

## APPENDIX F: SECTION 32AA EVALUATION

### Introduction

This section 32AA evaluation relates to the recommended amendments to the Natural Features and Landscapes chapter (**NFL 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 have been 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 objectives or provisions (such as the Overview) have not been evaluated, as a section 32AA evaluation applies only to objectives, policies, and rules (including standards).

For the purposes of the S32AA evaluation, the recommended amendments have been packaged as follows:

- a. Package 1 - Re-framing how ONL and ONF are identified and assessed.
- b. Package 2 - Refining the policies for considering effects on ONL and ONF.
- c. Package 3 - Refining the rules to reflect risk of effects on ONL and ONF

Package 1 includes a change to objective NFL-O1. Because the RMA 'tests' for objectives are different to other provisions the change is considered separately to the rest of the package. There are no other recommended changes to objectives.

### Amendment to objective NFL-01

As set out in Topic 4 of the section 42A report, I consider it appropriate, practicable and within scope to amend one of the two objectives in the NFL chapter:

<b>NFL-O1</b>	<b>Protection of Outstanding Natural Features and Outstanding Natural Landscapes</b>
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<sup>1</sup> For example: removing duplication, structural changes, removing clear conflicts with objective(s), and fixing errors.

The characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes are **identified and** protected from inappropriate subdivision, use and development.

The 'test' for an objective is the extent to which it is the most appropriate way to achieve the purpose of the RMA (s32(1)(a)).

I consider the recommended amendment to be a minor refinement that does not alter the overall intent or effectiveness of the objective, nor does it change the extent to which the objective remains the most appropriate way of achieving the purpose of the RMA. Rather, the amendment improves clarity by more explicitly articulating how the Plan recognises and provides for section 6(c) of the RMA, namely the protection of outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.

In particular, the amendment provides clearer direction ONL and ONF are to be identified in the Plan, thereby strengthening the linkage between the objective and the associated planning framework, including mapping and regulatory provisions. This improves plan interpretation and implementation, and provides greater certainty for plan users and decision-makers. The amendment is also consistent with the relevant Regional Policy Statement wording, ensuring alignment with higher-order policy direction and improving internal coherence across the planning framework.

The alternative option is to retain the objective as notified. While this would not materially change how the provisions operate in practice, it would miss the opportunity to improve clarity and consistency. Overall, the proposed amendment represents the most appropriate response under section 32AA, as it achieves a clearer and more effective objective without introducing new policy direction or altering the substantive outcomes sought by the Plan.

## Identification of Options to Achieve the Objectives

### Package 1 - Re-framing how ONL and ONF are identified and assessed

A range of recommended amendments are proposed to policies and schedules 4 and 5 to better recognise the criteria used to identify Outstanding Natural Landscapes and Outstanding Natural Features, and to provide clearer direction to plan users on the identified characteristics and qualities of ONL and ONF mapped in the PDP. This package includes:

- a. Updating Schedule 5 to:
  - i. Reference the 2014 RPS mapping methodology (not the 2010 Kaipara study),
  - ii. Include the RPS assessment criteria directly, and
  - iii. Replace narrative descriptions with links to NRC worksheets.
- b. Introducing a new policy (NFL-PX) requiring ONL and ONF to be identified and assessed using Schedule 4 and 5 criteria, rather than treating schedules as closed lists.

- c. Consequential deletion of repeated references to “as set out in Schedule 4 and Schedule 5” across other policies.

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

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

Preferred Option

The amendments in Option 2 (Package 1) are preferred because the notified wording treats mapped overlays and Schedules 4 and 5 as effectively determinative of the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes. This approach risks hard-wiring dated or incomplete information into plan decision-making and does not adequately reflect higher-order policy direction, particularly the Regional Policy Statement, which anticipates that suitably qualified site-specific assessment may demonstrate lesser or greater sensitivity than that shown on planning maps. By shifting to a criteria-led assessment framework, the amended provisions clarify that schedules and maps provide an important baseline, but are not the sole or final authority on what constitutes the outstanding values in every location. This improves accuracy and robustness by ensuring that protection is directed at the actual characteristics, qualities and values that make a landscape or feature outstanding, rather than being confined to a static description.

The amended approach is also preferred because it reduces interpretation risk and improves consistency across policy implementation, plan interpretation and resource consent decision-making. The notified wording in provisions such as NFL-P3 could be read as limiting the requirement to avoid adverse effects only to those values expressly listed in the schedules, even where evidence demonstrates additional, more refined, or more location-specific outstanding values. By explicitly linking assessment to the criteria in Schedules 4 and 5, rather than to fixed descriptions alone, the amendments better give effect to section 6(b) of the RMA and relevant RPS provisions, while still providing clarity to plan users. This approach is more effective and efficient because it enables proportionate, evidence-based decisions, avoids unnecessary disputes over mapping precision, and ensures the Plan remains responsive over time without undermining the fundamental requirement to protect ONF and ONL s from inappropriate subdivision, use and development.

Overall, it is considered that Option 2 will best achieve the objectives, particularly NFL-O1 *Protection of Outstanding Natural Features and Outstanding Natural Landscapes*.

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 Against Objective(s)		
	Costs	Benefits

<b>Environmental</b>	None identified.	Better ensures ensuring that protection is directed at the actual characteristics, qualities and values that make ONF and ONL outstanding, rather than relying solely on static mapping or fixed schedule descriptions.
<b>Economic</b>	None identified.	Helps reduce unnecessary costs and delays by avoiding rigid reliance on maps or schedules that may not reflect site-specific conditions. By allowing effects-based assessments using clear criteria, consenting is more targeted and proportionate.
<b>Social</b>	None identified.	Same as the Environmental benefits.
<b>Cultural</b>	None identified.	Same as the Environmental benefits.
<b>Economic growth provided or reduced</b>	No substantive change compared to notified wording.	
<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 proposed package of amendments are effective than the notified wording because it better focuses protection on the actual outstanding characteristics, qualities and values of ONL and ONF, rather than relying solely on static mapping or fixed schedule descriptions. By using an effects-based, criteria-led approach, the amendments better align with higher-order policy and enable more accurate, site-specific assessment. This leads to more consistent and defensible decision-making while still meeting the requirement to protect ONL and ONF from inappropriate subdivision, use and development.		
<b>Efficiency</b>		
The proposed package of amendments are effective than the notified wording because they reduce reliance on rigid mapping and avoids unnecessary consenting triggered by minor mapping or schedule inconsistencies. By enabling criteria-led, effects-based assessments, decision-making is		

more proportionate and better targeted to genuine risks to outstanding values. This reduces processing time, dispute risk, and overall costs for both plan users and Council.

#### Summary

Overall, the preferred option improves the clarity, effectiveness and efficiency of the planning framework by focusing protection on the actual outstanding characteristics, qualities and values of ONL and ONF through a criteria-led approach. The amendments do not alter the substantive outcomes sought by the notified Plan, but provide greater certainty for plan users and more robust, evidence-based decision-making, making them the most appropriate response under section 32AA of the RMA.

## Package 2 - Refining the policies for considering effects on ONL and ONF

This package of recommended amendments is focused on improving the policy direction for how effects on ONL and ONF are to be considered. The amendments include:

- a. Amending policy wording to focus on effects on the characteristics, qualities and values that make ONF and ONL outstanding, rather than on all characteristics, qualities and values
- b. NFL-P6 is strengthened to act as the main policy for assessing proposals, incorporating relevant matters previously addressed in NFL-P4.
- c. "Subdivision" is consistently added alongside use and development.
- d. Wording is tightened (e.g. "requiring" instead of "ensuring") to align with RPS direction.
- e. Consolidate infrastructure policy direction into the Infrastructure chapter, deleting NFL P5 to avoid duplication and conflict.

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

**Option 1** – Retain as notified

**Option 2** – Adopt recommended amendments

### Preferred Option

The Option 2 (Package 2) amendments are preferred because they provide a clearer and more coherent policy framework that aligns with higher-order direction by explicitly focusing effects management on the characteristics, qualities and values that make natural features and landscapes outstanding. The notified wording was overly prescriptive in parts and risked applying avoidance requirements too broadly, including to effects that do not undermine outstanding values. By clarifying consistently applying the appropriate effects thresholds, the amended policies more accurately give effect to section 6(b) of the RMA and the Regional Policy Statement.

The amendments are also preferred because they improve the clarity and usability of the policy framework. Bringing assessment matters together into a clear, effects-focused structure reduces duplication, avoids conflicting policy signals, and supports more consistent interpretation across the

chapter. This enables more proportionate and defensible decision-making while still maintaining a strong directive approach to avoid inappropriate subdivision, use and development in Outstanding Natural Features and Landscapes.

Consolidating infrastructure policy direction into the Infrastructure chapter, and deleting NFL-P5, avoids duplication and reduces the risk of conflicting policy signals across the Plan. Infrastructure-specific policy is more appropriately located in a single chapter that addresses the operational and functional needs of infrastructure across all environments and overlays, including ONL and ONF. Retaining NFL-P5 alongside infrastructure policies elsewhere in the Plan added unnecessary complexity and created uncertainty about which policies should prevail.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	None identified.	<p>The more refined policy approach will better ensure protection is directed at the actual characteristics, qualities and values that make ONF and ONL outstanding.</p> <p>The inclusion of “subdivision” provides clarity that subdivision is subject to the NFL chapter objectives and provisions, thereby reducing the risk that effects of subdivision on ONL and ONF are not considered (although higher order policy direction would still apply).</p>
<b>Economic</b>	None identified.	<p>Helps reduce unnecessary costs and delays by focusing only on effects on the characteristics, qualities and values that make ONF and ONL outstanding, rather than on all characteristics, qualities and values.</p> <p>Deleting NFL-P5 reduces the risk of conflict with Infrastructure chapter policies and avoids unnecessary costs and delays arising from ambiguity.</p>
<b>Social</b>	None identified.	Same as the Environmental benefits.
<b>Cultural</b>	None identified.	Same as the Environmental benefits.

<b>Economic growth provided or reduced</b>	No substantive change compared to notified wording.
<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>	
<p>The recommended amendments effective than the notified wording because it clearly directs effects management to the characteristics, qualities and values that make Outstanding Natural Features and Landscapes outstanding, rather than applying avoidance requirements too broadly. This ensures that policy direction is focused, aligned with higher-order planning instruments.</p> <p>The amendments to NFL-P6, including the incorporation of relevant matters previously addressed in NFL-P4, improve the effectiveness of the policy framework by clarifying the distinct roles of each policy. NFL-P6 is reinforced as the primary policy for assessing proposals within ONL and ONF, providing clear and consolidated direction on how effects are to be evaluated. This reduces overlap between policies, avoids duplication, and resolves potential ambiguity.</p> <p>The inclusion of “subdivision” provides clarity that subdivision is subject to the NFL chapter objectives and provisions, thereby reducing the risk that effects of subdivision on ONL and ONF are not considered.</p> <p>Deleting NFL-P5 improves the effectiveness of the policy framework by removing duplicated and potentially conflicting infrastructure policy direction, ensuring that infrastructure proposals are assessed primarily through the Infrastructure chapter. This provides clearer and more coherent direction on how effects on ONL and ONF are to be managed.</p>	
<b>Efficiency</b>	
<p>The recommended amendments are efficient than the notified wording because they simplify and clarify the policy framework, reducing duplication and ambiguity in how effects are assessed. By consolidating assessment matters and applying appropriate effects thresholds consistently, it enables more proportionate decision-making and reduces unnecessary consenting effort, time, and cost for both applicants and Council.</p>	
<b>Summary</b>	
<p>Overall, the preferred option improves the clarity and consistency of the policy framework by focusing effects management on the characteristics, qualities and values that make ONL and ONF</p>	

outstanding. The amendments strengthen and simplify policy direction, improve decision-making certainty, and reduce overlap and ambiguity, without changing the substantive outcomes of the notified PDP. For these reasons, the preferred option is more effective and efficient and represents the most appropriate response under section 32AA of the RMA.

### Package 3 - Refining the rules to reflect risk of effects on ONL and ONF

This package of recommended amendments is focused on improving the rules and associated standards to better reflect the risk of effects on ONL and ONF. The amendments include:

- a. Replace a largely consent-driven framework with tiered permitted thresholds based on:
  - i. ONL vs ONF,
  - ii. Coastal vs non-coastal environments,
  - iii. ONF vulnerability categories (A–E).
- b. Introduce clear default envelopes for small-scale buildings, earthworks and vegetation clearance.
- c. Shift many activities from discretionary or non-complying to permitted or restricted discretionary, where effects are unlikely to breach policy thresholds.
- d. Create a controlled activity pathway for residential buildings on approved subdivision platforms.
- e. Remove or rationalise legacy, site-specific provisions (Bream Tail and Mangawhai Heads).
- f. Rationalise and tighten the treatment of regionally significant infrastructure, distinguishing clearly between:
  - i. Existing infrastructure (operation, maintenance, minor upgrading); and
  - ii. New infrastructure (more stringent consent pathways).

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

**Option 1** – Retain as notified

**Option 2** – Adopt recommended amendments

#### Preferred Option

Package 3 recalibrates the rules and standards applying to ONF and ONL to better reflect differences in sensitivity, scale, and risk of adverse effects. It introduces a more nuanced, tiered regulatory framework that enables low-impact activities as permitted or controlled where appropriate, while retaining stronger consent pathways where adverse effects are more likely. This improves proportionality, reduces unnecessary consenting, and ensures the rules and standards more accurately give effect to the policy framework.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits

<b>Environmental</b>	The increased permissiveness for low impact activities inherently increases the risk on undue adverse effects on ONL and ONF.	Some of the amendments include reducing permissiveness (for example deleting NFL-R3.4 which permits any indigenous vegetation clearance associated with regionally significant infrastructure). These changes will improve the risk of undue adverse effects on ONL and ONF.
<b>Economic</b>	There may be additional costs for activities that are subject to more stringent rules.	Reduces unnecessary consent requirements for low-risk, small-scale activities that are unlikely to compromise outstanding values. By providing clearer permitted and controlled activity pathways, the amendments lower application, processing, and compliance costs for landowners and infrastructure providers, while also reducing administrative burden on Council. This supports more efficient use of resources without undermining environmental outcomes.
<b>Social</b>	The recommended rules framework supports social wellbeing by improving transparency and consistency in how activities are regulated within ONL and ONF. Clearer standards and activity classifications help communities understand what development is appropriate and where stronger protection applies. Enabling reasonable use of land while maintaining protection of valued landscapes also supports ongoing rural and community activities.	No significant social costs are anticipated. The amendments do not remove opportunities for public participation on activities with greater potential effects and continue to apply non-complying, discretionary or restricted discretionary status where social and environmental impacts may be significant.
<b>Cultural</b>	Same as the social and environmental benefits.	Same as the social and environmental benefits.

<b>Economic growth provided or reduced</b>	No substantive change compared to notified wording.	
<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>		
<p>The recommended amendments are effective than the notified provisions because it aligns the rules and standards directly with the policy framework and effects thresholds, ensuring activity controls respond to the actual risk of adverse effects. By recognising differences in scale, sensitivity and context, the amendments more reliably achieve protection of outstanding values while allowing appropriate activities to occur where effects can be avoided or managed. This results in a framework that better delivers the chapter’s objectives in practice, including direction for enabling infrastructure.</p>		
<b>Efficiency</b>		
<p>The recommended amendments provide a more efficient rules framework compared to the notified version because they reduces reliance on blanket consent requirements and replaces them with clear, predictable thresholds and activity classifications. While there is a tightening of controls for some activities, it is warranted to better reflect the policy direction for managing effects on ONL and ONF, and the net result is anticipated to be an overall reduction in unnecessary consenting and greater predictability for plan users. Overall, the amendments improve plan usability, reduce constraints while maintaining the direction for managing effects on ONL and ONF.</p>		
<b>Summary</b>		
<p>Overall, Package 3 improves efficiency and usability by replacing broad consent requirements with clear, risk-based thresholds and activity classes. The amendments support more proportionate and predictable decision-making, reduce unnecessary costs, and maintain appropriate protection of outstanding natural landscapes and features, making this the most appropriate response under section 32AA of the RMA.</p>		