



Proposed Plan Change 1 & Variation 1 – Plan Rationalisation **TAIRĀWHITI RESOURCE MANAGEMENT PLAN**

**Background Report & Evaluation Under Section 32
of the Resource Management Act 1991**



CONTENTS	Page
EXECUTIVE SUMMARY	1
1. INTRODUCTION	3
1.1 PURPOSE OF REPORT	3
1.2 THE TAIRĀWHITI PLAN MERGING AND RATIONALISATION PROCESS.....	4
1.2.1 <i>Drivers for the combined Tairāwhiti Plan</i>	4
1.2.2 <i>The purpose of the Tairāwhiti Plan rationalisation process</i>	5
1.2.3 <i>Council process to merge plans then review substance</i>	5
1.3 STRUCTURE OF THE TAIRĀWHITI PLAN	6
1.4 REPORT STRUCTURE	7
2. STATUS QUO AND PROBLEM STATEMENT	10
2.1 CONTEXT.....	10
2.2 GISBORNE FORMER RMA PLANNING FRAMEWORK	10
2.3 CURRENT ISSUES WITH FORMER RMA PLANNING FRAMEWORK	11
3. DEVELOPMENT OF MERGED TAIRĀWHITI PLAN	13
3.1 OPTIONS CONSIDERED TO DEVELOP TAIRĀWHITI PLAN	13
3.1.1 <i>Status quo</i>	13
3.1.2 <i>Comprehensive review and integration of all plans</i>	13
3.1.3 <i>National planning standards and streamlined planning process</i>	14
3.1.4 <i>Two stage process – merge plans then undertake rolling reviews</i>	15
3.2 PREFERRED OPTION TO DEVELOP TAIRĀWHITI PLAN	16
3.3 OPTIONS CONSIDERED FOR STRUCTURE OF MERGED TAIRĀWHITI PLAN	16
3.3.1 <i>Integration of RPS provisions</i>	16
3.3.2 <i>Separation of objectives, policies and rules</i>	17
3.3.3 <i>Separation of general rules to area specific/zone rules</i>	18
3.3.4 <i>Use of rule tables</i>	18
3.3.5 <i>Environmental results anticipated and monitoring provisions</i>	18
3.3.6 <i>Separate schedules/appendices</i>	18
3.4 PREFERRED STRUCTURE AND FORMAT FOR THE TAIRĀWHITI PLAN	19
3.5 RELATIONSHIP WITH OTHER PLAN CHANGES.....	19
3.5.1 <i>Quick fixes (ridiculous rules) plan changes</i>	19
4. APPROACH TO SECTION 32 EVALUATION	20
4.1 SECTION 32 EVALUATION REQUIREMENTS.....	20
4.2 SCALE AND SIGNIFICANCE OF THE PROPOSAL	21
4.3 APPROACH TO EVALUATION	22
5. SECTION 32 EVALUATION	25
5.1 EVALUATION OF OBJECTIVE	25
5.1.1 <i>Evaluation of proposal</i>	25
5.1.2 <i>Overall assessment of proposal</i>	27
5.2 ASSESSMENT OF OPTIONS TO ACHIEVE OBJECTIVE	27
5.2.1 <i>Overview of options to achieve objective</i>	27

5.2.2	<i>Overall assessment of options</i>	30
5.3	ASSESSMENT OF EFFECTIVENESS AND EFFICIENCY OF PROVISIONS.....	31
5.3.1	<i>Assessment of costs and benefits</i>	31
5.3.2	<i>Overall assessment of efficiency (cost and benefit analysis)</i>	33
5.3.3	<i>Overall assessment of effectiveness</i>	33
5.4	CONCLUSION	33

List of Tables

Table 1: Expected benefits of Tairāwhiti Plan for plan users and plan reviews.....	5
Table 2: Structure of Tairāwhiti Plan	6
Table 3: Gisborne’s former RMA plans.....	11
Table 4: Pros and cons of ‘status quo’ option to develop the Tairāwhiti Plan.....	13
Table 5: Pros and cons of ‘comprehensive review and integration’ option to develop the Tairāwhiti Plan	14
Table 6: Pros and cons of ‘national planning standards’ option to develop the Tairāwhiti Plan.....	15
Table 7: Pros and cons of ‘two stage process’ option to develop the Tairāwhiti Plan	15
Table 8: Section 32 evaluation requirements and focus of analysis	22
Table 9: Evaluation of the purpose of the proposal.....	26
Table 10: Pros and cons of option 1 (no rationalisation) to achieve objective.....	28
Table 11: Pros and cons of option 2 (preferred option) to achieve objective	29
Table 12: Pros and cons of option 3 (comprehensive rationalisation of plan content) to achieve objective	30

List of Figures

Figure 1: Structure and content of Tairāwhiti Plan	9
--	---

Executive Summary

The Te Papa Tipu Taunaki o Te Tairāwhiti – The Tairāwhiti Resource Management Plan (the 'Tairāwhiti Plan') replaces the following seven Resource Management Act 1991 (RMA) planning documents in the Gisborne Region:

- The Regional Policy Statement (RPS);
- The Combined Regional Land and District Plan (Combined Plan);
- The Regional Coastal Environment Plan (RCEP);
- The Regional Air Quality Plan (Air Plan);
- The Regional Plan for Waste Management, Hazardous Substances and Discharges to Land and Water Plan;
- The Proposed Regional Freshwater Plan (Freshwater Plan); and
- The Transitional Regional Plan.

The development of the Tairāwhiti Plan has been a two-stage process involving:

- 1) Structural changes and reformatting to create a single unitary plan (a combined regional and district planning document); and
- 2) Rationalisation of plan content to remove duplication and content that does not aid in the interpretation of the plan (Plan Change / Variation 1 to the Tairāwhiti Plan). No change to the substance or effect of the existing plan provisions is intended through this process.

The structural changes to combine the former RMA planning documents into the Tairāwhiti Plan (stage 1) has been completed without the need for a formal submission process under the RMA. As such, the section 32 evaluation is provided in this report to assist submitters and decision-makers understand the proposal only relates to the changes proposed to be made through the rationalisation plan change (stage 2). It is the rationalisation plan change that Council is seeking submissions for not the structural changes to merge the plans into a single combined plan. Information about the approach Council has taken to merging its plans (stage 1) is also provided but for background purposes only.

Once the rationalisation plan changes are complete the plan will be subject to rolling review, topic-by-topic. The Council is currently developing a work programme to prioritise these reviews and welcomes comments on the priorities.

The purpose of the rationalisation plan change is to:

"Make the plan more user friendly by reducing duplication and removing unnecessary plan content"

The rationalisation of plan content has been focused on reducing duplication and removing unnecessary explanatory material to make the plan more user-friendly while ensuring the intent and meaning of the existing statutory provisions are retained. Importantly, there has very limited change to 'core'¹ plan content through the rationalisation process; the objectives and policies remain unchanged, as do the rules apart from some reformatting of the rules to put these into consistent rule tables². Given the limited nature of these changes, a detailed section 32 evaluation is not required – this is consistent with Section 32(1) (c) of the RMA which states that the evaluation must contain a level of detail that corresponds to the scale and significance of the effects of the proposal.

The Tairāwhiti Plan merging and rationalisation process is intended to deliver a range of benefits for plan users and Council through making the plan more useable, accessible and future proofing the plan for future rolling reviews. This rationalisation plan change is considered the most appropriate way to achieve the purpose of the RMA.

¹ "Core" plan content in this context refers to the mandatory content for regional policy statements, regional plans and district plans in section 62, 67 and 75 of the RMA.

² The only exception is integrating the tangata whenua section of the former Combined Regional Land and District Plan into the tangata whenua section of the regional policy statement (Part B1 of the Tairāwhiti Plan). This is discussed in more detail in section 5.

1. Introduction

1.1 Purpose of report

The purpose of this report is to provide:

- 1) Background to the development of the combined Te Papa Tipu Taunaki o Te Tairāwhiti- The Tairāwhiti Resource Management Plan (the 'Tairāwhiti Plan') to assist in the understanding and implementation of the Plan; and
- 2) An evaluation under section 32 of the Resource Management Act 1991 (RMA) of the changes to the Tairāwhiti Plan through the rationalisation process.

The Tairāwhiti Plan replaces seven former RMA planning documents in the Gisborne District, including the mandatory regional policy statement. In addition to the process to merge these plans into a single consolidated plan format, there has been some rationalisation of plan content. This has been focused on reducing duplication and removing unnecessary explanatory material to make the plan more user-friendly while ensuring the intent and meaning of the existing statutory provisions is retained. Importantly, there have been very limited changes to 'core'³ plan content through the rationalisation process; the objectives and policies remain unchanged, as do the rules apart from some reformatting to put these into consistent tables⁴.

The section 32 evaluation in this report only relates to the changes that have been made through the rationalisation process (stage 2); no formal Schedule 1 RMA process is required for the structural changes made through the merger of the plans into the Tairāwhiti Plan (stage 1). It is the rationalisation plan change that Council is seeking submissions for not the structural changes to merge the plans. Information about the approach Council has taken to merging its plans (stage 1) is also provided in this report but for background purposes only.

Given the limited nature of the rationalisation proposed, a detailed section 32 evaluation is not required – this is consistent with Section 32(1) (c) of the RMA which states that the evaluation must contain a level of detail that corresponds to the scale and significance of the effects of the proposal. This report should be read alongside the tracking documents for each Part of Tairāwhiti Plan which explain the changes made through the rationalisation process.

Once the rationalisation plan changes are complete the plan will be subject to rolling review, topic-by-topic. The Council is currently developing a work programme to prioritise these reviews and welcomes comments on the priorities.

³ "Core" plan content in this context refers to the mandatory content for regional policy statements in section 62, 67 and 75 of the RMA.

⁴ The only exception is integrating the tangata whenua section of the former Combined Regional Land and District Plan into the tangata whenua section of the regional policy statement (Part B1 of the Tairāwhiti Plan). This is discussed in more detail in section 5.

1.2 The Tairāwhiti Plan merging and rationalisation process

1.2.1 Drivers for the combined Tairāwhiti Plan

There are a number of drivers that led to the development of a combined Tairāwhiti Plan for Gisborne. Key drivers include:

- Council's former plans are first generation plans under the RMA that were developed at a time when having multiple resource management plans was a common approach for unitary authorities and regional councils. Since this time there has been a national trend towards reducing and combining planning documents in recognition of the benefits this provides for plan reviews and for plans users;
- Many of Council's plans are due or overdue for review in accordance with section 79 of the RMA which requires plan provisions to be reviewed every 10 years;
- Most of these plans have been significantly amended through appeals and plan changes and each has its own unique structure, format and drafting style. This inconsistency can create issues for plan users and council staff implementing the plans;
- Amendments to the RMA have sought to simplify plans through focusing on 'core' plan provisions and removing unnecessary clutter, such as explanations and reasons. The purpose is to make plans more concise, less complex and easy to use/administer. This 'non-core' plan content is a strong feature of Council's former RMA plans as many plans had extensive introduction sections, explanations and principal reasons. There have also been amendments to the RMA to enable regional policy statements to be more easily combined with other RMA plans; and
- Feedback from plan users and Council staff has highlighted duplication and inefficiencies associated with the multiple planning documents in Gisborne; and
- Evidence⁵ suggests that combined RMA planning documents can deliver a number of benefits including:
 - Reduced repetition and greater efficiencies through avoiding the need to refer to multiple documents;
 - Making plans more useable through consistent formatting and structure; and
 - Reduced conflict and better integration across plans.

A consolidated Tairāwhiti Plan is therefore consistent with more recent central government direction for plan-making, is aligned with national trends in RMA planning practice and is expected to deliver a number of benefits for Council and plan users.

⁵ For example, Boffa Miskell Limited 2014. "Combined Plan Study: Section 80 of the Resource Management Act 1991". Report prepared by Boffa Miskell Limited for Ministry for the Environment.

1.2.2 The purpose of the Tairāwhiti Plan rationalisation process

The purpose of the Tairāwhiti Plan merging and rationalisation process is to deliver the benefits for plan users and plan review outlined in the table below. The expected benefits are primarily efficiency gains in the short-term (i.e. reduced duplication, more concise and logical plan structure) but it is expected that there will also be effectiveness gains in the longer term following future plan reviews (i.e. improved integration of provisions, improved understanding of provisions) leading to improved outcomes.

Table 1: Expected benefits of Tairāwhiti Plan for plan users and plan reviews

	Expected benefits of Tairāwhiti Plan
For Plan Users	Reducing repetition of provisions addressing the same topic in different plans and the need for users to refer to multiple provisions.
	Encouraging better integration across provisions, which will make it easier for plan users.
	Reducing conflict in planning provisions that can result when multiple plans address the same topic.
For Plan Review	Minimising re-litigation of issues by avoiding reviewing the same topics multiple times if addressed in plans reviewed separately.
	Ordering the content into sections that can be used as the topics for rolling plan review.

1.2.3 Council process to merge plans then review substance

Council is progressing a two-stage approach to develop the Tairāwhiti Plan:

- 1) Merge and rationalise the existing plans before reviewing substance; and
- 2) Undertake a longer process of staged rolling review, topic by topic.

To assist with Stage 1, Council sought legal and expert planning advice on options to merge and rationalise its existing RMA plans into a single resource management plan for Tairāwhiti⁶. These recommendations were considered in workshops with Council staff and plan users in late 2016 before the final plan structure and scope of rationalised changes was agreed. 4Sight Consulting was then engaged to merge the existing plans into a single combined Tairāwhiti Plan. This involved three key steps as follows:

⁶ 4Sight (2016), 'Proposed Gisborne Unitary Plan – Recommended Structure and Format', prepared for Gisborne District Council, October 2016 and Perception Planning (2016), 'Report on proposed structure for the Gisborne Uni-Plan -A plan to combine the RMA planning documents for Gisborne District into one user friendly and accessible format'.

- 1) Merging the existing plans into the agreed Tairāwhiti Plan structure (the 'merged Tairāwhiti Plan');
- 2) Rationalisation of the merged plan ('the proposal'); and
- 3) Developing draft Tairāwhiti Plan based on the agreed changes (the 'rationalised Tairāwhiti Plan').

1.3 Structure of the Tairāwhiti Plan

- a. The structure of the Tairāwhiti Plan is outlined in Table 2 and Figure 1 below. The structure of the Combining of generic introductory text mainly relating to how rangatiratanga can be exercised, Treaty principles and explanations of important Māori concepts and terms.
- b. The movement of tangata whenua objectives 1A.3 (1) and (2) from the Combined Plan into the Regional Policy Statement, which relate to protection of sites of value to Maori and recognising for the relationship of Maori with their culture, traditions, ancestral lands and other resources. Policies 1A.4 (1), (2), (3), (5), (6), (7) and (8), which cover matters such as use of Maori language, encouraging consultation with Tangata Whenua and recognising the priorities of individual iwi, hapu and marae were also moved from the Combined Plan into the Regional Policy Statement. The movement of the provisions elevates their status as lower plans must now give effect to these provisions.
- c. The merger of policy 1A.4(4) about recognising and providing for the Kaitiaki responsibilities of Tangata Whenua with a similar policy in the Regional Policy Statement.
- d. A merger of a method from the Combined Plan with a method in the Regional Policy Statement, as they both involved transfers of functions, powers and duties under section 33 of the RMA.

Plan is based on a review of other second generation combined plans and a review of best practice guidance on RMA plan structure and format. Section 3.3 of this report outlines some of the structural and formatting options that were considered as part of developing the Tairāwhiti Plan.

Table 2 below also provides a high-level summary of the content of each Part and the main changes through the rationalisation process (which are outlined in more detail the tracking document for each Plan chapter which can be found on Council's website).

Table 2: Structure of Tairāwhiti Plan

Part of plan	Overview of content	Main changes through rationalisation
Part A: Introduction	Introductory material with some provisions relating to cross-boundary issues.	Complete re-write as the existing content was often plan specific, repetitive and did not provided a

Part of plan	Overview of content	Main changes through rationalisation
		logical introduction to the Tairāwhiti Plan.
Part B: Regional Policy Statement	The regional policy section of the plan with nine sub-sections based on key issues for Tairāwhiti. Contains issues, objectives, policies and methods.	Rationalised explanatory material. Integrated tangata whenua sections from former regional policy statement and combined plan into one section. Moved all environmental results anticipated to Part F.
Part C: Region Wide Provisions	This section contains provisions that apply across the region and is grouped into 11 sub-sections. Contains issues, objectives, policies, rules and methods.	Rationalised explanatory material which was focused on introduction sections, principal reasons and explanations.
Part D: Area Based Provisions	This section contains provisions that apply across specific areas, which are either management areas in the Coastal Environment, freshwater catchments or Freshwater Management Units, or zones on land. Contains issues, objectives, policies, rules and methods.	Rationalised explanatory material which was focused on introduction sections, principal reasons and explanations.
Part E: Definitions	Definitions are separated into Māori concepts and terms, common definitions that apply across the plan and definitions specific to a type of provision.	Common definitions have been included in one table rather than repeated in relation to each plan.
Part F: Procedural Matters	Procedural information relating to information requirements for resource consents, consultation, monitoring procedure, plan effectiveness monitoring (including all environmental results anticipated), and charging.	Removal of outdated and unnecessary explanatory material.
Part G: Schedules	These are appendices of the former plans that relate to sites, areas or specific resources. They are often linked to specific plan provisions.	Removal of 10 schedules where these are now incorporated into the planning maps.
Part H: Appendices	These are appendices of the former plans that relate to guidelines, requirements or standards.	Removal of seven outdated/unnecessary appendices.

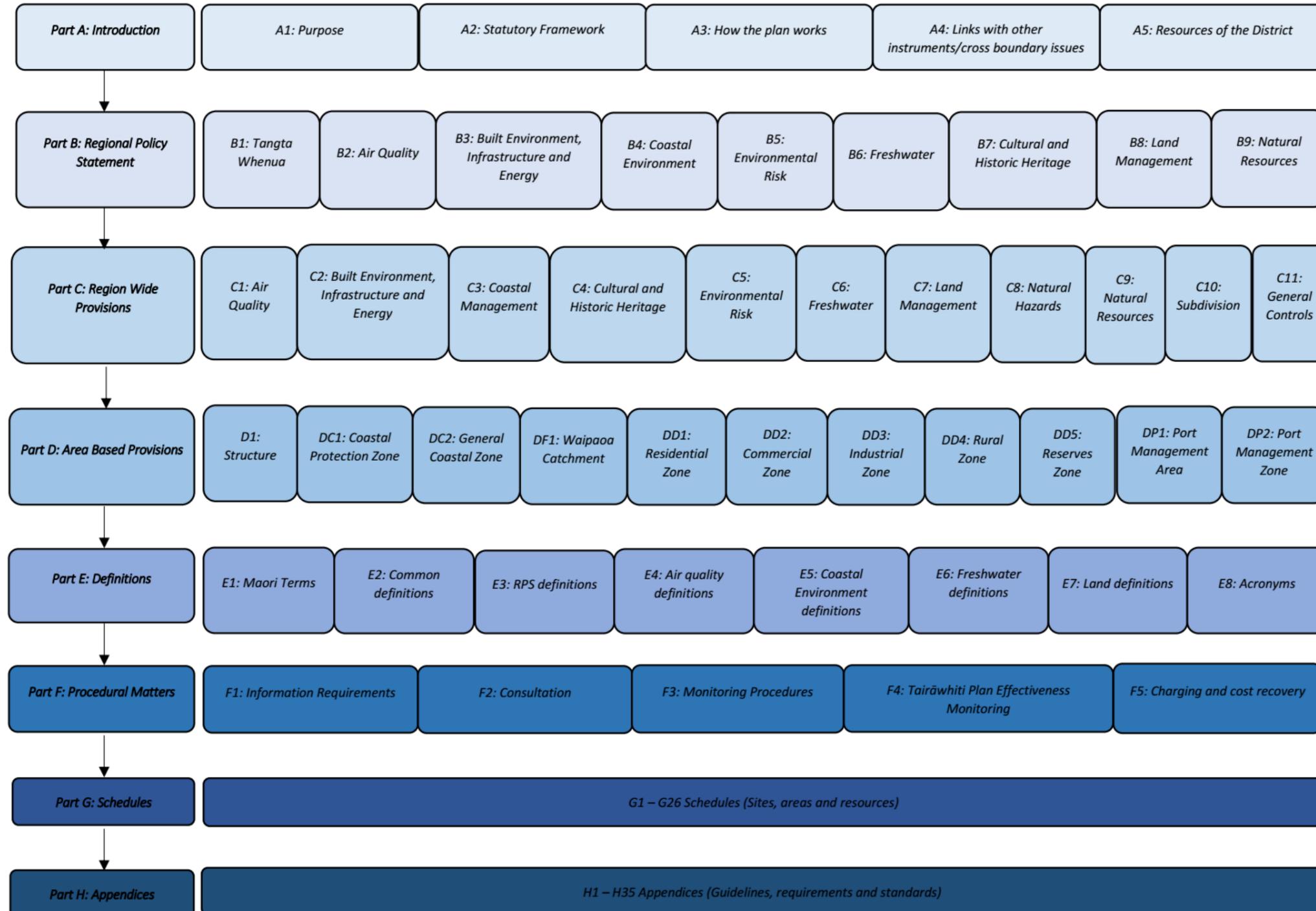
1.4 Report structure

This report is structured as follows:

Section 2: Problem statement;

- Section 3:** Background to Tairāwhiti Plan;
- Section 4:** Scope and approach for section 32 evaluation;
- Section 5:** Section 32 evaluation:
- Evaluation of objectives;
 - Assessment of practicable options;
 - Efficiency and effectiveness of the provisions; and
- Section 6:** Conclusion.

Figure 1: Structure and content of Tairāwhiti Plan



2. Status Quo and Problem Statement

2.1 Context

First generation plans under the RMA are variable in terms of their structure, format and drafting styles as councils explored different ways to meet the new RMA requirements. Plans and plan provisions have evolved significantly since the first generation of plans under the RMA were notified. Submissions, case law, legislative reviews and experience in plan administration have assisted in improving the usability and workability of plans.

The RMA was amended in 2005 to rationalise the content required for RMA regional and district plans to focus on “core content” (e.g. objectives, policies and rules). These amendments were intended to streamline the content of regional and district plans to make these more concise, less complex and easier to use/administer. This was in response to criticism that RMA plans are bulky and difficult to understand. A focus on objectives, policies and rules also reflects the reality that most plan users and decision-makers, including the Environment Court, often refer to little more than the objectives, policies and rules of a plan when preparing applications and making decisions on resource consents.

The 2005 RMA amendments also strengthened the statutory weight of regional policy statements so that regional and district plans must give effect to these higher level policy instruments. This is intended to ensure local policy gives effect to the priorities of the region and assist with integrated management, but also means that regional policy statements should be drafted in a more directive way.

In second generation plans under the RMA, there has been a general trend to rationalise and combine planning documents. The RMA was also amended in 2009 to make it clear that councils can prepare, implement and administer combined regional policy statements, regional plans and district plans (section 80(2)).

2.2 Gisborne former RMA planning framework

Gisborne District Council previously administered seven RMA planning documents, including the mandatory regional policy statement. Many of the plan provisions in these documents are either due or overdue for review in accordance with section 79 of the RMA (the proposed Freshwater Plan being a notable exception). These are outlined in Table 3 below.

Table 3: Gisborne's former RMA plans

Plan name	Status
<i>Regional Policy Statement (RPS)</i>	Notified prior to 1996 and mostly operative in 2002
<i>Combined Regional Land and District Plan (Combined Plan)</i>	Notified in 1997 and mostly operative in 2006, but with significant regional chapters operative in 2008 and 2010, and some yet to be made operative
<i>Regional Coastal Environment Plan (RCEP)</i>	Notified in 1997 and yet to be made operative
<i>Regional Air Quality Plan (Air Plan)</i>	Notified 1996 and mostly operative in 2007
<i>Regional Plan for Waste Management, Hazardous Substances and Discharges to Land and Water Plan</i>	Mostly operative in 2006 and proposed to be superseded by the Proposed Freshwater Plan
<i>Proposed Regional Freshwater Plan (Freshwater Plan)</i>	Notified in 2015 and currently at the hearings stage
<i>Transitional Regional Plan</i>	Mostly superseded but with drainage regulation provisions remaining

With the exception of the Proposed Freshwater Plan, Council's plans were developed in the 1990s where multiple regional plans were the common response to the RMA. The process to develop and finalise these plans through the RMA Schedule 1 process was litigious and has spanned a considerable period of time. The plans have also been subject to over a hundred variations and some 60 private and Council initiated plan changes. As a result, Gisborne's RMA plans had a wide range of planning provisions, reflecting many different writing styles and rationales. Gisborne's former RMA Plans also included a large amount of content that is no longer required under the RMA, including:

- Large (sometimes repetitive) introductory sections;
- Extensive lists of principal reasons for adopting the provisions;
- Long explanations for plan objectives, policies and rules; and
- Long lists of methods other than rules.

As a significant portion of Council's plans are due or overdue for review under the RMA, there was a need to consider whether the current planning framework is fit-for-purpose and how this can be more aligned with trends in second generation plans under the RMA to consolidate the planning documents and streamline the content.

2.3 Current issues with former RMA planning framework

Since early 2013, Council has formally recognised the flaws in the RMA planning framework for the Gisborne region and has been working to identify how these issues can be best addressed. This has involved workshops both internally and externally (with planning professionals and local plan users), surveys and reports to Council committees. Four key issues were identified with the former RMA plans which are summarised below.

2.3.1 Inefficiencies

The former RMA planning framework for Gisborne created inefficiencies for Council's policy team (i.e. those responsible for plan review and plan changes), plan implementers (i.e. consenting staff), and plan users (i.e. applicants, submitters). These inefficiencies relate to the need to refer to multiple plans to identify the relevant provisions, which is a particular issue for those less familiar with the plans.

For plan implementers, having a mixture of regional and district plans can create confusion and inefficiencies as plan implementers are unsure which 'considerations' are within their functions. Further, the existing plans have large sets of policies, explanations and principal reasons which creates confusion and adds time when using and interpreting the intent of the plans. Excessive lists of objectives and policies can also make it inefficient to understand the policy direction that needs to be considered when preparing and making decisions on resource consents and the key outcomes sought through those provisions.

2.3.2 Duplication

The creation of multiple plans at different times addressing different but related topics also resulted in extensive repetition and duplication across the different plans. Most of the plans include extensive amounts of "non-core" plan content, such as background information, introduction sections and explanations. A lot of this is repetitive given that most of the plan provisions are trying to achieve the same thing. Duplication of plan content creates both confusion and inefficiencies for plan users and plan implementers.

2.3.3 Lack of integration

The former planning framework meant there is a lack of integration between the plans. The lack of integration relates to the content of the plans (e.g. duplication and inconsistencies in plan objectives) but also the structure of each plan. Each of the plans have been written in a different structure which makes it difficult to use multiple plans and quickly find the relevant provisions. For example, the Combined Regional Land and District Plan created some confusion as it only incorporated some of the regional plan provisions for the district and it wasn't clear exactly where these are located. The integration between higher order objectives and policies in the regional policy statement and more operational regional and district plan provisions was also not clear.

2.3.4 Policy direction unclear

Plan users and implementers have identified that the policy direction and outcomes sought through the former RMA plans is unclear. This relates to the fact the former RMA plans were written independently of each other and have been subject to a number of appeals. As a consequence, the line of sight from the objectives and policies through to the rules was not always clear. Without this line of sight there is a risk that resource consents are being processed without clear consideration of the policy intent for those rules and the outcomes being sought through the plan. Further, the plans have been criticised for being too exclusive and that they have been written for Council staff, not from the perspective of those that have to use it.

3. Development of Merged Tairāwhiti Plan

3.1 Options considered to develop Tairāwhiti Plan

Since 2013, a number of options for reviewing Gisborne’s RMA plans have been considered. One of the key questions was whether they should be combined into a single unitary plan and, if so, how. This section provides an overview of the main options that were considered during the development of the Tairāwhiti Plan as follows:

- Status quo – i.e. retain the former RMA plans and review them independently;
- Comprehensive review and integration of all RMA plans as one process;
- National planning standards – wait until these are finalised to avoid rework; and
- Two stage process – merge plans into a single RMA document then undertake rolling reviews.

Council pursued the final option. An overview of these options is provided for background purposes only and is not part of the submission process.

3.1.1 Status quo

This option would involve a review of each plan due for review in isolation, starting with the regional policy statement (as this was developed first and all regional and district plans must give effect to the policy direction in this document). The total number of plans would remain unchanged and each plan would retain a similar scope and focus.

Table 4: Pros and cons of ‘status quo’ option to develop the Tairāwhiti Plan

Pros	Cons
<ul style="list-style-type: none"> • The existing planning framework remains, which is familiar to plan users. • Incremental improvements can be made. • Plan provisions that have recently been made operative are not open to early re-litigation. • Provides a more manageable workload and timeframe to review plans. 	<ul style="list-style-type: none"> • Costly approach with the need to undertake multiple plan reviews and sequence these. • Risk that there would still be limited integration across multiple RMA plans. • Limited ability to improve the overall usability of the different plan components. • Would create ongoing complexities associated with plan provisions being proposed, operative and operative in part for an extended period of time. • Inconsistent with recent trends in RMA plans and national policy direction for combined planning documents.

3.1.2 Comprehensive review and integration of all plans

This option would involve a comprehensive review and integration of all Council’s plans through one process. Not only would the plans be integrated into one but there would be a comprehensive review of all plan provisions likely resulting in substantial changes to plan content.

Table 5: Pros and cons of ‘comprehensive review and integration’ option to develop the Tairāwhiti Plan

Pros	Cons
<ul style="list-style-type: none"> • Allows the public to consider and have a say on everything at once. • One consultation exercise may result in more focussed community input. • Allows for an integrated review as all provisions are able to be considered together which may help improve integration across the plan and provide a clear line of sight. • Avoids re-reviewing provisions which may occur during a rolling review. 	<ul style="list-style-type: none"> • Approach will create large workloads early in the process which may not be manageable given Council’s resource constraints. This creates a risk that quality of the plan review is compromised which could have more costs later in the process. • The effort required would mean that the full review would take considerable time to complete and notification may not occur for a number of years. • Would need to revisit issues that have only recently been finalised through litigation. This would be a particular issue for the proposed Freshwater Plan. • Results in a premature review of some operative provisions which may not have been operative long enough to determine their efficiency and effectiveness. • Overwhelming for public which may mean the level and quality of engagement is compromised.

3.1.3 National planning standards and streamlined planning process

This option would involve waiting for the national planning standards to be developed to determine the most appropriate plan development process that is consistent with the standards and then requesting a streamlined planning process to progress the changes.

The national planning standards have been introduced as part of the Resource Legislation Amendment Act 2017 (RLAA) (sections 58B–58J of the RMA). The first set of national planning standards must be approved by 18 April 2019. However, it should be noted that the timing of the national planning standards was uncertain while the Tairāwhiti Plan was being developed (the amendments only took effect on 18 April 2017).

The streamlined planning process was also introduced as part of RLAA. This allows councils to make a request to the Minister for the Environment for a streamlined planning process proportional to the issues being addressed, instead of the standard RMA planning process. One of the criteria for making a request for a streamlined process is to combine several plans or policy statements and, if this request accepted by the Minister, the plan change to be consistent with the national planning standards would be more streamlined (e.g. there would be no right of appeal).

Table 6: Pros and cons of ‘national planning standards’ option to develop the Tairāwhiti Plan

Pros	Cons
<ul style="list-style-type: none"> • Could potentially create a combined plan based on a nationally consistent framework. • May allow parts of the plan to be developed without Schedule 1 process – avoiding re-litigation. • Ensures consistency with national policy direction and other RMA plans. • Avoids risk that plan will need to be changed to align with national planning standards at a later date. 	<ul style="list-style-type: none"> • Uncertainty around exact timing and content for the standards. • Uncertainty around the scope of the national planning standards and whether this will be limited to structure aspects. There is also potential that the first step of standards provides limited direction in terms of plan structure and content resulting in unnecessary delay • Means that plans will not be formally reviewed for some time and the requirements of section 79 will not be met.

3.1.4 Two stage process – merge plans then undertake rolling reviews

This option involves firstly merging the plans into a single combined unitary plan, then undertaking rolling reviews of priority topics. The first stage is limited to structural and formatting changes whereas the rolling reviews are focused on the substance and effect of provisions.

Table 7: Pros and cons of ‘two stage process’ option to develop the Tairāwhiti Plan

Pros	Cons
<ul style="list-style-type: none"> • Allows for a clearly structured document with all provisions in one plan, making the plan user friendly while the rolling review is undertaken. This will also mean rolling reviews can focus on core content. • Plan users avoid having to refer to multiple plans over a number of years (until plan is fully integrated as a single plan). • Allows high priority topics to be reviewed in their entirety first (RPS/Regional/District provisions). • Allows for the plan structure to be future proofed to be better aligned with second generation RMA plans and likely direction coming out of the national planning standards. • Topic reviews allow the opportunity to focus on priority topics and undertake a comprehensive review of the effectiveness and efficiency of provisions from objectives to methods. 	<ul style="list-style-type: none"> • Will take some time to review all plan content and address some of the duplication and inefficiencies with this content. • Public may want to have a say on content during merging process even though substance is not changed. • May take a long time before the review of some provisions which may be a priority for certain members of the public, but may not be seen as a priority for Council. • Greater lag between issues being considered holistically. • Potential for disconnections through topic based review.

Pros	Cons
<ul style="list-style-type: none"> • Clearer planning framework during rolling review (not having to deal with multiple plans). • Consultation is spread out so it can be meaningful and avoid consultation fatigue. • Rolling review allows consultation resources to be spread out. • Major fluctuations in resources (staff and money) are avoided. 	

3.2 Preferred option to develop Tairāwhiti Plan

After consideration of the above options (and others), Council pursued Option 4 – merge plans then undertake rolling reviews of substance.

This approach was considered to be the most effective and achievable without causing unnecessary costs or demands on the community.

3.3 Options considered for structure of merged Tairāwhiti Plan

The requirements for the preparation and content of regional policy statements, regional plans and district plans are set out in sections 59-80 of the RMA.

There have been a number of different approaches to plan structure and type through first generation and second generation plans under the RMA, including area based plans, topic based plans, effects based plans and activity based plans. While some plans clearly lie at one end of the spectrum, most plans are somewhat of a ‘hybrid’ of different approaches; having area and topic based provisions and including a mix of activity and effects based rules.

There were several key aspects to consider when developing the structure and format for the Tairāwhiti Plan and these are detailed further below. These options are considered in more detailed in the 4Sight Consulting scoping report⁷ for the Tairāwhiti Plan.

3.3.1 Integration of RPS provisions

A key structural consideration when developing the Tairāwhiti Plan was whether the regional policy statement provisions should be held in a separate chapter (e.g. the approach taken by the Auckland Unitary Plan and the Horizon’s OnePlan) or integrated with other regional and district plan objectives and policies (the approach taken by the Proposed Marlborough Resource Management Plan).

⁷4Sight (2016), ‘Proposed Gisborne Unitary Plan – Recommended Structure and Format’, prepared for Gisborne District Council, October 2016

A key risk with integrating the regional policy statement provisions with other regional and district plan objectives and policies is that regional policy statement objectives and policies may transcend topic areas, which could create a placement issue. For example, the strategic direction for different zone chapters in the former Gisborne Combined Regional Plan and District Plan come from multiple regional policy statement provisions, and separating these out would result in unnecessary repetition. There are also different legal weightings between regional policy statement provisions and regional and district plan provisions. By including regional policy statement provisions in the same chapter as regional and district plan provisions, there is a risk that this legal relationship and hierarchy of plan provisions becomes unclear. On this basis, this option was discounted.

Including the strategic direction upfront by putting the regional policy statement provisions in a separate chapter was considered more appropriate as it reflects the hierarchy in the RMA, encourages integration, assists with future plan reviews, and avoid the risk that the legal relationship between provisions becomes unclear.

3.3.2 Separation of objectives, policies and rules

Another key question was whether rules should be split off from objectives and policies into a separate chapter (often referred to as a 'streamlined plan'), which can be more efficient for plan users, or whether rules should be grouped with supporting objectives and policies, which can make the policy intent clearer (often referred to as a 'one stop shop' approach)).

A number of second generation plans have separated out rules into a separate chapter. The key trade off here is potential loss of line of sight from the policy intent to rules (clarity of message) v benefits for applicants by only having to refer to rules in the first instance (efficiency of use).

The alternative is to group rules with their supporting objectives and policies. The key benefits of integrating related objectives, policies and rules within the same plan chapter include:

- Promotes a good line of sight between the objectives, policies and rules to understand the policy intent for rules;
- Provides a one stop shop chapter where all provisions for certain activities and areas are in the same place;
- Less cross referencing is required; and
- Compatible with the legislative drafting convention of putting the general before the specific.

Efficiencies for plan users can also be achieved through:

- A streamlined chapter format with better use of activity tables (discussed further below); and
- The ability to find all relevant provisions in one chapter.

It was therefore determined that the Tairāwhiti Plan should include all related objectives, policies and rules within the same chapter.

3.3.3 Separation of general rules to area specific/zone rules

Another key consideration when developing the Tairāwhiti Plan was the extent to which the plan is structured around region wide provisions and provisions that apply to a particular management area or zone. It was determined that the best structure was to separate regional and district plan provisions into two broad parts – regional wide provisions (which generally apply across the region) and area based provisions relating to management areas in the coastal environment, freshwater catchments, land (zones) and the Port. This approach was undertaken as it is:

- Compatible with the legislative drafting convention of putting the general before the specific;
- Easy to see the 'line of sight' relationship between provisions from issues to rules;
- Often more user friendly as plan users only need to refer to the relevant activity (district wide) or zone chapter; and
- Less repetition as it can include all region/district wide provisions in one place.

3.3.4 Use of rule tables

The use of rule tables can be helpful for plan users as they allow users to quickly refer to rules and then only refer back to objectives and policies if consent is required. The key advantage of having rule tables is that rules are presented in a concise and usable way, and are easily able to be identified. Most second generation plans utilise rule tables in some way.

3.3.5 Environmental results anticipated and monitoring provisions

The former RMA plans are inconsistent in how they incorporate monitoring provisions. Some plans include generic monitoring sections, some include monitoring provisions throughout the plan, and some do both. The Tairāwhiti Plan provided an opportunity for a more consistent and effective approach. It was determined that the best approach was to include all environmental results anticipated and monitoring provisions in one section at the end of the plan. This allows environmental results anticipated to be linked to monitoring indicators to assist with plan effectiveness monitoring.

The key advantages of including a separate monitoring section include:

- Will assist with plan effectiveness monitoring;
- Helps plan users to understand the desired outcomes from the plan;
- Rationalises the list of environmental results anticipated by including these in the RPS section of the plan; and
- Will ensure the requirements of section 62(g) are met.

It is recognised that some of the plan effectiveness monitoring content (e.g. indicators) may not be able to be fully developed in the initial Tairāwhiti Plan but will occur as part of future plan reviews.

3.3.6 Separate schedules/appendices

The former RMA plans include a range of schedules/appendices. It was sometimes unclear which schedules were important and how the schedules were linked to key provisions in the plan.

It was therefore determined that there would be benefit in separating out those former schedules/appendices that relate to sites, places and resources and consistently referring to these as schedules. The former schedules/appendices that relate to more general guidelines and technical standards will then be separated out into another part of the plan and consistently referred to as appendices.

This will enable plan users to more readily identify that information in schedules is important for consenting requirements and provides a more logical plan structure.

3.4 Preferred structure and format for the Tairāwhiti Plan

Based on the review of legislative requirements, best practice, and workshops with plan users/implementers the preferred structure and format for the Tairāwhiti Plan is as follows:

- Adopt a hierarchy of provisions from:
 - Strategic directives in the regional policy statement (issues, objectives, policies, other methods);
 - Region wide provisions (objectives, policies, rules); and
 - Area based provisions (objectives, policies, rules).
- Include a monitoring section at the end of the plan that links the environmental results anticipated for each issue in the strategic direction to indicators to assist with plan effectiveness monitoring;
- Separate out schedules (which relate to particular sites, areas and resources) from appendices (guidelines and technical standards to assist in the implementation of the plan).

3.5 Relationship with other plan changes

3.5.1 Quick fixes (ridiculous rules) plan changes

The development of the Tairāwhiti Plan project sits alongside a 'quick fix' series of plan changes and minor amendments that were developed ahead of the full review of the Tairāwhiti Plan. A first round of quick fixes was initiated in 2015. Over thirty changes were made as minor amendments under delegated authority. This was followed by four plan changes completed in 2016. They addressed re-mapping of river floodways to better target resource consent requirements (Plan Change 58); omnibus errors and clarifications (Plan Change 60); clarifying matters of discretion in zone chapters (Plan Change 61); and instances of incorrect reserve zoning or land that should be zoned as reserve (Plan Change 63).

Council is currently progressing a further round of six minor amendments under delegated authority. Small plan changes to address issues identified by plan users are also being progressed. These are being notified for submission at the same time as the rationalisation plan changes. Matters covered include:

- Removing consent requirements for some structures in road reserves;
- Clarifying the status of some activities that do not meet the requirements for permitted activities; and
- Correcting incorrect references to matters of discretion.

4. Approach to Section 32 Evaluation

4.1 Section 32 evaluation requirements

Section 32(1) of the RMA states that an evaluation must:

- 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;*
- b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - *identifying other reasonably practicable options for achieving the objectives; and*
 - *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - *summarising the reasons for deciding on the provisions; and*
- c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

Section 32(2) says assessment of efficiency and effectiveness must also:

- 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—*
 - *economic growth that are anticipated to be provided or reduced; and*
 - *employment that are anticipated to be provided or reduced; and*
- b) *if practicable, quantify the above benefits and costs; and*
- c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Further, if a proposal is to amend an existing plan, **section 32(3)** states that the evaluation of costs and benefits must relate to:

- a) *the provisions and objectives of the amending proposal; and*
- b) *the objectives of the existing proposal to the extent that those objectives—*
 - i. *are relevant to the objectives of the amending proposal; and*
 - ii. *would remain if the amending proposal were to take effect.*

In meeting these requirements, it is important to understand the following definitions in section 32(6):

objectives means,—

- (a) *for a proposal that contains or states objectives, those objectives;*
- (b) *for all other proposals, the purpose of the proposal*

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

The requirements in section 32 are therefore focused on substantive changes to objectives and the provisions (i.e. policies, rules and other methods) that implement or give effect to those objectives. As the changes through the rationalisation process are limited to 'non-core' plan content with no change to the effect and meaning of the existing provisions, a detailed section 32 for this stage of the Tairāwhiti Plan is not required. This is explained further below.

Section 32(4) requires the evaluation report to also summarise all advice concerning the proposal received from iwi authorities and the response to this advice. As no advice on the proposal has been provided from iwi authorities this section is not further addressed.

Section 5 of this report meets the statutory requirements in section 32 of the Act. This evaluation should be read in conjunction with the tracking documents for each Part of the Tairāwhiti Plan to explain the changes through the rationalisation process. Refer to the documents on the Council website: www.gdc.govt.nz.

4.2 Scale and significance of the proposal

Section 32(1)(c) states that the evaluation must contain a level of detail that corresponds to the scale and significance of the effects of the proposal. This means that the scale and significance of the proposal are the key factors influencing the level of detail required for this section 32 evaluation.

For the purposes of section 32(1)(c), 'scale' essentially refers to the scale or reach of the issue (e.g. geographic area) and the anticipated size or magnitude of the anticipated effects from the proposal. 'Significance' refers to the importance or impact of the issue the proposal is intended to address or achieve, or the significance of the response itself (on the environment and the community).

In this case, the scale and significance of the proposal is considered to be minimal for the following reasons:

- There are no changes to the actual intent or effect of the provisions through the rationalisation process;

- There have been no changes to the plan provisions with statutory weight (i.e. objectives, policies and rules)⁸. As such, there is not expected to be any impact on outcomes or decision-making other than enabling plan provisions to be located more easily and efficiently; and
- The changes to rationalise plan content have been focused on ‘non-core’ plan provisions (i.e. explanations, principal reasons⁹, and introductions sections). This non-core plan content has been removed or rationalised only where does not clearly aid in the interpretation and implementation of the plan.

4.3 Approach to evaluation

Based on the requirements of section 32, the evaluation report must include:

- An assessment of the extent to which the objectives are the most appropriate to achieve the purpose of the RMA;
- Identification of reasonable practical options for achieving the objectives; and
- Assessment of whether the provisions are the most appropriate to achieve the objectives by assessing the efficiency and effectiveness of those provisions.

The level of detail in this evaluation must correspond with the scale and significance of the effects of the proposed changes through the Tairāwhiti Plan, which has been assessed as minimal. This evaluation has therefore been undertaken at a high-level focusing on the overall changes through the Tairāwhiti Plan rationalisation process rather than a detailed assessment of changes to the non-core plan content.

The scope of the proposed changes being limited to non-core plan provisions also determines the approach required to meet the requirements of section 32. The focus for each step of the evaluation is summarised in the table below.

Table 8: Section 32 evaluation requirements and focus of analysis

Section 32 requirement	Focus of evaluation
(1) <i>An evaluation report required under this Act must—</i> (a) <i>examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</i>	The evaluation is focused on the purpose of the proposal as the proposal itself does not include objectives.

⁸ The only exception is integrating the tangata whenua section of the former Combined Regional Land and District Plan into the tangata whenua section of the regional policy statement (Part B1 of the Tairāwhiti Plan). This is discussed in more detail in section 5.

⁹ Principal reasons are only required in relation to regional statement provisions and these have been retained in Part B of the Tairāwhiti Plan.

Section 32 requirement	Focus of evaluation
<p>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</p> <p>(i) identifying other reasonably practicable options for achieving the objectives; and</p> <p>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</p> <p>(i) summarising the reasons for deciding on the provisions; and</p>	<p>This assesses whether the provisions (rationalised changes) are appropriate to help achieve:</p> <ol style="list-style-type: none"> 1. The purpose of the proposal; 2. The existing plan objectives (based on s32(3)). <p>Based on the definition of provisions in section 33(6) of the RMA, the assessment only needs to consider changes to methods as there are no changes to policies or rules in the plan. However, all the rationalisation changes have been assessed collectively in section 5 for the purposes of completeness.</p>
<p>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</p>	<p>As noted above, the significance of the proposal is minimal and this is reflected in the level of detail in the evaluation.</p>
<p>(2) An assessment under subsection (1)(b)(ii) must—</p> <p>(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—</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced; and</p> <p>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and</p> <p>(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</p>	<p>It is not possible to quantify costs or benefits, or assess impacts economic growth and employment opportunities given the limited changes through the rationalisation process.</p> <p>Risks are associated with the proposal are also low as the provisions are well established and certain.</p>
<p>(3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—</p> <p>(a) the provisions and objectives of the amending proposal; and</p>	<p>The rationalisation (amending proposal) will amend the merged plan (existing proposal). Therefore, the assessment of provisions in 1(b) must relate to:</p> <ol style="list-style-type: none"> 1. The purpose of the amending proposal; 2. The objectives of the existing plans as they will remain unchanged when the

Section 32 requirement	Focus of evaluation
<p>(b) <i>the objectives of the existing proposal to the extent that those objectives—</i></p> <p><i>(i) are relevant to the objectives of the amending proposal; and</i></p> <p><i>(ii) would remain if the amending proposal were to take effect.</i></p>	<p>rationalisation (amending proposal) takes effect.</p>

5. Section 32 Evaluation

5.1 Evaluation of objective

There have been no changes to the existing objectives through the Tairāwhiti Plan rationalisation plan change. Therefore, in accordance with section 32(1)(a) and 32(6), the evaluation needs to assess the purpose of the proposal. The purpose of the rationalisation plan change (the proposal) is as follows:

"Make the plan more user friendly by reducing duplication and removing unnecessary plan content"

The evaluation must examine the extent to which it is the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA is to promote the sustainable management of natural and physical resources, which 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.*

5.1.1 Evaluation of proposal

Table 9 below assesses the proposal in terms of three criteria to assess appropriateness: relevance, feasibility, and acceptability¹⁰.

¹⁰ These criteria are based on section 4.4 of 'A Guide to Section 32 of the Resource Management Act 1991' Ministry for the Environment, 2014.

Table 9: Evaluation of the purpose of the proposal

Criteria	Comments
Relevance	
<i>Directly related to a resource management issue</i>	No change - the resource management issues being addressed through the proposal are the same as those addressed through Council's former RMA plans.
<i>Will achieve one or more aspects of the purpose of the RMA</i>	The proposal will help to achieve the purpose of the RMA (sustainable management of natural and physical resources) through ensuring plan content is more focused on core RMA matters by removing non-core plan content that does not aid in the interpretation or implementation of the plan. Plan provisions remain focused on achieving the purpose of the RMA but unnecessary plan clutter is removed.
<i>Assists Council with statutory functions</i>	The proposal assists Council with its statutory functions (as a Unitary Authority) as set out in section 30 and section 31 of the RMA. By providing a more useable plan structure, the rationalisation plan change will assist: <ul style="list-style-type: none"> • Council meet its regulatory functions under the RMA (consenting and compliance); and • Future plan reviews of substance which will be focused on priority topics for the region.
Feasibility	
<i>Acceptable level of uncertainty and risk</i>	The proposal involves an acceptable level of uncertainty and risk as: <ul style="list-style-type: none"> • No rationalisation or redrafting of objectives, policies and rules has occurred – the meaning and effect of these provisions remains unchanged; • Rationalisation resulting in content removal has only been undertaken where plan information does not aid in the interpretation or implementation of the plan; • The restructuring and rationalisation of content will ensure plan users are able to more easily identify the key planning provisions, from the regional policy statement level through to regional and district provisions.
<i>Able to be achieved within Council's powers and resources</i>	The proposal can be achieved within Council's powers and resources as: <ul style="list-style-type: none"> • The scope of changes is within Council's powers to implement a plan change that is consistent with the former RMA plans; and • The development and implementation of the Tairāwhiti Plan is resourced through the inclusion of the project in the Long-Term Plan.
Acceptability	
<i>Consistent with community outcomes</i>	The proposal is consistent with Gisborne District Council's community outcomes which include: <ul style="list-style-type: none"> • Tairāwhiti Tangata (our people); • Tairāwhiti Taonga (our environment, culture and economy); and • Tairāwhiti Tangata (our aspirations realised).

Criteria	Comments
<i>Will not result in unjustifiably high cost on community</i>	<p>The proposed changes will not result in unjustifiably high costs on the community as:</p> <ul style="list-style-type: none"> • The community will benefit from a plan that is easier to navigate and understand; and • The costs on the community are much less than costs incurred through a single comprehensive review and rationalisation of all plan content.

5.1.2 Overall assessment of proposal

Based on the evaluation above, it is considered that the proposal represents the most appropriate way to achieve the purpose of the RMA. The proposal helps to streamline the plan and future proof the plan for future reviews, allowing the core planning content to be reviewed more effectively and efficiently. Broadly, this proposal appropriately meets the sustainable management purpose of the RMA while ensuring the plan provisions continue to manage the adverse environmental effects from the use and development of natural and physical resources in the Gisborne region.

5.2 Assessment of options to achieve objective

5.2.1 Overview of options to achieve objective

Three options were considered as part of the development of the Tairāwhiti Plan to achieve the overall objective of making the plan more user friendly by reducing duplication and removing unnecessary plan content. The three options are:

- No rationalisation of any plan content;
- Rationalisation of plan content, focussing primarily on 'non-core' plan provisions; and
- Comprehensive rationalisation of plan content.

An assessment of each of these options is provided below.

5.2.1.1 Assessment of Option 1: no rationalisation

This option involves no rationalisation of plan content – there would be no changes to non-core plan content (e.g. introduction sections) even where this is outdated or duplicates sections in other plans.

Table 10: Pros and cons of option 1 (no rationalisation) to achieve objective

Pros	Cons
<ul style="list-style-type: none"> • Avoids risk of rationalising/removing plan content that may aid plan users or may be considered important. 	<ul style="list-style-type: none"> • Does not achieve the objective for this proposal as it does not reduce or and remove unnecessary planning content. • Outdated and redundant plan content will remain which may cause confusion for plan users (e.g. introduction sections referring to former plan sections are retained). • The plan will be excessively long and will be difficult to navigate.

5.2.1.1 Assessment of option 2: the proposed changes

This option involves the rationalisation of non-core plan content with a primary focus on reducing non-core plan content that does not aid in the interpretation of the plan. The nature of the changes would depend on the type of plan provision as outlined below:

- **Introduction/explanatory material for the plan:** Introduction and explanatory material for the plan will be rationalised, re-written and updated to create a coherent introduction to the Tairāwhiti Plan and to remove duplication and outdated references.
- **Introductions to each chapter/sub-section:** Introductions to each chapter or subsection of the plan will be rationalised to remove material that duplicates (e.g. region-wide sections on topics that are also addressed in the regional policy statement) or does not aid in the interpretation and implementation of the plan.
- **Issue statements:** Limited changes to issues statements with only some minor rationalisation to remove unnecessary words or duplication. Most issue statements will be unchanged as they often assist in the interpretation of objectives and policies.
- **Methods (other than rules):** Methods will be rationalised where these duplicate or are not directly relevant to plan objectives. However, methods that relate to any specific commitments/ programmes or regulatory methods will be retained. Overall changes to methods will be very limited.
- **Principal reasons/explanations:** At the regional policy statement level, principal reasons are compulsory and will be retained. There will be some rationalisation of explanations at the regional policy statement if the content does not aid in the interpretation and implementation of the plan. At a region and district plan level, explanations and principal reasons often duplicate and many were very wordy. These will be combined into 'principal reasons' throughout the plan and these will be rationalised to remove content that does not aid in the interpretation and implementation of the plan. Often this results in the deletion of explanations and reliance on the principal reason.
- **Environmental results anticipated:** Environmental results anticipated will be reviewed to remove duplication, such as where these are repeated in regional policy statement provisions and region wide regional and district plan provisions.

- **Provisions relating to procedural matters:** Provisions relating to procedural matters will be rationalised and re-written where material will not aid in the interpretation and implementation of the plan.

There would be no changes to wording of the objectives, policies and rules.

Table 11: Pros and cons of option 2 (preferred option) to achieve objective

Pros	Cons
<ul style="list-style-type: none"> • Will make the plan much more concise and focused on core plan provisions to improve usability and focus. • Plan will be more aligned with second generation RMA plans, which are focused on core plan provisions and removing unnecessary clutter. This is also likely to make the plan more aligned with the likely direction of the national planning standards. • Reflects the fact that most applicants and decision-makers only refer to provisions that have statutory weight (i.e. objectives, policies, rules). • Consolidating and rationalising the principal reasons and/or explanations will reduce duplication and make it easier to find core provisions, • Streamlining the content will make future reviews easier. • Changes will contribute to making the plan more effective over time. 	<ul style="list-style-type: none"> • Risk that some 'non-core' plan content which aids in the interpretation of the plan is rationalised and lost. • There would still be a lot of non-core provisions in the plan so it will still be very long and wordy. As such the plan will not achieve the full efficiency benefits at this initial stage.

5.2.1.3 Assessment of Option 3: comprehensive rationalisation of plan content

This option involves the greater rationalisation than proposed in option 2, including rationalisation of objectives, policies and rules. In addition to the changes in option 2, this option would involve the following changes:

- **Objectives, policies and rules:** Objectives and policies will be combined where the intent of these provisions is the same, to avoid repetition and confusion for plan users. Some of these provisions would also be redrafted to make them more concise while ensuring the effect and meaning is not changed.
- **Principal reasons and explanations:** Principal reasons would be retained in the regional policy statement and deleted elsewhere in the plan. Explanations would be removed throughout the plan.
- **Methods:** Methods will be comprehensively reviewed and rationalised to remove any that are not directly related to the RMA.

- **Schedules/appendices that duplicate content or are redundant:** All schedules and appendices that are not necessary to include in the plan (e.g. external documents) will be removed.

The table below identified the pros and cons of option 3, in addition to those identified in option 2 above.

Table 12: Pros and cons of option 3 (comprehensive rationalisation of plan content) to achieve objective

Pros	Cons
<ul style="list-style-type: none"> • Will make the plan much more concise and focused on core plan provisions. • Plan will be more aligned with second generation RMA plans which are focused on core plan provisions and removing unnecessary clutter. • Removing all principal reasons and explanations will significantly reduce the length of the plan and make it easier to navigate. • Rationalising repetitive policies will reduce content and duplication without affecting the actual meaning and effect of the provisions. • Redrafting objectives and policies will help to improve the readability, implementation and effectiveness of the provisions. • Will remove a lot of content that is either of limited value to plan users (e.g. other methods) or is outdated. • Reflects the fact that most applicants and decision-makers only refer to provisions that have statutory weight (i.e. objectives, policies, rules). 	<ul style="list-style-type: none"> • Risk that the effect and meaning of the existing objectives, policies and rules are lost or altered through the rationalisation process. • Risk that some provisions are difficult to understand and implement without their supporting explanation/principal reasons. • Redrafting provisions may actually result in different outcome/effect even if this not intended.

5.2.2 Overall assessment of options

The preferred option is Option 2 - rationalisation of non-core plan content that does not aid in the interpretation of the plan while ensuring there are no changes to objectives, policies and rules. This option will streamline the plan to make plan review easier. More comprehensive rationalisation (Option 3) would likely further improve the plan for users and review. However, it is considered that undertaking further rationalisation at this stage would present a risk of altering the meaning of the plan and is better left to future plan reviews.

5.3 Assessment of effectiveness and efficiency of provisions

Section 32(2) requires that the assessment of effectiveness and efficiency:

- *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; and
 - (ii) employment that are anticipated to be provided or reduced;*
- *Quantify the identified costs and benefits if practicable; and*
- *Assess the risk of acting or not acting if there is uncertain or insufficient information about the provisions.*

This assessment is therefore focused on assessing benefits and costs associated with the proposed rationalised plan change. The key improvement will be the usability of the plan, which will provide benefits to Council and plan users that are primarily efficiency gains (economic benefits) in the short term. Over time, an improved plan structure and focus is likely to contribute to wider economic, social and cultural benefits by improving the implementation of plan provisions.

5.3.1 Assessment of costs and benefits

This assessment of costs and benefits is focused on the three major changes to plan content through the rationalised plan change as detailed below. The other changes made when merging the former plans into the Tairāwhiti Plan were purely structural and do not form part of the section 32 analysis.

5.3.1.1 Rationalising introductory statements, principal reasons and explanations across the plan

As outlined above, the main changes to plan content in the Tairāwhiti Plan were to rationalise introduction statements, principal reasons and explanations where these did not aid in the interpretation of the plan. Principal reasons and explanations were also combined into principal reasons to reduce duplication and achieve greater consistency throughout the plan. Minor rationalisation of some issue statements and methods were also undertaken.

Benefits	Costs
<ul style="list-style-type: none"> • Will ensure the plan content is focussed on core RMA provisions. • Material that aids in the interpretation or implementation of the plan is retained. • Helps to make the plan more concise and useable which has efficiency benefits for plan users and implementers. • Removes duplication to assist with plan interpretation and implementation. 	<ul style="list-style-type: none"> • Some non-core planning content may be of interest, even if it does not aid in the interpretation or implementation of the Tairāwhiti Plan.

5.3.1.2 Integrating tangata whenua sections

Tangata whenua sections from the Combined Plan were integrated into the sections at the start of the regional policy statement (Part B) in order to avoid duplication. Specifically, this involved:

- e. Combining of generic introductory text mainly relating to how rangatiratanga can be exercised, Treaty principles and explanations of important Māori concepts and terms.
- f. The movement of tangata whenua objectives 1A.3 (1) and (2) from the Combined Plan into the Regional Policy Statement, which relate to protection of sites of value to Maori and recognising for the relationship of Maori with their culture, traditions, ancestral lands and other resources. Policies 1A.4 (1), (2), (3), (5), (6), (7) and (8), which cover matters such as use of Maori language, encouraging consultation with Tangata Whenua and recognising the priorities of individual iwi, hapu and marae, were also moved from the Combined Plan into the Regional Policy Statement. The movement of the provisions elevates their status as lower plans must now give effect to these provisions.
- g. The merger of policy 1A.4(4), about recognising and providing for the Kaitiaki responsibilities of Tangata Whenua, with a similar policy in the Regional Policy Statement.
- h. The merger of a method from the Combined Plan with a method in the Regional Policy Statement, as they both involved transfers of functions, powers and duties under section 33 of the RMA.

Council is aware that the content remains out of date and has signalled the update of this section as a priority for plan review.

Benefits	Costs
<ul style="list-style-type: none"> • Reflects the fact that Māori cultural values and aspirations are key considerations in Gisborne and will influence most areas of the Tairāwhiti Plan. • Will help ensure this higher-level policy direction on cultural issues is given effect to through activity specific and area specific policies and rules. • Reduces duplication in plan provisions where they relate to common Māori concepts such as kaitiakitanga and the principles of the Treaty of Waitangi. 	<ul style="list-style-type: none"> • No costs anticipated.

5.3.1.3 Moving all environmental results anticipated into one chapter and rationalising these

Benefits	Costs

- Easier to locate all environmental results anticipated and monitoring provisions in one section of the plan.
- Environmental results anticipated can be clearly linked to monitoring indicators.
- The grouping and rationalisation of environmental results anticipated will aid in plan review and plan effectiveness monitoring required under section 35 of the RMA.
- The 'line of sight' between issues, objectives and outcomes sought will not be as clear.

5.3.2 Overall assessment of efficiency (cost and benefit analysis)

Overall, it is considered that the benefits gained from the proposed changes outweigh the costs for the following reasons:

- The rationalisation of plan content is focused on the removal of non-core content that does not aid in the interpretation or implementation of the plan. This will make the plan more clear and concise and therefore more efficient to use and implement;
- The grouping and rationalisation of environmental results anticipated will aid in plan review and plan effectiveness monitoring required under section 35 of the RMA;
- Costs for plan users and implementers to adjust to new format and plan content (time cost) will be reduced because this is occurring as one process rather than a series of ongoing plan changes; and
- The reduction of non-core plan content that does not aid in the interpretation or implementation of the plan will make navigating Tairāwhiti Plan more efficient. This will have benefits for plan users and Council policy and consenting staff.

5.3.3 Overall assessment of effectiveness

For the purposes of section 32, 'effectiveness' refers to the ability of a provision to meet the desired outcome or result. The fundamental question for assessing effectiveness is whether the provisions will achieve the outcome sought. The outcome sought through the rationalised plan change is to:

"Make the plan more user friendly by reducing duplication and removing unnecessary plan content...."

The proposal is considered to achieve this objective as the rationalisation of introductory statements, principal reasons and explanations across the plan will reduce duplication and plan content that does not aid in the interpretation or implementation of the plan, making the plan more user friendly. Combined with the structural changes to the Tairāwhiti Plan outlined in section 3, this will have a number of efficiency and usability benefits for Council and plan users.

5.4 Conclusion

The purpose of the rationalisation plan change is to:

"Make the plan more user friendly by reducing duplication and removing unnecessary plan content"

The scale and significance of the proposal is considered to be minimal as there have been no changes to the actual intent or effect of the provisions. There is not expected to be any impact on decision-making other than enabling plan provisions to be located more easily and efficiently.

The section 32 evaluation in this report has evaluated changes that have been made through the rationalisation process; no formal Schedule 1 RMA process is required for the structural changes made through the Tairāwhiti Plan. In conclusion, this rationalisation plan change delivers a range of benefits for plan users and plan review and is considered the most appropriate way to achieve the purpose of the RMA.

