



PROPOSED DISTRICT PLAN

Plan Variation 1

Section 32 Report

October 2024



Far North
District Council

Te Kaunihera o Tai Tokerau ki te Raki

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

SECTION 32 REPORT

Proposed Plan Variation 1 – Minor Corrections and Other Matters

October 2024

1	Executive Summary	3
2	Introduction and Purpose	4
2.1	Purpose of report	4
2.2	Overview of topic	4
3	Statutory and Policy Context	5
3.1	Resource Management Act 1991.....	5
3.2	Higher order planning instruments.....	5
3.2.1	National Planning Standards	5
3.2.2	National Policy Statements.....	5
3.2.3	National Environmental Standards	5
3.2.4	Regional Policy Statement for Northland	6
3.3	Regional Plan for Northland	6
3.4	Iwi and Hapū Environmental Management Plans.....	6
3.5	Other Legislation and Policy Documents.....	7
3.6	Local Policies, Plans, and Strategies.....	7
4	Current state and resource management issues	8
4.1	Proposed District Plan Approach	8
4.1.1	Summary of current management approach	8
4.1.2	Limitation with current approach	8
4.2	Summary of consultation with tangata whenua.....	8
5	Proposed provisions	10
6	Approach to evaluation	18
6.1	Introduction	18
6.2	Evaluation of scale and significance.....	18
6.3	Summary of scale and significance assessment	21
7	Evaluation of Options	22
7.1	Introduction	22
7.2	Quantification of benefits and costs	22
7.3	Evaluation of options	24
7.3.1	Option 1: Plan Variation 1 (Minor Corrections and Other Matters)	24
7.3.2	Option 2: Status quo	25

7.3.3	Option 3: Delayed Plan Change Approach	27
8	Summary.....	29

1 Executive Summary

This report presents an evaluation conducted by the Far North District Council (Council) of Variation 1 - Minor Corrections and Other Matters (Variation 1) to the Proposed Far North District Plan (PDP), as required under section 32 of the Resource Management Act 1991 (RMA).

The proposed changes in Plan Variation 1 are primarily minor, aiming to amend provisions to clarify the intent to avoid ambiguity, rectify inconsistencies between provisions, and therefore addresses minor issues which enhances the overall efficiency and effectiveness of the PDP. The matters for addressed by Variation 1 have been identified by both Council staff and members of the community. Minor issues such as spelling, grammatical errors, and formatting mistakes have been corrected through clause 16(2) of Schedule 1 of the RMA.

It should be noted that the changes proposed are not substantive but predominantly clarifications or minor map adjustments, and do not result in a change the intent of the provisions of the PDP.

Based on the assessment of effectiveness, efficiency, benefits, and costs, in this section 32 evaluation, Variation 1 to the PDP is the most appropriate means to achieve the purpose of the RMA, and the proposed provisions are the most suitable way to address the issues identified.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) of Plan Variation 1 - Minor Corrections and Other Matters (**Variation 1**) to the PDP. This assessment is required under section 32 of the RMA.

Section 32 of the RMA requires Councils to examine whether the proposed amendments to the PDP provisions are the most appropriate to achieve the purpose of the RMA by assessing:

- Any other reasonably practical options;
- Assessing the efficiency and effectiveness of the provisions in achieving objectives, and;
- Summarising the reasons for deciding on the provisions.

This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. This assessment must contain a level of detail which corresponds with the scale and significance of the effects that are anticipated from the proposal. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA will be undertaken through the hearing and decision process in response to submissions received following notification of Variation 1.

2.2 Overview of topic

The PDP was publicly notified in July 2022, followed by formal submissions and further submissions. Public hearings are scheduled for May 2024 to September 2025.

The PDP full plan review has been a large and complex process, considering 580 original submissions across 50 topics with 20 hearings scheduled.

Under Clause 16A of Schedule 1 of the RMA 1991, a local authority may initiate variations to provisions in a proposed plan at any time before the plan is made operative.

Variations that correct minor issues in proposed district plans are common throughout New Zealand due to the size, complexity, and interrelated nature of provisions within plans, particularly for 'full reviews' of district plans.

The minor issues proposed to be corrected through Plan Variation 1 to the Far North Proposed District Plan were identified after the PDP was notified. Issues were identified through feedback from Council planners, as well as members of the public.

The purpose of Variation 1 is to make minor amendments to correct specific problems identified by plan users, focusing on removing ambiguity and improving clarity and workability of provisions, where those are more than typographical or grammatical errors. The latter type of correction has been made by Cl16 of the First Schedule of the RMA by staff under delegated authority.

Two areas for improvement have been identified:

1. Minor improvements, clarifications, and amendments to provisions to improve the workability and usability of the PDP, fixing unintentional gaps and reducing unintended consent requirements.
2. Mapping amendments to make adjustments to zone or mapped area boundaries where GIS errors have resulted in an inappropriate zoning.

The variation is subject to the RMA Schedule 1 process for public notification, making submissions, further submissions, hearings, and the ability to appeal decisions.

Those wishing to make submissions on aspects of this variation should restrict their submission to the scope of the matters addressed by the variation as detailed in this report, noting that many changes are not substantive but rather changes to clarify the original intent. Submissions on other matters are beyond the scope of this variation and cannot be considered.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

This section provides a summary of the matters in Part 2 (purpose and principles) and section 31 of the RMA (functions of territorial authorities) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6.
- Have particular regard to a range of other matters in section 7.
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (NPS), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The sections below provide an overview of provisions in higher order planning instruments directly relevant to the Proposed Plan Variation 1 of the PDP.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the National Planning Standards. The National Planning Standards were gazetted in April 2019 and their purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. There are no NPS's that are directly relevant to Variation 1.

3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict with or duplicate provisions in a NES. There are no NES's that are directly relevant to Variation 1.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to 'give effect' to any RPS. The Northland RPS was made operative on 14 June 2018. There are some aspects of Variation 1 that are directly related to the provisions of the RPS. This includes natural hazards, which are identified as an issue in Northland. The approach to managing natural hazards requires the mapping of natural hazards, including coastal hazards. The variation meets this requirement by including the coastal hazard layer in areas where it was omitted in the notified PDP. The additional recommended provisions that relate to protecting the airport protection surface from buildings and structures are also in accordance with the NPS approach, ensuring that regionally significant infrastructure is not compromised by inappropriate subdivision, use, and development. The RPS also provides specific direction on Historic Heritage, this is implemented by the amendments and corrections in the relevant chapters. The other aspects of Variation 1 are not considered directly relevant to the provisions of the RPS.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plans must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA.

The Northland Regional Council (NRC) prepares and administers the Regional Plans. As regional plans are typically focussed on the delivery of regional council functions of the RMA, they generally have less relevance to a district plan. Accordingly, section 75(4)(b) of the RMA states that any District Plan must not be 'inconsistent with' a regional plan for any matter stated in section 30(1). Variation 1 is considered to be consistent with these provisions.

3.4 Iwi and Hapū Environmental Management Plans

Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district, when preparing and changing district plans.

Council has fourteen hapū/iwi management planning documents that have been formally lodged as follows:

- Ngāti Kuta ki Te Rawhiti Hapu Management Plan, 5th Edition
- Ngāti Rēhia Hapū Environmental Management Plan, 2018
- Te Iwi o Ngātiwai Iwi Environmental Policy Document, 2015
- Haititaimarangai Marae, Hapū Development Plan, 2015
- Ngāti Kuri Pou Taiao Environmental Management Plan, 2018
- Ngā Tikanga mo te Taiao o Ngāti Hine', Ngāti Hine Environmental Management Plan 2022
- Nga Ture mo Te Taiao o Te Roroa. Te Roroa Iwi Environmental Policy Document 2008 (reviewed 2011)
- Ngāti Rangl Hapū Management Plan, 2016
- Kia matau, kia mohio e ora ana Te U Kai Po Iwi Environmental Management Plan o Nga Iwi o Whaingāroa, April 2011
- Te Kahukura a Ngati Korokoro, Ngati Wharara me Te Pouka. Nga hapū o Te Wahapū o Te Hokianga-nui a Kupe, 2008.
- NgaiTakoto Environmental Plan
- Ahipara Takiwā Environmental Management Plan 2023
- Ngāti Torehina Hapū Environmental Management Plan
- Kororāreka Marae Society Hapū Environmental Management Plan

These planning documents are wide ranging in the matters they cover, high level and strategic and provide a road map for joint consideration and implementation by the hapū and / or iwi and FNDC.

Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

The plans also identify the wellbeing of the environment and its inhabitants as being an important consideration. The objectives and policies refer to the amenity values of the environment, landscapes and features as being important and requiring management. These plans also acknowledge natural hazard risk and climate change (including sea level rise) as key issues. However, they predominantly focus on the role of civil defence strategies and plans which promote adaptation and preparedness. The management plans and the broader outcomes sought have been taken into account in the development of the Proposed Plan and the subsequent Variation 1. The feedback from engagement with tangata whenua on the Variation 1 is further described in Section 4.2 of this report.

In summary, the issues, values and objectives in these iwi management plans have been taken into account in the development of Plan Variation 1.

3.5 Other Legislation and Policy Documents

District council functions and activities are directed and influenced by a wide range of other legislation and regulations. Where appropriate, Proposed Plan Variation 1 applies this legislation by including or amending provisions and mapping to implement those standards and requirements where relevant. This is discussed, to the extent relevant, within this report.

All coastal hazard mapping has been undertaken by the NRC including Coastal Flood Zone 1, 2 and 3 which are utilised in Plan Variation 1 where it was omitted in error after being identified in the 'draft' district plan that was consulted on with the community.

3.6 Local Policies, Plans, and Strategies

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires territorial authorities to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the District. There are no specific plans or strategies that are directly relevant to Variation 1.

4 Current state and resource management issues

This section provides an overview of the relevant context for the current approach as displayed within the notified PDP and highlights key issues raised by members of the community and Council staff. It concludes with a summary of the key issues to be addressed through Plan Variation 1 (Minor Corrections and Other Matters).

4.1 Proposed District Plan Approach

4.1.1 Summary of current management approach

The PDP was notified in July 2022. The current management approaches associated with the PDP will remain the same. These approaches have been outlined in the various s.32 reports that informed the PDP. As previously discussed, Variation 1 is proposed to fix two main areas which have been identified as follows:

- Minor improvements, clarifications, and amendments to provisions to improve the workability and usability of the PDP, fixing unintentional gaps and reducing unintended consent requirements.
- Mapping amendments to make adjustments to zone or mapped area boundaries where GIS errors have resulted in an inappropriate zoning or mapping.

4.1.2 Limitation with current approach

The Council has reviewed the current PDP approach, which has been informed through technical advice, internal workshops, and feedback from the community. A number of errors have been identified that were not identified in the submissions or cannot meet the requirements of a clause 16 correction. These errors create limitations with the PDP approach as notified, including:

- A number of properties were affected by GIS mapping errors related to zoning and hazard maps. If this issue is not rectified, it will affect what property owners can do on their properties.
- A number of provisions contain wording errors that create unintended consequences. These need to be amended; otherwise, the provisions will not fulfil their intended function.

4.2 Summary of consultation with tangata whenua

Council has provided the 13 Iwi authorities and 8 hapu with a copy of the draft material associated with Plan Variation 1 on the 26/06/2024, in accordance with Clause 4A of Schedule 1 of the RMA. The information provided included.

- Draft Plan Provisions - Marked up version of the PDP showing the provisions associated with Variation 1.
- Webapp which displayed all the draft mapping changes through an interactive map interface which enables the user to view, analyse, and compare various geographic data layers.
- Summary of Proposed Changes Plan Variation 1 – This is a table that summarises all the changes, reasons for the change, who may be impacted and additional information.

Staff received one piece of feedback from Mr Phillip Grimshaw on behalf of the Te Kahu o Taonui collective. The feedback reiterated information within Waitangi Tribunal Reports and Treaty Settlements that Māori have lost extensive areas of lands, and that land remaining can be categorised as 'marginal'. The feedback stated that additional restrictions would exacerbate this. A particular concern was raised around how many marae might be affected.

Officers undertook additional work to determine the potential scale of the impact on marae through the application of the portion of the NRC Coastal Flood Hazard layer that was consulted on in the draft, but inexplicably absent from the PDP when it was notified. It was noted that one marae was affected

by the reinstatement of the hazard layer – Waimanoni in the Awanui area. It was noted that the marae is included in the NRC River Flood Hazard Zone (100-Year ARI Event) in the PDP. This information has been fed back. Given the marae is already captured by a flooding layer (and therefore existing consenting requirements), and that the presently absent Coastal Flood Hazard layer would be used when considering building consents and resource consents currently, the impacts of reinstating the layer to the site are minimal. Parties will be given the opportunity to submit on the proposal and have any additional concerns heard by the Hearings Panel.

5 Proposed provisions

The proposed amendments are set out in the following table. The table provides an explanation of each amendment and shows the proposed amendment incorporated into the rule.

Proposed additions to the plan are shown with underline and proposed deletions are indicated by ~~strikethrough~~.

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
Zoning Corrections				
1-1	Coastal Flood Hazard Layer	The Coastal Flood Zone Layer was incorrectly omitted from a number of places in the district. This was because a GIS issue occurred when bringing the NRC mapping data into the PDP maps.	The Coastal Flood Zone layer information will be taken from the NRC modelling and used to insert the Coastal Flood Hazard layer in the areas that were missed on the notified PDP maps.	Insert Coastal flood Hazard layer in the areas that were missed on the notified PDP maps.
1-2	Open Space Zoning	Twenty-six (26) properties have been incorrectly zoned as one of the Open Space zonings, or should have been. These issues came about because of GIS errors within the notified	Twenty-six (26) properties have been identified that are incorrectly zoned. Some are zoned as Natural Open Space and should instead have a different zoning if they are private properties and do not have the characteristics of Open	Rezone twenty-six (26) properties which have been incorrectly zoned as Natural Open Space or Open Space to a more appropriate zone which enable the intended use of the site, for example the Rural Production zone. In other cases, the site is zoned Rural Production but

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
		<p>PDP or were incorrectly carried over from the ODP.</p>	<p>Space zones. Conversely, if these properties are reserves or have another specific status, they may need to be zoned as Natural Open Space.</p> <p>In other cases, some reserve areas have an inappropriate Open Space zoning and would be better suited to a different zoning.</p> <p>Each of these properties have been analysed and a more appropriate zone chosen based on the individual property context. This will reduce unnecessary zoning constraints on property owners.</p>	<p>should be zoned as Natural Open Space or Sport and Active Recreation to enable protection of the natural values or sports activities.</p>
1-3	Hospital Zoning	<p>Four properties and a section of road reserve were incorrectly included within the Kawakawa 'Hospital zone' in the notified PDP. Hospital zoning is only appropriate for land used for that purpose.</p>	<p>The four private properties will be zoned General Residential which enables the continuation of the current land use of the sites and the associated residential development density. This is consistent with nearby properties and current use of the affected land. The section of road reserve will not be zoned as is consistent with</p>	<p>Rezone four properties and a section of road reserve that were included within the Kawakawa 'Hospital zone' in the notified PDP to 'General Residential'. The section of road reserve will not be zoned.</p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
			the approach to road reserves in the PDP.	
1-4	Airport Zoning	Five parcels leased as part of the Kaitaia Airport were incorrectly zoned 'Rural Production' in the notified District Plan.	Given the land is used for an Airport, the Airport zone is more appropriate to support the ongoing operation of the Kaitaia Airport.	Rezone five parcels leased as part of the Kaitaia Airport to 'Airport zone'. These parcels are zoned 'Rural Production' in the notified District Plan.
1-5	Kororāreka Russell Township Zoning	Four properties at the top of Gould Street, Russell, which were incorrectly zoned 'General Residential' in the notified PDP.	These identified properties are within Kororāreka - Russell Township and surrounded by properties with this zone. The Kororāreka Russell Township zoning is slightly more restrictive than General Residential, but this reflects the unique and historically important values of the Russell township. Which is why this zoning change is proposed.	Rezone four properties to 'Kororāreka Russell Township' at the top of Gould Street, Russell, which were zoned 'General Residential' in the notified PDP.
Wording updates				
1-6	<i>New buildings or structures, or extensions to existing buildings or structures</i> Proposed amendment will be made to this rule in the following	Reference to the Airport Protection Surface Overlay were not included in all the affected zone provisions which the overlay covered. Therefore,	The primary objective of the Airport Protection Surface is to safeguard the airport's operational efficiency and safety. By controlling building heights and structures within the Airport Protection Surface it	The following wording is added to each of the specified provisions. PER-# <u>The building or structure, if located within an airport protection surface area identified on the planning</u>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
	<p>zones/overlays and provisions.</p> <ul style="list-style-type: none"> - Rural Production (RPROZ-R1) - Māori Purposes - Urban and Rural (MPZ-R1) - Horticulture (HZ-R1) - General Residential (GRZ-R1) - Rural Residential (RRZ-R1) - Light Industrial (LIZ-R1) - Mixed Use (MUZ-R1) - Sport and Active Recreation (SARZ-R1) - Open Space (OSZ-R1) - Natural Open Space (NOSZ-R1) - Treaty Settlement Overlay (TSL-R1) 	<p>compliance with Airport Protection Surface overlay is not required within these zones under the notified provisions. This could result in safety issues and restrict airport operations.</p>	<p>safeguards aircraft during take-off and landing.</p> <p>The proposed amendment involves revising the wording of the rule pertaining to new buildings and structures within zones covered by the Airport Protection Surface Overlay. This revision requires adding a permitted standard that specifically addresses the Airport Protection Surface Overlay which is the same as that for the zones where the provisions were captured by the PDP.</p>	<p><u>maps, does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces.</u></p> <p><u>Activity status where compliance not achieved with PER-#.</u></p> <p><u>Discretionary</u></p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
1-7	<p><i>New buildings or structures</i> Rule: HA-R9</p>	<p>The Kohukohu Heritage Area was omitted in the activity status table for rule HA-R9, which relates to new buildings/structures within Heritage Area Overlays. It should be noted the draft District Plan consultation material specified that new buildings in historic heritage areas or a heritage place would be a restricted discretionary or discretionary activity.</p>	<p>As part of the proposed amendments, the Kohukohu Heritage Area will be included in the activity status table for rule HA-R9. This means that any new building or structure within the Kohukohu Heritage Area will now require a discretionary resource consent which was the original intent of the notified PDP.</p>	<p>Activity Status: Discretionary. Insert <u>Kohukohu</u> into the activity status table.</p>
1-8	<p><i>Activities not otherwise listed in this chapter</i> Rule: HA-R11</p>	<p>The catchall rule for heritage areas (Rule HA-R11) creates unintended consequences including resource consent requirements for activities not intended to be regulated.</p>	<p>As a proposed amendment, the catchall rule for heritage areas (Rule HA-R11) will be removed. If this rule is not deleted, activities such as planting a tree or shrub within the heritage area overlay would require resource consent, as they are not specifically addressed in the other rules associated with the heritage overlay chapter. This was not the intention of the rule and presents a low risk to the</p>	<p>HA-R11-Activities-not-otherwise listed in this chapter</p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
1-9	<p><i>Bush protection, and weed and pest control</i></p> <p>Rule: QR-R8</p>	<p>The title of rule QR-R8, which pertains to bush protection, weed, and pest control within the Quail Ridge zone, is misleading as the current wording does not align with its intended purpose. The wording of this rule in the notified PDP was duplicated from another Quail Ridge rule and is therefore not appropriate for its intended function.</p>	<p>To address this issue, it is necessary to replace the duplicated wording with the correct language.</p> <p>By removing the duplicated content and inserting the appropriate wording, the original intent of rule QR-R8—to protect bush areas within the Quail Ridge zone and implement effective weed and pest control measures—will be restored.</p>	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>Prior to the occupation of Stage 1 residential units, Rainbow Falls Road corner shall be widened and emphes with standard QR-S7 Off site road improvements</p> <p><u>In conjunction with the first application for resource consent to construct buildings within Stage 5, or if Stage 5 is cancelled, Stage 4, a plan must be provided to the Council identifying the small stand of predominantly native bush on the site's escarpment area for legal and physical protection. The plan must comply with QR-S8 Bush protection, weed, and pest control</u></p> <p>CON-2</p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
1-10	<p><i>Removal or relocation of a notable tree</i></p> <p>Rule: NT-R8</p>	<p>Rules NT-R8 and NT-R3 both pertain to similar matters regarding notable trees. However, the wording in the notified PDP does not specify that NT-R8</p>	<p>To address this issue, the wording of notable tree rule NT-R8, which governs the removal or relocation of a notable tree, will be amended. This amendment aims to ensure that NT-R8 does not override the permitted activities outlined in</p>	<p>Prior to the occupation of Stage 2 serviced apartments and bed-care units, Rainbow Falls Road shall be widened to a 7m width plus the provision for a footpath on at least one side of the road complies with standard QR-S7-Off site road improvements</p> <p>A weed and pest control programme shall be initiated at the same time as the internal road access through to Stage 5 has been constructed, or if Stage 5 is cancelled, before Stage 4 is completed. The programme must comply with QR-S8 Bush protection, weed, and pest control</p> <p>Matters of control are limited to: Off site road improvements. <u>Bush protection, weed and pest control.</u></p>
			<p>To address this issue, the wording of notable tree rule NT-R8, which governs the removal or relocation of a notable tree, will be amended. This amendment aims to ensure that NT-R8 does not override the permitted activities outlined in</p>	<p>Removal or relocation of a notable tree <u>(except as provided for by NT-R3)</u></p> <p>Activity status: Discretionary</p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
1-11	<p><i>Setback (excluding from MHS or wetland, lake and river margins)</i></p> <p>Proposed amendment will be made to this standard in the following zones and provisions.</p> <ul style="list-style-type: none"> - Heavy Industrial Zone (HIZ-S3) - Horticulture Processing Facilities Zone (HPFZ-S3) - Māori Purpose Zone – Rural (MPZ-S3) 	<p>The setback standard applies across multiple zones and dictates the distance from property boundaries where buildings, structures, extensions, or alterations can be constructed. Uncovered decks below a certain height above ground level are exempt from this standard. However, the maximum allowable deck height differs between the Heavy Industrial Zone, Horticulture Processing Facilities Zone, and Māori Purpose Zone compared to other rural and industrial</p>	<p>NT-R3, which specifically allows for the removal or pruning of unsafe or dead notable trees. NT-R3 should be treated as an exception to NT-R8. The proposed additional wording will clarify this relationship.</p> <p>To ensure consistency, the setback standard in the Heavy Industrial Zone, Horticulture Processing Facilities Zone, and Māori Purpose Zone (Rural) zones will not apply to uncovered decks up to a maximum height of 1 meter above ground level. This is increased from the current 0.5 meters.</p>	<p>This standard does not apply:</p> <p>to fences or walls no more than 2m in height; uncovered decks less than 10.5m in height above ground level.</p>

Amendment	Topic & Plan Provision	Issue	Explanation of Proposed Amendments	Proposed Amendments
		zones in the notified PDP.		

6 Approach to evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA. This does not apply as there are no changes to the existing objectives or new objectives associated with the variation.
- Examine whether the provisions are the most appropriate way to achieve the objectives through:
 - Identifying reasonably practicable options for achieving the objectives.
 - Assessing the efficiency and effectiveness of the provisions, including an assessment of environmental, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for Variation 1 are evaluated in the table below.

Criteria	Comment	Assessment
<p>Raises any principles of the Treaty of Waitangi</p>	<p>The content of Variation 1 is not considered to have a high impact on the principles of the Treaty of Waitangi. Some of the changes directly relate to tangata whenua, including the rezoning of some properties leased by the Kaitaia Airport, which is Treaty Settlement Land. The rezoning of properties leased by the Kaitaia Airport to 'Airport Zone' is a more enabling change for the land's use as an airport.</p> <p>Adding the omitted coastal flood hazard maps may affect Māori land. However, this Coastal Flood Zone information is currently used by FNDC anyway to inform resource consents and building consents as it is based on the most up to date hazard modelling information provided by Northland Regional Council (NRC). In terms of development restrictions, nothing changes however the complete map layer will be added to the PDP. However, including the information on the mapping layer adds clarity to landowners about what provisions and hazards may apply to a site. The maps were included in the 'draft' district plan consultation material.</p> <p>The additional permitted standard within the buildings and structures rule specifying that 'Airport Protection Surface Area' must not be breached will also be included within the Treaty Settlement Overlay and Māori Purpose zones. The Airport protection surface is carried over from ODP so these restrictions already exist. The primary objective of the Airport Protection Surface is to safeguard the airport's operational efficiency and safety. By controlling building heights and structures within the Airport Protection Surface it safeguards aircraft during take-off and landing.</p>	<p>Low</p>
<p>Effects on matters of national importance</p>	<p>The management of significant risks from natural hazards is a matter of national importance under section 6(h) of the RMA. The variation includes adding the Coastal Flood Hazard GIS layer where it was omitted, despite being included in the draft district plan consultation material. This was intended to be included within the PDP but was not in error. The approach to add this GIS layer back into the PDP through a variation is therefore a critical component of meeting obligations under section 6 of the RMA and the requirement for territorial authorities to prepare district plans in accordance with Part 2 of the RMA.</p>	<p>Low</p>

Criteria	Comment	Assessment
<p>Scale of effects – geographically (local, district wide, regional, national).</p>	<p>The matters associated with the variation are limited in scale. The zoning changes pertain to a select number of properties within the district, thus their impact is localized. The wording changes, while applicable to multiple zones, are minor in nature and scale, ensuring they will not significantly affect landowners. Consequently, the geographical scale of the effects remains confined primarily to the local and district levels, with no substantial regional or national implications.</p>	<p>Low</p>
<p>Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).</p>	<p>The matters associated with the variation are limited in scope, affecting a specific and small group of current landowners within the district. The zoning changes apply to a limited number of select properties, impacting primarily single or multiple landowners rather than entire neighbourhoods or the public generally. The wording changes, though applicable across several zones, are minor and will not have significant impacts on landowners. Therefore, the scale of people affected is minimal for both current and future generations, with no substantial effects anticipated on broader communities or the public at large.</p>	<p>Low</p>
<p>Scale of effects on those with specific interests, e.g., Tangata Whenua</p>	<p>As previously mentioned, some of the changes directly affect Māori landowners and interests. However given the scale of effects, the potential of Māori to use and develop their land will largely remain unchanged. Feedback received from Tangata Whenua in the Schedule 1 process is outlined above.</p>	<p>Low</p>
<p>Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?</p>	<p>Variation 1 relates to correcting errors in the PDP. As previously mentioned, the effects in relation to natural hazards are a matter of national importance under section 6(h) of the RMA. The RPS also addresses natural hazards, the inclusion of coastal flood hazard maps will give effect to the RPS approach to natural hazards. The RPS also provides specific direction on Historic Heritage, this is implemented by the amendments and corrections. The degree of policy risk is considered to be low as the amendments are minor and reflect the original intent of the PDP.</p> <p>The risks of acting or not acting are discussed more fully in Section 8 of this report.</p>	<p>Low</p>

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being **low**. Consequently, a low level of detail is appropriate for the evaluation of the provisions for Variation 1 in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach and areas of identified policy and implementation risk.

7 Evaluation of Options

7.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the variation is the most appropriate way to address the identified issues:

- (i) *identifying other reasonably practicable options for addressing the identified issues; and*
- (ii) *assessing the efficiency and effectiveness of the variation in addressing the identified issues; and*
- (iii) *summarising the reasons for deciding on the variation.*

When assessing the efficiency and effectiveness of the variation in addressing the identified issues, section 32(2) of the RMA requires that the assessment: *(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.*

This section provides an assessment of reasonably practicable options and associated provisions for addressing the identified issues in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the ‘proposed provisions’ section 5 of this report. Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in addressing the identified issues.
- **efficiency** measures whether the provisions will be likely to address the identified issues at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for addressing the identified issues in accordance with sections 32(1)(b) and 32(2) of the RMA.

7.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs ‘where practicable’ recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 6.3 of this report, the scale and significance of the effects of proposed changes for Variation 1 are assessed as being low. However, it is inherently challenging to quantify the benefits and costs associated with Variation 1. Therefore, exact quantification of the benefits and costs of the different

options to address the identified issues is not considered practicable for Variation 1. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the variation.

7.3 Evaluation of options

Three options are evaluated below, which aim to manage the identified issues with the PDP. The options are Plan Variation 1 (Minor Corrections and Other Matters) (proposed approach), maintaining the status quo, delay proposed changes for a future plan change.

7.3.1 Option 1: Plan Variation 1 (Minor Corrections and Other Matters)

Option 1: Identified minor errors and issues are addressed by a variation to the PDP.

Risk of acting / not acting	
Benefits	Costs
<ul style="list-style-type: none"> Addresses minor errors and omissions in the PDP, including GIS zoning and overlay errors. Addresses wording that creates unintended consequences, such as unnecessary resource consent requirements. Provides greater clarity and consistency in the application of rules within the PDP. Reduces the risk of confusion and misinterpretation of PDP provisions. Improves the efficiency and effectiveness of the planning process for both landowners and Council staff. Enhances the overall functionality and effectiveness of the PDP. Supports the long-term vision and goals of the PDP. Rectifies incorrect zoning which may affect the development rights of property owners in the fastest way possible. Provides plan users with the most up to date Coastal Flood Hazard layer within the PDP maps. If notified urgently, Variation 1 can be heard within the PDP hearing timetable and budgets. 	<ul style="list-style-type: none"> Costs associated with the variation process including staff time and resources, public consultation and engagement on the proposed changes. Potential costs of appeals arising from the variations.
	<p>Risks of Acting:</p> <ul style="list-style-type: none"> Risk of not fully addressing all minor errors and omissions, leading to continued confusion or misinterpretation of the PDP. Risk of unintended consequences from the changes, despite efforts to minimise these. Risk of public backlash or opposition if stakeholders feel their interests are not adequately considered or if the changes are perceived as detrimental. <p>Risks of Not Acting:</p> <ul style="list-style-type: none"> Confusion and inefficiency in the PDP due to unresolved errors and omissions. Potential legal risks from not addressing zoning issues or wording that creates unintended consequences. Risk of missing out on potential benefits, such as improved clarity and consistency in the PDP, and potential cost savings over time. Potential risk to people and property from the risk of natural hazards.

		<ul style="list-style-type: none"> Increased costs associated with the need to apply for resource consents arising from incorrect zoning
<p>Effectiveness</p> <ul style="list-style-type: none"> Variation 1 is expected to offer an effective solution to correcting minor issues and errors in the notified PDP. The proposed changes through Variation 1 address these issues and errors in the most expedient manner possible, while also allowing for consultation and public input commensurate with the scale and scope of the changes proposed to ensure that all statutory requirements are met. This enabled the consideration of the modifications to the variation if issues with the approach were identified during this process. 	<p>Efficiency</p> <ul style="list-style-type: none"> In terms of efficiency, Variation 1 is expected to address minor issues and errors in the PDP at potentially lower costs or with higher net benefits to the community compared to other options. By swiftly addressing these issues, the impacts on users of the plan and affected property owners will be minimized. This approach also allows for consultation and modification if needed, so that Variation 1 can achieve its goals in a cost-effective manner, maximizing benefits for society. 	
<p>Overall evaluation</p> <p>On balance this option is considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> Variation 1 effectively addresses minor issues and errors in the PDP, ensuring the plan's accuracy and functionality. Variation 1 is the fastest way to address these issues which minimizes impacts on users of the plan and affected property owners. The approach allows for consultation and modification if needed, ensuring flexibility and responsiveness to feedback. Variation 1 is expected to achieve its goals in a cost-effective manner, maximizing benefits for society. 		

7.3.2 Option 2: Status quo

<p>Option 2: Retain provisions of the PDP as notified.</p>		
<p>Risk of acting / not acting</p>		
<p>Benefits</p> <ul style="list-style-type: none"> Avoids potential administrative costs and risks associated with implementing Variation 1. Maintains current familiarity and understanding of the district plan among stakeholders. Preserves existing PDP without the need for changes. Avoids potential disruptions to development projects or land use activities. 	<p>Costs</p> <ul style="list-style-type: none"> Risk of perpetuating errors and omissions in the PDP, leading to confusion or misinterpretation of planning regulations. Risk of missing opportunities for improvement or efficiencies that could be gained through implementing Variation 1. Potential for legal challenges or disputes related to unresolved issues in the PDP. 	<p>Risks of Not Acting:</p> <ul style="list-style-type: none"> Risks associated with development in hazard areas if the coastal flood hazards are not all accurately identified on the PDP maps. Risk to aircraft safety if buildings protrude through the airport protection surfaces overlay.

	<ul style="list-style-type: none"> • Risk of PDP potentially not meeting the requirements of higher-level planning documents or policies. • High costs associated with Resource Consent applications for activities in heritage area overlays that should not require resource consent. This would also create unnecessary delays and uncertainty. 	<ul style="list-style-type: none"> • Risk of properties being inappropriately zoned could result in unnecessary resource consents requirements and the associated cost of these.
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • While this option may not directly address the identified minor issues and errors in the PDP, it avoids the potential costs and risks associated with implementing changes. However, there is a risk of perpetuating errors and confusion in the PDP, potentially leading implementation of provisions within the PDP in a manner which was not intended. For example, properties that have been incorrectly zoned could be affected by inappropriate provisions. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Maintaining the status quo may seem cost-effective in the short term, as it avoids the costs associated with implementing changes. However, in the long term, the anticipated costs of not addressing the identified issues and errors in the PDP are expected to outweigh the benefits of maintaining the notified version. There is a risk of unnecessary additional consenting costs for users of the plan if the status quo is maintained. Moreover, there may be legal implications of incorrectly zoned properties. Overall, Option 2 is not considered an efficient approach. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to address the identified issues because:</p> <ul style="list-style-type: none"> • Maintaining the status quo does not directly address the identified minor issues and errors in the PDP, potentially perpetuating confusion and unworkable planning regulations. • While this option provides stability and avoids the immediate costs and risks associated with implementing changes, the delay to fix the identified issues is likely to create greater issues and costs. 		

7.3.3 Option 3: Delayed Plan Change Approach

Option 3: Address the issues and errors as a plan change once the PDP has become operative.

Risk of acting / not acting	
Benefits	Costs
<ul style="list-style-type: none"> • Allows for further analysis and consideration of the proposed changes, potentially leading to more informed decision-making. • Provides additional time for stakeholder engagement and consultation on the proposed changes. • Allows for the incorporation of additional issues or errors that may be discovered before implementing the changes. 	<ul style="list-style-type: none"> • Delays the resolution of identified errors and omissions in the PDP, potentially prolonging confusion and unworkable planning regulations. • May result in missed opportunities for improvement or efficiencies that could be gained through timely implementation of the changes. • Will lead to increased costs in the future because an additional hearing will be required after the current PDP schedule due to it being a standalone separate plan change. • Budget costs outside the current PDP hearing framework.
<p>Effectiveness</p> <ul style="list-style-type: none"> • A future plan change approach is expected to offer an effective solution to the identified minor issues and errors in the PDP as notified. The proposed changes through a future plan change would address these issues and errors but in a delayed manner. The option would also allow for wider consultation and public input to ensure that all opinions and views are heard. This flexibility enables modifications to the variation if issues with the approach are identified during this process. However, given the time it would take to implement this option, it is not considered effective. 	<p>Efficiency</p> <ul style="list-style-type: none"> • In terms of efficiency, Option 3 will achieve the objectives of addressing minor issues and errors in the PDP. However, this will be delayed until the PDP has become operative and a plan change has been completed. This would occur over a longer time period and be slower than Option 1. This delay could increase costs to the district, as errors would not be fixed for a number of years, potentially disadvantaging users of the PDP. Additionally, a separate plan change, and associated hearing, would increase costs beyond those of Option 1, given that Variation 1 can be incorporated into the existing PDP hearing schedule.
<p>Risks of Not Acting:</p> <ul style="list-style-type: none"> • Risk of not fully addressing all minor errors and omissions, leading to continued confusion and unworkable planning regulations. • Risk of unintended consequences from the changes, despite efforts to address them, potentially leading to further issues. <p>Risks of Acting:</p> <ul style="list-style-type: none"> • Risk of missing opportunities for improvement or efficiencies that could be gained through the Variation 1 approach. • Risk of public backlash or opposition if stakeholders feel issues identified with the notified PDP are not addressed quickly. 	

Overall evaluation

On balance this option is not considered to be the most appropriate option to achieve the objectives because:

- A delayed plan change effectively addresses minor issues and errors in the PDP, ensuring the plan's accuracy and functionality.
- The delayed plan change is not the fastest way to address these issues, therefore impacts on users of the plan and affected property owners will be greater.
- The approach allows for consultation and modification if needed, ensuring flexibility and responsiveness to feedback.
- The delayed plan change approach may be more costly than Option 1, given it cannot be incorporated into the existing PDP hearing schedule.

8 Summary

An evaluation of the proposed provisions for Plan Variation 1 - Minor Corrections and Other Matters has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that Variation 1 is the most appropriate way to achieve the purpose of the RMA and address the identified issues for the following reasons:

- Variation 1 effectively addresses the identified minor issues and errors in the PDP, improving the plan's accuracy and functionality.
- Variation 1 is the fastest way to address these issues which minimizes impacts on users of the plan and affected property owners.
- The approach allows for consultation and modification if needed, ensuring flexibility and responsiveness to feedback.