

Section 32 Report

Part 3

# Estuary Estates Special Purpose Zone

Prepared for the  
Proposed Kaipara District Plan

Prior to Notification

**28 April 2025**

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**ABBREVIATIONS USED IN THIS REPORT**

Estuary Estates Special Purpose Zone	EESPZ
Kaipara District Council Operative District Plan	KDP
Kaipara District Spatial Plan	KDSP
National Environmental Standards	NES
National Planning Standards	NPS
Northland Regional Policy Statement	NRPS
National Policy Statement on Urban Development	NPS:UD
Proposed Kaipara District Plan	PDP
Proposed Regional Plan	PRP
Resource Management Act 1991	RMA
Section 32 of the RMA	s32

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## **1. INTRODUCTION**

### **1.1 Overview**

1. This report details the pre-notification evaluation undertaken by Kaipara District Council (**KDC**) in relation to the Estuary Estates Special Purpose Zone (**EESPZ**) Chapter for the Proposed Kaipara District Plan (**PDP**). The report has been prepared in accordance with the requirements of section 32 of the RMA (**s32**) and identifies and evaluates the outcomes sought for the district's residential area, business/service and natural environment areas and the proposed provisions to achieve those outcomes.

### **1.2 Topic Description**

2. Estuary Estates is an area comprised of 130 hectares of land located on the upper Mangawhai Harbour. It sits to the west of the Molesworth Peninsula, south of the Mangawhai Heads settlement and northwest of the Mangawhai Village. It is being developed with a range of residential and business activities. The site is bound by residential development to the north, west and south.
3. This report sets out the issues for the EESPZ, provides an overview of the statutory and policy context.
4. The level of detail in this evaluation report is appropriate for the level of effects anticipated.

### **1.3 Background**

5. Estuary Estates Special Purpose Zone (**EESPZ**) is currently housed in Chapter 16 of the Kaipara District Plan (**KDP**) with the structure plan and Sub-Zone map identifying the area of the zone, subzones and overlays (Appendix E), and was introduced into the KDP as the result of a private plan change, Plan Change 78 (**PPC78**), made Operative 22 July 2022.
6. As the EESPZ was made operative, provisions have generally rolled over, with minor amendments to reflect the PDP format and give effect to the National Planning Standards. The reasoning and conclusions made by Tollemache (2019)<sup>1</sup> in the s32 report prepared for Plan change 78 remain relevant and valid.

## **2. SUMMARY OF ADVICE RECEIVED FROM IWI AND CONSULTATION WITH COMMUNITY**

7. Section 32 requires evaluation reports to summarise all advice concerning the proposal received from iwi authorities under Clauses 3(1)(d) and 4A of Schedule 1 of the RMA. As the EESPZ was made operative in 2022, it is considered that advice from iwi was taken into consideration through the processing of PPC78.

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<sup>1</sup> Section 32 Assessment prepared by Tollemache Consultants Ltd dated November 2019.

8. Consultation with the community was undertaken via the Exposure Draft District Plan. As the EESPZ Chapter had been approved and made operative through PPC78 in July 2022, it was not considered necessary to include in the draft KDP.
9. Further details on all consultation and engagement undertaken for the development of the PDP are included in the Section 32 Overview Report.

### **3. PROBLEM DEFINITION**

10. As the provisions for the EESPZ have only recently been approved and made operative through PPC78, it is considered that the relevant considerations for the PDP are:
  - a. The KDP structure and drafting is not consistent with the high-level direction provided in the planning standards or preferred electronic plan format.
  - b. The KDP provisions do not align with the hybrid approach which encompasses an effects and activities-based plan, as opposed to the effects-based plan that is reflected within the KDP.
  - c. Some provisions reference old standards and rules.
  - d. Some definitions / terminology needs to be amended to reflect the planning standards.

### **4. STATUTORY AND PLANNING CONTEXT**

11. This section provides a key summary of the statutory requirements of relevance to the EESPZ, and the relevant planning context.

#### **4.1 Resource Management Act**

##### **Section 5 – Purpose**

12. Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments, National Policy Statements (NPS), national planning standards, and the Regional Policy Statement for Northland (NRPS). The Section 32 Overview Report provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP.
13. Section 5 of the RMA sets out its purpose, being to promote the sustainable management of natural and physical resources. As applicable to the residential areas within the district, sustainable management includes the use, development, and protection of the natural and physical resources of these areas, to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. This includes avoiding, remedying and mitigating the adverse effects of activities within these zones on the environment (section 5(2)(c)).

##### **Section 6 – Matters of national importance**

14. Section 6 of the RMA provides direction on how matters of national importance are to be managed. In general these matters relate to areas that contain significant landscape, ecological, heritage, or cultural values. Section 6(c) recognises the protection of areas of significant indigenous vegetation, and is

relevant to the EESPZ, which includes specific provisions which seek to manage the potential effects of use and development on indigenous vegetation.

## **Section 7 – Other Matters**

15. Section 7 lists matters to which persons exercising functions and powers under the RMA are to have particular regard to. Section 7(b) relates to the efficient use and development of natural and physical resources, and s7(f) seeks to maintain and enhance the quality of the environment, which are relevant to this topic, as the EESPZ Chapter includes specific provisions developed through the PPC78 process to enable, manage the effects of use and development.
16. The various documents considered, and the relevant requirements are set out below:

<b>4.2 District Plan must give effect to</b>	
<b>Document</b>	<b>Relevance</b>
National Policy Statement on Urban Development 2020 (NPS-UD)	<p>The NPS-UD directs local authorities in relation to development of urban environments. The Kaipara District Council has decided that the NPS-UD does not apply to the Kaipara district due to no settlement at the present time meeting the definition of an 'urban environment' in the NPS. The existing townships are sufficiently separated that they do not collectively form a single housing and employment market that would cross the 'urban environment' definition threshold.</p> <p>Whilst the NPS-UD does not therefore have to be given effect to in Kaipara District, it nonetheless contains useful direction on how urban growth should be managed, along with the need to provide sufficient zoned and infrastructure ready capacity to accommodate that growth. These aspects are addressed in the Strategic Direction section of the plan.</p>
National Planning Standards 2019	<p>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 EESPZ:</p> <ul style="list-style-type: none"> <li>• In accordance with Mandatory Direction 8.3, the Estuary Estates area has been incorporated as a Special Purpose zone as the operative provisions: <ul style="list-style-type: none"> <li>○ Will enable a scale of development that is significant to the district;</li> <li>○ Are impractical to be managed through another zone or a combination of spatial layers as they were designed through the PPC78 process to apply as standalone provisions.</li> </ul> </li> </ul>

	<p>Accordingly, the Estuary Estates provisions have been rolled over into a Special Purpose Zone under the PDP.</p> <ul style="list-style-type: none"> <li>• In accordance with Mandatory Direction 7.5, any provisions relating to energy, infrastructure and transport, that are not specific to the Special purpose zones chapter or sections, must be located in one or more chapters under the Energy, infrastructure and transport heading. The Estuary Estates provisions in the KDP include rules and standards that relate to transport. Given the provisions are associated with the proposed Special Purpose Zone, they are therefore proposed to be kept in the Special Purpose Zone rather than transferred to the District-Wide Transport Chapter to keep all relevant EESPZ provisions together.</li> <li>• In accordance with Mandatory Direction 7.24, Subdivision provisions must be located in one or more chapters under the Subdivision heading. The Estuary Estates provisions in the KDP include rules, standards and information requirements that relate to Subdivision. As such, to align with the Mandatory Directions 7.24 these provisions are proposed to remain in the Special Purpose Zone chapter rather than be contained within the District-Wide Subdivision Chapter.</li> <li>• In accordance with Mandatory Direction 7.29, if provisions for managing earthworks are addressed, they must be located in the Earthworks chapter. The EESPZ provisions in the KDP include rules and standards that relate to earthworks. As such, to align with Mandatory Directions 7.29, these provisions are proposed to remain in the Special Purpose Zone chapter rather than be contained within the District-Wide Earthworks Chapter.</li> <li>• In accordance with Mandatory Direction 7.37, if provisions to manage temporary activities, buildings, and events are addressed, they must be located in the Temporary activities chapter. While the EESPZ provisions in the KDP include rules and standards that relate to temporary activities these provisions are proposed to remain in the Special Purpose Zone chapter rather than be contained within the Temporary Activities Chapter.</li> </ul>
Northland Regional Policy Statement (NRPS)	<p>The NRPS promotes sustainable management of Northland's natural and physical resources by providing an overview of the region's resource management issues; and setting out objectives, policies and methods to achieve integrated management the natural and physical resources of the region. Further assessment of the EESPZ against the provision of the NRPS is contained in the Section 32 Assessment prepared by Tollemache Consultants Ltd dated November 2019. Overall, the provisions of the EESPZ Chapter will give effect to the NRPS, and in particular Objective 3.11 Regional form which seeks sustainable built environments.</p>

### 4.3 District Plan must take into account

Document	Relevance
Iwi management plan(s)	<p>In preparing the District Plan, the Council must take into account the two Iwi Management Plans (Nga Ture mo Te Taiao o Te Roroa – review 2019 and Te Uri o Hau Kaitiakitanga o te Taiao 2011), as they are relevant planning documents recognized by iwi authorities, to the extent that it is relevant to the resource management issues of the district.</p> <p>Te Uri o Hau Kaitiakitanga o te Taiao contains a section on Growth and Development which includes policies on Memoranda of Understanding or other forms of agreements with resource consent applicants, developers and land-holders to determine how development will proceed, and which may include processes to be followed in the event of a culturally significant site and /or taonga being discovered and to ensure practical solutions are provided for the mitigation or remediation of adverse effects of any growth and development.</p>
National Adaptation Plan and Emissions Reduction Plan	The EESPD Chapter is considered to be generally consistent with the NAP and ERP, specifically in relation to enabling urban development in proximity to existing amenities and services and through the promotion of active modes of transport.

### 4.4 District Plan Must have regard to:

Document	Relevance
Long Term Plan (2024-2034)	The LTP is the Council's lead document and sets out all its activities and future spending priorities. It includes a financial strategy, details performance measures and provides the rationale for delivery of activities, amongst other things. Further detail on the LTP is located within the Section 32 Overview Report.

### 4.5 Other relevant documents and reports

17. There are no other relevant documents or reports of particular relevance to the EESPD Chapter.

## 5. APPROACH TO EVALUATION

18. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable,



quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

## 5.1 Scale and Significance of the Effects

19. The s32 evaluation must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. To determine the scale and significance, the following criteria have been used:

<b>TABLE 1: ASSESSMENT OF SCALE AND SIGNIFICANCE OF EFFECTS</b>		
<b>Criteria</b>	<b>Summary of effects</b>	<b>Evaluation</b>  (1 is low and 5 is high)
Reason for change	<ul style="list-style-type: none"> <li>The KDC is undertaking full plan review. Amendments to the EESPZ have been made to reflect the National Planning standards and required electronic plan format.</li> </ul>	1
Degree of shift from status quo	<ul style="list-style-type: none"> <li>The KDP includes specific provisions for EESPZ within Chapter 16A. The PDP proposes to include these provisions within a Special Purpose Zone, in accordance with Mandatory Direction 8.3 of the National Planning Standards. Other District Wide provisions are proposed to remain in the EESPZ in addition to Part 2 of the PDP, in accordance with Mandatory Directions 7.5, 7.24, 7.29, and 7.37. Minor formatting and style amendments are proposed to achieve consistency and coherency with the PDP.</li> <li>Overall, the wording of provisions has generally been rolled over from the existing Estuary Estates chapter under the KDP.</li> </ul>	1
Who and how many will be affected, geographic scale of effects	<ul style="list-style-type: none"> <li>As the provisions of the Chapter are generally a roll over from the relevant provisions of Chapter 16 under the KDP, the scale of effect is considered to be low.</li> </ul>	1

Degree of impact on or interest from Maori	<ul style="list-style-type: none"> <li>The changes proposed will likely be of interest to the owners and residents of the EESPZ. As such, the scale of effects resulting from the change is deemed low.</li> </ul>	1
Timing and duration of effects	<ul style="list-style-type: none"> <li>The provisions seek to manage the EESPZ in both the short and long term. As such the effect of the change will be on-going and into the future. However, the proposed provisions retain the status quo under the KDP in relation to the management of environmental effects.</li> </ul>	2
Type of effect:	<ul style="list-style-type: none"> <li>Effects will relate to future use, development, and subdivision enabled within the EESPZ and adjacent land.</li> </ul>	2
Degree of risk or uncertainty:	<ul style="list-style-type: none"> <li>Overall, the PDP approach aligns with the Planning Standards, with many of the changes attributed to consequential format and structure. Regardless, the EESPZ Chapter is considered to pose low policy risk due to the provisions being a rollover of the KDP provisions as determined through the PPC78 process.</li> </ul>	1
<b>Total (out of 35):</b>		<b>9</b>

## 6. Evaluation of Objectives

### 6.1 Appropriateness in Terms of Purpose of RMA

20. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in the PDP is the most appropriate way to achieve the purpose of the RMA.
21. Table 3 contains the objectives proposed for the EESPZ Chapter.

<b>TABLE 3: S32 ASSESSMENT OF PROPOSED RESIDENTIAL ZONE OBJECTIVES</b>
<b>Proposed EESPZ Objectives</b>
<b>EESPZ-O1 – Natural Environment:</b> To conserve, protect and enhance the landscape, recreational and ecological resources associated with wetlands, streams, coastal marine area and identified areas of indigenous vegetation throughout the Estuary Estates Structure Plan area.

<b>EESPZ-O2 – Amenity:</b> To create new and enhance existing amenity values of the Estuary Estates Structure Plan area.
<b>EESPZ-O3 – Business and Service Sub Zone:</b> To provide for the town centre and service area while, ensuring that the adverse effects of those activities are avoided, remedied or mitigated.
<b>EESPZ-O4 – Business and Service Sub Zone:</b> To create a distinctive, attractive and vibrant town centre.
<b>EESPZ-O5 – Residential Sub-Zone:</b> To provide for a diverse range of residential living opportunities and to enable residential intensification in proximity to the Business Sub-Zone.
<b>EESPZ-O6 – Transport:</b> To achieve a high amenity, well connected, low speed and sustainable roading network that provides for easily and safely accessed, development.
<b>EESPZ-O7 – Transport:</b> To develop a roading network which integrates safely and efficiently with the surrounding roading network whilst ensuring adverse effects on the local road network are avoided or mitigated.
<b>EESPZ-O8 – Transport:</b> To ensure the impact of activities on the safety and efficiency of the local road network is addressed and to ensure safe and efficient vehicle access, parking and manoeuvring is provided to, and on, every site while avoiding adverse effects on the environment.
<b>EESPZ-O9 – Transport:</b> To promote and provide for active transport (walking and cycling).
<b>EESPZ-O10 - Utilities, Services, and Infrastructure:</b> To ensure the provision of sustainable infrastructure networks that provide for properly serviced, and orderly development.
<b>EESPZ-O11 - Financial Contributions:</b> To ensure that the timing of subdivision and development of the Estuary Estates Structure Plan area is coordinated with the provision of infrastructure needed to serve the area and that development contributes its share of the growth-related costs of this infrastructure.
<b>EESPZ-O12 – Subdivision:</b> To provide for subdivision in a manner which achieves an urban amenity and the integrated management of the use, development and protection of the natural and physical resources of the district.
<b>EESPZ-O13 – Temporary Activities:</b> To provide for the community within the Estuary Estates Structure Plan area and the wider Mangawhai Areas general wellbeing through the provisions of Temporary Activities while ensuring such activities are operated at a level which avoids or mitigates adverse effects on the environment.

22. Part 2 of the RMA states the purpose and principles of the RMA, and Table 4 identifies the relevant sections of Part 2 of the RMA for each of the objectives in the Estuary Estates Special Purpose Zone.

<b>TABLE 3: RELEVANCE OF PROPOSED EESPZ OBJECTIVES WITH PART 2 OF THE RMA</b>							
		<b>Proposed EESPZ Objectives</b>					
		<b>O1</b>	<b>O2</b>	<b>O3</b>	<b>O4</b>	<b>O5</b>	<b>O6</b>
<b>RMA Part 2 Sections</b>	<b>5(2)</b>	✓	✓	✓	✓	✓	✓
	<b>5(2)(a)</b>	✓		✓	✓	✓	✓
	<b>5(2)(b)</b>	✓	✓				
	<b>5(2)(c)</b>	✓		✓	✓		
	<b>s6(c)</b>	✓					

	7(b)			✓	✓	✓	
	7(c)		✓		✓		✓
	7(f)	✓	✓	✓	✓		✓

		Proposed EESPZ Objectives						
		O7	O8	O9	O10	O11	O12	O13
<b>RMA Part 2 Sections</b>	5(2)	✓	✓	✓	✓	✓	✓	✓
	5(2)(a)	✓	✓	✓	✓	✓	✓	✓
	5(2)(b)						✓	
	5(2)(c)	✓	✓				✓	✓
	s6(c)							
	7(b)		✓				✓	
	7(c)							
	7(f)	✓	✓				✓	✓

23. The following s5 matters have been addressed by the EESPZ Chapter:

- a. s5(2) and s5(2)(a), as by providing for a diverse range of residential living opportunities and an attractive and vibrant town centre, the objectives will provide for natural and physical resources to meet social, economic, and cultural wellbeing of the community and the foreseeable needs of future generations;
- b. s5(2)(b), as by seeking to manage effects on the natural environment, including ecological resources associated with wetlands, streams, coastal marine areas, and indigenous vegetation, the objectives will safeguard the life-supporting capacity of water and ecosystems; and
- c. s5(2)(c), as by managing the effects of development and subdivision, including the new transport network, the objectives will avoid, remedy, or mitigate adverse effects of activities on the environment.

24. The following s6 matters have been addressed by the EESPZ Chapter:

- a. s6(c) in relation to the protection of indigenous vegetation, by seeking the conservation, protection, and enhancement and indigenous vegetation within the Estuary Estates Structure Plan area.

25. The following s7 matters have been addressed by the EESPZ Chapter:
  - a. s7(b) in relation to the efficient use and development of natural and physical resources by enabling residential and business activities within the respective Sub-Zones, including by enabling residential intensification in proximity to the Business Sub-Zone;
  - b. s7(c) in relation to the maintenance and enhancement of amenity values by focussing on creating new amenity values and enhancing existing amenity values within the Estuary Estates Structure Plan area, including by creating a distinctive, attractive, and vibrant town centre, and managing the effects of subdivision and infrastructure provision; and
  - c. S7(f) in relation to the maintenance and enhancement of the quality of the environment by seeking to manage the effects of business activities to promote a safe, and attractive transport network.
26. The objectives are relevant in that they are the most appropriate way to achieve the purpose of the Act as they enable the comprehensive and efficient growth of the subject site in a way that will provide for the social, economic and cultural wellbeing of people and communities, while safeguarding the needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying, or mitigating any adverse effects on the environment.
27. The objectives are useful as they demonstrate the expected environmental outcomes in terms of what is appropriate development and protection in this special purpose zone. These objectives will help the Council carry out its RMA functions and provide clear direction to both the plan users and decisions makers.
28. The objectives are reasonable in that the costs associated with implementation will be generated by the requirements to apply for consent, it is considered that the proposed objectives do not result in any unjustifiable costs. It is considered that the objectives can be achieved, is consistent with higher order statutory documents and are sufficient to achieve the purpose of the RMA.

## **6.2 Objectives conclusion**

29. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they are the most appropriate way to achieve the purpose of the RMA.

## **7. Evaluation of the Provisions**

30. Section 32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, the EESPZ Chapter retains 13 objectives this s32 assessment must assess whether the proposed provisions are the most appropriate means to achieve those proposed objectives.
31. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth

and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

32. The following sections of this report will identify the range of options available, and the efficiency and effectiveness of the preferred provisions.

## **7.1 Options**

33. The EESPZ proposes provisions, including policies, rules, standards, assessment criteria, and a structure plan, which have only minor changes from the operative provisions to address the planning standards, e-plan structure and plan wide consistency. The following sections of this report will address the efficiency and effectiveness of the preferred provisions.
34. Changes to provisions include the following:
  - a. Separating the provisions under the KDP to reflect and effects and activities-based plan in accordance with the PDP;
  - b. Including the provisions that relate to district wide matters from the EESPZ chapter in addition to the relevant District Wide chapters;
  - c. Deleting cross references to underlying provisions in the KDP which manage district wide matters; and
  - d. Terminology changes when the word/activity is best reflected by the planning standard definitions.
35. The following broad options have been identified and assessed with regard to EESPZ.
  - a. Option 1 – Do nothing (Status Quo): Insert the provisions into the plan as per the KDP.
  - b. Option 2 – Rely on the General Residential Zone provisions as prescribed in the planning standards.
  - c. Option 3 – Proposed approach: Operative structure plan and substantive outcomes carried forward, with provisions redrafted in line with the planning standards and electronic plan consistency.
36. Overall, the preferred option is Option 3 as this approach is in line with the Planning Standards and the use of an E-plan for the PDP. This approach allows integration and consistency with the PDP. Option 1, do nothing approach, would retain the provisions as determined through PPC78, however there would be inconsistencies with the Planning Standards and remainder of the PDP, as there are District Wide provisions that are required to be located under the relevant District Wide Chapters. Option 2, relying on the provisions of the General Residential Zone, would not provide for the recently operative provisions specific to the EESPZ to address the environmental and development considerations for this area.

## **7.2 Costs, benefits, effectiveness and efficiency**

37. The objectives are closely linked and have a focus on providing for, and managing development within the EESPZ. As such the assessment of the provisions that give effect to these objectives is provided in a consolidated manner.

**TABLE 4: EVALUATION OF PROVISIONS TO GIVE EFFECT TO OBJECTIVES**

	<b>Option 1 – Do nothing (Status Quo): Insert the provisions into the plan as per the KDP</b>
<b>Benefits</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>Minimal time and cost in terms of administration to KDC.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>Will provide for residential living opportunities, light industrial, community facilities and commercial within the EESPZ.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>Will retain the approach under the EESPZ for the management of the use, development, and subdivision of land within the EESPZ, of which the provisions were recently developed through the PPC78 process.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>
<b>Costs</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>As the KDP encompasses an effects based approach, inserting the operative provisions will create inconsistencies with the remainder of the PDP, which adopts a hybrid effects and activities based approach. The provisions of the EESPZ Chapter will also be inconsistent with the other area specific chapters in the PDP, where District Wide provisions will be located separately in Part 2 of the PDP. These inconsistencies are likely to add complexity to the PDP and create additional costs to all plan users in terms of implementation and enforcement.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>There are no known social costs as the KDP provisions will be rolled over.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>There are no known environmental costs as the KDP provisions will be rolled over.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>
<b>Opportunities for economic growth</b>	No direct increase in economic growth is anticipated.
<b>Opportunities for employment</b>	No direct increase in employment opportunities anticipated.
<b>Certainty and sufficiency of information</b>	Through the recent private plan change process, the benefits and costs of the provisions are reasonably certain, and there is sufficient information available to assess the likely impact of adopting the provisions.



<b>Risk of acting or not acting if there is uncertainty or insufficient information.</b>	Not applicable
<b>Effectiveness in achieving the objective(s)</b>	This option is a less effective way of achieving the objectives as while the provisions of the EESPZ would be rolled over and retained from the KDP, a number of cross references to superseded provisions and chapters under the KDP would be retained.
<b>Efficiency in achieving the objective(s)</b>	<p>This option is not an efficient way of achieving the objectives as the provisions of the EESPZ would be inconsistent with the drafting style of the remainder of the PDP, creating additional complexity for plan users. In addition, retaining the cross references to the KDP provisions will create confusion.</p> <p>While this option retains the KDP approach of an effects based plan that existing plan users may be familiar with, in the long term, this will create implementation and enforcement inefficiencies for plan users.</p>
<b>Option 2 – Rely on the General Residential Zone provisions as prescribed in the planning standards</b>	
<b>Benefits</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>Minimal time and cost in terms of administration to KDC.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>Will provide for residential and business activities within the EESPZ.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>Will manage the environmental effects of use, development, and subdivision in accordance with General Residential Zone Chapter and District Wide Chapters, however excludes specific area-based provisions determined through the PPC78 process.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>

<b>Costs</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>The place-based provisions, including rules, policies, and matters of discretion specific to the EESPZ provide direction and certainty to plan users on the anticipated outcomes in EESPZ. The exclusion of these provisions is likely to add increased time and cost inefficiencies to the resource consent process.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>As this option excludes a number of place-based provisions specific to the EESPZ, the resulting development outcomes may adversely affect people and communities compared to Option 3.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>While environmental effects can be managed in accordance with the provisions of the General Residential Zone Chapter and District Wide Chapters, this option will not provide for the place-based provisions specific to the EESPZ which were recently determined through the PPC78 process.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>
<b>Opportunities for economic growth</b>	No direct increase in economic growth is anticipated.
<b>Opportunities for employment</b>	No direct increase in employment opportunities anticipated.
<b>Certainty and sufficiency of information</b>	Through the recent private plan change process, the benefits and costs of the provisions are reasonably certain, and there is sufficient information available to assess the likely impact of adopting the provisions.
<b>Risk of acting or not acting if there is uncertainty or insufficient information.</b>	Not applicable
<b>Effectiveness in achieving the objective(s)</b>	This option is less effective than Option 3. While use, development, and subdivision, and the management of environmental effects can be provided for within the provisions of the General Residential Zone Chapter and District Wide Chapters, they do not include provisions that were recently developed and are specific to the management of future use and development in the EESPZ and in accordance with the Estuary Estates structure plan.
<b>Efficiency in achieving the objective(s)</b>	This option is not efficient as the provisions exclude place-based provisions that were recently developed through the private plan change process, and are specific to the management of natural and physical resources in the EESPZ.

	<b>Option 3 – Proposed approach: Operative Structure Plan, Sub-Zone map, and substantive outcomes carried forward, with provisions redrafted in line with the planning standards and electronic plan consistency</b>
<b>Benefits</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>Minimal time and cost in terms of administration to KDC.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>Will provide for residential living and opportunities for light industrial, community, and commercial activities within the EESPZ.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>Will manage the environmental effects of use, development, and subdivision in accordance with the outcomes of PPC78, which were recently determined through the private plan change process.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>
<b>Costs</b>	<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>There may be additional compliance and administrative costs as the hybrid effects and activities based approach are a departure from the KPD.</li> </ul> <p><b>Social:</b></p> <ul style="list-style-type: none"> <li>There are no known social costs as the PPC78 provisions will be rolled over, with minor amendments to achieve consistency with the drafting and layout style of the PDP.</li> </ul> <p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>There are no known environmental costs as the KDP provisions will be rolled over, albeit within a different format.</li> </ul> <p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>There is no change to the cultural environment through this option.</li> </ul>
<b>Opportunities for economic growth</b>	No direct increase in economic growth is anticipated.
<b>Opportunities for employment</b>	No direct increase in employment opportunities anticipated.
<b>Certainty and sufficiency of information</b>	Through the recent private plan change process, the benefits and costs of other provisions are reasonably certain, and there is sufficient information available to assess the likely impact of adopting the provisions.
<b>Risk of acting or not acting if there is uncertainty or insufficient information.</b>	Not applicable

<b>Effectiveness in achieving the objective(s)</b>	This option is an effective way of achieving the objectives as it will provide for development within the EESPZ while managing the potential effects of use, development, and subdivision on the surrounding environment in accordance with specific provisions developed through the PPC78 process.
<b>Efficiency in achieving the objective(s)</b>	This option is efficient in achieving the objectives as it will retain all provisions developed through PPC78, while also achieving consistency with the format of the PDP in accordance with the National Planning Standards.

### **7.3 Reasons for deciding on the provisions**

38. The proposed policies, rules, standards, assessment criteria, and structure plan and Sub-Zone map in the EESPZ Chapter are the most appropriate way to achieve the objectives. They provide for an appropriate level of development whilst protecting the natural environment.
39. The proposed provisions are considered to be the most efficient and effective means of achieving the objectives as together they will:
  - a. Give effect to Part 2 of the RMA and relevant National direction.
  - b. The provisions will ensure potential effects on the environment are appropriately managed as development and subdivision occurs.
  - c. Be consistent with the remainder of the PDP and will be in accordance with the National Planning Standards.

## **8. CONCLUSION**

40. Pursuant to s32 of the RMA, the proposed EESPZ Chapter have been analysed against Part 2 of the RMA and are considered to be the most appropriate way to achieve the purpose of the RMA.
41. The proposed provisions have been compared against reasonably practicable options. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives.