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| --- | --- | --- |
| http://intranet.ccc.govt.nz/Documents/CCClogobw.jpg | Resource Management Act 1991Christchurch District PlanPrivate Plan Change **XX****Section 32 Evaluation and AEE** | # |
| *[Please note that the text in [brackets] and in footnotes is for your benefit/information only. Delete from the final report,* *including any text in red on this page.*Anyone using the template should seek their own advice when preparing a plan change. The template is correct at the time of publication in February 2020. Legislative changes or decisions of the Court since that date have not been accounted for.]**DESCRIPTION/TITLE OF THE PLAN CHANGE e.g. REZONING OF *[provide street address, suburb]*, FROM *[zone 1]* TO *[zone 2]*;or****REVISED PROVISIONS FOR *[Insert topic e.g.]* HERITAGE BUILDING INTERIORS; or just*****[Insert topic e.g.]* ACTIVITIES GENERATING HIGH LEVELS OF TRAFFIC – THE HIGH TRIP GENERATOR RULE****Overview**The following report has been prepared by the applicant in support of their request for a plan change to the Christchurch District Plan, which proposes to rezone the land at *[insert address/locality]* from the current [*insert current zone]* to *[insert proposed new zone] [or alternatively very brief explanation of what the plan change does if it is not a rezoning]*. It has been prepared in accordance with the requirements of Section 32 (s 32) of the Resource Management Act 1991 (RMA).*[Provide a* ***short*** *overview of key reasons why the plan change is proposed, what the objective/scope of the plan change is, matters considered to be significant and the scale of effects of the proposed provisions [drawing from sections following]. [E.g. ambiguous rules that result in interpretation difficulties / uncertainty for the public and the Council / lack of protection / outcomes inconsistent with the Plan objective/s etc. This is to be just a short summary, as the problem definition and details of the proposed solutions follow below]. The objective/scope of the plan change is best described as specifically as possible. It is particularly important for defining the limits of relevant considerations and relevant submissions, i.e. whether they are “on” the plan change. For example, an objective for a plan change that is described as being ‘to better manage the shading effects of buildings on neighbours in the Residential Suburban Zone’ is more confined than an objective ‘to manage the bulk of buildings in residential zones’.]**[If your text spills over to the second page, make sure you start typing on the 2nd page before the box frame of page 1 gets ‘stretched’ to page 2, i.e. there will be no frame/box around the text on page 2.]* |

**Table of contents** *[remember to update all fields in the TOC when report is finalised]*

1 **Introduction** 2

1.1 Purpose of this report 2

2 **Resource management issues** 2

2.1 Legal obligations and strategic planning documents 2

2.2 Problem definition - the issues being addressed 2

3 **Development of the plan change** 2

3.1 Background 2

3.2 Current Christchurch District Plan provisions 2

3.3 Description and scope of the changes proposed 2

3.4 Community/Stakeholder engagement 2

3.5 Consultation with iwi authorities 2

4 **Scale and significance evaluation** 2

4.1 The degree of shift in the provisions 2

4.2 Scale and significance of effects 2

5 **Evaluation of the proposal** 2

5.1 Statutory evaluation 2

5.2 Evaluation of objectives / the purpose of the plan change *[choose the applicable title]* 2

5.3 Reasonably practicable options 2

5.4 Evaluation of options for provisions 2

6 **Evaluation of the preferred option for provisions** 2

6.2 Assessment of proposed policies 2

6.3 Assessment of proposed rules 2

6.4 The most appropriate option 2

7 **Conclusions** 2

APPENDIX 1 - ASSESSMENT OF ENVIRONMENTAL EFFECTS 2

APPENDIX 2 – title e.g. INTEGRATED TRANSPORT ASSESsMENT 2

Attachment A - Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55 2

Introduction

Purpose of this report

The overarching purpose of section 32 (**s32**) of the Resource Management Act 1991 (**RMA** / **Act**) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 requires that the proponent provides an evaluation of the changes proposed in a request for a Plan Change to the Christchurch District Plan (**the Plan**). The evaluation must examine whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA, and whether the proposed provisions are the most appropriate way to achieve the objectives of the Plan. The report must consider reasonably practicable options, and assess the efficiency and effectiveness of the provisions in achieving the objectives. This will involve identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the provisions. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The purpose of this report is to fulfil the s32 requirements for proposed Plan Change XX - Title. In addition, the report examines any relevant directions from the statutory context including higher order documents, and provides an Assessment of Environmental Effects (**AEE**) *[if provided as an Appendix add* (refer to **Appendix X**)*]*.

Resource management issues

Legal obligations and strategic planning documents

Section 73(2) of the RMA and Clause 21, Part 2 of Schedule 1 provide for private requests for changes to a district plan. Clause 22 of Schedule 1 sets out the requirements for what a plan change request must address and/or contain, including an explanation of the purpose of and reasons for the plan change request, a section 32 evaluation report and an assessment of environmental effects which takes into account the provisions of Schedule 4, clauses 6 and 7.

Sections 74 and 75 of the RMA set out legal obligations when changing a District Plan. Consideration needs to be given to whether the plan change accords with and will assist the Council in carrying out its functions under Section 31 of the RMA to, among other things, achieve integrated management of the effects of the use, development, or protection of land and associated resources. This includes the control of the actual and potential effects of land use or development on the environment in accordance with the provisions of Part 2 while recognising and providing for Section 6 matters, having particular regard to Section 7 matters, and taking into account Section 8 matters.

As required by s74 and s75 of the RMA *[Note s60 of the GCRA is due to be revoked in June 2021]*, a Plan Change must specifically give effect to, not be inconsistent with, take into account, or have regard to the following “higher order” documents / provisions which provide directions for the issues relevant to this plan change *[e.g. below - modify as relevant. If the list/description of the key elements of the national and regional planning documents is likely to be extensive, provide a brief summary here and put further details in an Appendix. Be mindful of the fact that this section of the report only provides a list and summary of the relevant parts of planning documents/objectives, and explains the directions/ requirements relevant to the issues being addressed in the plan change. This will determine which of these documents/ parts of documents the existing or proposed District Plan Strategic Directions objectives/ chapter objectives/ provisions will need to be assessed against in section 5. Alternatively, use the table format to outline the direction/s provided by the relevant strategic documents.]*:

1. National Policy Statement XXX/National Planning Standard XXX (**NPS XX**) /National Environmental Standard (**NES XX**)
2. Canterbury Regional Policy Statement (**CRPS**) *[list the relevant provisions/issues]*
3. Objective XX – Title/issue
4. Objective XX
5. Policy XX
6. Method XX
7. Recovery/Regeneration Plans prepared under the Greater Christchurch Regeneration Act 2016 (**GCRA**): *[The partial repeal has removed section 60 of the GCRA which previously required that any recommendation or decision on a plan change, including decisions in relation to submissions, must not be inconsistent with Recovery/Regeneration Plans.  However, section 74(2)(b)(i) of the RMA requires that when preparing or changing a district plan, territorial authorities shall have regard to management plans or strategies prepared under other Acts.]*
8. Land Use Recovery Plan (**LURP**)
9. XXX
10. Christchurch Central Recovery Plan (**CCRP**)
11. [list the relevant provisions e.g. Design Principles; or The Blueprint Plan]
12. Mahaanui Iwi Management Plan (**IMP**)
13. Part X – Title, Policy XX
14. Mahaanui Iwi Management Plan (**IMP**)
15. Part X – Title, Policy XX
16. Greater Christchurch Urban Development Strategy (**UDS**) and (proposed) Future Development Strategy (**FDS**)
17. Etc.

*[OR do it in a table]*

|  |  |  |
| --- | --- | --- |
| **Document** | **Relevant provisions** | **Relevant direction given effect to/ taken account of in Strategic Directions objectives, Chapter XX objectives / the objectives proposed by this Plan Change**  |
| National Policy Statement XXX (**NPS XX**)/ National Planning Standard XXX (**NPS XX**)/ National Environmental Standard XXX (**NES XX**) |  | a. Recognise and provide for … matters of national importance / Ensure that …b. Facilitate …c. Safeguard …d. Not duplicate or conflict with NES (s44A & 43B) |
| Canterbury Regional Policy Statement (**CRPS**) | Chapter X, Objective X.X.X | a. Ensure that …b. Give effect to … |
| Chapter XX, Objective XXPolicy XXMethod XX | a. Support and maintain …b. Provide for ….c. Avoid …d. Insert provision in the District Plan … |
| Recovery and regeneration plans prepared under the Greater Christchurch Regeneration Act (**GCRA):**  | *[Note s60 (requiring PCs to not be inconsistent with the recovery plans) of the GCRA was repealed on 30/6/2021. Under RMA s74 we now have to have regard to such plans prepared under other Acts]* |
| Land Use Recovery Plan (LURP) |  | a. Have regard to …b. LURP actions related specifically to commercial activity direct the Plan to enable: i. Community facilities within KACs and Neighbourhood Centres |
| Christchurch Central Recovery Plan (CCRP) |  | a. Any plan changes, recommendations or decisions on PCs affecting provisions for the Central City must have regard to the CCRP: i. *e.g.* The Blueprint Plan |
|  |  |
| Land Use Recovery Plan (**LURP**) |  | a. LURP actions related specifically to commercial activity direct the Plan to enable: i. Community facilities within KACs and Neighbourhood Centres |
| Christchurch Central Recovery Plan (**CCRP**) | Design Principles; The Blueprint Plan | a. Any provisions for the Central City must not be inconsistent with the CCRP: i. *e.g.* The Blueprint Plan |
| Iwi Management Plan (IMP) | Part 5, Policy XX | a. Take into account … |
|  |  |  |

*[As a reminder refer to the table below to see how this plan change will take into account/give effect etc. to the relevant provisions in strategic documents (delete this FYI table below from your report when finished):*

*FYI – Compliance with the most relevant strategic planning documents (this will need to be revised from time to time as new documents appear/ are revoked).*

|  |  |  |  |
| --- | --- | --- | --- |
| ***RMA/GCRA requirements in:*** | ***Document*** | ***Relevant provisions*** | ***How the Plan change/ provision should relate to the strategic documents*** |
| *s31, s72 and* *s74(1)(b) RMA* | *RMA, Part 2 provisions* |  | *Be in accordance with; and* *Achieve the purpose of the Act (most of the time by giving effect to the higher order documents/superior instruments such as NPS, CRPS, District Plan Strategic objectives, controlling the effects of development/land use on the environment, etc.).* |
| *s6 matters* |  | *Recognise and provide for* |
| *s7 matters* |  | *Have particular regard to* |
| *s75(3) RMA* | *Any relevant National Policy Statement (NPS) e.g. NPS UDC;**New Zealand Coastal Policy Statement (NZCPS);**Any National Planning Standard;* |  | *Give effect to* |
| *s75(3) RMA; s73(4) RMA* | *Canterbury Regional Policy Statement (CPRS)* |  | *Give effect to* |
| *s75(4) RMA* | *Water Conservation Order;**A regional plan for matters required in s30(1)* |  | *Not be inconsistent with* |
| *s74(2)(b)(i) RMA* | *Any statutory management plans and strategies prepared under other Acts e.g. Greater Christchurch Regeneration Act:* *Greater Christchurch Regeneration Act 2016;* *Christchurch Central Recovery Plan (CCRP);**The Lyttelton Port Recovery Plan (LPRP)**The Land Use Recovery Plan (LURP); and**The Ōtākaro Avon River Corridor Regeneration Plan (OARCRP);**Greater Christchurch Urban Development Strategy; and* *Future Development Strategy* |  | *Have regard to*  |
| *s74(2)(b)(iia)* | *Any relevant entry on the New Zealand Heritage List/Rārangi Kōrero* |  | *Have regard to* |
| *s74(2A) RMA* | *The Iwi Management Plan (IMP)* |  | *Take into account* |
| *s74(2)(c) RMA* | *Plans and proposed plans of adjacent territorial authorities* |  | *Have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities* |

The higher order documents broadly identify the resource management issues relevant to the district and provide direction in resolving these issues *[The analysis in this section of the report identifies the relevant directions (which can include objectives, policies and methods) of the higher order documents, e.g. in RPS, setting out the parameters within which the purpose of the plan change and/or new objectives should be considered. It will inform the detailed statutory assessment of the plan change carried out in section 5 of the report and can constrain what could be considered "most appropriate" under s32]*.

*[You need to examine all relevant higher documents and identify any directions/provisions relevant to the issue at hand. That way you are making sure that the Plan, and the plan change, reflect/ give effect to the relevant direction/provision, including any changes to these documents since the District Plan review. The options that can be considered for managing the issue may be constrained by the higher order documents. The greater the RMA requirement to be consistent with a higher order document (e.g. the DP must give effect to, rather than not be inconsistent with) and the more prescriptive the direction in the higher order document (e.g. avoid xxx, rather than mitigate xxx) the more limited the options that can be considered and the less scope there is to make a broad assessment of management options under Part 2 of the RMA. Where provisions in a higher order document pull in different directions, close attention is required to the way the provisions are expressed to ascertain if the apparent conflict may be resolved. If conflict remains after this analysis, consider if the area of conflict can be kept as narrow as possible from analysing the higher order document informed by section 5 of the RMA. Where multiple higher order documents provide direction on the issue, the direction in the highest order document that is the most prescriptive should be followed, rather than a lesser order document that is less prescriptive.]*.

*[If:*

1. *there is any uncertainty, incompleteness or invalidity (ultra-vires) identified in or between the relevant direction in the higher order documents, and/or*
2. *there is no relevant highly prescriptive constraint (e.g. avoid) in the higher order documents, thereby leaving a choice as to the management options to be considered to determine which will best give effect to the higher order direction,*

*then, a broad assessment under Part 2 is required across the range of potential management options/solutions. This will be conducted in section 5.1 (Statutory evaluation) of the report.*

*[The analysis indicated in 2.1.3 and 2.1.6 needs to be undertaken even if the plan change does not propose to amend the District Plan objectives. There is case law that consideration of higher order documents (e.g. sections 74/75) should occur because the intent/effect of higher order documents can be diluted or even lost in the provisions of lower order documents (i.e. "the story could be lost in the retelling") or the direction in higher order documents or the RMA may have changed since the relevant part of the District Plan became operative.] [The aim of this section is to provide an overview of the statutory directions to ‘set the scene’, i.e. provide reference points for the Plan objectives/provisions, and indicate any potential gaps.]*

There are/are no relevant national policy statements, including the New Zealand Coastal Policy Statement, or national planning standards to give effect to (section 75(3)) in the case of this plan change and the relevant matters relating to the CRPS have been discussed above. The proposed Plan Change is not inconsistent with any Water Conservation Orders or any regional matter under a regional plan.

No other management plans or strategies prepared under other Acts are relevant to the resource management issue identified. *[Or describe the applicable provisions of the ones that are relevant]*

As mentioned above, the RMA prescribes certain requirements for how district plans are to align with other instruments. Whether the District Plan objectives and provisions relevant to … *[e.g. built heritage matters]* do that will be discussed in section 5.1 of the report.

*[You will provide an overview of the District Plan strategic and chapter objectives in section 3.2, and outline the relevant District Plan provisions. If you identify any gaps and/or inconsistencies with the higher order documents, you will either: 1) consult with the CCC and together decide whether to widen the scope of the PC to fix the issue, and then describe the gaps/issue in sec. 2.2 as an Issue; or 2) state in section 3.2 that there is a gap/ an issue with a given objective or policy but that will be dealt with in another plan change as the issue identified does not affect the ability of this Plan Change to achieve the purpose of the Act. The evaluation of the proposed plan change objectives/provisions and their consistency with the higher order directions will be carried out in section 5 of this report.]*

Problem definition - the issues being addressed

**ISSUE 1** - Define the problem/issues accurately i.e. describe what the current situation is, what adverse outcomes or effects of the current provisions are and how significant they are, and relate these to the objectives/policies in the Plan or higher order documents which are not being met.

**ISSUE 2 -** if applicable.

Explain the gap between the current situation (status quo) and the desired outcome (or outcome defined by existing objectives/policies that are not given effect to, if applicable). Explain if the desired outcome would require a revision of objective/s or just effective and efficient provision(s) to implement this objective/s or something else. *[Based on the scenario referred to in 1.3.1 the problem could be defined as follows (in summary):*

1. *Land recently rezoned for residential development;*
2. *A historic building and a significant oak tree on the land have heritage value;*
3. *No current protection for the building or the tree that forms part of the setting;*
4. *Building and tree are under threat from the more intensive development permitted;*
5. *Historical society seeks protection;*

Development of the plan change

Background

The resource management issues set out above have been identified through the following sources / have been necessitated by legislative changes to the RMA/Canterbury Regional Policy Statement/ XX *[delete/add as required]*:

1. primary and secondary research (refer to the attached bibliography *[if any]*);
2. public feedback and comments through various sources including stakeholder consultation/ public engagement, the media, annual residents’ surveys;
3. issues identified in other documents and plans, including those described above;
4. academic press;
5. monitoring and review of the current district plan; and
6. matters raised in various forums by e.g. planning / legal professionals / statutory partners.

Describe the background investigations, why the current DP provisions are the way they are *[briefly]*, and what other TLA’s do about it *[if useful]*.

Technical advice from various experts has been commissioned to assist with assessing the existing environment/issues and the potential effects of the proposal on the environment, as well as the potential options for mitigating the adverse effects. This advice includes the following:

**Table 1:** Technical Reports informing Plan Change XX

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Title** | **Author** | **Description of Report** |
|  | Infrastructure Assessment/s | XX | Water supply, sewerage, stormwater, etc. – e.g. adequacy for increased intensity of development or constraints |
|  | Geotechnical Assessment  |  | Geotechnical conditions/ land contamination/ remediation requirements/ costs |
|  | Integrated Transport Assessment (ITA) |  | Assessment of effects of e.g. rezoning on the road network / transport constraints / potential solutions |
|  | Visual Amenity  |  | Assessment of visual and other amenity effects on the existing/ neighbouring environment (urban design, setbacks, landscaping, glare etc.) |
|  | Noise |  | Noise effects, noise sensitivity e.g. to the airport |
|  | Economic effects |  | Opportunities for economic and employment growth, potential adverse economic effects on the existing environment (except trade competition) |
|  | Cultural Impact Assessment |  | E.g. Impacts on cultural values significant to tangata whenua  |
|  | Social Impact Assessment |  | This will most likely not be done very often except for significant proposals |
|  | Other specific issues |  | E.g. effects on natural environment/ protected objects/ urban form/ cultural landscapes/ centres based strategy |

*[Outline here the information available/obtained which was the most significant for decision making e.g. technical advice received, brief summary of issues which were raised, expert comments on how this could be resolved.]*

*[Several paragraphs/sections may be needed to summarise/ consider the issues raised and the potential solution options put forward/discussed in the reports. It may be necessary to create separate sections for technical issues such as transport/landscape etc. The assessment of environmental effects (whether provided as an Appendix or incorporated into this report if that’s more logical) is likely to be based, to a large extent, on the effects identified in the technical assessments. These considerations will most likely be the basis for your choice of the ‘reasonably practicable alternatives/options’ identified below. However, the main analysis of costs and benefits of the options you chose should be in the evaluation below].*

Current Christchurch District Plan provisions

The current Plan’s Strategic Directions objectives, chapter objectives and provisions relevant to this plan change include ….

*[Provide a general description of relevant Plan objectives (may need to include both the higher level strategic ones in Chapter 3, Strategic Directions and the corresponding Chapter XX ones) and elaborate as needed. You may not need to refer to every single objective but describe the direction the related group of objectives provides, particularly where the objectives work interdependently rather than individually in achieving the purpose of the Act. If applicable, briefly state where there is a gap/error and why the provisions are the way they are.]* *e.g.:*

Chapter 3 - Strategic Directions provides an overall directions for matters related to xxx *[e.g. heritage protection]* and sets out /does not set out the outcomes that are intended to be achieved through the District Plan. *[Simply outline/describe the objectives here. Whether these strategic objectives reflect/do not reflect/ give/do not give effect to the higher level policy directions [as identified and summarised in 2.1 above], and aim to ensure the purpose of the Act is achieved, will be evaluated in section 5.1 where within the scope of the plan change – refer to Options A and B in section 5 which reflect different scope options.] [If the objectives are not consistent with/ do not meet the higher order directions/requirements and/or are not likely to achieve the purpose of the Act, identify that issue (which may be the subject of the plan change). This analysis will inform the evaluation in sections 5.1-5.4 below if the strategic objectives go into that level of detail/ touch on the detailed subject matter of the plan change. The objectives/ policies/ rules proposed in the plan change will need to be evaluated (in section 5 below) as the most appropriate in giving effects to/ not being inconsistent with/ having regard to the relevant higher order documents and achieving the purpose of the Act]*. *The evaluation against Part 2 is particularly important where higher order documents or strategic directions do not provide sufficient guidance or provide much discretion (e.g. shall be ‘mitigated’ or ‘appropriately managed’ rather than ‘avoided’).]*

Chapter X Objective/s XXX address / do not address the issue of … and seek the outcomes that are / are not entirely consistent with the strategic direction *[any other strategic/higher order document?]*, therefore, Strategic Objective XX / the purpose of the Act may / may not be achieved. This plan change does/does not propose to change any of Chapter 3 Strategic directions or chapter objectives. *[Evaluation of whether the changed objectives are expressed and will be achieved in a manner consistent with the relevant Strategic Directions objectives will be carried out in section 5.] [While there are three levels of objectives in our DP we have to treat them pretty much as a single package for the purposes of s32 (unless a gap is identified). S 32 anticipates that the objectives are examined to be the most appropriate way to achieve the purpose of the RMA. The assumption in this case is that the IHP did examine and determine that three levels of objectives are the most appropriate way to achieve the RMA purpose. Reference to treating the objectives as a "single package" does not mean that all objectives are treated equally and the hierarchical nature of the objectives is ignored (also see notes on the internal hierarchy within Ch3 objectives in paragraph 5.2.3).] [Note that this section simply ‘sets the scene’/ describes what the current objectives/policies framework is and identifies any gaps/inconsistencies etc. The evaluation of changes to that framework is carried out in section 5 below.]*

Do the relevant chapter policies set out the most appropriate way to achieve the relevant objective/s or is a changed or new policy required?

The rules provide/do not provide for xxx *[this may need to be focused on the status of activity or activity/built form standards for the activity, depending on the issue]* and are/are not consistent with Policy XXX … therefore the relevant Objective XXX will/may not be achieved.

Description and scope of the changes proposed

The Plan Change does / does not propose any changes to the objectives and policies of the Plan in relation to xxx. These are…. *[if changes to objectives or policies are proposed]*

The purpose of the plan change/proposal is to … *[A description of the purpose of the proposal is only required if the plan change does not state or change Plan objectives. A precise (and concise) description of the purpose of the plan change, i.e. a numbered list as in, for example,* *[Friends of Nelson Haven and Tasman Bay Inc v Tasman District Council](https://www.westlaw.co.nz/maf/wlnz/app/document?&src=rl&docguid=I336282b1b00111e8aa3ecaa2558c244d&hitguid=I6ca852d0b2b711e8aa3ecaa2558c244d&snippets=true&startChunk=1&endChunk=1&isTocNav=true&tocDs=AUNZ_CASES_TOC&extLink=false" \l "anchor_I6ca852d0b2b711e8aa3ecaa2558c244d) [2018] NZEnvC 46 (para 23, 133), is particularly important, as you will be required to evaluate whether the purpose of the proposal (purpose as per s32(1)(a) and 32(6)(b)) is the most appropriate way to achieve the purpose of the Act)].*

1. To provide certainty of …
2. To recognise that …
3. To encourage the use of …
4. To acknowledge the impact of … by placing additional environmental controls on … in the Plan to better manage the impacts.

The Plan Change does / does not propose any changes to the policies of the Plan in relation to xxx. These are…. *[if changes to policies are proposed]*

The Plan Change also proposes / proposes a number of changes to the policies/rules to address issue xxx and to ensure that the relevant Plan policies/objectives are achieved *[Adjust as relevant]*. These changes include:

1. Add a new permitted activity PXX to Rule X.X.X to provide for ….
2. Change the built form standards in Rule X.X.X Height by adding/deleting …
3. Insert additional matters of discretion …
4. Insert a new Outline Development Plan / Development Plan XXX
5. Amend Planning Map XX to show XXX property as zoned XXX

Only if helpful, outline what the proposed plan change does not involve/change.

Community/Stakeholder engagement

Describe which stakeholders have been consulted/engaged with and how *[RMA Schedule 1, clause 3]*,and if any changes have been made to the draft provisions as a result. If there were several consultations e.g. media releases/newspaper articles, meetings, written feedback requests etc., it may be tidier to collate that information in a table, e.g.

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Consultation method** | **Stakeholders** | **Feedback and resulting changes to the draft proposal** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Consultation with iwi authorities

Consultation on the proposal was also undertaken with Iwi authorities – describe how. *[Schedule 1, clause 3(1)(d)]*. *[Describe what feedback was received, if any, and what changes were made to the draft provisions as a result]*.

Scale and significance evaluation

The degree of shift in the provisions

The level of detail in the evaluation of the proposal has been determined by the degree of shift of the proposed objectives *[if relevant] /*provisions from the status quo and the scale of effects anticipated from the proposal.

The degree of shift in the objectives/ provisions from the status quo is/ is not substantial/ significant as it ….. *[Describe how significant the degree of shift in the objectives/ provisions is (from the status quo). Use the following as a guide to describing the degree of shift]*.

|  |  |
| --- | --- |
| *Degree of shift from the status quo (status quo defined as the current approach)* | * *Addressing an existing or new resource management issue*
* *Proposing a new management regime/minor or major change in rule framework*
* *Extent and scale of regulatory impact*
* *Degree of ‘Packaging’ with other plan changes or other interventions*
* *Discrete provisions, or broader suite of existing provisions*
* *Changing existing plan objectives, and to what degree*
 |

Scale and significance of effects

The scale and significance of the likely effects anticipated from the implementation of the proposal has also been evaluated. The initial assessment of the environmental, economic, social and cultural effects anticipated has been verified/ expanded on by the technical reports/ specialist advice obtained. In making this evaluation regard has been had to whether the proposal/ proposed provisions *[choose/ delete/ alter as appropriate]*:

1. will result in effects that have been considered, implicitly or explicitly, by higher order documents, and will *[choose as appropriate]*:
2. give effect to the relevant higher level RMA document/ Ministerial direction/requirement for a plan to be consistent with NES; or
3. respond to a Court direction; or
4. implement non-statutory planning initiative e.g. urban growth strategy;
5. correct an error/ remove uncertainty from the current provisions/ enable consistent implementation of the Plan provisions across the district/ within the XXX Zone / give better effect to the Plan objectives by seeking XXX outcomes within the district/ xxx zone / the Central City …;
6. are of localised, city wide or regional significance and will have localised / wide ranging impact *[geographic scale of impact e.g. single site/whole zone]*
7. will affect limited number/many individual property owners / neighbourhoods / businesses and have low/high impact on private properties;
8. are likely to adversely affect/ reduce adverse effects on those with particular interests, including Maori;
9. contribute to the City’s recovery;
10. reduce an adverse effect on people’s health and safety;
11. result in a significant change to the character and amenity of local communities;
12. have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
13. will have positive effects/ negative/irreversible effects on xx, including impacts on social, cultural and economic wellbeing / limit options for future generations to remedy effects and the likelihood, e.g. low probability, of these effects;
14. will/ will not impose significant costs on individuals or communities;
15. represent a well-tested/untested approach and a highly/ uncertain/certain benefits and costs.

*[Also refer to the MfE s32 guide, Table 3 below, where more scale and significance assessment considerations are included]*

***[Table 3: Considerations for assessing scale and significance***

*For all except the first criteria, consider all bullet points and make overall assessment of scale and significance for that criterion using ranking. Then make overall assessment across all criteria.]*

|  |  |
| --- | --- |
| *1. Reasons for the change* | *Choose one or more as appropriate:* * *10-year review*
* *Giving effect to higher level RMA document*
* *Ministerial direction/requirement for plan to not be inconsistent with NES*
* *Responding to a Court decision/direction*
* *Implementing non-statutory planning initiative (e.g., urban growth strategy)*
* *Initiated locally because of plan effectiveness monitoring, community reaction to resource use, etc.*
* *Assessed as having high significance under the Local Government Act*
 |
| *2. Degree of shift from the status quo (status quo defined as the current approach)* *[this is considered in 4.1]* | * *Addressing existing or new resource management issue*
* *Proposing a new management regime/minor or major change in rule framework*
* *Extent and scale of regulatory impact*
* *Degree of ‘Packaging’ with other plan changes or other interventions*
* *Discrete provisions, or broader suite of existing provisions*
* *Changing existing plan objectives, and to what degree*
 |
| *3. Who and how many will be affected?* | * *Degree of public interest and engagement in issue*
* *Degree to which proposal will address identified community outcomes*
* *How many will be affected? Single landowner/multiple landowners/occupiers/ neighbourhoods/ businesses/ cities/ future generations*
* *Degree of impact on private property*
 |
| *4. Degree of impact on, or interest from iwi/Māori* | * *Level of interest from iwi/Māori engagement with iwi on the issue*
* *Likely degree of impact on iwi/hapū?*
* *Impact on sites, areas or resources of significance to iwi/Māori*
* *Degree of consistency with iwi management plans*
 |
| *5. When will effects occur?* | * *Temporarily (weeks or months)*
* *For the next 1–5 years*
* *Ongoing into the future*
 |
| *6. Geographic scale of impacts* | * *Very localised or wide ranging (i.e., single site/whole zones/one or more regions/single or multiple natural resources)*
 |
| *7. Type of effect* | * *Acute/chronic/temporary/cumulative/positive/negative/irreversible*
* *Likelihood and consequence (e.g. low probability, high consequence)*
* *Part(s) of environment affected (ecosystems, infrastructure, amenity)*
* *Degree of impact on social, cultural or economic well-being*
* *Degree of impact (positive/negative) on Part 2 matters*
 |
| *8. Degree of policy risk, implementation risk, or uncertainty* *[this will be useful in assessing the risk of acting or not acting for each option below]* | * *Community reaction*
* *Whether:*
* *novel, untested approach*
* *weak evidence base*
* *(highly) uncertain benefits and costs*
* *dependent on other initiatives (such as non-RMA mechanisms)*
* *challenging implementation timeframes*
 |

The scale and significance discussion follows …. *[or could be integrated with the chosen items in the list in 4.2.1 and the above Table 3 of the MfE s32 guide. Should not be too lengthy]*.

Evaluation of the proposal

Statutory evaluation

A change to a district plan should be designed to accord with sections 74 and 75 of the Act to assist the territorial authority to carry out its functions, as described in s31, so as to achieve the purpose of the Act. The aim of the analysis in this section of the report is to evaluate whether and/or to what extent the proposed plan change meets the applicable statutory requirements, including the District Plan objectives. The relevant higher order documents and their directions are outlined in section 2.1 of this report *[refer to the FYI table in 2.1.3 above outlining relevant statutory/strategic documents and the type of ‘compliance’ required, e.g. ‘give effect to’ or ‘have regard to’]*. Section 3.2 above sets out the directions provided by the District Plan strategic objectives in Chapter 3 and the zone/ xxx matter specific objectives in Chapter XX. *[The relevant higher order directions (which may include objectives, policies and methods, e.g. as in the CRPS) and the Plan objectives will act as a filter for the potential options/solutions to the problem identified in the plan change and may eliminate some of them due to inconsistency with the direction/limits set out in the higher order document or the Plan objectives, as outlined in sections 2.1 and 3.2 above.]*

*[Be mindful of relevant case law, e.g. Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55 - sets out a comprehensive summary of the mandatory requirements and different statutory tests for district plans and plan changes, including matters relevant to s32 in paragraph [17] A, B and C of the case (noting the decision refers to the old 2005 version of s32). This case reworks and expands on the earlier lists provided in High Country Rosehip Orchards Limited v Mackenzie District Council [2011] NZEnvC 387* and *Long Bay-Okura Great Park Society v North Shore City Council A078/08, 16 July 2008. Also see Environmental Defence Society Inc v New Zealand King Salmon Company Ltd [2014] NZSC 38]. For your reference, see* ***Attachment A*** *at the end of the template with Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55, paragraph [17] setting out the mandatory requirements. Attachment A could be used as a further checklist to ensure all mandatory matters have been considered in this report.]*

*[This evaluation will be particularly relevant to those plan changes that introduce new objectives or make amendments to the existing ones. The new/changed objectives will need to be tested against the relevant directions, which in some instances can be very directive e.g. ‘avoid’. Where the direction is more open e.g. ‘mitigate’, an evaluation of potential effects resulting from the proposed changes will need to be undertaken to test if the objectives/objective of the plan change are the most appropriate way to achieve the purpose of the Act.]*

*[If the Plan objective/policy framework is not proposed to be changed it may be taken as appropriate to achieve the purpose of the Act and/or other higher order documents such as an NPS, RPS but you need to check the relevant higher order provisions for directions to ascertain/confirm that the Plan objectives give effect to/are consistent with those directions. Furthermore, it is necessary to evaluate the purpose of the plan change as to whether it is the most appropriate in achieving the purpose of the Act as outlined in paragraph 5.2.9 onwards.]*

*[It will be necessary to evaluate, in section 5.3 below, whether the proposed provisions (policies/rules) are the most appropriate way to achieve the ‘the purpose’ of the plan change (proposal) – s32(6)(b)) bearing in mind, however, that s75 requires that any Plan policies and rules have to implement the District Plan objectives. You need to, therefore, ensure that provisions are the most appropriate way to achieve the purpose of the plan change and implement the Plan objectives.]*

Evaluation of objectives / the purpose of the plan change *[choose the applicable title]*

Section 32 requires an evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s 32(1)(a)) *[which in most cases will include/be done through achieving* *any relevant directions of higher order documents]*. *[There are two options here according to whether or not the plan change proposes to amend the existing Plan objectives). The following two wording examples apply to each of the options, choose one unless need both].*

*[Option A] –* The plan change proposes to amend / add new objectives *[s32(6)(a)]* to the Plan. This section of the report, therefore, examines whether the proposed Plan objectives are the most appropriate way *[i.e. most suitable rather than superior]* to achieve the purpose of the Act *[and are giving effect to the relevant objectives set out in Chapter 3 Strategic Directions, and the higher order documents,* *e.g. RPS. If there is no relevant direction in the higher order documents, you will need to evaluate the proposed objectives against the purpose of the Act. Also remember to assess if the proposed objectives are consistent / do not create conflict with the chapter objectives framework described in section 3.2 above]*.

For the purposes of changing the District Plan, Rule 3.3.a (Interpretation) of the District Plan imposes an internal hierarchy for the District Plan objectives. Strategic Directions objectives 3.3.1 and 3.3.2 have relative primacy whereby all other Strategic Directions objectives are to be expressed and achieved in a manner consistent with those objectives. Furthermore, objectives and policies in all other chapters of the District Plan are to be expressed and achieved in a manner consistent with the Strategic Directions objectives. In this case… *[Discuss whether the plan change intends to amend / add strategic directions objectives. You will then need to consider and assess whether any amended/added objectives will be expressed and achieved in a manner consistent with objectives (3.3.1 and 3.3.2) that have primacy. Amended/added objectives should not cause a conflict with objectives that have primacy. If conflict does arise (e.g. you have identified invalidity, incompleteness or uncertainty with regard to existing objectives due to changes to higher order documents that have not yet been implemented), contact a team leader/senior planner or Legal Services Unit to discuss.]*

*[Section 32(1)(a) is silent regarding how to examine whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. There is a risk that using a "provisions" assessment table for objectives (see following sections) could end up inadvertently narrowing the objective assessment to considerations of efficiency, effectiveness, costs and benefits only. It is recommended that a simpler table be used that enables a broad consideration of the appropriateness of an objective in achieving the purpose of the RMA.]*

*[As an absolute minimum it will be necessary to present and assess at least two alternative options for policy direction (i.e. the new Plan objectives vs status quo) and evaluate which of the objectives are the most appropriate way to achieve the purpose of the Act (s 32(1)(a)). For more contentious issues, good practice would be to assess a number of alternatives to the status quo. S32 encourages a holistic approach to assessing objectives, as part of the package of Plan objectives as a whole, rather than looking at each objective individually. This recognises that it is not necessary for each objective individually to be the most appropriate way to achieve the purpose of the Act and that the objectives may work interdependently to achieve the purpose of Act].*

*[Criteria for assessing how well your proposed objective/s address the issues identified without creating uncertainty/risks/costs/other problems. This analysis will help you determine if the objective/s are the most appropriate way to achieve the objective of the plan change/ direction of the higher order documents/ the purpose of the Act (from MfE Guidance, Table 4).]*

*FYI only -* ***Delete*** *this from final report*

|  |  |  |
| --- | --- | --- |
| ***Category*** | ***Criteria*** | ***Comments*** |
| *Relevance* | *Directed to addressing a resource management issue* |  |
| *Focused on achieving the purpose of the Act* | *This could either be identified as one overall assessment, or separated out into each relevant Part 2 matter.* |
| *Assists a council to carry out its statutory functions* | *That is, section 30 or 31*  |
| *Within scope of higher level documents* | *That is, objectives of national policy statement, regional policy statement.*  |
| *Feasibility* | *Acceptable level of uncertainty and risk* | *This will not be known until after the provisions have been assessed.* |
| *Realistically able to be achieved within council’s powers, skills and resources* | *This will not be known until after the provisions have been identified and assessed.* |
| *Acceptability* | *Consistent with identified iwi/Māori and community outcomes* | *This should be informed by earlier community outcomes processes, or further consultation.* |
| *Will not result in unjustifiably high costs on the community or parts of the community* | *This will not be known until after the provisions have been identified and assessed.* |

***[Note****: You could rank criteria using a scale of ‘achieves’, ‘neutral’, ‘uncertain’, and ‘fails to achieve’, or alternatively a ranked scale could be used, such as from one to five.]*

*[An example of Evaluation of Proposed Objectives (from District Plan Review, Commercial Chapter s32) follows:]*

|  |  |
| --- | --- |
| **Objective**  | **Summary of Evaluation** |
| ***Objective 1 – Option 1 - Centres-based framework****[Quote Objective 1 Option 1 in full]**Commercial activity is primarily focussed within a network of centres (comprising the Central City, District, Neighbourhood, Local and Large Format centres) through intensification and in a way and at a rate that:**a. (…)* | 1. *The intent of Objective 1 is to facilitate the growth of centres by ensuring commercial activity is focussed within a network of centres, consistent with strategic directions in the LURP (s 4.3.1) and Objective 6.2.5 and 6.2.6 of Chapter 6 of the CRPS. …..*
2. *This option provides for limited retail activity outside centres, supports the intensification of commercial activities in centres … This ‘managed’ approach is consistent with strategic policies in Chapter 6 of the CRPS.*
3. *The implementation of the objective will provide for a higher level of amenity (…)*
4. *(…)*
5. *Proposed Objective 1 seeks to address the following resource management issues identified earlier, namely:*
6. *(…) (Issue 1)*
7. *(…) (Issue 3)*

*Option 1 (Proposed Objective 1) would (in the context of Part 2 matters):**[benefits are grouped first – delete this when finished]*1. *Ensure the Central City is the primary Commercial Centre of the District. This recognises the investment, infrastructure and accessibility of this location, (…). It is consistent with the Recovery Strategy, Christchurch Central Recovery Plan and LURP including new Chapter 6 of the CRPS.*
2. *Support suburban centres and their role in serving the needs of communities, therefore supporting social and economic well-being for residents and businesses (…) (Section 5)*
3. *Provide certainty on the anticipated urban form (…) (Section 5)*
4. *Support the viability, function and amenity of centres (…) (effects on a physical resource, Section 5)*
5. *Provide for the efficient use of land as a resource by consolidating growth (…) (Section 7b).*

*[disadvantages from here on – delete this when finished]*1. *Require existing commercial businesses in out-of-centre locations to rely on existing use rights (…)*
2. *Increase demand for land within centres, which may inflate the cost of land or rent.*
 |
| ***Objective 1 - Option 2 Status quo*** ***Centres plus framework****Retention of the same suite of commercial-related objectives as presently contained within the City Plan and BPDP. (or quote in full if short)*  | 1. *Objectives in the current City Plan seek to:*
2. *Ensure the distribution of business activity provides the community with “convenient access to goods, services and opportunities (…)*
3. *Support social well-being by ensuring the role of centres is maintained (...) (Objective on Role of Suburban Centres).*
4. *Avoid effects of new retail activity on the function, vitality and amenity of existing centres, which is consistent with Action 24 of the LURP and Policy 6.3.6(6) of Chapter 6. However, it does not extend to all commercial activity in referring to retail activity, i.e. excluding offices.*
5. *Encourage the consolidation of residential activity around “selected consolidation focal points” ensuring the social and economic well-being of residents is met.*
6. *(…)*

*[disadvantages from here on]*1. *The objectives will not address the issue of a dispersal of retail and office activities as they do not provide certainty as to where commercial activity is directed.*

*(…)* |
| ***Objective 1 - Option 3******Conservative Approach****A ‘Centres-only’ approach, requiring all retailing and office activity to locate in centres.* | 1. *Option 3 would see a distribution of commercial activity focused in commercial centres, which avoids new retailing and office activity beyond zoned centres. (…) However, LURP and Chapter 6 also provide for commercial activity outside centres, e.g. within greenfield priority areas. This option is therefore not entirely consistent with the LURP and Chapter 6.*
2. *This objective seeks to achieve the following:*
3. *Provide certainty on the anticipated urban form of the city including the distribution of commercial activities, and a centre’s place in a network, therefore providing confidence for investors, business owners and occupiers.*
4. *Support the viability, function and amenity of centres by consolidating activity within centres, thereby enhancing the environment and minimising effects of dispersed commercial activity on centres.*
5. *Support social well-being by ensuring (…)*
6. *Provide for the efficient use of land as a resource (…)*
7. *Provide for the efficient use of infrastructure by (…)*

*(…)**[and disadvantages from here on]:*1. *Require existing commercial businesses in out-of-centre locations to rely on existing use rights, which may not provide the same degree of long-term economic certainty and flexibility for businesses to expand (…)*
2. *n. Increase demand for land within centres, which may inflate the cost of land or rent (...)*
 |
| **Recommendation:**Summarise your evaluation and indicate which objective you recommend as the most appropriate to achieve the purpose of the Act. |

*[Option B] –* The existing objectives of the operative Christchurch District Plan are not proposed to be altered or added to by this Plan Change. This report, therefore, evaluates the extent to which the purpose of the Plan Change (s32(6)(b)) is the most appropriate way *[i.e. most suitable rather than superior]* to achieve the purpose of the Act (s32(1)(a) *[where ‘objectives of the proposal’ means ‘the purpose of the proposal’ as per s32(6)(b)]*).

The evaluation, therefore, examines whether:

1. the purpose of the plan change (s32(6)(b)) is the most appropriate way to achieve the purpose of the Act (s32(1)(a));
2. the provisions in the proposal are the most appropriate way to achieve the purpose of the plan change (refer to section 5.3 below) *[s32(1)(b) and s32(6)(b) definition of “objective”]*; and
3. the provisions in the proposal implement the unaltered objectives of the District Plan (refer to section 5.3 below) [*s75(1)*]. *[A properly prepared plan change proposal will not have a conflict between the purpose (objective) of the proposal and the unaltered objectives of the District Plan that the proposed provisions must implement, under s75. Sections 32 and 75 promote consistency between the purpose of the plan change and the unaltered objectives of the district plan. If preparation of the Plan Change has identified invalidity, incompleteness or uncertainty with regard to the objectives, e.g. due to changes to higher order documents that have not yet been implemented, contact the City Planning team to discuss. If the proposal is not changing the objectives then the purpose of the Plan Change is to implement them, in which case there would be no conflict. If conflict does arise, contact the City Planning team to discuss.]*

*[As an absolute minimum it will be necessary to present and assess at least two alternative options for the purpose of the Plan Change (i.e. the proposed plan change purpose, and an alternative purpose such as retaining the status quo) and evaluate which of the purposes is the most appropriate way to achieve the purpose of the Act (s 32(1)(a)).] [Be mindful of Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55 setting out a comprehensive summary of the mandatory requirements and different statutory tests for district plans and plan changes – refer to* ***Attachment A****]*

The following table provides an evaluation of the purpose of the proposed Plan Change as well as alternative purpose/s *[e.g. retaining the status quo and/or a more conservative approach]* to establish which is the most appropriate way to achieve the purpose of the Act (s32(1)(a) and s32(6)(b)).

|  |  |
| --- | --- |
| **Purpose of the proposal** | **Summary of Evaluation** |
| ***Purpose of the Plan Change as proposed*** *[as per your list in 3.3.2. Note: it will most likely be best to treat the individual purposes listed in 3.3.2 as a whole interdependent package aimed at providing for certain activities (or limiting them) while achieving /in order to achieve the relevant objective/s, directions, purpose of the Act.]* | 1. *The intent of the Plan Change is to facilitate xxx by ensuring xxx activity is constrained to XYZ, consistent with strategic directions in … e.g. the LURP (s 4.x.x) and Objective 6.x.x and 6.x.x of Chapter 6 of the CRPS. …..*
2. *The plan change provides for xxx activity within xxx, supports XYZ … This ‘managed’ approach is consistent with strategic policies in Chapter X of the CRPS.*
3. *The implementation of the plan change will provide for a higher level of amenity (…), and …*
4. *(…)*
5. *The proposal seeks to address the following resource management issues identified earlier, namely:*
6. *(…) (Issue 1)*
7. *(…) (Issue 2)*

The proposed Plan Change would (in the context of Part 2 matters):*[benefits are grouped first – delete this when finished]*1. *Ensure that (…). It is consistent with the Recovery Strategy, XXX Plan and Chapter X of the CRPS.*
2. *Support …. (Section 5)*
3. *Provide certainty on (…) (Section 5)*
4. *Support the (…) (effects on a physical resource, Section 5)*
5. *Provide for the efficient use of land as a resource by (…) (Section 7b).*

*[disadvantages from here on – delete this when finished]*1. *Require (…)*
2. *Increase demand for …, which may inflate the cost of ….*
 |
| ***Alternative purpose 1 - [****e.g.]* ***Retain status quo / No changes to provisions*** *[briefly list/summarise what the current provisions related to the issue are]* | 1. *Policy XXX does not recognise/ take into account (…)*
2. *The current, unchanged Rule XX provides/does not provide (…)*

Retaining the status quo would (in the context of Part 2 matters):*[benefits are grouped first – delete this when finished]*1. *Enable xxx (…). It is in/consistent with the Recovery Strategy, XXX Plan and Chapter X of the CRPS.*
2. *Support …. (Section 5)*

*[disadvantages from here on – delete this when finished]*1. *Not provide for / not enable (…)*
2. *Require ….*
3. *Result in adverse effects on ….*
 |
| ***Alternative purpose 2 -*** *[if any, e.g. more conservative changes]* |  |
| **Summary of evaluation:***[Summarise your evaluations and state which of the options analysed is the most consistent with the Plan objectives and higher order directions and will best achieve them [it should be the plan change purpose]. Indicate whether or not retaining the status quo or the other alternative discussed (if any) would resolve the issues identified in 2.2 (and the associated adverse effects).]*  |

The above analysis indicates that the purpose of the Plan Change is consistent with/implements the Plan objectives and higher order directions *[summarise briefly the relevant objectives/directions and how the Plan Change purpose achieves them].* By comparison, the other alternative/s *[e.g.]* of retaining the status quo, would not ….. *[resolve the issues outlined earlier, implement the relevant objectives/ not be consistent with the relevant higher order directions etc. – choose/describe the applicable]*, and would not achieve the purpose of the Act.

It is, therefore, considered that the purpose of the Plan Change is the most appropriate way to achieve the purpose of the Act. *[This answers the question in 5.2.9(a) above.]*

In establishing the most appropriate provisions for the proposal to achieve the purpose of the plan change *[s32(1)(b) and s32(6)(b) definition of “objective”] [(by implementing the relevant Plan objectives)]*, reasonably practicable options for provisions were identified and evaluated.

Reasonably practicable options

In considering reasonably practicable options for achieving the objectives of the Plan *[need to consider the existing objectives of the Plan, irrespective of whether the change proposes to change any of them or not]* and any relevant higher order directions *[i.e. those policies or methods in e.g. the RPS which direct the territorial authority to include certain policies or rules in their Plan]*, the following options for policies and rules / rules have been identified. *[This will be based on the general policy direction and research/ information available and described above i.e. technical reports/ complaints/ monitoring etc., and stakeholder consultation.]* Taking into account the environmental, economic, social and cultural effects, the options identified were assessed in terms of their benefits, and costs. Based on that, the overall efficiency and effectiveness of the alternative options was assessed.

**Option 1** – Status quo *[Summarise briefly what that is]*

**Option 2** – XXXX *[Summarise briefly what that is]*

**Option 3** – XXXX *[Summarise briefly what that is]*

**Option 4** – Proposed Plan Change *[Summarise briefly what that is]*

Evaluation of options for provisions

The policies of the proposal must implement the objectives of the District Plan (s75(1)(b)), and the rules are to implement the policies of the District Plan (s75(1)(c)). *[It is good practice to give an overview of the existing Plan objectives and any relevant directions of higher order documents to outline the direction that applies to the proposed plan change/ provisions, then summarise the relevant objectives and directions as a whole to indicate the extent to which they provide a clear direction/s for the relevant Plan provisions. Generally, no need to analyse them individually.] [The level of detail should correspond to the scale and significance of the environmental, economic, social, and cultural effects anticipated upon implementing the provisions. Not all kinds of effects will always occur/be assessed so comment that no xxx effects are anticipated.]*

In addition, each proposed policy or method (including each rule) *[it may be more logical and efficient to bundle related rules and/or other methods in the assessment]* is to be examined as to whether it is the most appropriate way for achieving the *[Option A:]* objectives of the plan change *[s32(6)(a)]*/ *[Option B:]* the purpose *[s32(6)(b)]* of the plan change (s32(1)(b)).

Before providing a detailed evaluation of the policies and rules proposed *[amend as appropriate]* in the plan change, the alternative options identified have been considered in terms of their potential costs and benefits and overall appropriateness in achieving the objectives of the Plan and *[where relevant/applicable]* the relevant directions of the higher order documents *[The achieving the purpose of the RMA is not a required consideration for policies and rules, just for objectives]*.

The tables below summarise the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. The assessments are supported by the information obtained through technical reports, consultation, etc. …. *[Qualitative descriptions of costs/benefits will be more appropriate for e.g. biodiversity, amenity values, recreational resources, Maori spiritual values, principles of kaitiakitanaga; quantitative data should be collected where possible. The costs of collecting such data should be appropriate to/ commensurate with the scale and significance of the impacts or the overall problem being addressed, and the data can be analysed and compared – this will apply to the preferred option too.]*

The overall effectiveness and efficiency of each option has been evaluated, as well as the risks of acting or not acting.

**Option 1** - Status quo

|  |  |
| --- | --- |
| **Benefits** [[1]](#footnote-1) *[Quantify or monetise benefits and costs wherever possible, also see 6.2.1 for more details on this]* | **Appropriateness in achieving the objectives/ higher order document directions** *[if relevant]* |
| Environmental: *[quantify effects/benefits where practicable]* | Efficiency\* *[see explanation below the table]*:Effectiveness\*\* *[see explanation below the table]*: |
| Economic: |
| Social: |
| Cultural: |
| **Costs**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |
| **Risk[[2]](#footnote-2) of acting/not acting[[3]](#footnote-3)** |
| **Recommendation:** *[How do the costs and benefits weigh up?]* This option is not recommended as it is considered … |

*[\*****Efficiency*** *must take into account the benefits and costs of the proposed provisions (policies, rules and other methods) so it is about maximising benefits and minimising costs.*

***\*\*Effectiveness*** *is a measure of how successful a particular option is in addressing the issues and achieving the environmental outcomes sought (if an option is not effective it is not worth doing).]*

**Option 2** - XXX

|  |  |
| --- | --- |
| **Benefits**  | **Appropriateness in achieving the objectives/ higher order document directions** *[if relevant]* |
| Environmental: | Efficiency:Effectiveness: |
| Economic: |
| Social: |
| Cultural: |
| **Costs**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |
| **Risk of acting/not acting** |
| **Recommendation:**This option is not recommended as it is considered … |

**Option 3** – XXX

|  |  |
| --- | --- |
| **Benefits**  | **Appropriateness in achieving the objectives/ higher order document directions** *[if relevant]* |
| Environmental: | Efficiency:Effectiveness: |
| Economic: |
| Social: |
| Cultural: |
| **Costs**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |
| **Risk of acting/not acting** |
| **Recommendation:**This option is not recommended as it is considered … |

Summing up, Options 1 – 3 are not considered efficient and effective (or as efficient and effective) in achieving the objectives of the Plan and the relevant directions *[if any]* of higher order documents (as the preferred option). *[Provide a summary of reasons why not.]* The detailed evaluation of **Option 4**, the preferred option, follows.

Evaluation of the preferred option for provisions

**Option 4** is the proposed plan change, which …..

Assessment of proposed policies

**Proposed Policy XXX Title.** *[Evaluate and expand in more detail on your recommended preferred option. Relate it back to the issue/s in more detail, describe the technical advice and its recommendations. Use quantitative (straight or relative numbers e.g. scale) or monetised assessments of costs and benefits where available/possible. The level of detail will correspond to the scale and significance of effects anticipated from the implementation of the proposal (as identified earlier in 4.2).]*

|  |
| --- |
| **Benefits**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |

|  |
| --- |
| **Costs**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |

*[Discuss in more detail how this policy is the most effective and efficient in addressing the issue/s identified and achieves the objectives, and to what extent it is consistent with the directions/policies of relevant higher order documents.]*

|  |
| --- |
| **Appropriateness in achieving the objectives/ higher order document directions** *[if relevant]* |
| **Efficiency:** |
|
|
| **Effectiveness:** |
|
|
| **Risk of acting/not acting** |
|
|

**Policy XXX Title**

Cost /benefits /efficiency/effectiveness tables if applicable.

*[Evaluate the preferred policies and rules separately. Each policy/ rule/ other method, e.g. Outline Development Plan, may need to be assessed separately in terms of costs and benefits.]*

Assessment of proposed rules

**Rule XXX** proposes to xyz in order to achieve *[state the desired outcome e.g. protection of a building/s with significant heritage values]*.

|  |
| --- |
| **Benefits**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |

|  |
| --- |
| **Costs**  |
| Environmental: |
| Economic: |
| Social: |
| Cultural: |

*[Discuss in more detail how this rule is the most effective and efficient in addressing the issue/s identified, being consistent with the policies and achieving the objectives and/or directions of higher order documents (if relevant).]*

|  |
| --- |
| **Consistency with the policies and appropriateness in achieving the objectives** |
| **Efficiency:** |
|
|
| **Effectiveness:** |
|
|
| **Risk of acting/not acting** |

*[Develop/repeat for other rules or groups of rules.]*

The most appropriate option

Summarise why the option discussed in 6.2 and 6.3 above is the preferred option.

Conclusions

State your conclusions here

APPENDIX 1 - ASSESSMENT OF ENVIRONMENTAL EFFECTS

APPENDIX 2 – title e.g. INTEGRATED TRANSPORT ASSESsMENT

***Attachment A - Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55***

*For your information only (delete from final report):*

***Colonial Vineyard Limited v Marlborough District Council [2014] NZEnvC 55*** *- sets out a comprehensive summary of the mandatory requirements and different statutory tests for district plans and plan changes, including matters relevant to s32 in paragraph [17] B and C of the case. Note, the references in the decision are to the RMA 2005 Section 32 prior to s32 being replaced by the 3 Dec 2013 amendments to RMA. Where possible, cross-referencing to various sections of the Act have been updated to the current 2013 version of the Act and are shown in [italics] and where not updated, the references are shown as* [normal text]*.*

From the judgement:

1.4 What matters must be considered?

[17] Since these proceedings concern a plan change we must first identify the legal matters in relation to which we must consider the evidence. In Long Bay-Okura Great Park Society Incorporated v North South City Council *[Long Bay-Okura Great Park Society Incorporated v North Shore City Council Decision A78/2008 at para [34]]* the Environment Court listed a "relatively comprehensive summary of the mandatory requirements" for the RMA in its form before the Resource Management Amendment Act 2005. The court updated this list in the light of the 2005 Amendments in High Country Rosehip Orchards Ltd v Mackenzie District Council *[High Country Rosehip Orchards Ltd v Mackenzie District Council [20I I] NZEnvC 387]* ("High Country Rosehip". We now amend the list given in those cases to reflect the major changes made by the Resource Management Amendment Act 2009. The different legal standards to be applied are emphasised, and we have underlined the changes and additions since High Country Rosehip:

A. General requirements

1. A district plan (change) should be designed to accord with Section 74(1) of the Act and assist the territorial authority to carry out its functions [s31], as described in section 31 of the Act, so as to achieve the purpose of the Act *[Sections 72 and 74(1) of the Act]*

2. The district plan (change) must also be prepared in accordance with any regulation [Section 74(1) of the Act] (there are none at present) and any direction given by the Minister for the Environment *[Section 74(1) of the Act added by section 45(1) Resource Management Amendment Act 2005]*

3. When preparing its district plan (change) the territorial authority must give effect to *[Section 75(3) RMA]* any national policy statement or New Zealand Coastal Policy Statement *[The reference to "any regional policy statement" in the Rosehip list here has been deleted since it is included in (3) below which is a more logical place for it]*

4. When preparing its district plan (change) the territorial authority shall:

(a) have regard to any proposed regional policy statement *[Section 74(2)(a)(i) of the RMA]*;

(b) give effect to any operative regional policy statement [Section 75(3)(c) of the Act]

5. In relation to regional plans:

(a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order [Section 75(4) of the Act]; and

(b) must have regard to any proposed regional plan on any matter of regional significance etc. [Section 74(2)(a)(ii) of the Act]

6. When preparing its district plan (change) the territorial authority must also:

• have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations *[Section 74(2)(b) of the Act]* to the extent that their content has a bearing on resource management issues of the district; and to consistency with plans and proposed plans of adjacent territorial authorities *[Section 74(2)(c) of the Act];*

*•*  take into account any relevant planning document recognised by an iwi authority *[Section 74(2A) of the Act]* ; and

• not have regard to trade competition *[Section 74(3) of the Act]* or the effects of trade competition;

7. The formal requirement that a district plan (change) mus*t [Section 75(1) of the Act]* also state its objectives, policies and the rules (if any) and may *[Section 75(1)]* state other matters.

B. Objectives [the section 32 test for objectives]

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act [Section 32(1)(a)]*.*

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies *[Section 75(1)(b) and (c) of the Act (also section 76(1)];*

10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives [Section 32(3)(b)] of the district plan taking into account:

(i) the benefits and costs of the proposed policies and methods (including rules); and

(ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods [section 32(4)]; and

(iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances [section 32(3A)].

D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment [Section 76(3)]

12. Rules have the force of regulations [Section 76(2)]

13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive [Section 76(2A)] than those under the Building Act 2004.

14. There are special provisions for rules about contaminated land [Section 76(5)]

15. There must be no blanket rules about felling of trees [Section 76(4A)] in any urban environment [Section 76(4B)]

E. Other statues:

16. Finally territorial authorities may be required to comply with other statutes.

F. (On Appeal)

17. On appeal the Environment Court must have regard to one additional matter the decision of the territorial authority [Section 290A].

1. Refer to Table 6 page 41 of MfE’s ‘A Guide to Section 32 of the Resource Management Act 1991’ for examples of costs and benefits - [↑](#footnote-ref-1)
2. Risk is the likelihood or probability of an effect and the cost of the consequence occurring = ‘likelihood times consequence’. [↑](#footnote-ref-2)
3. Refer to Table 8, page 46 of MfE’s A Guide to Section 32 of the RMA for steps and approaches to assessing risks - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>, including separating out groups whom those costs and benefits fall on, e.g. landowners, businesses, consent authority. [↑](#footnote-ref-3)