

Annexure 4: Evaluation Report: Section 32 AA of the RMA

Alternatively: Further evaluation is undertaken in accordance with Section 32 AA subsection (1)(d)(ii).

Effectiveness and Efficiency Assessment for Proposed District Plan Rezoning: Spark Rezoning Submission, 'Block C'.

Introduction

1. G&R Spark lodged a submission on the Proposed Waimakariri District Plan (PDP) and Variation 1 to the PDP to change the zoning of 57 hectares of a 197ha farm from General Rural Lifestyle Zone to General Residential and/or various other zones including MRZ, Large Format and Industrial. The submission on the PDP notes that the land west of the [Rangiora Eastern Link Road (REL)] sits alongside Southbrook business area so would have a logic of adding to that pool of land for GIZ/ large format retail or similar managed by a specific ODP/ design outcomes to achieve a high-quality business environment. The submission stated that *“rezoning of this land as a future residential/ business area will enable consideration to be given to servicing, the interfaces with the Bypass and appropriate roading and walking/cycling connections.”*
2. Evidence prepared by Ivan Thomson supported the submission and recognised three sub-units of the rezoning proposal as Blocks A, B and C. The evidence included a Section 32 Evaluation for an MRZ.
3. Block C is in an area that could be affected by odour from the nearby Rangiora Wastewater Treatment Plant and is considered unsuitable for Residential zoning. The block will be severed from the rest of the farm by the planned Rangiora Eastern Link Road and the Outline Development Plan attached to the Planning Evidence identifies the Block as a future light industrial area. Planning evidence explained that a separate process (e.g. plan change) will be required to insert a GIZ into the plan for Block C. However, at the Hearing it was suggested by the Panel that other methods should be considered and evaluated. This Evaluation examines the costs and benefits of different options for confirming industrial zoning for Block C.

RMA requirements.

4. Any change to a plan needs to be evaluated in accordance with section 32 of the Resource Management Act. Waimakariri District Council has also required submitters for re-zoning submissions to prepare a section 32 assessment in support of the submission, which it has for the Spark submission.
5. Section 32AA requires.

A further evaluation required under this Act—

- (a) 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**);

and subsequently sets out a process for undertaking the further evaluation, including being undertaken in accordance with [section 32\(1\) to \(4\)](#). However, it must, be undertaken at a level of detail that corresponds to the scale and significance of the changes. However, an evaluation under Section 32AA is not required if further information is provided undertaken in accordance with subsection (1)(d)(ii).

Extracts from Sections 32 and 32 AA is appended to this report as **Appendix 1** and **Appendix 2** respectively.

Objective of the Evaluation

6. The objective of the evaluation is to determine the resource management appropriateness of rezoning Block C Light Industrial Zone (LIZ) and placing a Precinct over the block as part of a proposed extension to the South East Rangiora Development Area. It follows an assessment of the rezoning proposal for the entire 57 ha sought through the submission. The options analysis under Section 32 concluded that the MRZ will give effect to relevant statutory documents (including NPS-UD, CRPS). Evidence at the Rezoning Hearing (Stream 12 E) was that Block C was suitable for some form of industrial development but outstanding issues needed to be resolved, particularly access to the land, along with further investigations to do with site suitability. Given the proximity of the land to existing rural lifestyle blocks it is considered that the objectives, policies and rules of the Light Industrial Zone (LIZ) are a more appropriate planning framework than those of the GIZ or HIZ. The principal difference between the LIZ and GIZ is that heavy industry is non complying in the LIZ and discretionary in

the GIZ. The objective of this evaluation is to investigate alternative methods for enabling future development and subdivision of Block C for industrial purposes through, in this case, a LIZ.

- Three broad methods have been evaluated, with some subsequent 'sub-methods' and these evaluations are shown in Table 1 as options for progressing Block C to the development and subdivision stage.

TABLE 1

Options For Progressing Block C To The Development And Subdivision Stage

Planning Method	Explanation	Sub-Method	Costs/Disadvantages	Benefits/Advantages	Efficiency/Effectiveness/Appropriateness.
Retain RLZ	Current zone would remain	Status quo. No change to plan.	No direct or indirect private costs in short term. Substantial costs with changing the zoning in medium term. Substantial long-term costs once REL built.	Short term stability in terms of compliance with RLZ zoning.	Current farming practice is not likely to be sustainable once REL severs the land.
EXTEND SOUTH EAST RANGIORA DEVELOPMENT AREA (SERDA)	Underlying zone would remain as RLZ, but DPM ¹² would show site as	Subsequent Private Plan change to rezone industrial	Substantial private costs to fund submission on CRPS Review and private plan request.	Provides some certainty around medium to long term use of the land.	Council could adopt request (Cl 25(2)) or treat it as a resource consent Cl 25(3)). Council could submit on CRPS requesting FDA status for land.

¹ A Light Industrial Zone is a viable alternative.

² District Planning Map

TO INCLUDE BLOCK C	being in SERDA. Submission on CRPS review to insert FDA and associated policy.	including new ODP DEV-SER-APP**	Sch 1 process likely to take 18months -2 years. Risk of objections.		Either or both of these would significantly reduce costs to the developer but are uncertain as Council may decide not to actively support the proposed LIZ.
		Certification	Private costs to make application.	Private costs less than plan change and significantly quicker process.	The Council officer report on Proposed District Plan no longer supports adopting Certification method in Plan.
		Resource consents (RMA).	Private costs to make application.	Private costs less than plan change and significantly quicker process.	The underlying zone remains as RLZ and therefore the RLZ objectives and policies apply. The purpose of the RLZ (Objective RLZ-O1) is <i>“Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone”</i> and there is an ‘avoid’ policy for under 4 ha subdivision (RLZ-P2). This objective and policy framework would be problematic for assessment of resource consents for industrial purposes which would be non-complying, notwithstanding that if the SERDA identified this land as a future industrial area, its future use for industrial purposes would be anticipated by the District Plan.

		Resource consents (Fast Track)	Private costs to make application. Costs unknown.	Private costs may be less than plan change and could be a quicker process.	Unclear whether application would be accepted or approved by Independent Hearings Panel / Ministers. Application criteria include that proposal has regional and/or national economic benefits.
LIGHT INDUSTRIAL ZONE / GENERAL INDUSTRIAL ZONE	Development Overlay / Precinct containing specific requirements for the area.	Resource Consent process.	Private costs to make application. Would not permit any expansion to farming operations and would discourage further significant investment in farming related activity.	Private costs less than private plan change and significantly quicker process. RC under RMA should be straight forward. Zoning reflects the preferred end land use zoning in medium to long term thereby providing certainty.	<p>LIZs are areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.</p> <p>GIZs are areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities (NPS 2019).</p> <p>A LIZ is preferred primarily because the Plan makes heavy industry non-complying (DIS for GIZ). There is also a greater recognition of compatibility with adjoining residential activities.</p> <p>Requires specific provisions (e.g. in an ODP) detailing the standards to be achieved and outcomes to be met based on LIZ.</p>

					<p>Will require a staging rule to prevent industrial development prior to REL being operational.</p> <p>The Precinct will need to provide for further assessments and ODP prior to subdivision to simplify the consenting process.</p>
--	--	--	--	--	--

Summary Of Evaluation

The most efficient and effective method for achieving certainty and cost effectiveness in the medium to long term is for the land in Block C to be identified for industrial purposes now. However, there is currently insufficient or incomplete information to approve a subdivision consent, and further information is required particularly pertaining to final access arrangements for the Site, and transport effects.

There is, in effect a need for a deferred zone with the trigger for the final zone provisions becoming operative being the completion of the REL to Marsh Road. Once the final design and program for this infrastructure (and any changes to Marsh Road) is known, an ODP and Narrative can be prepared along with any necessary additional transport and other assessments that are more appropriately done prior to subdivision approvals being sought. However, actual development is unlikely to be able to proceed until the REL is operational.

Deferments are not an instrument recognised explicitly under the National Planning Standards, other than Future Urban Zone (FUZ) listed as Special Purpose Zone, described as “*areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.*”

In this case, the proposed zoning is LIZ, rather than a more general FUZ, so a precinct approach is preferred. A Precinct overlays additional provisions to a specific zone or site. This is the approach that is proposed for ensuring that the future industrial development is planned to take into account the REL design (which is not yet finalised), appropriately manages any environment effects and integrates with the surrounding natural and built environment. Precincts are a planning method used in the Proposed Waimakariri District Plan and are described as:

A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).³

³ Proposed Waimakariri District Plan, General Approach, Relationship Between Spatial Layers

The proposed Precinct provisions are shown in **Annexure 1** to the JWS.

Although not specifically requested by the Panel, a similar approach has been applied to the Rossburn Events Centre/Museum. The proposed zoning for the land is MRZ, and a Spark Lane 'Cultural Precinct' is being proposed for similar reasoning contained in the above Section 32AA evaluation.

APPENDIX 2

Section 32 Requirements for preparing and publishing evaluation reports.

Requirements for preparing and publishing evaluation reports.

(1) *An evaluation report required under this Act must—*

(a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

(b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

(i) *identifying other reasonably practicable options for achieving the objectives; and*

(ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

(iii) *summarising the reasons for deciding on the provisions; and*

(c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

(2) *An assessment under subsection (1)(b)(ii) must—*

(a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

(i) *economic growth that are anticipated to be provided or reduced; and*

(ii) *employment that are anticipated to be provided or reduced; and*

(b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

(3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*

(a) *the provisions and objectives of the amending proposal; and*

(b) *the objectives of the existing proposal to the extent that those objectives—*

(i) *are relevant to the objectives of the amending proposal; and*

(ii) *would remain if the amending proposal were to take effect.*

5. The Guidance Note on section 32 analysis on the Quality Planning website makes the following statement:
Appropriateness - means the suitability of any particular option in achieving the purpose of the RMA. To assist in determining whether the option (whether a policy, rule or other method) is appropriate the effectiveness and efficiency of the option should be considered:
- *Effectiveness - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.*
 - *Efficiency - means the measuring by comparison of the benefits to costs (environmental benefits minus environmental costs compared to social and economic costs minus their benefits).*

APPENDIX 3

32AA Requirements for undertaking and publishing further evaluations.

(1) A further evaluation required under this Act—

- (a) 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**); and
 - (b) must be undertaken in accordance with [section 32\(1\) to \(4\)](#); and
 - (c) must, despite paragraph (b) and [section 32\(1\)\(c\)](#), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and
 - (d) must—
 - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.
- (2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).
- (3) In this section, **proposal** means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

