

SECTION 32 REPORT

Special Purpose: Kauri Cliffs

May 2022

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1 Executive Summary

The purpose of the Kauri Cliffs zone (**KCZ**) is to recognise and provide for the management and development of an international standard golfing facility, accommodation facilities, conference and eating/dining facilities, all with a focus on the protection and enhancement of the zone's natural, conservation and environmental values. The development of the zone is controlled by rules applying four 'environments' within the zone. These are:

- Lodge subzone
- Golf playing subzone
- Golf living subzone
- Natural heritage subzone

Kauri Cliffs is currently controlled as a Special Area in Chapter 18 of the Operative District Plan (**ODP**).

The Kauri Cliffs Zone has essentially been rolled over from the ODP with consequential amendments made to enable alignment with the structure of the Proposed Far North District Plan (**PDP**), much of which has been directed by the National Planning Standards (**Planning Standards**) which introduced a prescribed structure of district plan documents to improve consistency across the country.

The corresponding chapters introduce additional restrictions, in particular controls for development consistent with the use of the site as an international golf course.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of the district plan provisions for the KCZ for the PDP. This assessment is required by 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.

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'.

Special Areas are locations where detailed site assessment and development have been completed by way of a 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.

This report it sets out the issues the KCZ, 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 KCZ.

2.2 Overview of topic

KCZ forms part of a wider, single-ownership land holding, comprising a substantial number of allotments, which is located between Matauri Bay to the north and Takou Bay to the south.

The total land holding fronts onto the coast and extends some distance inland. The KCZ is located inland from the coast (part of which has an Outstanding Natural Character and Outstanding Landscape notation). Kauri Cliffs has been developed as an international standard golf course, with associated lodge and also separate guest cottage accommodation.



Figure 1: Aerial image of Kauri Cliffs (Source Emap)

Kauri Cliffs Special Area, was introduced into the ODP, following submissions to the then proposed district plan. A submission from Waiaua Bay Farm Ltd in 2003 sought a special zone to provide for specific activities established at Kauri Cliffs.

Under the ODP, zoned, Special Area ‘Kauri Cliff Zone’ which generally seeks to provide for the development and ongoing use of the location as an international golf course, supported by associated lodge, and residential units. The ODP includes four subzones, Lodge, Golf Playing, Golf Living and Natural Heritage, all subzones other than the Natural Heritage elements has specific provisions and mapped as Appendix 6F. The Natural Heritage subzone defaults to the Conservation Zone.

APPENDIX 6F: KAURI CLIFFS ZONE

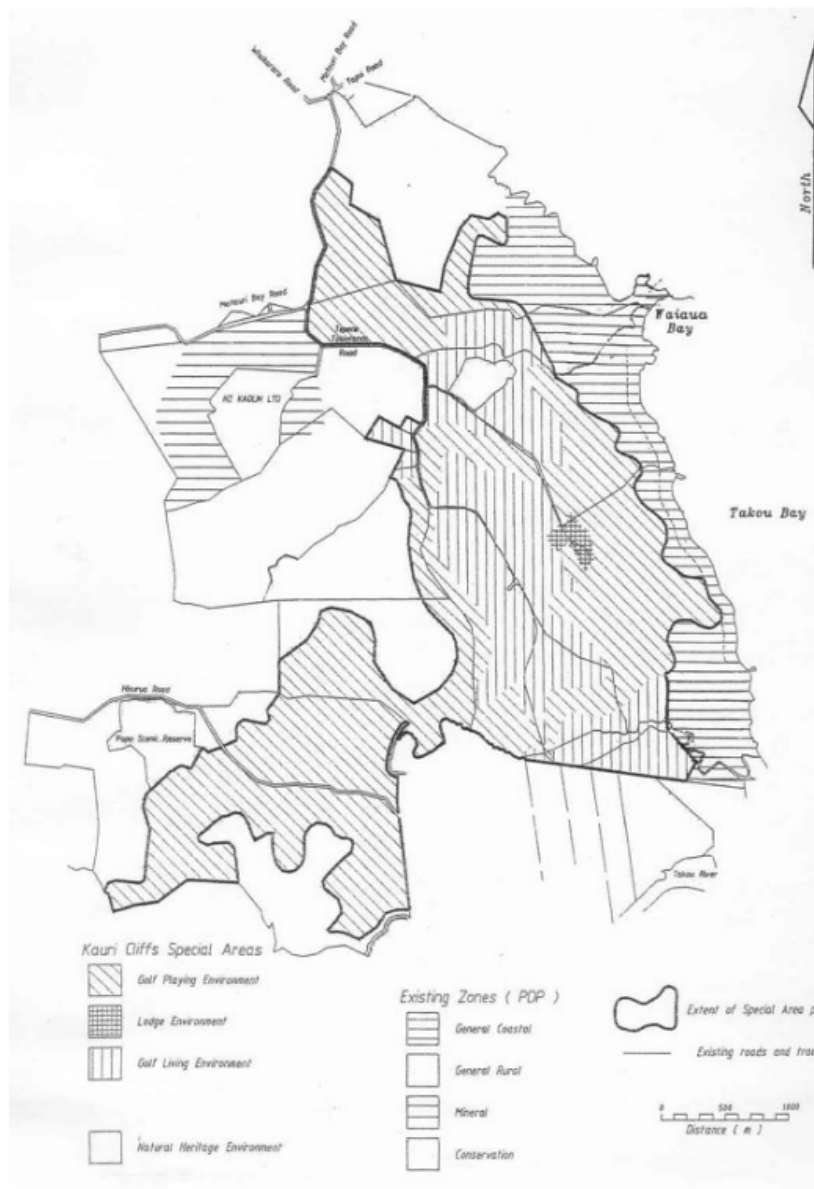


Figure 2: Kauri Cliffs subzones map (Source Council's ODP)

The methods include controls that focus on restricting the location of built development, golf course activities and areas of natural environment (protected as Natural Heritage). Under the ODP subdivision within the Golf Living subzone is a restricted discretionary activity, the ODP is silent with respect to all other subzones. Indigenous vegetation clearance and earthworks is managed by way of district wide approach.

The KCZ has essentially been rolled over from the ODP with consequential amendments made to enable alignment with the structure of the PDP, including the deletion of the Natural Heritage subzone (with the areas being rezoned Natural Open Space Zone) much of which has been directed by the Planning Standards which introduced a prescribed structure of district plan documents to improve consistency across the country.

Changes have also been made to ensure alignment with the Regional Policy Statement for Northland (RPS) which includes the application of district wide rules regarding the protection of SNA, which are indicatively shown in **Figure 3**. Natural environment values overlays and the General district-wide matters are listed below and shown in **Figures 4** below:

- Natural Character; and
- Coastal Environment Overlay.

These changes are part of the consolidated review of the ODP which addresses the requirements of the Planning Standards as well as makes a move from a simple effects-based rule set to an activities-based approach and instead adopts a hybrid approach. A number of the proposed changes have been made to facilitate this giving more certainty on the types of activities that can be established in different zones and overlays.

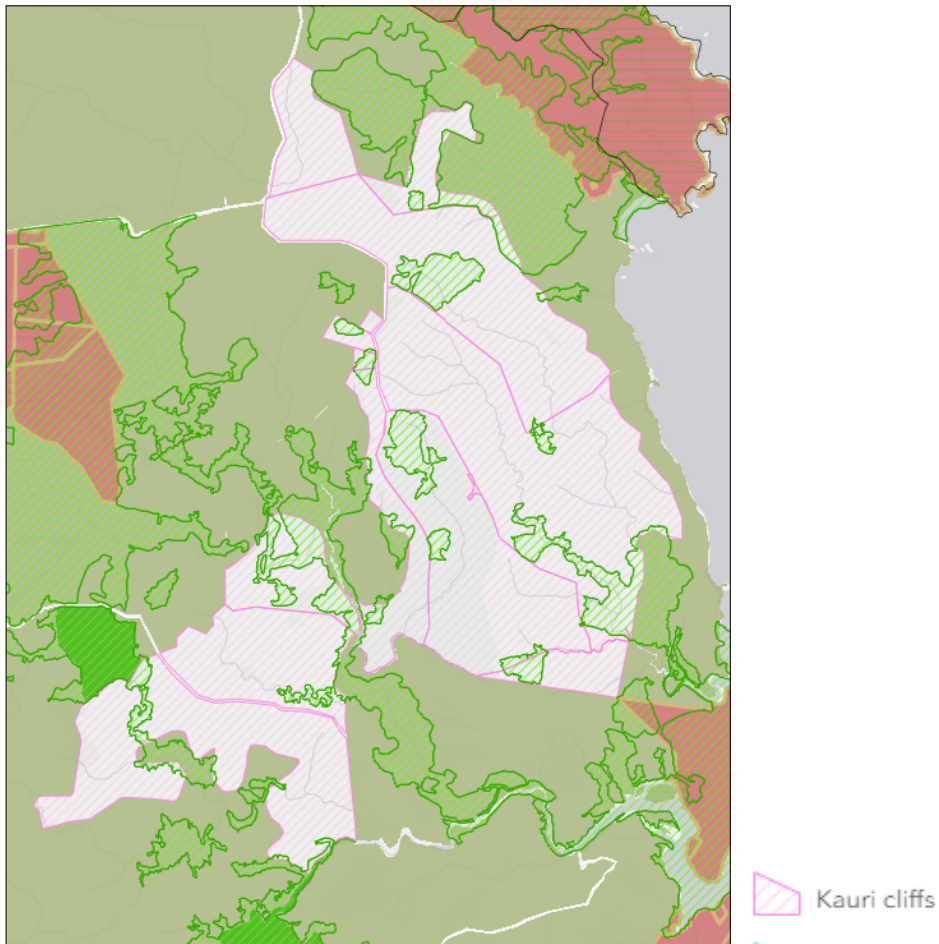


Figure 3: Indicative significant natural areas: FN467 Takou Bay Estuary and Environment, FN318 Omahanui, FN242 Matauri and Waiau Bays and Estuary, FN241 Matauri Bay Bush, FN549 Tepene Bush, FN383 Popo Scenic Reserve, FN103 Hauriri Road, FN468 Takou Stream Bush and Lonsdale Park (*Source PDP*)

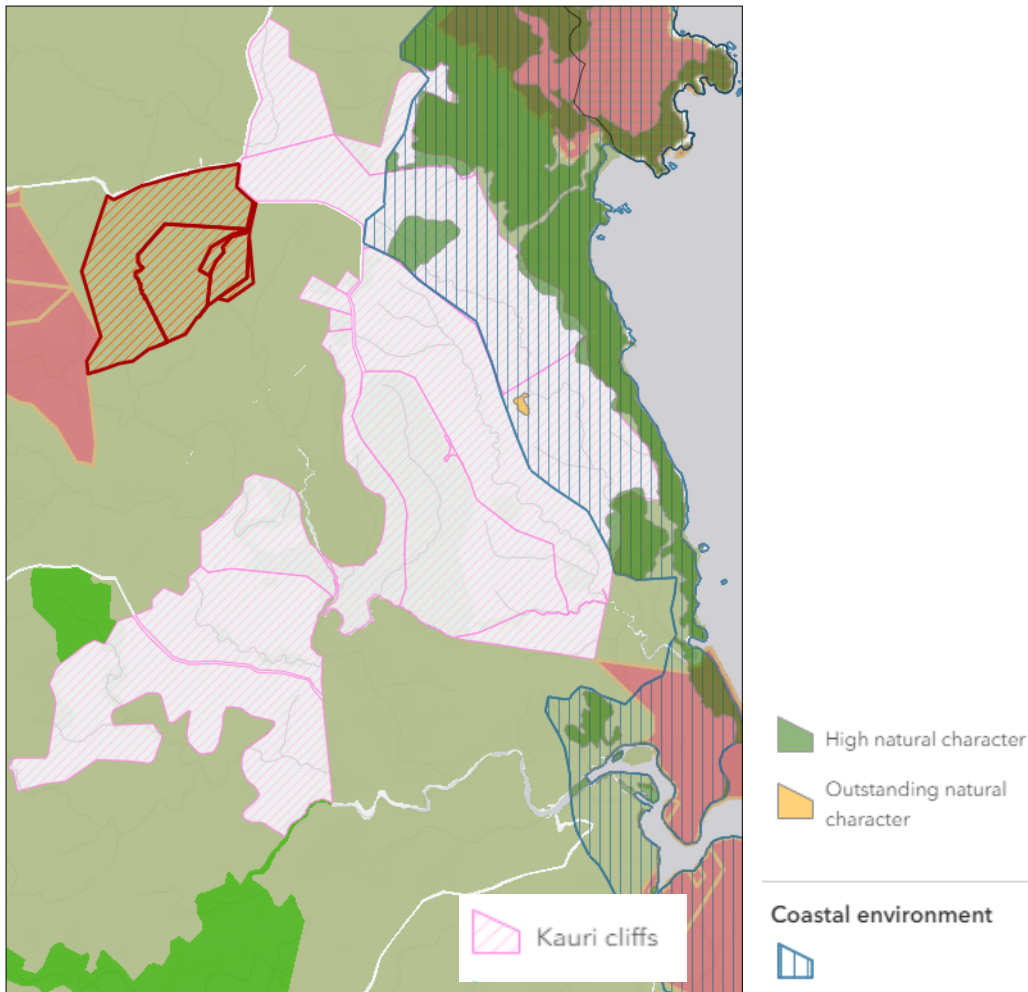


Figure 4: Coastal environment, outstanding and high natural character (Source PDP)

The methods include controls that focus on restricting the type of activities and the location development.

3 Statutory and Policy Context

3.1 Resource Management Act

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 KCZ:

- (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.
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Section 6(a) is of primary relevance to the eastern portion of the KCZ which is identified as coastal environment. 6(c) is also of relevance given parts of the KCZ are indicatively mapped as Significant Natural Area.

The following section 7 matters are directly relevant to the KCZ:

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (f) Maintenance and enhancement of the quality of the environment:
- (i) The effects of climate change:

Particular regard has been given to the above matters due to the natural and amenity values associated with KCZ, and its location in the Coastal Environment.

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), which have been considered in the preparation of the KCZ.

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 KCZ.

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 KCZ.

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.

The KCZ will provide for a significant development and on-going maintenance of an international golf course and is significant for tourism and economy of the district. Kauri Cliffs development is provided for in the ODP by way of a complicated set of site-specific provisions linked directly to a Kauri Cliffs, subzone plan. It is impracticable to manage the development by way of spatial layer or through another zone proposed in the PDP. It is considered appropriate to create a special zone for Kauri Cliffs.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any National Policy Statement, and the New Zealand Coastal Policy Statement 2010 (**NZCPS**) must be given effect to under section 75(3)(b). The NZCPS is of particular relevance to the KCZ. 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, the eastern portion of Kauri Cliffs is located within the coastal environment.

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

NZCPS	
Policy 6	Activities in the coastal environment
Policy 11	Indigenous biological diversity (biodiversity)
Policy 13	Preservation of natural character
Policy 14	Restoration of natural character

The above referenced policies have been considered of particular relevance and focus on management of the coastal environment from inappropriate subdivision, use and development with specific direction to ensure appropriate setbacks and encourage the consolidation of development.

The KCZ 'gives effect' to the direction required by these policies through the implementation of district wide overlays that relate to the natural values and provide the direction for appropriate management of these values. Additional standards will apply to the KCZ (the coastal environment provisions) to ensure that development is appropriate in this setting, and restoration and enhancement of existing natural values enabled.

The National Policy Statement for Freshwater Management (**NPS-FM**) seeks to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Northland Regional Council has majority of the obligations under the NPS-FM, while the National Environmental Standard for Freshwater implements the NPS-FM. The Northland Regional Council has not yet amended the RPS to give effect to the NPS-FM.

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 KCZ.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any regional policy statement. The RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS that are directly relevant to the KCZ.

RPS	
Objective 3.4	Indigenous ecosystems and biodiversity
Objective 3.11	Regional form
Objective 3.13	Natural hazard risk
Objective 3.14	Natural character, outstanding natural features, outstanding natural landscapes and historic heritage
Objective 3.15	Active Management
Policy 4.5.1	Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character
Policy 4.5.2	Application of the Regional Policy Statement – Maps
Policy 4.6.1	Managing effects on the characteristics and qualities natural character, natural features and landscapes
Policy 4.7.1	Promote active management
Policy 4.7.2	Support landowner and community efforts
Policy 5.1.1	Planned and coordinated development
Policy 5.1.2	Development in the coastal environment
Policy 7.1.1	General risk management approach

The RPS includes a new coastal environment, high and outstanding natural character and outstanding natural landscape and feature maps. These mapped areas have been introduced into the PDP by way of Overlays. The mapped areas differ from the ODP and will apply additional overlay provisions to the KCZ, particularly relevant are earthworks, vegetation clearance and built development provisions which are more restrictive than the ODP, Kauri Cliffs Special Area, Golf Playing subzone. It is considered that these provisions are appropriate and necessary to give effect to the RPS.

In summary, the PDP approach gives effect to the relevant objectives and policies of the RPS through the following management measures:

- District wide overlays that direct the approach to management of Natural Environment Values within the Coastal Environment;
- Provisions included in the KCZ to specifically limit built development;
- Zoning of the Natural Heritage subzone, Natural Open Space will afford a consistent level of protection.

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 Proposed Regional Plan provisions directly relevant to the KCZ.

Proposed Regional Plan	
Objective F.1.3	Indigenous ecosystems and biodiversity
Objective F.1.5	Enabling economic well-being
Objective F.1.10	Natural hazard risk
Policy D.2.1	Rules for managing natural and physical resources
Policy D.2.17	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features
Policy D.2.18	Managing adverse effects on indigenous biodiversity
Policy D.2.20	Precautionary approach to managing effects on significant indigenous biodiversity

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 on the PRP have been taken into consideration in the drafting of the proposed KCZ 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 are as follows:

- Protecting of wāhi tapu and sites of significance or wāhi tapu; and
- Protecting the mauri of coastal waters.

The KCZ does not contain identified wāhi tapu or sites of historical and cultural significance but has a number of recorded archaeological sites suggesting historic settlement within the area. The Coastal Environment Overlay applies to the eastern portion of Kauri Cliffs and includes the requirement for consideration to be given to any historical, spiritual or cultural associated held by tangata whenua for any proposal.

Earthworks will be restricted by the Coastal Environment Overlay and the Earthworks Chapter, compliance with the Accidental Discovery Protocol is a performance standard for compliance as is sediment and silt control. Protecting the mauri of water in terms of wastewater disposal is largely addressed by the regional plan provisions, however the criteria for residential development also includes the provision of 3,000m² for each dwelling to ensure appropriate disposal areas.

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.

There are no other strategies and plans directly relevant to the KCZ.

4 Current State and Resource Management Issues

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

4.1 Context

- The KCZ is located between Matauri Bay to the north and Takou Bay to the south and has been developed as a championship standard golf course, with an associated lodge and separate guest cottage accommodation. The complex is internationally recognised as a prestigious golfing facility and contributes to the economic growth of the District through tourism and employment opportunities.
- KCZ contains areas of high ecological values, natural landscape values and is located in the Coastal Environment; the RPS and NZCPS give clear direction as to how these values should be managed.
- KCZ is surrounded by Rural Production Zone.

4.2 Operative District Plan approach

4.2.1 Summary of current management approach

The KCZ 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 ODP chapter generally seek to recognise and provide for development in accordance with the four subzones created for the zone.

The following summarises the current management approach:

- The use of a Special Area with provisions to manage onsite development, infrastructure servicing and access while protecting surrounding ecological, heritage and landscape values.
- The relevant objectives, policies and provisions for managing Kauri Cliffs are contained within Part 3 – District-wide Provisions, Special Areas of the ODP.
- The zone is separated into four separate subzones, which have specific provisions managing activities and built development. Subzones are mapped in Appendix 6 of the ODP.
- The provisions allow the development to be progressively established in accordance with the Kauri Cliffs subzone plan and sets a framework under which any future changes to the built form, access and servicing can be fully assessed in terms of environmental effects.
- Subdivision is provided for as a restricted discretionary activity within the Golf Living sub-zone, while the ODP is silent with respect to subdivision in all other subzones.
- The Natural Heritage subzone defaults to the Conservation Zone.

4.2.2 Limitation with current approach

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

Very few limitations with the current ODP approach have been identified through this process, those that have been identified include:

- The ODP lack of subdivision framework for all subzones;
- The ODP does not physically identify the extent of the coastal environment, significant indigenous biodiversity and habitat, nor does it identify areas of high and outstanding natural character which is

inconsistent with the NZCPS and RPS, this is of relevance given the location and values associated with Kauri Cliffs;

- The ODP Kauri Cliffs 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; and
- The ODP Kauri Cliffs subzone map is inconsistent with the RPS (overlay) maps.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provide 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 of key issues raised through consultation in relation to the KCZ and a summary of advice received from iwi authorities.

4.3.1 Summary of issue raised through consultation

Consultation on the Draft Policy Framework 2018 and the Draft District Plan 2021 ('Draft Plan') resulted in feedback of relevance to Kauri Cliffs, from Waiaua Bay Farms (**WBF**) Limited who owns and operates Kauri Cliffs. In brief, WBF:

- Support the continuation of a separate zone for Kauri Cliffs and suggests that the unique development could not otherwise be appropriately enabled by any other zone or tool such as the introduction of an overlay or precinct.
- Requested clarification that the Kauri Cliffs provisions prevail in the event of any conflict with the coastal environment provisions, the submission acknowledges that an altered national and regional policy landscape now applies but considers that the coastal environment provisions 'go further than what is necessary to give effect to the higher order documents. Further, they raised concerns that the permitted activities.
- Suggested a number of amendments to rules, generally seeking to specifically provide for existing activities and provide flexibility in terms of permitted activities that they consider would have been permitted under the operative plan.
- Requested the inclusion of a new provision to reflect the Operative Plan policy 18.7.4.9 which recognises that neighbouring activities may also have effects on the zone.

In response to the above:

- The intent is that the Coastal Environment provisions trump the underlying zone, a note has been included in the pre-ambule to the rules to clarify this. WBF have not provided sufficient justification to warrant exemption from this approach which has otherwise been consistently applied throughout the Plan. In terms of the comment regarding the appropriateness of the coastal environment provisions, it is considered that these are more appropriately addressed in the Coastal Environment s32.
- The suggested policy has not been included as development within adjoining properties will be managed through the provisions of the relevant underlying zones.
- WBF have requested the inclusion of Wedding and function venue, beauty spa, gym, spa, sauna and pools and ancillary activities for quests. The OPD does not specifically provide for these activities, however it does provide for facilities that are ancillary to traveller's accommodation. It is not considered that of the 'wedding and event venue' is naturally ancillary to travellers' accommodation, and that had this activity been intended for this zone it would have been listed much like conferences have. With this in mind, wedding and function venue has not been provided for as a permitted activity in this zone, if this function already exists and has been legally established under the operative provisions, existing use rights apply. If not and WBF have evidence to suggest that this was part of the original intent of the zone, then this should be provided to Council for consideration.
- An equivalent to policy 18.7.4.9 of the ODP was not included in the draft provisions as it was deemed inappropriate for the zone to manage activities outside of the area to which it relates given that the activity is not considered to be regionally or nationally significant. Land use on the adjoining sites will be managed through the provisions of the underlying zones.

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. One piece of feedback was received in relation to the KCZ. In summary the feedback sought:

- Acknowledgement of the important relationship and association tangata whenua has with the KCZ in the overview of the chapter.

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

The topic itself has not been identified as a significant resource management issue (**SRMI**) in the development of the PDP. However, the following SRMI are considered to be of relevance to the KCZ given its location within the Coastal Environment, the presence of indigenous biodiversity, and the historic settlement and cultural values.

- Partnerships with tangata whenua;
- Heritage management;
- Coastal management; and
- Indigenous biodiversity.

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

- Appropriate measures are in place to ensure that land-based wastewater disposal, and increased sedimentation as a result of coastal development do not adversely impact the mauri of water.
- Consideration is given to the potential impact development could have on the existing and potential undiscovered heritage values located on and associated with the natural heritage values.
- Development is appropriately managed to protect the amenity and character values associated with the coastal environment and the high and outstanding natural character values are appropriately managed.
- Indigenous biodiversity is protected and maintenance and enhancement of protected areas provided for.
- The controls within the District Plan are necessarily wide-ranging and based around broad land use categories, such as rural, urban and coastal environments. The Recreational Activities and Conservation Zones have been specifically directed towards reserve lands held in public ownership. None of these zones directly addresses the resource management issues that apply to a special “single focus” facility that is unique both within the district and nationally.

5 Proposed District Plan Provisions

The proposed provisions are set out in the KCZ 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 KCZ 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.
- Objective 3: Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for the KCZ 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:

- The PDP articulates the anticipated outcomes and overall purpose of the zone, with clear policy direction.
- Noise and lighting provisions will be located in the Noise and Lighting Chapters to align with the Planning Standards.
- Additional controls applied through the Coastal Environment Overlay including:
 - Earthworks;
 - Maximum building footprint;
 - Vegetation clearance; and
 - Exterior finish and reflectance controls.
- Mapping of natural values and increased protection through the overlays that have been applied to KCZ.
- Updated KCZ subzone map.

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

The proposed management approach also relies on the provisions within the Coastal Environment, and Ecosystems and Indigenous Biodiversity Overlays.

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 KCZ includes objectives that seek to:

- Provide for and maintain the international standard golfing facility, accommodation facilities, conference and eating/dining facilities.
- The natural characteristics and qualities that contribute to conservation and environmental values in the Kauri Cliffs zone are protected when undertaking land use and subdivision.

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 KCZ includes policies that:

- Provide for development in the KCZ where it maintains or enhances the purpose of the zone as an internationally recognised golfing and luxury accommodation facility.
- Provide for the development of future golf courses within the 'Golf playing sub-zone' in the KCZ while ensuring that any adverse effects of development are avoided, remedied or mitigated.
- Ensure that land management practices in the KCZ are undertaken in a manner that minimises adverse effects on the quality of soil and water resources.
- Provide for the limited extension of the existing guest cottage accommodation in the KCZ where the adverse effects can be avoided, remedied or mitigated.
- Enable tourist and golf-related activities in the KCZ in association with the existing Kauri Cliffs Lodge.
- Provide for 'golf living' activities in the KCZ, where it is consistent with an open rural landscape character and located more than 0.5km inland from the coast.
- Ensure that the siting of buildings in the KCZ is undertaken in a manner which minimises the impacts of activities and development in the coastal environment, including the provision for appropriate infrastructure servicing.
- Ensure that any land use or development undertaken in the KCZ maintains or improves road and air access to the zone.

The proposed management approach for Kauri Cliffs includes rules and standards that:

- Provide permitted activity rules that enable golfing facilities, accommodation facilities, conference and eating/dining facilities within the Lodge subzone; golf and other ancillary recreational activities and golf course maintenance within the Golf playing subzone; accommodation and ancillary buildings, golf playing and golf course maintenance within the Golf living subzone.
- Controlled activity rules enable visitor accommodation and buildings and structures within the Lodge subzone to a maximum of 8 units.
- 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
 - Coverage
- Restricted discretionary activity rules that provide for subdivision in the Golf living sub-zone.
- Where compliance cannot be achieved with the permitted activity rules or standards, resource consent is required either as a discretionary or non-complying activity.

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 provides a summary of advice received from iwi authorities on the KCZ.

Te Runanga O Ngāti Rēhia provided feedback on the Draft District Plan KCZ chapter:

- *Acknowledgement should be made of the important relationship and association tangata whenua has with the KCZ in the overview of the chapter.* Section 3.4 of the report identifies that the KCZ does not contain identified wāhi tapu or sites of historical and cultural significance. Further, no detail has been provided with respect to the details around the cultural significance and the relationship with tangata whenua in association with Kauri Cliffs. It is needed to be understood or articulated before inclusion.

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 environment, economic, social and cultural 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 determine 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 Kauri Cliffs are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The principles of partnership, participation and protection have been taken into consideration in the drafting of the PDP provisions. Development within the Coastal Environment has the potential to generate adverse environmental and cultural effects on a range of Section 6 RMA matters as outlined in Section 3.1 of this report, however the potential for this within KCZ have been reduced due to the application of a number of overlays.	Low
Degree of change from the Operative Plan	Kauri Cliffs will be provided for in the PDP by way of a Special Zone, consistent with the Special Areas of the ODP. Amendments have been made to reflect the Planning Standards and electronic plan format, and well as the required alignment with the RPS.	Low
Effects on matters of national importance	Natural Environment Value Overlays have been applied to KCZ, the responding resource overlays will ensure heightened protection and management of resulting in the potential for adverse effects on Section 6 matters from the ODP such that a low level of assessment is	Low

Criteria	Comment	Assessment
	considered appropriate.	
Scale of effects – geographically (local, district wide, regional, national).	The PDP approach essentially rolls over that applied in the ODP with some additional restrictions applied to ensure the protection of natural values in alignment with the RPS direction. The scale of effect likely should the PDP approach be implemented is considered to be low due the discrete area that this zone applies to.	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 scale of people affected by the proposed changes is likely to generally be limited to current and future landowners.	Low
Scale of effects on those with specific interests, e.g., Tangata Whenua	As highlighted above the KCZ applies to a discrete area, and essentially rolls over the ODP approach. The changes proposed will likely be of interest to the owners and residents of Kauri Cliffs. As such, the scale of effects resulting from the change is deemed low.	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?	Overall, the PDP approach aligns with the Planning Standards and RPS, with many of the changes attributed to consequential format, structure and definition changes. Regardless, the zone is considered to pose low policy risk due to the isolated site-specific location 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 Kauri Cliffs 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 Kauri Cliffs is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

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

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

Objective(s):	
18.7.3.1 To enable the development, maintenance and operation of an international standard golfing facility.	
18.7.3.2 To provide for tourist related and other residential accommodation.	
18.7.3.3 To ensure that future development in the Kauri Cliffs Zone is carried out in a manner that recognises the coastal and rural qualities and values of the environment.	
18.7.3.4 To manage and protect the natural and physical resources of the Kauri Cliffs Zone.	
Relevance	These objectives are relevant in that they provide for development but only where the development is carried out in a manner that recognises the coastal and rural qualities and values of the environment. They provide for the on-going use and development of the golfing facility.
Usefulness	The objectives provide clear direction with respect to development to achieve the intended purpose of the zone.
Reasonableness	Costs associated with implementation will be generate by the requirement to apply for consent (on any future developer) and monitoring (on Council). The proposed objectives do not result in any un-justifiable costs given the amenity and natural values of Kauri Cliffs.
Achievability	The objectives and associated controls are achievable.
Overall evaluation	
The intent of these objectives are still appropriate and will be carried across to the proposed objectives.	

7.2 Evaluation of proposed objectives

Objective(s):

KCZ-01 The Kauri Cliffs zone is developed to maintain and operate an international standard golfing facility, visitor accommodation and ancillary facilities, including conference, gym, spa and eating/dining facilities as well as golf living facilities.	
KCZ-02 The natural characteristics and qualities that contribute to conservation and environmental values in the Kauri Cliffs zone are protected when undertaking land use and subdivision.	
Relevance	These objectives are relevant in that they provide for development but only where the development is carried out in a manner that recognises the natural environment while relying upon the overlay objectives and policies to protect the Coastal Environment. They provide for the on-going use and development of the golfing facility and ancillary activities.
Usefulness	The objectives provide clear direction with respect to development to achieve the intended purpose of the zone and will give effect to the RPS via overlays.
Reasonableness	Costs associated with implementation will be generate by the requirement to apply for consent (on any future developer) and monitoring (on Council). The proposed objectives do not result in any un-justifiable costs given the amenity and natural values of Kauri Cliffs.
Achievability	The objectives and associated controls are achievable.
Overall evaluation	
The objectives address the resource management issues relevant to Kauri Cliffs in a way that is consistent with the plan structure required by the Planning Standards and improved alignment with RPS.	

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 KCZ 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 with some indicative quantitative benefits and costs provided where practicable.

8.3 Evaluation of options

8.3.1 Option 1: Rural Production Zoning and Kauri Cliffs Precinct

Option 1: Apply Rural Production Zoning to Kauri Cliffs, provisions of the ODP Kauri Cliffs Zone implemented through a Precinct and the Coastal Environment and other Natural Environment Values Overlays

The approach retains the majority of the ODP provisions while resolving implementation inconsistencies and ensuring compliance with Planning Standards, aligns with the direction of the NPS through district wide overlays resulting in four overlays, a precinct and underlying Zone applying to the site.

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Consistency across the plan will be achieved as the PDP Rural Production Zone has been applied to other areas previously zoned as General Coastal with the Coastal Environment Overlay relied upon to manage scale and amenity to a level deemed appropriate in the Coastal environment. A precinct would enable the development outcomes and potential of the Kauri Cliffs golf course to be addressed, and development occur in a manner that is anticipated by the community and the landowners. The RPS will be given effect to by way of the Coastal Environment and Natural Environment Values Overlays that are proposed to apply to the site. This approach would enable the introduction of provisions that aligns with directions in the Planning Standards. 	<ul style="list-style-type: none"> Social costs may arise through the introduction of a new approach which is not familiar to plan users. The PDP Rural Production Zone enables a number of activities that may not be appropriate across Kauri Cliffs given the associated amenity and natural values. In most cases these would be restricted by the Coastal Environment and Natural Values Environment Overlays controls on built development, however, the Precinct provisions would have to be robust to clearly direct what activities are appropriate over what parts of Kauri Cliffs. The Precinct on top of the underlying Zone and the multiple overlays that apply may result in confusion for plan users; this is not an approach otherwise taken within the plan, and will also this will result in two additional chapters that will need to be reviewed before understanding what controls there are for development. The application of the Precincts in addition to other overlays results in the potential for additional consenting costs for any 	<ul style="list-style-type: none"> The risk of acting is potential unintended outcomes in terms of development that has not otherwise been anticipated which could result in development that is inconsistent with that intended, and uncertainties for the residents.

	development within Kauri Cliffs to any other sensitive environments within the District.	
<p>Effectiveness</p> <ul style="list-style-type: none"> The Precinct with Rural Production Zoning would effectively achieve the outcomes of the Kauri Cliffs subzone and achieve alignment with the Planning Standards and RPS. However, this would require really clear direction in the Precinct provisions in terms of what activities are not appropriate, require the implementation of this zone across the remaining area would not be the most effective way to manage activities across the rest of Kauri Cliffs. 	<p>Efficiency</p> <ul style="list-style-type: none"> Option 1 is not considered to be the most efficient approach; the PDP Rural Production Zone provisions are efficient however have not been designed to specifically respond to the intended development and natural characteristics of Kauri Cliffs. The inclusion of a Precinct could improve this, but is not efficient as it would add an additional chapter (to Option 2) that would need to be reviewed before understanding the controls on development. 	
<p>Overall evaluation</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"> It is not the most efficient way to achieve the desired outcomes for Kauri Cliffs; and The use of a precinct is not consistent with the general approach taken in the PDP. 		

8.3.2 Option 2: Special Purpose Kauri Cliffs Zone - Proposed approach

<p>Option 2: Apply the ODP provision of the Kauri Cliffs by way of Special Purpose Kauri Cliffs Zone and the Coastal Environment and other Natural Environment Values Overlays.</p> <p><i>The approach retains the majority of the ODP provisions while resolving implementation inconsistencies and ensuring compliance with Planning Standards and aligns with the direction of the RPS through district wide overlays.</i></p>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Introduces provisions that aligns with directions in the Planning Standards. Social benefits may arise through the continuation of an established approach which is familiar to plan users. Familiar approach and as a result may be considered to be economically beneficial in reduced compliance cost in some instances to continue with this approach. The RPS is given effect to by way of the Coastal Environment and Natural Environment Values Overlays that are proposed to apply to the site. Affords a more streamlined approach than Option 1 in 	<ul style="list-style-type: none"> The application of a special zone with additional provision to what is otherwise required in the PDP approach for sensitive areas may result in the potential for additional consenting costs for any development within Kauri Cliffs. 	<ul style="list-style-type: none"> There is low risk associated with Option 2, the PDP Kauri Cliffs Zone and the management measures afforded through the various overlays provides for a consistent implementation of the management approach for Kauri Cliffs from the ODP, in a way that aligns with the Planning Standards and the RPS. A more stringent approach to development and increased likely hood of requirement for resource consent exists under the ODP approach and as such, should be anticipated by

<p>terms of the number of Chapters that would require review before confirming the relevant controls for development.</p>		<p>the residents.</p>
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> The proposed rules and standards are effective as they recognise and provide appropriate protection of the site natural and ecological features and values, with relevant thresholds that trigger the need for resource consent. This, in turn, offers increased clarity and certainty for the developer and surrounding community. Referencing to an updated Kauri Cliffs subzone will improve interpretation and effectiveness of provisions. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> The proposed option is an efficient method of achieving the PDP Kauri Cliffs zone objectives, and efficiently implements the aspirations of Kauri Cliffs owners. 	
<p><u>Overall evaluation</u></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"> The proposed provisions effectively respond to the site constraints and features and provides a framework for development in accordance with that anticipated by the Kauri Cliffs subzones. The proposed provisions comply with the Planning Standards and electronic format of the PDP. The approach retains the majority of the ODP provisions while resolving implementation inconsistencies and ensuring compliance with Planning Standards and aligns with the direction of the RPS through district wide overlays. 		

9 Summary

An evaluation of the proposed objectives and provisions for the KCZ 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 KCZ objectives give effect to Part 2 of the RMA and the relevant National and Regional Policy Statement policy direction.
- The KCZ provisions combined with Overlays will ensure amenity values and qualities of surrounding environments are maintained with appropriate rules and standards that ensure indigenous vegetation will be protected, connections to adjacent reserves will be established and amenity maintained by way of fencing and landscaping.
- The KCZ provisions will provide for an appropriate level of residential development in accordance with the subzone plan.
- Where compliance cannot be achieved, resource consent as a controlled, 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.