



Section 32 of the RMA

This is one of a series of fact sheets developed to provide an overview of the Resource Management Amendment Act 2013, the Local Government (Auckland Transitional Provisions) Amendment Act 2013, and the Local Government Official Information and Meetings Amendment Act 2013.

This fact sheet outlines the changes to section 32 of the Resource Management Act 1991 (RMA). Section 32 requires an evaluation to accompany a policy statement, plan, plan change, regulation, or standard, which assesses:

- » the appropriateness of objectives in achieving the purpose of the RMA
- » the appropriateness of the policies and methods (provisions) in achieving the objectives in terms of their efficiency and effectiveness.

All section references are to the RMA unless stated otherwise.

When these provisions take effect

The changes to section 32 take effect three months after Royal Assent of the legislation except for the purposes of preparing the first Auckland Unitary Plan, when the changes take effect on the day after Royal Assent. This means that any proposal notified after the date that the section 32 provisions take effect will need to be accompanied by a section 32 evaluation report that meets the new provisions.

For further evaluations:

- » Where a proposed policy statement or plan is at the stage where the further submission period has not yet closed when the section 32 changes take effect, those councils will need to meet the new requirements for further evaluations.

- » If a proposed policy statement or plan is at or past the last day for making further submissions at the time the section 32 changes take effect, the further evaluation is to be carried out according to the previous section 32 requirements.

Why were changes needed?

The amendments address concerns about:

- » lack of high-quality information to inform planning decisions
- » lack of direction on what is required in section 32 evaluations
- » planning that does not adequately consider the positive economic and social outcomes of objectives, policies or methods.

How has the RMA been amended?

The current section 32 has been replaced with new sections 32 and 32AA. The new section 32 sets out the requirements for preparing and publishing evaluation reports. New section 32AA sets out the requirements for undertaking and publishing further evaluations previously included in the former section 32(2).

An evaluation report assesses a 'proposal'. In relation to preparing the initial evaluation, a proposal means, "a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act". For further evaluations, a proposal means, "a proposed statement, plan, or change for which a further evaluation must be undertaken under this Act".

The new sections do not change the overall purpose of section 32 which is to ensure rigour in plan decision-making through requiring a critical evaluation of the objectives, policies and methods of proposals. The new sections provide greater guidance and specificity to councils about what is required in section 32 reporting, particularly for the assessment of costs and benefits.

Scale and significance

Section 32(1) states what an evaluation report must examine and contain. The section now requires that evaluations must contain a level of detail that corresponds to the scale and significance of the effects anticipated by the proposal. This ensures the detail in the evaluation reports is tailored to the likely effects anticipated from implementing the proposal.

Assessing the efficiency and effectiveness of provisions

New section 32(2) sets out the requirements for assessing whether the provisions will meet the objectives in the most appropriate way. As noted below, these provisions give more specificity to how an evaluation under section 32 should be carried out.

1. **Benefits and costs of effects:** Section 32 now specifies that the assessment of the benefits and costs relates specifically to environmental, economic, social and cultural effects anticipated from the implementation of the provisions.
2. **Economic growth and employment opportunities:** As part of the assessment of benefits and costs, the section now requires an assessment of the opportunities for providing or reducing economic growth and employment.
3. **Quantification:** Benefits and costs are now required to be quantified, where practicable. This seeks to ensure decision-makers have the best information on which to make decisions.

Further evaluations

The requirements for undertaking further evaluations are set out in new section 32AA. For a further evaluation, section 32 matters need only be considered for the changes that have been made or will be made to a proposal since the first evaluation report was completed. A further evaluation may be carried out by producing an evaluation report, or it may be documented as part of the overall decision-making process.

Amending proposals

New section 32(3) sets out what needs to be considered if a proposal amends an existing or proposed standard, statement, plan, change or regulation. When evaluating whether the new provisions achieve the objectives, the evaluation must include the new objectives and any objectives that remain and are relevant from the existing standard, statement, plan, change or regulation.

Responsibilities for evaluation reports now throughout the RMA

The requirements for who must carry out an evaluation and at what point of the process have been removed from section 32 and put into the relevant provisions in the RMA. For example, the requirement to carry out the initial and further section 32 evaluations to support a plan or policy statement is now contained in Schedule 1 (Preparation, change, and review of policy statements and plans) Clause 5 and Clause 10, respectively.

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