

# **Drafting Issues, Objectives, Policies and Methods in Regional Policy Statements and District Plans**

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# Purpose of the Guide

This guide is for public and private sector resource management practitioners who prepare policy statements and plans under the Resource Management Act (RMA). It sets out good practice principles for drafting issues, objectives, policies, methods, and Environmental Results Anticipated (ERAs).

Under the RMA, local authorities use policy statements and plans to guide their management of and decisions about natural and physical resources.

The RMA is prescriptive about **how** policy statements and plans must be developed (the process), and what **content** the plans must include (the provisions). Sections 62, 67 and 75 set out the required contents of regional policy statements, regional plans and district plans. Each statement or plan requires the same provisions:

- issues to be addressed
- objectives to be achieved
- policies regarding the issues and objectives
- methods (including rules) to implement the policies
- environmental results anticipated (ERAs).

However, the RMA doesn't say how these provisions should be worded, how specific they need to be, or how they should be distinguished from one another. These details are matters of practice. Local authorities will use their discretion, depending on the local circumstances.

From a legal perspective, there may be no clearly “right” or “wrong” way to draft provisions. However, there are certainly different ways in which the requirements of the RMA can be met. Some of these ways may be identified as “better practice” than others.

This guide offers direction on what might be regarded as good practice. It doesn't provide stringent rules that will remove all variation in drafting style. Its main purpose is to give advice on a difficult area of resource management practice.

The guide explains:

- why the RMA requires specific plan provisions: issues, objectives, policies, methods and ERAs
- what these provisions should achieve
- how to decide what provisions go where
- how to make sure provisions best meet the purpose of the RMA.

The guide updates an earlier Ministry for the Environment Working Paper issued in July 1994. It draws on previous work done by the Ministry for the Environment, and on the work of government agencies, the Environment Court, practitioners, researchers, and local authorities over the past nine years.

The examples of drafting in this guide are a mix of hypothetical provisions and real provisions sourced from proposed or operative policy statements and plans.

# Why the Provisions Matter

At first glance, the RMA's required provisions in statements and plans may seem complicated, and not to have obvious value. The number of required provisions means that plans can be huge, and sometimes risk being repetitive. Some district plans have one volume for the rules, and a separate volume for the other provisions – the second volume destined to sit on the shelf.

So why do plans have to contain these provisions, what is the point of them all, and why should you worry about getting them right?

Setting out the issues, objectives, policies, methods, and ERAs matters because it is part of the public policy cycle, and it creates a discipline for the policy maker.

The provisions themselves, especially the objectives and policies:

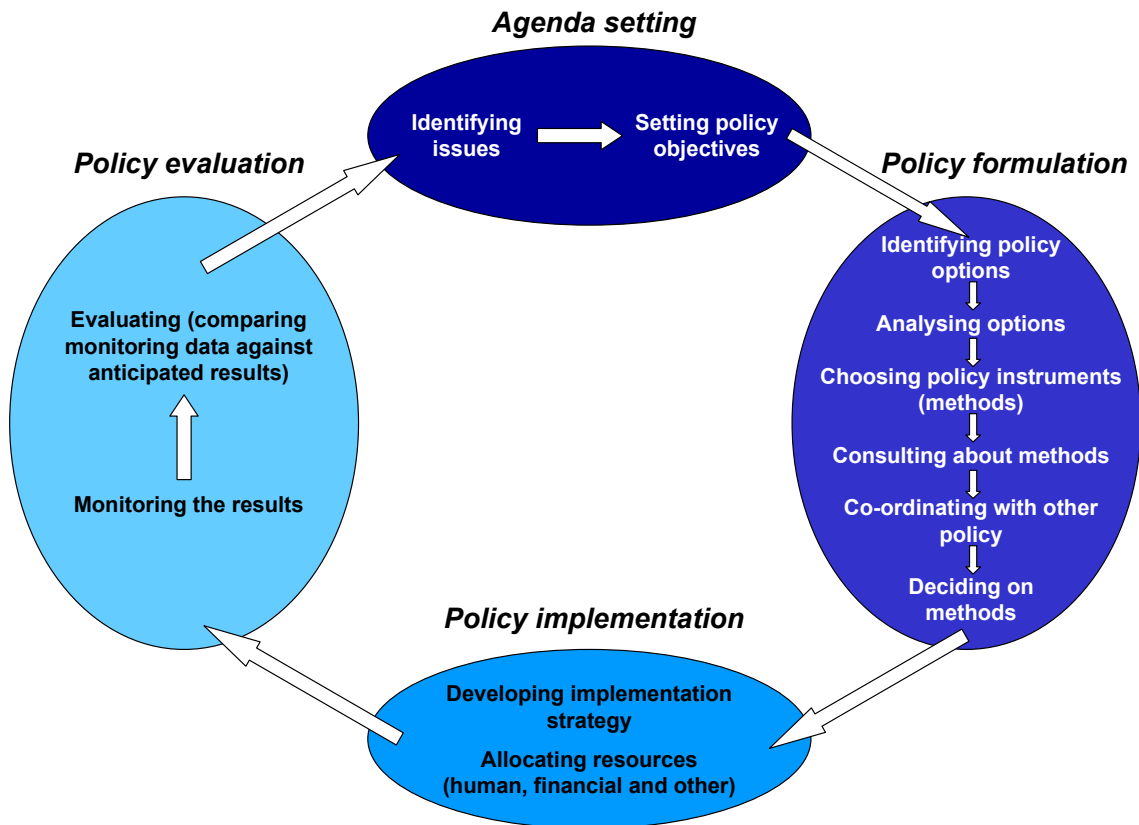
- give the plan credibility and consistency with the RMA
- guide decision making under the RMA
- provide certainty to resource owners and users and the community.

## The public policy cycle

Identifying issues, setting objectives, policies, and methods, and establishing ERAs are key steps in the public policy cycle, and provide a clear logic to plan development.

The matters listed in sections 62, 67 and 75 of the RMA are not simply “nice to have” provisions. They are part of a process that relates directly to the public policy cycle, which is widely accepted as a rational approach to public policy-making. Descriptions of the cycle range from four to eight or more steps, depending on the amount of detail.

**Figure 1: The Public Policy Cycle (adapted from various sources)**



Source: Adapted from similar diagrams from other sources including the "New Zealand Policy Machine, Essential Ingredients: Improving the Quality of Policy Advice", Occasional Paper No. 9, State Services Commission; "The Queensland Policy Handbook" (2000); and Barkenbus J (1998) "Expertise and the Policy Cycle".

## Policy making discipline

The provisions of sections 62, 67 and 75 thus reflect key steps in this process. They involve:

- identifying the issue
- setting an objective concerning that issue
- setting a policy to achieve that objective
- establishing methods to give effect to that policy
- establishing a benchmark for monitoring results.

Drafting policy statement and plan provisions means recording each of these steps. Being required to record these steps acts as a discipline on the policy maker.

## Credibility for policy and plans

A well-drafted plan presents a strong case for the policies and methods it contains, and is harder to challenge. Setting out the steps of the policy-making process:

- shows that a logical process has been followed
- shows that thought has been given to what is expected, and how progress will be measured
- can help avoid accusations of bias or predetermination in the selection of methods and rules.

## Consistency with the RMA

Stating the issues, objectives, policies, methods, and ERAs demonstrates consistency with the RMA by showing:

- how the plan pursues objectives consistent with Part II of the RMA
- how the plan focuses on the effects of activities, rather than activities themselves
- how other sections of the RMA have been, or will be, complied with (particularly section 32, policy evaluation, and section 35, monitoring).

### **What the courts have said**

In *Hawkes Bay vs St Columba's Environmental House Group* (W085/94) the Environment Court expressed reservations about including in regional policy statements provisions (namely visions statements and principles) not required by the Act. The Court suggested that there is a danger such statements could create ambiguity and uncertainty.

### **What the courts have said: the role of objectives and policies**

In *Nugent Consultants Ltd v Auckland City Council* (A033/96), the Environment Court acknowledged that rules follow from objectives and policies, and should link directly to them. Rules can be found unnecessary if they cannot be shown to have a clear relationship to objectives and policies. This reinforces the importance of clear objectives and policies, and of good drafting.

In *Suburban Estates v Christchurch City Council* (C217/01), the Environment Court reinforced the role of objectives and policies in assessing the need for rules. It also supported the view that objectives and policies drive methods, not the other way around. In that case the Court stated that "*the purpose of objectives and policies is to give guidance as to how the purpose of the Act is to be achieved*".

## Decision-making utility

Objectives and policies set out what the plan rules (or other methods) are aiming to achieve. Several sections of the RMA establish a clear purpose for objectives and policies.

Sections 104 and 105 give objectives and policies a specific role in decisions made about resource consents. This role is particularly important for decisions about activities that don't comply with the rules, as they help to decide whether the proposed activity would contradict the overall intent of the plan.

### **What the courts have said: examining objectives and policies**

In *Ratray and Son v Christchurch City* (1984) 10 NZPTA 59 (CA), the Environment Court found that the scheme statement objectives and policies could be examined to clarify any uncertainty arising from ordinances (rules).

In *MacKenzie District Council v Glacier v Southern Lakes Helicopters* (C083/97), the Court (relying on previous case law) stated a four-step process for interpreting rules of district plans. The steps are:

1. Give the words their "plain and ordinary meaning"
2. Look at the words in the context of rules as a whole
3. Examine the **objectives and policies** of the plan
4. Have regard to the purpose and scheme of the Act.

Objectives and policies can't limit the discretion of decision makers, but they can provide clear guidance about what decision makers think is relevant and important.

In addition, regional policy statements and plans provide a policy framework for some aspects of district planning. Clear issues, objectives, policies, methods, and ERAs in regional policy documents provide valuable guidance for district plan policy makers.

## **Certainty for resource owners, resource users, and the community**

The decision-making value of all plan provisions, and objectives and policies in particular, give resource owners, resource users, and the community more certainty about potential resource use. The amount of certainty that a plan provides (particularly certainty about the degree of tolerable effect) is a useful way to measure good resource management practice.

Plans frequently outlive the tenure of local authority staff and politicians. The objectives and policies need to provide explicit, clear direction to anyone required to implement them, and to anyone wanting to use the resources controlled by them.

# The Terms Defined

## What is an issue?

An issue is an existing or potential problem that must be resolved to promote the purpose of the RMA.

Identifying an issue is the starting point of the public policy cycle. It is also the main justification for policy development and local authority action. There are two types of issue: environmental issues, and corporate issues.

## Environmental issues

Environmental issues<sup>1</sup> usually concern conflicts between uses and users of resources, and the associated environmental effects of use. An environmental issue can be:

- **an existing problem.** The degraded state of water quality in lowland waterways caused by agricultural run-off
- **a potential problem or conflict, particularly the effects that might arise from any new development or resource use.** The potential for the operation of non-residential activities within residential areas to generate noise that detracts from the existing residential amenity
- **an issue requiring positive action, usually associated with the effects of a past use, or responding to the failure of previous policy (or the absence of policy) to achieve a desired environmental outcome.** Without restoration of corridors of indigenous vegetation, the ecological value of the district's key areas of indigenous vegetation will continue to decline.

Most issues in a plan should be existing problems or potential problems, rather than issues requiring positive action. Presenting issues as problems fits the process of issues leading to objectives, rather than the other way around.

However, including issues requiring positive action does allow plans to be proactive and focus on creating positive things, rather than be purely reactive and focus on removing negative things.

Sometimes the purpose of the RMA is best served by acknowledging, through an issue requiring positive action, that inaction by a local authority would allow a substandard environmental outcome to continue or worsen.

Issues requiring positive action will usually involve methods available under legislation such as the Local Government Act or the Biosecurity Act, rather than rules under the RMA.

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<sup>1</sup> Of course there are some procedural matters that must be dealt with within plans such as cross-boundary issues and monitoring but these need not be presented in the objectives policies framework.

## Corporate issues

Corporate issues generally don't belong in a plan. Corporate issues arise from the administrative, financial, and procedural challenges that local authorities face in working with the RMA.

They include things like a lack of information, lack of staff capacity, and difficulty in drafting provisions that recognise the diverse interests of the community.

Although local authorities need to find ways to deal with corporate issues, such issues don't justify action under the RMA. If corporate issues must be included in a plan, they should be identified separately from environmental issues.

Procedural issues such as cross boundary issues and monitoring need to be addressed in a plan, but don't need to be part of the objectives and policies framework.

## What is an objective?

An objective is a statement of what will be achieved through the resolution of the issue.<sup>2</sup> Every issue should have at least one corresponding objective that clearly states the aim, intention, purpose, or target for the issue being addressed. These statements provide the framework that establishes what policies must achieve.

Plans are complex policy documents, and objectives sometimes need to convey intended outcomes at both strategic and operational levels.

There are two types of objectives: outcome objectives, and administrative objectives.

## Outcome objectives

Outcome objectives focus on the environmental outcomes to be achieved. An outcome objective can be:

- an open objective, setting a general direction that might simply be enhancement of the status quo: increased urban amenity in the suburban shopping centres
- a closed objective, a finite statement of a desired end state: the water quality in the x Lake is improved to meet a Trophic Index level of 3.2 by 2006.

A closed objective may also be SMART (Specific, Measurable, Achievable, Relevant, and Time-bound).

Both types of objectives should clearly add value to the RMA, rather than merely repeat the Act. They should be concrete, and not be qualified by statements like "as far as practicable".

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<sup>2</sup> Concise Oxford Dictionary (7th edition); Oxford Compact Thesaurus (2nd edition).

For more information on objectives, see *Regional Policy Statements and Regional Plans: A Guide to their Purpose, Scope, and Content*, Hawke’s Bay Regional Council, Taranaki Regional Council, Manawatu-Wanganui Regional Council, Otago Regional Council, and Southland Regional Council, March 1998.

## Administrative objectives

Administrative objectives relate to how the local authority intends to deal with an issue from an administrative and policy-making point of view. They might concern matters like:

- the desire to treat users equitably
- the desire for administrative efficiency
- the desire to adopt policies and methods that impose least cost on the community
- matters concerning corporate issues.

### **Good practice tip – administrative objectives**

Record administrative objectives separately, under a specific heading. This can avoid repetition, and provide better flow between outcome objectives.

Like corporate issues, administrative objectives don’t serve any particular purpose in a plan, and are not critical to good practice.

However, plan developers might choose to include administrative objectives because, for example, they aid understanding of the plan.

Including administrative objectives would only be considered bad practice if it meant that more critical outcome objectives were left out as a result.

## What is a policy?

The definition of “policy” is widely debated.<sup>3</sup> The Concise Oxford Dictionary defines a policy as “a course or general plan of action adopted by government, party, person etc”. This fits the wider definition of public policy as being “whatever a government chooses to do or not to do”.<sup>4</sup>

Any statement of a local authority’s intended action or attitude towards an issue is a policy, regardless of how specific that statement is. This is confirmed by a Court of Appeal definition (see text box).

### **What the courts have said: defining “policy”**

In *Auckland Regional Council v North Shore and Ors* (CA 29/95), the Court of Appeal was asked to consider the definition of a policy. The Court found that the term “policy” is to be given its ordinary present day meaning and may (in law) be “either flexible or inflexible, either broad or narrow”.

Honesty, said the Court, is said to be the best policy. “Most people would prefer to take some discretion in implementing it, but if applied remorselessly it would not cease to be a policy.” The Court went on to say that one would be on unsafe ground to suggest that a policy could not include something highly specific.

<sup>3</sup> See *Regional Policy Statements and Regional Plans: A Guide to Their Purpose Scope and Content*, Hawke’s Bay Regional Council, Taranaki Regional Council, Manawatu–Wanganui Regional Council, Otago Regional Council, and Southland Regional Council, March 1998.

<sup>4</sup> Dye TR (1998) *Understanding Public Policy* (9th ed), Prentice Hall, Hall Jersey.

However, policies can be treated differently in different plans, depending on the context and the local authority. A policy in one context may be a method, or even an objective, in another.

It is important not to get trapped in circular arguments about what defines a policy. It is far more valuable to ask:

- is this policy useful in a plan; does it serve a purpose that needs to be served?
- does this policy allow the plan to be consistent with the RMA's general approach and philosophy?
- does this policy fit with the other policies in the plan, and with other policy documents?

## Substantive policy

Substantive policy states what is going to be done.<sup>5</sup> In the RMA context, “what is going to be done” relates, first and foremost, to the position a local authority will take on the use of a resource.

A substantive policy is often more like a principle than an action. For example, the course of action in this policy is to prefer one form of resource use over another: floating structures and piled platforms are preferred ahead of reclamations and causeways.

There are three main types of substantive policies. Practitioners refer to these as the “decision-making policies”. They are:

- to not accept a particular effect or degree of effect: subdivision within the rural environment should not adversely affect the open space or visual elements of rural character
- to require certain conditions to be satisfied before an effect will be considered acceptable: rural subdivision in the high quality soil area is generally only acceptable when adverse effects of soil loss are offset by the formal protection of significant indigenous vegetation and/or the re-vegetation or restoration of indigenous vegetation
- to ensure that something is achieved or satisfied: to control rural subdivision in areas of high soil quality and ensure that the adverse effects are avoided, remedied or mitigated.

Policies “to ensure” will usually need to be supported by the more specific “not accept” or “require” policies. For example, the “to ensure” policy above doesn't give any guidance about the basis of control, or when avoidance, mitigation or remedy are acceptable.

If a policy is to “control” or “limit” some form of activity, further policies need to give direction on how that control or limit will be exercised.<sup>6</sup>

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<sup>5</sup> Anderson J (1984) *Public Policy Making and Introduction* (3rd ed) Houghton Mifflin, Boston.

<sup>6</sup> Hawke's Bay Regional Council et al (1998) *Regional Policy Statements and Plans: A Guide to their Purpose, Scope and Content*.

## Procedural policy

Procedural policy concerns how, and by whom, things will be done. A procedural policy might be a statement about methods to be used, or about processes to be followed. Some procedural policies may relate to administrative objectives.

### ***Good practice tip – procedural policies***

Identify substantive policies separately from procedural policies, to help the flow of the plan.

## What is a method?

A method is the way a policy is implemented. As noted earlier, a method could be described as a specific form of policy. However, the RMA chooses to “tease out” methods from policies, consistent with the public policy cycle.

Methods can be distinguished from policies by the fact that their purpose is purely explanatory. They provide no decision-making guidance, and merely state how the relevant policy will be implemented.

Broadly speaking, methods are either regulatory or non-regulatory.

## Regulatory methods

Regulatory methods involve the use of specific coercive powers provided by the RMA or other legislation. They include the specific regulatory measures available to local authorities under the RMA: rules, resource consents and conditions, designations, heritage protection orders, enforcement orders, and abatement notices.

Regulatory methods also include different techniques for implementing policy. Examples include zoning, classifying water ways for specific uses, and requiring documents such as structure plans and network management plans.

## Non-regulatory methods

Non-regulatory methods are either operational programmes (such as education, funding or grants schemes, or technical assistance), or economic instruments (mainly rating policy, financial contribution policies, or transferable rights or permits regimes).

The Local Government Act 2002 places little restriction on operational methods. The Local Government (Rating) Act 2002, the Resource Management Act, and other legislation limits the use of economic instruments.

## What is an ERA?

Environmental Results Anticipated (ERAs) are closely related to objectives. They reflect what might be achieved from the combined effect of the objectives, policies and methods.

The general purpose of ERAs is to encourage policy makers to specify their expectations in a way and with a transparency that might not be appropriate in the objectives themselves. They also provide milestones against which progress can be measured.

ERAs can have any one of three distinguishing features that make them valuable additions to plans. These features are:

- ERAs are measurable in a clear outcome sense. They focus on what will be observed during the life of the plan, whereas objectives may be longer term and less precise. ERAs link directly to future monitoring and provide indicators to measure the plan's success.
- ERAs may include outcomes that are not consistent with the RMA's purpose, but that are relevant to the design and implementation of policy. These might include social and economic conditions, such as the continued operation of a particular industry.

### **Good practice tip – indicators**

It is useful to specify what indicators will be used to assess the extent to which ERAs are met. This demonstrates that thought has been given to monitoring.

The RMA's definition of "environment" includes social and economic conditions that affect or are affected by ecosystems, resources or amenity values.

- ERAs may also relate to outcomes that are incidental or contributory to the primary objective. For example, an objective of maintaining or reducing nutrient levels in a water body might be expected to result in limited land development in a particular catchment. That development outcome might be identified as an anticipated result, even though it is not the specified purpose of the provisions.

## What are principal reasons?

The RMA also requires local authorities to identify the principal reasons for adopting objectives, policies and methods. This requirement links directly to section 32.

Identifying principal reasons provides an opportunity for local authorities to state why one provision is more appropriate than another in its efficiency and effectiveness.

Principal reasons should focus on key issues and key alternatives. They might focus on concern for the social and economic costs of an alternative provision. They might explain that the local authority believes the environmental costs or risks of the alternative provisions outweigh the social and economic costs of the proposed provisions.

Principal reasons should not merely repeat the issue. They should focus instead on explaining why particular provisions have been included. This can be an opportunity to introduce some of the corporate issues and administrative objectives discussed earlier.

# Where Provisions Belong

Putting issues, objectives, policies, methods, and ERAs in the right place in a plan is vital. It shows clarity of thought, and makes for an impressive and intellectually robust document.

Two useful techniques in helping policy makers decide what goes where in a plan are:

- distinguishing policies from methods
- using the sequence of the public policy cycle.

## ***Good practice tip – wiring diagrams***

Some plans use wiring diagrams at the beginning of chapters to summarise and explain the relationship between complex issues, objectives and policies.

## Distinguishing policies from methods

Possibly the most common problem for policy makers is distinguishing policies from methods. It is not uncommon for a plan to include policies that are more like methods. Inaccurately identifying a policy as a method can make the policy section less transparent, and less relevant for decision-makers.

### ***Good practice tip – identifying the policy***

If the policy isn't readily apparent, draft the objective, specify the method and, working backwards, ask "what needs to be done through the application of this method to achieve the objective?"

A policy should not simply focus on requiring a consent, imposing a rule or controlling an activity – these things are methods that implement the underlying policy. For example, a resource consent is a mechanism that allows the decision maker to apply the policy.

The policy is the position, consideration, or criteria applied in deciding whether an activity or effect should be allowed. Policies lie at the mid point between an objective and a method, and are arguably the most difficult provisions to draft.

Identifying policies requires the policy maker to be explicit about what the local authority's position is on a particular issue (what will it tolerate, where, and in what circumstances). Poorly drafted policies convey an impression that matters have not been well thought through, or that there is a desire to avoid transparency.

# Using the sequencing of the public policy cycle

The following table shows how using the public policy cycle can help a policy maker identify what goes where in a plan.

## 1 What is the problem (the issue)?

Regional example	Territorial example
<p>Degradation of water quality in permanently flowing streams and rivers, lakes and wetlands due to:</p> <ul style="list-style-type: none"> <li>• nutrients, pathogens and BOD from excrement, and</li> <li>• increased sedimentation from erosion.</li> </ul>	<p>The loss of residential character and amenity values enjoyed by residents, due to the expansion of commercial uses into residential areas.</p>

## 2 What do we want to achieve in the environment by resolving the problem (the objective)?

Regional example	Territorial example
<p>The maintenance or enhancement of water quality in the region's surface water bodies to recreational/drinking water standard by 2015.</p> <p>The maintenance or enhancement of water quality to ecological guideline values in water bodies with sensitive or very high natural values by 2005.</p>	<p>The maintenance of residential amenity values in XYZ including a low traffic environment and the residential scale and appearance of buildings.</p>

## 3 How are we going to achieve, or what position do we take on, the objective (the policy)?

Regional example	Territorial example
<p>Council will ensure that land owners manage stock presence in, and access to, surface water so that:</p> <ul style="list-style-type: none"> <li>• the number of stock crossing points is minimised</li> <li>• stock are effectively excluded from surface water bodies wherever practical</li> <li>• rural properties are managed and developed to make use of water bodies as natural boundaries for subdivision and stock management.</li> </ul>	<p>To control the establishment and operation of commercial activities in XYZ.</p> <p>Activities that are likely to generate traffic level not ordinarily associated with residential areas should not locate in XYZ.</p> <p>The residential scale and character of buildings within established residential areas is to be maintained</p>

#### 4 How will we implement the policy (method)?

Regional example	Territorial example
<p>The use of permitted activity conditions requiring either the use of or compliance with:</p> <ul style="list-style-type: none"> <li>• a farm management plan; or</li> <li>• an approved sector-based quality assurance programme.</li> </ul> <p>The provision of financial assistance to landowners to implement measures to prevent stock access to streams, rivers, lakes and wetlands (including riparian planting, fencing, and dedicated crossing points).</p> <p>The provision of information to landowners on appropriate methods to prevent stock access to water bodies.</p> <p>Rules regulating access of stock to sensitive waterbodies.</p>	<p>The provision in the plan of a commercial zone, and the use of rules to restrict commercial activities to that zone.</p>

#### 5 What do we expect will be the combined effect of the objective, policy, and method (ERA)?

Regional example	Territorial example
<p>Water quality and streamside vegetation is maintained.</p> <p>X kms of new streamside fenced is established in the X and Y catchments by 2010.</p> <p>The number of stock crossing points is reduced by 20% by 2010.</p> <p>Existing farm operations continue to operate efficiently.</p>	<p>The continued expansion of commercial activity but the concentration of this activity in defined areas.</p> <p>No decline in the level of perceived residential amenity as measures by council's annual residential survey.</p>

# Well-crafted Provisions

This section sets out the overarching drafting principles that apply to all provisions, and then identifies the features of well-crafted (and poorly-drafted) issues, objectives, policies, methods, and ERAs.

## Overarching principles

The overarching principles that apply to drafting issues, objectives, policies, methods and ERAs are:

- be succinct
- avoid duplication
- use cross referencing
- use plain English
- be transparent
- keep the purpose in mind
- set in the local context where possible.

### Be succinct

Succinctness demonstrates clear thinking. Include only the detail required for clarity and completeness.

There is a fine line between losing the relevance of provisions in generality, and having so much detail that the focus is lost. Finding that balance is one measure of a “good plan”.

#### **Good practice tip – bundling issues**

It is often possible to identify a single key issue that has many sub-issues. The key issue can be identified in a heading, and the sub-issues “bundled” under that. If necessary, a short narrative can set out sub-issues and associated issues.

Provisions don’t need to be specified at such a length that they need separate volumes.

Keep lists of provisions short. Very long lists distract the reader, reduce the impact of the provisions, and can give the impression that the plan lacks focus and a sense of priority.

### Avoid duplication

Clearly stated and well-placed issues, objectives, and policies only need to appear once in a plan.

There can be a temptation, particularly when plan rules are structured around defined areas like zones, to develop area-specific issues, objectives and policies. This can result in the duplication of issues that are common across a district or region.

#### **Good practice tip – avoid duplication**

Duplication can be minimised by:

- structuring the plan to reflect key issues, rather than management areas
- creating a separate section for provisions that are generic to a region or district.

Avoiding this type of duplication can substantially reduce the size of plans, and show policy coherence and integration.

### Use cross referencing

Make sure there are clear links between issues, objectives, policies, methods, and ERAs. Each should flow logically from the other, without repetition.

Cross referencing aids clear links between provisions. This enables the reader to follow the logic, and ensures that policies are given the right context.

### Use plain English

Plans should be publicly accessible documents. This means they should be written in simple language, for the average person to read and understand without expert assistance.

Avoid jargon wherever possible, along with terms requiring specific definition. Defined words should generally relate to rules, rather than to objectives and policies.

Plans should also be available to the public in electronic and hard format.

### Be transparent

**Good practice tip – involving decision makers**

Involve the right people when drafting objectives and policies. As the purpose is (in part) to guide decision-makers, test the draft provisions with those who will be implementing the plan. Ask them whether the draft provisions will help them to make consistent, transparent decisions or recommendations.

Objectives and policies reveal the local authority’s “position” on issues. They should inform the reader of what the local authority wants to achieve, and what matters it considers relevant in achieving the objective.

Objectives and policies should not conceal hidden agendas. They need to provide a true and accurate guide about the matters that are important to decision making.

If decision makers regularly have to refer to material outside the plan, the plan is unlikely to be regarded as achieving good practice.

### Keep the purpose in mind

Always focus on the purpose of the provision you are drafting. Identify what purpose the provision should serve, and whether it will achieve that purpose.

Including provisions that don’t serve any purpose simply adds to the bulk and complexity of plans.

## Set in the local context where possible

The RMA devolves responsibility for resource management to local authorities. One of the reasons it does so is the benefit of having a specific local context for policy making.

Make the plan as specific as possible about activities, resources, effects, and locations.

General issues, objectives, policies and methods that could apply anywhere in the country tend to undermine the justification for regional and local plan-making.

## What is a well-crafted issue statement?

A well-crafted issue statement:

- relates to a matter that needs to be addressed to promote the purpose of the RMA
- identifies an environmental problem that the local authority can address under the RMA
- identifies the cause of the problem (where this is known)
- is limited to matters that will be addressed by the plan (even if only through referring to methods outside the plan)
- is succinct (if necessary, explained in more detail in explanatory text)
- is, wherever possible, specific to the region or the district, rather than expressed as some abstract or hypothetical problem:<sup>7</sup> domestic heating using wood and fossil fuel produces emissions that have the potential to adversely effect human health and amenity values in Otago's urban areas.

An issue statement should not:

- focus on problems outside the scope of the RMA: the decline in the industrial area as an employment centre
- merely state the topic of discussion: tangata whenua considerations
- define the desired outcome: the protection of steep gullies and stream systems, at-risk headwater areas, and lake and harbour margins
- focus on the policy approach rather than end state desired: the need for a partnership approach to soil conservation
- focus solely on corporate issues: lack of information about ambient air quality
- pre-empt the solution to the problem – issues must be identified before objective and policy setting, not after: the need for a planned programme of soil conservation works that recognises that preventative costs are less than curative costs, and which is affordable by the region.

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<sup>7</sup> Often best achieved in the explanation rather than in the issue statement itself.

# What is a well-crafted objective?

A well-crafted objective:

- links to a relevant resource management issue(s)
- states the outcome the local authority wishes to see from the resolution of the issue: enhanced water quality
- is specific, wherever possible, to a particular area or resource (if only in explanation): to enhance water quality in the lower reaches of the *x* river
- is preferably closed and SMART (Specific, Measurable, Achievable, Relevant and Time-bound): to achieve a level of water quality in the lower reaches of the *x* River (between place *y* and place *z*) suitable for contact recreation by 2010
- is only open when a lack of information or need for flexibility makes a closed objective impossible or unwise.

An objective can be drafted as:

- a pure outcome statement (a description of the end state desired): continued high ambient air quality in those parts of the region where ambient air quality is already high and enhanced ambient air quality in places where it has been degraded
- an active statement (including a verb directed at the local authority): to maintain ambient air quality in parts of the region that have high air quality and enhance ambient air quality in places where it has been degraded.

An active objective always starts with “to achieve”, “to ensure”, “to maintain” etc. Which approach to use is purely a matter of style. Either is acceptable, provided the objective is well-crafted.

An objective should not:

- seek something that is not an environmental end in itself: to promote diversity and choice for different lifestyles in the residential area
- seek vague or generic outcomes: the maintenance and enhancement where appropriate, of existing surface water quality
- merely repeat the RMA: the preservation of the natural character of rivers and lakes
- seek overtly social or economic outcomes: to encourage and maintain the viability of commercial zones.

# What is a well-crafted policy?

A well-crafted policy:

- relates to a stated objective
- can guide a resource consent decision: buildings in the commercial areas should be of similar scale to and in harmony with the existing character of the commercial area
- can lead to an effects-based decision: ensure activities don't generate noise levels inconsistent with the amenity of the locality in which the generated noise can be discerned
- recognises the permission presumption of section 9 and the restrictive presumption of sections 11–15. Section 9 of a district plan provides for activities, unless those activities are restricted elsewhere in the plan. Sections 11–15 of a regional plan restricts activities, unless those activities are provided for elsewhere in the plan.

A policy should not:

- pre-determine the method to be used: to control the establishment of non residential activities in residential areas; to promote voluntary actions to assist in avoiding adverse effects from the discharge of contaminants
- include characteristics of a rule development standard: subdivision of lots below 5 hectares shall be regarded as a prohibited activity
- merely state what other provisions include: to provide for five residential zones.

A policy may, however:

- include specific or general performance standards from which appropriate rules may be derived: residential dwellings should have access to x lumens of light from the northern aspect during winter
- state the circumstances when an activity or effect will be regarded as acceptable: the effects of the removal of significant indigenous vegetation area of the district are generally only acceptable if:
  - they are an unavoidable consequence of gaining access to a part of the property and it is necessary that access be established; and
  - mitigation measures are undertaken such as re-vegetation or pest control that adequately compensate for adverse effects
- state the matters relevant to the consideration of the acceptability of an activity: to have regard to the following matters when considering the acceptability of a discharge of any agrichemical into air:
  - the proximity of dwelling houses, public land, and other areas where people reside or congregate, in relation to the proposed discharge
  - the sensitivity of neighbouring land uses and features
  - the effect of the prevailing weather conditions, including wind speed and direction.
- refer to external documents: development should generally conform to guideline xyc, 2001.

## What is a well-crafted method?

A well-crafted method:

- is identified succinctly: specification of conditions for retailing as a permitted activity
- applies to a generic class of activity where appropriate: all policies in relation to issue 3.4 are implemented by rules and associated resource consents
- is clearly grouped with other regulatory or non-regulatory methods.

A method should not repeat the specifics of the rule itself: all non-residential activities in residential areas shall be identified as discretionary activities.

A method may, however, rely on the provisions of the RMA as the primary means of implementation: policy 4.5 will take effect through the provisions of district plans, which must be not inconsistent with this regional plan.

## What is a well-crafted ERA?

A well-crafted ERA:

- is linked to, and relevant to monitoring, the plan's effectiveness
- is linked to other provisions, for example, if the policies and objectives focus on controlling land uses to promote energy efficiency, the ERA must specify the expected energy savings over the life of the plan
- is, preferably, measurable: a 10% reduction in vehicle movements from new medium density residential development compared to traditional development patterns
- is honest, and indicates both positive and negative results, for example, a policy favouring land-based agricultural effluent treatment over discharges to water is likely to result in improved surface water quality in agricultural areas, but also a reduction in the quality of shallow groundwater
- provides the overall picture of the combined effect of plan provisions.

An ERA should not:

- repeat the objectives
- focus on administrative or process outcomes: integration of land management with management of water quality
- state vague and generalised expectations: the prevention or minimisation of cumulative adverse effects arising from the discharge of contaminants into air.

# Summary

Drafting issues, objectives, policies, methods and ERAs is a key part of the public policy process. The requirements of the RMA mirror the key steps of the public policy cycle.

In the context of the RMA, well-crafted provisions have two important purposes:

- they create integrity, defensibility, and consistency for the plan
- they have specific decision-making value.

This summary checklist contains the questions you can ask to ensure provisions are necessary in the plan, in the right place in the plan, and well drafted.

## Good practice checklist

- Does this provision add value, or is it merely repeating the provisions of the RMA?
- Will this provision have any effect on how other plans are drafted? Should it have an effect?
- Will this provision help decision making on a resource consent (including decisions on potential conditions)?
- Does this provision allow or provide for a proposal to be considered on the basis of environmental effects?
- Does this provision define the point of discretionary judgement? Does explanatory text provide guidance on what matters are relevant in discretionary judgement?
- Is the provision drafted succinctly, in clear, layperson's terms? What would it mean to a non-practitioner?
- Is this provision as specific as possible to my region or district?
- Is there enough information about what activity is causing or might cause an effect, what the effect is, and where it is happening?
- Can the effectiveness of these provisions be monitored? How? Is this made clear in the plan?

### ***Good practice tip: checking provisions***

Check the value of provisions by asking a colleague (ideally from the plan implementation section) what the provisions means to them, and how they would interpret it the provisions the context of a resource consent application.