicitly enabled.
<b>Economic</b>	None identified.	Greater certainty for landowners, those undertaking environmental improvement activities and infrastructure providers, reducing delays, consent costs and inefficiencies. Supports efficient operation and maintenance of infrastructure.
<b>Social</b>	None identified.	Improved amenity and public safety outcomes through clearer provision for infrastructure, access, and hazard mitigation works. Reduced uncertainty for plan users and consent applicants.

<b>Cultural</b>	None identified	Explicit support for restoration and pest management aligns with kaitiakitanga principles and supports protection of mahinga kai and freshwater health.
<b>Economic growth provided or reduced</b>	Supports economic activity by enabling efficient operation of existing infrastructure and rural activities without undermining environmental outcomes.	
<b>Employment opportunities</b>	Minor positive effects through facilitating infrastructure maintenance, land management and restoration activities.	
<b>Uncertain or insufficient info</b>	No substantive change compared to notified wording.	
<b>Risk of acting or not acting</b>	No substantive change compared to notified wording.	
<b>Effectiveness</b>		
The preferred option improves the effectiveness of the policy framework by more clearly describing the activities that are anticipated within freshwater margins. This provides more consistent guidance for decision-making and supports achievement of the objective of preserving and protecting natural character, while still enabling necessary activities to be considered and appropriately managed.		
<b>Efficiency</b>		
The preferred option is more efficient by reducing unnecessary consenting, while retaining appropriate controls to manage effects. The benefits outweigh the minor environmental costs.		
<b>Summary</b>		
Overall, the preferred option best achieves the objectives by aligning with higher-order infrastructure direction and enabling environmentally beneficial activities without weakening protections for natural character.		

## Package 2 – Building and structure rules

This package groups amendments to **NATC-R1, NATC-R2 and NATC-S1**, all dealing with **buildings and structures**.

Key amendments:

- NATC-R1:
  - Removes reference to “maintenance” (not regulated).
  - Changes non-compliance status from Discretionary to Restricted Discretionary and includes matters of discretion
  - Expand permitted activity to include network utility additions and alterations.
- NATC-R2:

- Introduces a default 50m<sup>2</sup> permitted building/structure threshold.
- Reduces large, specified buildings from 300m<sup>2</sup> to 100m<sup>2</sup>.
- Expands and the list of permitted infrastructure-related structures.
- NATC-S1:
  - Adds 10m height allowance for infrastructure within roads.

In summary, the amendments reduce the overall permitted size of buildings and structures, while broadening the range of activities that are exempt from those size limits, including infrastructure activities and small-scale, low-impact buildings and structures within freshwater margins.

The following reasonably practicable options have been identified for this package:

- Option 1** – Retain as notified
- Option 2** – Adopt recommended amendments

Preferred Option

Option 2 is the preferred option.

The recommended amendments to the building and structure rules provide a more balanced approach to enabling reasonable use of land while protecting the natural character of freshwater margins. Under the notified provisions, some permitted buildings may be larger than is appropriate for these sensitive environments. At the same time, the provisions do not clearly provide for small-scale, low-impact structures that are unlikely to result in significant effects.

Introducing a modest default permitted threshold for new buildings and structures improves certainty and efficiency by allowing minor buildings and structures to proceed without the need for consent, while appropriately directing larger or potentially more intrusive buildings and structures into the consent process. Reducing the size of larger purpose-specific permitted buildings and structures better reflects the limited capacity of freshwater margins to absorb built development, particularly when considered alongside the proposed reduction in margin width.

Overall, it is considered that Option 2 will best achieve the objectives.

This section contains an evaluation of the preferred option identified above. The evaluation only considers changes compared to the notified PDP provisions.

<b>Evaluation of Preferred Option</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	None identified	Lower risk of significant adverse effects through reduced maximum building and structure sizes and clearer thresholds aligned with “avoid significant adverse effects” policy settings.

<b>Economic</b>	Some larger developments may incur consent costs and delays where thresholds are exceeded.	Consent costs and delays avoided for the specified small-scale, low-impact development added to the list of permitted buildings and structures.
<b>Social</b>	Potential limitation on larger private structures in freshwater margins.	Improved landscape and amenity outcomes for communities through better-managed scale and placement of development.
<b>Cultural</b>	None identified	Stronger protection of freshwater margins supports cultural associations with waterways and their margins.
<b>Economic growth provided or reduced</b>	Possible localised constraint on larger developments.	
<b>Employment opportunities</b>	No substantive change compared to notified wording.	
<b>Uncertain or insufficient info</b>	No substantive change compared to notified wording.	
<b>Risk of acting or not acting</b>	No substantive change compared to notified wording.	
<b>Effectiveness</b>		
The amendments are effective in implementing the objective by ensuring permitted buildings and structures are of a scale unlikely to generate significant adverse effects, while still enabling necessary and low-impact development.		
<b>Efficiency</b>		
The option is efficient by reducing consenting for minor structures while ensuring that larger, potentially impactful development is subject to assessment. This appropriately allocates regulatory scrutiny where it is most needed.		
<b>Summary</b>		
The preferred option strikes an appropriate balance between protection and enablement and best achieves the objective by refining thresholds to reflect the sensitivity of freshwater margins.		

## Package 3 - Earthworks and indigenous vegetation clearance rules

This package pulls together the recommended amendments to the earthworks and vegetation clearance rules - **NATC-R3** and **NATC-R4**.

Key amendments:

- NATC-R3 (Earthworks) – adds earthworks (up to 100m<sup>3</sup>) for various activities as permitted activities (restoration, pest management, infrastructure activities, hazard mitigation, tracks ≤1.5m).
- NATC-R4 (Indigenous vegetation clearance) – reduces permitted activity limit from 50m<sup>2</sup> to 25m<sup>2</sup>, except for infrastructure activities and tracks.

The following reasonably practicable options have been identified for this package:

**Option 1** – Retain as notified

**Option 2** – Adopt recommended amendments

### Preferred Option

Option 2 is the preferred option.

The package distinguishes between low-level default activities and higher thresholds for specifically enabled purposes such as infrastructure, restoration, pest management and natural hazard mitigation. Overall, the amendments improve effectiveness by ensuring that permitted activities remain unlikely to result in significant adverse effects on natural character, while improving efficiency by reducing unnecessary consenting for activities with clear public or environmental benefit. Importantly, the amendments continue to apply conservative default limits, while allowing higher thresholds only for clearly defined purposes. This ensures that enabling provisions are focused on activities with demonstrable need or benefit, while maintaining appropriate protection of freshwater margins.

Overall, it is considered that Option 2 will best achieve the objectives.

This section contains an evaluation of the preferred option identified above. The evaluation only considers changes compared to the notified PDP provisions.

Evaluation of Preferred Option		
	Costs	Benefits
<b>Environmental</b>	Increased permitted thresholds for specified purposes may result in increased impacts. However, they are anticipated to remain below the “avoid significant effects” policy threshold.	Improved environmental outcomes by permitting restoration planting, erosion and sediment control, and pest management. Improved benefits for indigenous vegetation by reducing the permitted limits.

<b>Economic</b>	Reduced permitted thresholds for indigenous vegetation clearance may result in increased compliance and consenting costs for some landowners and small-scale activities that were previously permitted.	Greater certainty for landowners, those undertaking environmental improvement activities and infrastructure providers, reducing delays, consent costs and inefficiencies. Supports the efficient operation and maintenance of infrastructure and delivery of activities with public or environmental benefit.
<b>Social</b>	None identified.	Improved amenity and public safety outcomes through clearer provision for infrastructure, access, and hazard mitigation works. Reduced uncertainty for plan users and consent applicants.
<b>Cultural</b>	None identified	Explicit support for restoration and pest management aligns with kaitiakitanga principles and supports protection of mahinga kai and freshwater health.
<b>Economic growth provided or reduced</b>	While some additional consenting costs may marginally constrain small-scale clearance activities, the overall framework continues to support economic activity by enabling efficient operation of existing infrastructure, land management and restoration activities without undermining environmental outcomes	
<b>Employment opportunities</b>	Minor positive effects through facilitating infrastructure maintenance, land management and restoration activities.	
<b>Uncertain or insufficient info</b>	No substantive change compared to notified wording.	
<b>Risk of acting or not acting</b>	No substantive change compared to notified wording.	
<b>Effectiveness</b>		
The preferred option remains effective in achieving the objective of preserving and protecting natural character. Although the reduction in permitted vegetation clearance thresholds introduces some additional regulatory cost, this is offset by clearer enablement of activities with demonstrable environmental, operational or public benefit, ensuring permitted activities remain unlikely to result in significant adverse effects.		

<b>Efficiency</b>
The preferred option is broadly efficient, as the environmental and policy benefits of stronger indigenous vegetation protection outweigh the additional compliance costs associated with reduced default thresholds. Regulatory effort is more appropriately targeted toward activities with greater potential effects, while unnecessary consenting for beneficial activities is reduced.
<b>Summary</b>
Overall, the preferred option best achieves the objectives by strengthening protection of natural character through more conservative default limits, while continuing to enable infrastructure, restoration and hazard mitigation activities. Although some additional economic costs arise, these are proportionate and justified by improved environmental outcomes and increased clarity and consistency in plan implementation.

## Conclusion

Overall, the amended NATC provisions are considered an appropriate and effective way to achieve the objectives of the Proposed District Plan. The provisions retain a clear focus on preserving and protecting the natural character of the coastal environment, wetlands, lakes and rivers, while improving certainty and workability through more refined policies, rules and permitted activity thresholds.

The amendments continue to give effect to NATC-01 by avoiding significant adverse effects on natural character and managing development in a manner that is proportionate to the sensitivity of freshwater margin environments. The recalibration of permitted thresholds, together with clearer enabling provisions for small-scale, low-impact activities, ensures that protection outcomes are maintained while unnecessary regulatory barriers are reduced.

The provisions are consistent with, and help to implement, the Strategic Direction objectives, particularly:

- SD-01 (Natural and Historic Environment), by preserving natural character and protecting significant natural features and indigenous vegetation through conservative default thresholds and effects-based controls.
- SD-02 (Climate Change and Natural Hazards), by enabling activities such as restoration planting, erosion and sediment control, and hazard mitigation works that support environmental resilience and adaptation.
- Strategic infrastructure and community wellbeing objectives, by recognising the functional and operational needs of infrastructure and enabling maintenance and upgrade activities where adverse effects on natural character are limited.

In combination, the amended policies and rules strike an appropriate balance between environmental protection and enabling necessary activities. They are therefore considered an efficient and effective means of achieving the PDP objectives

