



Proposed Ōpōtiki District Plan

# Section 32 Evaluation Report

Overall Evaluation

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# 1 Introduction

## 1.1 Purpose of Report

Section 32 of the Resource Management Act 1991 (RMA) requires that a proposed plan must be accompanied by an evaluation report at the time of public notification. Section 32 sets out the requirements for such evaluation and requires the benefits and costs of implementing provisions to be assessed in terms of the environmental, economic, social and cultural effects anticipated.

This report addresses the requirements of section 32 for the Proposed Ōpōtiki District Plan (PDP) as a whole and documents the process that has been used by the Ōpōtiki District Council (the Council) to develop the PDP. It provides an overall evaluation and is accompanied by a specific report for each chapter of the PDP. These should be read together with this report.

## 1.2 Requirements of Section 32 of the Resource Management Act 1991

Section 32 of the Resource Management Act 1991 (RMA) requires that a proposed plan must be accompanied by an evaluation report at the time of public notification. The evaluation report must:

- Assess the extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Assess the efficiency and effectiveness of the policies, rules and other methods contained in the proposed plan at achieving the objectives;
- Consider alternative options for achieving the objectives;
- Assess the risk of taking or not taking action if there is uncertain or insufficient information about the identified issues; and
- Contain a level of detail that corresponds to the scale of significance of the effects anticipated from implementing the proposed plan.

Section 32(2) requires the benefits and costs of implementing provisions be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

## 1.3 Statutory Requirements for a District Plan

Section 73 requires the Council to prepare a district plan for its district to assist with carrying out its functions (section 31) to achieve the purpose of the RMA (section 72). The purpose of the RMA is set out in section 5 as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, 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 well-being 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.*

The Council's functions are to achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District. In particular Council must control any actual or potential effects of the use, development, or protection of land including for the purpose of:

- a. *The avoidance or mitigation of natural hazards; and*
- b. *The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
- c. *The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- d. *The maintenance of indigenous biological diversity.*
- e. *The control of emission of noise and the mitigation of the effects of noise;*
- f. *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.*

Section 75 sets out the requirements for the contents of a district plan, which are:

- (1) *A district plan must state—*
  - (a) *the objectives for the district; and*
  - (b) *the policies to implement the objectives; and*
  - (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state—*
  - (a) *the significant resource management issues for the district; and*
  - (b) *the methods, other than rules, for implementing the policies for the district; and*
  - (c) *the principal reasons for adopting the policies and methods; and*
  - (d) *the environmental results expected from the policies and methods; and*
  - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
  - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
  - (g) *the information to be included with an application for a resource consent; and*
  - (h) *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
  - (a) *a water conservation order; or*
  - (b) *a regional plan for any matter specified in section 30(1)*

## **1.4 National Policy Statements**

The Council must give effect to National Policy Statements in the District Plan under sections 55 and 75(3)(a) of the RMA. There are currently four National Policy Statements.

### **New Zealand Coastal Policy Statement 2010 (NZCPS)**

The purpose of the NZCPS is to promote the sustainable management of the natural and physical resources of the coastal environment, including coastal land, the foreshore and seabed, and coastal waters from the high tide mark to the 12 nautical mile limit. The NZCPS contains seven objectives and 29 policies. The NZCPS acknowledges that the coastal environment will vary from locality to locality. In the Ōpōtiki District, the coastal environment has been mapped in the Operative BOP Regional Policy Statement (RPS) and this has been adopted for this plan.

### **National Policy Statement on Electricity Transmission 2008 (NPSET)**

The NPSET provides objectives and policies to recognise the national importance of the national grid and to guide the effects on and from the national grid in relation to other activities. The NPSET recognises that the National Grid is a physical resource of national significance and that it plays a vital role in the wellbeing of New Zealand, its people and the environment. The NPSET helps to ensure that there is a nationally consistent approach to the National Grid.

### **National Policy Statement on Renewable Electricity Generation 2011 (NPSREG)**

The NPSREG sets an objective and policies to enable the sustainable management of renewable electricity generation as a matter of national significance and to recognise the benefits of renewable electricity generation to the country. The NPSREG provides a consistent approach to planning for renewable electricity generation in New Zealand and requires the Council to make provision for it in the district plan. The NPSREG works alongside other Government initiatives as part of New Zealand's wider response to tackling climate change.

### **National Policy Statement for Freshwater Management 2011 (NPSFW)**

The NPSFW requires regional councils to consider the effects of water takes and discharges in relation to freshwater quality and protecting the quality of outstanding freshwater bodies and the significant values of wetlands.

There is also a Proposed National Policy Statement on Indigenous Biodiversity 2014. However, this NPS is currently on hold. It sets out the objective and policies about managing natural and physical resources to maintain indigenous biological diversity (biodiversity) under the Resource Management Act 1991. It outlines policies and decision-making frameworks for identifying and managing indigenous biodiversity found outside the public conservation estate. The proposed NPS seeks to promote the maintenance of indigenous biodiversity while recognising the rights and responsibilities of landowners and the interests of Māori. The proposed NPS has not passed as legislation and therefore does not have legal effect.

## 1.5 National Environmental Standards

Section 44A of the RMA requires the Council to ensure that a rule in the district plan does not duplicate, or be in conflict with, a national environmental standard. There are five National Environmental Standards (NES):

- National Environmental Standards for Air Quality 2004 (NESAQ)
- National Environmental Standards for Sources of Drinking Water 2007 (NESWQ)
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)
- National Environmental Standards for Electricity Transmission Activities 2009 (NESETA)
- National Environmental Standard for Telecommunications Facilities 2008 (NESTF)

The **NESAQ** and **NESWQ** sets requirements for regional councils to administer.

The **NESCS** provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed. If necessary, the land must be remediated or the contaminants contained to make the land safe for human use. It requires district councils to assess proposals in accordance with the level of risk.

The **NESETA** applies to existing National Grid transmission lines owned and operated by Transpower. It recognises and provides for the operation, maintenance, upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements.

The **NESTF** was developed to provide a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities and low impact telecommunications infrastructure on road reserves. These rules apply to land uses only, not to subdivision.

## 1.6 Regional Policy Statement

The RMA requires that every region has one operative regional policy statement (s60(1)). The purpose of the Regional Policy Statement is set out in section 59 of the Act and is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region. The RPS identifies regionally significant issues as including:

- Inadequate recognition and provision for matters of national importance
- Effects of growth and development pressures on access to the coast, lakes and rivers, ancestral sites and historic heritage
- Inadequate recognition of kaitiakitanga, the Maori environmental resource management system and Te Tiriti o Waitangi principles
- Insufficient protection of tangata whenua environmental values
- Degradation of mauri of land and water
- Uncoordinated growth and development
- Land supply and inefficient patterns of land use
- Reverse sensitivity effects on infrastructure
- Fragmentation of rural land
- Effects of urban and rural subdivision on natural features and landscapes

- Conflict between incompatible or sensitive activities and rural production activities in rural areas
- Integration of land use and infrastructure.
- Significant adverse effects on the natural character and ecological functioning of the coastal environment;
- Effects of land use on Ōhiwa Harbour, including increased sedimentation.

The RPS objectives, policies and methods that the Council must give effect to under section 74. The individual chapter evaluation reports on each chapter consider these provisions in further detail.

## **1.7 Regional Plans**

The Regional Council has regional plans that the District Plan must be consistent with and which the Council has considered in the development of the PDP. The analysis for each of the following plans is set out in the individual chapter evaluation reports where relevant:

- Regional Coastal Environment Plan
- Proposed Regional Coastal Environment Plan
- Operative Regional Water and Land Plan
- Operative Regional Air Plan
- Operative On-site Effluent Treatment Regional Plan.

## **1.8 Iwi and Hapū Management Plans**

Section 66(2a)(a) requires that, when Council is changing or developing a plan under the RMA, it must take into account relevant planning documentation recognised by an iwi authority. The following hapū/iwi environmental management plans are currently lodged with the Ōpōtiki District Council:

- Upokorehe
- Whakatohea

## **1.9 Other Legislation**

Other legislation considered in the District Plan review process include the following:

- Building Act 2004
- Local Government Act 2002
- Heritage New Zealand Pouhere Taonga Act 2014
- Hazardous Substances and New Organisms (HSNO) Act 1996
- Reserves Act 1977
- Fire Service Act 1975
- Civil Defence Emergency Management Act 2002
- Electricity (Hazards from Trees) Regulations 2003
- New Zealand Electrical Code of Practice for Electrical Safe Distances 2001

## **1.10 Other Policies, Plans and Strategies**

Other documents considered as part of the review process include policies, plans and strategies under other legislation:

- Council's Long Term Plan
- Asset Management Plans
- Reserve Management Plans
- Eastern Bay of Plenty Cycle Strategy
- Ōpōtiki District Economic Development Priorities
- 20/20 Vision – Economic Development Strategy
- Animals Bylaw 2008
- Beach Bylaw
- Development Contributions and Financial Contributions Policy
- Earthquake Prone Building Policy

## **1.11 District Plan Review Process**

1.11.1 Under Section 79 of the RMA, the Council is required to commence a review of its District Plan at least every 10 years. Overall, the Council considered that the Operative District Plan was working reasonably well and needed little change except for addressing issues that had arisen during the life of the ODP and new initiatives. The review process began in 2014.

1.11.2 The District Plan review process is based on making changes only where necessary to:

- Clarify the provisions;
- Improve consistency across the Plan;
- Respond to new statutory requirements, such as through a national or regional policy statement;
- Delete unnecessary text;
- Update references.

Only where there are new initiatives to respond to, such as the Ōpōtiki Harbour development, or new statutory requirements, such as through a national policy statement or regional policy statement have new provisions been introduced.

1.11.3 Consultation:

To develop the Proposed District Plan, workshops, meetings and public consultation were arranged. In particular, the Draft Plan provided an opportunity for informed comment from the Council, stakeholders, interested parties and the public:

1. Three pop-up shops which included seeking feedback on District Plan topics.
2. The Draft District Plan was notified for feedback, and a total of 31 comments were received.
3. A number of Council workshops.
4. A number of Council meetings.
5. A number of Coast Community Board Meetings.
6. A number of key stakeholder meetings.



## **2 About the Ōpōtiki District**

### **2.1 Land**

The Ōpōtiki district covers an area of 3,098 km<sup>2</sup>. The district extends from Ōhiwa Harbour in the West to Potaka, Cape Runaway, in the East. The district has approximately 160km of coastline providing an abundance of opportunities for recreation and passive enjoyment. The land supports a number of activities; these are influenced by the land types of the district. The district's land types include coastal terraces, alluvial plains, rolling hill country, and rugged hill country.

The coastal areas, areas of high conservation value, and the rugged inland forests provide the district with outstanding natural values, and an immense wealth of biodiversity.

The alluvial plains and rolling pasture lands of the district are extensively used for agriculture and horticulture. Dairying, an activity on the increase, is located on the fertile river plains, with beef and sheep production on steeper hinterlands. Horticulture is another land use of the district. Kiwifruit contributes to the horticultural base of the district, with the production of other fruit and vegetables ever increasing.

The rugged hill area of the district is covered in forest, both indigenous and exotic. Exotic forestry covers 18,711 hectares of the district, this is approximately 6 % of the total land area. In addition to the exotic forest the district has 75% of indigenous forest; much of this is located in rugged hinterland areas. These areas comprise a portion of the Urutawa Conservation Area, the Raukumara Conservation Park, and the Waioueka Scenic Reserve.

### **2.2 Soils**

The soils of the district can be classified into six distinct groups:

- Dunes
- Coastal
- Estuaries
- Alluvial plains
- Valley floors and pans
- Terraces and hills

The most productive and versatile soils are the older alluvial soils and those on flat to rolling terraces covered by rhyolitic tephra.

The landscape of the district is covered with thick rhyolitic tephra layers where the upper layers form the parent materials of some soils. The tephra is derived from a number of sources including the Mount Tarawera eruption, but more so from the Lake Taupo eruption where pumice deposition was widespread. Taupo pumice occurs on the terraces and hill country as a yellowish brown to pale yellow soil in the topsoils.

Whakatane tephra is a rhyolitic tephra of approximately one metre thick on flat to easy rolling terrace areas. Alluvium, derived from greywacke and tephra, is the parent soil material on some of the district's river flood plains - Waioeka River, Otara River, Waiotahi River, and the Waiaua River. During floods erosion sediments from these catchments are transported by the river and laid down on the floodplains.

Wind blown sands occur in a narrow area along the coast, further inland small amounts of dune sands occur in the upper strata of soils. Peat and peaty layers are located in broad valleys where stagnant waters created swamps.

### **2.3 Water**

The district has a number of rivers - Waiotahi, Waioeka, Otara, Takaputahi, Waiaua, Torere, Hawaii, Motu, Haparapara, Waikakariki, Kereu, Raukokore, and Whangaparaoa. There are also a large number of streams within the district that are valued. The Motu and Waioeka Rivers are valued for their pristine qualities and high scenic values. The Waiotahi and Waioeka Rivers are regionally important trout fisheries.

The Ōpōtiki district has an annual average rainfall of 1,390mm per year. Falls range from an average of 85mm in January to an average of 130mm in July. Shallow bores tapping into water table aquifers provide some of the water used for residential, agricultural, and horticultural purposes.

### **2.4 Coast**

The Ōpōtiki district has approximately 160km of coastline. The coast is of a high quality, with only localised residential development. The coast has a number of harbours, the most significant being the Ōhiwa Harbour. There are a number of bays, estuaries, and wetland areas associated with the coast. The district's coastline is characterised by sandy beaches or rocky outcrops.

The coast supports a number of important flora and fauna habitats, and a number of significant landscapes. Pohutukawa along the Ōpōtiki coastline add to the natural character of the coast and to the character of the district. The coast provides many recreational activities and is used by residents and visitors to the district.

### **2.5 Air**

The quality of the district's air resource is very high, due to the small urban areas, a small number of people, and a limited number of industries within the district. This clean air contributes to the environmental quality of the Ōpōtiki district.

### **2.6 Ecology**

Within the district there are many areas of high ecological value. There has been some reduction in the quantity and quality of indigenous vegetation and habitats through historic and current land use activities. Biodiversity has been depleted, but there are landowners attempting to redress the reduction of biodiversity resources. On the flats and lowlands the main wetlands and remnants of indigenous vegetation are predominantly isolated stands, many unprotected and vulnerable to grazing, as well as to plant and animal pests.

The western boundary of the district bisects the Ōhiwa Harbour. The harbour is an inter-tidal shallow estuary protected by two large, but fragile sandspits, the Ohope spit and the Ōhiwa spit. Ōhiwa Harbour is of international ecological significance, and also has high recreational and cultural values.

Within the district there is an abundance of bird species, including some endangered species. The freshwater bodies of the district are known habitats for indigenous fish species, the giant and short jawed kokopu, and also have important trout fishery habitats.

## **2.7 Heritage**

The Ōpōtiki district has a rich cultural and historic heritage. There are many places of spiritual, cultural, traditional, and historic importance to the community throughout the district which arise from the strong Maori presence and more recent European settlement. Until the 1920's there were many small ports in the district with associated commercial operations.

The district has an identifiable heritage precinct along Church Street, between Elliot Street and Kelly Street. This area houses many buildings of heritage value to the Ōpōtiki township, and the district.

## **2.8 Iwi of the District**

The Iwi of the district have played a major role in the history of Ōpōtiki. At present Maori constitute 57% of the district's population. The Maori of the district are represented by three Iwi groups, comprising numerous hapu. The three iwi groups are Whakatohea, Ngaitai, and Te Whanau a Apanui.

Iwi continue to be active participants in the economic, social, cultural and environmental spheres of the district.

## **2.9 Ōpōtiki**

The Ōpōtiki township is the main urban area in the district. The township is situated at the confluence of the Waioeka and Otara Rivers, and is transected by State Highway 2 and State Highway 35. State Highway 2 follows the Waioeka Gorge through to Gisborne; State Highway 35, the Pacific Coast Highway, takes travellers around the East Coast and on to Gisborne.

Ōpōtiki township has a strong community focus where the majority of the commercial, retail, health, and educational services for the district are situated. With the Ōpōtiki District Council located in Ōpōtiki it is also the administrative centre for the district.

Ōpōtiki township is supported by Te Kaha which provides some services for coastal residents. In addition to Ōpōtiki and Te Kaha the district has a number of small communities and settlements located along the coast and within the rural hinterland, each of these providing a focus for their surrounding communities.

### **3 Plan Administration and Structure of the Proposed District Plan**

#### **3.1 Introduction**

There are a number of administration changes proposed for the PDP. Some of these respond to changes in legislation or processes under the RMA; others are to improve the clarity and simplicity as well as the ability to use the PDP as easily as possible. The RMA requires that District Plans contain objectives, policies and rules. Issues, methods other than rules, explanations, principal reasons, environmental results expected and cross boundary issues are all optional. While the overall structure of the PDP is generally similar, to assist with ongoing use and application, the plan has been streamlined where possible.

#### **3.2 Operative District Plan**

The Operative District Plan (ODP) structure is explained in section 7 of Part 1 Introduction (hard copy version):

- Part I Introduction, which provides general information about the district, a resource management vision, and a description of the what the plan includes, what some terms mean, and how to use the plan.
- Part II which comprises two main sections – district wide rules in sections 1 to 11, plus 20 and 21, and zone rules which apply to identified parts of the district in sections 12 to 19.
- Part III which contains the District Plan Maps which show the zoning and special features applying to any sites.

It may be noted that the structure is explained differently in the online version of the ODP.

Within each section in Part II, the ODP contains an introductory section, resource management strategy (resource management issues, objectives and policies, methods of implementation), rules (permitted, controlled, discretionary, non-complying and prohibited activities, standards, subdivision, other methods, explanations, and anticipated environmental outcomes).

#### **3.3 Proposed District Plan Structure**

In the PDP, the structure remains close to the ODP. This means that the plan will remain familiar for users of the plan. However, minor rearrangement of some of the sections will enhance the user-friendliness of the plan.

In particular, the first three sections which provide information about the district and the RMA processes and terms have been revised. There is a cover page that explains how to use the plan and the general descriptive information about the District has been moved to this report.

Sections 1 and 2 have been combined in one chapter as they contain a mix of guidance on what the plan is and how it relates to other documents and processes, as well as RMA terms and procedures. Chapter 1 District Plan Introduction provides an overview of the relationship with Council and other documents, Treaty of Waitangi, the issues facing the district, zoning, etc) as well as information about the activities and processes under the RMA. More detailed information and guidelines for making an application for resource consent can be provided as information in a handout or on the Council website to be more responsive to RMA changes and Council practice.

The other key change is to clarify the distinction between district wide provisions and the zones. In relation to the district wide provisions, some rules repeat the same requirements in each zone and have been grouped in a general provisions chapter.

Subdivision objectives, policies and rules are now integrated in Chapter 15 Subdivision, rather than in each zone chapter and the subdivision chapter. Esplanade reserves are also addressed in Chapter 15 rather than through a separate chapter.

A separate chapter for the prevention or mitigation of the adverse effects of hazardous substances has not been carried forward. Potential effects will be assessed as part of applications for resource consent as day to day activities are managed through regulations and industry codes of practice.

Therefore the amended structure is as follows:

Reference	ODP	PDP	Now
Part I	Introduction	“Guide for Plan Users” – outside Plan	
Part II	1 Resource Management Strategy	District Plan Overview	1
	2 Plan Administration	-	-
Part III	3 - 11 District Wide Sections	District Wide Sections – including General Provisions section	12-18
	12 - 19 Zones	Zones New zones – Marine Services & Harbour Industrial	2-11
	20 Monitoring	in Chapter 1	-
	21 Definitions	Definitions	19
	Appendices	Appendices	

### 3.4 Proposed Section Structure

As indicated above, the RMA requires some sections as mandatory parts of a district plan. Therefore, within each section, introductions and explanations have been removed to the section 32 analysis reports for each chapter. Only those provisions required by the RMA or helpful to understand the purpose of each chapter have been retained. All subdivision rules have been moved to Chapter 15 Subdivision to provide an integrated set of rules.

Therefore the structure is now as follows:

ODP	PDP
Section Introduction	To section 32
Resource Management Strategy	Resource Management Strategy
<ul style="list-style-type: none"> <li>• Issues</li> <li>• Objectives and policies</li> <li>• Methods of Implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Issues</li> <li>• Objectives and policies</li> </ul>
Rules	Rules
Standards	Standards
Subdivision	In Chapter 15
Other Methods	Other Methods

Explanation	To section 32
Anticipated Environmental Outcomes	Environmental Results Expected

## 4 Key Issues

4.1 The key issues facing the District to be addressed through the PDP are as follows:

1	Maintenance of high environmental quality
2	Protecting the outstanding natural features and landscapes of the District
3	Preserving the natural character of the environment, especially the coastal environment, including the Ōhiwa Harbour
4	Managing coastal hazards
5	Providing for development of the Ōpōtiki Harbour and associated facilities and industry
6	Enabling activities which will provide employment, including industrial land
7	Re-zoning land for residential development where there is demand
8	Supporting a living environment that promotes the health, safety and wellbeing of the community
9	Managing activities in the rural environment to avoid reverse sensitivity effects
10	Maintaining the use of versatile land for rural production activities
11	Managing the quality of the coastal environment
12	Maintaining the heritage values of the Town Centre
13	Protecting outstanding natural features and landscapes and significant indigenous habitats
14	Protecting regionally significant infrastructure, including the land transport network

## 5 Evaluation – Achieving the Objectives

### 5.1 Section 32(1)(b) Requirements

Section 32(1)(b) of the RMA requires examination of whether the provisions (being policies, rules and other methods) in the Proposed Plan are the most appropriate way to achieve the objectives. The appropriateness must be considered in relation to:

- “(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”.*

The evaluation is set out in the report for each chapter.

### 5.2 Policies and Methods

The policies are evaluated in the report for each chapter.

In general, the same approach has been taken to managing activities and their effects through zoning and listing activities by status, with applicable standards and assessment criteria. Zones are overlaid with district wide requirements to manage effects of or on historic heritage, outstanding natural features and landscapes, infrastructure and network utilities, and surface of water activities. Rules relating to subdivision and financial contributions also apply.

The benefits of continuing with zones is that it gives certainty about the set of rules that will apply and enables a clear set of rules and standards to be tailored for the zone. Zoning is well understood as a mechanism and continues the ODP approach. The disadvantage of zoning is that it is generic and may not enable a response to localised changes in character and amenity.

By classifying activities by status, the benefits for the PDP are that it is enabling for activities consistent with the purpose of the zone and provides certainty for landowners about what they can be established in the zone. In particular:

- The range of activities support the objectives and policies and the intention of the zone;
- Listing activities by status gives certainty to the community about what activities are anticipated to be established in the zone;
- Standards can specified to set a clear expectation for complying development and to set appropriate levels of service for activities, such as infrastructure, access, character and amenity;
- Potential conflict between adjacent activities is minimised;
- Requiring resource consent for activities that may result in adverse effects enables conditions to be imposed to minimise those effects, including reverse sensitivity effects;
- Restricted discretionary activity status has been introduced in the PDP to enable more robust consideration of specific effects in relation to identified matters.

The disadvantages relate to increased costs for Council in processing applications and following up compliance and to landowners and developers in any requirement to apply for resource consent.

Overall, the approach taken in the PDP is consistent with the current ODP so it will be familiar to plan users. The methods are well understood and result in efficient provision for activities consistent with the purpose of the zone (through the objectives and policies) and effective management or avoidance of the potential adverse effects.

### **5.3 Monitoring**

5.1 Under Section 35 of the RMA there are four requirements on Council to monitor the effectiveness of the District Plan in promoting the purpose of the RMA.. These are:

1. State of the environment monitoring.
2. Suitability and effectiveness of the District Plan.
3. Monitoring of delegated or transferred powers, functions, or duties.

4. Resource consent compliance monitoring.

5.2 Council may seek a fee in relation to more complex resource consents to cover the costs of monitoring compliance with resource consent conditions. This additional fee will not be required in all cases, only in relation to those resource consents where additional monitoring is required throughout the duration of the consent.

## **6 Key Changes**

6.1 The review process has resulted in the following key changes, which are discussed in this section, with more detailed discussion in the relevant Section 32 Evaluation report:

- Introducing the Harbour Industrial and Marine Services Zones to respond to development of the Ōpōtiki Harbour
- Deletion of chapter on Hazardous Substances
- Rezoning additional land for industrial purposes
- Rezoning small areas for residential purposes
- Outstanding natural features and landscapes
- Planning Maps.
- Natural hazards

### **6.2 Harbour Industrial and Marine Services Zones**

The development of the local aquaculture industry will be a key economic driver for Ōpōtiki. This will be supported by improvements to the navigability of the Ōpōtiki harbour entrance giving all weather access to the harbour. The Harbour Industrial Zone enables the establishment of a new wharf and businesses to support the aquaculture and fishing industries. Maintaining this land for these uses is a priority and reflected in the objectives and policies of the zone, which recognise the land's strategic location and limited area.

The Marine Services Zone comprises an area adjacent to the town centre and Waioeka River and Otara River. A marina adjacent to the Ōpōtiki Township has the potential to create a vibrant attractive recreational space that will provide better access to the river and coastal environments, attract tourism and contribute to the local economy.

The Section 32 Evaluation Report for Chapters 5 and 7 sets out a detailed evaluation of the new zones under section 32.

### **6.3 Hazardous Substances**

The Council has responsibility for the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances. This has been subject of a separate chapter in the ODP. However, the day to day management of the storage, use, disposal, or transportation of hazardous substances is addressed through other legislation, such as the Hazardous Substances and New Organisms (HSNO) Act 1996, and industry standards. Therefore, hazardous facilities will be evaluated as part of resource consent



processes, but in general day to day activities will be left to be covered by other legislation and industry standards, to avoid duplication of processes. The separate chapter has therefore not been carried forward into the Proposed District Plan.

#### **6.4 Industrial Land Rezoning**

The District currently has a limited amount of industrial zoned land. The areas are currently at capacity and therefore there is limited opportunity to provide for future needs. The Plan includes additional land rezoned Industrial. This is land that is adjoining the existing industrial land at SH 2, Waioeka area.

#### **6.5 Town Centre Zone**

Two small sites have been added to the Town Centre Zone which adjoin the existing zone. The properties are currently zoned Residential; however, they have resource consent for commercial activities.

#### **6.6 Outstanding Natural Features and Landscapes**

The landscape study which supported the ODP controls on outstanding natural features and landscapes has been updated for the Proposed District Plan. This has refined and confirmed the sites to be identified in the district plan and which require controls on activities that could adversely affect the landscape values. This subject is addressed in detail in the Section 32 Evaluation Report for Chapter 13.

#### **6.7 Natural Hazards**

Provisions proposed in the PDP largely roll over the ODP provisions. It is noted that the Regional Council has recently made operative the natural hazards provisions of the RPS. However, the RPS was made operative after the District Plan review had begun.

#### **6.8 Planning Maps**

The format of the planning maps has been changed in the PDP to make them easier and clearer to use. They now include aerial photography and the information has been split into two sets.

“A” series – Natural Form includes information about, outstanding natural features and landscapes, goat management areas, ponding areas, and heritage trees.

“B” series – Built Form includes information about zones, policy areas, designations, transmission lines, state highways and buffers. Land capability maps have been retained.