

SECTION 32 REPORT

Special Purpose Zone - Ngawha Innovation and Enterprise Park

May 2022

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1 Executive Summary

This report provides an evaluation of the proposed provisions in the Ngawha Innovation and Enterprise Park Special Purpose zone (**NIEP SPZ**) of the Proposed Far North District Plan (**PDP**) in accordance with section 32 of the Resource Management Act 1991 (**RMA**).

The NIEP SPZ covers approximately 238 hectares of land located between the urban areas of Kaikohe and Ngawha, to the northeast of the intersection of State Highway 12 and Wallis Road. The land is currently zoned Rural Production under the Operative District Plan (**OPD**).

Following the release of the draft district plan, Council received a request from Far North Holdings Limited (**FNHL**) for a NIEP SPZ to be included in the notified PDP. FNHL is the commercial trading and asset management arm of Council. FNHL has obtained funding from the Provincial Growth Fund (**PGF**) for the establishment of key infrastructure to support future development activities anticipated within the site and the wider area.

The Rural Production zoning of this land provides limited support for the anticipated activities and means that most of the planned activities will require resource consent, which provides FNHL and adjacent landowners with limited certainty.

The NIEP SPZ is a new zone being introduced to the PDP that aims to:

- Manage land use activities in specific areas of the site to support economic and social development opportunities for Ngawha, Kaikohe and the wider District.
- Provide for a cascade of activities which seek to support the zone intent by enabling a range of primary production activities, rural industry, further processing, and innovation within the primary sector. Ancillary activities including retail, tertiary education and office activities are also provided for on a limited scale to manage potential out of centre effects on Kaikohe and reverse sensitivity effects within the zone.
- Ensure activities that do not support the zone intent or will detract from Kaikohe and/or Ngawha are avoided.
- Enable a quality natural and built environment development that takes into account the site and adjoining land characteristics through the '*Ngawha Innovation and Enterprise Park Design Guidelines*', dated March 2022, which restricts buildings and structures to identified development areas (platforms 1-36). This will direct development to specified areas of the site most able to absorb the built form and intensity of use, to protect and enhance the cultural and heritage, ecological and landscape values of the wider site. This will also help to address reverse sensitivity effects at development platform boundaries and zone boundaries

A SPZ has been identified as the most appropriate way to manage activities within the NIEP and this SPZ is considered to meet the criteria for additional special purpose zones in the National Planning Standards (**Planning Standards**). Overall, this evaluation concludes that the objectives in the NIEP SPZ chapter of the PDP are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate to achieve the objectives, based on an assessment of effectiveness, efficiency, benefits and costs.

2 Introduction and Purpose

2.1 Purpose of report

This report provides a summary of the evaluation undertaken by the Far North District Council (**Council**) of the provisions for the Ngawha Innovation and Enterprise Park Special Purpose zone (**NIEP SPZ**) in the Proposed Far North District Plan (**PDP**). This evaluation is required under section 32 of the Resource Management Act 1991 (**RMA**).

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

2.2 Overview of topic

The section 32 evaluation report relates to the provisions in the PDP to manage land use and development within the proposed NIEP SPZ which is to be included in the PDP. Council is currently undertaking a consolidated review of the ODP and a draft district plan was released for feedback in March 2021. Following the release of the draft district plan, Council received a request from Far North Holdings Limited (FNHL) for a NIEP SPZ to be included in the notified PDP. FNHL is the commercial trading and asset management arm of Council.

The NIEP SPZ covers approximately 238 hectares of land located between the urban areas of Kaikohe and Ngawha, to the northeast of the intersection of State Highway 12 and Wallis Road. The land is currently zoned Rural Production under the OPD, and this zone was also applied to the land through the draft district plan.

The NIEP SPZ aims to manage land use activities in specific areas of the site to support economic and social development opportunities for Ngawha, Kaikohe and the wider district focused on primary production activities, innovation, processing, manufacturing, and related tertiary education and training, while ensuring the intensity, siting and design of these activities, buildings and structures retains the natural characteristics and qualities of the balance area of the site.

FNHL has obtained funding from the Provincial Growth Fund (PGF) for the establishment of key infrastructure to support future development activities anticipated within the site and the wider area. The current plan provisions of the ODP have resulted in most activities outlined above requiring resource consent. Development has already been occurring within the SPZ area, and several resource consents have been granted for a range of activities consistent with the intent of the SPZ, including an education and innovation hub, a horticultural hub, trade training, a honey and olive product processing activity, and a corrections training and education facility. Further development under the Rural Production zone framework is likely to become increasingly difficult to consent or support from a planning perspective.

A SPZ has been identified as the most appropriate way to manage activities within the NIEP and this SPZ is considered to meet the criteria for additional special purpose zones in the National Planning Standards (**Planning Standards**). The management approach within the NIEP SPZ seeks to:

- Provide for a cascade of activities which seek to support the zone intent by enabling a range of primary production activities, rural industry, further processing, and innovation within the primary sector. Ancillary activities including retail, tertiary education and office activities are also provided for on a limited scale to manage potential out of centre effects on Kaikohe and reverse sensitivity effects within the zone.

- Ensure activities that do not support the zone intent or will detract from Kaikohe and/or Ngawha are avoided.
- Enable a quality natural and built environment development that takes into account the site and adjoining land characteristics through the '*Ngawha Innovation and Enterprise Park Design Guidelines*', dated March 2022, which restricts buildings and structures to identified development areas (platforms 1-36). This will direct development to specified areas of the site most able to absorb the built form and intensity of use, to protect and enhance the cultural and heritage, ecological and landscape values of the wider site. This will also help to address reverse sensitivity effects at development platform boundaries and zone boundaries.

The NIEP SPZ provisions have also been developed to ensure consistency with the PDP and Planning Standards adopting consistent definitions and standards where appropriate. The following technical reports were submitted by FNH in support of their feedback on the draft district plan and have been used where applicable to help with the development of the NIEP SPZ (in some instances they are specifically referenced in the report – please note some of these report were written to support resource consent applications as opposed to being written to support the development of a special purpose zone):

- Appendix 1: Site and infrastructure investigation report prepared by Cook Costello 2019
- Appendix 2: Site suitability engineering plans prepared by Cook Costello 2019
- Appendix 3: Addendum to site suitability report prepared by Cook Costello 2021
- Appendix 4: Archaeological survey and assessment of effects prepared by Time Depth Enterprise 2019
- Appendix 5: Assessment of ecological values prepared by NZ Environmental 2019
- Appendix 6: Assessment of ecological values prepared by NZ Environmental 2021
- Appendix 7: Assessment of ecological values prepared by NZ Environmental 2022
- Appendix 8: Ngawha Innovation and Enterprise Park Design Guidelines dated March 2022
- Appendix 9: Landscape and visual amenity assessment prepared by Simon Cocker Landscape Architecture 2019
- Appendix 10: Memorandum assessment of landscape values prepared by Simon Cocker Landscape Architecture 2021
- Appendix 11: Ngata Rangi cultural impact assessment report
- Appendix 12: Social and Economic assessment report prepared by Strateg.ease 2021
- Appendix 13: Thresholds for Wallis Road intersection upgrade and State Highway 12 intersection capacity prepared by Traffic Planning Consultants 2021

3 Statutory and policy context

3.1 Resource Management Act 1991

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

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6;
- Have particular regard to a range of other matters in section 7; and
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the NIEP SPZ:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:...*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;..*

Development activities within the NIEP SPZ have the potential to impact on these section 6 matters. Therefore, the PDP NIEP SPZ includes provisions to direct key activities enabled in the SPZ to development platform areas which are setback from identified ecological areas (wetlands, riparian buffers, forest, linkages) to ensure these activities are not located within these sensitive environments.

The following section 7 matters are directly relevant to the NIEP SPZ:

- (a) Kaitiakitanga;
- (aa) The ethic of stewardship;
- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (d) Intrinsic values of ecosystems; and
- (e) Maintenance and enhancement of the quality of the environment.

Development activities within the site pose risks to amenity values, ecosystem health and the quality of the environment if not appropriately sited and managed.

The provisions of the NIEP SPZ seek to provide for the efficient use and development of natural and physical resources by directing development to key areas of the zone with the capacity to absorb change, with built form and more intensive activities directed to development platform areas. The SPZ seeks to locate activities which can also result in adverse effects on amenity values, ecosystem health

and the quality of the environment away from ecological areas to maintain and protect these values. Overall, the NIEP SPZ includes provisions that seek to ensure actual and potential adverse effects of the development of the SPZ activities on section 6 and 7 matters are appropriately managed.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments - National Policy Statements (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), Planning Standards, and the relevant Regional Policy Statement. The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP.

The sections below provide an overview of the provisions in higher order planning instruments that are directly relevant to the NIEP SPZ.

3.2.1 National Planning Standards

Section 75(3)(a) of the RMA requires that district plans give effect to a national planning standard. The National Planning Standards (**Planning Standards**) were gazetted in April 2019 and the purpose is to improve consistency in the structure, format and content of RMA plans.

Zone Framework Standard 8 of the Planning Standards allows district plans to include ‘special purpose zones’ and outlines eight standard special purpose zones. These have been reviewed against the purpose of the NIEP SPZ and none of these can provide for the activities and outcomes anticipated in the NIEP. Mandatory direction 8.3 of the National Planning Standards states that additional special purpose zones should only be created in a district plan when the land use activities or outcomes anticipated from the additional zone meet all of the following three criteria:

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

These tests must therefore be met to include the NIEP SPZ in the PDP. An assessment of these three criteria is provided in the table below.

Criteria	Assessment
<i>Activities and outcomes are significant to the district, region or country</i>	<p>The proposed land use activities and outcomes anticipated by the zone are significant to both the District and the Region, with the NIEP estimated to directly contribute an additional 1.36% to the Far North District Gross Domestic Product (FND GDP) during construction, and a further 1.02-1.14% increase on the FND GDP in 2020¹ following the completion of Stage 1.</p> <p>Further indirect socio-economic benefits are expected for Kaikohe, Ngawha and the wider District. The NIEP has received PGF funding to support the establishment of infrastructure to service the site, further signalling the significance of the project to the Northland region.</p>
<i>Activities and outcomes impractical to be managed through another zone</i>	<p>Although utilising existing PDP zone provisions would provide administrative efficiencies, the current and future Rural Production zone provisions do not provide for the range of activities anticipated within the NIEP. This zoning would result in ongoing consenting requirements and risks for intended activities and potential for ongoing uncertainty about the future use of the site.</p> <p>The Rural Production zone would not provide for integrated development</p>

¹ NIEP Social and Economic Assessment Report, dated September 2021, prepared by Strateg.Ease for FNHL.

	and the innovation and circular economy-based principals that underpin the NIEP. A bespoke approach across the NIEP through a SPZ is therefore considered the most practicable option.
<i>Activities and outcomes are impractical to be managed through a combination of spatial layers</i>	It is not considered practicable to manage the activities anticipated in the NIEP through a combination of spatial layers over the Rural Production zone as none of these adequately provide for the outcomes sought for the NIEP and they are unlikely to achieve the same level of integration and certainty about future use as a SPZ.

The NIEP SPZ therefore satisfies all three criteria in the Planning Standards for additional special purpose zones. The activities and outcomes provided for the SPZ are significant to the District and Region, are impractical to be managed through another zone, and there is no combination of spatial layers over the Rural Production zone that would practically provide for the range of activities to be enabled whilst appropriately managing adverse effects on the values of the wider site and surrounding environment. The site is unique in its character and intent, and it is unlikely this would be replicated anywhere else in the district. The NIEP SPZ therefore gives effect to Mandatory Direction 8.3 in the National Planning Standards.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The National Policy Statement for Freshwater Management 2020 (**NPSFM**) that was gazetted on 3 August 2020 is relevant to the SPZ.

The objectives, policies and implementation requirements in the NPSFM are primarily directed at regional councils and their statutory functions under section 30 of the RMA to manage freshwater quality and quantity. Nonetheless, the PDP must give effect to the NPSFM to the extent relevant. The table below provides a summary of provisions in the NPSFM relevant to the NIEP SPZ.

National Policy Statement for Freshwater Management	
Objective 2.1	Management of natural and physical resources for the health, well-being of the waterbody, health needs of people and for people and communities to meet their needs.
Policy 1	Freshwater is managed in a way that gives effect to Te Mana o te Wai.
Policy 6	Natural inland wetlands and values
Policy 7	River extent and values
Policy 9	The habitats of indigenous freshwater species are protected.
Policy 15	Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

In summary, these NPSFM objective and policies require regional and district plans to:

- Ensure natural and physical resources are managed in a way that prioritises first the health and wellbeing of waterbodies and freshwater ecosystems, second the health needs of people, and third the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.
- Ensure freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Ensure there is no further loss of natural inland wetlands, their values are protected, and their restoration is promoted.

- Avoid the loss of river extent and values to the extent practicable.
- Protection habits for indigenous freshwater species.

Overall, the NPSFM requires that all resource management prioritises the health and wellbeing of freshwater first, and enables social and economic wellbeing where consistent with the NPSFM. The provisions of the NIEP SPZ are consistent with, and give effect to, the NPSFM specifically through the *'Ngawha Innovation and Enterprise Park Design Guidelines'*, dated March 2022, that sites development platform areas away from natural wetlands, rivers and habitats for indigenous species. The provisions seek to direct development to key areas of the zone, locating activities which can also result in adverse effects on freshwater values away from sensitive areas to help restore, maintain, and protect these values.

3.2.3 National Environmental Standards

Section 44A of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict with or duplicate provisions in a NES. The National Environmental Standard for Freshwater 2020 (**NESFM**) is directly relevant to the NIEP SPZ as the zone contains ecological wetlands and ecological riparian areas as identified in the *'Ngawha Innovation and Enterprise Park Design Guidelines'*.

The NESFM sets out standards for the management of activities where these may impact on freshwater values. Regional councils have the functions for implementing the NESFM, however it is important that district plan rules do not conflict with or duplicate the standards. In particular the NESFM regulates farming activities, and activities which may affect natural wetlands and rivers.

The NIEP SPZ contains waterbodies, particularly various wetland areas and a number of streams, and there are various provisions within the NESFM that are required to be considered. The *'Ngawha Innovation and Enterprise Park Design Guidelines'* takes into account these requirements in establishing development platform areas that are generally located away from areas containing freshwater values, particularly identified ecological wetlands, and a number of streams and areas identified for riparian restoration within ecological mapped areas². (Note, some of the development areas would appear to require access over areas of wetlands as per fig 4 of the Assessment of Ecological Values Ngawha Innovation and Enterprise Park, report reference 2022 482, dated 3 March 2022, prepared by NZ Environmental for FNHL. NZ Environmental comment that the key areas worthy of protection and enhancement from an ecological perspective include wetlands 12 and 13. FNHL has been asked previously for comment on primary internal access and whether formation/upgrade would impact upon wetlands. The design guidelines have not been finalised at the time of writing this report, and any outstanding matters will need to be resolved through the submission process.)

Objective NIEP-O2 and Policies NIEP-P4, NIEP-P5 and NIEP-P7 all seek to ensure that all areas of indigenous vegetation and wetlands are identified and managed appropriately, and ecological values are protected and enhanced. Corresponding rules ensure activities are undertaken in accordance with the *'Ngawha Innovation and Enterprise Park Design Guidelines'*. These land-use controls apply in addition to the NESFM regulations managing specific activities and wetlands.

The NIEP SPZ is not considered to duplicate or conflict with the NESFM; and where land use and development activities trigger resource consent under the NES-M, these consents will be applied for as appropriate in addition to any district land-use consents.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to 'give effect' to any regional policy statement. The Regional Policy Statement for Northland (**RPS**) was made operative on May 2016. The table below outlines the provisions in the RPS directly relevant to NIEP SPZ.

² As identified in the Assessment of Ecological Values Ngawha Innovation and Enterprise Park, report reference 2022 482, dated 3 March 2022, prepared by NZ Environmental for FNHL.

Northland RPS	
Objective 3.4	Indigenous ecosystems and biodiversity
Objective 3.5	Enabling economic well-being
Objective 3.6	Economic activities – reverse sensitivity and sterilisation
Objective 3.8	Efficient and effective infrastructure
Objective 3.11	Regional form
Objective 3.15	Active management
Policy 4.1.1	Integrated catchment management
Policy 4.2.1	Improving overall water quality
Policy 4.3.4	Water harvesting, storage and conservation
Policy 4.4.2	Supporting restoration and enhancement
Policy 4.7.1	Promote active management
Policy 4.7.2	Support landowner and community efforts
Policy 5.1.1	Planning and coordinated development
Policy 5.1.3	Avoid the adverse effects of new uses and development
Policy 5.2.1	Managing the use of resources
Policy 5.2.2	Future-proofing infrastructure
Policy 5.2.3	Infrastructure, growth and economic development

In summary, these RPS objectives and policies require the PDP provisions for the NIEP SPZ to:

- Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, maintaining the extent in the Region, and enhance, where practicable.
- Ensure natural and physical resources are sustainably managed in a way that is attractive for business and investment to economic wellbeing whilst also ensuring the vitality of land and activities important to the Northland economy are protected from negative impacts of subdivision, use and development. Particular emphasis is placed on reverse sensitivity of existing activities and the sterilisation of highly productive land, unless it can be demonstrated that public benefit outweighs the loss of this productive land. In some instances, development will be a primary production activity utilising the highly productive land.
- Optimise the use of existing infrastructure, ensure new infrastructure meets the communities reasonably foreseeable needs, and strategically enable infrastructure to lead or support regional economic development and community wellbeing.
- Effectively integrate infrastructure with subdivision, use and development and promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.
- Maintain or improve the natural character of freshwater bodies and their margins, significant areas of vegetation and habitats and freshwater quality by supporting, enabling and positively recognising active management.

The provisions in the NIEP SPZ give effect to these Northland RPS objectives and policies as the proposed NIEP SPZ objectives and policies all seek to ensure that ecological values, including freshwater and habitat values, are protected and enhanced. The corresponding NIEP SPZ rules ensure activities are undertaken in accordance with the *'Ngawha Innovation and Enterprise Park Design*

Guidelines', directing development and buildings to development platform areas which are located to avoid areas of ecological values.

The provisions in the NIEP SPZ seek to optimise existing infrastructure and ensure new infrastructure meets the needs of the community in developing the NIEP. Road, wastewater, stormwater and water supply infrastructure has been mainly funded by the PGF and the Matawii Dam on the upper reaches of the NIEP SPZ will provide additional water supply to the site and Kaikohe township, alongside an electricity supply arrangement with Top Energy Limited for the use of geothermal sourced power generation. The NIEP SPZ standards required infrastructure to be in accordance with the '*Ngawha Innovation and Enterprise Park Design Guidelines*'.

The NIEP SPZ provisions also consider potential reverse sensitivity effects at the zone interface and internally through setbacks, landscaping, and building and structure design and appearance standards. It has also been demonstrated that the public benefit from the outcomes sought by the special zone, outweighs the loss of versatile soils for a primary production activity.

3.3 Proposed Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plan must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and Proposed Regional Plan for Northland are summarised in the **Section 32 Overview Report**. The table(s) below provides an overview of regional plan provisions directly relevant to NIEP SPZ.

Proposed Regional Plan for Northland (appeals version March 2022)	
Objective F.1.3	Indigenous ecosystems and biodiversity
Objective F.1.5	Enabling economic well-being ³
Objective F.1.11	Improving Northland's natural and physical resources
Objective F.1.12	Natural character, outstanding natural features, historic heritage and places of significance to tāngata whenua
Policy D.2.1	Rules for managing natural and physical resources ⁴
Policy D.2.2	Social, cultural and economic benefits of activities
Policy D.2.3	Climate change and development
Policy D.2.17	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features
Policy D.2.18	Managing adverse effects on indigenous biodiversity

In summary, these regional plan objectives and policies seek to:

- Safeguard the ecological integrity of freshwater bodies, protecting, maintaining and enhancing biodiversity.
- Protect the natural character of fresh waterbodies.
- Manage the adverse effects of activities on indigenous biodiversity by avoiding, remedying or mitigating more than minor adverse effects on significant values, and significant adverse effects on other values.
- Manage natural and physical resources in way that is attractive for business and investment that will improve the economic well-being of Northland and its communities;

³ This objective is subject to appeal.

⁴ This policy is subject to appeal

- Provide for economic well-being by recognising the significant benefits of providing for local employment.
- Have regard to the social, cultural and economic benefits of proposed activities, recognising the significant benefits to local communities, Māori and the wider region, particularly in areas where alternative opportunities are limited.
- Enable and positively recognise activities that contribute to improving Northland’s natural and physical resources.

The provisions in the NIEP SPZ are consistent with these regional plan objectives and policies as the rules and standards enable compatible activities within the Zone that support economic and social well-being to establish in development platform areas. These development platform areas, in accordance with the *‘Ngawha Innovation and Enterprise Park Design Guidelines’*, are located to protect the freshwater, natural character, and biodiversity values of the wider NIEP SPZ.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

However, there are no iwi environment management plans for the area subject to the proposed SPZ. A cultural impact assessment report has been prepared on behalf of Ngāti Rangi⁵ in relation to the NIEP which highlighted the need to embrace appropriate design within the NIEP, and in association with Ngāti Rangi, FNHL have subsequently developed the *‘Ngawha Innovation and Enterprise Park Design Guidelines’* which have been informed by this cultural impact assessment. These documents have been incorporated into the SPZ provisions.

3.5 Other legislation and policy documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires Council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to NIEP SPZ.

3.5.1 Long Term Plan

The Local Government Act 2002 (LGA) requires every council to produce a Long-Term Plan (LTP) every three years. The LTP outlines Council’s activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. This included the funding so that FNHL could purchase land to develop the NIEP. This LTP was adopted by Council. It is considered that the NIEP SPZ is consistent with and supports the outcomes identified in the LTP, particularly as funding for the purchase of the land was a key LTP outcome.

4 Current state and resource management issues

This section provides an overview of the relevant context for NIEP SPZ, the current approach to manage the NIEP SPZ land area through the ODP, and key issues raised through consultation. It

⁵ Ngāti Rangi Hapu Cultural Impact Assessment Report – Proposed Business and Innovation Park and Horticultural Hub, dated April 2020 prepared by Te Kereru Associates on behalf of Ngāti Rangi for FNHL.

concludes with a summary of the key resource management issues for NIEP SPZ to be addressed through the PDP.

4.1 Context

4.1.1 District Plan Review and Business Land in the District

Council are undertaking a consolidated review of the ODP. Council section 31 functions include establishing plan provisions to ensure that there is sufficient development capacity in respect of business land to meet the expected demand in the District.

The Commercial and Industrial zones are the principle areas zoned for business activities in the ODP. There is currently 257.6 hectares of commercially zoned land and 662.7 hectares of industrially zoned land across the District.

Forecast levels of population growth and employment growth over a 23-year period that were undertaken as part of the district plan review have not indicated any need for an increased supply of business zoned land in Kaikohe or the surrounding area.

The Draft District Plan (**DDP**) released for feedback in March 2021 set new criteria and directions for land to receive business zoning, generally being land with access to or planned to receive three-waters infrastructure. There were some exceptions to these criteria, namely the proposed Heavy Industrial zone.

The proposed Light Industrial zone is intended to provide for a range of industrial activities that are unlikely to produce objectionable environmental effects.

In terms of Kaikohe and Ngawha, the DDP generally adopted the ODP industrial zoning on the southern fringe of Kaikohe (proposed as Light Industrial zone). The DDP also included a reduced area of Light Industrial zoned land near the Ngawha township (in contrast to the area currently zoned Industrial around Ngawha). Land at Ngawha that was formerly zoned Industrial had new proposed zonings of Rural Production, Natural Open Space or Māori Purpose, with a large proportion of these areas identified as subject to a Significant Natural Area overlay (FN304 Ngawha Geothermal Field and FN552 Titihuatahi) or Outstanding Natural Feature (1119 Ngawha Springs Geothermal Field).

It is understood that land which has been given a proposed zoning of Light Industrial is unlikely to be suitable and/or available for any large-scale industrial development such as that proposed within the NIEP.

4.1.2 The Ngawha Innovation and Enterprise Park and proposed Special Purpose Zone

Following the release of the DDP there has been a request from FNHL for a NIEP SPZ covering approximately 238ha of land near Kaikohe. The current site extent is shown in Figure 1 below:



Figure 1: Extent of proposed NIEP SPZ

The northern extent of the proposed SPZ comprises the government funded Matawii Storage Reservoir that is currently under construction and associated environmental mitigation and offset areas. This is to be subdivided from the site and will be under the ownership of the Te Tai Tokerau Water Trust, as illustrated in Figure 2 below.

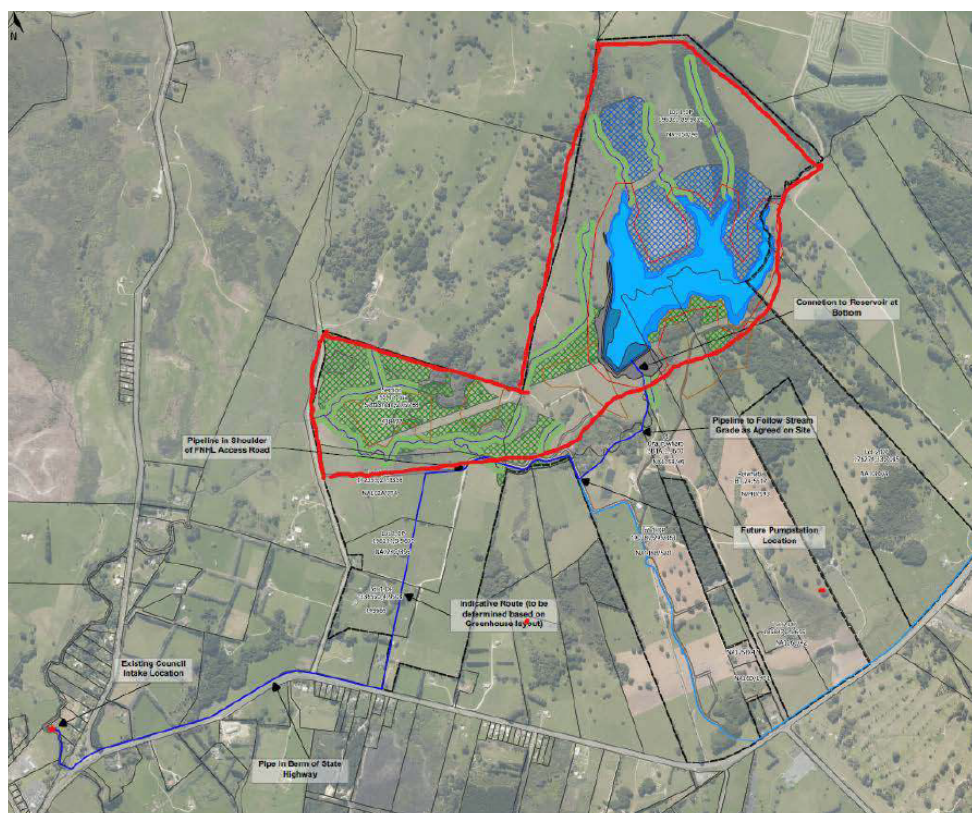


Figure 2: Matawii Storage Reservoir to be subdivided

Development is already occurring on the land as resource consent has been obtained for a range of activities such as primary production, rural ancillary and general commercial activities. FNHL intends to vary some of the consents as well as seek further consent for development. An application to secure private access throughout the site via a right of way is also proposed.

The existing and approved development includes:

- **Environmental Protection Authority (EPA) Matawii decision:** A 750,000 cubic metre water reservoir in the upper catchment of the Kopenui Stream to supply water for irrigation, commercial, industrial, and municipal use. Water above median flows will be impounded behind a 24-metre-high dam embankment, with residual flows proposed, and a pipeline to the NEIP flows at or below median are to be conveyed through the reservoir to maintain a sustainable residual flow. Water would also be harvested from the Wairoro Stream above median flow. An extensive offsetting and compensation plan will see significant planting and restoration of a number of freshwater and terrestrial areas to the south-east of the dam (as set out in Figure 2 previously).
- **RC2220285 – issued:** A proposed corrections education and training facility, and associated excavation and filling and car parking shortfall. It seeks to provide vocational training, work readiness training and employability skills development and the construction of social housing. The application sets out that the site will be connected to the infrastructural servicing provided for the NIEP which includes reticulated wastewater and water supply and connect to the existing stormwater network.
- **RC2300164 – issued:** Construction and operation of a culinary oil production plant, biofuel production plant, and related processing facilities; to be located within the ‘Horticultural hub’. This is to the north of the development area set aside for the approved tomato glasshouse operation (RC2200204). The facility will comprise a production shed for oil extraction, fruit and seed store facilities, biofuel tanks, a biofuel digester plant and solid waste storage areas.
- **RC2200203 and RC2200204 (including variation) – issued:**
 - Decision A
Subdivide Lot 1 DP 196320 into Lots 1 and 2 of 62.322 hectares and 28.271 hectares, with Lot 1 to be amalgamated with Section 15S Te Pua Settlement. The subdivision was proposed to enable Lot 1 to form part of a ‘horticultural hub’ and Lot 2 part of the ‘Innovation and education hub’. Council’s decision was subject to the requirement that the land use components of Decisions B and C (refer below) could not be implemented until titles were issued under Decision A.
 - Decision B - RC2200204 ‘*Horticultural hub*’ - To construct and use a horticultural production centre for a tomato glasshouse operation comprising a 69,981 m² glasshouse and four ancillary buildings with a combined floor area of 6,100 m², in addition to establishing access, internal driveways and parking spaces, and including the enabling earthworks, and an upgrade widening and sealing Wallis Road to a dual carriageway width from the site entrance to the State Highway 12 intersection.
 - Decision C - RC2200203 ‘*Innovation and education hub*’ - To construct the accessways, internal driveways, and water, wastewater and stormwater management infrastructure required to establish a business and education centre including multiple buildings with a combined ground floor area of up to 2.217 hectares; including the construction and operation of a number of rural production ancillary activities, commercial and industrial activities.

- The variation approved a number of amendments to the above decisions, including (but not limited to) relinquishing the subdivision, removing the requirement to upgrade Wallis Road, limiting vehicle movements on Wallis Road and providing a link between the two hubs, in addition to altering elements of the horticultural hub and removing the reference to some of the specific activities within the innovation and education hub.

The existing resource consents either approve or vary consent to those activities generally illustrated below, being the Olivado facility, the horticultural hub⁶, the NorthTec trades training site, the Regent trades training site, the innovation centre, the honey operation, and the corrections education and training facility.

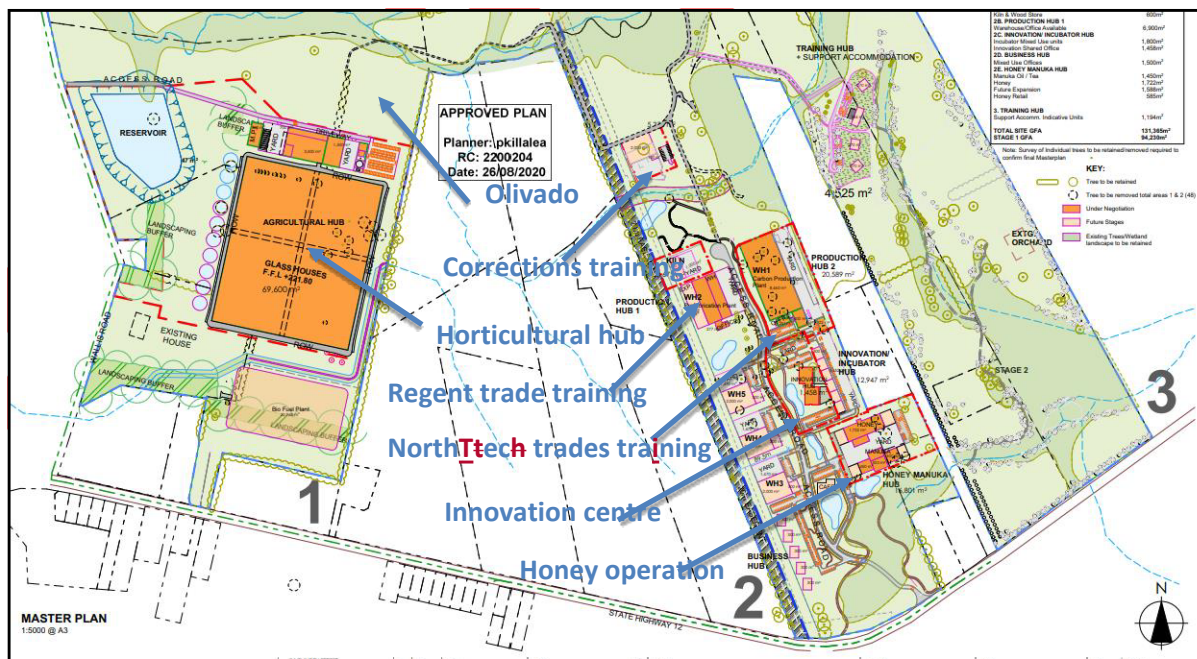


Figure 3: Indicative locations of approved and lodged resource consents

FNHL have previously considered a private plan change for the site, but it was never lodged. FNHL has since sought to establish “the FND’s first simplified planning zone to encourage and enable economic development”.⁷

The NIEP SPZ therefore aims to manage land use activities in specific areas of the site to support economic and social development opportunities for Ngawha, Kaikohe and the wider Region (as sought by FNHL). The NIEP SPZ focuses on primary production activities, innovation, processing, manufacturing, education and training, while incorporating provisions which seek to ensure the intensity, siting and design of these activities, buildings and structures retain the natural characteristics and qualities of the wider site, and specifically freshwater, ecological and natural character values.

⁶ Noting that some of the recent expansion or whole areas identified may not be consented at the time of this report.

⁷ Presentation from FNHL to FNDC, May 2021.

4.2 Operative District Plan Approach

4.2.1 Summary of current management approach

Under the OPD and DDP the site is zoned Rural Production. There are various other proposed District zones which could be relevant and potentially appropriate for the site including Mixed Use, Light Industrial, Heavy Industrial, Horticulture (special purpose) and Horticultural Processing Facility (special purpose zone), which will be included in the PDP. A brief overview of these zones as per the PDP is outlined below:

- **Rural Production:** The Rural Production zone is intended to be predominately for primary production activities and other activities that require a rural location. The Rural Production zone provisions in the PDP do not provide for the full range of activities anticipated through the NIEP SPZ. Industrial activities and retail are non-complying, and commercial activities and offices are not specifically provided for (defaulting to discretionary) unless they are ancillary to primary production activity. This means the rural production zoning actively discourages the industrial and commercial activities consented and proposed in the future within the NIEP SPZ.
- **Mixed Use:** The Mixed Use zone is generally associated with urban environments and provides for small to medium scale commercial, retail, service, community facilities and emergency services activities, and provides for residential options. The zone requires a high level of amenity and sufficient infrastructure servicing provisions. The utilisation of this zoning has the potential to result in out of centre effects on Kaikohe. It is also likely to result in some conflict between any residential activities and the industrial, rural industry, and primary production activities anticipated within the SPZ.
- **Light Industrial:** The Light Industrial zone provides for light manufacturing, contractor depots, repair and servicing, and some compatible commercial activities (small scale convenience stores, restaurants, cafes and takeaways). Activities such as rural production and rural processing are not specifically provided for and would require discretionary consents. The Light Industrial zone seeks to avoid heavy industrial activities, education facilities, residential and outdoor recreation activities and would be difficult to consent given the strong avoidance policy direction.
- **Heavy Industrial:** The Heavy Industrial zone provides for a range of large-scale manufacturing, production, and logistics activities with some ancillary offices and retail. It seeks to provide for industrial activities and accommodate a range of large-scale, purpose-built facilities that are not unreasonably constrained by other activities. There is a focus on integrating the built form within the receiving environment and ensuring any ancillary activities are directly related to the heavy industry activities onsite. Large format buildings are generally permitted where they can meet the zone standards including setbacks, heights, landscaping and site coverage. The zone seeks to avoid establishment of activities that do not support the function of the zone, including residential, educational, recreational and commercial and light industrial activities.
- **Horticulture SPZ:** The Horticultural Special Purpose zone seeks to enable horticultural and ancillary activities within the Kerikeri and Waipapa areas. Farming and residential activities are generally permitted, as are rural produce retail and small-scale rural produce manufacturing (up to 100m² GFA). Only specific rural industry is provided for, with development controls in place for most activities which are not directly horticulture related, including ancillary education, extension of existing activities and certain rural industry. Industrial activities are not provided for.
- **Horticulture Processing Facility SPZ:** The Horticultural Processing Special Purpose zone provides specifically for storage and processing activities related to horticultural activities where the character and amenity of the surrounding environment is maintained. The zone also seeks to avoid land uses that would compromise the functioning of the zone. The zone permits horticultural processing, distribution and storage as well as accessory buildings and structures only. All other activities revert to either discretionary or non-complying, including industrial activity.

Overall, it is considered that none of these zones adequately provides for the full range of activities and outcomes anticipated for the NIEP and would likely result in significant consenting challenges if the zoning were applied to the site.

4.2.2 Limitation with current approach

The Council has reviewed the other zone provisions in the PDP in terms of how these might apply to the NIEP and has identified some limitations. This includes:

- Each zone in the PDP caters for separate groups of activities which could be reasonably anticipated within the NIEP. However, some existing provisions also facilitate sensitive activities, and offensive activities, which could conflict with some users of the NIEP and with surrounding sites. Upon reviewing the zone provisions above, there is no clear or simple 'fit' for the proposed NIEP with these existing zone policy and rule frameworks.
- There is the potential risk that utilising existing zone provisions from the PDP for the NIEP could undermine the integrity of those provisions and have adverse impacts in other parts of the District (e.g. the scale and types of activities that could occur in Rural Production zone).
- Site development controls within the provisions of existing zones could unnecessarily constrain development locations, form and intensity within the '*Ngawha Innovation and Enterprise Park Design Guidelines*'.
- The existing zone provisions would likely result in ongoing consenting requirements for anticipated activities, including rural industry and training facilities. This may constrain the establishment of some of these activities particularly as the nature of such activities fail to align with the policy framework for the Rural Production zone.
- Under existing zone provisions, many new activities will require resource consent resulting in a continuation of an already complex consenting history for the site and inefficiencies for the current landowner(s), future landowner(s) and FNDC consent processing staff.
- Adopting existing zoning for the site may result in a piecemeal response to the provision of infrastructure and transport services, and difficult to achieve an integrated approach to the NIEP SPZ.
- Adopting existing zoning for the site would potentially result in cumulative effects and reverse sensitivity effects associated with multiple and iterative resource consent applications and other activities (i.e. residential) provided for within alternative zones.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the District to inform the development of the PDP. This section provides an overview of key issues raised through consultation in relation to NIEP undertaken by FNHL and the Council, **noting this consultation relates to the NIEP concept rather than the NIEP SPZ or draft district plan provisions.**

4.3.1 Summary of consultation

There was a medium-high level of interest in the NIEP concept following a referendum to ratepayers which sought public opinion on the NIEP concept from the community. When the NIEP was first proposed as a concept, the idea of a SPZ was not known, but consultation raised and identified key drivers for the NIEP which enabled development to occur through a series of resource consents.

As part of this process there have been many meetings with community groups, key stakeholders, prospective tenants, local and government agencies, consultation with neighbours about specific projects, and a number hui held by FNHL with Ngati Rangi and with the Ngapuhi Runanga.

Therefore the proposed NEIP SPZ sought by FNHL is a result of this consultation process and was not specifically consulted on through the DDP engagement process run by Council. It is therefore expected that there will be submissions from the general community and stakeholders on the NIEP SPZ provisions following notification and this may lead to some refinements of the provisions and supporting plans and design guidelines.

4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. In relation to NIEP SPZ, iwi authorities have not provided direct advice.

4.3.3 Summary of Resource Management Issues

The NIEP was identified as concept with potential to deliver significant economic and social benefits which is not supported by the ODP, or the other PDP zones given the bespoke nature of the proposal.

The NIEP SPZ focuses on providing for a range of primary production activities, innovation, processing, manufacturing, education and training, while incorporating provisions which seek to ensure the intensity, siting and design of these activities is appropriate in the site context, protects important environmental social and cultural values, and does not detract from Kaikohe and/or Ngawha. The NIEP essentially seeks to create an environment where the whole primary production cycle can be provided for while enabling innovation and transformation of primary production products. The proposal also seeks to enable further education opportunities, ancillary activities and foster a hub for related business to establish and grow, with an overall goal of meeting the communities and wider District needs in a sustainable manner, both now and of the future. There are no other zones in the PDP which provide for all these activities to co-locate within one environment, with value added throughout the primary production products life span.

Based on the analysis of relevant statutory and local context, existing provisions, the NIEP proposal and supporting technical reports, the key resource management issues for the NIEP SPZ to be addressed through the PDP are:

- Enabling development and activities that provide for primary production innovation with provisions that support economic, social and cultural wellbeing of the local communities and wider district.
- Ensure the natural characteristics and qualities of the site are protected or enhanced.
- Ensure that the range and location of activities and built form manages reverse sensitivity effects between development platform areas and the rural and natural areas of the site, and at zone boundaries.
- Ensure appropriate infrastructure is provided and encourage a circular economy and environmental principles in design.

5 Proposed District Plan Provisions

The proposed provisions are set out in the 'Ngawha Innovation Enterprise Park Special Purpose Zone' chapter of the PDP. Those provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic objectives

The PDP includes a strategic direction section which provides high level direction on the strategic or significant matters for the District, and objectives to guide strategic decision-making under the PDP. The strategic objectives in the PDP of relevance to the NIEP SPZ include

- **SD-SP-03** - Encourage opportunities for fulfilment of our cultural, spiritual, environmental, and economic wellbeing.
- **SD-EP-03** - Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.

The NIEP SPZ is also consistent with the direction in all the objectives under 'economic prosperity' which are:

- **SD-ECP-01** - A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the District's Māori economy making a significant contribution.
- **SD-ECP-02** - Existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.
- **SD-ECP-03** - Development and retention of highly motivated, educated and skilled people in the District.
- **SD-ECP-04** - People, businesses and places are connected digitally and through integrated transport networks.
- **SD-ECP-05** - A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.

5.2 Proposed management approach

This section provides a summary of the proposed management approach for the NIEP SPZ. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and the ODP, which includes moving from an effects-based plan to a 'hybrid plan' that includes a mix of effects and activities-based planning, and an updated plan format and structure to give effect to the national planning standards.

The main changes in the overall proposed management approach are:

- Establishing a bespoke SPZ which meets the Planning Standards mandatory direction for additional special purpose zones in a district plan. The purpose of the SPZ is to enable value-add to primary production activities through the co-location of primary production, horticultural and rural industry, further processing, education and innovation activities.
- Establishing new objectives and policies which specify the desired outcomes and activities for the SPZ, while also identifying what activities and effects would be inappropriate within the zone.
- Provisions to enable cohesive development that is consistent with the character, scale and amenity of the surrounding environment, while discouraging those activities which are incompatible or would detract from other parts of the District, and particularly Ngawha and Kaikohe.
- Provisions to protect and enhance ecological areas within the site, including through the location of development platforms on the Master Plan and supporting design guidelines.
- Provisions to appropriately manage the interface between adjacent zones and accounting for site development constraints to address reverse sensitivity.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 6 and 7 of this report.

5.3.1 Summary of objectives

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

- Enable development and activities that provide for primary production innovation including manufacturing and further processing of raw materials, research and development and directly related education and training opportunities.
- Protect and enhance the natural character and qualities of the zone.
- Ensure development is supported by appropriate infrastructure.
- Ensure the zone provides significant economic and social benefits to support, and not detract, from the economic, social and cultural wellbeing of Kaikohe, Ngawha and the wider district.

5.3.2 Summary of provisions

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

The proposed management approach for NIEP SPZ includes policies that:

- Provide for activities directly related to primary production at an appropriate scale, nature and design for the zone.
- Enable ancillary activities to permitted or existing primary production activities where these are consistent with the outcomes sought for the zone.
- Avoid land uses which would compromise the function of the zone or detract from the function and well-being of Kaikohe and Ngawha.
- Ensure a quality built environment, with adequate infrastructure.
- Appropriately manage the effects of development on the natural and built environment.

The proposed management approach for NIEP SPZ includes rules and standards that:

- Provide for the following activities as permitted activities, subject to compliance with the '*Ngawha Innovation and Enterprise Park Design Guidelines*' in addition to various rule specific standards:
 - Farming activity;
 - Conservation activities;
 - Primary production retail;
 - Rural industry;
 - Associated office and tertiary educational activity at limited scales;
 - Primary production research and development activity at limited scales; and
 - Accessory buildings and structures, including alterations and additions at limited scales.
- Control building and structures within Development Platform Areas, control of design through Design Guidelines and the bulk and location in accordance with the SPZ standards;
- Management of infrastructure and servicing provisions through the zone provisions, including the '*Ngawha Innovation and Enterprise Park Design Guidelines*';
- Provide for tertiary education facilities and café and takeaway food outlets as restricted discretionary activities at a limited scale;
- Provide for residential accommodation ancillary to educational facilities as a discretionary activity; and

- Restrict any other activities not provided for as non-complying activities.
- Provide for subdivision as a discretionary activity – with no specified lots sizes (the controlled standard for the PDP could not be confirmed or completed as sufficient information on development areas was not provided by FNH)

The proposed management approach for NIEP SPZ also involves the following methods to implement and give effect to the objectives:

- '*Ngawha Innovation and Enterprise Park Design Guidelines*' which will be incorporated into the PDP. This will be supported by policies that require development to be undertaken in accordance with the '*Ngawha Innovation and Enterprise Park Design Guidelines*'. Consistency with the Design Guidelines is also a relevant matter to consider for a number of rules.
- Establishment of an Innovation and Enterprise Precinct which provides for consolidated development in that defined area. Insufficient information was provided to enable other precincts to be considered.

6 Approach to evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 of the RMA requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA.
- Examine whether the provisions are the most appropriate way to achieve the objectives through:
 - Identifying reasonably practicable options for achieving the objectives
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives, including an assessment of environmental, economic, social and cultural benefits and costs anticipated from the provisions.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the NIEP SPZ are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	<p>The proposed provisions have some relevance in relation to the principles of the Treaty of Waitangi, given the existence of the Māori Purpose zone adjacent to the site and in the surrounding area and the potential for more sensitive activities to establish directly adjoining the zone.</p> <p>Although FNHL has engaged previously with iwi and hapū on the NIEP, the extent of engagement with tangata whenua via a Council plan making process on the NIEP SPZ has been limited as it was not included in the DDP. However, the overall proposal is not expected to raise any significant issues in terms of the principles of the Treaty of Waitangi.</p>	Low
Degree of change from the Operative Plan	A new special purpose zone is proposed which will provide further certainty for development within the zone. The ODP zoning is Rural Production which provides for primary production activities as the predominant activity and other activities which have a functional need to establish and operate within a rural	Medium

Criteria	Comment	Assessment
	<p>environment.</p> <p>The proposal will still provide for primary production activities at a similar scale anticipated by the ODP, with the addition of providing for further processing, innovation activities including value added for raw materials and research, and education and training opportunities to further support primary production activities. This will change the scale, character, and intensity of the site, particularly within the development platform areas where there will be a change from the status quo.</p> <p>The PDP seeks to manage potential conflicts associated with new development within the zone and on neighbouring zones. The proposed provisions seek to address conflicts with primary production and further processing, albeit by providing for a broader range of activities and associated built form which will result in changes to the scale and intensity of land use within the development platform areas. However, the specific site context and anticipated development is controlled through location and design to better align with the nature and character of the specific environment of the site and surrounding area to manage effects and reverse sensitivity.</p>	
Effects on matters of national importance	<p>The matters of national importance in section 6 of the RMA will largely be addressed by other chapters of the PDP (e.g. Natural Hazards, Historical and Cultural Values, Natural Environment Values).</p> <p>There are a number of wetlands, ecological areas and waterbodies within the site which are relevant in terms of section 6 of the RMA. The effects on these areas are managed through the '<i>Ngawha Innovation and Enterprise Park Design Guidelines</i>' which has identified these areas for protection and enhancement, supported by the plan provisions.</p>	Low
Scale of effects – geographically (local, district wide, regional, national).	<p>The NIEP SPZ establishes a defined and limited area of approximately 238 hectares. Any impacts of the NIEP SPZ are expected to be localised, with controls proposed to ensure that the zone is self-sufficient as well limiting conflicts with other zones and the vibrancy of nearby local communities. The SPZ provides a clear objective and policy framework to avoid land use and development that would detract from the</p>	Low-medium

Criteria	Comment	Assessment
	function and well-being of Kaikohe and Ngawha.	
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	<p>The number of parcels proposed to be zoned within the NIEP is very limited and is owned by two landowners at present (it is understood that some developers will purchase their development area from FNH), with only a small number of occupiers currently within the park.</p> <p>There are a small number of landowners directly adjacent to the zone, including sites that are completely bounded by the zone. These landowners will experience the greatest degree of change as a result of the NIEP SPZ. However, this is not considered to be significant in the context of the existing rural environment which includes a number of large facilities in reasonably close proximity.</p> <p>The proposal will create an opportunity for the site to provide for various socio-economic benefits for the wider region and local communities through the anticipated activities benefiting current and future generations.</p>	<p>Medium – adjacent land</p> <p>Low – people and public generally, and future generations</p>
Scale of effects on those with specific interests, e.g., Tangata Whenua	<p>There are very few special interest groups that are likely to have an interest in the NIEP SPZ with most generally supportive of the concept and what it seeks to achieve. Consultation on the concept for potential development within the zone has been undertaken with various stakeholders and has already been undertaken with Waka Kotahi NZ Transport Agency.</p> <p>It is expected that tangata whenua will have a specific interest in the NIEP SPZ, particularly given the interface with the Māori Purpose zone. A cultural impact assessment has been prepared as part of the development.</p>	Low – medium
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	<p>The most specific higher order direction on how to draft a SPZ comes from the Planning Standards, which allows district plans to include additional special purpose zones where the land use activities or outcomes anticipated from the additional zone meet all the following criteria:</p> <ol style="list-style-type: none"> Are significant to the district, region or country; and Are impractical to be managed through another zone; and Are impractical to be managed through a 	Low

Criteria	Comment	Assessment
	<p>combination of spatial layers.</p> <p>Section 2.2.1 of this report outlines how the NIEP SPZ meets all of these criteria.</p> <p>The provisions within the NIEP SPZ are considered to have a low degree of policy risk as they are based on common district plan provisions but providing for a wider range of complementary activities that typically found in most district plan zones.</p>	

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being **medium**. Consequently, a medium level of detail is appropriate for the evaluation of the objectives and provisions for the NIEP SPZ in accordance with section 32(1)(c) of the RMA.

7 Evaluation of objectives

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

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

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

<p>Objective(s):</p> <p>NIEP-O1 The NIEP zone enables compatible development and activities that provide for primary production innovation, including manufacturing, further processing of raw materials, research and fostering technological advancements, and directly related education and training opportunities</p> <p>NIEP-O4 The NIEP zone provides significant economic and social benefits to support, and not detract from, the economic, social and cultural well-being of Kaikohe, Ngawha and the wider district.</p>	
<p>Relevance</p>	<p>Directly related to a resource management issue</p> <p>These two objectives are directly related to the resource management issue of providing communities with safe, well-functioning places to live and work. The objectives establish what is appropriate to occur within the zone while also discouraging activities which are better provided for by other zones, are better suited to other locations, or would detract from the zone intent.</p> <p>The objectives set a clear framework for the zone intent, including ensuring the overall zone provides significant economic and social benefits to support the economic and social well-being of the local communities and the District. The objectives also create opportunity for further primary production innovation through the establishment of a hub of interrelated primary production activities, with value ‘added’, research and education opportunities. In turn, this has the potential to incentivise further investment in primary production activities and resources within the District to contribute to social and economic wellbeing.</p> <p>Focused on achieving the purpose of the RMA</p> <p>The purpose of the RMA is the sustainable management of natural and physical resources as stated in section 5(2) of the RMA.</p> <p>Sustainable management involves enabling people and communities to</p>

	<p>provide for their social, economic, and cultural well-being in a way that meets the needs of future generations, which NIEP-O4 is directly aimed at achieving.</p> <p>Providing for a range of primary production activities, and further innovation and educational activities in a location which is easily accessible and can be adequately serviced by infrastructure will support social and economic well-being. The objectives also seek to ensure that development within the zone does not detract, and instead seeks to contribute to the socio-economic development of the two nearby local communities, Kaikohe and Ngawha.</p>
Usefulness	<p>Assists in addressing the identified resource management issue</p> <p>The objectives must assist in addressing the identified resource management issue and must also assist a council to carry out its statutory RMA functions.</p> <p>It is a core function of district councils under sections 31(a) and (aa) of the RMA to manage the effects of land use or development in an integrated way while also providing sufficient development capacity in respect of business land. The objectives enable a range of permitted activities (predominantly rural industry and ancillary commercial) to assist Council to achieve one of the functions (business land) with specific focus on integrated primary production business, as well as providing limited and targeted opportunities for associated innovation and education. In doing this, the objectives also direct that any development must be appropriate in the context of the nature and intent of the site and to ensure it supports and does not detract from other communities and towns within the District.</p>
Reasonableness	<p>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p> <p>The objectives should be consistent with the desired outcomes of the community and of iwi/ Māori and should not result in unjustifiably high costs on the community or parts of the community.</p> <p>These two objectives seek to ensure development within the zone is directly related to primary production activities so as to not detract from other zone intents. The objectives also seek to enable the NIEP Zone to provide significant economic and social benefits which is consistent with the outcomes sought by the community and iwi/Māori.</p> <p>The objectives are not considered to create unjustifiably high costs on the community, either through implementation, resource consenting or compliance as they are essentially setting up a framework for the anticipated development within the zone. The objectives also seek to achieving cohesive development outcomes for the NIEP SPZ which direct development to areas of the site which can most appropriately absorb change to reduce any unintended costs on the community. The wider community is therefore likely to benefit from the NIEP SPZ rather than be subject to unjustifiably high costs.</p>
Achievability	<p>Ability to achieve the objective with the available powers, skills, and resources of councils</p>

	<p>The objectives must be able to be achieved within the available powers, skills and resources of councils, while resulting in an acceptable level of uncertainty and risk.</p> <p>These objectives are considered to be able to be implemented within the skills and resources available to Council as the objectives aim to manage effects that are currently being managed under the ODP. The only key change is providing for more integration of existing activities and to enable a broader range of activities where these directly relate to primary production. The objectives also both seek to balance the positive social, economic and cultural wellbeing of the local communities, while ensuring the proposed development supports and does not detract from the well-being of these communities.</p> <p>Managing land use change and the adverse effects associated with subdivision, use and development are also core functions of Council. It is not anticipated that the objectives will substantially increase resource consenting/compliance requirements beyond available resource levels. Conversely, the NEIP SPZ seeks to reduce consenting burden and consenting complexity by enabling a broader range of complementary activities on the site where effects can be managed through the NEIP SPZ provisions.</p> <p>An acceptable level of uncertainty and risk</p> <p>These objectives and associated provisions do not introduce a high degree of uncertainty and risk. These objectives are based on the goals of the NIEP to provide for significant social and economic opportunities of the District with a key focus on providing for integrated activities directly related to the existing anticipated primary production uses of the site without detracting from other PDP zones. The activities and issues addressed by the objectives are well understood (managing the zone intent while not detracting from the values of the surrounding environment or other zones) and therefore do not have an unacceptable level of certainty and risk.</p>
<p><u>Overall evaluation</u></p> <p>The above assessment concludes that the proposed objectives are the most appropriate way to achieve the purpose of the RMA, in terms of relevance, usefulness, reasonableness and achievability, and is preferred over the status quo.</p>	

Objective(s):

NIEP-O2 The natural characteristics and qualities that contribute to the values of the NIEP zone,

<p>including cultural and heritage, ecological and landscape values, are protected and enhanced.</p> <p>NIEP-O3 Land use and subdivision in the NIEP zone is supported by appropriate infrastructure that incorporates circular economy and environmental principles where practicable.</p>	
Relevance	<p>Directly related to a resource management issue</p> <p>These two objectives are directly related to the resource management issue of enabling the subdivision, use and development of land to ensure adverse effects are appropriately managed.</p> <p>The objectives of the NEIP specifically focus on the values associated with the NIEP SPZ attributes and constraints, particularly on ecological and landscape values, and on infrastructure and servicing constraints. These objectives are achieved through the provisions and the <i>'Ngawha Innovation and Enterprise Park Design Guidelines'</i> directing development and built form to areas of the SPZ that can absorb change and will be appropriately serviced.</p> <p>Focused on achieving the purpose of the RMA</p> <p>Sustainable management involves managing the use, development, and protection of natural and physical resources while avoiding, remedying, or mitigating any adverse effects of activities on the environment. Including objectives that focus on managing the potential adverse effects of subdivision, use and development with respect to the environmental features and constraints of a site will help achieve the purpose of the RMA.</p>
Usefulness	<p>Assists in addressing the identified resource management issue</p> <p>The objectives must assist in addressing the identified resource management issue (in this case managing the potential adverse effects of subdivision, use and development) and must also assist a council to carry out its statutory RMA functions.</p> <p>It is a core function of district councils under section 31(a) to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. These two objectives will help Council achieve this statutory function by directing subdivision, use and development to design around the physical and environmental attributes of the site and any infrastructure constraints.</p>
Reasonableness	<p>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p> <p>The objectives should take into account the desired outcomes of the community and of iwi/ Māori and should not result in unjustifiably high costs on the community or parts of the community.</p> <p>These two objectives seek to recognise the desires of both the community and iwi/ Māori to ensure development in the NIEP SPZ can be accommodated within the environmental and cultural constraints of the site. The NIEP SPZ also seeks to ensure all development is supported by appropriate infrastructure as use and development can have significant environmental impacts if servicing is not well designed and impacts on environmental or cultural values.</p>

	<p>The objectives are not considered to create unjustifiably high costs on the community, either through implementation, resource consenting or compliance as they seek to manage adverse environmental effects that can occur in other zones in a similar manner to how they are managed under the ODP.</p>
<p>Achievability</p>	<p>Ability to achieve the objective with the available powers, skills, and resources of councils</p> <p>The objectives must be able to be achieved within the available powers, skills and resources of councils, while resulting in an acceptable level of uncertainty and risk.</p> <p>These objectives are considered to be able to be implemented within the skills and resources available to Council as the objectives aim to manage effects that are currently being managed under the ODP. The only slight change is the focus on introducing a circular environment for infrastructure to enable the NIEP SPZ to be self-sufficient.</p> <p>Managing land use change and the adverse effects associated with subdivision, use and development are also core functions of the Council. It is not anticipated that the objectives will substantially increase resource consenting/compliance requirements beyond available resource levels.</p> <p>An acceptable level of uncertainty and risk</p> <p>These objectives and associated provisions do not introduce a high degree of uncertainty and risk. These objectives aim to manage adverse effects of subdivision, land use and development that are well understood (including managing environmental impacts; particularly, from servicing and on the natural environment) and are already managed to some degree by the ODP.</p>
<p><u>Overall evaluation</u></p> <p>The above assessment concludes that the proposed objectives are the most appropriate way to achieve the purpose of the RMA, in terms of relevance, usefulness, reasonableness and achievability, and is preferred over the status quo.</p>	

8 Evaluation of provisions to achieve the objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

This section provides an assessment of reasonably practicable options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. Four options are assessed below:

- Option 1 – status quo (Rural Production zoning)
- Option 2 – adopt another PDP zone
- Option 3 - an NIEP SPZ that enables all types of activities
- Option 4 – proposed NIEP SPZ and provisions.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

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

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 5.3, the scale and significance of the effects of proposed changes for the NIEP SPZ are assessed as being low-medium. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for the

NIEP SPZ. It is noted, that FNHL has undertaken a social and economic assessment¹ which assesses the potential social and economic effects on Kaikohe and the surrounding areas, including an analysis of the demographic and economies of the area at present, projections for employment and direct contributions to GDP in the local economy, as well as recommendations to manage potential economic and social effects within the surrounding area; and this has been utilised to inform the NIEP SPZ. However, this assessment was based on the NIEP concept, rather than the benefits and costs of the proposed NIEP SPZ. Therefore, this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

8.3 Evaluation of options

This section evaluates four options – the status quo (rural production), provisions of another PDP zone, an NIEP SPZ for all types of activities, and the proposed NIEP SPZ.

8.3.1 Option 1: Status quo

<i>Option 1: Retain the Rural Production zoning from the ODP</i>		
<i>Benefits</i>	<i>Costs</i>	<i>Risk of acting / not acting</i>
<ul style="list-style-type: none"> Administrative efficiencies for Council through the plan review process through retaining the existing rule and policy frameworks. Controls are generally well understood by both Council staff and plan users. Will be able to operate ‘business as usual’ with little to no disruption to current consenting and compliance practice. Provides for the appropriateness of new activities within the site and associated adverse effects on the environment to be tested through the resource consent process. Maintains consistency of zoning with surrounding rural land. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> As the status quo seeks to retain ‘business as usual’, no specific economic growth opportunities are anticipated over and above the existing primary production activities and rural industry. 	<ul style="list-style-type: none"> Ongoing consenting requirements could unreasonably constrain anticipated activities at the site, including rural industry and further processing of raw materials, research and development activities, training facilities, and ancillary activities such as limited office, retail and café/restaurants. Creates ongoing uncertainty about the appropriateness of the proposed activities within the Rural Production zone. Ongoing consenting costs and issues for Council staff and landowners as the rural production zone development controls could unduly constrain development locations and activities. Any new activities will require resource consent, and any changes to activities would require resource consent resulting in a continuation of an already complex consenting history for the site and inefficiencies for Council. Ongoing consenting complexity for both 	<p>The risk of acting through retaining the status quo are that:</p> <ul style="list-style-type: none"> It will not adequately establish what may be appropriate and may be inappropriate for the uses envisaged for the NIEP. It may deter or constrain economic investment in the site and the wider district. The provisions will not address potential reverse sensitivity effects within the zone and at the zone interface. The provisions will not provide for a cohesive development approach across the site. It may undermine the integrity of the Rural Production zone and result in adverse cumulative effects.

	<p>Council and applicants. It was noted that when reviewing the resource consent approvals for consented activities to date, the consenting history is very complex, and further complexity will add administrative burden which may affect outcomes for the site.</p> <ul style="list-style-type: none">• The Rural Production zone is unlikely to achieve outcomes which provide for a cohesive and sympathetic pattern of development across the site.• Could unduly restrict further ancillary primary production activities which complement existing rural production activities.• Would permit the establishment of some residential activity and activities that are sensitive to the NIEP operations resulting in conflicts/reverse sensitivity effects.• May not support cohesive built form and alignment for future development, including building and design controls, connections with existing infrastructure and establishment of ecological enhancement corridors.• May result in a piecemeal response to the provision of infrastructure and transport services which could result in inappropriate adverse transport and environmental effects and would make it difficult to achieve an integrated approach to the NIEP.• Potential to result in cumulative effects	
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	<p>and reverse sensitivity effects associated with multiple and iterative resource consent applications.</p> <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Lost economic opportunities for development through uncertainty of activities supported. • May restrict the ability to control any economic effects on nearby communities through piecemeal development. 	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • No change in effectiveness of operative provisions in practice with the Rural Production zone still providing for various activities anticipated in the NIEP. • An increasing complex resource consenting approach to enable the activities sought in the NIEP will not be effective in achieving the objectives. • The status quo will not be effective in achieving the objectives for the NIEP to provide significant economic and social benefits to local communities and the wider district. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Restricting development to primary production does not completely reflect the existing activities occurring (or consented) to occur within the site or ensure future development is consistent with these activities. • Less efficient from a plan user and plan administrator perspective as would result in high consent requirements could potentially result in inconsistent decisions about appropriate activities based on the order of development rather than the overall site characteristics and envisaged outcomes. • Many of the activities anticipated at the NIEP will require resource consent, and any changes to activities would require resource consent resulting in a continuation of an already complex consenting history for the site and inefficiencies for Council, applicants and consent holders. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • The Rural Production zone policy and rule framework does not provide for the existing and anticipated activity within this environment and will further complicate the consented environment. • The Rural Production zone provisions do not address the need to provide for compatible activities which directly support primary production and the co-location of these activities to build innovation opportunities for the benefit of the community. • The Rural Production zone provisions do not appropriately respond to the site’s environmental constraints or characteristics. • This option could result in a more complex consenting history and challenges in addressing any site constraints and cumulative effects when 		

development thresholds may be met (or exceeded) and erode the integrity of the Rural Production zone.

8.3.2 Option 2: Adopt provisions from another PDP zone

Option 2: Utilise another PDP zone (either Mixed Use, Light Industrial, Heavy Industrial, Horticultural, or Horticultural Processing)

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Administrative efficiencies for Council through the plan review process from adopting an existing zone rule and policy framework for the NIEP. • Potential for split zoning where specific activity areas were identified to enable the best suited provisions to be applied to each area. This would enable the existing zone provisions to be utilised in different portions of the site and enable a range of different activities. • Limits the complexity of the PDP by utilising existing provisions rather than introducing a new SPZ and associated provisions. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • This option would better enable the development of the NIEP compared to status quo and increase economic growth and employment opportunities. 	<ul style="list-style-type: none"> • Existing provisions do not provide an appropriate mix of activities for the NIEP SPZ. • There is no clear or simple ‘fit’ for the proposed NIEP with the existing rule and policy frameworks of other zones that would provide for the range of activities sought in the NIEP SPZ or provide the level of development flexibility. • May undermine the integrity of other PDP zone chapters. • Site development controls within the provisions of existing zones could unnecessarily constrain development locations, form and intensity within the ‘<i>Ngawha Innovation and Enterprise Park Design Guidelines</i>’. For example, site coverage and setbacks. This may result in uncoordinated site outcomes through complex zoning patterns which could also result in reverse sensitivity issues at the zone interfaces and challenges in 	<p>The risk of utilising a different zone is that existing operational issues with the current mixture of PDP zones will not be resolved and will result in continued, complex consenting requirements, with limited integration of the anticipated activities within the NIEP. This could result in a piecemeal approach to the development of the zone, and unintended adverse, cumulative and/or reverse sensitivity effects.</p>

	<p>providing the necessary infrastructure to support development in an integrated way.</p> <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Not likely to provide sufficient certainty for economic investment in the site. • The development potential from recent infrastructure investments within the site may not be realised. 	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • No change in effectiveness of PDP provisions in practice – rules and standards in the mixture of PDP zones are likely to continue to achieve some of the desired objectives relating to the future growth and development opportunities for the site. • Utilising existing PDP provisions will not give effect to the objectives as there is no clear ‘fit’ with any other zones within the PDP that provides for the full range of complementary activities anticipated in the NIEP. • Other zone provisions may not adequately manage the effects of reverse sensitivity within the site, surrounding environments and adjacent zones. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Having a mixture of different zone rules could result in ad-hoc development or incompatible land uses and development. • Less efficient from a plan user and plan administrator perspective as would result in high consent requirements and could potentially result in inconsistent decisions about appropriate activities based on the timing of development rather than the overall site characteristics and envisaged outcomes. • Many new activities will require resource consent resulting in a continuation of an already complex consenting history for the site and inefficiencies for Council, applicants and consent holders. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • There is not clear fit with any other PDP zone meaning a range of zones would likely be required which would create a piecemeal, complex zoning pattern. • Existing zone provisions may not address incompatible activities that already occur within the environment and result in reverse sensitivity effects. • A mixture of zones could create unnecessary complexity and fragmented development. • This option could not effectively respond to the site’s constraints or characteristics in an integrated manner. • It could result in a more complex consenting history and challenges in addressing any site constraints and cumulative effects when development thresholds may be met (or exceeded). 		

8.3.3 Option 3: An NIEP SPZ enabling all types of activities

Option 3: Introduce an enabling SPZ which provides for a broader range of activities including industrial, commercial and education (not specifically related to primary production) as sought by the feedback by FNH on the draft district plan.

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Administrative efficiencies for Council and developers as enabling provisions are likely to result in few, if any, resource consent applications, and where resource consents are required, these are likely to be controlled activities. • Enables any land use activities anticipated by the developer to establish in the NIEP SPZ and provides an opportunity for a wider range of uses to also establish throughout the SPZ. • Enables a variety of activities to co-locate in close proximity and provide various opportunities for a range of different business types and sizes. • Could enable a cohesive and integrated approach to development through the use of specific design controls and a Master Plan to identify appropriate development location, character and scale. • Provides a unique opportunity for interconnected activities to co-locate within the same area and to leverage business innovation. • Provides for existing consented activities without the need for further additional resource consents if these activities change over time. 	<ul style="list-style-type: none"> • Significant risks associated with provisions being too enabling if all land use activities are permitted or controlled. Potential to result in unintended ecological, social and economic impacts and has the potential to result in entirely different outcomes as there would be very little ability to control land use type/scale within development areas. • Significant risks of competition and out of centre effects associated with establishing business activities outside Kaikohe and Ngawha, particularly commercial, retail, restaurant/cafe, and visitor accommodation activities. This would negatively impact on existing business and industrial zoned land, and result in adverse social and economic effects in these communities. • Presents a significant shift in land use development from the OPD and the PDP and potential to result in significant adverse environmental and reverse sensitivity effects, particularly on adjoining and adjacent land. • If provisions are ambiguous and too 	<ul style="list-style-type: none"> • There could be unintended consequences given the limited controls on development. • There could be a significant departure from the existing plan provisions and current anticipated environment for the site and there has been limited consultation on the specific details of this approach to understand if this direction would be supported by those who could be potentially affected. • An enabling SPZ could compromise the existing/other PDP zones and nearby local communities. There is a significant risk that if the NIEP is too enabling, that this would result in unintended consequences at the detriment of existing resources and communities.

Economic growth and employment opportunities

- Encourage a range of economic investment from a variety of industries into the environment.
- Potential to result in significant economic benefits for the District through the co-location of various activities.

enabling, they are likely to be open to interpretation and difficult to administer and enforce.

- Challenge to determine and assess the appropriateness of built form across the site in order to achieve cohesive and integrated development that responds to the site, and its constraints and values.
- Would not adequately manage infrastructure constraints.
- Development areas, access and infrastructure across the site may intersect with key values and environmental features such as cultural and heritage values, landscape character, wetlands, rivers and forests, and some of these development areas may also intersect with offsetting/compensation areas associated with the Matawii dam. This may pose some significant constraints to site development or result in adverse effects on significant values that should be protected.
- Risks associated with the potential establishment of incompatible land use activities which may result in reverse sensitivities within the SPZ and with the zone interface.

- The community, adjoining and adjacent landowners would have limited certainty

	<p>over the development that would occur, as it may overtime become “market driven” e.g. who is willing to invest.</p> <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Potential to detract from and adversely affect the functioning and wellbeing of Ngawha and Kaikohe, resulting in the competing of resources and adverse effects social and economic effects associated with the viability of existing town centres, urban areas and industrial areas. 	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • Provides for a range of activities with limited consenting requirements but would be challenging to monitor activities and ensure compatibility with the surrounding and wider environment. • Will result in a departure from the existing provisions based on the approach of balancing activities and effects for any subdivision, use or development. • It would not be consistent with how other zones in the PDP are being managed. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Providing a permissive framework for development could result in unintended consequences through the widening of potential interpretations, ongoing monitoring and compliance issues. • No clear direction on zone intent which could result in challenges to avoid activities which may be inappropriate and result in issues of reverse sensitivity. • A bespoke NIEP SPZ could create efficiencies in resourcing for Council consent processing staff with limited consenting requirements but may require ongoing active management of activities which may occur at the zone interface and give rise to compliance or monitoring issues. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • While this would enable the establishment of a SPZ to specifically manage activities which are not a ‘great fit’ with the existing plan provisions, there would be limited control over what could be provided for within the zone or where activities may not meet the plan intent. • An enabling SPZ does not adequately take into account all of the site’s constraints and the interface with the surrounding environment and other zones. • It would likely create ambiguity regarding the zones intent. 		

- Would likely result in provisions which are too enabling and which could result in unintended consequences and associated adverse environmental, social, economic, and cultural effects.

8.3.4 Option 4: Proposed NIEP SPZ

Option 4: Introduce a SPZ which focuses on enabling primary production, primary production innovation, and complementary activities.

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Enables a range of activities specifically related to primary production to ensure the zone provides for the anticipated outcomes of interconnected activities to co-locate within the same area and to leverage business innovation. • Will provide for existing consented activities, and recently lodged resource consent applications, and enable the establishment of new activities where these meet the above intent. • The provisions will ensure that the intent is clearly defined and specifies what is appropriate within the zone, addresses ambiguity for plan users and identifies incompatible land use activities to be avoided. • Adequacy responds to issues of incompatible land uses, reverse sensitivity and the interface with the adjoining zones by enabling primary production related activities, which better aligns with the surrounding area. • Adequacy manages the risks of establishing development activities in areas which require environmental protection, including terrestrial, freshwater/wetland and ecological corridors. 	<ul style="list-style-type: none"> • Potential for objection from adjoining landowners and key interest stakeholders. The NIEP SPZ has not had the benefit of being able to be tested or to receive feedback through the DDP consultation and engagement process. • May not provide the same level of flexibility or certainty for activities which are not directly related to primary production or ancillary activities not specifically provided for as a more enabling SPZ would. • Some potential for conflicts and reverse sensitivity between incompatible activities are possible due to the anticipated increase in development and permitted land uses within the NIEP SPZ at the zone boundary. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Limiting to primary production related 	<ul style="list-style-type: none"> • There is limited risk of acting as the proposed provisions give effect to the National Planning Standards and relevant regional policy direction on the desired outcomes for SPZ. • Having a targeted NIEP SPZ is also consistent with how Council manages activities which cannot ‘neatly’ fit within existing zone provisions and how other unique developments are managed in other second-generation RMA plans. • Retaining the status quo would result in ongoing consenting requirements for anticipated activities which could potentially undermine the zone intent. • There is some risk associated with the NIEP provisions not being open to feedback through the DDP consultation and engagement process.

<ul style="list-style-type: none"> • Adequately manages risks associated with out of centre commercial, residential, retail, visitor accommodation and mixed-use activities by avoiding activities which would detract from Ngawha and Kaikohe. • Will enable a cohesive and integrated approach to development through '<i>Ngawha Innovation and Enterprise Park Design Guidelines</i>' to direct development to those areas of the SPZ most able to absorb further changes, and away from areas that should be protected from development. • Does not undermine the integrity of the Rural Production zone (or other industrial zones) by utilising zones that would otherwise be a poor fit for the site context. • Enables activities not generally anticipated to be tested through the resource consent process to determine if they meet the intent of the NIEP, can appropriately manage adverse effects, and in particular, can be undertaken in a manner which does not undermine Kaikohe or Ngawha or other zones. <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Provides significant economic growth opportunities of the District and Region, while avoiding the establishment of activities which would compromise the functioning of local communities. 	<p>activities may deter some economic development opportunities investing, due to not understanding if their proposed activity would fit within the zone intent without detracting from Kaikohe or Ngawha.</p>	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • Provisions designed to drive positive outcomes for the NIEP will be more effective at achieving the objectives than the operative provisions. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Although the SPZ provisions are new, they have been developed to be consistent with the PDP architecture of other zones and provisions, and general requirements which should be familiar to plan users. 	

<ul style="list-style-type: none"> • Tailoring provisions to target key areas where there are known issues (e.g. reverse sensitivity, managing the interface with existing zones and limiting the extent of ancillary activities) is a more effective way of managing the site to ensure cohesive and strategic development can occur. • Appropriately responds to constraints on site with more certainty on what can occur, whilst addressing the issues of reverse sensitivity, and avoiding activities with inappropriate adverse effects. • The NIEP is a limited site area that is geographically constrained, with the SPZ enabling provisions that are specific to the site characteristics and would reduce the need for assessment of these with any consenting requirements unless it is considered necessary. 	<ul style="list-style-type: none"> • The SPZ creates a bespoke set of provisions which clearly identifies the intent of the zone through the establishment of a cascade of activities to enable an appropriate level of primary production and ancillary activities with an integrated approach to development through the '<i>Ngawha Innovation and Enterprise Park Design Guidelines</i>'. • The provisions limit the overall scale and design to appropriately respond to site constraints and avoid areas of the site that require protection. • There is no clear 'simple fit' with existing zone provisions and other zones could unnecessarily constrain development locations, form and intensity. • It will assist Council with approaching any consents within the Zone consistently and independent of broader issues that do not relate to the site, resulting in the ability to better maintain plan integrity.
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Overall evaluation

On balance this option is considered the most appropriate option to achieve the objectives because:

- The proposed SPZ chapter responds to the direction of higher order documents, specifically the Planning Standards by meeting the specific criteria to establish a SPZ. In particular, the proposal will result in local, district and regional economic benefits. Additionally, the SPZ simplifies and streamlines any consenting requirements, has been determined providing greater certainty for the NIEP area and managing potential conflicts than existing PDP provisions. Finally, the site and anticipated development is considered to be unique to the geographical location and the SPZ addresses the specific site characteristics in a way that other planning tools, such as spatial layers, would be impracticable to address in this instance.
- The plan provisions clearly establish the NIEP intent and provide for development which meets the outcomes sought, whilst protecting significant freshwater, terrestrial and landscape values, requiring the appropriate provision of infrastructure, appropriately managing transport effects (with triggers for infrastructure and transport upgrades), avoiding effects on towns and centres (in particular Kaikohe and Ngawha), and managing reverse sensitivity and effects on the surrounding environment.
- The provisions will enable additional opportunities for economic development in close proximity to existing urban environments to support the long-term viability of these communities and the District.
- The proposed NIEP SPZ responds to the site's constraints whilst proving more certainty on what can occur and where built form is appropriate.
- The provisions are based on well understood activity descriptions and controls that are already in use in other zones, and align with the definitions of the PDP and National Planning Standards so the provisions should be clear and easy to implement.

9 Summary

An evaluation of the proposed objectives and provisions for the NIEP SPZ has been carried out in accordance with section 32 of the RMA. It has also identified and assessed other reasonably practicable options for achieving the objectives. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The proposed NIEP SPZ responds to the ecological and landscape constraints for proposed development within the site.
- The NIEP SPZ provisions provide more certainty on what development can occur within the zone, while ensuring the provisions manage the nature and character of the zone and adverse effects on adjacent zones.
- The NIEP SPZ provisions provide a clear link to supporting activities directly relating to primary production activities, including production, processing, research and training to co-locate to foster overall innovation and development opportunities.
- The SPZ discourages activities which are not compatible, do not meet the zone intent or could detract from the well-being of nearby communities.
- The NIEP SPZ provides for cohesive and integrated development opportunities for the SPZ through the implementation of *'Ngawha Innovation and Enterprise Park Design Guidelines'* and through provisions which further manage subdivision, use and development on the site character and quality values.
- The SPZ will provide for significant socio-economic opportunities for both the local communities of Kaikohe and Ngawha and the wider District.
- Many of the provisions utilise provisions in other zones of the PDP and Part 2 – District Wide Standards for additional plan consistency, which enables consistency for plan users.
- The use of clear and specific rules, thresholds and matters for consideration (policies and matters of discretion) provides clarity and certainty for landowners, developers and Council.
- The proposal is consistent with higher policy documents.
- The proposed provisions are evaluated against three alternative options in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with section 32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to the NIEP SPZ in the PDP.

Note: There are some outstanding matters that will need to be addressed through submissions, such as subdivision and development occurring in certain areas of the NIEP SPZ. This information was not provided by FNHL within the required timeframe and therefore could not be fully considered at the time of completing the PDP. One of the reasons for this is tenants are still being sought for the park, and different ideas and concepts are still being considered. This has limited the PDP to only identifying one precinct within the park, due to certainty over that area of development.

It is not considered that these outstanding matters should prevent the inclusion of the NIEP SPZ in the PDP, as it is important to ensure that the community and adjoining landowners have the opportunity to submit on the development of this special purpose zone through the statutory plan making process.

10 Appendices

- 10.1 Site and infrastructure investigation report prepared by Cook Costello 2019**
- 10.2 Site suitability engineering plans prepared by Cook Costello 2019**
- 10.3 Addendum to site suitability report prepared by Cook Costello 2021**
- 10.4 Archaeological survey and assessment of effects prepared by Time Depth Enterprise 2019**
- 10.5 Assessment of ecological values prepared by NZ Environmental 2019**
- 10.6 Assessment of ecological values prepared by NZ Environmental 2019**
- 10.7 Assessment of ecological values prepared by NZ Environmental 2021**
- 10.8 Assessment of ecological values prepared by NZ Environmental 2022**
- 10.9 Landscape and visual amenity assessment prepared by Simon Cocker Landscape Architecture 2019**
- 10.10 Memorandum assessment of landscape values prepared by Simon Cocker Landscape Architecture 2021**
- 10.11 Ngata Rangi cultural impact assessment report**
- 10.12 Social and Economic assessment report prepared by Strateg.ease 2021**
- 10.13 Thresholds for Wallis Road intersection upgrade and State Highway 12 intersection capacity prepared by Traffic Planning Consultants 2021**