

Interim review of the Southland Regional Policy Statement

Part A: Report

Prepared for Environment Southland

Felicity Boyd

December 2019



Executive summary

This report assesses the relevancy and appropriateness of the Southland Regional Policy Statement 2017 (the RPS) and the effectiveness and efficiency of its provisions in achieving its purpose. It also assesses the extent of change required to implement the National Planning Standards. It is an interim review of the RPS to reflect that while the RPS was only made operative in 2017, it followed a lengthy development process during which time the legislative and policy environment changed considerably. There have also been improvements in knowledge about resource management issues in Southland and changed priorities across Southland's local government agencies which the RPS did not anticipate. Overall, the RPS in its current form takes a broad and general approach to managing issues and is not particularly future-focused which will affect its relevance over time. It does not appear to be impeding progress on any particular front, but rather represents missed opportunities to provide for a more directive, integrated approach to resource management in Southland.

In terms of the legislative and policy environment, the RPS does not reflect the 2017 amendments to the Resource Management Act 1991 and does not fully implement the 2017 amendments to the National Policy Statement for Freshwater Management (NPS-FM) or the entirety of the New Zealand Coastal Policy Statement 2010 (NZCPS). This has required additional work through the Proposed Southland Water and Land Plan and review of the Regional Coastal Plan to ensure those plans comply with national direction. Regional studies on climate change, biodiversity, landscapes and the coastal environment have significantly improved the evidence base on these topics which could inform more directive and targeted provisions than the RPS currently contains. The Government is currently proposing new national direction for freshwater management, climate change, biodiversity, urban development and highly productive soils. Collectively, this suite of proposals will require significant revision of parts of the RPS if they are promulgated as expected.

The RPS contains 54 'significant resource management issues.' Many of these issues are broad in scope and not specific, providing little direction to lower order provisions. There is little information in the supporting documents (such as the section 32 evaluation report for the RPS) to explain the scale of these issues or how their significance was determined. Intuitively, it seems unlikely that all 54 issues are actually significant for Southland, however there is not enough evidence to determine this with certainty. Correspondingly, many of the objectives in the RPS are also very broad. The appropriateness of the objectives varies – some are clearly still relevant to Southland and outline specific outcomes to be achieved, while others are less certain and rely on general statements about managing effects. As with the issues, the direction in the objectives has a flow-on effect for the policies.

The policies in the RPS vary considerably from very broad to very specific. Some of the policies adopt the direction from higher order documents (such as the NPS-FM) without any particular interpretation or clarity about how that direction will be applied in Southland. There are a large number of policies in the RPS which places considerable obligations on the Southland councils for implementation. Broadly speaking, the policies could benefit from clarification and streamlining to provide more direction on how the objectives will be achieved.

The RPS contains 195 methods, some of which are mandatory and some optional, and some of which apply only to the regional council or territorial authorities. From the information available, there has been varied progress with implementing the methods to date. Feedback from the Southland councils

suggests that the methods in the RPS are used to underpin existing or proposed work programmes derived from the priorities outlined in individual councils' Long Term Plans rather than as drivers of change in their own right. This has provided flexibility, particularly for the territorial authorities, to interpret and apply the RPS provisions in a way that supports their districts' priorities, but comes at the cost of regional integration and consistency.

There are a range of other provisions in the RPS that have been difficult to implement in some circumstances. In particular, the biodiversity significance criteria have been unhelpful for assessing Southland's marine environments and additional work to fill this gap has been required as part of the review of the Regional Coastal Plan. The current approach to monitoring the RPS is unlikely to result in the ability to accurately monitor the environmental outcomes achieved (or not) by the implementation of the RPS.

The National Planning Standards will require considerable reorganisation of the provisions in the RPS, but all of this work will be able to be completed without using a Schedule 1 process. However, the resulting document is likely to contain duplication or repetition and is unlikely to be an improvement on the current RPS in terms of its usability. Implementing the Standards through a Schedule 1 process would provide opportunities to address these issues, as well as any other issues identified with the content of the RPS, but would come at a cost for the Council, the territorial authorities and submitters.

This report finds that the RPS does not fully reflect current requirements or priorities nationally or regionally, and that there are a large number of provisions that are very general in nature. To date it does not appear that the RPS has prevented the development or use of resources, but its general nature and large number of requirements means there are missed opportunities to prioritise and address key issues and to improve integration across the region. While the National Planning Standards will not require a Schedule 1 process to implement, it is likely that amendments will be required to the RPS to implement the new national directions proposed by the Government. This may present an opportunity to address some of the other issues identified with the RPS currently.

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1. Introduction

1.1. Purpose

The purpose of this report is to:

- a. Determine whether the Regional Policy Statement for Southland 2017 (RPS) remains relevant, appropriate and is achieving its purpose in an effective and efficient way; and
- b. Assess the degree of change needed to implement the mandatory National Planning Standards for regional policy statements, including determining what process will need to be undertaken to make those changes.

As the RPS has only been operative for two years, this report constitutes an interim review.

1.2. Southland Regional Policy Statement 2017

The current RPS is the Council's second regional policy statement. The first was made operative in 1997. The review of the Regional Policy Statement for Southland 1997 commenced in 2008 and the Proposed Southland Regional Policy Statement was notified in 2012. A variation to the Biodiversity chapter was notified in 2015. Following final decisions by the Council in 2015 (for the RPS) and 2016 (for the variation), appeals were resolved through two years of mediation and the RPS was made operative in 2017.

The introduction to the RPS states that in working to achieve the objectives of the RPS, the Council seeks to improve the quality of life for Southlanders. It goes on to clarify that this means giving the community confidence that:

- current activities will be managed to protect the intrinsic value of Southland's ecosystems; and
- Southland's natural and physical resources will be developed and used in a way that will ensure that the environment can support the community's health and wellbeing now and in the future.

The RPS states that it is intended to contribute to the broader goal of sustainable management and ensure that both current and future generations of Southlanders have the opportunity to appreciate and benefit from the region's bounty.

1.3. Methodology

1.3.1. Effectiveness and efficiency

The first part of this report contains an interim review of the effectiveness and efficiency of the RPS. Broadly, there are two ways of evaluating policy statements: evaluating appropriateness or evaluating outcomes. The former focuses on whether the provisions of the policy statement continue to focus on the right issues and whether the policy design and direction remains valid and relevant. The latter focuses on what has been delivered to advance the objectives of the policy statement and the extent

to which the objectives have been met 'on the ground'. For this report, an appropriateness evaluation has been chosen. This is for two reasons: the Council is particularly interested in whether the provisions remain valid and relevant (especially in light of the National Planning Standards) and there is limited information available about outcomes due to the short time the RPS has been operative and the lack of rules implementing this RPS (and therefore associated consent and compliance monitoring data).

Measuring effectiveness involves evaluating whether the issues and objectives of the RPS are appropriate and whether the policies and methods are achieving, or will achieve, the outcomes sought. Measuring efficiency involves evaluating whether the costs of the policies, rules and other methods are reasonable for the benefit gained. Costs and benefits are evaluated in monetary and non-monetary terms.

To undertake these evaluations, the following criteria have been used:

- Appropriateness (issues and objectives)
Regional policy statements are required to state the significant resource management issues for the region,¹ the resource management issues of significance to iwi authorities in the region,² and the objectives sought to be achieved by the statement.³ When preparing regional policy statements, evaluation reports are required to examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.⁴ Appropriateness evaluations seek to determine whether provisions continue to focus on the right issues and whether the policy design and direction remains valid and relevant given changes that have occurred in the legislative and policy environment, other social and economic changes, and changes in the understanding of good practice and case law.
- Effectiveness (policies)
Regional policy statements are required to include the policies for the issues and objectives and an explanation of those policies.⁵ As for appropriateness, when preparing regional policy statements, evaluation reports are required to assess the effectiveness of the provisions in achieving the objectives.⁶ The role of policies is to set out the course of action to achieve the objective(s). They need to be worded to provide clear direction to those implementing methods.

¹ Section 62(1)(a)

² Section 62(1)(b)

³ Section 62(1)(c)

⁴ Section 32(1)(a)

⁵ Section 62(1)(d)

⁶ Section 32(1)(b)(ii)

- Effectiveness (methods)
Regional policy statements are required to state the methods (excluding rules) used, or to be used, to implement the policies.⁷ Again, when preparing regional policy statements, evaluation reports are required to assess the effectiveness of the provisions in achieving the objectives.⁸ Methods are the means by which policies are implemented. As regional policy statements cannot contain rules, methods range from directing the content of regional and district plans to promoting education-based approaches.
- Effectiveness (other provisions)
Regional policy statements are required to state the principal reasons for adopting the objectives, policies and methods, environmental results anticipated from implementation of the policies and methods, processes used to deal with cross-boundary issues, and procedures for monitoring the efficiency and effectiveness of the policies or methods.⁹ They must also include any other information required for the purpose of the Council's functions, powers and duties under the RMA, such as the appendices included in the RPS that support the provisions in various chapters. The effectiveness of these provisions is assessed broadly in this report, primarily in relation to their effectiveness in implementing the provisions of the RPS.
- Efficiency
Assessments of efficiency aim to measure the benefit of provisions relative to their cost.

The specific assessment and scoring methodology used to assess the provisions is outlined in section 4.1. Full evaluations are attached as appendices B, C and D and are summarised in sections 4.2 to 4.17.

1.4. National Planning Standards

The second part of this report assesses the extent of change required to implement the National Planning Standards (the Standards). This has been done by:

- Reviewing the Standards and identifying the relevant standards for the RPS
- Identifying amendments to the RPS required by the Standards
- Identifying options for the Council to consider in implementing the Standards
- Assessing whether any of the changes will require a Schedule 1 process
- Outlining the process in Schedule 1 (relevant only if it is required)

1.5. Data sources

This report contains desktop evaluations based on assessments against the content of:

⁷ Section 62(1)(e)

⁸ Section 32(1)(b)(ii)

⁹ Sections 62(1)(f), (g), (h) and (j).

- Relevant legislation
- National policy statements
- National environmental standards
- National Planning Standards
- Regional strategy documents

The Council provided internal documents on the following:

- Background reports on the development of the RPS (including section 32 and 42A reports and decision reports)
- Assessments of the progress with implementing the methods in the RPS
- Assessments of the implications of the Standards for the RPS

In order to test the findings in this report, the following consultation was undertaken:

- Key findings from the initial desktop analysis of the changes in the policy and legislative environment were circulated to the territorial authorities, Te Ao Marama Inc and the Department of Conservation with written comments sought in September 2019. Verbal feedback was provided via phone calls with Southland District Council, Invercargill City Council and the Department of Conservation in October 2019. Written feedback was also provided by the Department of Conservation and Gore District Council.

1.6. Structure

This report is presented in two parts: Part A contains the main report and Part B the supporting detailed analysis. Part A has eight sections, as follows:

- Section 1 introduces the purpose of the report and outlines its scope, methods used and structure.
- Section 2 provides background information on the development of the RPS and the changes to the policy and legislative environment that have occurred since the RPS was notified.
- Section 3 summarises the desktop analysis undertaken to assess the RPS against the changes in the legislative and policy environment.
- Section 4 summarises the evaluation of the effectiveness of the issues, objectives, policies, methods and other provisions.
- Section 5 assesses efficiency by examining the costs incurred by the Council and users of the RPS and the benefits the RPS has delivered.
- Section 6 summarises the evaluation of the Standards and determines whether a Schedule 1 process will be required to implement them.
- Section 7 provides overall conclusions and recommendations.

Part B contains the nine appendices outlining the full evaluations underpinning this report.

1.7. Scope

Due to the methodology used, and the limitations of the stated anticipated environmental results in the RPS, this report does not include detailed assessments of the environmental outcomes occurring 'on the ground' except at a basic level as part of the appropriateness-based evaluations. Additionally, the report does not address the following matters:

- Methods or management options to address any gaps found during the effectiveness and efficiency review, or
- Detailed assessments of the alignment between the RPS and other planning documents in the region (including regional and district plans).

In relation to the Standards, this report does not include detailed information on the actions required to implement Standard 16 regarding electronic accessibility and functionality. This standard will apply to all of the Council's planning documents and as such will require a separate project to scope the requirements and how that will be implemented for the Council's planning documents.

2. Background

2.1. Development

Southland's first regional policy statement was made operative in 1997. In November 2007, the Council commenced a review of that policy statement in line with the ten year review requirement in section 79 of the RMA and to align with the review of the Southland District Plan. A collaborative and cooperative approach to reviewing both documents was considered to be beneficial for both organisations, and the community, given the considerable overlap in their jurisdictional boundaries. The review continued until 2011 and included consultation with the territorial authorities and iwi, as well as a range of key stakeholders. The section 32 report for the RPS notes that the legislative change in 2003 requiring district plans to give effect to regional policy statements mean that "it made sense for objectives and policies of a Regional Policy Statement to align with the more prescriptive detail of a District Plan and vice versa."¹⁰

The development of the RPS progressed through four stages:

1. Development of issues and options papers and community consultation.
2. Drafting issues, objectives and policies.
3. Drafting methods and section 32 report, and targeted consultation.
4. The RMA Schedule 1 process.

The RPS was notified on 19 May 2012. Hearings were held through 2014 and 2015 with decisions made in 2015. Submissions on the RPS identified more fundamental issues with the approach in Chapter 6 (Biodiversity) and Schedule 2 to managing Southland's biodiversity. As a result, the Council notified a variation to those parts of the RPS on 23 May 2015. A hearing on the variation was held in October 2015 and decisions were made in 2016.

A large number of appeals were received on the RPS itself as well as the variation. Mediation occurred through 2016 and 2017 and resolved all appeals, allowing the RPS to be made operative on 9 October 2017.

2.2. Changing environments

Since the RPS was notified, there have been considerable changes in the wider policy and legislative environment. At the central government level, there have been amendments to the Resource Management Act 1991 (RMA), amendments to and new national policy statements, introduction of the national planning standards and the Climate Change Response (Zero Carbon) Amendment Bill. Since the commissioning of this report, the Government has released draft national policy statements

¹⁰ Environment Southland. (2012). *Proposed Southland Regional Policy Statement 2012: Section 32 report*.

on fresh water, urban development and highly productive land, as well as a draft national environmental standard for fresh water and draft regulations for stock exclusion from water bodies. The freshwater-related changes contain substantive shifts from the current policy approach and will have significant implications for the RPS.

There have also been changes in the regional policy landscape. This includes:

- the development of the Southland Regional Development Strategy 2015 and subsequent Action Plan 2015-25;
- initiation of the Council's People Water and Land Programme;
- the Southland District and Invercargill City District Plans becoming operative; and
- the development of a series of region-wide studies into climate change, biodiversity and natural features and landscapes.

Collectively, these changes have altered some of the region's priorities since the RPS was notified and have provided a much more comprehensive evidence base for some topics. Although the RPS has only been operative for two years, the planning process it went through was lengthy and as such much of the evidence and provision drafting is now more than seven years' old.

3. Desktop analysis

3.1. Overview

There are some parts of the RPS which are out of step with the current legislative and policy environment, particularly the 2017 amendments to the Resource Management Act 1991 (RMA), the New Zealand Coastal Policy Statement and the National Policy Statement for Freshwater Management (NPS-FM). The Government is currently proposing further amendments to the RMA and the NPS-FM which are likely to widen this gap, as well as new direction on climate change, urban development and highly productive soils which may have some impacts on the RPS.

Regional studies on climate change, biodiversity, landscapes and the coastal environment have significantly improved the evidence base in these areas. It is likely that future RPS provisions for these topics could be more specific and directive given the greater information now available. The structure, format and definition requirements in the Standards will require significant revision of the RPS to implement and may require a Schedule 1 process.

A full assessment of these matters is attached as Appendix A.

3.2. Legislative changes

The Resource Legislation Amendment Act 2017 (RLAA) introduced the following changes to the RMA that have not been incorporated into the RPS:

- Addition of “the management of significant risks from natural hazards” to section 6.
- A new section 30 function to establish, implement and review provisions to ensure there is sufficient housing and business development capacity to meet expected short, medium and long term demand.
- Removal of the section 30 function to control the storage, use, disposal or transportation of hazardous substances.
- Procedural requirements for the focus and wording of policy statements.

The Climate Change (Zero Carbon) Amendment Bill 2019 is yet to become law but its implementation is likely to have considerable implications for the region given the potential impacts on gross domestic product, household incomes, and farming land use practices.¹¹

¹¹ See section 1.3.2 of Appendix A to this report for further information.

3.3. National direction – current

The following table outlines the extent to which the RPS is considered to give effect to the current suite of national direction instruments, some of which have been amended since the RPS was drafted. National Policy Statements (NPSs) are the most relevant national direction instruments for the RPS, as regional policy statements are required to give effect to NPSs under section 62(3). Regional policy statements must be prepared in accordance with any regulations, including national environmental standards (NESs). Although NESs are not directly relevant due to their focus on rules, regional policy statements can play a role in implementing NESs by providing supporting objectives and policies.

Instrument	Assessment
New Zealand Coastal Policy Statement 2010	The RPS gives effect to most of the direction in the NZCPS but in a broad, high-level way with a lack of specificity. Topics not specifically addressed by the RPS include maintaining and enhancing public open space and access, the extent and characteristics of the coastal environment, adoption of a precautionary approach in certain circumstances, integrated management, determining which activities are appropriate for different areas, protection of indigenous biodiversity, and identification and management of areas with coastal hazards.
NPS for Urban Development Capacity 2016	Only the general objectives and policies apply to the RPS. The RPS does not contain provisions that specifically address development capacity. The provisions relating to urban environments are generally encouraging rather than directive and may not achieve the outcomes sought by the NPS-UDC.
NPS for Freshwater Management 2014 (as amended 2017)	The RPS broadly gives effect to the NPS-FM by setting out how the regional plan(s) will implement the direction to set objectives and limits but does not explicitly consider Te Mana o Te Wai or swimming targets. Further amendments to this NPS appear to be imminent.
NPS for Renewable Electricity Generation 2011	The RPS is considered to give effect to this NPS.
NPS on Electricity Transmission 2008	This RPS is considered to give effect to this NPS.
NES for Air Quality 2004	The provisions for air quality in the RPS are generally not directive. Although the effects from domestic heating are identified as the main issue, the objectives and policies do not provide a clear or effective management response. It seems unlikely that compliance with the PM ₁₀ standard will be achieved by the deadline (1 September 2020).
NES for Sources of Drinking Water 2007	The RPS is considered to be consistent with the direction regarding protection of drinking water supplies in the NES-SDW.
NES for Plantation Forestry 2017	The RPS generally recognises the importance of primary sector activities and addresses rural soils in particular through a range of objectives and policies. Due to the NES-PF's targeted focus on rules, most of its content is not relevant for the RPS.

NES for Telecommunications Facilities 2016	This NES is mostly not relevant to the RPS as it applies primarily to district plans. The RPS provides high level direction on telecommunication facilities through its provisions on infrastructure generally.
NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	This NES is mostly not relevant to the RPS as it applies primarily to district plans. The RPS provides high level direction on managing contaminated land through the provisions in Chapter 11: Contaminated Land.

3.4. National direction – proposed

The Government has recently proposed new or revised NPSs for highly productive land, urban development and freshwater management, and a new NES for freshwater. The NPSs for Highly Productive Land and Urban Development are likely to require some revision of the provisions in the RPS in the longer term and will have implications for the region’s district plans, particularly the Southland District Plan, that may warrant further attention through the RPS. The direction proposed for Highly Productive Land will restrict the ability of the territorial authorities to expand existing urban areas beyond their current boundaries which may affect the achievement of the objectives for urban environments in the RPS.

The NPS for Freshwater Management is proposed as a complete revision of the existing NPS, including new priorities for freshwater management and specific requirements for regional policy statements. Significant changes to Chapter 4 (Water) of the RPS would be required to give effect to the new NPS. Although the NES is unlikely to require any specific amendments to the RPS, it would need to be considered alongside the implementation of the NPS.

The Government has indicated that it intends to release a draft NPS for Indigenous Biodiversity for public consultation in 2019.¹² While it is not clear what the content of this NPS will be, the recommendations of the Biodiversity Collaborative Group in 2018 suggest that a new NPS could mark a considerable shift in biodiversity management. Any new NPS is likely to contain direction on assessing significance which will have implications for Chapter 6 (Biodiversity) of the RPS. Depending on the scope and content of the proposed NPS, the implications for the RPS could be significant.

3.5. Regional documents

There have been a number of regional documents prepared since the RPS was notified that were not considered in the drafting of the RPS. Most notably is the Southland Regional Development Strategy (SoRDS) and Action Plan which aims to increase Southland’s population by 10,000 by 2025. Part of this strategy’s focus is diversifying the regional economy by exploring options to expand aquaculture, oil and gas exploration and precision agriculture. The RPS was not drafted with these priorities in mind.

¹² Ministry for the Environment. (2019). <https://www.mfe.govt.nz/more/biodiversity/upcoming-government-biodiversity-initiatives/developing-national-policy-statement>

The Council's People Water and Land Programme has also developed since the RPS was notified and sets out the Council's plan for setting freshwater objectives and limits under the NPS-FM. This means some of the methods outlined in in the RPS are no longer entirely relevant.

Over 2018 and 2019 the Council has commissioned reports into climate change, biodiversity, landscapes and the coastal environment. These reports have significantly improved the evidence base on these topics from the information used to prepare the current RPS provisions. Although the reports do not necessarily require a change in the RPS provisions, any future RPS provisions will likely be able to be more specific and directive given the improved evidence base.

The Southland and Invercargill City District Plans have recently been made operative and give effect to the RPS. The Gore District Plan has not been amended to give effect to the RPS and is currently in the early stages of being reviewed. All of the region's district plans will also be required to implement the National Planning Standards and may need to be amended through a Schedule 1 process to do so.

3.6. National Planning Standards

The RPS must comply with the National Planning Standards by 5 April 2022. The Standards relevant for the RPS are:

2. Regional policy statement structure
6. Introduction and general provisions
10. Format
14. Definitions
16. Electronic accessibility and functionality
17. Implementation

It is anticipated that standards 2, 6, 10 and 14 will have the greatest impact on the structure and content of the RPS and may require a Schedule 1 process to implement fully. Standard 16 will need to be progressed through a wider project including all of the Council's planning documents. Standard 17 contains the timeframes for implementation so does not directly affect the RPS itself.

3.7. Conclusion

The RPS has become out of touch with the current legislative and policy environment, both nationally and regionally, but generally not in a significant or problematic way. Rather, the disconnect results in missed opportunities for the RPS to set clear direction for region-wide resource management in a targeted and effective way. This disconnect is likely to worsen in the coming years as more national direction is implemented by the Government, particularly in relation to freshwater and biodiversity management and highly productive land. Those changes will require amendments to the RPS using a Schedule 1 process.

4. Effectiveness

Section 1.3 outlined the criteria used to assess the provisions of the RPS at a high level. As explained in that section, the issues and objectives have been assessed for their appropriateness while the policies, methods and other provisions have been assessed for their effectiveness. The specific evaluation questions used to undertake these assessments and the associated scoring methodology used in this section is described in more detail below. The evaluation questions are derived from the 2008 report *Evaluating regional policy statements and plans*.¹³

The full assessments of these provisions are attached as follows:

- Appendix B: Issues and objectives
- Appendix C: Policies
- Appendix D: Methods

Sections 4.2 – 4.17 summarise the full assessments, including the scoring of each provision using the keys described in section 4.1. This chapter of the report is intended to provide a high level overview of the appropriateness or effectiveness of the provisions and other information in the RPS.

4.1. Assessment methodology

4.1.1. Appropriateness: Issues and objectives

These assessments focused on determining whether the provisions continued to concentrate on the right issues and whether the policy design and direction remained valid and relevant.

The following questions were used to assess the appropriateness of the issues:¹⁴

- Are the issues still significant resource management issues for the region?
- Are there any new issues that have arisen?
- Were there any gaps in the issues identified?
- Are some issues more important than others?

The following questions were used to assess the appropriateness of the objectives:¹⁵

- Is the objective still appropriate?
- Are the objectives measurable?
- Do they provide direction?
- Are the objectives achievable? Do they need to be?

¹³ Enfocus Limited. (2008). *Evaluating regional policy statements and plans: a guide for regional councils and unitary authorities*. Auckland: New Zealand.

¹⁴ Enfocus Limited. (2008). *Evaluating regional policy statements and plans: a guide for regional councils and unitary authorities*. Auckland: New Zealand, p.13.

¹⁵ Enfocus Limited. (2008). *Evaluating regional policy statements and plans: a guide for regional councils and unitary authorities*. Auckland: New Zealand, p.14.

- Do we need additional objectives due to new issues?

Each issue and objective was then given a score using the following key:

	Provision remains relevant and appropriate
	Provision is mostly relevant and appropriate, with some minor issues
	Provision unlikely to be relevant and appropriate
	Provision is not relevant or appropriate

4.1.2. Effectiveness: Policies

These assessments focused on determining the degree to which the policies were likely to be effective at achieving the objectives. The following questions were used to assess the appropriateness of the policies:¹⁶

- Is the policy clear?
- Is the policy useful?
- Does it serve a purpose that needs to be served?
- Does the policy fit with the other policies in the RPS?
- Is it still the best way to achieve, or work towards, the objectives?
- Are any additional policies required to achieve the objectives?
- Are any policies unnecessary?
- Are there priorities that should or could be better expressed in the policies?

Each policy was then given a score using the following key:

	Provision is or is likely to be effective
	Provision is mostly or likely to be mostly effective, with some minor issues
	Provision is unlikely to be effective
	Provision is not effective

4.1.3. Effectiveness: Methods

These assessments focused on the extent to which each method had been implemented. Each method was then given a score using the following key:

	Method has been or is being implemented
	Method is being mostly implemented
	Method is being implemented in a minor way

¹⁶ Enfocus Limited. (2008). *Evaluating regional policy statements and plans: a guide for regional councils and unitary authorities*. Auckland: New Zealand, p.14.

	Method is not being implemented
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4.1.4. Effectiveness: Other provisions

The RPS contains content which is required by the RMA or needed to support the implementation of the provisions. The assessments of these sections focused on how effective the provisions were likely to be at achieving their purpose and were not individually scored.

4.2. Chapter 3: Tangata Whenua

This chapter identifies the relevant organisations representing tangata whenua in Southland, sets out the resource management issues of significance to Ngāi Tahu and the provisions to resolve those issues and achieve outcomes consistent with those desired by Ngāi Tahu as tangata whenua. The chapter is not intended to be read in isolation from the rest of the RPS. Tangata whenua themes have been integrated throughout the RPS. While feedback was sought from Te Ao Marama Inc on behalf of Ngāi Tahu ki Murihiku, it is understood that current resourcing levels have prevented Te Ao Marama Inc advisers from being able to engage in this project. These assessments should therefore not be taken to represent the views of Ngāi Tahu.

4.2.1. Issues

Issue TW.1	Issue TW.2	Issue TW.3	Issue TW.4	Issue TW.5
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The problems with Issues TW.1, TW.2 and TW.5 largely arise from unhelpful drafting rather than issues with the content. Broadly, all of the issues in this chapter continue to be relevant and appropriate but could be expressed in more helpful and clear terms.

4.2.2. Objectives

Objective TW.1	Objective TW.2	Objective TW.3	Objective TW.4	Objective TW.5
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Objective TW.1 outlines the expectations regarding the expression of the principles of the Treaty of Waitangi, an ongoing matter of significance for local authorities. Objective TW.2 reiterates the direction in the RMA to consider iwi management plans in resource management processes and decisions, emphasising the importance of this action but not adding anything further than the legislation requires. The content of Objectives TW.3 and TW.4 remains relevant and appropriate but the drafting could be improved to clarify the outcome sought. Objective TW.5 is relevant and appropriately drafted.

4.2.3. Policies

Policy TW.1	Policy TW.2	Policy TW.3	Policy TW.4	Policy TW.5
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Policies TW.1 and TW.2 are implemented through the Charter of Understanding primarily and Policy TW.4 provides detailed guidance on considering cultural values which are considered effective ways to achieve the outcomes of the relevant objectives. Policy TW.3 repeats the requirement in the RMA

to take into account iwi management plans and it is unclear what is anticipated from the implementation of Policy TW.5.

4.2.4. Methods

4.2.4.1. Mandatory

Method TW.1	Method TW.2	Method TW.3	Method TW.4	Method TW.5
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Methods TW.2, TW.4 and TW.5 are implemented through the Council's standard planning processes and the implementation of the Charter of Understanding. Methods TW.1 and TW.3 are implemented in part through the regional plans and the Council's funding of the Kai Tohutohu Policy Advisor role at Te Ao Marama Inc. However, the wording of these methods is fairly general and could be improved with greater specificity.

4.2.4.2. Optional

Methods TW.6 – TW.10

Some of these methods overlap with the mandatory methods while others are implemented through the Council's standard planning practices and could be consolidated or removed. It is likely some are implemented as required through various projects at the Council's discretion.

4.3. Chapter 4: Water

Much of this chapter is predicated on NPS-FM processes occurring, but provides little guidance on how to undertake those processes or the management of water in the interim period. Most of the issues and objectives in this chapter are outdated due to amendments to the NPS-FM in 2017, changes to the Council's Progressive Implementation Plan and considerable additional scientific research on water quality particularly. Many of the provisions are prescriptive, based on the requirements of the NPS-FM. This puts them at risk of becoming outdated if there are amendments to the NPS-FM or the Council changes its approach to implementation. Given the improvements in scientific information since the RPS was notified, the provisions in this chapter would be refined considerably and targeted to the known issues in Southland. This chapter will be considerably affected by the proposed amendments to the NPS-FM if they are made operative.

4.3.1. Issues

4.3.1.1. Part A: Water Quality

Issue WQUAL.1	Issue WQUAL.2	Issue WQUAL.3
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Issues WQUAL.1 and WQUAL.3 relate to the amount of information available about water quality. Since the RPS was drafted, the Council has made considerable investments in scientific and economic research on water quality and the land uses which affect water quality. As such, these issues are not likely to be the main issues for water quality in Southland presently. The topic of Issue WQUAL.2 (non-

point source discharges) is relevant but has not been clearly expressed and would benefit from improved drafting.

4.3.1.2. Part B: Water Quantity

Issue WQUAN.1	Issue WQUAN.2	Issue WQUAN.3
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The topics of these issues are generally still relevant, although further investigation may be required to refine the wording to provide a more accurate and specific picture of the issue and its significance. The issues generally focus on surface water and could benefit from explicitly including recognition of groundwater.

4.3.1.3. Part C: Bed of Lakes and Rivers

Issue BRL.1	Issue BRL.2
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These issues are generally worded which makes it difficult to determine what the specific issues are in Southland. Additionally, given the general nature of the issues, it is not clear that either issue is significant or, if they are significant, the particular reasons for that assessment.

4.3.2. Objectives

4.3.2.1. Part A: Water Quality

Objective WQUAL.1	Objective WQUAL.2	Objective WQUAL.3
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Objective WQUAL.1 broadly reflects the requirements of the NPS-FM as it was in 2014. It does not recognise Te Mana o Te Wai as required by the 2017 amendments to the NPS-FM. Objectives WQUAL.2 and WQUAL.3 outline the required standards for lowland and coastal water bodies and natural state waters which remain appropriate and consistent with the requirements of the NPS-FM.

4.3.2.2. Part B: Water Quantity

Objective WQUAN.1	Objective WQUAN.2
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Objective WQUAN.1 largely mirrors the requirements of the NPS-FM 2014 but does not consider Te Mana o Te Wai. Objective WQUAN.2 requires efficient use and allocation of water and makes special recognition of the circumstances in the Waiau catchment for hydro-electricity generation. Both matters remain appropriate.

4.3.2.3. Part C: Bed of Lakes and Rivers

Objective BRL.1	Objective BRL.2
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The content of Objective BRL.1 remains appropriate, but improvements to the drafting would assist with clarifying the outcome sought. It is difficult to assess the appropriateness of Objective BRL.2 as the related issue (Issue BRL.2) does not specify the details of the problem or its scale.

4.3.3. Policies

4.3.3.1. Part A: Water Quality

Policy WQUAL.1	Policy WQUAL.2	Policy WQUAL.3	Policy WQUAL.4	Policy WQUAL.5
Policy WQUAL.6	Policy WQUAL.7	Policy WQUAL.8	Policy WQUAL.9	Policy WQUAL.10
Policy WQUAL.11	Policy WQUAL.12	Policy WQUAL.13		

Policy WQUAL.1 reflects the requirements of the NPS-FM which is appropriate. Policies WQUAL.8, WQUAL.9 and WQUAL.13 contain clear direction for managing particular resources and activities which is likely to be effective in achieving the objectives. Policies WQUAL.4, WQUAL.6, WQUAL.7, WQUAL.10 and WQUAL.12 contain relevant content but their implementation may be hindered by unclear drafting. Policy WQUAL.5 contains information on the Council’s limit-setting process which has since been superseded and Policy WQUAL.11 is unlikely to be stringent enough to protect community drinking water supplies to the extent required in light of the Government’s inquiry into the Havelock North incident. Policy WQUAL.2 provides some helpful information but is unclear about the management approach expected as a result. To be effective, Policy WQUAL.3 needs to be supported by a process to identify significant values which does not appear to have been completed.

4.3.3.2. Part B: Water Quantity

Policy WQUAN.1	Policy WQUAN.2	Policy WQUAN.3	Policy WQUAN.4	Policy WQUAN.5
Policy WQUAN.6	Policy WQUAN.7	Policy WQUAN.8	Policy WQUAN.9	

Policy WQUAN.9 requires information gathering which is a necessary ongoing action and remains necessary for achieving the objectives. Policies WQUAN.1, WQUAN.4, WQUAN.5 and WQUAN.7 cover topics which may be necessary for achieving the objectives but could be improved through clearer drafting. Policies WQUAN.2 and WQUAN.3 largely repeat the requirements of the NPS-FM without adding any additional guidance. Policy WQUAN.8 requires integrated management which is a standard approach to natural resource management so does not add much value. Policy WQUAN.6 indicates some kind of management approach but does not specify this in enough detail to be useful to lower order documents.

4.3.3.3. Part C: Bed of Lakes and Rivers

Policy WQUAN.1	Policy WQUAN.2	Policy WQUAN.3	Policy WQUAN.4	Policy WQUAN.5
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Policies BRL.1, BRL.2, BRL.4, BRL.5 cover topics which are relevant for achieving the objectives but the wording is general and lacking the specificity required to clarify how the objectives will be implemented. Policy BRL.3 is unlikely to be effective at achieving Objective BRL.1 as it only requires “managing” adverse effects which may not protect significant values.

4.3.4. Methods

4.3.4.1. Part A: Water Quality

Mandatory

Method WQUAL.1	Method WQUAL.2	Method WQUAL.3	Method WQUAL.4
Method WQUAL.5	Method WQUAL.6	Method WQUAL.7	Method WQUAL.8
Method WQUAL.9	Method WQUAL.10	Method WQUAL.11	Method WQUAL.12
Method WQUAL.13			

Most of these methods are being implemented, primarily through the development of the pSWLP, the establishment of the PWL Programme to implement the requirements of the NPS-FM and the Council's regular State of the Environment monitoring and reporting. Method WQUAL.1 contains a high degree of prescription arising from the NPS-FM requirements which makes it vulnerable to becoming out of date should that document change. Method WQUAL.6 has been superseded by the Council's latest Progressive Implementation Plan while Methods WQUAL.4, WQUAL.12 and WQUAL.13 outline standard practices likely to continue regardless of whether the methods were included in the RPS. Evidence presented at the Environment Court hearing on appeals on the pSWLP suggests that Method WQUAL.11 is not being well implemented.

Optional

Methods WQUAL.14 – WQUAL.16

The optional methods focus on non-regulatory actions and are implemented to varying degrees through the Council's PWL Programme and the advice and education provided by the Land Sustainability Team.

4.3.4.2. Part B: Water Quantity

Mandatory

Method WQUAN.1	Method WQUAN.2	Method WQUAN.3	Method WQUAN.4
Method WQUAN.5	Method WQUAN.6	Method WQUAN.7	Method WQUAN.8

Method WQUAN.4 is implemented through the Southland Science Programme as well as the RWP and pSWLP. Method WQUAN.8 outlines part of the Council's standard planning process. Methods WQUAN.1 and WQUAN.2 are being implemented through the Council's work programmes but largely repeat the requirements of the NPS-FM which does not add much value. Method WQUAN.3 requires monitoring but is vague on the particulars of the monitoring envisaged. Method WQUAN.6 also requires monitoring and may capture a broader programme of work than is currently occurring. Method WQUAN.7 requires taking into account interrelationships between water quality, quantity and land uses which is a standard approach to water management. Method WQUAN.5 requires consent conditions to be imposed which is standard practice in consenting, making the method unnecessary.

Optional

Method WQUAN.9	Method WQUAN.10	Method WQUAN.11
Methods WQUAN.12 – WQUAN.14		

Most of these methods outline procedures which are standard planning practices and would continue regardless of whether the methods were included. Method WQUAN.10 requires investigations into alternative allocation regimes where water availability is limited and it does not appear that this has occurred despite some water bodies being considered to be nearing or fully allocated.

4.3.4.3. Part C: Beds of Lakes and Rivers

Mandatory

Method BRL.1	Method BRL.2	Method BRL.3	Method BRL.4
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Methods BRL.1 and BRL.2 are implemented through rules in the RWP and pSWLP. Method BRL.3 is implemented through the Council's involvement in the Southland Civil Defence and Emergency Management Group. Method BRL.4 is not being implemented through the regional plans and potentially contains requirements which are outside the scope of the Council's functions.

Optional

Methods BRL.5 – BRL.9

These methods focus on information gathering and collaboration which are implemented through the Council's State of the Environment monitoring and PWL Programme.

4.4. Chapter 5: Rural Land/Soils

While some of the issues in this chapter are likely to be significant, they could be refined and collated to more clearly express the key issues. This would assist the objectives and policies which, on the whole, are generally worded and provide little guidance to users. This chapter is likely to be affected by the proposed NPS-HPL if it is made operative.

4.4.1. Issues

Issue RURAL.1	Issue RURAL.2	Issue RURAL.3	Issue RURAL.4	Issue RURAL.5
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Issues RURAL.1 and RURAL.3 identify particular problems in Southland (the need to maintain productive capacity, and soil loss and sedimentation) which continue to be relevant. Issue RURAL.2 is generally worded and it is not clear what particular problem arising from subdivision, land use and development is considered significant. Issues RURAL.4 and RURAL.5 highlight specific activities which may not be significant on their own and could be expressed through an issue focused on environmental effects.

4.4.2. Objectives

Objective RURAL.1	Objective RURAL.2
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Objective RURAL.2 is relevant and provides clear direction for lower order provisions. Objective RURAL.1 is very high level and is unlikely to provide enough detail to be helpful for implementation through subsequent provisions.

4.4.3. Policies

Policy RURAL.1	Policy RURAL.2	Policy RURAL.3	Policy RURAL.4	Policy RURAL.5
Policy RURAL.6				

Policies RURAL.1 and RURAL.4 contain relevant content but are worded very generally which provides little guidance to users. Policies RURAL.2 and RURAL.3 could include additional matters (reverse sensitivity and land uses) in order to better achieve the objectives. Policy RURAL.5 as worded is unlikely to be effective at implementing the objectives as it only requires encouragement of beneficial land management practices. Policy RURAL.6 focuses on new wastewater systems, when it is existing systems that are likely to be causing the most problems.

4.4.4. Methods

4.4.4.1. Mandatory

Method RURAL.1	Method RURAL.2	Method RURAL.3	Method RURAL.4	Method RURAL.5
Method RURAL.6				

Methods RURAL.2, RURAL.3 and RURAL.6 are implemented through the Council's Land Sustainability team and information about physiographic zones as well as standard planning processes. Some of the requirements of Method RURAL.1 do not clearly fall within the scope of any of the current regional plans, making it unclear how the method is intended to be implemented. Method RURAL.4 is mostly not implemented – the Council chooses to make submissions on plans and plan changes rather than individual consent applications. Method RURAL.5 may be implemented in part through the Environmental Enhancement Fund and other financial assistance programmes, but these are not targeted specifically at soil resources and the Long Term Plan does not indicate an intention to fund these activities specifically.

4.4.4.2. Optional

Method RURAL.7	Method RURAL.8	Method RURAL.9
Methods RURAL.10 – RURAL.15		

Most of these methods are implemented through existing work programmes, including State of the Environment monitoring, the Council's GIS, consents advice and the Land Sustainability team. Methods RURAL.8 and RURAL.9 have been implemented in part but there have not been any growth management strategies developed and the Council does not provide specific advice on earthworks.

4.5. Chapter 6: Biodiversity

The issues and objectives of this chapter generally remain relevant, however there is a tendency for provisions to repeat the requirements of the RMA without any further direction or guidance which makes implementation challenging. The suite of policies are confused and could be refined considerably to be more effective. The approach outlined in the policies and methods to identifying significant areas is likely to result in a protracted, ad hoc process. These provisions are supported by Appendices 2 and 3 which are discussed further in section **Error! Reference source not found.** The provisions in this chapter would be considerably affected by the proposed National Policy Statement for Indigenous Biodiversity which is intended to be released for public consultation in late 2019.

4.5.1. Issues

Issue BIO.1	Issue BIO.2
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The lack of information on indigenous biodiversity and continued reduction in ecosystems and habitats in Southland remain relevant and appropriate issues.

4.5.2. Objectives

Objective BIO.1	Objective BIO.2	Objective BIO.3
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Objective BIO.1 is clearly linked to the problem identified in Issue BIO.1 and remains relevant as a strong information base will be necessary to underpin any policy framework. Objective BIO.3 is related and similarly necessary for future management regimes. Objective BIO.2 mostly repeats the requirements in sections 6(c) and 30(1)(ga) of the RMA without any additional guidance which provides little guidance to subsequent provisions.

4.5.3. Policies

Policy BIO.1	Policy BIO.2	Policy BIO.3	Policy BIO.4	Policy BIO.5
Policy BIO.6	Policy BIO.7	Policy BIO.8	Policy BIO.9	Policy BIO.10

Policies BIO.6 and BIO.9 outline clear expectations and management approaches to achieving the objectives. There is some internal confusion in the structure of Policy BIO.1 which is likely to make implementation more difficult. Policies BIO.5 and BIO.7 contain relevant content but would benefit from more specific drafting. Policy BIO.8 is also relevant but overlaps somewhat with the provisions in Chapter 3 and it is not clear how it relates to the objectives it is listed as implementing. Policies BIO.2 and BIO.4 include reference to adverse effects but are generally worded and lacking in detail. Policy BIO.3 repeats the content of the NZCPS without any additional direction. The expectations about the level of involvement of private landowners is unclear in Policy BIO.10 and the content may be better delivered through a method.

4.5.4. Methods

4.5.4.1. Mandatory

Method BIO.1	Method BIO.2	Method BIO.3	Method BIO.4	Method BIO.5
Method BIO.6	Method BIO.7	Method BIO.8	Method BIO.8	

Method BIO.2 is currently being implemented through Biodiversity Southland’s development of a regional strategy. Methods BIO.4, BIO.5 and BIO.6 are implemented through the Biosecurity team, Council submissions on proposals and the provisions in the regional and district plans. Methods BIO.3 and BIO.6 have been partially implemented through the pSWLP and regional biodiversity strategy work as well as the district plans but will require further work before they are fully implemented. Method BIO.1 is a procedural statement rather than a method. The cross-over between Method BIO.8 and BIO.7 is unclear, making implementation of BIO.8 more difficult. Method BIO.9 will result in a long, piecemeal approach to identifying areas of significance which is unlikely to implement the policies and objectives. Method BIO.7 is a very general provision lacking in direction and specificity.

4.5.4.2. Optional

Methods TW.10 – TW.15

These methods are generally implemented through existing work programmes and their uptake depends on the degree to which they are already part of an existing work programme. Some are currently being implemented (such as funding through the High Value Areas programme) while others are not (such as rates relief and State of the Environment reporting on biodiversity).

4.6. Chapter 7: Coast

4.6.1. Overview

Chapter 7 contains issues which remain relevant and appropriate, but the provisions intended to address the issues are generally lacking in direction. Overall, the provisions have a tendency to simply repeat the content of the NZCPS without interpretation for the Southland context or additional guidance on how to achieve those provisions. The policies and methods collectively have the effect of ‘delegating’ decisions about management of the coastal environment to the RCP, which was prepared before the 2010 revision of the NZCPS.

4.6.2. Issues

Issue COAST.1	Issue COAST.2	Issue COAST.3	Issue COAST.4	Issue COAST.5
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Issues COAST.1 and COAST.2 outline problems which were also identified through the effectiveness and efficiency review of the RCP, confirming their continued relevance. Issue COAST.5 has similarly been confirmed through the evidence presented on appeals to the pSWLP. Issue COAST.4 is very generally worded and does not specify either the effects or the activities of concern. ICC and SDC have

questioned the evidence base for the significance of Issue COAST.3 and little information has been found to confirm its content.

4.6.3. Objectives

Objective COAST.1	Objective COAST.2	Objective COAST.3	Objective COAST.4
Objective COAST.5			

Objectives COAST.3 and COAST.4 generally capture the intent of policies in the NZCPS but do not give full effect to them or provide specific direction on what those policies mean in the Southland context. Objectives COAST.1 and COAST.2 are very broadly worded and provide little guidance to lower order provisions, which will make their achievement challenging.

4.6.4. Policies

Policy COAST.1	Policy COAST.2	Policy COAST.3	Policy COAST.4	Policy COAST.5
Policy COAST.6	Policy COAST.7			

Policies COAST.6 and COAST.7 outline management approaches required to achieve the relevant objectives but either overlap with other provisions or lack specificity about what is required. There is considerable overlap and duplication of matters in Policies COAST.2, COAST.3 and COAST.4 which is inefficient and presents implementation challenges. Policy COAST.5 repeats sections 17 of the RMA and generally sets too 'low' a bar to achieve the objective. Policy COAST.1 is very broad and provides little additional direction to be effective at achieving the objectives. It also has a very long explanation which includes matters which may be better included in the policy itself.

4.6.5. Methods

4.6.5.1. Mandatory

Method COAST.1	Method COAST.2	Method COAST.3	Method COAST.4	Method COAST.5
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Methods COAST.4 and COAST.5 outline actions that are implemented through standard planning processes for the Council. Method COAST.2 is implemented at the discretion of Consents Officers depending on each situation which is likely to be more efficient than requiring assessments simply to implement this method. Method COAST.1 is not fully implemented by the RCP because the RCP has not been revised to give effect to the NZCPS 2010. While some discrete agreements have been developed (for example, the Cruise Ship Deed), there have not been the types of protocols or accords developed as would appear to be envisaged by Method COAST.3.

4.6.5.2. Optional

Methods COAST.6 – COAST.9

These methods encourage a range of optional actions such as education, coastal hazard assessments and additional methods as relevant. It is likely some of these are implemented through existing work programmes, but unlikely that all of them have been specifically progressed as a result of the RPS.

4.7. Chapter 8: Natural Hazards

Most of the issues in this chapter remain relevant and appropriate but would benefit from refinement. There is a lack of clarity in this chapter generally about the functions intended to be delivered through RMA processes and those considered civil defence and emergency management functions. Most of the policies are clear and specific, making them likely to achieve the objective. Many of the methods are being implemented, in part or in full. This chapter may not give effect to the new requirement in section 6(h) regarding natural hazard management introduced in 2017.

4.7.1. Issues

Issue NH.1	Issue NH.2	Issue NH.3	Issue NH.4
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Issues NH.1 and NH.4 clearly outline specific issues faced in Southland that continue to be relevant and significant. Issue NH.2 may be better addressed through the Council's civil defence and emergency management functions rather than under the RMA. Issue NH.3 is worded generally and would benefit from refinement to more clearly identify the particular issue for Southland.

4.7.2. Objectives

Objective NH.1

This objective focuses on relevant topics for the management of natural hazards, particularly community resilience. The wording of this objective could be improved to better articulate the outcome sought rather than the actions intended to be taken.

4.7.3. Policies

Policy NH.1	Policy NH.2	Policy NH.3	Policy NH.4	Policy NH.5
Policy NH.6	Policy NH.7	Policy NH.8		

Policies NH.2, NH.3, NH.5 and NH.8 outline management responses which are clear and specific, and likely to be effective at achieving the objectives. Policy NH.1 is implemented by optional methods only, which means it may not be effective at achieving the objective. Policies NH.4 and NH.7 contain relevant content but would benefit from improved clarity and specificity in the drafting. There is confusion between Policy NH.6 and its explanation about the intent of the policies in this chapter generally that would benefit from clarification.

4.7.4. Methods

4.7.4.1. Mandatory

Method NH.1	Method NH.2	Method NH.3	Method NH.4	Method NH.5
Method NH.6				

Methods NH.2 and NH.5 are implemented through the Council's GIS and standard planning processes. Method NH.3 has been implemented in part through historic flood information and will be implemented further through proposed LiDAR mapping. Method NH.4 is implemented in part through

the work of the Council’s Science team and Harbourmasters, but there is no specific monitoring of the type required by this method. Method NH.6 is mostly not relevant for regional councils. Method NH.1 has been implemented in small part through the refresh of the Southland Flood Protection and Drainage Management Bylaw 2019 but no other bylaws or changes to regional plans have occurred.

4.7.4.2. Optional

Methods NH.7 – NH.16

These methods generally require non-regulatory actions such as collaboration and the collection and provision of information. Some of these methods are likely to be implemented as they fit with existing work programmes but it does not appear that there is an overarching strategy for implementing these methods.

4.8. Chapter 9: Air Quality

The provisions in this chapter are unlikely to achieve the requirements of the NES-AQ. The objectives are fairly permissive and do not clearly address Issue AQ.2 which outlines the most significant issue for Southland’s air quality. This flows through to the policies which are not likely to be stringent enough to support achievement of the standards in the NES-AQ. Some of the methods are being implemented, but as the NES-AQ standards have not yet been achieved in the Invercargill airshed there is a risk that they have not been sufficiently effective. Air quality monitoring results in 2018 have shown an improvement on previous years,¹⁷ however this may have been influenced by milder weather conditions and despite improvement the exceedances are still not within the required limits set in the NES-AQ.

4.8.1. Issues

Issue AQ.1

Issue AQ.2

Issue AQ.1 is unhelpfully broad and not specific to Southland. It is not clear that this issue is significant. In contrast, Issue AQ.2 is much more specific and clearly identifies the particular issues for Southland from home heating and remains relevant.

4.8.2. Objectives

Objective AQ.1

Objective AQ.2

Objective AQ.2 focuses on the effect of new activities on compliance with national environmental standards, however it is existing activities which are the main contributor to not achieving the standards. Objective AQ.1 is fairly permissive and could be strengthened to provide more stringent direction to the policies and methods, especially given the current non-compliance with the NES-AQ.

¹⁷ Environment Southland. (2019). *Good results for winter air quality*. Retrieved from <https://www.es.govt.nz/about-us/news?item=id:27gknv71h1cxbywss1ui>

4.8.3. Policies

Policy AQ.1	Policy AQ.2	Policy AQ.3	Policy AQ.4	Policy AQ.5
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Policy AQ.5 is an effective way of achieving the objectives and is consistent with accepted practice for industrial discharges. Policies AQ.2, AQ.3 and AQ.4 may be effective in achieving the objectives but contain some unclear wording or content in explanations that differs from the policies themselves. Policy AQ.1 is unhelpful and ineffective as it restates the requirements of section 17 of the RMA.

4.8.4. Methods

4.8.4.1. Mandatory

Method AQ.1	Method AQ.2	Method AQ.3
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Methods AQ.2 and AQ.3 are implemented through the Council's State of the Environment monitoring, consent compliance monitoring and the Breathe Easy Southland website. Method AQ.1 has been partly implemented through Stage 1 of the RAP review however as the number of exceedances continues to exceed the limit set in the NES-AQ this implementation may not be effective.

4.8.4.2. Optional

Method AQ.4	Method AQ.5	Methods AQ.6 – AQ.11
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Methods AQ.4 and AQ.5 are implemented through the Breathe Easy Southland website and the Council's standard planning processes. Some of the other methods may have been implemented through existing work programmes, but some (such as development of strategies and bylaws) have not been implemented.

4.9. Chapter 10: Natural Features and Landscapes

The provisions in this chapter are largely based on the requirements in section 6(b) of the RMA without any additional direction or guidance on how to apply those requirements in the Southland context. There is a lack of region-wide information on natural features and landscapes which makes it difficult for the provisions to be specific. Overall, the provisions in this chapter could be refined considerably to improve their effectiveness.

4.9.1. Issues

Issue LNF.1	Issue LNF.2
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These issues largely adopt the wording of section 6(b) of the RMA without providing any specific information about particular issues faced in Southland. It is difficult to determine the significance of these issues and their very general wording is unlikely to assist the content of subsequent provisions. Although the topics are relevant, these issues would benefit considerably from further refinement.

4.9.2. Objectives

Objective LNF.1	Objective LNF.2
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Objective LNF.1 is largely a rewording of Issue LNF.1 which does not provide helpful guidance to subsequent provisions. Objective LNF.2 is fairly broad and lacks clarity about the outcome expected.

4.9.3. Policies

Policy LNF.1	Policy LNF.2	Policy LNF.3	Policy LNF.4
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Policy LNF.1 contains suggested criteria for identifying and assessing outstanding natural features and landscapes which is an effective way of achieving the objectives, however recent case law has revisited these criteria. This policy could benefit from closer re-examination to ensure it still adopts best practice. Policy LNF.3 clarifies the approach to culturally significant natural features and landscapes but this information could be included elsewhere rather than as a standalone policy. Policies LNF.2 and LNF.4 may be effective at implementing the objectives but are fairly general in their wording and lacking in direction.

4.9.4. Methods

4.9.4.1. Mandatory

Method LNF.1	Method LNF.2	Method LNF.3	Method LNF.4	Method LNF.5
Method LNF.6	Method LNF.7			

Method LNF.6 has been implemented through the region's district plans. Method LNF.3 is part of the Council's standard planning processes, although relies on information developed under Method LNF.2 to be fully effective. Method LNF.1 requires content in regional plans that is currently only included in the RCP, and only in part. The Council's Coastal Natural Character¹⁸ and Stewart Island¹⁹ studies in part implement Method LNF.2 but do not cover the entire region. Methods LNF.5 and LNF.7 require collaboration with particular parties and are only in the early stages of being implemented. The Council generally does not make submissions on consent applications of the nature envisaged by Method LNF.4.

¹⁸ Boffa Miskell Ltd. (2019). *Southland/Murihiku Regional coastal environment study: coastal natural character assessment*. Prepared for Environment Southland, Invercargill City Council, Southland District Council and Te Ao Marama Inc.

¹⁹ Boffa Miskell Ltd. (2019). *Stewart Island/Rakiura: landscape and coastal natural character study*. Prepared for Environment Southland.

4.9.4.2. Optional

Methods LNF.8 – LNF.11

These methods generally require collaboration and consultation in identifying and assessing outstanding natural features and landscapes. This has occurred to some degree through the Coastal Natural Character and Stewart Island studies.

4.10. Chapter 11: Contaminated Land

The lack of specificity in Issue CONTAM.1 means that the objectives are general and their drafting is lacking clarity. This carries through to the policies which are also fairly general. It is not clear from Issue CONTAM.1 whether managing contaminated land is a significant resource management issue for Southland.

4.10.1. Issues

Issue CONTAM.1

This issue is generally worded and does not identify a particular problem for Southland. It is also not clear what the scale of the issue is and whether it remains significant.

4.10.2. Objectives

Objective CONTAM.1 Objective CONTAM.2

Objective CONTAM.1 is fairly generally worded and does not provide much direction to subsequent provisions on the outcome expected. Objective CONTAM.2 repeats the requirements of section 17 of the RMA without adding any additional guidance.

4.10.3. Policies

Policy CONTAM.1 Policy CONTAM.2 Policy CONTAM.3

Policy CONTAM.3 outlines an effective approach to achieving the objectives. Policies CONTAM.1 and CONTAM.2 are generally worded and could be clarified to improve their effectiveness.

4.10.4. Methods

4.10.4.1. Mandatory

Method CONTAM.1 Method CONTAM.2 Method CONTAM.3 Method CONTAM.4

Method CONTAM.1 is implemented through the regional plans. Methods CONTAM.2 and CONTAM.3 were previously implemented through a method in the RWP which was not carried through to the pSWLP so will in time become inoperative. Method CONTAM.4 has been implemented by ICC and SDC but not GDC.

4.10.4.2. Optional

Methods CONTAM.5 – CONTAM.8

These methods generally require consultation, collaboration and the establishment of strategies and agreements. Consultation and collaboration occurs primarily through the use of the Selected Land Use Register and then as required through existing work programmes. No specific strategies or agreements have been adopted.

4.11. Chapter 12: Hazardous Substances

The matters addressed by these provisions were removed from the functions of regional and district councils through the Resource Legislation Amendment Act 2017 and are therefore unnecessary. Policy HAZ.7 may still be relevant, but without any supporting provisions there is a lack of coherence and rationale for including it in the RPS.

Issue HAZ.1				
Objective HAZ.1				
Policy HAZ.1	Policy HAZ.2	Policy HAZ.3	Policy HAZ.4	Policy HAZ.5
Policy HAZ.6	Policy HAZ.7			
Method HAZ.1				
Methods HAZ.2 – HAZ.13				

4.12. Chapter 13: Solid Waste

The issues identified in this chapter do not articulate the scale or significance of the problem so it is not clear whether they continue to be issues of significance for Southland. The objectives are disconnected from the issues and do not provide useful direction. This flows through to the policies, most of which are lacking clarity and specificity. All of the methods are being implemented to some degree.

4.12.1. Issues

Issue WASTE.1 | Issue WASTE.2

These issues both focus on adverse effects and could be combined and refined to better identify the particular problems faced in Southland. The scale of these issues and their significance is not clear.

4.12.2. Objectives

Objective WASTE.1 | Objective WASTE.2

Objective WASTE.1 contains an appropriate outcome, however it is not clearly linked to either issue. Objective WASTE.2 repeats the requirements of section 17 of the RMA and adds little value to the policy framework.

4.12.3. Policies

Policy WASTE.1	Policy WASTE.2	Policy WASTE.3	Policy WASTE.4	Policy WASTE.5
Policy WASTE.6	Policy WASTE.7	Policy WASTE.8		

Policies WASTE.4, WASTE.6 and WASTE.8 outline well-established approaches to waste minimisation and are likely to be effective at achieving the objectives. Policy WASTE.1 requires provisions in plans to achieve the outcome sought by Objective WASTE.2 which itself is unclear. The drafting of Policies WASTE.2 and WASTE.7 could be refined to improve their effectiveness. Policies WASTE.3 and WASTE.5 are not directive, making it difficult to determine how they would achieve the objectives.

4.12.4. Methods

4.12.4.1. Mandatory

Method WASTE.1	Method WASTE.2	Method WASTE.3	Method WASTE.4
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Methods WASTE.3 is implemented through the advice on the Council's website and the Pollution Prevention Officer. Methods WASTE.1 and WASTE.4 are not fully implemented by the regional or district plans. Method WASTE.2 is partly implemented through monitoring of consent conditions.

4.12.4.2. Optional

Methods WASTE.5 – WASTE.15

There is a large number of optional methods which are implemented at the discretion of the Council and are likely to be implemented through existing work programmes rather than as individual projects. It is unlikely that all of these methods would be implemented given the financial constraints on councils.

4.13. Chapter 14: Historic Heritage

The issues in this chapter remain relevant, particularly given the information on loss of heritage sites compiled through the Southland Coastal Heritage Inventory Project, however the objectives, policies and methods are general in nature and may not be effective at addressing the issues identified. Stronger direction and improved clarity would assist the effectiveness of these provisions.

4.13.1. Issues

Issue HH.1	Issue HH.2
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Both of these issues focus on matters which continue to be relevant and appropriate (degradation or deterioration of resources and the impacts of natural processes and climate change). Issue HH.2 could benefit from improved drafting so that the issue is more clearly identified.

4.13.2. Objectives

Objective HH.1	Objective HH.2	Objective HH.3
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Objective HH.1 is generally worded but is unlikely to be able to be more specific until there is more information available on heritage values. Objectives HH.2 and HH.3 are general and provide little guidance to users or subsequent provisions.

4.13.3. Policies

Policy HH.1	Policy HH.2	Policy HH.3	Policy HH.4	Policy HH.5
Policy HH.6				

Policies HH.1, HH.3, HH.4 and HH.5 outline actions which may be effective at achieving the objectives but could benefit from refinement and improved clarity so they provide greater direction. Policy HH.2 would be more effective if it clarified how the identification of heritage values is intended to occur. Policy HH.6 may be effective if implemented but only requires encouragement, leaving implementation at the discretion of councils.

4.13.4. Methods

4.13.4.1. Mandatory

Method HH.1

This method has been implemented through the regional and district plans and the Southland Coastal Heritage Inventory Project.

4.13.4.2. Optional

Methods HH.2 – HH.4

These non-regulatory methods focus on collaboration, evaluation and development of a regional framework. Some of these have been implemented through the Southland Coastal Heritage Inventory Project.

4.14. Chapter 15: Infrastructure/Transport

Many of the matters covered in Part B: Transport are not specific to transport infrastructure and could be collated with provisions from Part A: Infrastructure. The issues in both parts are general and do not identify the scale or significance of the problems. Many of the policies and methods are likely to be unnecessary as they either do not provide clear direction or they address matters covered under other pieces of legislation. Overall, this chapter could be better targeted to the specific issues faced in Southland.

4.14.1. Issues

4.14.1.1. Part A: Infrastructure

Issue INF.1	Issue INF.2	Issue INF.3	Issue INF.4
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Issues INF.1, INF.3 and INF.4 are generally worded and, although raise relevant matters, are not specific to the Southland context. It is difficult to assess whether these issues remain significant for this reason. Issue INF.2 outlines the potential impacts of climate change which remain appropriate, particularly in light of the 2018 report on climate change impacts in Southland.

4.14.1.2. Part B: Transport

Issue TRAN.1	Issue TRAN.2	Issue TRAN.3	Issue TRAN.4
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Issues TRAN.1, TRAN.2 and TRAN.3 identify general issues related to transport but do not clearly identify the particular problems or pressures faced in Southland. It is not clear whether these issues are therefore significant in the region. Issue TRAN.4 refers to “limited options [being] available” but does not expand on why this is, which makes it difficult to understand.

4.14.2. Objectives

4.14.2.1. Part A: Infrastructure

Objective INF.1

This objective seeks an appropriate outcome and is clearly related to the issues identified. Management of infrastructure is a significant issue for Southland due to its importance to people, communities and the economy.

4.14.2.2. Part B: Transport

Objective TRAN.1

This objective covers a range of topics but generally at a high level, which may not provide sufficient clarity on the outcome sought, and there is overlap with Objective URB.1.

4.14.3. Policies

4.14.3.1. Part A: Infrastructure

Policy INF.1	Policy INF.2	Policy INF.3	Policy INF.4	Policy INF.5
Policy INF.6				

Policies INF.1, INF.2 and INF.5 are clear and specific, demonstrating a pathway to achieving the objective. Policy INF.6 is not directive and does not include much detail about the actions required so may not be effective at achieving the objective. Policy INF.3 contains useful information in the explanation which would be better expressed through the policy itself as explanations have no legal

effect. Policy INF.4 contains relevant content but is general and provides little direction so is unlikely to be effective.

4.14.3.2. Part B: Transport

Policy TRAN.1	Policy TRAN.2	Policy TRAN.3	Policy TRAN.4
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These policies largely outline actions which are already required through the Council's functions under the Land Transport Management Act 2003 (LTMA). Duplicating legislative requirements is inefficient.

4.14.4. Methods

4.14.4.1. Part A: Infrastructure

Mandatory

Method INF.1	Method INF.2
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Methods INF.1 and INF.2 are implemented through provisions in the regional and district plans.

Optional

Method INF.1	Method INF.2	Method INF.3	Method INF.4
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These methods encourage a regional approach to infrastructure as well as monitoring and reporting. It does not appear that there is a coordinated approach in place currently or that specific monitoring and reporting occurs outside consent compliance monitoring.

4.14.4.2. Part B: Transport

Mandatory

Method TRAN.1	Method TRAN.2	Method TRAN.3
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These methods are implemented through the Otago Southland Regional Land Transport Plan and the regional and district plans.

Optional

Methods TRAN.4 – TRAN.8

Some of these methods again refer to functions under the LTMA. Others relate to consultation and collaboration, which occurs as required through the Council carrying out its statutory obligations under the RMA and LTMA.

4.15. Chapter 16: Energy

The issues identified in this issue lack specificity and could be collated and refined to be more appropriate. This affects the objectives and policies, which are very general in nature and not targeted

to the specific and significant issues in Southland. There has been very limited implementation of the methods.

4.15.1. Issues

Issue ENG.1	Issue ENG.2	Issue ENG.3	Issue ENG.4
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These issues touch on relevant topics but at times the drafting is unclear. They would benefit from refinement to more clearly articulate the issues faced in Southland and the scale of those issues.

4.15.2. Objectives

Objective ENG.1	Objective ENG.2	Objective ENG.3	Objective ENG.4
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These objectives cover relevant topics but could be collated and refined to improve their specificity and clarity. This is likely to be a flow-on effect from the lack of clarity in the issues.

4.15.3. Policies

Policy ENG.1	Policy ENG.2	Policy ENG.3	Policy ENG.4	Policy ENG.5
Policy ENG.6	Policy ENG.7			

Policy ENG.4 contains clear direction and is likely to be effective at achieving the objectives, but Policies ENG.2 and ENG.3 would benefit from refinement in order to be more effective. Policy ENG.6 provides for offsetting and environmental compensation – it is not clear why these measures are specific to energy projects and not other resource uses. Policies ENG.1 and ENG.5 are too broadly worded to be effective and Policy ENG.7 is both general and duplicates much of the content in Policy ENG.6.

4.15.4. Methods

4.15.4.1. Mandatory

Method ENG.1

This method is implemented in a minor way through the pSWLP and RCP provisions but is generally not being implemented in the regional plans.

4.15.4.2. Optional

Methods ENG.2 – ENG.11

These methods relate to the provision of information and advice as well as consultation and collaboration with stakeholders. There is little information on the councils' websites about these matters suggesting the methods have largely not been implemented. The degree of consultation and collaboration is at the discretion of the councils.

4.16. Chapter 17: Urban

Despite the clear problem identification in Issues URB.1 and URB.2, the objective and policies are generally worded and lack specific direction for lower order documents. There is a degree of disconnect between the content of the issues and the subsequent provisions. This chapter was not prepared in accordance with the NPS-UDC and is likely to be considerably affected by the proposed NPS-UD and NPS-HPL if those documents are made operative.

4.16.1. Issues

Issue URB.1	Issue URB.2	Issue URB.3
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Issues URB.1 and URB.2 clearly articulate specific problems for Southland which provides helpful direction to the rest of the provisions in this chapter. Issue URB.3 addresses urban design which is unlikely to be a significant issue and could be considered as part of Issue URB.1.

4.16.2. Objectives

Objective URB.1

This objective is generally worded and does not clearly relate to all of the issues. It also does not give full effect to the NPS-UDC.

4.16.3. Policies

Policy ENG.1	Policy ENG.2	Policy ENG.3	Policy ENG.4	Policy ENG.5
Policy ENG.6				

These policies are generally worded and provide little specific direction on achieving the objectives. They were not prepared in accordance with the NPS-UDC and have not been reviewed since that document became operative.

4.16.4. Methods

4.16.4.1. Mandatory

Method URB.1	Method URB.2	Method URB.3
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Methods URB.1 and URB.2 have been mostly implemented through the regional and district plans. Method URB.3 is a duplication of Method TRAN.3 and adds no value.

4.16.4.2. Optional

Methods URB.4 – URB.7

These methods generally require collaboration and advocacy as well as specific urban development planning. This type of planning has not occurred outside the standard district planning processes. Collaboration and consultation generally occurs as required as part of existing work programmes.

4.17. Other provisions

As well as issues, objectives, policies and methods, RPSs are required to include additional provisions including:

- Principal reasons
- Anticipated environmental results
- Processes to deal with cross-boundary issues
- Statement of responsibility for specifying objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity
- Procedures for monitoring efficiency and effectiveness
- Any other information

This chapter provides a high level assessment of these provisions in the RPS using the methodology described in section 1.3.

4.17.1. Principal reasons

The approach in the RPS is to include an explanation/principal reasons for each objective and policy and one combined explanation/principal reasons for all of the methods in each chapter. This results in a large amount of additional text in the RPS and creates a risk that the explanations/principal reasons contain information which is additional to or more directive than the content of the provisions. Explanations/principal reasons do not have legal effect, so the wording of the provision prevails in decision-making. The approach preferred in the National Planning Standards is to have one Principal Reasons section for each chapter.

4.17.2. Anticipated environmental results

Anticipated environmental results are the results or outcomes expected from the implementation of the objectives, policies and methods of the RPS. Quality Planning states that good practice drafting is that anticipated environmental results should:²⁰

- be linked to the provisions of the plan, and in particular the objectives
- be measurable – there should be an ability to establish whether or not the result has been achieved or the expected change has occurred
- focus on what is expected or observed over the life of the plan or policy statement provisions to which the result relates
- also relate those outcomes that are incidental to the primary objective or that may occur as a side effect of implementing the policies rules and other methods

²⁰Quality Planning. (2013). *Plan steps: Writing provisions for regional and district plans*. Retrieved from <https://qualityplanning.org.nz/sites/default/files/2018-11/Writing%20Provisions%20for%20Plans.pdf>

Quality Planning also states that anticipated environmental results should not focus on administrative or process outcomes.

The RPS states that “[t]he anticipated environmental results (AERs) that the Southland Regional Council expects to see are the implementation of the methods contained within the RPS by local authorities. This approach creates a focus on the process of method(s) implementation across the entire region which will determine if adequate progress towards sustainable management of the region’s natural and physical resources is being achieved.”²¹ This is an unusual approach to anticipated environment results as it focuses on implementation of the provisions rather than the environmental outcomes sought. A lack of specified environmental outcomes makes it difficult to assess the ‘on the ground’ effectiveness of the RPS provisions. This is likely to be an issue for future reviews of the RPS.

The RPS states that these results will be monitored by assessing whether methods have been implemented, substantially implemented or not implemented and that the outcome of that evaluation will be reported to the community every three years through the Long Term Plan. The Long Term Plan 2018-28 does not include these monitoring results, however the RPS had been operative less than a year when that Long Term Plan was released. The next opportunity will be through the Long Term Plan 2021-31.

4.17.3. Processes to deal with cross-boundary issues

This section of the RPS outlines the need for a consistent and integrated approach to managing natural resources. In relation to cross-boundary issues, this section is not directive, instead outlining a range of different options which may be used depending on the particular circumstances, including:

- Collaborative decision-making such as through Te Rōpū Taiao and the Shared Services Forum
- Combined plans under section 80
- Joint processing and hearing of resource consent applications
- Transfers of power under section 33
- Triennial agreements under the Local Government Act 2002

The most effective process for resolving cross-boundary issues will depend on the particular circumstances at hand, therefore it is appropriate for this section to provide a range of options without prescribing particular requirements.

4.17.4. Statement of responsibility – biodiversity

Section 62(1)(i)(iii) requires the RPS to state the local authority responsible for specifying objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity. In the RPS, this statement is contained in the introduction to Chapter 6 (Biodiversity) and directs that the regional council will be responsible for specifying objectives, policies and methods for the control of the use of land for the maintenance of indigenous biodiversity in the coastal marine area, wetlands,

²¹ Southland Regional Policy Statement 2017, p. 202.

and lakes and rivers and their margins, with territorial authorities responsible for all land excluding the areas for which the regional council has responsibility.

This statement has presented some difficulties for the management of biodiversity in the coastal environment, which spans regional and district boundaries, particularly in relation to the protection of toheroa. The division of responsibility between 'land' and 'margins of rivers and lakes' also provides challenges given activities may occur across both types of land, again spanning council boundaries. There is a missed opportunity in the RPS to fully consider the options available for a more integrated approach to managing biodiversity.

4.17.5. Procedures for monitoring efficiency and effectiveness

The RPS contains a monitoring statement in section 2.3 which states that the AERs will be used to measure success and check if the RPS is working or not. This is intended to be integrated with monitoring undertaken by the Council, including State of the Environment and plan and consent monitoring. As outlined in the AER section, the results of monitoring are to be reported every three years through the Long Term Plan. This statement also sets out when changes will be sought to the RPS:

- Adequate progress is not being made towards achieving the AERs
- Major national developments have implications for the RPS (i.e. amendments to the RMA or the adoption of NPSs or NESs)
- Results of scientific work enhance the RPS and make its provisions more certain

This approach to monitoring is unlikely to be an effective way of measuring the effectiveness of the RPS due to the issues with the AERs in the RPS as discussed in section 4.17.2.

4.17.6. Other information

The RPS includes three appendices which support the interpretation and application of the provisions.

4.17.6.1. Appendix 1 – Instruments from the Ngāi Tahu Claims Settlement Act 1998

Statutory acknowledgements are not required to be included in planning documents, however they can provide useful context for the provisions and additional information on the values of particular areas. As their content is prescribed through legislation and their inclusion is optional, it is not appropriate to assess their effectiveness.

4.17.6.2. Appendix 2 – Schedule of Threatened, At Risk and Rare Habitat Types

Policy BIO.1 states that the Schedule in Appendix 2 provides an indication of areas likely to be significant and that ecological assessments using the criteria in Appendix 3 are to be undertaken to determine significance. Significant indigenous vegetation and significant habitats of indigenous fauna are then required to be protected under Policy BIO.2. For each habitat type, the Schedule in Appendix 2 describes the physical setting and biological description and gives examples of localities, however it does not include a spatial element (i.e. maps). The explanation to Policy BIO.1 states that the Schedule is intended to be supported by a GIS layer developed by the Council to provide a visual representation

of the habitat types across the region. This work has not yet commenced. The introductory note highlights that marine habitat types have yet to be assessed and that this will occur through the next Regional Coastal Plan review. This work is currently underway. While the Schedule provides descriptions of habitats likely to be significant, ecological assessments are expected in each situation to determine the significance of an area. The Schedule is therefore effective at providing background information to inform significance assessments, but not at identifying or assessing significance.

4.17.6.3. Appendix 3 – Significance Assessment Criteria

Appendix 3 contains the criteria for assessing whether an area of indigenous vegetation or habitat of indigenous fauna is significant in accordance with section 6(c) of the RMA. A report by Wildlands in 2019 investigating Southland’s areas of significant indigenous biodiversity found that some of the significance assessment criteria were straightforward to assess while others were more difficult due to data limitations (in particular, representativeness (i), rarity (iii) and ecological context (i)).²² The report also found that some of the criteria did not relate well to marine ecosystems and required adaptation in order to be applied in a useful way.²³ The report identified information gaps regarding the location of indigenous fauna and plant species, distribution limits of taxa in Southland and the geographic boundaries of some ecosystem types which may affect assessments of significance under the criteria in Appendix 3.²⁴

The Wildlands report suggests that the criteria may not be fit for purpose currently, particularly in relation to marine habitats of which there are likely to be many of significance in Southland. The criteria are considered to be terrestrial-based and therefore cannot be transferred directly to the marine environment. The criteria are focused on vegetation in defining habitats and ecosystems whereas in the marine environment only a minority of habitats are dominated by flora, with the majority of habitats recognised by the dominant fauna such as epifauna (e.g. sponge beds) and infauna (e.g. shellfish beds).²⁵

Given the extent and significance of Southland’s marine environments, these criteria are unlikely to be fully effective at supporting the achievement of the objectives. Additionally, the Government intends to release a proposed NPS for Indigenous Biodiversity later in 2019 which is likely to contain significance criteria which would override or supersede the criteria in the RPS.

²² Wildland Consultants. (2019). *Assessment of indigenous biodiversity in Southland Region*. Dunedin, New Zealand, pp.17-18.

²³ Wildland Consultants. (2019). *Assessment of indigenous biodiversity in Southland Region*. Dunedin, New Zealand, p.33.

²⁴ Wildland Consultants. (2019). *Assessment of indigenous biodiversity in Southland Region*. Dunedin, New Zealand, p.33.

²⁵ S. O’Connell-Milne (personal communication, 1 October 2019).

5. Efficiency

Efficiency is a measure of the benefit of a policy relative to its cost. The most efficient policy is the policy that achieves a given level of benefit for the least cost, or conversely, the most benefit for a given amount of cost.²⁶ Evaluating efficiency involves assessing the extent to which benefits of a policy exceed the costs associated with that policy. The higher the ratio of benefit to cost, the more efficient the intervention can be said to be. The efficiency of a policy can be interpreted as the value for money that it represents in terms of costs (for both the Council and the community, including users), the ease of administration and the ability to achieve an environmental outcome.

There are three types of costs:

- Administration costs: borne by the Council including implementation and monitoring costs.
- Compliance costs: borne by resource users and include costs associated with applying for and complying with consents.
- Broad economic costs: which may arise from regulation and involve, for example, costs associated with constrained production through limits and other constraints on development imposed by either plan provisions or consent conditions.

This section evaluates the components of efficiency using data provided by the Council.

5.1. Costs of the Plan

5.1.1. Administration costs (by the Council)

Administration costs are the costs incurred by the Council to implement the RPS, and particularly the methods. There are two broad categories of administrative costs: those arising from regulatory functions and those from non-regulatory functions.

5.1.1.1. Regulatory

The RPS does not contain rules so there are no regulatory costs arising from the consideration or issuing of resource consents, or from the associated compliance monitoring and enforcement. The Council has incurred costs in preparing, monitoring and reviewing the RPS as well as from responding to public enquiries. Given the length of the planning process for the development of the RPS, the Council's administration costs from that component are likely to be high. As the RPS has only been operative for two years, monitoring and review costs are likely to be low.

Some of the mandatory methods in the RPS relate to administration of the Council's functions, in particular its consenting functions. Generally, these direct actions that would likely already occur or would be at the discretion of the Consent Officer so these costs are expected to be low.

²⁶ Willis, G. (2008). *Evaluating regional policy statements and plans: a guide for regional councils and unitary authorities*.

Some of the chapters of the RPS have not provided much direction to lower order documents, potentially increasing the costs incurred in developing new plans in accordance with the RPS. This will likely be the case for the Regional Coastal Plan which is in the early stages of review. Chapter 7 (Coast) mostly restates the requirements of the NZCPS without addition region-specific direction or interpretation, leaving the Coastal Plan to undertake this work.

5.1.1.2. Non-regulatory

The RPS contains a large number of non-regulatory methods that are mandatory for the Council to implement. These include the commissioning of research, provisions of information and advice, and funding for particular activities. If all of the non-regulatory methods were to be implemented, the costs to the Council would be high. There is no implementation plan for the RPS so it is unclear how or when the methods are intended to be implemented, however it appears that they will be generally implemented through existing or new programmes as they arise rather than on a particular schedule. For example, the Council has recently commissioned research into regional landscapes which is required by the RPS and needed to assist with implementing the district and regional plans. Given some of the Council's priorities have changed since the RPS was notified, it is not clear how many of the methods are still intended to be funded and implemented by the Council. The normal process is for projects to be considered annually through the Annual Plan process and then three yearly through the Long Term Plan process.

5.1.2. Compliance costs

Compliance costs are costs incurred by resource users in complying with the provisions of the RPS. The RPS does not contain rules but section 104(1) of the RMA does require councils to have regard to any relevant provisions of the RPS when considering a resource consent application. If the regional plans give effect to the RPS, there are not likely to be any added compliance costs associated with complying with the RPS provisions. In this case, the pSWLP and Stage 1 (2016) of the Air Plan are considered to give effect to the RPS as they were prepared after the RPS was notified. The Regional Coastal Plan does not give effect to the current RPS as it was prepared under the previous RPS 1997 so there may be additional costs in complying with the RPS provisions in relation to coastal permit applications.

For water, land and air matters there should be no added compliance costs arising from any requirements to modify their practices or equipment in order to comply with the RPS as the regional plans give effect to the RPS. Any additional costs would therefore be incurred under the regional plan and associated consenting process. This may not be the case for coastal matters, however as the provisions in Chapter 7 (Coast) of the RPS are generally at a high level and are not particularly directive, there are unlikely to be considerable additional costs.

Feedback from the district councils suggests that the RPS largely did not assist with the preparation of district plans. The reasons for this were:

- The number of provisions and volume of explanatory material meant that the RPS generally does not provide a clear indication of the key issues for Southland or the ways to address those issues in a region-wide manner.

- Most of the RPS provisions are general in their wording which allows considerable scope for district councils to interpret and apply them in their own context – this can be useful but does not necessarily support a cohesive, region-wide approach to resource management.
- Many of the RPS provisions simply ‘delegated’ the resolution of tensions and issues to lower order documents rather than resolving them at the regional level.

District councils considered that these issues meant they incurred additional costs to prepare their district plans.

5.1.3. Broader economic costs

Planning documents can result in broader economic costs where they constrain production or innovation, or result in sub-optimal allocation of resources. In the RPS, regulatory constraints are generally restricted to those imposed through regional and district plans. There are a large number of non-regulatory methods but generally these relate to information collection and provision and ways of working collaboratively rather than specific actions which would affect the allocation of resources. Few activities are therefore potentially affected or constrained. The evaluation of the provisions of the RPS has not identified any situations where the provisions have unnecessarily constrained production or innovation, resource use or resulted in sub-optimal resource use or allocation.

5.2. Benefits of the RPS

The benefits of the RPS have mostly been delivered through regional and district plan provisions that give effect to the provisions of the RPS. The general nature of most of the RPS provisions makes it difficult to determine with certainty what outcomes have been achieved, and provides regional and district plans considerable scope to interpret and apply the provisions in their own way. As the RPS has only been operative for two years, there has been limited time for the methods of the RPS to have been implemented which also affects the ability to assess benefits.

5.3. Have we achieved the outcomes at reasonable cost?

As the RPS does not contain rules, it has not resulted in significant administrative or compliance costs. It is difficult to assess the efficiency of the RPS due to the lack of clarity around the achievement of outcomes which arises from the general drafting style adopted in the provisions. This approach has meant that the Council as well as the district councils (particularly Southland District and Invercargill City Councils) have potentially incurred costs as a result of having to resolve tensions and interpret higher order documents through their regional and district plans rather than having those matters addressed at the regional level through the RPS. This is not a particularly efficient outcome as it means efforts are duplicated across councils and there is potential for a lack of integration and consistency across the region.

6. National Planning Standards

Under section 61(1)(da) of the RMA, a regional policy statement must be prepared or changed in accordance with a National Planning Standard. National Planning Standards have been introduced to improve the consistency of council plans and policy statements.

The first set of National Planning Standards came into force on 3 May 2019 and aim to provide national consistency for the structure, form, definitions and electronic accessibility of RMA plans and policy statements. This is intended to make planning documents more efficient and easier to prepare and use.

Regional councils have three years to adopt the relevant Standards for their regional policy statements and ten years for their regional plans. The Council therefore has until 3 May 2022 to implement the Standards in the RPS.

6.1. Relevant Standards

The Standards came into force on 3 May 2019, over a year after the RPS became operative and therefore the RPS has not been prepared in accordance with their requirements. Standard 1 applies to all planning documents, including regional policy statements, and sets out the purpose, interpretation and a series of mandatory directions primarily focused on identifying the relevant standards for different types of planning documents. Table 1 of Standard 1 states that the following standards apply to RPSs:

2. Regional policy statement structure
6. Introduction and general provisions
10. Format
11. *Regional spatial layers*
13. *Mapping*
14. Definitions
16. *Electronic accessibility and functionality*
17. Implementation

The standards italicised above are not considered to be relevant for this report. Standards 11 and 13 are not relevant because the RPS does not contain spatial layers or maps. Standard 16 is relevant but is not considered in detail in this report as the electronic accessibility requirements it contains will need to be implemented across all of the Council's planning documents through a much broader, integrated project. That is considered to be outside the scope of this report.

The following sections summarise the changes required by each relevant standard and determine whether each standard can be implemented without a Schedule 1 process.

6.2. Procedure for implementation

The Government expects that all mandatory directions in the Standards will be implemented without using one of the processes in Schedule 1 to the RMA.²⁷ However, the Council has received legal advice which suggests that the specific requirements set out in the RMA do not support this in the case of Standard 2: Regional policy statement structure. This is discussed in more detail in section 6.3.

Generally, the Government intends the planning standards to be implemented without using one of the processes in Schedule 1. However, there may be amendments to the RPS as a result of implementing the Standards that lead to inefficiencies or ineffectiveness in the policy statement which would require a Schedule 1 process to resolve. The following sections identify the options available to the Council for implementing each Standard (i.e. with or without a Schedule 1 process).

6.3. Standard 2: Regional policy statement structure

6.3.1. Overview

Standard 2 introduces a mandatory structure for all regional policy statements. The structure consists of parts, headings, chapters and sections, moving from general provisions to specific provisions. Some of the components are mandatory while others are only to be used if they are relevant. In limited cases there is the potential to include additional components and content.

The RPS structure is not significantly dissimilar to the structure required by Standard 2, however there will be some difficulties in implementing the requirements relating to iwi/Māori provisions and identifying the significant resource management issues for the region. We consider it is possible to implement this Standard without using a Schedule 1 process but that the resulting document may not achieve the intent of the Standards as outlined by the Ministry for the Environment and may reduce the usability of the RPS.

A detailed analysis of Standard 2 is included as Appendix E. A comparison of the current RPS structure with the structure after implementation of Standard 2 is included as Appendix F.

6.3.2. Options for implementation

We consider that there are two options available to the Council for implementing this Standard: without or with a Schedule 1 process. Broadly, this is because while implementation does appear to be possible without a Schedule 1 process, the resulting document may not be particularly efficient or effective in achieving its purpose. The Council has received legal advice which suggests that implementation of the structure standard may more correctly fall under the sections requiring a Schedule 1 process but acknowledges that there is a lack of clarity about this.

²⁷ Ministry for the Environment. (2019). *2M Implementation: Recommendations on submissions report for the first set of National Planning Standards*, p. 6. Retrieved from <https://www.mfe.govt.nz/sites/default/files/media/RMA/2M-implementation.pdf>

For mandatory directions, section 58I requires councils to amend their planning documents to include specific provisions in the documents and to ensure that the document is consistent with any constraint or limit placed on the content of the document under section 58C(2)(a) to (c). For these types of amendments, section 58H(3)(a) states that they are to be made without using any of the processes set out in Schedule 1 and 58H(3)(d) provides for any consequential amendments to any document as necessary to avoid duplication or conflict with the amendments. For other changes, section 58I(7) and (8) states that a local authority must make all other amendments that are required to give effect to any provision in a national planning standard that affects the document using one of the processes set out in Schedule 1.

It appears that the Government considers the mandatory directions relating to structure fall under the requirements of sections 58C(2)(a) to (c). Legal advice provided to the Council takes a differing view, considering that as structure is specifically provided for by section 58C(4)(a) and not section 58C(2)(a) to (c), those changes would therefore need to be made under sections 58I(7) and (8) using a Schedule 1 process. The legal advice does acknowledge that there is a lack of clarity about this point. In particular, the advice acknowledges that the structure requirements are mandatory directions and are therefore in accordance with the heading of section 58I(2) and (3) (i.e. the sections excluding changes from requiring a Schedule 1 process).

We consider that it is the intent of the Government that mandatory directions are implemented without using a Schedule 1 process, therefore implementing the structure standards is intended to occur without using a Schedule 1 process. Although the legal advice suggests that this may not be how the specific requirements in section 58I operate currently, we consider there is a very low risk of legal challenge if the Council's implementation is limited solely to rearranging provisions in accordance with the Standards. We understand that this is consistent with the interpretation of other councils.

6.3.2.1. Option 1: Without a Schedule 1 process

The majority of Standard 2 can be implemented by making only minor changes to the current structure of the RPS, predominantly through renaming and reordering. This is outlined in more detail in Appendix E. There are two components to Standard 2 that will require more significant changes:

- Iwi/Māori provisions (including the Tangata Whenua/Mana Whenua, Resource Management Issues of Significance to Iwi Authorities in the Region and Historical and Cultural Values sections)
- Significant Resource Management Issues for the Region

Iwi/Māori provisions

The RPS contains one chapter (Chapter 3) containing these provisions, although it notes that Ngāi Tahu values are woven throughout the entirety of the RPS. Standard 2 has three different locations for these provisions depending on the focus of the provision:

- Tangata whenua/Mana whenua: This mandatory chapter is intended to house context and process-related provisions. This would include Issues TW.1 and TW.2, Objectives TW.1 and TW.2, Policies TW.1 to TW.3 and Methods TW.2 to TW.4 and TW.7 to TW.10.

- Resource management issues of significance to iwi authorities in the region: This mandatory chapter is intended to house the issues identified as significant by iwi authorities. This would include Issues TW.1 to TW.5.
- Historical and cultural values: This chapter is only mandatory if it is considered to be relevant for the policy statement and could contain some of the provisions from Chapter 3 that relate to cultural values.

We consider it is possible to implement these components of Standard 2 without a Schedule 1 process, however there may be duplication as a result. All of the issues identified in Chapter 3 are explicitly stated to be resource management issues of significance to Ngāi Tahu, however three of them are process-related so they would also need to be included in the *Tangata whenua/Mana whenua* chapter. Including the provisions listed above in the *Tangata whenua/Mana whenua* chapter would leave some provisions from Chapter 3 for inclusion in the *Historic and cultural values* chapter. This may lead to some disconnect between provisions which have been drafted to be housed collectively. It may also affect the logic of the summary tables in each chapter which show the connections between provisions.

Significant Resource Management Issues for the Region

Standard 2 requires a chapter setting out the significant resource management issues for the region, in line with the requirements of section 62(1)(a). The approach taken in the RPS currently is that the issues listed in each chapter collectively comprise the significant resource management issues for the region. This means there are 54 significant issues. Regarding significant issues, the Ministry for the Environment's *Recommendations on Submissions* report states:

“The intent is that the structure has one set of significant issues which are expressed broadly in Part 2. We envisage that the topic chapters will contain objectives, policies and methods that flow from those issues, and not new issues. That said, practice varies on how ‘significance’ is determined. Policy statements range from focusing on the top three or four issues (which are generally broadly expressed and covering multiple resources) to considering all issues ‘significant’. We prefer the former approach because the prioritisation necessary to achieve it also results in greater recognition of related issues and resolution of competing values.”²⁸

Advice was sought from the Ministry on whether issues needed to be included in individual chapters as well as in Part 2 of the structure. The response stated that:

“[I]n this case, additional new content may be required under the ‘significant resource management issues for the region’ section to discuss the top few issues which are considered significant to the region. 50+ is a considerable number of issues to include as ‘significant

²⁸ Ministry for the Environment. (2019). *2A Regional policy statement structure standard: Recommendations on submissions report for the first set of National Planning Standards*. Wellington, New Zealand, p.16.

resource management issues for the region.’ Some of these may be more appropriately housed within the individual chapters.”²⁹

Despite the advice of the Ministry, legal advice to the Council has confirmed that this requirement can be implemented by simply shifting all of the existing issues into a new section entitled “significant resource management issues for the region” in line with Standard 2. Attempting to reassess the significance of the current issues or re-draft them in a more general way would be a change to the content of the RPS and would therefore require a Schedule 1 process to implement.

6.3.2.2. Option 2: With a Schedule 1 process

As outlined above, we consider there are ways for the Iwi/Māori provisions and Significant Resource Management Issues to be repackaged so that they comply with the Standards without requiring a Schedule 1 process. However, this may result in duplication and/or affect the intervention logic sitting behind the framework of the chapters.

The alternative approach would be to undertake a normal change to the RPS by following one of the processes set out in Schedule 1 of the RMA:

- Standard planning process (Part 1)
- Collaborative planning process (Part 4)
- Streamlined planning process (Part 5)

Any of these processes would involve notifying changes and providing for public participation, normally through submissions and hearings. The scope of a change could be fairly narrow (for example, introducing a small number of ‘over-arching’ issues of significance and retaining the existing issues from the RPS in individual chapters) or broad (for example, revising all of the issues in the RPS). There would be a cost involved in progressing a change under Schedule 1 which would vary depending on the scale of the change proposed.

6.3.3. Recommendation

From a planning effectiveness and efficiency perspective, it would be preferable to change the structure of the RPS using Schedule 1. This would provide an opportunity (either narrow or broad in focus) to address the problems identified with implementing the Standards without a Schedule 1 process. However, we recognise that this would incur considerable costs for the Council and require additional resourcing.

6.4. Standard 6: Introduction and general provisions

6.4.1. Overview

Standard 6 sets out the specific format for the introduction and general provisions referenced in the structure standards. This Standard provides additional detail to the structure requirements in

²⁹ Ministry for the Environment, personal communication, 24 September 2019

Standard 2 and helps to clarify where and how introductory and general provisions are to be incorporated into the structure mandated by Standard 2. Overall, this standard will result in mostly minor changes to heading names and ordering. While still considered minor changes, there are three matters which will require more work:

- Selection and completion of the appropriate option from direction 17c regarding applicability and implementation of NPSs.
- Decision by Council on whether to include additional content on national direction instruments.
- Which provisions from current Chapter 3 (Tangata Whenua) to include in the mandatory *Tangata whenua / Mana whenua* chapter (discussed in more detail in section 6.3).

A full assessment of this standard is included as Appendix G.

6.4.2. Options for implementation

All of the changes required by Standard 6 can be implemented without requiring a Schedule 1 process.

6.5. Standard 10: Format

6.5.1. Overview

Standard 10 outlines the requirements for the format of various chapters and sections. This Standard provides additional detail to the structure requirements in Standard 2 and helps to clarify where and how various chapters and sections are to be incorporated into the structure mandated by Standard 2. Overall, this standard will result in mostly minor changes to the appearance of the RPS, particularly the order of the provisions and their identifiers. Although only minor changes, there is a considerable amount of work involved in implementing this standard due to the level of detail it contains. Implementation of this standard would be best undertaken after the structure and definitions standards have been implemented.

A full assessment of this standard is included as Appendix H.

6.5.2. Options for implementation

All of the changes required by Standard 6 can be implemented without requiring a Schedule 1 process.

6.6. Standard 14: Definitions

6.6.1. Overview

Standard 14 lists terms and definitions which must be used in planning documents, including regional policy statements. Broadly, where a term defined in Standard 14 is used in the RPS, the definition will need to be included in the RPS either as a new definition or as a replacement for a current definition. Direction 3 of the Standard notes that consequential changes may be required so that application of the definition does not alter the effect or outcomes of the provisions that use that term.

Standard 14 contains 99 defined terms. Of these:

- 34 are not used in the RPS.
- 29 are replicated from the RMA and are therefore consistent with their use in the RPS.
- 28 are used but not defined in the RPS and the Standard definition is unlikely to alter the application of the provisions.
- 8 are used and defined differently in the RPS and may require some consequential amendments to provisions but are not considered to alter the application of the provisions they are used in. They are:
 - Aquifer
 - Boundary adjustment
 - Functional need
 - Groundwater
 - Industrial activity
 - Landfill
 - Sewage
 - Wastewater

A full assessment of this standard is included as Appendix I.

6.6.2. Options for implementation

All of the changes required by Standard 6 can be implemented without requiring a Schedule 1 process.

6.7. Standard 17: Implementation

Standard 17 contains the following relevant requirements:

- Implementation of standards 1, 2, 6, 10, 11, 13 and 14 is required by 3 May 2022 (direction 2).
- Implementation of standard 16.A (Electronic accessibility and functionality) is required by 3 May 2020.
- Implementation of standard 16.B (Online interactive policy statement or plan) by 3 May 2024.

None of these require changes to the RPS as they simply state implementation deadlines.

6.8. Process for implementing the Standards

Section 58I of the RMA sets out the ways councils are to recognise the National Planning Standards. As all of the relevant directions for regional policy statements are mandatory, section 58I(2) and (3) set out the process required:

- (2) *If a national planning standard so directs, a local authority must amend each of its documents –*
 - (a) *to include specific provisions in the documents; and*

- (b) *to ensure that the document is consistent with any constraint or limit placed on the content under section 58C(2)(a) to (c).*
- (3) *An amendment required by subsection (2) must –*
 - (a) *be made without using any of the processes set out in Schedule 1; and*
 - (b) *be made within the time specified in the national planning standard or (in the absence of a specified time) within 1 year after the date of the notification in the Gazette of the approval of the national planning standard; and*
 - (c) *amend the document to include the provision as directed; and*
 - (d) *include any consequential amendments to any document as necessary to avoid duplication or conflict with the amendments; and*
 - (e) *be publicly notified not later than 5 working days after the amendments are made under paragraph (d).*

Practically, amendments that do not require a Schedule 1 process could be made by Council staff in a copy of the current version of the RPS and then publicly notified in accordance with section 58I(3)(e). The Council may wish to develop an internal procedure for reviewing and approving these amendments, however this process is not mandatory under the RMA.

7. Conclusions and recommendations

This section summarises the main conclusions from our analysis and makes recommendations about the action the Council should now take to address the issues identified.

7.1. Effectiveness and efficiency

7.1.1. Relevance of the RPS – legislative and policy environment

The process for reviewing the RPS 1997, preparing the RPS 2017 and completing the Schedule 1 process took considerable time – approximately nine years from initiation to conclusion. Once the RPS was notified in 2012, the Council had limited ability to make changes to address any emerging issues or changes to the policy landscape. As a result, there have been developments at the national and regional level that have not been reflected in the provisions of the RPS. While the RPS is somewhat out of touch with the current policy environment, this has resulted in missed opportunities rather than significant issues or obstacles. The RPS provisions are generally focused on historical issues and the objectives are designed to address these. It is therefore not particularly future-focused – this has been evidenced by it becoming out of date fairly quickly.

We do not consider that the level of disconnect between the RPS and the legislative and policy environment is significant enough to warrant a change under Schedule 1 at this stage. However, the national direction currently proposed by the Government will require significant changes to parts of the RPS over the next 12-24 months if the instruments come into force in the first half of 2020 as currently proposed. This is particularly the case for freshwater and biodiversity management, although there may also be changes required for highly productive land. Any Schedule 1 process presents an opportunity to address other issues identified with the RPS, as well as responding to national direction., however there are time constraints placed on doing this by Standard 17 of the Standards (which requires that any RPS must comply with the Standards either by 3 May 2022 or the date of notification of a proposed RPS, whichever is the earlier).

7.1.2. Appropriateness of the RPS – Issues and objectives

The RPS contains 54 issues, all of which are considered to be significant resource management issues for the region. This is a considerable number of significant issues and our analysis questioned whether all of them could really be considered significant. There was little information in the section 32 evaluation report or section 42A hearing reports for the RPS about the evidence base or justification for the issues which made it difficult to assess their appropriateness. There was also no information about the criteria used to determine significance.

As the policy framework for each chapter of the RPS commences with the identification of issues, any problems identified with the issues have a cascading effect on the lower order provisions, particularly the objectives. Put simply – if the appropriateness of the issues is questionable, then so too is the appropriateness of the objectives designed to address those issues. The objectives in the RPS tended to be drafted generally and at times it was difficult to envisage how the issues would be addressed by achieving the objectives.

Feedback from Southland District and Invercargill City Council staff was that the number of provisions in the RPS made it difficult to identify the key or pressing issues facing Southland and that the RPS did not clearly identify management priorities. We agree with this assessment, which mirrors our findings that many of the issues are not likely to be regionally significant and therefore that the objectives may not always focus on key matters. We consider that the issues and objectives could be consolidated and rationalised significantly to sharpened the policy focus and direction of the RPS, which would in turn provide clearer guidance to the local order documents.

7.1.3. Effectiveness of the RPS – Policies

The policies in the RPS vary considerably from those which are well connected to the objectives and articulate a clear management approach to achieving the objectives to those which are of questionable relevance and so generally worded as to be largely unhelpful. There are many policies which simply restate requirements of the RMA or higher order documents without any application in the Southland context. These types of policies add little value to the policy framework. As policies are the courses of action to achieve or implement the objective(s),³⁰ specificity and direction is key to their effectiveness. Overall, the policies of the RPS provide considerable discretion and flexibility to those implementing methods to interpret and apply the policies in a range of different ways. This affects their effectiveness in achieving the objectives.

7.1.4. Effectiveness of the RPS – Methods

Of the 410 provisions in the RPS, 195 of them are methods. This is a very large number of methods for an RPS to contain and, given the small ratepayers bases in Southland and the pressure on all council finances, it is highly unlikely all of the methods would be implemented across the ten-year lifetime of the RPS. Although the methods are divided into those which are mandatory and those which are optional, there is no prioritisation between them meaning that even in for the mandatory provisions, there are a considerable number of methods which are all considered to be of equal importance.

There is no supporting implementation plan for the RPS which makes it difficult to assess the extent of implementation of the methods. Without a strategic, planned approach to implementing the methods, it appears that the region's councils tend to implement methods where they align with each council's own priorities and planned work programmes. This was the case for both the mandatory and optional methods, although generally there was more implementation of the mandatory methods than the optional ones. What was not possible to assess within the scope of this report was how well those methods were being implemented, particularly those relating to regional and district plans. Many of the methods are worded very generally, providing considerable flexibility in their implementation – feedback from the district councils suggested that this was both helpful in that it allowed them to develop their own approaches to particular issues but also difficult at times due to the lack of support in the RPS for policy proposals.

³⁰ Quality Planning. (2013). *Plan steps: writing provisions for regional and district plans*. Retrieved from <https://qualityplanning.org.nz/sites/default/files/2018-11/Writing%20Provisions%20for%20Plans.pdf>

Overall, it appears that the RPS has not driven the actions undertaken by the region's councils – rather, it has been supplementary reason for pursuing existing or new priorities within each council.

7.1.5. Effectiveness – Other provisions

The RPS's use of principal reasons adds considerable length to the document and creates the potential for conflict or duplication. The approach to monitoring anticipated environmental results is unlikely to provide an effective method for the Council to understand the environmental outcomes achieved (or not) by the RPS over time due to its focus on implementation of methods. In terms of local authority responsibilities, the statement regarding management of cross-boundary issues provides an appropriately flexible approach to tailoring management to particular circumstances, but the statement regarding the management of indigenous biodiversity on land has caused some difficulties for both the regional and district councils in some situations. The appendices relating to indigenous biodiversity have some limitations which will impact their effectiveness in achieving the outcomes sought by the RPS. Some of these limitations are currently being addressed through the review of the Coastal Plan.

7.1.6. Efficiency

There is little information available about the costs and benefits of the RPS, mostly due to the lack of rules (and therefore consent and compliance data) and the length of time the RPS has been operative. Overall, the RPS is not likely to have resulted in additional compliance costs, however the general nature of many of the provisions has essentially 'delegated' decision-making on some matters to regional and district plans rather than resolving them in a region-wide manner. This is particularly the case for the Regional Coastal Plan. Given the general wording of the provisions, the RPS is unlikely to have unnecessarily constrained resource use or resulted in sub-optimal use or allocation of resources. One exception to this may be water quality. While the RPS contains objectives for the outcomes sought for water quality in the region, the policies focus on the processes required under the NPS-FM to set objectives and limits. These are complex planning processes which are still in their early stages in Southland despite the direction in the RPS. The lack of guidance about how to achieve the objectives of the RPS in the interim period before objectives and limits are set may not have provided sufficient direction to prevent further degradation in accordance with the objectives of the NPS-FM.

7.2. National Planning Standards

7.2.1. Extent of change required to implement the National Planning Standards

There is likely to be considerable work required to implement the following standards:

- Standard 2: Regional policy statement structure
- Standard 10: Format

The bulk of this work arises from the need to move various parts of the RPS around to comply with the structure standard and to renumber the existing 410 provisions. While not technically difficult, this is a large administrative task.

Standards 6 (Introduction and general provisions) and 14 (Definitions) require similar administrative work to implement but affect far smaller parts of the RPS so will require less work to implement overall.

7.2.2. Using Schedule 1 to implement the National Planning Standards

We consider that it is possible to implement standards 2, 6, 10 and 14 without using Schedule 1. However, we have some reservations about this approach in respect of the iwi/Māori and significant resource management issues components of standard 2. The requirements of this standard do not align with the approaches taken in the RPS. Implementation without using Schedule 1 may result in a less effective, user-friendly document therefore we recommend further investigation prior to making a decision on implementation methods. The scope of any Schedule 1 process could be limited or broad depending on the Council's decisions and priorities.

7.3. Recommendations

7.3.1. Effectiveness and efficiency

Section 35(2) of the RMA states that local authorities must “...take appropriate action ... where this is shown to be necessary” as a result of monitoring of effectiveness of plans. This report demonstrates that while the RPS has become out of date with the current legislative and policy environment, this has not resulted in significant issues or costs for the region at this stage. The large number of provisions and general drafting approach is not particularly effective and results in a missed opportunity to provide clear direction on priorities and integrated management approaches for the region.

We do not consider these alone are compelling reasons to initiate any formal action under the RMA – they are issues that could be addressed at a later date through the ten-year review of the RPS or included as part of another change to the RPS should one be required (such as to implement the national direction currently proposed by the Government).

7.3.2. National Planning Standards

As outlined above, we believe the use of a Schedule 1 process to implement Standard 2 warrants further consideration due to the potential negative effects on the effectiveness and usability of the RPS from implementation without a Schedule 1 process. Again this may not be a sufficiently strong reason on its own to initiate a Schedule 1 process, but could be included as part of another change to the RPS should one be initiated.

7.3.3. Overall

At this stage, we recommend waiting for the *Essential Freshwater* package from the Government to be confirmed before making any decisions on amending the RPS. The proposed amendments to the NPS-FM will require the RPS to be amended through a Schedule 1 process, in particular to implement

the requirement to develop and articulate through the RPS a long-term vision that gives effect to Te Mana o te Wai. This process could be used to address:

- some of the issues identified with the effectiveness of the provisions of the RPS;
- additional amendments required to give effect to other national direction (if required) such as the proposed NPSs for urban development and highly productive land; and
- potential issues which would arise from implementing the Planning Standards without using a Schedule 1 process.

We consider that the current issues are not significant enough to warrant a Schedule 1 process on their own, but if a Schedule 1 process is required to implement national direction in the near future then it would be efficient to address other issues with the RPS at the same time.