

## **Interim Guidance Text for RPS General**

### **PAUP Chapter B – Regional Policy Statement**

**9 March 2015**

Having read the submissions relating to this topic and having heard evidence and legal submissions from submitters (including the Auckland Council), the Panel issues this guidance in relation to RPS level provisions to assist submitters and the Council in preparing for mediation and subsequent hearings on regional and district plan provisions.

This interim guidance is not a recommendation within the meaning of section 144 of the Local Government (Auckland Transitional Provisions) Act 2010. It is not binding on submitters (including the Council) or on the Panel.

The Panel may revise its interim guidance after considering evidence presented on the regional and district plan provisions.

The Panel does not invite any further evidence in relation to this topic and will not enter into correspondence on this interim guidance.

#### **Interim Guidance – Regional Policy Statement - PAUP Chapter B**

1. There should be a separate Regional Policy Statement (RPS) from the Regional Plan (RP) (including the Regional Coastal Plan (RCP)) and District Plan (DP) which form the Proposed Auckland Unitary Plan (PAUP). Having a separate RPS allows it to be focussed on its specific statutory purpose and functions. It assists in providing clarity in the structure of the PAUP.
2. The RPS should provide an overview of the resource management issues, objectives, policies and methods to achieve integrated management of the resources of the region. The Panel considers that the RPS sets out the appropriate issues and accepts that Historic Heritage and Natural Heritage should be separated into two issues.
3. Sections of Part B - RPS, including B4.3.1 - Natural Character of the Coastal Environment, B4.3.2 - Landscape and Natural Features and B4.3.4 - Biodiversity that contain objectives and policies that are listed as RPS/RCP/RP/DP will need to be amended so that the objectives and policies are RPS provisions only. Those that are RCP/RP/DP provisions will be 'relocated' to other appropriate sections of the PAUP such as Part 2 Chapter C – Auckland-wide Objectives and Policies and the Overlay provisions.
4. Objectives should describe a state to be achieved for a resource management purpose. The Panel considers that objectives which are not for a resource management purpose, including any that are plainly within the ambit of legislation other than the RMA or are otherwise not able to be implemented by resource management methods, ought not to be included in the RPS.

5. Policies should clearly relate to the objectives and clearly state the resource management approach to be taken to an activity or use or to a resource or value. Where a policy relates to a resource or value it should also:
  - a. Say how to identify a resource or value;
  - b. Set criteria or thresholds for the quality of the resource or value which is to be attained or protected; or
  - c. Say how to deal with a resource or value in terms of the threshold.
6. Rules must be contained in plans. Objectives or policies which are so prescriptive as to amount to rules should be excluded from the RPS or recast as true objectives or policies.
7. The RPS must be read as a whole. All relevant provisions should be applied to the circumstances of the case according to their terms. The terms used should be clear enough to enable the objectives and policies to be given effect in a coherent and consistent way.
8. Duplication of RPS provisions should be avoided. The location of provisions in the RPS should be according to the principal issue with which the provision is concerned.
9. There is no explicit hierarchy among the objectives and policies of the RPS based on the layout of the document or the order in which provisions are set out. Where more than one provision in the RPS is relevant to the particular circumstances of a case, the issue of whether one provision prevails over another, or whether both or all of the provisions must be applied together, must be determined according to the meaning of the text of the objectives and policies.
10. The objectives and policies should be written in a way that they can be read and understood in their own terms. Headings of chapters and sections should be worded to assist readers in navigating the document rather than to add content. We doubt that introductions are needed where the objectives and policies are clear. We are concerned that at least some of the explanations of the policies stray into the area of being policy statements themselves; in some cases the explanations are inconsistent with the policies they are meant to explain.
11. We think that there would be some benefit to be gained from re-ordering the sections of the RPS. An amended order is attached. The principal changes are:
  - a. Issue B1.3 – Protecting our historic heritage, special character and natural heritage is split into B1.3 – Historic heritage and B1.4 – Landscape, features, amenity values and character.
  - b. Issue B1.8 – Responding to climate change is now distributed across natural hazards, energy and biodiversity

- c. B2.7 – Social infrastructure is re-named Social facilities, which reflects the specific focus in B3.2 on infrastructure.
- d. B3.2 –Significant Infrastructure and energy is split into B3.2 Infrastructure and B3.4 Energy.
- e. Section B4 needs to be re-organised in light of the separation of historic heritage from natural heritage. This involves the following:
  - i. B4.2 may remain as Special character or may become Historic character, depending on the outcome of the issues concerning the assessment and protection of built character.
  - ii. B4.3.1 – Natural character of the coastal environment is shifted to B8 – Coastal environment.
  - iii. B4.3.3 – Trees and vegetation is split, with trees going to the new section B5 and vegetation joining B4.3.4 – Biodiversity.
  - iv. B4.3.4 – Biodiversity and vegetation is moved to Section B7 – Natural resources, as that appears to be a more logical place for it,
- f. A new section B5 – Landscape, features, amenity values and character is created. It contains:
  - i. B5.1 – Viewshafts
  - ii. B5.2 – Landscapes and natural features
  - iii. B5.3 – Waitakere Ranges Heritage Area
  - iv. B5.4 - Trees
- g. B6.4 – Land – hazardous substances, B6.5 – Land – contaminated, B6.6 – Genetically modified organisms and B6.7 – Natural hazards are all moved to a new section B10 – Environmental risks. This grouping better identifies those issues than having them included in from the section on natural resources.
- h. Section B7 has a new sub-section B7.5 – Soils.
- i. Section B10 – Environmental risks will also include a new sub-section B10.6 – Biosecurity.
- j. All water sections (including coastal, freshwater, geothermal) have been combined into one section. As a consequence, the B7.3 Areas of Degraded Water Quality in the coastal environment section has moved to B7 Natural Resources.

A handwritten signature in black ink, appearing to read 'D. Kirkpatrick', written over a horizontal line.

David Kirkpatrick

Chairperson, Hearings Panel for  
proposed Auckland Unitary Plan

# RPS Structure 2015-03-09

<b>Current</b>	<b>New</b>
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