

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies and rules for the Rural zones following the consideration of submissions received on the Proposed Plan. The Rural zones provisions are contained in chapters General Objectives and Policies for all Rural zones, General Rural Zone, Rural Lifestyle Zone and Matters of Discretion for all Rural zones.

This further evaluation should be read in conjunction with Part A – Overview and Part B Rural zones and the Section 32 Rural Zones Report prepared for the development of the Proposed Plan.

Where amendments have been made to rules, standards and matters of discretion, the section 32AA analysis has been undertaken within the report. Appendix C only contains the section 32AA analysis of objectives and policies.

C2. Recommended amendments

The proposed amendments to an Objective (GRUZ-O1) and a number of policies give effect to the NPS-HPL, reflection of the importance of primary production within the rural zones and a new policy on wilding trees.

C3. Statutory Tests

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.¹⁶⁰ For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

Provisions

¹⁶⁰ RMA s32(1)(a)

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.¹⁶¹

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

C4. Evaluation of Recommended Amendments to Objectives

Objective GRUZ-O1 recommended to be amended as set out in Appendix A: The following tables provide an evaluation of the recommended amendments to the objectives.

Table C 1: Recommended Amendments to Objective GRUZ-O1

Relevance	Addresses a relevant resource management issue The proposed amendment to GRUZ-O1 reorders the reference to natural and physical resources to ensure that it recognises that primary production activities are the key focus of the zone.
	Assists the District Council to undertake its functions under s31 The proposed amendment is consistent with the Council's functions under section 31 of the RMA to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
	Gives effect to higher level documents The proposed amendment is consistent with Policy 5.3.12 of the RPS, where the natural and physical resources contributing to Canterbury's overall rural production. It also recognises the primary importance of land based primary production activities with respect to the protection and use of highly productive land as part of the NPS-HPL.
Usefulness	Guides decision-making The proposed amendments provide greater clarity on the outcomes sought and therefore, provide more guidance for decision making. Specifically, the amendments proposed to GRUZ-O1 provide a clearer understanding of how natural and physical resources contribute towards primary production.
	Meets best practice for objectives The proposed amendments provide greater clarity and direction and Therefore, better meet best practice requirements.
Reasonableness	Will not impose unjustifiably high costs on the community / parts of the community The proposed changes will not result in unjustifiably high costs relative to the notified objectives.
	Acceptable level of uncertainty and risk There is no change with the uncertainty and risk with the proposed amendments.
Achievability	Consistent with identified tangata whenua and community outcomes

¹⁶¹ RMS s32(6)(a)

	There is no change for this criterion between the notified and proposed amended objectives.
	Realistically able to be achieved within the District Council's powers, skills and resources There is no change for this criterion between the notified and proposed amended objectives.
Conclusion	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

Overall, the recommended amendments proposed to the objective provide a clearer understanding of the importance of primary production and the significant amount of LUC Class 1 to 3 soils (Highly Productive Land) we have in the district. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.

C5. Evaluation of Policies

I have assessed how the recommended changes to the policies, rules and other methods are the most appropriate to implement the objectives below. In undertaking this assessment, I have evaluated the recommended amendments against the provisions as notified.

Efficiency and Effectiveness of the Provisions

I have assessed the efficiency and effectiveness of the recommended amended provisions in achieving the objectives, including identification and assessment of the costs and benefits anticipated from the implementation of the provisions in Table C 5 to 9: Assessment of efficiency and effectiveness below.

Table C 2: Assessment of efficiency and effectiveness – Policy RURZ-P2

Recommended Amendments to Provisions:	
The proposed amendment of changing “providing” with “enabling” better reflects the intention of the policy. The policy recognises the importance of maintaining the availability and life supporting capacity of the land for primary production activities in the district. The amendment of ‘minimised’ to avoided’ is consistent with the approach taken in the NPS-HPL.	
Costs	Benefits
The change should not result in any additional costs associated with primary production activities. The amendment will not result in any additional costs to primary production. The rural subdivision restrictions have a greater control on rural subdivision than the consideration of avoiding subdivision of HPL.	The amendment better aligns with the other policy provisions of the Proposed Plan. The other amendment means that the plan is consistent with the NPS-HPL and will provide additional support to limit rural subdivision into uneconomic lifestyle blocks.
Efficiency	No identified change.
Effectiveness	The proposed amendment will improve the understanding and effectiveness of those provisions that rely on the policy and enable the plan to give effect to the NPS-HPL.
Summary	

The amendment reinforces the importance primary production in the Rural zones. The amendment aligns with the other objectives and policies within the Rural zone chapters, by ensuring that primary production is considered as the main land use within the zone.

Table C 3: Assessment of efficiency and effectiveness – Policy RURZ-P8

Recommended Amendments to Provisions:	
The proposed amendment recognises the existing presence of heavy industry within the rural environment and its suitability within that environment.	
Costs	Benefits
By recognising that heavy industry within the rural environment and minimising the potential for reverse sensitivity effects may result in some development costs to adjoining land owners. Development potential on the land immediately adjoining the zoned heavy industry development may require acoustic insulation.	The ability to establish new heavy industrial sites within the district is limited given the potential for offsite impacts. Recognition that these businesses can be adversely affected by reverse sensitivity effects will help limit any potential constraints on operation.
Efficiency	The proposed amendment will improve efficiency of the plan, by recognising all land use activities that occur within the wider rural environment.
Effectiveness	The proposed amendment will be more effective in removing uncertainty around reverse sensitivity in the rural environment.
Summary	
The amendment will place more consideration of reverse sensitivity effects on properties that adjoin heavy industrial sites, but will ensure that the operation of the sites is not unduly constrained by new development of the land.	

Table C 4: Assessment of efficiency and effectiveness – Policy RURZ-P9

Recommended Amendments to Provisions:	
It is proposed to develop a new policy that requires the consideration of the risk of wilding trees establishing in an area where afforestation occurs that is not associated with a Plantation Forest.	
Costs	Benefits
Wilding trees could potentially result in a \$5.3 billion threat to the economy in New Zealand ¹⁶² . The cost of the proposed policy to new afforestation projects is likely to be minor in comparison to the long-term costs associated with their removal.	The policy will ensure that the potential for wilding trees to establish is given thought to prior to any new afforestation.
Efficiency	The new policy and subsequent amendments to GRUZ-R2 and RLZ-R2 and RURZ-MD4 will ensure that the policy is efficient in the plan.
Effectiveness	The proposed amendment will be more effective in treating all new afforestation the same in the rural environment.

¹⁶² <https://www.beehive.govt.nz/release/14-million-hectares-wilding-pine-control-work-two-years>

Summary
The proposed policy on wilding trees will ensure that all new afforestation within the district considers the potential risk on surrounding land use.

Table C 5: Assessment of efficiency and effectiveness – Policy GRUZ-P2

Recommended Amendments to Provisions:	
The proposed amendment is to give effect to the NPS-HPL by ensuring that land fragmentation is limited where it could result in a loss of productive capacity of highly productive land.	
Costs	Benefits
The policy already limits land fragmentation, while the inclusion is far reaching it should not result in any additional costs to land owners except where they were hoping to subdivide on the back of high land prices.	It will provide another level of protection of highly productive land and ensuring that primary production in the district remains the main focus of the Rural zones.
Efficiency	The provision will improve the efficiency of the policy by providing for consideration of highly productive land in any subdivision applications.
Effectiveness	The amendment will align with other changes to the Proposed Plan that are required to give effect to the NPS-HPL.
Summary	
The proposed amendment gives effect to the NPS-HPL and forms part of a policy and rule response for the protection of highly productive land from fragmentation.	

Table C 6: Assessment of efficiency and effectiveness – Policy GRUZ-P3

Recommended Amendments to Provisions:	
Costs	Benefits
Efficiency	
Effectiveness	
Summary	

Overall, taking into account the assessment above, I consider the recommended amendments to the policies and rules to be more efficient and effective in achieving the objectives than the notified provisions.

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to provide clarity to the Rural zones provisions of the Proposed Plan. If no action is taken and the Proposed Plan is retained as notified, it could cause confusion and may result in a lack of consistent interpretation of the Proposed

Plan and increased costs in terms of time and money required by District Council staff to process resource consents.

Submissions also seek to amend the Proposed Plan so it better achieves the purpose of the RMA. The recommended amendments address this matter assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the Rural zones provisions of the Proposed Plan and considering the submissions on these provisions and matters raised in mediation, I consider there is sufficient information on which to base the recommended revised objectives, policies and rules.

C1. Conclusion

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where there is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objective(s). I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.