



Decisions on Plan Change 1 & Variation 1 TAIRĀWHITI RESOURCE MANAGEMENT PLAN



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Executive Summary

This is Gisborne District Council's decisions on Plan Change 1 / Variation 1 to Te Papa Tipu Taunaki o Te Tairāwhiti – The Tairāwhiti Resource Management Plan (the 'Tairāwhiti Plan').

The plan change and variation rationalise plan content to remove duplication and content that does not aid in the interpretation of the plan. No changes to the substance or effect of the existing plan provisions is intended through this process.

The changes are the second stage in a process to combine Council's seven former planning documents into a single unitary plan. Stage 1 involved the merger of the documents prior to rationalisation, which was completed without the need for a formal submission process under the RMA.

Plan Change 1 / Variation 1 were notified for submissions on 30 June 2017. Two submissions and no further submissions were received.

This report records Council's decisions on submissions and its further evaluation of the plan change under section 32AA of the RMA. Information about the approach Council took to merge its plans prior to rationalisation (stage 1) is also provided but for background purposes only.

The issues raised by submitters regarding the plan change were relatively minor and have substantially been accommodated through minor word changes.

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. We remain convinced that this rationalisation plan change is the most appropriate way to achieve the purpose of the RMA.

Decisions Approved By Council: 14 December 2017 (on recommendation of the Environment, Planning and Regulatory Committee 29 November 2017)

Decisions Notified: 13 January 2018

Introduction

Council adopts Plan Change 1 / Variation 1 (Rationalisation) to Te Papa Tipu Taunaki o Te Tairāwhiti - The Tairāwhiti Resource Management Plan (the 'Tairāwhiti Plan'), with minor changes in response to submissions.

This document records Council's decisions on the changes, including:

- 1) Council's response to submissions on Plan Change 1 / Variation 1 and its reasons
- 2) An evaluation under section 32AA of the Resource Management Act 1991 (RMA) of Proposed Plan Change 1 / Variation 1.

Information about the development of the combined 'Tairāwhiti Plan' is also provided for background.

These decisions are structured as follows:

Section 2:	Background
Section 3:	Problem statement
Section 4:	Changes proposed
Section 5:	Response to Submissions
Section 6:	Evaluation of Changes
Section 7:	Conclusion.
Appendix One:	Changes to the Plan in response to the Oil Companies' Submission.

Background

2.1 The Tairāwhiti Plan merging and rationalisation process

The Tairāwhiti Plan replaces seven former RMA planning documents in the Gisborne District, including the regional policy statement. In addition to merging the plans into a single consolidated plan format, Council proposed rationalisation of the content through a formal plan change / variation (proposed Plan Change 1/ Variation 1). The changes propose to reduce duplication and remove unnecessary explanatory material to make the plan more user-friendly, while ensuring the intent and meaning of the existing statutory provisions is retained. Importantly, limited changes to 'core'¹ plan content are proposed; almost all the objectives and policies remained unchanged, as did the rules apart from some reformatting to put these into consistent tables.²

Following the merger and rationalisation Council proposes to rolling review of the content, topic-by-topic.

¹ "Core" plan content in this context refers to the mandatory content for regional policy statements 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).

Council sought legal and expert planning advice the merger and rationalisation, which was considered in workshops with Council staff and plan users in late 2016 before the final plan structure and scope of rationalised changes was agreed.

2.1.1 Drivers for the combined Tairāwhiti Plan

Key drivers that led to the development of a combined Tairāwhiti Plan for Gisborne included:

- A national trend towards reducing and combining planning documents in recognition of the benefits this provides for plan reviews and for plan users. There have also been amendments to the RMA to enable regional policy statements to be more easily combined with other RMA plans.
- Many provisions 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 the former plans were significantly amended through appeals and plan changes and each has its own unique structure, format and drafting style. This inconsistency created issues for plan users and council staff implementing the plans.
- Amendments to the RMA sought to simplify plans through focusing on 'core' plan provisions and removing unnecessary clutter, such as explanations and reasons. This 'non-core' plan content was a strong feature of Council's former RMA plans as many plans had extensive introduction sections, explanations and principal reasons.
- Feedback from plan users and Council staff has highlighted duplication and inefficiencies associated with the multiple planning documents in Gisborne.
- Evidence³ suggested 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.

2.1.2 The purpose of the Tairāwhiti Plan rationalisation process

The purpose of the Tairāwhiti Plan merger and rationalisation is to deliver the benefits outlined in table 1. The expected benefits are efficiency gains in the short-term (i.e. reduced duplication, more concise and logical plan structure) as well as effectiveness gains in the longer term following future plan reviews (i.e. improved integration of provisions, improved understanding of provisions); leading to improved outcomes.

³ 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.

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.

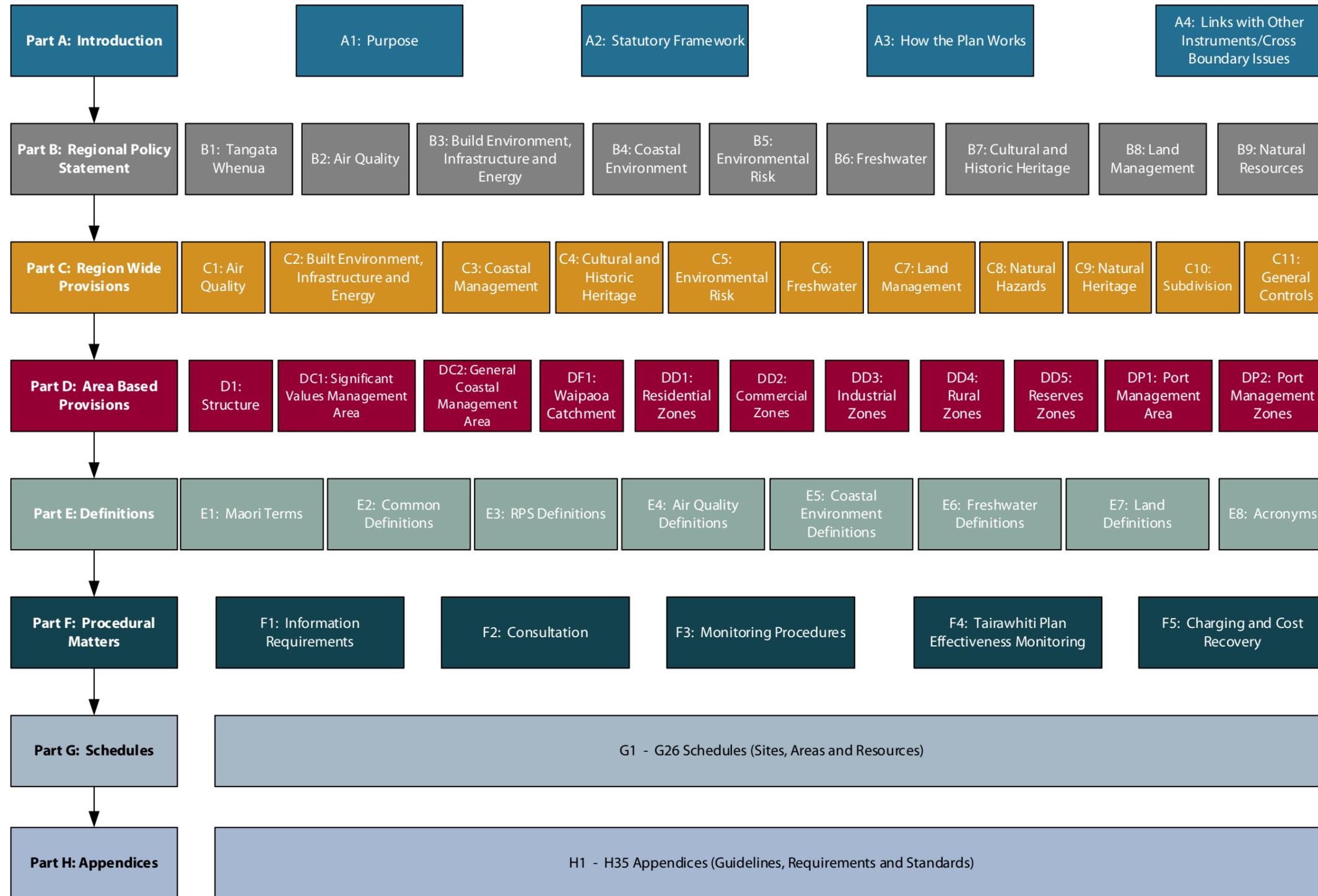
2.2 Structure of the Tairāwhiti Plan

The structure of the Tairāwhiti Plan is outlined in Table 2 and Figure 1 below. This structure is based on a review of other second generation combined plans and a review of best practice guidance on RMA plan structure and format. Table 2 also provides a high-level summary of the content of each Part and the main changes through the rationalisation process.

Table 2: Structure of Tairāwhiti Plan

Part of plan	Overview of content
Part A: Introduction	Introductory material with some provisions relating to cross-boundary issues.
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.
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.
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.
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.
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.
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.
Part H: Appendices	These are appendices of the former plans that relate to guidelines, requirements or standards.

Figure 1: Structure and content of Tairāwhiti Plan



Problem Statement

3.1 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. 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.

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)).

All five unitary authorities (with functions of both a regional and district council) already have, or are planning, one combined RMA document.

3.2 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. 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

Plan name	Status
<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.

3.3 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.

3.3.1 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.

3.3.2 Duplication

The creation of multiple plans at different times addressing different but related topics resulted in extensive repetition and duplication across the different plans. “Non-core” plan content, such as background information, introduction sections and explanations was repetitive given that most of the plan provisions are trying to achieve the same thing. Duplication of plan content creates both confusion and inefficiencies.

3.3.3 Lack of integration

The former planning framework meant had a lack of integration in terms of content (e.g. duplication and inconsistencies in plan objectives) as well as structure. 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.

3.3.4 Policy direction unclear

Plan users and implementers identified that the policy direction and outcomes sought through the former RMA plans was 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 sometimes lost. 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.

Changes Proposed

Plan Change 1 / Variation 1 proposed changes throughout the plan to rationalise the content. The nature of the changes depended on the type of provision as outlined below:

- **Introduction/explanatory material for the plan:** Introduction and explanatory material for the plan was 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 were rationalised by removing duplication (e.g. region-wide sections on topics that are also addressed in the regional policy statement) and content that did not aid in the interpretation and implementation of the plan.

- **Issue statements:** Limited changes to issues statements were proposed, with only minor rationalisation to remove unnecessary words or duplication. Most issue statements were left be unchanged.
- **Methods (other than rules):** Methods were rationalised to remove duplication and content not directly relevant to plan objectives. However, methods that relate to any specific commitments/ programmes or regulatory methods were retained. Overall, changes to methods were limited.
- **Principal reasons/explanations:** At the regional policy statement level, principal reasons are compulsory and were retained, but with some rationalisation. At a region and district plan level, explanations and principal reasons often duplicate and many were wordy. These were combined into 'principal reasons' throughout the plan and rationalised to remove content that does not aid in the interpretation and implementation of the plan. Often this resulted in the deletion of explanations and reliance on the principal reason.
- **Environmental results anticipated:** Environmental results anticipated were re-written 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 were rationalised and re-written where material will not aid in the interpretation and implementation of the plan.

No changes to the objectives, polices and rules were proposed, with the exception of the changes to bring together tangata whenua provisions in the Combined Regional Land and District Plan into the Regional Policy Statement

Response to Submissions

Plan Change 1 / Variation 1 were notified for submissions on 30 June 2017. Submissions were received from Z Energy Limited, BP Oil NZ Limited and Mobile Oil NZ Limited (collectively referred to as the oil companies) and the New Zealand Defence Force. These submissions were notified for further submissions in August 2017. No further submissions were received.

The matters raised and decisions sought by submitters are summarised below. Responses to each submission point are also provided. As can be seen, all of the submission points from the NZ Defence Force are supported in full. The joint submission by the oil companies is supported in part.

Submitter: NZ Defence Force	Submission Point # N/A
Plan Section: DC1.6.3(4) Rules for Occupation of Space in the CMA	Support / Oppose: Oppose
Decision Sought: Retain a restricted discretionary activity status as in the previous Regional Coastal Environment Plan	
Recommended Decision on Submission: No further changes are required.	
Reasons: This is a drafting error and was amended before the hearing and has not been given a submission point number.	

Submitter: NZ Defence Force	Submission Point # 1
Plan Section: B4.2 Issue	Support / Oppose: Oppose
Decision Sought: Retain the original text from section 6.1 of the Regional Policy Statement [rather than the condensed version in the Tairāwhiti Plan that does not mention activities for defence purposes]	
Recommended Decision on Submission: Accept the submission. Amend Issue B4.2 (the effects of some activities straddle the administrative boundaries established under the RMA) under the heading 'Integration between Land and Water', as shown with underlining: <i>Council needs to ensure integration across mean high water springs as this is the administrative boundary between the management of land and the coastal marine area.</i> <i>Many land based activities may cause effects on the coastal environment. Also activities in the coastal marine area can create a need for landward components. Other activities <u>such as those undertaken for defence purposes</u> may also require utilisation of areas in the seaward and landward portion of the coastal environment.</i>	
Reasons: Although rationalisation plan changes aim to simplify the plans by reducing unnecessary content, the inclusion of the example adds minimal additional words.	

Submitter: NZ Defence Force	Submission Point # 2
Plan Section: Definitions of Temporary military training and temporary activities	Support / Oppose: Support in Part
Decision Sought: No changes sought in this process but the submitter will seek amended provisions during plan review for a single definition of temporary military training and corresponding rules.	
Recommended Decision on Submission: Accept the submission. No changes are required at this stage.	
Reasons: The concerns of the submitter are noted but no changes are sought at this stage.	

Submitter: Z Energy Limited, BP Oil NZ Limited and Mobile Oil NZ Limited (the oil companies).	Submission Point # 1
Plan Section: Various	Support / Oppose: Oppose
Decision Sought: Delete the phrase contaminated sites wherever it appears and consistently adopt the phrase contaminated land.	
Recommended Decision on Submission: Accept the submission in part. Reword the plan to focus consistently on contaminated land, rather than contaminated sites, where this does not alter the intention of the plan. The term contaminated sites will need to be retained where it refers to the overlay of mapped sites, but minor changes to the wording will be made to indicate that the contaminated sites are sites with contaminated land rather than sites that contaminated in their entirety. Delete the definition of contaminated site.	
Reasons: We agree with the submitter's reasons that: <i>It is inappropriate to apply contaminated land provisions to "sites" as a whole: only a small piece of land may be affected by any historical contaminants. The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 focuses on a "piece of land", to avoid the effect of blighting whole sites.</i>	

We agree with the submitter that the focus of the plan should be on managing contaminated land. We consider this a matter of consistency, which is within the scope of the plan change. However, the existing mapping shows contaminated land by signalling sites with contamination. This must remain so-named until the plan is reviewed and this approach is reconsidered. The minor word changes proposed will assist to inform the reader that although the whole site is mapped, it signals the presence of contamination on the site, not that the whole site is contaminated.

The current definition of contaminated site in the plan states 'as defined in the Act'. However, there is no definition of contaminated site in the Act. With the recommended changes the term will remain used only in relation to the contaminated site overlay, which is explained in the methods section. A definition is unnecessary.

6. Section 32AA Evaluation

Section 32AA of The RMA only requires council to provide a further evaluation using the considerations in section 32 in respect of changes that have made to the proposal since the original section 32 evaluation was completed. However, for information purposes, we have provided a full evaluation of the proposal.

Given the limited nature of submissions, this evaluation is essentially the same as that provided to support notification of the proposed changes.

6.1 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.

6.2 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. 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 are very limited changes to the plan provisions with statutory weight (i.e. objectives, policies and rules)⁴. No impact on outcomes or decision-making is expected, other than enabling plan provisions to be located more easily and efficiently.

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) and, following submissions, the changes to focus on contaminated land rather than contaminated sites.

- The changes to rationalise plan content have been focused on ‘non-core’ plan provisions (i.e. explanations, principal reasons⁵, 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.

6.3 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 4: 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.
(b) <i>examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</i> (i) <i>identifying other reasonably practicable options for achieving the objectives; and</i> (ii) <i>assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</i>	This assesses whether the provisions (rationalised changes) are appropriate to help achieve: 1. The purpose of the proposal; 2. The existing plan objectives (based on s32(3)). Based on the definition of provisions in section 33(6) of the RMA, the assessment

⁵ 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>(iii) <i>summarising the reasons for deciding on the provisions; and</i></p>	<p>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) <i>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.</i></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) <i>An assessment under subsection (1)(b)(ii) must—</i></p> <p>(a) <i>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></p> <p>(i) <i>economic growth that are anticipated to be provided or reduced; and</i></p> <p>(ii) <i>employment that are anticipated to be provided or reduced; and</i></p> <p>(b) <i>if practicable, quantify the benefits and costs referred to in paragraph (a); and</i></p> <p>(c) <i>assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</i></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) <i>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—</i></p> <p>(a) <i>the provisions and objectives of the amending proposal; and</i></p> <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>(ii) <i>would remain if the amending proposal were to take effect.</i></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 rationalisation (amending proposal) takes effect.

6.4 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.*

6.4.1 Evaluation of proposal

Table 9 below assesses the proposal in terms of three criteria to assess appropriateness: relevance, feasibility, and acceptability⁶.

⁶ 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 5: 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).
<i>Will not result in unjustifiably high cost on community</i>	The proposed changes will not result in unjustifiably high costs on the community as:

Criteria	Comments
	<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.

6.4.2 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.

6.5 Assessment of options to achieve objective

6.5.1 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.

6.5.1.1 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 6: 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.

6.5.1.2 Assessment of Option 2: the notified changes with further changes in response to submissions (preferred option)

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.

There would be no changes to wording of the objectives, policies and rules aside from:

- incorporation of tangata whenua provisions from the Combined Plan into the Regional Policy Statement.
- alignment of terminology around contaminated land where possible, in response to the oil companies' submission.

Table 7: 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, 	<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.

Pros	Cons
<ul style="list-style-type: none"> Streamlining the content will make future reviews easier. Changes will contribute to making the plan more effective over time. Changes to contaminated land terminology improves consistency and aligns the plan with the focus of the RMA. 	

6.5.1.3 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 8: 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. 	<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.

Pros	Cons
<ul style="list-style-type: none"> 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). 	

6.5.2 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 minimal changes to objectives, policies and rules. This option will streamline the plan to make plan review easier. Council remains of the view that more comprehensive rationalisation (Option 3) at this stage would present a risk of altering the meaning of the plan and is better left to future plan reviews.

6.6 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:
 - economic growth; and
 - 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.

6.6.1 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.

6.6.1.1 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.

6.6.1.2 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:

- a. Combining of generic introductory text mainly relating to how rangatiratanga can be exercised, Treaty of Waitangi 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. 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.

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

Benefits	Costs
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The 'line of sight' between issues, objectives and outcomes sought will not be as clear.

6.6.2 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.

- 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.

6.6.3 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.

6.7 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.

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.

Appendix One: Changes to the Plan in Response to the Oil Companies' Submission

B5.4.2 Policies

3. To ensure that new landfills are sited and operated so as to avoid, remedy or mitigate any adverse environmental effects, to maximise efficient use of the district's resources and to avoid the proliferation of contaminated land sites.

B5.6 Issue – Sites Land which has have been contaminated with hazardous substances may contaminant soils, pollute natural waters and have impacts on public health

Explanation of Issue

There are a number of actual and potential sites with contaminated land ~~contaminated sites~~ identified in the Gisborne district. The extent of and implications from the contamination are often not known. These ~~sites~~ could include closed and existing refuse disposal sites, bulk fuel storage sites, timber treatment sites and chemical handling sites, gasworks.

B5.6.1 Objectives

1. The risk to human and environmental health from contaminated ~~sites~~ land is lowered to an acceptable level.
2. Minimal risk of any further land sites within the Gisborne district becoming contaminated.

B5.6.2 Policies

1. To encourage any owners aware of their site being contaminated to register the site/s with the Council.
2. To apply the ANZECC guidelines, or such other guidelines as Council may consider to be applicable to a particular situation, to determine the most appropriate course of action for a particular contaminated piece of land site.
3. To encourage owners of sites with contaminated land ~~contaminated sites~~ to take responsibility for remediation.
4. To carry out a programme of investigation to identify all sites with contaminated land ~~contaminated sites~~ in the district.
5. To develop and implement appropriate means to promote investigations, remediation trials and other remediation activities including, where appropriate, listing these activities as permitted activities in an appropriate plan.

B5.6.3 Principal Reasons

- *There are a few sites with contaminated land ~~contaminated sites~~ in the Gisborne district, arising mainly out of industrial practices, and waste disposal. These can lead to discharges of contaminants to land, air and water, affecting the health and safety of humans, plants, animals and ecosystems.*
- *The objectives and policies seek to identify and record all sites with contaminated land ~~contaminated sites~~ so that such effects can be either avoided, prevented or mitigated as appropriate. They seek to avoid the creation of further contaminated land ~~contaminated sites~~ and to lower the risks from existing ones.*
- ***Policy 5:** seeks to enable remediation and remove unnecessary barriers.*

B5.6.4 Methods

The methods for this issue are the same as the methods in section B5.3.4.

C5.1 Contaminated Land

C5.1.1 Introduction

Throughout the district there ~~is land~~ ~~are a number of sites~~ which have become contaminated as a result of the manufacture, use, storage and disposal of hazardous substances. Assessment of sites which have been associated with hazardous substances has been undertaken. This has resulted in the identification of sites with known contaminated land levels of contamination. ~~The contaminated sites within the Gisborne district are identified on the planning maps and listed in Schedule G9. Identification of sites in the Gisborne district~~ which have contaminated land ~~are contaminated~~ is an ongoing exercise and additional sites which are verified as having contaminated land/sites will be identified through a plan change process.

Contaminated land ~~is land~~ ~~sites are those sites~~ where hazardous substances occur at concentrations above background levels and where assessment indicates it poses or could potentially pose an immediate or long-term hazard to human health or to the environment. Contaminated land/sites may also cause actual or potential harm to human health or the environment when the contaminant ~~on the site~~ becomes exposed to an organism or natural or physical resource which is sensitive to the adverse effects of the contaminant. Exposure to contaminants may occur on the site of contamination and/or as a result of contamination being discharged off the site.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“NES”) ensures that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and, if necessary, remediated or the contaminants contained to make the land safe for human use. Any use of or activities on contaminated land, including but not limited to the contaminated sites mapped in the Plan, must comply with the NES.

Issues relating to the effects on surface water and contaminants discharged to water are addressed in part C6 of the Plan.

C5.1.2 Issues

1. Use and development, or change of use and intensity of contaminated ~~sites~~land could adversely affect human health by on-site contamination or discharge of contaminates off the site.
2. Contamination may adversely affect the biological and physical environment of the site of contamination. Subsequent discharge or movement of the contaminant off site may cause adverse environmental effects across a wider area.
3. In some circumstances, the occurrence or extent of contamination, and the nature of the adverse effects of contamination may be uncertain.

C5.1.3 Objectives

1. Adverse effects of use and development of contaminated ~~sites~~land on human health are reduced to acceptable levels or prevented.
2. Contaminated ~~sites~~land ~~is~~ ~~are~~ used and developed in a way that ensures adverse effects on the environment are avoided, remedied or mitigated.
3. Contaminated ~~sites~~land ~~is~~ ~~are~~ managed in a manner which:
 - Provides for long term appropriate and acceptable uses of the site given the extent of the contamination; *and*
 - Which maximises options for potential uses of the site.
4. The establishment and maintenance of a comprehensive and accurate record of known sites with contaminated land ~~contaminated sites~~ within the District.

Principal reasons:

- **Objective 1 & 2** - The extent of research regarding the effects of contaminants on human health and the environment varies between substances and differs from case to case. In some instances, information on contaminants is well known and can be used to assist with management of the land sites, however, where this information is not available prevention of human exposure to the contaminant is prudent.
- **Objective 3** - Contaminated land does sites do not preclude use and development of these areas. However, the activities undertaken must be appropriately controlled to ensure that this is done with due caution. Future improvements in technology and de-contamination techniques may allow contaminated land sites to be appropriate locations for a wider range of uses.
- **Objective 4** - Identifying and investigating contaminated sites within the District is an ongoing process. A number of known sites have been identified and mapped on the Urban and Rural planning maps. An ongoing commitment to continue research and investigations is required.

C5.1.4 Policies

1. To ensure that contaminated ~~sites~~land is are utilised in a manner appropriate for the level and type of contamination by relying on guidelines where appropriate, to assist in decision-making with respect to management of the site.
2. When assessing applications for resource consents or plan provisions for use or development of known sites containing contaminated land, ~~contaminated sites~~, regard shall be had to the following assessment criteria as appropriate:
 - the zone provisions of the site and any potential alternative uses for the site consistent with zone providers;
 - the extent that the proposed activity may increase the risk that the contaminated site poses to the community or the environment including consideration of:
 - level, location and type of contaminants ~~on the site~~, including the toxicity of contaminants;
 - whether the activity will establish or increase the means of exposure between the contaminants ~~on the site~~ and the community or environment. Consideration shall include assessment of the extent that activities may exacerbate the likelihood of sensitive natural resources (e.g. groundwater) being exposed to contaminants;
 - the sensitivity of humans and the environment exposed (directly or indirectly, such as through bioaccumulation) to the contaminants;
 - the extent the activity exacerbates the adverse effects of the contaminant on site or disperses the contaminant off site.

Principal reasons:

- **Policy 1** - A number of guidelines have been and are being developed including: ANZECC guidelines, MfE guidelines and industry codes of practice/guidelines which should be utilised in the management of sites with contaminated land ~~contaminated sites~~ where appropriate. Due to the site-specific nature of management of these areas and the range of possible end uses of the site, it is appropriate to utilise established guidelines and to assess each site on a case-by-case basis.
- **Policy 2** - Sites with contaminated land ~~Contaminated sites~~ must be managed in a manner which ensures that the adverse effects on humans and the wider environment are controlled. It is important when assessing resource consents for activities on a contaminated site that associated consequential discharges are not overlooked.

C5.1.5 Methods

Information

1. Council will supply information known about ~~the sites with contaminated land~~ to interested members of the public via Project Information Memorandum and Land Information Memorandum statements as requested.
2. Assessment and monitoring of sites known to historically have or currently been used for manufacture, use, storage, or disposal of hazardous substances will be conducted in order to determine if these sites have contaminated land ~~are contaminated~~.

Advocacy

1. Encourage appropriate use, development and management of sites with contaminated land ~~contaminated sites~~ by:
 - a) Providing advice to parties undertaking activities on sites with contaminated land ~~contaminated sites~~ to ensure that adverse effects of that site are appropriately addressed;
 - b) Promoting, where appropriate, the development of a management plan for the use of the site to ensure that adverse effects are addressed;
 - c) Submitting on policy related to contaminated land ~~site~~ management produced by government departments, industry and interest groups;
 - d) Encouraging appropriate clean-up initiatives that are undertaken by owners or occupiers of sites with contaminated land ~~contaminated sites~~.

Regulation

1. District rules have been developed controlling the subdivision, use and development of sites with contaminated land ~~contaminated sites~~.
2. An overlay of sites with contaminated land (known as the contaminated site overlay) ~~A contaminated sites overlay~~ has been developed. The purpose of the overlay is to map and define the boundaries of sites with contaminated land ~~contaminated sites~~ to guide the subdivision, use and development of identified sites. Underlying zones will be retained and any activity should be assessed in accordance with requirements of both the zone provisions and contaminated site rules.

Identification of Known Contaminated Sites

1. Known sites with contaminated land ~~contaminated sites~~ have been marked on the planning maps, and listed in Schedule G12, and will be reviewed and updated regularly by way of a plan change, to reflect the changing status/classification of the mapped and listed sites.

Principal reasons:

Information

- **Method 1** - Council has a legal obligation under the Building Act 2004 and Local Government Official Information and Meetings Act 1987 to provide information held to persons requesting such information.
- **Method 2** - The gathering of this information will assist in the development of an accurate database of sites with contaminated land ~~contaminated sites~~ within District to ensure that all sites with contaminated land ~~contaminated sites~~ are managed in an appropriate manner.

Advocacy

- **Method 1** - Advocacy supports and complements the regulatory mechanisms used by Council to manage land use on sites with contaminated land. This proactive mechanism will assist in managing sites in a manner consistent with the objectives of this chapter. ~~Contaminated site~~ New Zealand's management policy for sites with contaminated land in New Zealand is still being developed and therefore Council should participate in the policy development.

Regulation

- **Method 1 & 2** - The potential consequences of inappropriate activities undertaken on sites with contaminated land ~~contaminated sites~~ are such that regulatory approaches to planning for these sites are necessary. Rules guiding management of sites provide certainty and specificity of outcomes.

Identification of Known Contaminated Sites

- **Method 1** – Mapping of sites is an effective way of identifying areas where policies and rules for sites with contaminated land ~~contaminated sites~~ apply. The maps and appendices of the Tairāwhiti Plan should actively reflect the dynamic status of these sites in relation to remediation, as well as the addition of new sites.

C5.1.6 Rules for Contaminated Sites Land

- a) Notwithstanding any other rules in the plan, all activities relating to the subdivision, use and development of contaminated sites as identified on ~~Urban~~-Planning maps and listed in Schedule G12 of this plan, and any potentially contaminated sites (refer to the Hazardous Activities and Industries List 2011), must comply with the National Environmental Standards for Assessing and Managing Contaminants in Soil 2011. No rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.
 - b) The NES applies in addition to the zone rules for the area and rules for the subdivision.
-

F1 INFORMATION REQUIREMENTS FOR RESOURCE CONSENTS

...

F1.1.1.2 Regional and Natural Resource Consent Applications (consents required in the Natural Heritage, Land, and Beds of Lakes and Rivers chapters)

ACTIVITY INFORMATION

...

Hazardous Facilities and Sites with Contaminated Land ~~Contaminated Sites~~

- a) Management techniques to address adverse effects on human health and the environment of the use of the site or establishment and use of the hazardous facility.
- b) Information required for calculation of effects ratios as specified in Hazardous Facility Screening Procedure.

...

F4.1 Monitoring Themes and Indicators

...

F4.1.5.3 Contaminated Land

Environmental Results Anticipated	Plan Effectiveness Indicators
<p>Subdivision, use and development of contaminated <u>land, including but not limited to the contaminated sites mapped in the Plan</u>, to occur in a manner which:</p> <ol style="list-style-type: none"> i. reduces the risk to human health to an acceptable level in accordance with information available; ii. ensures adverse effects on the environment are avoided, remedied or mitigated; iii. provides for the use and development of contaminated sites in a manner which maximises current and future options for use and development of the site consistent with zone provisions. 	

E2 COMMON DEFINITIONS THAT APPLY ACROSS THE PLAN

Contaminated land	<i>as defined in the Act</i>
Contaminated site	<i>as defined in the Act</i>