

# SECTION 32 REPORT

## Special Purpose: Orongo Bay

May 2022

### Table of Contents

<b>1</b>	<b>Executive Summary .....</b>	<b>3</b>
<b>2</b>	<b>Introduction and Purpose .....</b>	<b>4</b>
2.1	Purpose of report .....	4
2.2	Overview of topic.....	4
<b>3</b>	<b>Statutory and Policy Context .....</b>	<b>6</b>
3.1	Resource Management Act 1991 .....	6
3.2	Higher order planning instruments .....	6
3.2.1	National Planning Standards.....	7
3.2.2	National Policy Statements.....	7
3.2.3	National Environmental Standards.....	8
3.2.4	Regional Policy Statement for Northland .....	8
3.3	Regional Plan for Northland .....	8
3.4	Iwi and Hapū Environmental Management Plans .....	9
3.5	Other Legislation and Policy Documents .....	10
3.5.1	Long Term Plan .....	10
<b>4</b>	<b>Current state and Resource Management Issues.....</b>	<b>10</b>
4.1	Context .....	10
4.2	Operative District Plan Approach .....	10
4.2.1	Summary of current management approach .....	10
4.2.2	Limitation with current approach.....	11
4.3	Key issues identified through consultation.....	11
4.3.1	Summary of issue raised through consultation .....	11
4.3.2	Summary of advice from iwi authorities.....	11
4.4	Summary of resource management issues.....	12
<b>5</b>	<b>Proposed District Plan Provisions.....</b>	<b>13</b>
5.1	Strategic Objectives .....	13
5.2	Proposed Management Approach.....	13
5.3	Summary of proposed objectives and provisions.....	13
5.3.1	Summary of objectives .....	13

5.3.2	Summary of provisions .....	14
5.3.3	Responding to advice from iwi authorities .....	15
<b>6</b>	<b>Approach to Evaluation .....</b>	<b>15</b>
6.1	Introduction .....	15
6.2	Evaluation of scale and significance .....	15
6.3	Summary of scale and significance assessment .....	17
<b>7</b>	<b>Evaluation of Objectives .....</b>	<b>17</b>
7.1	Evaluation of existing objectives .....	17
7.2	Evaluation of proposed objectives .....	18
<b>8</b>	<b>Evaluation of Provisions to Achieve the Objectives .....</b>	<b>19</b>
8.1	Introduction .....	19
8.2	Quantification of benefits and costs .....	19
8.3	Evaluation of options .....	20
8.3.1	Option 1: Status quo .....	20
8.3.2	Option 2: Proposed approach .....	21
<b>9</b>	<b>Summary .....</b>	<b>23</b>
<b>10</b>	<b>Appendices .....</b>	<b>24</b>
10.1	Appendix 1: Orongo Bay Outline Concept Plan .....	24

## 1 Executive Summary

The analysis provided in this report is intended to assist Far North District Council (**Council**) to fulfil its obligations under Section 32 of the Act. This Section 32 evaluation report relates to activities within the Orongo Bay Zone (**OBZ**), a proposed Special Purpose zone and is contained within 'Part 3 – Area Specific Matters'. The purpose of this chapter is to provide for the on-going development of the Orongo Bay area within the Far North District.

Special Areas under the Operative Far North District Plan (**ODP**) are locations where detailed site assessment and development have been completed by way of a private plan change, resource consent, development plan, structure plan or master plan to result in outcomes for the area, managed by way of area specific objectives, policies and methods. Each Special Area is unique, with individual circumstances, site constraints, surrounding environment, resource management issues and development potential.

The OBZ recognises that there are few locations suitable for commercial, service and light industrial development within the Russell Peninsula; and that the area is experiencing growth which requires facilities and services to provide for the well-being of the community. The rules of the OBZ differ from those provided in the Mixed Use and Light Industrial Chapters, as it is an isolated location that is not connected to Council three waters infrastructure. Additionally, Orongo Bay is located within a sensitive coastal environment.

The key resource management issues for Orongo Bay are:

- Protection of the Coastal Environment;
- Impacts on infrastructure; and
- Provision of commercial activities to serve the growing community.

The changes to the Orongo Bay provisions are part of the consolidated review of the ODP. The proposed provisions will address the requirements of the National Planning Standards 2019 (**Planning Standards**) and be reflective of any updated best-practice standards.

## 2 Introduction and Purpose

### 2.1 Purpose of report

This report provides an evaluation undertaken by the Council in preparation of district plan provisions for the OBZ in the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

This report focuses on the provisions of the OBZ in the PDP. The majority of the Special Purpose Zones have been derived primarily from Chapter 18 and Appendix 6 of Council's ODP which are dedicated to 'Special Areas'. This report sets out the issues within the OBZ, provides an overview of the statutory and policy context, and any specific consultation. The report also includes a review of the ODP and evaluation of alternatives to determine the most appropriate way(s) to achieve the purport of the RMA in relation to the OBZ.

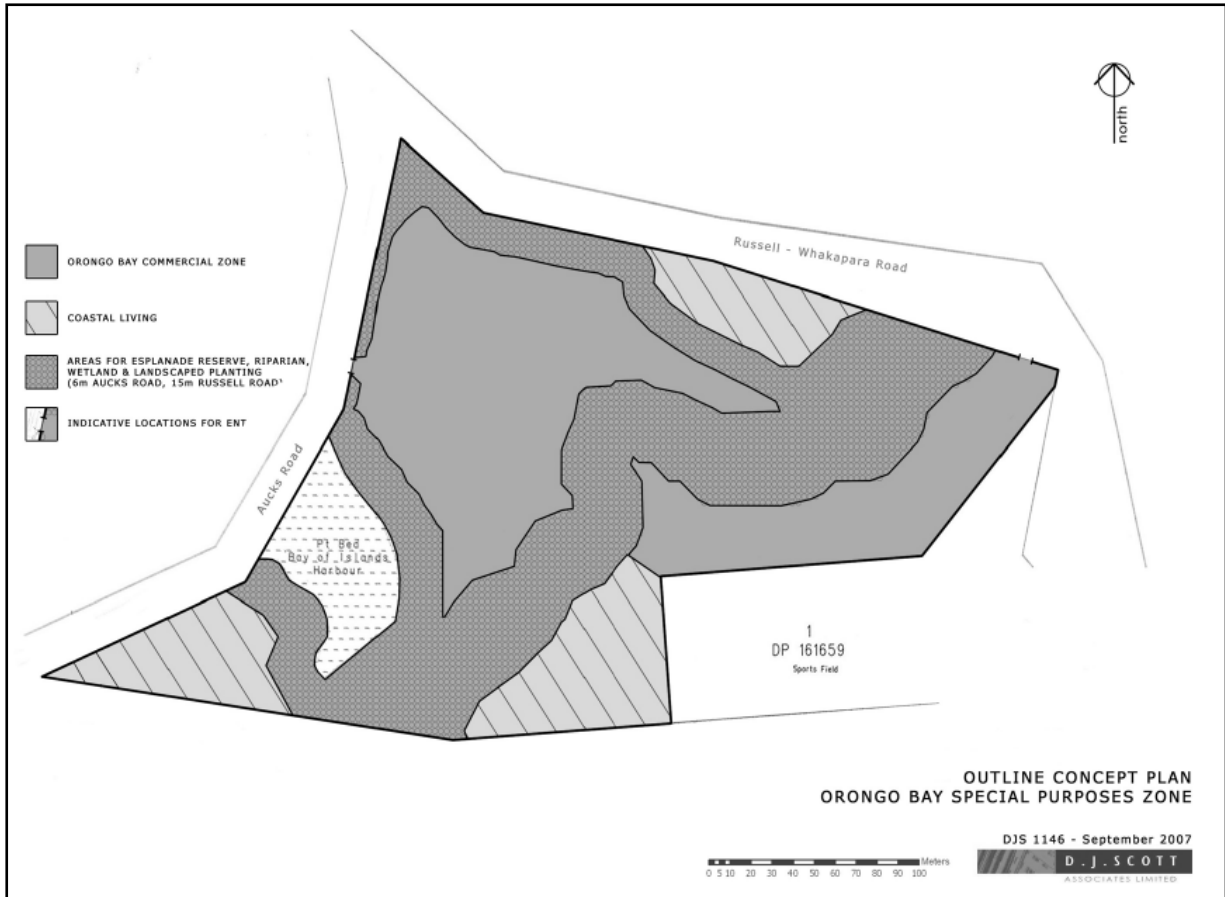
### 2.2 Overview of topic

The OBZ applies to a 50.4ha area of land at 15 Aucks Road, Russell which is held in one Record of Title (Lot 20 Deposited Plan 437503) as shown in Figure 1 below.



**Figure 1:** Aerial map showing location of OBZ (shaded red) (Source CoreLogic Emap )

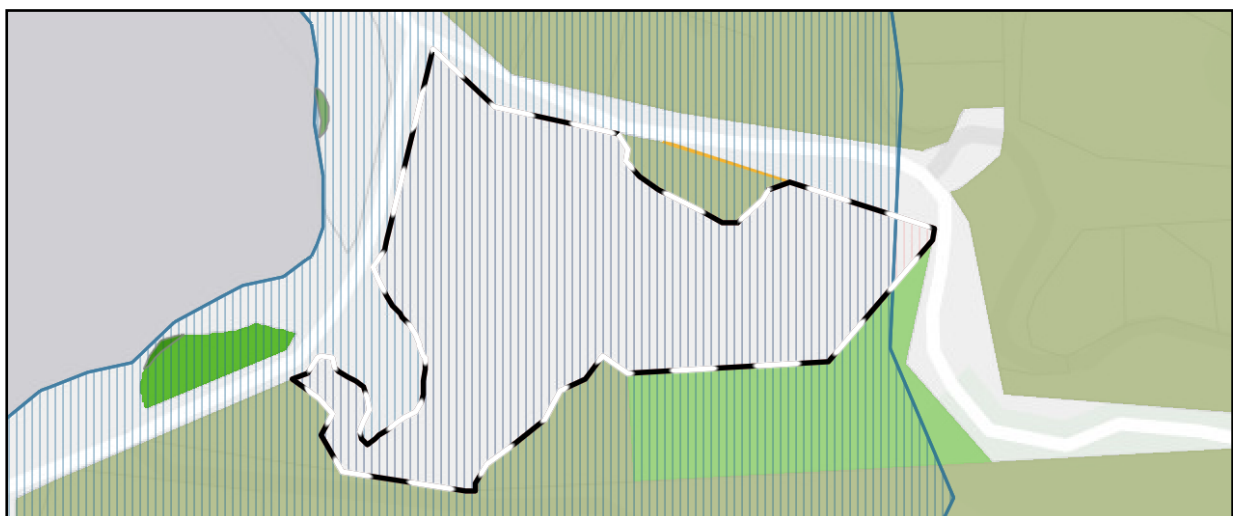
Orongo Bay is located approximately 3.5km to the southeast of Russell Township. The ODP Orongo Bay Special Area was established to provide for a limited range of service-oriented and commercial activities. The PDP approach recognises that there are few locations suitable for service, commercial and light industrial development within the Russell Peninsula, and that the area is experiencing growth which requires facilities and services to provide for the well-being of the communities. The OBZ provisions differ from those generally provided for in the Mixed use and Light Industrial zones, as it is an isolated location that is not connected to Council three waters infrastructure. Additionally, Orongo Bay is located within a sensitive coastal environment. The objectives and policies of the OBZ reflect, and are consistent with the Outline Concept Plan (refer **Figure 2**), which was prepared by the original landowner and reflected their intention for the development of the land.



**Figure 2:** Outline Concept Plan for Orongo Bay Special Purpose Zone (Source ODP)

The changes in provisions pertaining to the OBZ are part of a consolidated review of the Far North District Plan. The provisions proposed in this assessment have been modified to implement the Planning Standards as well as be reflective of the structure of all other chapters in the PDP.

Under the PDP, the majority of the OBZ is subject to the Coastal Environment Overlay, as illustrated in **Figure 3** below.



**Figure 3:** Coastal Environment Overlay shown as horizontal blue hatch (Source Draft District Plan)

The Coastal Environment Overlay has been evaluated within a separate section 32 report. The proposed OBZ provisions have been prepared to not conflict with the provisions for the Coastal Environment Overlay.

## 3 Statutory and Policy Context

### 3.1 Resource Management Act 1991

The **Section 32 Overview Report for the PDP** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) 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.

The following section 6 matters are directly relevant to the Orongo Bay Special Purpose Zone:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Section 6(a) is of primary relevance as it specifically identifies the need to preserve the natural character of the coastal environment. It is relevant to the provisions for the Special Purpose Zone: Orongo Bay as this zone adjoins a sensitive coastal environment.

The following section 7 matters are directly relevant to the Orongo Bay Special Purpose Zone:

- (a) Kaitiakitanga.
- (b) The efficient use and development of natural and physical resources.
- (c) The maintenance and enhancement of amenity values.
- (f) Maintenance and enhancement of the quality of the environment.

### 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 **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the OBZ.

### 3.2.1 National Planning Standards

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

In accordance with Mandatory Direction 8.3, an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a. are significant to the district, region or country;
- b. are impractical to be managed through another zone;
- c. are impractical to be managed through a combination of spatial layers.

Russell township has limited availability of land zoned for business purposes, with no industrial zoned land in the area. This is influenced by the historic heritage values present in the Russell which are managed by the ODP and will continue to be controlled under the PDP. The OBZ provides for a limited range of service-oriented and commercial activities to support the Russell community. This is located outside of the Russell township to manage potential adverse effects on the character, amenity values and historic heritage values present in the township.

The provisions differ from those provided for in the Mixed Use and Industrial zones, as the OBZ location does not meet the criteria to be zoned for those purposes. Additionally, the OBZ makes provision for the coastal environment values that are present in the Orongo Bay area.

It is considered impracticable to manage the development by way of spatial layer or through another zone proposed in the PDP. It is therefore considered appropriate to create a special zone.

The Planning Standards also require that if provisions for managing hazardous substances, noise, signs and lighting are addressed, they must be located in the respective standalone *Hazards and Risks*, *Noise*, *Signs*, and *Lighting* chapters. The ODP provisions currently contain standards that relate to the management of these activities. This Section 32 report and the associated proposed OBZ provisions reflect the requirements of the Planning Standards, and therefore provisions managing the effects of hazardous substances, noise, signs and lighting have been shifted into their respective standalone chapters in the PDP and are no longer managed within the OBZ chapter.

### 3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS and the New Zealand Coastal Policy Statement (**NZCPS**) must be given effect to under section 75(3)(b). The NZCPS is of particular relevance to the OBZ. The purpose of the NZCPS is to state policies regarding the management of natural and physical resources in the coastal environment, to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Local authorities are required by the RMA to give effect to the NZCPS through their plans and policy statements. The NZCPS emphasises 'appropriate' use of the coastal environment, OBZ is almost entirely located within the coastal environment.

With respect to the NZCPS, the following key provisions will be given effect to in the OBZ:

NZCPS	
<b>Policy 6</b>	Activities in the coastal environment
<b>Policy 8</b>	Aquaculture
<b>Policy 13</b>	Preservation of natural character

In summary, these NZCPS policies require the PDP to:

- Consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
- Consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
- Consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
- Ensure that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose; and
- Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment

These provisions are relevant to the OBZ provisions noting that this special zone is in an area adjacent to the coast where marine farming activities occur.

### 3.2.3 National Environmental Standards

Under section 74(1)(f) of the RMA, a district plan must be prepared in accordance with any regulations, which includes NES. Section 44A of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict with or duplicate provisions in a NES. In this instance, there are no national environmental standards considered directly relevant to the consideration of the proposed OBZ.

### 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 RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS that are directly relevant to OBZ:

RPS	
<b>Objective 3.2</b>	Region-wide water quality
<b>Objective 3.11</b>	Regional form
<b>Objective 3.14</b>	Natural character, outstanding natural features, outstanding natural landscapes and historic heritage
<b>Policy 4.6.1</b>	Managing effects on the characteristics and qualities natural character, natural features and landscapes
<b>Policy 5.1.1</b>	Planned and coordinated development
<b>Policy 5.1.2</b>	Development in the coastal environment

The RPS included new coastal environment maps and have been introduced into the PDP by way of Overlays and associated provisions. The mapped areas differ from the ODP and will apply additional overlay provisions to the OBZ, particularly relevant are earthworks and built development provisions which are more restrictive than the ODP. These are relevant to the OBZ provisions noting that this special zone is in an area adjacent to the coast and the existence of marine farming operations in the adjacent waters requires consideration of the potential for activities to affect coastal water quality.

## 3.3 Regional Plan for Northland

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) of the RMA. Section 74(2)(a) of the RMA states that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has



primary responsibility under Part 4 of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table below provides an overview of regional plan provisions directly relevant to the OBZ:

<b>Proposed Regional Plan</b>	
<b>Objective F.1.2</b>	Water quality
<b>Objective F.1.5</b>	Enabling economic well-being
<b>Policy D.2.1</b>	Rules for managing natural and physical resources
<b>Policy D.2.17</b>	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features
<b>Policy D.4.1</b>	Maintaining overall water quality

The Proposed Regional Plan combines the operative Regional Plans (coastal, air quality, water and soil) into one plan. The provisions of the Proposed Regional Plan relating to coastal water quality, land disturbance, stormwater discharges, vegetation clearance, water quality and quantity will be relevant for any proposed development. The relevant objectives and policies have been taken into consideration in the drafting of the proposed OBZ Chapter.

### **3.4 Iwi and Hapū Environmental Management Plans**

When preparing and changing district 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. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report.

The key issues in these plans that have been taken into account in the preparation of the provision for OBZ chapter are as follows:

- The Kororareka Marae Environmental Hapū Plan 2009 directly relates to the area within which the OBZ is located. This management plan seeks the following outcomes that are relevant to the provisions of the OBZ chapter:
  - The assertion and exercise of rangatiratanga and kaitiakitanga over water and air within the Kororareka rohe;
  - Protection of the mauri of land;
  - Prohibition of all discharge of human waste directly into waterways and the promotion of effluent treatment acceptable to ngā hapū o Ngāpuhi nui onu; and
  - Management of stormwater discharges to avoid sedimentation into waterways.
- The Te Iwi o Ngatiwai Iwi Environmental Policy Document directly relates to the area within which the OBZ is located. This document seeks the following outcomes that are relevant to the provisions of the OBZ chapter:
  - Protection of the mauri of air;
  - Sustainable management of water to protect the mauri of water;
  - Incentives for the rehabilitation, enhancement and protection of existing river banks, and riparian margins and their further extension along the margins and beds of water bodies;
  - No liquid waste to be discharged directly into water bodies or the coast;
  - Protection of indigenous flora and fauna, wahi tapu and landscapes.

It is acknowledged that a number of the matters expressed in the management plans are shared functions and responsibilities of the regional and district council. The direction in these iwi

management plans, in relation to the provision for the OBZ chapter have been taken into account in this evaluation.

### 3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council 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. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to the OBZ chapter.

#### 3.5.1 Long Term Plan

The Council's Long-Term Plan (LTP) 2021-2031 outlines the key proposals and projects that will be fundamental focus and direction over the decade.

The community outcomes and strategic priorities within the LTP are relevant to the OBZ provisions. In particular, the zone will provide for a range of service-oriented and commercial activities that would be compatible with the character of the Russell Township commercial areas, while managing potential effects on the surrounding sensitive coastal environment. The OBZ will support the community and economy and is considered to be consistent with the outcomes sought in the LTP.

## 4 Current state and Resource Management Issues

This section provides an overview of the relevant context for the current approach to manage Orongo Bay through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for the OBZ to be addressed through the PDP.

### 4.1 Context

- The Orongo Bay Special Purpose Zone applies to a 50.4ha area of land at 15 Aucks Road, Russell which is held in one Record of Title (Lot 20 Deposited Plan 437503) – see **Figure 1**.
- Orongo Bay is located approximately 3.5km to the southeast of Russell Township.
- The OBZ provides for a limited range of service-oriented and commercial activities that would be incompatible with the character of the Russell Township commercial areas. In particular, there are few locations suitable for service, commercial and light industrial development within the Russell Peninsula, however, this is an area that is experiencing growth which requires facilities and services to provide for the well-being of the communities.
- The rules of the OBZ differ from those generally applying to the Commercial zone, given the area is surrounded by the Coastal Living Zone, which is a sensitive coastal environment. Notably, the adjoining coastal waters are used for oyster farming, and additional controls are needed to ensure the management of stormwater and effluent disposal so that it does not result in any adverse effects on the environment.
- The objectives and policies of the OBZ reflect, and are consistent with the Outline Concept Plan, which was prepared by the original landowner and reflected their intention for the development of the land.

### 4.2 Operative District Plan Approach

#### 4.2.1 Summary of current management approach

The OBZ is contained within Chapter 18 Special Areas of the ODP and was established as part of the 1996 district plan review process. The provisions of the OBZ chapter generally seek to provide for service-oriented commercial development within Orongo Bay in order to reduce pressure on the township of Russell for similar commercial activities, noting that development within the Russell township has the potential to impact heritage and amenity values. The objectives and policies also

aim to ensure that development is undertaken in a comprehensively managed and integrated basis, which avoids, remedies and mitigates effects on adjoining land and the coastal environment.

The provisions for the Orongo Bay Special Area specifically provide for the following activities:

- Garden centres;
- Building supply centres (trade and retail);
- Self storage facilities;
- Vehicle and boat display and sales;
- Small scale manufacturing;
- Tradesmen's workshops/repair centres;
- Repairs/maintenance to buildings where such are permanently on site for the purposes of any permitted or consented activity;
- General stores (excluding supermarkets); and
- Facilities associated with the sports ground (e.g. club rooms).

There are no provisions in relation to subdivision.

#### 4.2.2 Limitation with current approach

The Council has reviewed the current ODP approach, which has been by informed technical advice, internal workshops and feedback from the community and stakeholder feedback.

A number of limitations with the current operative district plan approach have been identified through this process, those that have been identified include:

- The ODP Orongo Bay Zone (Special Area) does not align with the Planning Standards which seek to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format, definitions and electronic functionality.
- The objectives and policies do not adequately reflect the level of development currently provided for by the Outline Concept Plan for the area.
- Additionally, the objectives and policies also do not specifically acknowledge the management of effects on the amenity and character of the surrounding area, and may result in adverse effects on the adjoining coastal environment.

### 4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview the consultation undertaken. This section provides an overview of key issues raised through consultation in relation to the OBZ and a summary of advice received from iwi authorities on this topic.

#### 4.3.1 Summary of issue raised through consultation

There was a low level of interest in the OBZ from the community through consultation and engagement of the Draft Plan. Only one piece of feedback was received in relation to the OBZ chapter. This feedback sought that a ban on cats and dogs was imposed across the Orongo Bay area which is identified by the Department of Conservation as having a high-density kiwi population. Similar, to other nationally important matters, it is considered that the management of this kiwi populations is not unique to the Orongo Bay environment and appropriate controls are included as part of the Ecosystems and Indigenous Biodiversity Chapter.

#### 4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview

of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. No feedback from iwi authorities was received in relation to the CAR. Section 3.4 above provided a summary of the key concerns and issues raised in hapū and iwi environmental management plans.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

#### 4.4 Summary of resource management issues

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the OBZ to be addressed through the PDP are:

- **Protection of the coastal marine area:** the OBZ is located adjacent to the coastal marine area, where marine farming activities occur. The management of activities within the OBZ must safeguard the amenity and quality of the coastal environment. In particular, there is a conflict between the need to preserve and protect the natural character of the coastal environment and provide for appropriate land use, subdivision and access to and along the coastal environment. A continued pattern of settlement near the coast has placed additional pressure on the coastal resources and amenity. Development in coastal areas has exacerbated the risk to people, property and infrastructure, particularly from the effects of natural hazards and climate change. It is important that effects on the waters of Orongo Bay are managed to ensure that the operation of the oyster farms within the bay are not adversely impacted.
- **Impacts on infrastructure:** development can have a significant impact on infrastructure. Demand for urban infrastructure must be balanced against what our communities can afford. Consideration should be given to the provision of on-site infrastructure to promote community resilience to climate change. The National Policy Statement on Urban Development Capacity 2020 has emphasised the need for Council to coordinate land for growth and infrastructure. Development within the Orongo Bay Special Zone area must be undertaken in a comprehensively managed and integrated basis to ensure that the is appropriate provision for infrastructure and avoid adverse effects on the network.
- **Provision of commercial activities:** there is a continuing demand for service activities within the wider Russell area. The type of activities required are considered to be incompatible with the character of the Russell Township commercial areas, and would be likely to adversely affect heritage values if located here.

## 5 Proposed District Plan Provisions

The proposed provisions are set out in the OBZ of the PDP. These provisions should be referred to in conjunction with this evaluation report.

### 5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended as high level direction for the PDP and guidance on how best to implement the Council's community outcomes set out in Far North 2100 and its Long Term Plan. The strategic objectives of direct relevance to the OBZ are:

Social prosperity:

- Objective 3: Encourage opportunities for fulfilment of our cultural, spiritual, environmental, and economic wellbeing.

Environmental prosperity:

- Objective 1: A culture of stewardship in the community that increases the District's biodiversity and environmental sustainability.

### 5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for the OBZ focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the Planning Standards.

The main changes in the overall proposed management approach are:

- Broadening the scope of the objectives and policies to more accurately capture the nature of activities anticipated and provided for within the zone. The current objectives reference 'service-oriented commercial development', however the proposed objectives will relate to 'service oriented industrial and mixed use development'.
- Amending the objectives to remove reference to the protection of the heritage and amenity values of the Russell Township. It is not considered appropriate to address this matter in the OBZ provisions, outside of the area to which the provision relates (i.e. Russell Township).
- Amending the provisions to meet the requirements of the Planning Standards; and
- Amending the provisions for consistency with other chapters in the PDP.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the OBZ.

### 5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

#### 5.3.1 Summary of objectives

The proposed management approach for the OBZ includes objectives that seek to:

- Provide for a service oriented industrial and mixed-use development that is undertaken on an integrated development manner, including ensuring appropriate infrastructure arrangements are in place.
- Ensure development is undertaken in a manner that preserves the characteristics and qualities of the coastal environment.
- Enable the development of service oriented activities outside of Russell town to ensure the historic heritage values that are present there remain intact.

### 5.3.2 Summary of provisions

For the purposes of section 32 evaluations, ‘provisions’ are the “*policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change*”.

The proposed management approach for the OBZ includes policies that:

- Provide for development and ongoing management of the Orongo Bay zone in accordance with the Outline Concept Plan and any approved Comprehensive Development Plan.
- Preserve the characteristics and qualities of the coastal environment and ensure that any adverse effects of activities in the Orongo Bay zone are avoided, remedied, or mitigated.
- Protect the visual amenity values in the Orongo Bay zone, adjacent zones and the coastal marine area by managing:
  - Design, location and scale of buildings;
  - Design, location and scale of signs (within the district wide signs chapter);
  - Location and scale of outdoor storage and car parking areas (within the district wide energy, infrastructure and transport chapters);
  - Earthworks and vegetation clearance (within the district wide indigenous biodiversity and earthworks chapters);
  - Landscaping.
- Ensure that infrastructure for stormwater and sewerage is designed to ensure that any effects on the adjoining coastal environment, Orongo Bay and the integrity of the adjacent marine farming operations the coastal marine area are avoided, remedied or mitigated.
- Prohibit land use that would result in the disposal of solid waste in the Orongo Bay zone.

The proposed management approach for the OBZ includes rules and standards that:

- Provide for the following activities as permitted activities, subject to compliance with relevant standards:
  - Trade suppliers;
  - Storage facilities;
  - Vehicle and boat display and sales;
  - Small scale manufacturing;
  - Tradesmen’s workshop/repair centres;
  - General stores (excluding supermarkets);
  - Community facilities;
  - Buildings and structures;
  - Riparian restoration; and
  - Utility services.
- Standards to manage bulk and location of buildings and structures to ensure potential effects of built form within the zone does not adversely affect the amenity values and character of the surrounding locality, including:
  - Maximum height;
  - Height in relation to boundary;
  - Setback from boundaries;
  - Coverage (combined building and impervious coverage); and
  - Landscaping.
- Where compliance cannot be achieved with the permitted activity rules or standards, resource consent is required as a restricted discretionary activity.
- Prohibited activity status for hazardous facilities and solid waste disposal.

### 5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report identified that no feedback from iwi authorities was received in relation to the OBZ.

## 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
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and 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. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

### 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 objectives and 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 OBZ are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	It is acknowledged that there are iwi and hapū interests in relation to Orongo Bay. The PDP chapter has been drafted to ensure that the development of the area will be consistent with the outcomes sought in the relevant iwi and hapū management plans. It is considered that the provisions will not raise any issues in relation to the Treaty of Waitangi.	Low
Degree of change from the Operative Plan	Orongo Bay will be provided for in the PDP by way of a Special Zone, consistent with the Special Purpose Zone approach utilised in the ODP. Amendments have been made to reflect the Planning Standards, and to provide consistency across the PDP as a whole.	Low

Criteria	Comment	Assessment
Effects on matters of national importance	Orongo Bay is located in a coastal environment, the preservation of which is a matter of national importance. The proposed provisions for the OBZ in combination with the Coastal Environment Overlay will ensure appropriate protection of the coastal environment is afforded. It is considered that the provisions of the PDP appropriately manage the use and development of the area, such that there will not be any issues in relation to effects on matters of national importance.	Medium
Scale of effects – geographically (local, district wide, regional, national).	The OBZ applies to approximately 50ha of land. The scale of effects is considered to be low due to the zone being limited to a relatively small and defined area of land.	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	The proposal affects the Russell community, which will be served by the service orientated industrial and mixed-use development. The proposal will also affect current and future landowners and leaseholders. However, given the relatively small and defined area of development that these provisions relate to, it is considered that the scale of people affected will be low.	Low
Scale of effects on those with specific interests, e.g., Tangata Whenua	Consideration has been given to ensure that the provisions appropriately provide for service orientated industrial and mixed-use development, while managing the effects of development as not to adversely impact the amenity and character of the surrounding environment. As such, there are no groups identified as having specific interests.	Low
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?	The proposed zone does not involve management of effects that have been addressed in higher order documents. The zone is considered to pose low policy risk due to the isolated site specific nature of the zone.	Low



### 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 objectives and provisions for the OBZ chapter in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

## 7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the OBZ is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> <li>Is the objective directly related to a resource management issue?</li> <li>Is the objective focused on achieving the purpose of the RMA?</li> </ul>
Usefulness	<ul style="list-style-type: none"> <li>Will the objective help Council carry out its RMA functions?</li> <li>Does the objective provide clear direction to decision-makers?</li> </ul>
Reasonableness	<ul style="list-style-type: none"> <li>Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?</li> </ul>
Achievability	<ul style="list-style-type: none"> <li>Can the objective be achieved by those responsible for implementation?</li> </ul>

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, the objectives have been grouped in the evaluation below.

### 7.1 Evaluation of existing objectives

<p><b>Objectives:</b></p> <p><b>18.8.3.1</b> To provide for service-orientated commercial development within Orongo Bay so as to enable people and communities to provide for their social, economic and cultural wellbeing.</p> <p><b>18.8.3.2</b> To reduce pressure on the township of Russell for similar commercial development that could impact on the heritage and amenity values of Russell Township.</p> <p><b>18.8.3.3</b> To avoid, remedy or mitigate adverse effects of activities on adjoining land and the coastal environment.</p> <p><b>18.8.3.4</b> To ensure development in the Orongo Bay Special Purpose Zone is undertaken on a comprehensively-managed and integrated basis, including the ongoing arrangements for ownership, operation and maintenance of infrastructure, and maintenance of landscaping and restored ecological corridors.</p>	
<b>Relevance</b>	<p>These objectives generally enable the growth and development of the Orongo Bay area while protecting the surrounding environment. The relevance of the objectives could be improved if the activities referenced captured those activities proposed in the Orongo Bay Outline Plan. Additionally, it is considered that it is not relevant to address the protection of heritage and amenity values outside of the area to which the provisions relate (i.e. Russell Township).</p>

<b>Usefulness</b>	The objectives relate to service oriented commercial development only, however, it is identified that there is a need for a broader range of activities, including light industrial and mixed-use activities. Additionally, changes are required to align with the Planning Standards and for consistency in language and style across the plan.
<b>Reasonableness</b>	<p>The objectives are generally considered reasonable in that they address the effects of activities on adjoining land and the coastal environment as well as the management of infrastructure.</p> <p>As above, the objectives do not acknowledge the whole range of activities that are required and appropriate within the zone. Additionally, the objectives do not explicitly address the character and amenity values of the coastal environment. The provisions are considered to generally strike the balance between enablement while requiring appropriate protections for the natural environment. Costs imposed by this approach are considered reasonable in this context.</p>
<b>Achievability</b>	These objectives are achievable, subject to improved clarity on the range of activities provided for within the zone and the need to take into account the character and amenity values of the surrounding coastal environment.
<b>Overall evaluation</b>	
The existing objectives do not adequately address the resource management issues relevant to Orongo Bay, or accurately capture the range of activities appropriate and anticipated within the zone, as proposed in the Orongo Bay Outline Plan. The usefulness of the objectives could be improved by aligning them with the Planning Standards.	

## 7.2 Evaluation of proposed objectives

<b>Objectives:</b>	
<b>OBZ-O1</b> The Orongo Bay zone enables service orientated industrial and mixed-use development while preserving the characteristics and qualities of the coastal environment.	
<b>OBZ-O2</b> Land use and subdivision in the Orongo Bay zone is undertaken on an integrated basis, including the ongoing arrangements for infrastructure and the maintenance of landscaping and restored ecological corridors.	
<b>Relevance</b>	These objectives aim to enable the growth of the area to provide for the service orientated industrial and mixed-use development that the surrounding area requires, while ensuring that development preserves the characteristics and qualities of the coastal environment and is undertaken on an integrated basis.
<b>Usefulness</b>	The objectives provide clear direction with respect to development.
<b>Reasonableness</b>	The objectives are considered reasonable in that they acknowledge that a range of activities should be enabled on the site, while recognising that adverse effects on the coastal environment, and arrangements for infrastructure must also be managed.
<b>Achievability</b>	It is considered that the objectives are achievable as they enable a range of activities within the zone, while also providing directives to ensure that development is undertaken on an integrated basis and does not adversely affect the character of the coastal environment
<b>Overall evaluation</b>	
The objectives are considered to address the resource management issues relevant to Orongo Bay, and are considered appropriate to achieve the purpose of the RMA.	

## 8 Evaluation of Provisions to Achieve the Objectives

### 8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions 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.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, 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 (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 5.2 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 achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

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

### 8.2 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 if 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 6.2, the scale and significance of the effects of proposed changes for the OBZ are assessed as being low. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for this topic. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

## 8.3 Evaluation of options

### 8.3.1 Option 1: Status quo

<i>Option 1: Status Quo, Retain existing provisions, only providing for service-oriented commercial development within Orongo Bay.</i>		
<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>The existing provisions are already understood and familiar to plan users.</li> <li>Service-oriented commercial development is enabled.</li> <li>Solid waste disposal is prohibited, which helps to protect the quality of the surrounding sensitive coastal environment.</li> <li>The bulk and location provisions ensure an appropriate level of development, while managing adverse effects on amenity and character, in particular, taking into account the provisions of the new Coastal Environment Overlay in the PDP.</li> </ul>	<ul style="list-style-type: none"> <li>The provisions are not consistent with the Planning Standards.</li> <li>The language and style utilised is not consistent with the rest of the PDP provisions.</li> <li>The objectives and policies relate only to service-oriented commercial development, and do not capture the range of uses anticipated and considered appropriate on the site as set out in the Outline Concept Plan for the area.</li> <li>The objectives and policies do not specifically acknowledge the management of effects on the amenity and character of the surrounding area, and may result in adverse effects on the adjoining coastal landscape.</li> </ul>	<ul style="list-style-type: none"> <li>Option 1 presents a low to medium risk of acting, due to the objectives and policies not accurately capturing the range of activities anticipated; and not managing effects on the amenity and character of the surrounding coastal area. Proceeding with the existing provisions could lead to unanticipated adverse effects. This has the potential to create conflicts with the RPS and the RMA, in terms of ensuring the appropriate management of the coastal environment and natural character values.</li> </ul>
<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>The existing provisions enable a range of service-oriented activities while managing the bulk and location of development as not to be compatible with the surrounding coastal environment. Although the existing provisions are considered to be relatively effective, the following is acknowledged: <ul style="list-style-type: none"> <li>They do not effectively manage the amenity values and character values of the surrounding area. Namely, they do not appropriately respond to the directions of the RPS.</li> <li>The provisions are ineffective in that they reference service oriented commercial development only, however, it is identified that there is a need for a broader range of activities, including light industrial and</li> </ul> </li> </ul>	<p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>The provisions are inefficient as they are not consistent with the Planning Standards. Additionally, the objectives and policies do not acknowledge the range of activities that are required and appropriate within the zone.</li> </ul>	

mixed-use activities.	
<p><b>Overall evaluation</b></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>• There is a lack of protection of the character and amenity of the surrounding coastal environment.</li> <li>• The provisions are not consistent with the language and style of the PDP.</li> <li>• The provisions do not reflect the Planning Standards.</li> </ul>	

### 8.3.2 Option 2: Proposed approach

<p><b>Option 2: Update Orongo Bay Special Purpose Zone Chapter</b></p> <ul style="list-style-type: none"> <li>• Enhance existing approach by providing for a wider range of activities in the objectives and policies.</li> <li>• Improve provisions to maintain and protect the amenity and character values of the surrounding coastal environment.</li> <li>• Amend the provisions to reflect the language and style of the PDP and the Planning Standards.</li> </ul>		
<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• Rules and standards relating to hazardous substances, noise, lighting and signs sit outside of this chapter, in their respective standalone chapters, thus aligning with the Planning Standards.</li> <li>• In general, where specifically provided for activities do not comply with the permitted activity standards a restrict discretionary activity consent is triggered. This gives a level of certainty to applicants over the process and the matters that Council is concerned with.</li> <li>• Enables a range of service, mixed use, and light industrial activities that have been assessed to be appropriate within the zones, while managing effects on the amenity and character of the surrounding area through a suite of bulk and location standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Any monitoring and enforcement related costs.</li> <li>• Light industrial development has the potential to adversely affect the adjacent coastal area.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a low risk associated with Option 2, the proposed Orongo Bay Special Purpose zone. The provisions build upon the existing ODP management approach, with additional consideration given to the range of activities provided for and effects on the amenity and character of the surrounding area. Further, the provisions are consistent with the Planning Standards.</li> </ul>
<p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>• The proposed provisions are effective as they provide for an appropriate scale and nature of development, while managing</li> </ul>		<p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>• The provisions align with the Planning Standards. The language and style of the chapter aligns with the rest of the PDP</li> </ul>

<p>effects on the surrounding sensitive coastal environment. The permitted activity standards are clear and easily measurable which provides certainty for when consent is required or triggered.</p>	<p>chapters and the provisions are considered efficient in achieving the objectives for the OBZ.</p>
<p><b><u>Overall evaluation</u></b>  On balance this option is considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>• The proposed provisions comply with the Planning Standards and electronic format of the PDP.</li> <li>• The proposed provisions enable a range of service, mixed use, and light industrial activities which are required by the growing Russell community.</li> <li>• The proposed provisions effectively respond to the features of the site and surrounding area.</li> </ul>	

## 9 Summary

An evaluation of the proposed objectives and provisions for the OBZ chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The OBZ objectives give effect to Part 2 of the RMA, as well as relevant Statement and Regional Policy Statement policy direction.
- The OBZ provisions will ensure amenity values and qualities of surrounding environments are maintained with appropriate rules and standards that ensure the adjacent coastal environment will be protected, development is undertaken in accordance with the Outline Concept Plan, and infrastructure for stormwater and sewerage is designed to ensure that any effects on the adjoining coastal environment are avoided remedied or mitigated.
- The OBZ provisions will provide for an appropriate range of service oriented light industrial and mixed use development.
- Where compliance cannot be achieved, resource consent as a restricted discretionary, discretionary or non-complying activity is required. This will ensure a suitable level of scrutiny can be applied when resource consent is sought for activities.

Overall, it is considered that the proposed provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions.

## **10 Appendices**

### **10.1 Appendix 1: Orongo Bay Outline Concept Plan**