

Unitary Plan - a template approach

1. Description

The Unitary Plan could be developed on the basis of a “model plan” or template that does not apply to any land.

The template would contain hierarchy of sections under eight main groups or sets of provisions. These would provide:

- (i) Space to insert a set of key strategic directions and objectives derived from the Auckland Spatial Plan (called the “Auckland or Regional Policy Framework” for the purpose of this discussion)
- (ii) Space to insert a series of local spatial strategies/plans and policies (called the “Local Planning Policy Framework”)
- (iii) A suite of standard zones (probably less than 40 zones)
- (iv) A suite of standard overlays (probably less than 30)
- (v) A set of standard region wide provisions (called the “Particular Provisions”). These would cover matters such as residential development and subdivision provisions, car parking provisions and provisions relating to matters such as advertising, licensed premises, broiler farms, shared housing, brothels, wind farms, telecommunications facilities, vegetation removal and so on.
- (vi) A set of “General Provisions” which contain administration provisions, general exemptions from consent, existing use rights and external referral requirements (eg to external agencies such as NZTA, CCOs etc.).
- (vii) A set of definitions
- (viii) A list of incorporated documents

A template approach is used in Victoria (known as the Victoria Planning Provisions -VPP). This has legislative backing and can only be changed by the State Government. In Auckland’s case, it would be necessary to at least ensure that the template is given statutory effect: ie it would need to be widely consulted on; adopted by the Council; exposed to public scrutiny (notification); and tested through the Environment Court.

The model plan must be used when any plan change/variation is prepared, including private plan changes. Practice notes on the form, content and choice of zones and overlays would be needed to guide the preparation of plan changes and ensure that the consistency and integrity of the model is maintained in the longer term.

The model ultimately agreed upon would be used to translate (rewrite) all existing district plans into the new format. This could be done either progressively or all at the same time depending on the resources available.

It is envisaged that the template would adopt similar features to the Victorian model. For example:

Content

- The State/regional/local strategic objectives and policies at the front of plan must be given effect in preparing a plan change and must be used in assessing an application for resource consent. The Auckland Spatial Plan would take precedence over local planning

policy framework and the objectives, policies and provisions/rules in the plan could not be inconsistent with the local policy framework.

- The zones do not contain various permutations of local development controls (eg lot sizes, densities and siting controls). Rather, local differences are accommodated in schedules to the standard overlays.
- The choice of zones and overlays are informed or strategically justified by the Auckland Spatial Plan or local policy framework at the front of the plan.
- The zones focus on triggers for consents for land use, subdivision and development (buildings and works) in that order. Whilst the zones include zone purposes, application requirements, decision guidelines (assessment criteria) and exemptions from notification (if applicable), the objectives, policies and standard “particular provisions” are cross referenced elsewhere in the plan.
- Objectives, policies are generally separate from the zones to avoid repetition in drafting and ensure these are integrated with the regional and local policy framework, as well as being directly linked to the issues and local content which is contained in the overlays.
- The overlays and overlay schedules do not regulate land use; and are single issue based (eg. design and development, heritage, significant landscapes, environmental protection, vegetation protection, flooding, erosion management and so on. In assessing an application under the overlay, discretion is restricted to only those matters relating to the overlay issue)
- The zones have only three activity status’s that relate to land use only. These are: permitted, discretionary and prohibited.
- Triggers for resource consent are separated by land use, subdivision and development (buildings and works)
- Development controls focus on ‘deemed to comply’ standards of performance (or outcomes) that are linked to each objective rather than prescriptive minimum or maximums which create “infringements” if a control is not met.

Form

- The template has a uniform format and consistent pattern of drafting.
- It has a very simple numbering system
- It is written in plain English with short sentences and ‘child like’ language

2. Advantages

- 2.1 Meets Auckland Council’s criteria for being simple, bold and innovative and could well be a fast way of ultimately obtaining an operative unitary plan. It has a flat hierarchy and a consistent and uniform layout.
- 2.2 The use of a template is ultimately flexible. It can be used together with each of the other scenarios being considered by the Unitary Plan team. It could even enhance and increase the viability of the scenarios advocating a “rolling review” and “progressive changes on a geographical basis”.
- 2.3 It can be extended ad-infinitum to any geographical area or to any zone change, without increasing the layers in the hierarchy or the complexity of the model.

- 2.4 The structure and format minimise the scope for introducing ‘hidden sections’ or ‘hard to find’ development controls.
- 2.5 The template (in particular the suite of standard zones and overlays) cannot be ‘corrupted’ by private plan changes or creative solutions of council officers. This would maintain the integrity of the structure and avoid incremental increases in the volume and complexity of the plan over the years.
- 2.6 There is less scope for appeals to push out the timelines when the model is tested through the notification and Environment Court process. The model does not apply to anybody’s land and submitters would be forced to critique the integrity and workability of the model.
- 2.7 Allows the format and standard content of the plan to be prepared in advance of translating or rewriting all the district plans.
- 2.8 Provides an opportunity to incorporate the Auckland Spatial Plan and the area spatial plans/policies in the plan. This will ensure that the plan includes clear outcomes and a greater nexus to the detailed objectives, policies and rules.
- 2.9 Creates a fully integrated plan with direct statutory link to government policies and local structure plans that have been tested and supported by the community.
- 2.10 Once the model has been agreed upon, the Operative Plan teams can begin preparing plan changes based on this format. The Operative Plan teams could even be given the task of translating existing plans changes into this format.
- 2.11 Similarly, the Area Spatial Planning Team could begin drafting the local policy content in the agreed format and these can be progressively ‘fed’ into the process of translating the existing district plans.
- 2.12 The use of a flat structure, uniform layout and repetitive pattern of drafting will make it easy to navigate through plan and create a confidence about where to look for a particular provision.
- 2.13 The separation of objectives and policies avoids repetition of the same or similar objectives and policies in each. This will reduce the volume of the plan.
- 2.14 The inclusion of an overarching policy framework and the separation of objectives and policies will make it more difficult for private plan changes introduce new objectives, policies and rules that depart from government policy or the overall intentions of the plan.
- 2.15 The separation controls over land use and development (buildings and works) is easier for the lay person to understand and could establish a clearer interpretation of permitted baselines (ie it will minimise confusing argument about what constitutes a permitted baseline in relation to a particular proposal).
- 2.16 The application of multiple overlays can cover all imaginable local differences without reducing the ease of navigation or increasing complexity of the structure.
- 2.17 The use of limited activity status’s increases the simplicity of preparing and implementing the plan; and removes the stigma of “infringements” when a proposal moves from one activity status to another because some as aspect of it does not meet a prescriptive rule.
- 2.18 The model is based on achieving standards or performance (or positive outcomes) rather than mitigating negative effects that are deemed to have more adverse

effects each time a prescriptive rule is infringed and activity moves to another status.

- 2.19 The use of a template will allow a more efficient allocation and spread of resources required to prepare the Unitary Plan. Different units within the Policy and Planning Division (eg Area Spatial Planning, Operative Plans, Urban Design and Heritage units) could be given responsibility for preparing different parts of the plan based on the agreed structure, format and style of drafting.
- 2.20 A template model could be produced and notified with 12 months and whilst the process is taking its course, other work could be done to harmonize development controls in existing plans, begin the preparation of objectives and policies and commence the process of translating existing plans into the new format.
- 2.21 The time preparing a full Unitary Plan may be streamlined if the model is prepared and adopted up front as it will remove a number of the ground for litigation. For example when the full Unitary Plan is notified, the appeals will be confined to the zones that should be applied rather than what the content of the zones should be.

3. Disadvantages

- 3.1 If the model cannot be supported by legislation, it will be vulnerable to ongoing changes by the Environment Court each time a private plan change creates a new zone or provisions for implementing a proposal.
- 3.2 In the absence of legislative support, the template would need to be notified and exposed to the appeal process. This would potentially double the number of notifications and increase the overall cost of notification. (There is also a contra argument that the costs of appeals could be reduced because there is less scope for litigation).
- 3.3 The scope to reduce activity statuses is limited by the RMA and industry expectations that the full range of activities will be used. In particular, Discretionary activities must be assessed under all the documents, objectives and policies referred to in Section 104 and the Act does not appear to provide scope to include certain activities that are 'deemed to comply' with the matters that must be assessed under S104.
- 3.4 Activity status's are not applied to subdivision and development ie only to land use. this would be contrary to the RMA and it would be necessary to find a solution to this problem.
- 3.5 Reliance on positive outcomes (rather than mitigating effects) is philosophically contrary to the purposes of the RMA.
- 3.6 A model that is fundamentally different to anything that has every been used in New Zealand and may not receive political support
- 3.7 The incorporation of a strategic framework may generate opposition from landowners who will have less flexibility the argue the merits of their private plan changes
- 3.8 In the same context, there is likely to be strong opposition if there is an increase in the number of prohibited activities, even if these meet the tests of Coromandel case law.

Unitary Plan full review pros and cons

This proposal discusses the positive and negative aspects of completing a full review of the Unitary Plan. For the purposes of this discussion, a full review is a project that envisages notifying one 'unitary' plan, **on one specified date**, that will address all the policy statements and plans that the Auckland Council is required to prepare as part of its statutory responsibilities.

At a regional level, these include the regional policy statement (RPS) and the coastal plan. Other regional plans may also be prepared, for example plans concerning air land and water, sediment control and farm dairy discharges. At a district level this would include preparing a new district plan to amalgamate and update the legacy district plans from the former seven individual territorial authorities.

This is contrasted with a rolling review, which envisages a more piecemeal approach to the preparation of the Unitary Plan with a series of successive notification dates for changes to the policy statement and plans, as each issue is addressed and completed. A rolling review could be completed in several different ways, including by;

- addressing separate resource management issues in sequence
- preparing at different times the respective statutory plans and policy statements (for example, preparing the RPS and district plan part of the unitary plan first and then addressing the preparation of the regional plans)
- addressing different areas at different times, for example delaying the preparation of the area covering the Auckland City central area plan, as it has a fundamentally different character when compared to (most of) the rest of the region.

The following table outlines the pros and cons of completing a full review of the statutory planning documents for which the Auckland Council is responsible. It assumes that a Unitary Plan will be technically able to combine all relevant regional policy statements and plans.

Pros	Cons
Resources	
The time from project inception to notification of the Unitary Plan will be shorter than the alternatives	
Being able to notify the review in a shorter period of time will benefit from less staff turnover (provided resourcing is appropriate!)	Requires a high level of resourcing in the short to medium term which may not be easily available
There is potential for more consistent decision making from politicians, as due to the reduced time until notification there will be less turnover and greater familiarity with the issues	
	Revisiting recent plan changes or upgrades (eg recent resource hungry plan change appeals such as Wynyard Quarter and Long Bay) will be expensive and also unpopular with those parts of the community that have invested their own time and resources in achieving outcomes in those areas

Avoids potential for incurring cost of multiple notifications of approximately 465,000 households	
Consultation is concentrated into a shorter space of time and so while it is more intense, does not drag on for years	Consultation fatigue may result if the whole plan is prepared at one time, along with or immediately following the Auckland Plan and the Long Term Plan
Timeframe	
Timeframe until notification of the entire plan will be shorter than the alternative of a rolling review	An alternative approach may see more immediate progress as smaller issue based chunks are addressed. Resource management issues requiring prompt attention are unlikely to be able to be addressed while the whole unitary plan is being prepared, resulting in potential adverse effects in the short term.
Likely that this shorter timeframe will be more in line with political and community expectations	
	Strategic direction established sufficiently to provide adequate direction? Long Term Plan to be adopted by 30 June 2012.
Planning Outcome	
A comprehensive approach can be taken to the preparation of the Unitary Plan; <ul style="list-style-type: none"> - potential for a more integrated approach to the preparation of the plan, including between regional and local aspects of the plan and across different themes - The structure of the plan can be made consistent which will make it easier to follow the higher order principles of fast, simple, bold and innovative. This is particularly important in terms of developing one easy to use plan structure that is simple to navigate for users, and responds to the typical 'user flow' (especially as the problems with differences across plans and districts was an important reason cited for amalgamation in the first place). Other second order principles for which it will be difficult to integrate into existing plans include the use of fewer activity statuses (if pursued) and minimum repetition and cross references 	If timeline is unrealistic and/or resourcing is not available, the monitoring and review process may not have sufficient rigour and/or the advantage of the comprehensive approach will be diminished. Could lead to poor resource management outcomes and/or S32 justification difficulties in the short to medium term, until corrected.
There will be fewer technical complications preparing a full review as compared to a rolling	

<p>review that is done by issue. Starting from a clean slate will be much easier than attempting to make the reviewed sections fit in with existing legacy district plans. Anecdotally, a former North Shore staff member looked at the experience of other councils and found that those that have originally adopted a rolling review approach have overturned that decision and gone into a full plan review, largely because of difficulties in ensuring consistency between modified and unmodified parts of the plan. This difficulty will be especially pronounced in the Auckland Council situation, with 9 different existing district plans.</p> <p>The benefit as compared to a rolling review done by RPS, regional plan or district plan, however, is less, as there would be no requirement to fit the rules to existing legacy district plans.</p>	
<p>Fully reviewing the new plan will enable easier comprehension for the public, applicants and consent planners (having one notified plan plus existing legacy plans will be simpler to deal with than having to understand a series of changes to an already messy legacy situation)</p>	

A “ROLLING REVIEW” APPROACH TO CREATING A NEW UNITARY PLAN FOR AUCKLAND

Definition of terms:

1. Rolling review means either:
 - a. taking District and Regional Plan issues¹ one by one and preparing, notifying and making operative plan changes to each of the constituent or legacy District and Regional Plans in order to unify the existing District and Regional Plan provisions; or
 - b. preparing plans for geographical areas (e.g. local board areas) one by one.
2. Unifying existing District and Regional Plan provisions can mean:
 - a. making them exactly the same, both in content and format;

¹That is, resource management or planning issues. Alternatively, a rolling review can be carried out area by area rather than issue by issue. In this context, this would mean reviewing each of the former local authority plans, and the Regional Plan, one by one. Or, for example, plans could be prepared using Local Board boundaries, and preparing plans for them one by one.

- b. making them have the same content (i.e., say the same thing), within the formats inherited from the former District and Regional Plans;
- c. taking them out of their existing Plans, and putting them into a further single document. This document will, after all issues have been similarly treated, become the new unitary plan.

Experience elsewhere following local government amalgamation

- 3. There is limited national experience upon which to call as a method of amalgamating the provisions of the former 7 territorial authorities and Regional Council. There have been no amalgamations of Regional Councils.
- 4. Following amalgamation,
 - a. some Councils have carried out a rolling review of their inherited District Plans, taking one or more issues² (or one or more sections/parts/chapters) at a time, and reviewing the plan provisions relating to them. The selection of which sections/parts/chapters to review has been determined by the results of monitoring the performance of the plan provisions, and a variety of other external technical and political factors;
 - b. some Councils have taken particular geographical areas within their amalgamated area, and prepared new plans in geographical/spatial sections (e.g., Auckland City);
 - c. most Councils have started by preparing a new Plan for the whole of their amalgamated area.
 - d. Some Councils have used a combination of the above approaches.

Methodology:

- 5. The factors that determine:
 - a. which approach to take to preparing a new Unitary Plan;
 - b. which issue or geographical area to tackle first;
 - c. which (if any) of the existing District and Regional Plan provisions are worth retaining and using as the model/template for the new Unitary Plan;
- include :
- d. whether any particular issue has a high political profile as the result of events (such as flooding following a storm, discovery of contaminated sites);
 - e. whether a national directive, such as the release of a National Policy Statement or a National Environmental Standard, requires an immediate Plan response;

² Resource management or planning issues.

- f. whether the results of monitoring/evaluating the performance of operative plan provisions;
 - g. whether a re-evaluation of existing approaches to an issue would yield immediate and visible results, and therefore be politically attractive;
 - h. whether one particular part of the new Council's area is badly in need of public investment that the new Council or the Government cannot or should not make a commitment to until the new Council has reviewed the District and/or Regional Plan provisions relating to it;
 - i. new technology (e.g. the event of a new type of cellphone tower not otherwise provided for in Plans);
 - j. the practicalities and tradeoffs required to make a new approach work;
 - k. the usefulness of integrating former District and Regional functions (e.g. earthworks);
 - l. where it is clear that there is an immediate need to integrate District and Regional functions;
 - m. the acceptability to internal and external stakeholders of embarking on a different approach;
 - n. which provisions are the oldest, and therefore the most due for review, and which are the newest and about to be made operative. Some Plan provisions are overdue for review. However, there are no logical consequences of their remaining overdue ;
 - o. the results of a section 32 Resource Management Act 1991 assessment of the approach.
6. Political and management acceptance of a rolling review will be gained if a rolling review is the optimum combination time resources, and outcome.

Process:

7. Carrying out a "rolling review" of a number of District Plans and a Regional Policy Statement and Regional Plan in order to create a new Unitary Plan means:

Either:

- a. identifying which issue should be tackled first;
- b. comparing how the Plans address that issue;
- c. deciding whether any existing set of plan provisions, or any combination of existing plan provisions, presents the most desirable approach to carry forward into the new unitary plan;

- d. initiating a plan change/variation to each of the existing District and Regional Plans/Policy Statement to change the Plan provisions (relating to that issue) so they are the same, or say the same thing (leaving aside differences in Plan architecture or format); and become an integrated set of provisions;
- e. repeating the process until all the issues in all the Plans have been reviewed;
- f. combining the new Plan provisions to form one new Unitary Plan covering all planning/RMA issues.

Or:

- g. identifying which geographical area should be tackled first;
 - h. comparing how the Plans affect that area;
 - i. deciding whether any existing set of plan provisions, or any combination of existing plan provisions, presents the most desirable approach to carry forward into the new unitary plan;
 - j. initiating a plan change/variation to each of the existing District and Regional Plans/Policy Statement to change the Plan provisions (relating to that area) so they are the same, or say the same thing (leaving aside differences in Plan architecture or format); and become an integrated set of provisions;
 - k. repeating the process until new Plans have been completed for all geographical parts of the new Council's area;
 - l. combining the new Plan provisions to produce one new Unitary Plan comprising several area Plans (for example, based on the Local Board areas) that together cover all geographical parts of the new Council's area .
8. Having carried out a number of such plan changes, and made them operative, the groundwork will have been laid for the provisions in the new Unitary Plan.
 9. If the plan change process is commenced after the format and architecture of the new unitary plan has been finalised, then each of the operative plan changes can be drafted in such a way that they adopt the format and architecture of the new unitary plan.
 10. Upon completion of a series of such changes, a further notification can be carried out to "mop up" residual provisions, and put all the recent changes into the new format of the new unitary plan, i.e., become the unitary plan. This will mean the format of the unitary plan provisions is new, but the provisions themselves have the same content as the adopted plan changes (same thing said in a different way).
 11. The advantages and disadvantages of a "rolling review" have been assessed under standard headings of time, resources, and planning outcome. These headings have

been chosen because they are the questions most likely to be asked by politicians (how long will it take, how much will it cost, and will it be any good when it's finished).

ADVANTAGES OF A ROLLING REVIEW

Time

12. If the thought of preparing a unitary plan in one sustained effort for the whole of Auckland seems daunting, then breaking the process up into smaller “parcels” and tackling the issues one by one seems appealing.
13. The amount of time taken to prepare the new unitary plan, notify it, process submissions and service hearings, and provide evidence for Environment Court appeals, is a major undertaking. The rolling review approach means that the work can be broken up into small (and therefore more manageable parcels), each of which can be completed sooner than a major review.
14. Each parcel will demonstrate progress towards the completion of a new unitary set of provisions for all issues. Because each parcel of work takes the Council one step closer to the completion of the unitary plan, completion of the new plan provisions for the most contentious/pressing/politically sensitive issues can be achieved in a shorter time than is possible when they are embodied in the preparation of a whole new unitary plan.
15. Therefore the rolling review approach can target the most contentious/pressing/politically sensitive issues first, demonstrate progress, and provide results much earlier than if those issues had been tackled as part of the preparation of the unitary plan. For one thing, the time taken to prepare a new unitary plan will span several election cycles so a rolling review that addresses these issues first will be politically advantageous.

Resources

16. A rolling review comprising a series of plan changes is a more manageable process for a small team than preparing and notifying a whole new plan. The team can devote itself to one issue at a time, and complete the related plan changes sooner than is possible if the same team tackled that issue and all others at the same time, as part of the preparation of a unitary plan. If greater resources are available from the start of the process, then a rolling review loses some of its advantages.
17. Preparing a new unitary plan, notifying it, processing submissions, holding hearings, making decisions and dealing with appeals arising will consume large amounts of up-front time. A rolling review approach consumes fewer resources annually, but over a longer period than one-off preparation of a new unitary plan. It can avoid the large up-front costs involved in preparing a whole new plan.
18. A rolling review consumes fewer resources in the short term because only one or two issues are normally tackled at a time. The approach is therefore ideal in situations where:
 - a. the Plan is “issues-based” and the Council can therefore keep the provisions relating to each issue up to date relatively easily;
 - b. the Council has only one or two contentious issues in its administrative area;

- c. there will be political stability over several election cycles (i.e., where there is a low turnover of councillors, it is easier for them, and thus Council, to take a long term view of the process);
- d. the Council is satisfied that the format or architecture of its operative plan is working satisfactorily, and does not need to be significantly changed (i.e., there is a stable District Plan platform which can be kept up-to-date).

Planning Outcome

19. Some issues have recently been reviewed (via plan changes). The new provisions are likely to represent current best practice. As a result of this recent attention, they can be left alone for some years and monitored to determine their efficiency and effectiveness. The planning outcome is thus satisfactory. For example, Franklin and Papakura have recently overhauled the plan provisions relating to their rural areas. These provisions can safely be left alone for several years without compromising a satisfactory planning outcome.
20. However, the rural area provisions of all the former Auckland Council areas are different, so it must be accepted that if a rolling review approach is taken, consents staff must continue to implement the current provisions with all their multiple variations.

DISADVANTAGES OF A ROLLING REVIEW

Time

21. Adopting a rolling review means accepting that it will be a very long time (at least 10 years? 20 years? 30 years?) until the provisions of the existing Plans have been reviewed and a new Unitary Plan has been completed³.
22. It will take so long to get through the review of just one issue/geographical area, because of the sheer scale of the land area involved and the volume of submissions/further submissions/reporting/hearings and appeal processes that that will generate, that by the time all the issues/areas have been reviewed once (and therefore unified), the first issues/areas tackled will be about three times overdue for review. Presumably, at this time, the reviewed and unified provisions would be re-notified as the new unitary plan, even though the issue/area reviewed last will have only just been made operative, and the first to be tackled will be 20 or 30 years old. Therefore, it would seem simpler to notify a new unitary plan from the start.
23. A new unitary plan cannot be written in a few months. Drafting it will take several years prior to notification. This means plan preparation will span several electoral cycles. This creates difficulties for politicians because the time taken to prepare the new plan can be seen as a “delay” or “inaction”. There are governance issues as well, as management support will be required for such a long term project spanning 20 or 30 years. Because of this it is somewhat unlikely that one person will be able to oversee the project from start to finish.
24. Because the project will span multiple electoral cycles, the prospect of an upcoming election will in itself become a driver of, as well as an impediment to completion of the project.
25. We in New Zealand live in a litigious environment. The Resource Management Act 1991 fosters and facilitates litigation. Experience at the Regional Council and elsewhere suggests that scheduling hearings (both before Council and Environment Court) will be an enormous (possibly the greatest) impediment to getting through the process of a rolling review. It will involve servicing hearings for years on end.

Resources

26. While a rolling review of existing District and Regional Plans and RPS is more economical of resources in the short term because only one or two issues are normally reviewed at a time, it is not ideal in situations where:
 - a. the Plan is not “issues-based” (for example, if it is “zone-based”), and the Council cannot therefore keep the provisions relating to each issue up to date relatively easily. A zone-based plan is not set out issue by issue – it is set out zone by zone, and thus issues will surface in all the zones,

³ This type of estimate is based on experience around NZ: e.g. even small Unitary Plans like Marlborough where development pressure is a small have taken 12 years.

necessitating a review of most or all of the zones in order to review a particular issue.

- b. the new Council is not satisfied with the format or architecture of its existing plans, and wishes to change it significantly to make it easier to use, address issues more clearly, contain more or fewer zones, or contain new planning/regulatory techniques.
27. The rolling review approach therefore presupposes that the Council is reasonably satisfied with the way its operative plan is currently operating, and does not wish to make significant changes to its format or architecture, but rather wishes to keep it up to date with land use changes, demographic changes, etc.
 28. Because any particular resource management issue will appear in many if not most zones, notifying changes to a zone to address one particular issue will mean leaving the remainder of the zone unmodified. When the next issue is tackled, the associated plan changes will modify the same zones all over again.
 29. This process will repeat itself until all the issues have been made subject to plan changes. This means that the same zones will have been subject to multiple, incrementally different, plan changes.
 30. A rolling review consumes fewer resources in the short term because only one or two issues are normally tackled at a time. The approach is therefore ideal in situations where:
 - a. the Plan is “issues-based” and the Council can therefore keep the provisions relating to each issue up to date relatively easily;
 - b. the Council has only one or two contentious issues in its administrative area;
 - c. it is unlikely that there will be significant political – there will be political stability over several election cycles;
 - d. the Council is satisfied that the format or architecture of its operative plan is working satisfactorily, and does not need to be significantly changed.
 31. However, in the long term a rolling review will require long term commitment to funding legal advisers and administration staff. This may take more resources than preparation of a whole new Unitary Plan, with a single notification.
 32. A rolling review will not be able to have the same core team of people for the duration of the process (20 to 30 years)⁴. It is unlikely that it will also have the same legislation for that duration either.

⁴ This estimate is based on the following: if there are 7 issues/geographical areas in the city/region, and each takes 5 years to review, then the whole process will take 35 years. Even if 2 issues are run concurrently, the time is still likely to be about 20 years. However, the 35 years of a rolling review is U:\CPO\RLP\AAA FC\LAND USE AND PLANNING LUP\{Unitary Plan - 2011}\PLAN VERSION - DEVELOPMENT (Council) 0191\Section 32 0218\06 Final appendices\3.0 Introduction\Appendix 3.0.37.doc

Planning outcome

33. It is likely that Council will lose sight of its goal, i.e., producing a unitary plan. This occurs because production of a unitary plan by rolling review will span several election cycles. Inevitable that Councils will get diverted into addressing particular issues as planning issues get caught up in election cycles. This will divert the Council, preventing it from taking a longer term, more strategically sustainable and holistic view of the (planning) issues facing the area.
34. It is possible for one Council with one District Plan to review it zone by zone, rather than issue by issue. In the current situation, there are many zones relating to each planning issue, and the methodology of each plan is different. Therefore, under the current circumstances, the 8 District Plans cannot be reviewed zone by zone. Even if they could, such an approach will not integrate the way in which issues are addressed. Addressing planning issues in an integrated, holistic way is a principal, if not the principal reason for the local government reform in Auckland. The unitary plan must reflect Auckland Council-wide solutions and planning outcomes and an integrated approach to how planning issues are addressed.
35. Where the plan is not issues-based, it is more difficult to review issue by issue. The reason for this is that zone-based plans use zones as the primary focus, rather than as a tool for addressing an issue. For example, if it is decided that rural issues should be the first issue to
36. Presupposes that the existing (operative) form or architecture of the plan is ok as it is, and does not need to be restructured to address planning issues

CONCLUSIONS

37. Legislative changes are required now, before the process begins, to remove some of the more time-consuming processes from the Resource Management Act 1991.

Options for Unitary Plan

Preparing a Unitary Plan by geographic sections - advantages and disadvantages

Description

The purpose of this document is to consider the advantages and disadvantages of preparing a Unitary Plan in an area based manner ie by geographic sections such as north, central, west, south, CBD, Hauraki Gulf Islands.

Relevant RMA provisions

Section 60(1) of the RMA provides that “There shall at all times be for each region 1 regional policy statement prepared by the regional council ...”

about the same as the 15 to 20 years it is likely to take to prepare notify and make operative a Unitary Plan and then have it operative for 10 years before it becomes due for review. By then, the basis on which it was prepared will effectively be 30 years old.

Section 64(1) provides that “There shall at all times be, for all the coastal marine area of a region, 1 or more regional coastal plans ...”

Section 65(1) provides that “a regional council may prepare a regional plan for the whole or part of its region for any function specified in section 30(1)(c), (ca), (e), (f), (fa), (fb), (g), or (ga)”. The former ARC developed three regional plans, dealing with different functions as follows: air, land, water; sediment control; farm dairy discharges.

Section 73(3) provides that “a district plan may be prepared in territorial sections”. The former Auckland City followed this approach and developed its district plan in three sections: Central Area; Hauraki Gulf Islands; and Isthmus. The three sections are all self-contained and are treated as separate district plans. There are notable differences between the approaches and structure of each of the plans.

Advantages

1. Would allow Auckland Council to focus on those parts of the region where a district plan review is most required while leaving those areas where a review or significant plan change process has recently been completed or is already well advanced. For example: the Auckland City Operative Isthmus Plan was due for review in 2009 but was delayed. It covers a significant part of the region and the provisions of the plan are considered to be out of date in some critical respects (eg in relation to growth and retail strategy). Conversely, the Auckland City Proposed HGI Plan was publicly notified in 2006 and is progressing through the appeal phase. It is anticipated that this relatively small community will not welcome another review process without some respite from the submission and appeal process.
2. Could fit in well with the current Auckland Council structure where five geographically based teams have been established to deal with the operative plans. Those teams cover north, west, central, south, CBD and islands.
3. Proceeding by geographic sections may initially make the immense task of preparing a Unitary Plan seem more achievable, as it would be broken down into more manageable chunks.
4. This approach may be attractive to some local politicians and communities which identify strongly with a portion of the region and wish to be treated separately in their own planning document eg Hauraki Gulf Islands, west Auckland.
5. Supports the development of planning approach tailor made to a defined geographic area.
6. Has the potential to fit in well with a template approach. A standardised Unitary Plan template could be developed first and then applied individually, but in a consistent manner, to different parts of the region.

Disadvantages

1. This approach would be contrary to the views expressed by the Royal Commission, central government politicians (Minister of Local Government, Rodney Hyde), and senior management of the Auckland Council that amalgamation would result in a significant reduction in the number of planning documents applying in the region.

2. Perpetuates the status quo and fails to capitalise on the opportunities presented by amalgamation to create a more integrated planning document.
3. There are legal impediments. A full Unitary Plan (which combines a regional policy statement, a regional plan, a coastal plan, and a district plan) could not be developed in geographic sections as the RMA states that there shall be one regional policy statement for each region. The overarching nature of a regional policy statement requires a regionwide perspective in any case.
4. While the regional plan component of a Unitary Plan could theoretically be developed in geographic sections, the functions addressed in a regional plan are best addressed on a regionwide basis
5. While the regional coastal plan component of a Unitary Plan could theoretically be developed in geographic sections, it is preferable to include all of the coastal areas of the city within one planning document to ensure a consistent and integrated approach
6. The experience of Auckland City has shown that preparing a district plan in geographic sections is a resource intensive approach. In Auckland City, it resulted in:
 - three different Plan review cycles - one for each plan
 - maintenance and updating of three plans - online and hardcopy
 - resourcing three teams of policy planners - one for each plan (though at times the Isthmus and HGI Plans have been serviced from one team)
 - providing customer advice and processing resource consents for three plans - with each council planner specialising in one of the plans
 - legal support required for three plans
7. The experience of Auckland City has shown that developing a district plan in independent geographic sections makes it difficult to present and align to a strategic direction which applies across all of the geographic sections.
8. If priority were given to developing a Unitary Plan for parts of the region (eg the Auckland Isthmus) first, then this would result in some areas getting attention and planning resources now with other areas being delayed. This is likely to create resentment and divisions both internally (within the council) and externally.
9. There may be a tendency to develop an overly detailed and specific approach for part of the region. The amount of time and resources required may mean that it cannot realistically be replicated to other parts of the region. If the regionwide approach is taken throughout it is more likely that the level of detail will be realistic to the scale of the task.

Conclusion

It is prudent to consider the option of preparing the Unitary Plan by geographic sections rather than assuming that a new approach is automatically required. However given the disadvantages outlined above, it is considered that this approach should not be supported. In particular, it is not actually possible to prepare a full Unitary Plan by geographic sections as all the regional components need a regionwide approach. Also the geographic approach is more resource intensive with a tendency for each geographic section of the Plan to develop significant differences and divergences. Preparation of the plan by geographic sections also means the opportunities presented by amalgamation to develop a true regionwide approach and reduce the number of planning documents have not been taken full advantage of.

In discounting the geographic approach, it is also important to demonstrate that there are opportunities to provide for local and community differences within the structure of a Unitary Plan eg by use of area plans or local overlays.