

APPENDIX 6: SECTION 32AA REPORT

Section 32AA Statutory Requirements

Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed.

(1) *A further evaluation required under this Act—*

- a. *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- b. *must be undertaken in accordance with section 32(1) to (4); and*
- c. *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- d. *must—*
 - i. *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - ii. *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

(3) *In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*

The Section 32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments. The amendments to the Plan Change 75 (PC75) provisions made since the Section 32 evaluation are refinements to the provisions in response to a point raised by submitter 4206 - Waka Kotahi. The changes do not challenge the structure or intent of the TRMP. The scale and degree of the assessment below reflects the 'refinement' amendments against the Section 32AA considerations.

Plan Change Topic 75.17 — Zone Rules

Submission 75.17.6-1 Waka Kotahi - Section 32AA Assessment

The proposed PC75 seeks to provide additional land for residential housing, encourage intensification and ensure a variety of densities within an area of land in Brightwater referred to as the proposed Brightwater Development Area. The proposed Brightwater Development Area was identified in the

2019 and 2022 Nelson Tasman Future Development Strategies as an urban growth area. PC75 also seeks to correct the zoning of two parcels of land on Waimea West Road.

The proposed Brightwater Development Area is located on the southwestern fringe of the Brightwater Township, located between Pitfure Stream, State Highway 6 (SH6), council reserve land (the Lord Rutherford Memorial Reserve), and an established residential area.

The submitter, Waka Kotahi supports the Plan Change in part however they raise concerns in Submission 75.17.6-1 with regards to the transport related effects of the development on the State Highway (SH6) and Lord Rutherford Road requesting the Rural 1 land is deferred for transport related effects. Waka Kotahi also submitted that more information to manage potential cumulative impacts could be achieved through a provision requiring more information at the resource consent stage in the form of an Integrated Transport Assessment (ITA).

This assessment is to meet the requirements of Section 32AA of the RMA to carry out further evaluation for any changes that are to be made to the provisions since they were previously evaluated. In particular, this evaluation is carried out in accordance with Section 32AA (d) (ii) as part of the decision-making record. This Section 32AA evaluation builds on the original Section 32 content and structure.

Description of Changes:

In response to points raised in submission point 75.17.6-1 by Waka Kotahi, a new issue statement and new provisions are recommended. These include a requirement for an Integrated Transport Assessment (ITA) to be undertaken for any subdivision in the proposed Brightwater Development Area. A definition for an ITA is also proposed.

The following changes are recommended;

6.16.1 Issues

6.16.1.8 *Potential adverse traffic and safety effects on the transport network including State Highway 6 and Lord Rutherford Road from the Brightwater Development Area.*

6.16.3 Policies

6.16.3.9 *To manage any potential traffic and safety effects on the transport network including on SH6 and Lord Rutherford Road from residential development of the Brightwater Development Area.*

19.2 Information Required for Land Use or Subdivision Consent Applications

19.2.2.7 (e)

(iv) *An Integrated Transport Assessment to understand, assess and mitigate the potential traffic and safety effects (including on Lord Rutherford Road North and SH6 Intersection) to be prepared by a transport planner, transport engineer or other suitably qualified professional.*

Commented [PR1]: I don't think we need to link it specifically to a rule. – subdivision already has matters of control set out. With 16.3.3.3 (13) being particularly relevant. Although (outside of this process it could be broadened beyond just the 'road network').

Commented [PR2]: I do feel this information would already be sought through a subdivision application and do wonder about adding another item to the TRMP. However overall I do support including it here

Chapter 2 – Meaning of words

Integrated Transport Assessment – *Integrated transport assessments consider the proposed impact of a development on the transport network and the effectiveness of any potential mitigation measures to address adverse impacts. The ITA should include a review of relevant planning documents and infrastructure plans, needs to consider all modes of transport and should incorporate methods of reducing reliance on private cars.*

Effectiveness and Efficiency:

The recommended amendments retain the approach of the Plan Change. The change however seeks to further address concerns around traffic and safety related effects on the transport network from the proposed Brightwater Development Area. It seeks an Integrated Transport Assessment which will assess the proposed impact of the proposed Brightwater Development Area on the transport network. It will also assess the effectiveness of any potential mitigation measures to address adverse traffic and safety effects on the network.

The effectiveness and efficiency of the plan change approach is improved by the recommended changes to the provisions. In particular this is due to:

- a) Identification as an issue the potential traffic and safety effects of the proposed Brightwater Development Area on the transport network including SH6 and Lord Rutherford Road.
- b) Policy direction for the management and mitigation of traffic and safety effects on the transport network from the proposed Brightwater Development Area.
- c) A requirement for additional information to be provided for all subdivisions in the form of an Integrated Traffic Assessment for the proposed Brightwater Development Area.
- d) Clarification on the meaning of an Integrated Transport Assessment through the inclusion of a definition on the meaning of an Integrated Transport Assessment.

Options and Appropriateness in Achieving the Objective of the Plan Change:

The range of options considered are set out in the Section 32 Report Evaluation. This recommended amendment supports Option 1 within the Section 32 Report Evaluation. The objective of the recommended Option 1 is to provide for housing and encourage intensification and a variety of densities within the proposed Brightwater Development Area. The proposed amendment and recommendation in this s42a Report still achieves the objective. It identifies an additional issue and potential adverse impacts on the transport network and allows for improved outcomes to be achieved through the requirement of mitigation measures where potential adverse effects are identified through an Integrated Transport Assessment. The recommended amendment to the approach is therefore considered to be the most appropriate way to achieve the objective of the plan change.

Costs and Benefits associated with implementing the provisions:

The recommended amendment achieves the benefits set out in the Section 32 evaluation. The amendment will result in an additional monetary cost to the developer as they will need to seek a suitably qualified professional to undertake an Integrated Transport Assessment.

In summary the relevant benefits and costs are:

Benefits

- a) The proposed provisions remain enabling for subdividing.
- b) This approach ensures a well-integrated development that minimises adverse effects on the surrounding transport network.
- c) The application of an Integrated Transport Plan for the proposed Brightwater Development Area has the following benefits:
 - Addresses a potential issue as highlighted by Waka Kotahi
 - Ensures that potential adverse effects to the transport network are addressed and where required mitigated prior to development commencing.
 - Ensures the proposed Brightwater Development Area does not have adverse traffic and safety related effects on SH6 which is critical/ lifeline infrastructure. It ensures the protection of this critical infrastructure.

Costs

- a) The potential costs or negative effects with regards to the additional traffic generated from the development on SH6 and Lord Rutherford Road and the adverse effects this might have on traffic and safety including the State Highway which is critical infrastructure.
- b) Additional monetary cost to the developer as they will need to seek a suitably qualified professional to undertake an Integrated Transport Assessment.

The benefits are considered to outweigh the identified costs due to the improved knowledge and response to transport related issues. The cost is further mitigated by the fact that equivalent transport related assessments would have already been sought through the subdivision process to understand transport related effects.

Risk of Acting or Not Acting Based on Adequacy of Information:

The information obtained from the submission, including further discussions with the Council's Transport Planning Consultant has improved the available information and supported the position to include an Integrated Transport Assessment as an information requirement for subdivision approval. Overall, the level of risk of acting based on the information obtained is low and suitable for the recommended approach.

Opportunities for economic growth and employment:

The recommended amendment does not have an impact on economic growth and employment beyond that specified in the Section 32 Report.