Section 32AA Further Evaluation - Plan Change 58 (PC58) - Updated 14 February 2024

Section 32AA of the RMA requires a further evaluation for any changes that have been made to, or are proposed for, a proposal since the evaluation report for the proposal was completed. The further evaluation must be undertaken in accordance with section 32(1) to (4) and at a level of detail that corresponds to the scale and significance of the changes.

The first s32 evaluation report was included in the Plan Change Request for PC58 dated 22 December 2022. The first s32AA evaluation was included in the Plan Change Request Addendum dated 30 November 2023.

This further evaluation under s32AA builds on the previous evaluations and evaluates the changes to the plan provisions which are proposed in the Applicant's evidence for the PC58 hearing (refer to Attachment 1 of Ben Inger's evidence dated 14 February 2024).

This evaluation does not include minor wording changes to improve clarity or consistency, or any consequential amendments, as their effects are not measurable.

1.0 SECTION 32(1)(a) FURTHER EVALUATION

Section 32(1)(a)

Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act

Further Changes	Assessment
Delete the proposed new Objective GIZ-O2.	Objective GIZ-O2, which was a proposed new objective, relates to amenity values along Key Transport Corridors. There are no Key Transport Corridors proposed within the PC58 site (as defined in the notified provisions), nor are there any Key Transport Corridors adjacent to the PC58 site. The objective is not required for PC58 to achieve the purpose of the Act.

2.0 SECTION 32(1)(b) FURTHER EVALUATION

Section 32(1)(b) requires examination whether the provisions in the proposal 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.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
1. Delete references to Key Transport Corridors and associated standards in policy GIZ-P5, policy GIZ- P6, rule GIZ-R2(2), GIZ-R2(5), rule GIZ-R2(9), rule GIZ-R2(11), matter of discretion GIZ-R3(c), principal reason GIZ-PR2 and the definition for 'Key Transport Corridors' in Part B.	Retain the notified provisions.	 Benefits Environmental The changes will provide better certainty on the expected development outcomes within the GIZ. Economic The notified provisions are unnecessary and retaining them may cause confusion given there are no Key Transport Corridors within or adjacent to the PC58 site. Clearer plan provisions may avoid potentially costly disputes over expected outcomes at resource consent stage. Social No social benefits have been identified. Cultural No cultural benefits have been identified or are known to exist. Costs Environmental No economic costs have been identified. Economic No social costs have been identified. Social No cultural costs have been identified. Social No cultural costs have been identified. Social No cultural costs have been identified or are known to exist. 	There are no Key Transport Corridors proposed within the PC58 site, nor are there any Key Transport Corridors adjacent to the PC58 site. The notified provisions are unnecessary and retaining them may cause confusion.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
2. Change the proposed new Policy GIZ-P4 so that it relates to industrial and non-industrial activities in the GIZ and to refer to adverse amenity effects being avoided or mitigated, rather than contained within the GIZ boundaries.	Retain the notified wording.	 Benefits Environmental Better certainty on the expected development outcomes within the GIZ. Clearer requirement for effects on amenity within other zones to be avoided or mitigated. Economic Requiring all effects to be contained within the GIZ would be unduly constraining and would limit activities that could be established. It would also be inconsistent with the approach for other Industrial zones in the district. Having a clearer and consistent relationship between the policy and rules may avoid potentially costly disputes over expected outcomes at resource consent stage. Social Clearer requirement for effects on amenity within other zones to be avoided or mitigated. Cultural No specific issues were raised regarding the matters that this policy addresses in the Cultural Values Assessment so there are no known cultural benefits. Costs Environmental Effects, such as visual/landscape and noise, won't be fully contained within the GIZ. Economic No social costs have been identified. Social No specific issues were raised regarding the matters that this policy addresses in the Cultural Values Assessment so there are no known cultural benefits. 	The changes will achieve better alignment between the policy and rules and will more clearly establish the intended development outcomes and avoidance and mitigation requirements.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
3. Change the activity status for industrial activities that require an air discharge consent from Discretionary to Non- Complying (GIZ- R1(4)).	Retain the notified provisions (i.e. Discretionary Activity status).	 Risks of Acting or Not Acting The risk of not acting (i.e. retaining the notified wording) is inconsistency between the policy and rules, as well as inability to practically achieve the policy outcomes. The notified wording of the policy is inconsistent with the rules and with the noise and landscape evidence and with the approach for other Industrial zoned areas in the district which adjoin non-industrial zones. It is not practical to expect that all effects (such as noise and visual/landscape effects) can be fully contained within the GIZ. For example, noise from the GIZ is proposed to be measured at the notional boundary in the Rural Zone. The amended wording more appropriately requires that effects on amenity within other zones are avoided or mitigated. Benefits Environmental Better certainty on the likely development outcomes due to NC activity status discouraging these activities in the GIZ. Reduced potential for reverse sensitivity effects. Less likelihood of activities which could cause adverse air quality effects establishing in the GIZ. Economic Could give greater confidence for industrial/semi-commercial activities which are sensitive to air discharges to locate on the PC58 land. Social No specific issues were raised regarding air discharges in the Cultural Values Assessment so there are no known cultural benefits. 	The reduced likelihood of reverse sensitivity effects is a key reason for this change. The change will discourage resource consent applications for industrial activities that require an air discharge consent and reduce the likelihood of these types of activities being established.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
 Include a permitted activity rule for ancillary activity to a permitted activity (GIZ-R1(1)). 	Retain the notified provisions. <u>Or</u> , Amend the definitions for the various activities which are permitted to also include ancillary activities.	 Costs Environmental No environmental costs have been identified. Economic There are potentially economic costs due to reducing the areas where these types of activities could locate within the district. Social There are potentially social costs due to reducing the areas where these types of activities could locate within the district, such as longer trips for goods and employment. Cultural No specific issues were raised regarding air discharges in the Cultural Values Assessment so there are no known cultural costs. Risks of Acting or Not Acting The risk of not acting is the increased likelihood of resource consent applications being made for these types of activities if the rezoning is approved and a Discretionary Activity status is retained. Benefits Environmental No environmental benefits have been identified. Economic Many of the permitted activities which are listed in the rules commonly have ancillary uses, such as supporting offices or retail. While the definition for industrial activity in the National Planning Standards covers ancillary activity, the definitions for other activities which are permitted in the GIZ under PC58 do not. There are economic benefits with ensuring activities can colocate on a single site, including reduced financial costs and greater efficiencies associated with land, buildings, car parking and employment. Including the rule would avoid the financial cost that would be incurred if resource consents were required for ancillary activities. The resource consent process could also result in 	The principal benefits of the change are the financial and social benefits of enabling activities which have an ancillary component to co- locate on a single site with a principal activity, and the improved certainty and reduced costs that will arise from making ancillary activity a Permitted Activity. The change has several benefits and no identified costs.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		 delays. The financial cost and uncertainty might affect people's confidence to invest. Social There are social benefits with enabling ancillary activities to colocate with principal activities on a single site, including improved access to services. <u>Cultural</u> No cultural benefits have been identified or are known to exist. 	
		Costs Environmental • No environmental costs have been identified. Economic • No economic costs have been identified. Social • No social costs have been identified. Cultural • No social costs have been identified.	
		No cultural costs have been identified or are known to exist. Risks of Acting or Not Acting There are no risks of acting. The risks of not acting include the potential for a proliferation of resource consents for ancillary activities, with associated financial costs, delays and uncertainty.	
5. Include a gross floor area limit for cafes and takeaway food outlets (GIZ-R1(1)(I)).	Retain the notified provisions (i.e. with no gross floor area limit).	 Benefits Environmental The change to the rule will ensure that cafes and takeaway food outlets are at a scale that provides a complimentary service to other activities within the GIZ, which is the intention. Economic More land within the GIZ is likely to remain available for industrial activities, which is the primary purpose of the zone. Social There will continue to be social benefits of enabling complimentary café and takeaway food outlets for workers and visitors within the GIZ. Cultural No cultural benefits have been identified or are known to exist. 	The change to the rule will ensure that cafes and takeaway food outlets are at a scale such that they provide a complimentary service to other activities within the GIZ, which is the intention. The change has several benefits and no identified costs.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
6. Amend standards for fencing and retaining walls (GIZ-R2(4)), service areas and outdoor storage areas (GIZ-R2(8)) and general site layout (GIZ-R2(9)).	Retain the notified provisions.	 Costs Environmental No environmental costs have been identified. Economic No economic costs have been identified. Social No social costs have been identified or are known to exist. Risks of Acting or Not Acting There is precedent for a 250m² gross floor area limit in other district plans. Food and beverage outlets are permitted in the Industrial Zone under Hamilton City's District Plan with a GFA limit of 250m². Food outlets are permitted in the GIZ under the Proposed Waikato District Plan with a GFA limit of 250m². Food outlets are permitted in the GIZ under the Proposed Waikato District Plan with a GFA limit of 250m². Benefits Environmental The amended fencing and retaining wall standards delete the requirement for fencing along a non-industrial zone to be visually permeable. Requiring permeable fencing and retaining would preclude the use of fencing to assist with screening/softening the visual and landscape effects of industrial activities. The amendments apply the same fencing and retaining wall standards (excluding utility reserves) where the environmental outcomes being sought are similar. Economic Amendments to the fencing and retaining wall, service and outdoor storage area and general site layout rules will improve certainty and clarity of the plan provisions which may reduce future resource consent costs. The amended service and outdoor storage area and general site layout rules clarify that the rules do not apply to storage or machinery or other equipment where the goods are available for 	The changes will improve the certainty and clarity of the plan provisions, achieve better environmental outcomes, particularly along the boundaries of non-industrial zones and reserves and ensure that sale and hire activities can locate in the GIZ without unnecessary limitations. The changes will have no/minimal costs.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		 sale or hire. This will ensure that sale and hire activities can locate in the GIZ without unnecessary limitations. Social There are potential amenity benefits for non-GIZ neighbours and reserves due to the amended fencing and retaining wall standards. Cultural No cultural benefits have been identified or are known to exist. Costs Environmental No environmental costs have been identified. Economic No economic costs have been identified. Costs to comply with the amended standards are unlikely to be substantially different. Social No social costs have been identified. Cultural No social costs have been identified. Social No cultural costs have been identified. Environmental costs have been identified. 	
7. Amend the landscaping standards for the ADAP, including by incorporating the cross sections for the landscape buffer	Retain the notified provisions. <u>Or.</u> Include the two alternative cross sections which were originally prepared.	 Benefits Environmental The amended landscape buffer cross sections will assist in managing effects at the interface between the GIZ and the Rural Zone. Adding a requirement that the landscape buffers must be implemented at the time of subdivision reflects the original 	The amended provisions will ensure that an effective buffer is provided at the interface between the GIZ and the Rural Zone. The changes have

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
(Appendix 9.6.3, Part C – Maps and Plans).		 intention of the rule and will ensure the landscape buffers are established as early as possible to maximise growth. Provision for fast-growing exotic trees, as well as native trees, will assist in achieving effective buffering as quickly as possible. The proposed landscape design is supported by the Applicant's landscape architect as the best option for the landscape buffer. Economic The amended provisions, including the inclusion of cross sections in the ADAP, achieve an appropriate level of certainty for future resource consent applicants and neighbours. Showing one landscape outcome on the cross sections, rather than two, provides better clarity in the plan provisions and will improve plan administration. The proposed landscape design will have lower maintenance costs relative to the other option that was also previously considered. Social The rule continues to refer to preference for native species, while recognising some fast-growing exotic trees may also be appropriate for buffering. Due to the use of native species and potential for its use by native fauna, the proposed landscape design better achieves the recommendations in the Cultural Values Assessment than the other option that was also previously considered. 	several benefits and minimal costs.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		 Costs Environmental • No environmental costs have been identified. Economic • There are economic costs associated with the land required for the landscape buffer, however, those costs are no different due to the proposed changes. Social • There are no identifiable social costs. Cultural • The Cultural Values Assessment expresses preference for use of native species. That preference continues to be reflected in the rule, although the cross sections and rule also anticipate some fast-growing exotic trees to achieve appropriate buffering. Risks of Acting or Not Acting There is no risk of acting. The cross sections have been prepared by a landscape architect so the information is not uncertain or insufficient. 	
 Amend the ADAP by removing the 'Potential Future Vehicle Connection to SH26' and the 'Access to Stormwater Management Reserve and Potential Future Road' (Part C – Maps and Plans). Delete associated building envelope standards (Rule 3.2.1). 	Retain the notified provisions.	 Benefits Environmental The submission by Waka Kotahi states a strong preference for all access to be via Avenue Road North and raises concerns that the potential future road connection to SH26 would have adverse effects on the state highway. There are environmental benefits for neighbours, one of whom has raised concerns about adverse effects (such as traffic noise) from a future connection to SH26. Economic There is an economic benefit of removing the potential future road and associated building envelope standards from the ADAP as it will remove a constraint that would have existed over the land that it was shown over. There are cost savings if access to the ADAP is from a single location (i.e. the existing intersection on Avenue Road North). A 	There is no basis for retaining the potential future road connection to SH26 given Waka Kotahi's view that it would have adverse effects on the state highway and their strong preference for access via Avenue Road North. Deleting the potential future road connection to SH26 connection is also consistent with MPDC's latest position (advised to the Applicant via email) and would addresses concerns raised by a

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
	practicable options	 of acting or not acting) future connection to SH26, including a new intersection on the state highway, would be likely to be expensive to build. Social The removal of the potential future road connection will reduce potential amenity effects on neighbouring dwellings and properties that would have otherwise required mitigation if access was provided from SH26 in future. Cultural No cultural benefits have been identified or are known to exist. Costs Environmental There are no identifiable environmental costs. Opportunities for pedestrian and cycle connections to SH26 are not precluded and will still be required to be considered in accordance with Appendix 9.6.2. Economic There could be higher economic costs if a road connection to SH26 is required in future which is not planned for now, for example if buildings are constructed in the interim either over or near the land that would be required. Social There could be higher social costs if a road connection to SH26 is required in future which is not planned for now, for example if buildings are constructed in the interim either over or near the land that would be required. 	provisions submitter who owns a neighbouring property.
		 No cultural costs have been identified or are known to exist. 	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
9. Include water supply for firefighting in the water requirements for the ADAP and a note which references SNZ PAS 4509:2008 (Appendix 9.6.4).	Do not include any specific provisions for firefighting supply.	Risks of Acting or Not Acting The risk of acting (i.e. of identifying the potential future road connection to SH26 on the ADAP) is that it would be contrary to Waka Kotahi's strong preference for access via Avenue Road North rather than SH26 and the lack of investigations or analysis by MPDC to substantiate it's need. Identifying the potential future road connection to SH26 could establish an unfounded expectation that it will be provided in future. It could also result in an unnecessary constraint over the land. In this context, the risk of not acting is comparatively low. Benefits Environmental • No environmental benefits have been identified. Economic • There are potential economic benefits to ensuring firefighting water supply is provided, including protection of assets from damage. Social • No social benefits have been identified. Cultural • No cultural benefits have been identified.	The change will ensure that water supply for firefighting is a design consideration for the ADAP.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		Costs	provisione
		Environmental	
		There are no known environmental costs to providing firefighting	
		water supply.	
		Economic	
		• There may be economic costs associated with provision of firefighting water supply infrastructure, however, there are unlikely to be additional costs due to the proposed change as firefighting water supply is a matter that would typically be addressed as part of subdivision and development regardless.	
		 Social No social costs have been identified. 	
		Cultural	
		 No cultural costs have been identified or are known to exist. Risks of Acting or Not Acting 	_
		There would potentially be a risk of acting if the amended provisions	
		referenced a specific standard which might change in the future	
		and/or if the amended provisions could conflict with the	
		requirements through another process, such as a building consent.	
		The proposed change is broadly framed to avoid those risks.	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
10. Change standards for Transportation Works to require upgrades to the Avenue Rd North/Magistrate Ave intersection, amend standards for new roads/paths and pavement requirements for Magistrate Avenue (Appendix 9.6.1).	Retain the notified provisions.	 Benefits Environmental The changes will improve safety for vehicles, pedestrians and cyclists. Economic There are potential economic benefits to the alternative pavement approach of providing a financial contribution (if required) in lieu of retrofitting of the existing pavement. Social No social benefits have been identified. Cultural No cultural benefits have been identified or are known to exist. Costs Environmental Environmental costs associated with the additional transport works are likely to be minimal. Economic There will be economic costs associated with the design and construction of the additional transport works. Temporary delays to local and through traffic over the construction period for the upgrade of the Avenue Rd North/Magistrate Ave intersection. Social No social costs have been identified. Cultural No social costs have been identified. Cultural Temporary delays to local and through traffic over the construction period for the upgrade of the Avenue Rd North/Magistrate Ave intersection. Social No social costs have been identified. Cultural No cultural costs have been identified or are known to exist. 	The changes will improve road safety outcomes. This outweighs the additional economic costs to construct the additional transport works.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
11.Add new definitions for 'height in relation to boundary' and 'utility reserve' (Section 15).	Do not include definitions for these terms.	Benefits Environmental • No environmental benefits have been identified. Economic • The changes will improve certainty and clarity of the plan provisions which may reduce future resource consent costs. Social • No social benefits have been identified. Cultural • No cultural benefits have been identified or are known to exist. Costs Environmental • No environmental costs have been identified. Economic • No economic costs have been identified. Social • No social costs have been identified. Social • No cultural costs have been identified. Cultural • No cultural costs have been identified or are known to exist. Risks of Acting or Not Acting There are no risks of acting. The risks of not acting are that the plan provisions may lack certainty and clarity.	The changes will improve the certainty and clarity of the plan provisions. The definition for 'height in relation to boundary' is a mandatory definition from the National Planning Standards.