

APPENDIX D: SECTION 32AA EVALUATION

Introduction

This section 32AA evaluation relates to the recommended amendments to the Signs 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; 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 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;¹
- b. whether the relevant policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness² and taking into account:³
 - the benefits and costs of the proposed policies and methods; and
 - 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 (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. The last section 32AA evaluation undertaken for the Signs chapter was prior to notification of the Proposed Kaipara District Plan.

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 proposed⁴. The section 32AA evaluation focuses on the two key recommended changes:

- a. Delete the term ‘official sign’ and its attendant definition. As a consequence of this, the definition of

¹ RMA, section 32(1)(a).

² Ibid, section 32(1)(b).

³ Section 32(2).

⁴ Section 32AA(1)(c).

‘information signs’ would include ‘hunter and angler access’; and

- b. Additional clarity to SIGN-R4.1.b. that signs need to relate to goods and services available on the site “where the business is operating”.

Given my recommendation to include an advice note in SIGN-S1 does not carry any legal weight, this will not be evaluated.

The scale and significance of the proposal has been determined by a qualitative assessment of relevant factors. The scale and significance of the recommended amendments is assessed as **low** for the following reasons:

- relative to the notified version of the PDP, the proposal amounts to no change in outcomes in that signs of an official nature are still permitted;
- the proposal will not introduce any compliance costs or other financial impacts on third parties;
- no matters of protection to life and property are directly relevant to the proposal; and
- the proposal will enable the efficient use and development of natural and physical resources.

Evaluation of objective

Appropriateness in terms of the purpose of the RMA

Council must evaluate, in accordance with s32 of the RMA, the extent to which each objective proposed is the most appropriate way to achieve the purpose of the RMA. Section 32 clarifies that ‘objectives’ can mean the purpose of the proposal.⁵ In this case, the objective is to enable clear and effective controls for signs.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	Section 5(2)(c) requires adverse effects of activities on the environment be avoided, remedied or mitigated. The objective of the proposal supports signs where they contribute to the social, economic and cultural wellbeing of communities across the District in accordance with section 5(2). The objective of the proposal ensures that official signs needed for matters such as health and safety are clearly enabled in the PDP, while managing any adverse effects in accordance with Section 5(2)(c).
Section 6 Matters	Not relevant

⁵ RMA s32(6)

of national importance	
Section 7 Other matters	Not relevant
Section 8 Treaty of Waitangi	The objective of the proposal notified does not raise any issues with the principles of the Treaty of Waitangi.

Having assessed the objective of the proposal against Part 2 of the RMA it is considered the most appropriate way to achieve the purpose of the RMA.

Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for achieving the objective of the proposal:

Option 1 – Retain SIGN chapter provisions as notified (including definitions)

Option 2 – Rationalise the terms used for official signs

Option 3 – Amend SIGN-R4 to clarify that the rule applies to the activity on the site.

Preferred Options

Given the overlap between the two terms 'official sign' and 'information sign', Option 2 will provide the most clarity. Option 3 will make application of the rule clearer. For this reason, a combination of Options 2 and 3 is preferred.

Evaluation of Preferred Option Against Objective

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

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits

Environmental	No costs.	Reduced clutter from signage where signs may not be located on the site to which they relate. Signs have the potential to have adverse character and amenity effect.
Economic	May be a small decrease in economic activity when the sign must be located on the site to which it relates. This will result in less exposure to the market / consumers.	No benefits
Social	No costs.	Reduced clutter from signage where signs may not be located on the site to which they relate. Signs have the potential to have adverse character and amenity effect.
Cultural	No costs.	No benefits

Economic growth provided or reduced	Nil effect.
Employment opportunities	Nil effect.
Uncertain or insufficient info	Information is certain and sufficient
Risk of acting or not acting	Nil risk.
Effectiveness	
The proposed amendments will be more effective and make the provisions easier to interpret and implement.	
Efficiency	
The proposed amendments will be more efficient as they streamline the provisions, and will reduce the ambiguity.	
Summary	
The recommended amendments will reduce duplication and overlap between terms, and make the implementation of the provisions clearer.	