

**PLAN DRAFTING PROTOCOL**  
**TASMAN RESOURCE MANAGEMENT PLAN**

**MAY 1996**

# PLAN DRAFTING PROTOCOL

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## **1.0 INTRODUCTION**

The purpose of this Plan Drafting Protocol is to state a standard format for the Tasman Resource Management Plan, as agreed by the drafting team. The protocol is intended to promote two principles:

- (a) the completed plan should conform to the requirements of the Resource Management Act;
- (b) the plan should be written so that it can be understood by the majority of its readers.

The protocol addresses these principles by providing style guidelines and standard formats for plan provisions. These formats have been designed to conform to both principles. While alternative formats may be both possible and workable, it is of great assistance to readers that the plan as a whole has a standard format. For this reason, the formats in this document should be followed for all plan provisions.

The protocol deals only with matters of format and style. Examples used are intended to illustrate format, not substantive content. This is intended to be a practical working document. As such it will be regularly updated and refined to reflect the drafting team's practical working experience.

## **2.0 PLAN STRUCTURE**

### **2.1 CHAPTERS**

The plan will be divided into parts and chapters as follows.

#### **Part I: Introductory**

Chapter 1 - Introduction  
Chapter 2 - Interpretation  
Chapter 3 - Local Authority cross-boundary issues  
Chapter 4 - Monitoring and review procedures

#### **Part II: Land**

##### *Land Issues, Objectives and Policies*

Chapter 5 - Site amenity effects  
Chapter 6 - Urban environment effects  
Chapter 7 - Rural land fragmentation effects  
Chapter 8 - Margins of rivers, lakes and the coast  
Chapter 9 - Landscape  
Chapter 10 - Natural and cultural heritage  
Chapter 11 - Land transport effects  
Chapter 12 - Land disturbance effects  
Chapter 13 - Natural hazards  
Chapter 14 - Reserves and open space  
Chapter 15 - Water effects of forestry

##### *Land Rules*

Chapter 16 - Land rules - general  
Chapter 17 - Land rules - zones  
Chapter 18 - Land rules - special areas  
Chapter 19 - Information required with resource consent applications

#### **Part III: Coastal Marine Area**

Chapter 20 - Control of water surface activities  
Chapter 21 - Reclamations, disturbances, depositions, occupations, removal of material  
Chapter 22 - Coastal marine area development  
Chapter 23 - Natural hazards and hazardous substances  
Chapter 24 - Noise emissions  
Chapter 25 - Rules  
Chapter 26 - Information required with resource consent applications

#### **Part IV: Rivers and Lakes**

Chapter 27 - Control of water surface activities  
Chapter 28 - Control of river and lake beds  
Chapter 29 - River and lake rules

#### **Part V: Water**

Chapter 30 - Water taking  
Chapter 31 - Diversion and damming  
Chapter 32 - Uses  
Chapter 33 - Water quantity  
Chapter 34 - Rules

#### **Part VI: Discharges**

Chapter 35

### **2.2 TYPES OF CHAPTERS**

The chapters are of three main types - general information, issues and rules. General information chapters have no common content, but must conform to the general numbering and stylistic requirements set out in Sections 2 and 3 of this protocol.

Issues and rules chapters also must conform to the general numbering and stylistic requirements and, in addition, follow a standard layout and set of headings. The arrangement of issues chapters is described in Sections 4 to 10 of this protocol. The arrangement of rules chapters is set out in Sections 11 and 12.

## 2.3 NUMBERING SYSTEM

A consistent numbering system will greatly assist readers to find particular provisions. Every plan provision should have a unique number.

Chapters are divided into numbered sections using a decimal numbering system. Every number begins with the chapter number. For example, the sections of Chapter 3 all have A3" as their first digit.

In the example contained in Box 1, Chapter 3 is divided into Sections 3.1, 3.2. Section 3.2 has been divided into subsections 3.2.1 and 3.2.2. Although the subsections could logically be further divided into 3.2.1.1 etc., it is undesirable to go to this level of numbering. It should be possible, in most cases, to structure material using three digit decimals.

Items on lists within sections (e.g. the list of cross-boundary issues between Tasman and Nelson) are in paragraphs denoted by small letters (a), (b) etc. Lists within lists may be denoted by sub-paragraphs with Roman numerals, as in 3.2.1(a) (i) and (ii) in Box 1:

### Box 1: Numbering System

**CHAPTER 3 - LOCAL AUTHORITY CROSS-BOUNDARY ISSUES**

**3.1 INTRODUCTION**

Some resource management issues are common with other local authorities adjacent to Tasman District . . .

**3.2 CROSS-BOUNDARY ISSUES**

**3.2.1 Nelson City**

The local authority cross-boundary issues arising between Tasman District and Nelson City are:

- (a) consistent approaches in addressing issues of significance to:
  - (i) tangata whenua; and
  - (ii) iwi authorities;
- (b) consistent management of the effects of land disturbance activities;
- (c) protection of natural values and features in Waimea Estuary.

**3.2.2 West Coast Region**

. . .

## 2.4 PAGE NUMBERS

Page numbers will appear at the bottom of the page and will be as follows: 1/1, 1/2 . . . , 2/1 . . . , 2/11, 2/12. The first number indicates the chapter and the second the page number within the chapter.

## 2.5 OTHER NUMBERS

Appendices, tables, maps and diagrams are called either AFigure≡ or AAppendix≡ and are numbered with a combination of the chapter and section number and a capital letter A, B etc. Thus in Chapter 13, section 13.2 might have a Figure 13.2A and Table 13.2B. There should not be a repetition of any particular number and letter combination. This will help to reduce confusion when submissions from the public are processed.

## 3.0 USE OF LANGUAGE

### 3.1 PLAIN ENGLISH

A plain English style of language is to be adopted. Essentially, this means choosing words that fit the perspective of the majority of readers, rather than the perspective of the Council. For example, some councils have adopted the expression "Discretionary Activities (Unrestricted)" to describe discretionary activities where the council has chosen not to restrict its discretion. From the perspective of the general public, who are interested in whether resource uses are restricted, the use of the word "unrestricted" in this context is misleading and inappropriate, although from the perspective of Council officers it may seem quite reasonable.

Meeting the needs of the audience also requires attention to the following matters:

**Sentences and paragraphs:** should not be too long.

American guidelines suggest that the average sentence should contain less than 22 words and an average paragraph less than 75 words. Maximum length should be 50 words per sentence and 150 words per paragraph.

**Headings:** should describe content not summarise it.

**Cross-references:** may be distracting. Should be specific, not general, as in the following example:

*"Attention is drawn to [Parts 8-16] of the City Rules in addition to any relevant zone rules". (This is a large volume of material).*

**Nouns from verbs:** "to apply" is better than "to make an application".

**Vocabulary:** archaic words (e.g. deem), planning jargon, legalese should be avoided. Things should be called by the names most familiar to readers.

**And/or:** should be avoided, e.g. "water and/or air" should be written, "water, or air, or both".

**Use of capitals:** in order to maintain consistency *Athe District*, *Athe Act*, *Athe Plan* should be used rather than *Athe district*, *Athe RMA*, *Athe plan*.

### 3.2 ORGANISATION OF MATERIAL

Principles should be stated first, followed by exceptions. The central message should be introduced early in a chapter or section. Related provisions should not be separated. Unnecessary material should be left out. The organisation of each chapter should be made clear to readers so that they can see the direction that it is going to take. Descriptive statements should be made at the beginning of the plan and each chapter.

### 3.3 TEMPORARY OMISSIONS FROM TEXT

In the course of drafting, it will occasionally be necessary to leave gaps for material that is not immediately available. An example will be section numbers in chapters that are not completed. There is a danger that these gaps will be left in the final draft.

Where gaps are left in the draft text, to be filled in later, it is important that they be marked in a systematic way, to allow computer searching during final checking. Two asterisks (with no gap between) should be used followed by a short description of the omitted material in square brackets, for example:

*Refer to policy 10.3.1 and rule \*\* [insert number of rule about subdivision in coastal marine area].*

### 3.4 DEFINITIONS

Specifically defined terms often represent jargon phrases or abbreviations. Both obstruct the understanding of readers. Definitions should be kept to the minimum.

#### Unnecessary definitions

Unnecessary new terms should not be created, because each new term places a further burden to readers. Examples of unnecessary definitions may be found in the Motueka Transitional District Plan. For example, the rules for the Rural MA Zone state that beekeeping and queen bee raising are permitted activities in that zone. A **Beekeeping** is defined in another part of the Plan, as follows:

**Beekeeping** means the keeping of more than two hives on one property for the production of honey, pollen, queen bee raising, and brood raising, as a land use, but does not include the placement of hives on land zoned Rural or Deferred Residential for the primary purpose of crop pollination.

This definition is unnecessary. All of the ideas contained in the definition could have been written into the permitted activity rule, with little increase in the bulk of the rule and a great improvement in clarity for the reader, as follows:

#### Rural MA Zone Rules

Beekeeping for the production of honey, pollen, queen bee raising and brood raising is permitted without a resource consent, if it complies with the following conditions:

- (a) hives are not be placed for the primary purpose of crop pollination;
- (b) more than two hives must be kept on a property.

An example of how this arrangement improves clarity can be seen in how condition (b), requiring more than two hives on a property, stands out as redundant. (There seems no good reason why keeping one or two hives should not be a permitted activity.) The requirement for more than two hives was previously hidden in the definition section and its true effect was obviously overlooked when the Motueka Transitional Plan was prepared. Presented in the revised format above, it is less likely that condition (b) would survive peer review. (If the more than two hives requirement were meaningful, it would constitute a condition on the permitted activity and should be placed in the rule with the other conditions in any case, not the definitions section.) The definition of beekeeping is not only unnecessary, but detrimental to the understanding of the relevant rule.

#### Abbreviations

Abbreviations are often created in an effort to save space in a plan. Little worthwhile saving is usually achieved, and readers often have difficulty understanding the abbreviation. Abbreviations using letters, e.g. "MHWS" to represent mean high water springs should never be used. Other abbreviations, such as the Council for the Tasman District Council, are acceptable so long as the meaning will be clear to readers and a worthwhile saving in space is achieved (e.g. where the expression appears many times on a page and presented in full on the first occasion it is used).

During drafting the following approach to commonly used abbreviations should be followed:

12 metres, 12 percent **not** 12 m or 12% (except in tables where 12 m is permissible). Arabic numbers may be used instead of numbers in words, ie: 12 months **not** twelve months.

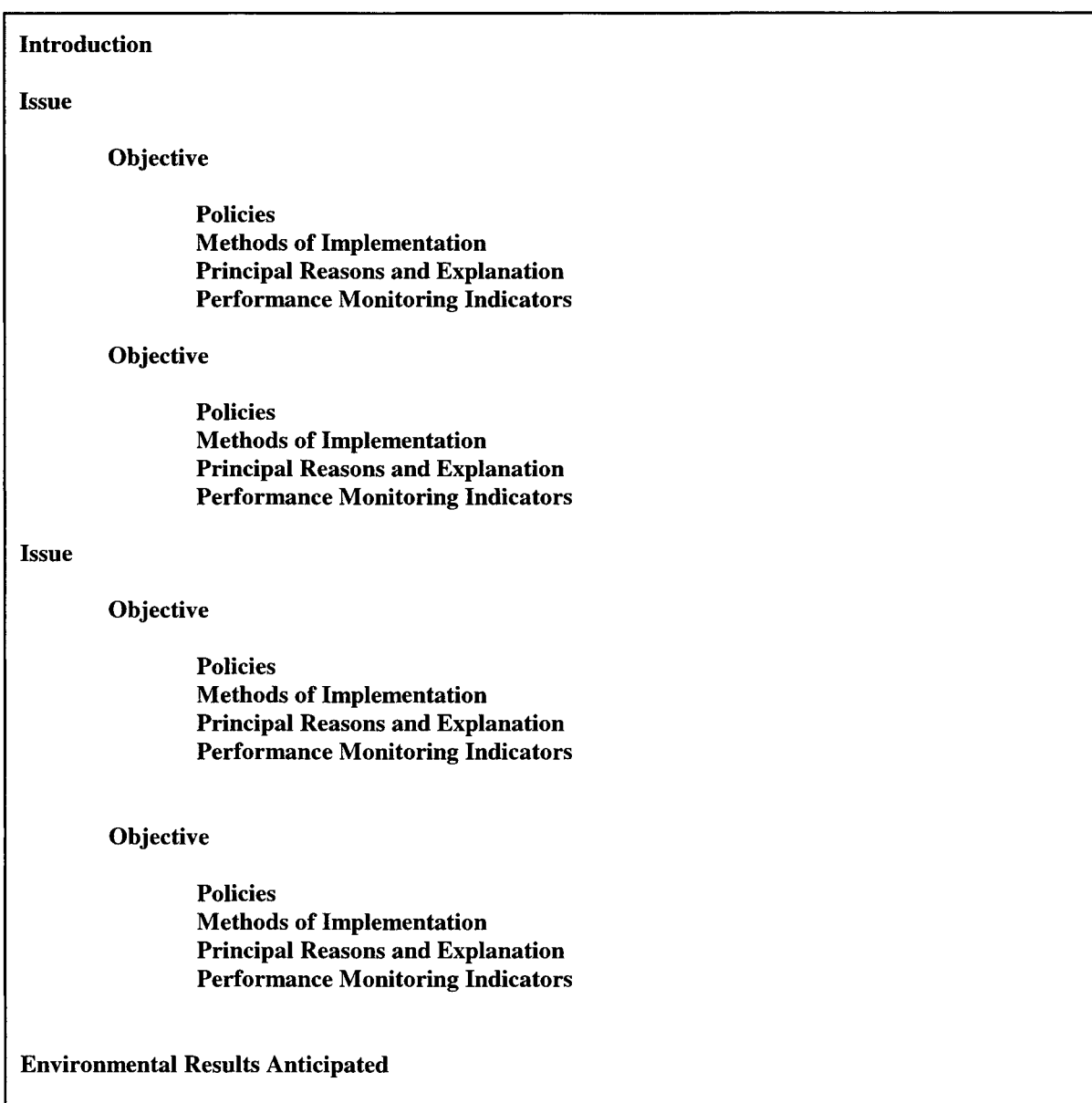
#### 4.0 **ARRANGEMENT OF CHAPTERS CONTAINING ISSUES, OBJECTIVES AND POLICIES**

This section describes the division and layout of material in chapters containing issues, objectives and policies, such as Chapters 5 to 15 and 20 to 24.

Each chapter will deal with a single issue or will be divided into sections corresponding to particular issues. Each issue section will contain a number of objectives, for which policies and methods of implementation will be specified. The policies and methods related to an objective are stated immediately after that objective.

The arrangement of a section of a chapter is illustrated in Box 2.

Box 2: Order of Material in Issues Chapters



**Notes on Box 2**

1. The content and presentation of statements of issues, objectives, policies, methods, reasons and anticipated results are discussed later in this Protocol.
2. Objectives are numbered consecutively under each issue statement.
3. Policies relating to each objective are grouped and numbered consecutively after the relevant objective. Individual policies are numbered but not the heading 'Policies'. (See Box 5)
4. Methods of implementation follow the group of policies. Rules are not set out in detail in this section, but their subject matter indicated by key words. A reference is given to the relevant rules in the plan. Other methods are fully described here, since they are not described elsewhere in the plan. Methods are numbered as set out in Box 6.
5. Reasons for each objective and for the policies and methods related to that objective, are collected together following the statement of methods. Explanations for policies are incorporated with the reasons. No reasons are placed after individual statements of objectives, policies etc.
6. Environmental results anticipated, in relation to all objectives and policies, are stated at the end of the chapter.

## 5.0 **STATEMENTS OF ISSUES**

### 5.1 **INTRODUCTION**

Sections 67 and 75 require plans to state significant resource management issues. Issues, unlike objectives and policies, will rarely be referred to in decisions on resource consents under Sections 104 and 105. Some councils have not tried to formulate issues in their plans, preferring instead to cover issues in general introductory sections. In the Tasman Resource Management Plan, issues will be formulated in short statements. This is because formulation of issues has some value in making the writing of objectives and policies easier, even if issues are not otherwise referred to. Detailed explanations are, however, unnecessary. Formal statements of issues are probably required in any case in provisions dealing with issues that cross territorial boundaries (see Section 75(1)(h)).

The Ministry for the Environment (MFE) (1994) suggests that issues statements should:

- # relate to a matter which needs to be addressed to achieve the purpose of the Act;
- # pertain to a resource, or environmental problem;
- # include the cause of the problem (e.g. "the flooding of the lower river terraces and the risk of pollution that this creates due to the overflow of septic tank effluent").

Issues statements should not:

- # merely state the topic of discussion: (e.g. "tangata whenua considerations");
- # define the desired outcome (e.g. "establishment of a range of residential activities");
- # be developed post-objective setting, or relate to difficulties in attaining an objective (e.g. "the need to provide for industry").

### 5.2 **CONTENTS OF ISSUES STATEMENTS**

Issues can be stated in specific terms or in abstract terms, or at any level in between. For example, the following three statements all encompass the same situation, but with different levels of specificity or abstraction:

Specific issue statement:	Shading across property boundaries from trees reduces land productivity.
Medium specificity statement:	Land uses may have adverse shading effects across property boundaries.
Low specificity (abstract) statement:	The institution of private property may have adverse effects across property boundaries.

Each of the three statements is sufficient to cover objectives and policies relating to shading across boundaries. Several considerations apply to the choice of the appropriate level of specificity.

Abstract statements are unlikely to be meaningful to the majority of readers. They have another disadvantage in that they can raise unrealistic expectations on matters that are beyond the Council's control. Taking the above abstract example, the council has no power to alter the institution of private property. Inclusion of that statement carries the risk that people will make submissions about property regimes that the council can not address, wasting everyone's time.

On the other hand, if very specific statements are adopted, then numerous statements will be required to cover the range of issues in the plan. This adds to the bulk of the plan and reduces its readability. Since issues statements play little part in the implementation of the plan, it is desirable to minimise the space devoted to them. The above specific issue statement example deals only with shading from trees. If that statement were to be used, then shading from artificial shelter structures and buildings would have to be

dealt with in separate issues statements. It is more efficient to adopt the medium level statement, which is wide enough to cover adverse cross boundary effects of all kinds, including shading from any source.

In summary, issues statements should be couched in language that is sufficiently specific and concrete to be meaningful to readers and avoid raising unrealistic expectations as to what the council can and will do under the plan, while being sufficiently general to encompass as many related objectives as possible.

### 5.3 FORMAT OF ISSUE STATEMENTS

Issues statements should be set out as in Box 3. Note that no explanation of the issue is given.

Box 3: Issue statement

<b>10.2 ISSUE</b>
Shading across property boundaries from buildings, structures and trees compromises amenity values, road safety and land productivity.

## **6.0 STATEMENTS OF OBJECTIVES**

### **6.1 INTRODUCTION**

An objective is something sought or aimed at: what the Council wants to achieve or to see achieved.

Statements of objectives are referred to under Sections 104 and 105 in resolving resource consent applications. MFE suggests that objectives should:

- # relate to a specified issue;
- # state what the Council wishes to see from the resolution of the issue;
- # explain the state of the resource or the environmental value which is sought;
- # be directly relevant for the assessment of resource consents.

but should not:

- # seek something that is not an environmental end in itself;
- # seek overtly social or economic outcomes;
- # relate solely to the plan structure (e.g. "to provide criteria for the assessment of . . .").

### **6.2 CONTENTS OF STATEMENTS OF OBJECTIVES**

Objectives should be stated in terms of an ultimate or ideal state of affairs and disclose what the Council wants to achieve. Typical statements will commence with phrases like:

The protection of heritage places from destruction by development.  
The enhancement of public access to and along river banks.  
The promotion of ...

Statements of objectives should not be too specific. Thus a statement that related to a particular heritage site, eg the preservation of the Collingwood Post Office, would be too specific. Individual sites should not be dealt with separately but encompassed by an objective stated in wider terms, such as the first example above. Objectives must come within the scope of an issue as contained in the related issue statement. A number of objectives can arise from one issue statement.

Objectives statements should not look like this:

The balancing of conservation values with the need for development...  
The identification of heritage sites ...  
The protection, as far as practicable, of ecosystems ...

These do not disclose what the Council wants to achieve. They relate to *how* not *what* and are more appropriate to statements of policies than objectives. A qualification such as *as far as practicable* detracts from the statement because it is not definite about the desired outcome. Limitations that may prevent the Council from attaining the objective should be considered in policy statements, not objectives. The objective should state the ideal outcome and leave the possibility of failure unstated.

**6.3 FORMAT OF STATEMENT OF OBJECTIVES**

Statements of objectives should be in the following format:

Box 4: Objectives statement

<b>10.1 OBJECTIVE</b>
The protection and enhancement of the District=s outstanding natural features and landscapes.

Note: see Section 9.0 as to reasons for objectives.

## 7.0 **STATEMENTS OF POLICIES**

### 7.1 **INTRODUCTION**

A policy is a course of action adopted to achieve an objective.

Statements of policies are referred to under Sections 104 and 105 in resolving resource consent applications. MFE suggests that policies should:

- # relate to a stated objective;
- # be capable of guiding resource decision-making;
- # be capable of leading to an effects-based decision (i.e. policies should focus on the effects being managed);
- # state how the effect will be dealt with;
- # be "for the district" not merely "of council" (e.g. "significant indigenous trees which contribute to the rural character of the area should be retained";

as opposed to:

"Council will ensure the retention of significant indigenous trees . . .");

but should not:

- # contain activity-specific restrictions and standards;
- # merely restate the rules;
- # have the potential to hamper the establishment of activities in circumstances where the effects of concern will not occur;
- # be included merely for "analytical completeness" or to legitimise vague rules;
- # be based on the presumption that for activities to be permitted they must be "provided for" in a plan.

In regard to the last item, Ministry for the Environment seems to favour the general presumption contained in Section 9 of the Act. This is, that everything is permitted unless regulated by the plan. It is open to the Council to include a rule under Sections 68 and 75 reversing this presumption, i.e. requiring a resource consent to be obtained for any activity not specifically referred to in the plan. Refer to Section 11.1.4 below.

### 7.2 **FORMAT OF STATEMENTS OF POLICY**

Statements of policies should be in the format shown in Box 5. Policies are numbered with a 3-digit decimal number. The first digit is the Chapter number and the second digit is the number of the relevant objective. See Section 9.0 as to reasons and explanations for policies.

Box 5: Format of statements of policy

<b>POLICIES</b>	
<b>10.1.1</b>	To control the separation and height of buildings and structures in relation to property boundaries as a means of avoiding or mitigating shading from such activities.

## **8.0 METHODS OF IMPLEMENTATION**

### **8.1 INTRODUCTION**

MFE states that methods should not be limited to rules where other means are available.

Methods should:

- # contain specific activities, techniques, programmes and procedures to be adopted by the plan;
- # be capable of giving effect to the policy.

Apart from rules, other methods of policy implementation may be stated in the plan. Possible other methods include:

- (a) Council works (roads, parks, beautification);
- (b) Council services (e.g. facilitating a market in water permits);
- (c) subsidies or rates relief granted by Council;
- (d) Council advocacy, education programmes and "moral suasion";
- (e) investigations and research to better understand issues;
- (f) bylaws under other Acts, e.g. requiring heavy traffic to avoid using residential streets as through routes.

Statements of methods should indicate the proposed action as clearly and shortly as possible and principal reasons for adopting the method.

See Section 9.0 as to reasons for methods.

### **8.2 FORMAT OF METHODS STATEMENTS**

Methods of implementation are set out following the relevant policies. The heading is numbered with a 3-digit decimal number in the form X.X.20, where X.X is the number of the relevant objective. (The first digit is always the Chapter number.)

Methods are grouped and stated in the following order:

- (a) regulatory
- (b) education and advocacy
- (c) financial incentives
- (d) investigation and monitoring
- (e) works and services

Individual methods are numbered with Roman numerals (i), (ii), etc., under these headings, as set out in Box 6.

Box 6: Format of Methods Statements

<b>8.1.20 Methods of Implementation:</b>
<p>(a) <b>Regulatory</b></p> <ul style="list-style-type: none"><li>(i) Rules requiring setback of structures in riparian and coastal areas to preserve the option of access either now or in the future.</li><li>(ii) Rules to require a 20 metre esplanade reserve or strip or access strip to be set aside or created on all subdivisions (except minor boundary adjustments) adjoining rivers and streams of national or District significance with criteria to determine when a greater or lesser width will be considered.</li></ul>
<p>(b) <b>Education and Advocacy</b></p> <ul style="list-style-type: none"><li>(i) Pamphlets on access to riparian areas.</li></ul>
<p>(c) <b>Investigations and Monitoring</b></p> <ul style="list-style-type: none"><li>(i) Investigation into the needs and priorities for riparian access with local communities.</li></ul>
<p>(d) <b>Works and Services</b></p> <ul style="list-style-type: none"><li>(i) Physical works such as weed clearance along margins and signage at access points.</li><li>(ii) Purchase of esplanade reserves and negotiation of esplanade strip and access strip agreements in agreed priority areas or circumstances.</li></ul>

Note that in the example in Box 6, there is no heading for financial incentives because there is no method of that kind in that instance.

## **9.0 PRINCIPAL REASONS FOR ADOPTING**

### **9.1 INTRODUCTION**

The plan must state the principal reasons for adopting objectives, policies and methods, see Sections 67 and 75(1)(e). The Planning Tribunal will use these reasons to interpret objectives, policies and methods that do not precisely cover the facts of a particular case. The reasons may comprise part of the Section 32 record and in any case need to be consistent with that record.

It is desirable to adopt a consistent approach to stating reasons, dealing first with the objectives and then making statements about the various policies in turn. The Act requires explanations as well as reasons for policies. It is not clear how explanations and reasons differ, but it seems prudent to address two matters in regard to policies: how they advance the objective; and the reason for choosing them in preference to other policy options. Reasons need not be given in detail for choosing rules, as this will be done separately in the rules chapters of the plan, but Aother methods≡ need to be fully covered.

Some additional considerations arise in the case of principal reasons for rules.

Sections 68(3) and 76(3) require the Council to have regard to the actual or potential effects on the environment of activities when making rules. The statement of the principal reason for adopting rules should mention the relevant effects, so as to confirm that the Council has complied with these sections. In rules, the choice of activity category (permitted, controlled, discretionary etc.) should reflect the perceived effects of the activity. The predictability and controllability of effects may indicate the activity category more than the scale or intensity of the effects.

### **9.2 FORMAT OF STATEMENTS OF REASONS AND EXPLANATION (ISSUES CHAPTERS)**

Principal reasons and explanation in issues chapters should be set out as in Box 7. This statement is numbered X.X.30, where X.X is the number of the relevant objective. (The first digit will always be the Chapter number.) Principal reasons for rules are stated separately in Rules chapters, see section 11.8 of this Protocol.

Box 7: Format of Reasons and Explanation

#### **7.1.30 Principal Reasons and Explanation:**

Only a small proportion of the Tasman District is land which has high productive value. The effects of land fragmentation include the progressive loss of this land for soil-based production uses. In order to maintain an acceptable standard of availability of land for its productive value, controls are required on subdivision and subsequent land uses which allow for a range of soil-based production opportunities to be retained, despite shifts over time in the economic prospects for particular production activities.

**10.0 ANTICIPATED ENVIRONMENTAL RESULTS OF POLICIES AND METHODS**

Sections 67 and 75 require a statement of environmental results anticipated from the implementation of policies and methods.

MFE states that anticipated results should:

- # be useful for monitoring;
- # incorporate environmental as well as resource outcomes;
- # reflect consequences of the plan provisions;

but should not:

- # merely restate the objective;
- # relate to non-environmental outcomes.

"Environment" is given an extended definition in Section 2, extending to social, economic, aesthetic and cultural conditions.

The statement of anticipated environmental results should be able to give an indication of the patterns of development and conservation that are likely to be observed over time. Box 3 illustrates the placement of the statement of anticipated environmental results at the end of each chapter. Box 8 illustrates environmental results anticipated. Note that the statement is numbered with a two digit decimal number, the first digit being the Chapter number and the second being the next number available after the last objective statement

Box 8: Environmental Results Anticipated

<b>9.4 ENVIRONMENTAL RESULTS ANTICIPATED:</b>
(a) Protection of outstanding and significant landscapes from visual degradation.
(b) Protection and enhancement of views from key viewpoints.
(c) Minimisation of adverse visual effects in the rural and coastal areas.
(d) Increased protection of natural features.

## **11.0 STATEMENTS OF RULES**

### **11.1 INTRODUCTION**

Sections 67 and 75 of the Act require the plan to state the methods to be used to implement the policies, including any rules. This section of the Protocol deals with rules. Section 8 deals with other methods of implementation.

#### **11.1.1 Limits to rules**

Rules must serve the purposes of carrying out the Council's functions under the Act and achieving the objectives and policies of the plan. Rules may allow, regulate or prohibit activities.

The Council is required, when making a rule, to have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. Rules may accordingly provide for permitted activities, controlled activities, discretionary activities, non-complying activities and prohibited activities.

Beyond those things, the scope for rules is very limited. The Planning Tribunal has held that criteria for assessing applications can not form part of a rule, although it might be included in an objective, policy or other method. Various provisions of the Act (e.g. Section 77) extend the scope of rules in specific ways. Care needs to be taken to ensure that the limitations on rules are not exceeded, otherwise the Tribunal might declare the rule invalid.

#### **11.1.2 Reasonableness**

Within the stated limits, rules must also be reasonable. Reasonableness is a legal concept that has several concurrent meanings, including:

- (a) there must be a reason for making the rule. The Act requires principal reasons for adopting rules to be stated. The courts are unlikely to delve into underlying value and policy judgements made by the Council, unless a reason is given that is obviously arbitrary or capricious, or no reason is given;
- (b) in making a rule the Council must take into account all relevant considerations and ignore all irrelevant considerations. If the Council failed to take account of a relevant effect of an activity in making a rule, that rule could be challenged as unreasonable;
- (c) the rule must not be so extreme in its effect that the courts conclude that no reasonable council, properly advised, could make such a rule. The courts will only intervene in the most obvious cases under this heading, because they are reluctant to consider policy and values issues.

#### **11.1.3 Other legal considerations**

Rules should be certain, should not reserve discretions or value judgements to the Council, should not refer to extraneous documents.

These topics are discussed by Milne (1994) "Validity of Rules in Regional Plans" (Wellington Regional Council). (Copies are in Tasman District Council office.)

A key idea from Milne's paper (page 17) is that a reader should be able to determine the effect of every rule from the rule itself. For example, a rule prohibiting any sign that is visually inappropriate would be invalid because its meaning depends on what the Council from time to time considers to be inappropriate. The reader of such a rule would be unable to determine what was prohibited without enquiring with the Council.

#### **11.1.4 Activities omitted**

The Resource Management Act applies two contrasting presumptions in respect of different activities:

(a) some activities are prohibited unless allowed by a rule or a resource consent, for example:

- (i) subdivision (Section 11);
- (ii) reclamation, disturbing seabed etc. in coastal marine area (Section 12(1));
- (iii) building on, disturbing lake or river beds etc. (Section 13(1));
- (iv) taking, using, damming, diverting water, heat, or energy (Section 14(1));
- (v) discharging contaminants or water into water, from trade premises into air etc. (Section 15(1));

(b) some activities are allowed unless prohibited by a rule, e.g.:

- (i) land uses (Section 9);
- (ii) activities in coastal marine area other than reclamation, building, disturbing seabed etc. (Section 12(3));
- (iii) entering river and lake beds, disturbing habitats of plants and animals (Section 13(2));
- (iv) discharge of contaminants into air or onto land from non-trade premises (Section 15(2)).

The Council may reverse presumption (b) by including a rule in the plan requiring a resource consent to be obtained for any activity not specifically referred to in the plan. Whichever presumption is applicable to a particular activity, it will have important consequences for the drafting of the rules, particularly in regard to matters that are unstated.

For example, if the only rule in a plan dealing with subdivisions were to state:

"subdivisions resulting in ten or more new allotments shall be discretionary activities";

then subdivisions of less than ten allotments will be non-complying. This is because of the general presumption in Section 11 that subdivisions are forbidden unless expressly allowed by a rule or a resource consent. Intuition would suggest a contrary outcome (i.e. that smaller subdivisions would be permitted or controlled) but the legal presumption creates traps for drafters of rules in this situation.

## 11.2 PERMITTED ACTIVITIES

No resource consent is required for a permitted activity. Activities may be permitted with or without conditions. "Conditions" is defined as including standards, terms, restrictions and prohibitions and, in the context of permitted activities, also includes conditions that may be imposed under Sections 108 and 220. A dictionary definition of "condition" is: "a stipulation; something upon the fulfilment of which something else depends".

The conditions in Box 9 represent a narrow range of possible conditions. Theoretically, almost any condition mentioned in Sections 108 or 220 could be included in a permitted activity rule. However, conditions that require the exercise of a discretion can not be placed in permitted activity rules. Where the effects of an activity are uncertain, the activity should be placed in a controlled or discretionary activity rule. In this way, the Council can impose conditions appropriate to the context of individual resource consents.

### Box 9: Permitted Activities Rule

#### **Permitted Activities (Stormwater)**

- 10.1.1 The discharge of stormwater into the coastal marine area is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:
- (a) there is no contamination from sewage;
  - (b) the discharge is into a well flushed area;
  - (c) the water discharged, after reasonable mixing, does not give rise to any of the following effects:
    - (i) conspicuous oil or grease films;
    - (ii) conspicuous change in colour or visual clarity;
    - (iii) objectionable odours;
    - (iv) significant adverse effects on aquatic life.

### 11.3 CONTROLLED ACTIVITIES

Statements of controlled activities should include:

- # standards and terms to be complied with;
- # matters over which Council has reserved control;
- # principal reasons for adopting;
- # whether notification of applications is required.

In addition to these items, the plan may state the information required to be included in a resource consent application (Section 88(4)(c)). See Section 11.9 below about information requirements. Note that applicants are required under Section 88(5) to provide an assessment of effects only in regard to matters on which control has been retained.

The expression "standards and terms" is not defined but terms and standards are mentioned in the definition of "conditions" in Section 2. "Terms" does not just mean a time period, as some plans have assumed, but includes the items such as (c) in the example in Box 10.

Applications for resource consents for controlled activities can be refused by the Council, only in the circumstances set out in Section 105(2) and (5). In all other circumstances, the application must be granted and the Council's only discretion is whether or not to impose conditions and the content of those conditions (Section 105(1)(a)).

Conditions may be imposed only in regard to matters over which the Council has reserved control (see S.105). Therefore, the list of matters subject to control should be broad enough to cover every likely condition that the Council might want to impose on resource consents in the future. Conditions may be required to deal with the effects of activities as well as various administrative matters, such as the following:

- (a) conditions arising under Section 108, for example, financial contributions, bonds and administrative charges;
- (b) conditions arising under Section 220, in regard to subdivisions;
- (c) the duration of the consent (Section 123);
- (d) the timing of reviews of conditions and purpose of reviews (Section 128);
- (e) rights to transfer coastal and water permits (Sections 135, 136).

Box 10: Rule for controlled activity

<b>Controlled Activities (Discharge of Contaminants)</b>	
<b>10.1.2</b>	The discharge of contaminants from construction activities into the coastal marine area is a controlled activity, if it complies with the following standards and terms: <ul style="list-style-type: none"><li>(a) there is no contamination from sewage;</li><li>(b) the discharge is into a well flushed area;</li><li>(c) compliance with condition (a) in Rule 10.1.1.</li></ul> <p><b>A resource consent</b> is required and may include conditions on the following matters over which the Council has reserved control:</p> <ul style="list-style-type: none"><li>(1) the volume and level of contamination;</li><li>(2) the method of discharge and the effects arising from the method chosen;</li></ul>

- (3) the facilities for the collection, treatment, and disposal of discharges;
- (4) the duration of the consent;
- (5) administration charges pursuant to Section 36 of the Resource Management Act 1991.

**Notification:**

Application for resource consents for controlled activities under this rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with Section 94(1)(b) of the Resource Management Act 1991.

**Note:** see Section 9 about "principal reasons".  
see Section 11.7 about notification.

## 11.4 DISCRETIONARY ACTIVITIES

Statements of discretionary activities may include:

- # the applicable standards and terms;
- # the matters (if any) to which the Council has restricted the exercise of its discretion;
- # whether notification of applications is waived (arises only where Council has restricted its discretion).

In addition to the listed items, the plan may state the information required to be included in a resource consent application (Section 88(4)(c)) (see Section 18.9 below as to information requirements). Note that applicants are required under Section 88(5) to provide an assessment of effects only in regard to matters to which discretion has been restricted. In the case of a discretionary activity for which discretion is not limited, the contents of the environmental effects assessment will be as set out in Section 88(4)(b) and (6).

Box 11 contains a statement of a discretionary activity where discretion has been restricted, standards and terms have been stated and notification and written approval have been waived.

### Box 11: Rule for Discretionary Activity

<b>Discretionary Activities (New Moorings)</b>	
<b>10.1.3</b>	<p>Construction of new moorings inside mooring management areas is a discretionary activity, if it complies with the following standards and terms:</p> <ul style="list-style-type: none"><li>(a) the mooring does not obstruct views of the coastal marine area through the view shafts shown on map XYZ; and</li><li>(b) the height of structures does not exceed 2 metres above mean high water springs.</li></ul> <p>A <b>resource consent</b> is required, and may include conditions on the following matters to which the Council has restricted its discretion:</p> <ul style="list-style-type: none"><li>(i) the visual impacts of the mooring on the surrounding environment;</li><li>(ii) duration of consent;</li><li>(iii) navigation and safety;</li><li>(iv) administrative charges pursuant to Section 36 Resource Management Act 1991.</li></ul> <p><b>Notification:</b></p> <p>Applications for resource consents for activities under this rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with Section 94 (1A).</p>

Notes: Refer to Section 9 about principal reasons.  
Refer to Section 11.7 about notification.

### Conditions where discretion restricted

Where discretion is restricted, conditions may only be imposed on the matters to which discretion has been restricted (Section 105). The list of discretions therefore should be broad enough to cover every likely condition that the Council might want to impose on the activities covered by the rule. Conditions may be required to deal with the effects of activities as well as various administrative matters, such as the following:

- (a) conditions arising under Section 108, for example, financial contributions, bonds and administrative charges;

- (b) conditions arising under Section 220, in regard to subdivisions;
- (c) the duration of the consent (Section 123);
- (d) the timing of reviews of conditions and purpose of reviews (Section 128);
- (e) rights to transfer coastal and water permits (Sections 135, 136).

The matters to which discretion has been limited provide the only grounds for refusing a resource consent. This is implied by the Act at present, and section 105 is being amended to state this explicitly.

## 11.5 PROHIBITED ACTIVITIES

It is necessary to state prohibited activities directly.

Box 12: Rule for prohibited activity

<b>Prohibited Activities</b>
<p><b>10.1.4</b> No resource consent shall be granted for the following prohibited activities:</p> <ul style="list-style-type: none"><li>(a) the storage, use, or disposal of radioactive substances;</li><li>(b) pig farming.</li></ul>

## 11.6 NON-COMPLYING ACTIVITIES

It is not strictly necessary to state non-complying activities because "non-complying" is a default category into which any activity falls if:

- (a) the activity contravenes a rule in the plan; and
- (b) is not a prohibited activity; and
- (c) is not stated to fall into any other activity category.

"Contravenes a rule" includes failure to comply with a rule, see Section 2. An activity that transgresses the conditions or standards for permitted, controlled or discretionary activities will be a non-complying activity unless it is allocated to another category. (Note that the activity does not simply "step up" one category, e.g. from controlled to discretionary, unless that is stated in a rule.)

The majority of non-complying activities will arise from failure to comply with a standard or term of a discretionary activity rule. For example, if standard and term (a) in Box 11 were contravened by a proposed mooring that would obstruct views, then that mooring would be non-complying. It is unnecessary to state this in the plan.

Although not always necessary, a rule describing non-complying activities may be helpful to readers in cases where it is not clear whether an activity contravenes a rule. The plan may state the information required to be included in a resource consent application (Section 88(4)(c)). See Section 11.9 below.

See Section 11.7 about notification of non-complying activities.

## 11.7 NOTIFICATION

The Resource Management Act (section 93) contains a general presumption that every resource consent application will be publicly notified. Section 94 creates some exceptions to this general rule. Different exceptions are made for the different types of activity.

### **11.7.1 Controlled activities**

In the case of controlled activities there are three exceptions to the general notification rule, see section 94(1). A resource consent application for a controlled activity need not be notified if:

- (a) the controlled activity is a subdivision; or
- (b) the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons; or
- (c) written approval is obtained from every person who, in the opinion of the Council, may be adversely affected (excluding those from whom the council considers it is unreasonable to require consent).

Box 10 contains an example of exception (b). In the early drafts of the plan, most controlled activity rules will contain exception (b). This serves to highlight the issue of notification in each rule but does not imply that conclusive examination has been given to each case. There is an important decision to be made in every controlled rule about whether exception (b) is appropriate, given the nature of the activity.

There will be activities where it is desirable that the applicant should be required approach people adversely affected for their written consent. Where the effects of an activity are far reaching or unpredictable (which will not often be the case for controlled activities) then the plan should say nothing about notification and leave applicants with the choice of either notifying the proposal or obtaining the consent of people adversely affected to comply with exception (c).

There is no need to state in the plan that exception (a) or (c) applies. They arise from the Act.

The inclusion of a statement about notification as illustrated in Box 10 has important implications for the involvement of people adversely affected. If the statement is left out of the rule, the application will not necessarily have to be notified, but the applicant will have to do the work of approaching people affected for their consent.

### **11.7.2 Discretionary activities**

In the case of discretionary activities there are two exceptions to the general rule requiring notification. See sections 94(1A) and 94(2). A resource consent application for a discretionary activity need not be notified if:

- 94(1A) the discretionary activity is one where:
  - (i) the plan states that the council's discretion is limited; and
  - (ii) the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons.
- 94(2) the discretionary activity is one where:
  - (i) the Council is satisfied that the adverse effect of the proposed activity is minor; and
  - (ii) written approval is obtained from every person who, in the opinion of the Council, may be adversely affected (excluding those from whom the council considers it is unreasonable to require consent).

Box 11 contains an example of exception under Section 94(1A). In the early drafts of the plan, most discretionary activity rules where discretion has been restricted will contain this exception. This serves to highlight the issue of notification in each rule but does not imply that conclusive examination has been given to each case. There is an important decision to be made in every limited discretionary activity rule about whether the exception under Section 94(1A) is appropriate, given the nature of the activity.

There will be activities where it is desirable that the applicant should be required approach people adversely affected for their written consent. Where the effects of an activity are far reaching or unpredictable (which will occasionally arise in the case of limited discretionary activities) then the plan should say nothing about notification and leave applicants with the choice of either notifying the proposal or obtaining the consent of people adversely affected to comply with the exception under Section 94(2).

There is no need to state in the plan that exception 94(2) applies. It arises from the Act.

The inclusion of a statement about notification as illustrated in Box 11 has important implications for the involvement of people adversely affected. If the statement is left out of the rule, the application will not necessarily have to be notified, but the applicant will have to do the work of approaching people affected for their consent.

### **11.7.3 Non-complying activities**

In the case of non-complying activities there is one exception to the general rule requiring notification. This is where:

- (a) the council is satisfied that the adverse effect of the proposed activity is minor; and
- (b) written approval is obtained from every person who, in the opinion of the Council, may be adversely affected (excluding those from whom the council considers it is unreasonable to require consent).

There is therefore no scope for the plan to make any statement about exemptions from notification requirements in the context of non-complying activity rules.

## 11.8 PRINCIPAL REASONS FOR RULES

Principal reasons for rules are placed at the end of each section of Chapters containing rules. (See Section 9 of this Protocol about reasons for other plan provisions.) The reasons for all rules in a section of a chapter are brought together in the order of the rules. Individual conditions, standard and terms are dealt with in short paragraphs starting with key words in bold type. Only principal reasons need to be stated, not all reasons. Statements should be positive, e.g. Arule X will mitigate noise≡, not Ais intended to mitigate ...≡.

The format for statements of principal reasons for rules is set out in Box 13. The heading is numbered with a 3-digit decimal number. The first digit is the chapter number, the second digit is the section number of the chapter, the third digit is the next consecutive number following the last rule of the section.

### Box 13 - Principal Reasons for Rules

#### 17.5.12 Principal reasons for rules

**Building height** - The height of buildings in rural areas is regulated to preserve visual amenities and, coupled with set back requirements, to avoid shading across boundaries.

**Agrichemical spray uses** - These standards will mitigate or avoid adverse effects of agrichemical spray drift. 30 metres will provide an adequate buffer in most circumstances.

**Beekeeping** - This set back is to reduce conflicts arising from the keeping of bees.

## 11.9 INFORMATION TO BE SUPPLIED WITH RESOURCE CONSENT APPLICATIONS

Section 18(4)(c) of the Act allows the plan to state information to be included with resource consent applications.

In the Tasman Resource Management Plan, the information requirements are stated in separate chapters (e.g. Chapters 19 and 26) following relevant rules chapters.

There is potential for the list of information required to overlap with the contents of the assessment of effects required under Section 88(4)(b). Care should be taken to ensure that statements are not made in the list of information required that contradict the subject matter of the assessment of effects. In controlled activities, and discretionary activities where discretion has been limited, the matters of control or discretion stated in the rule define the scope of the assessment of effects, see Section 88(5). For unlimited discretionary activities and non-complying activities, the assessment of effects is not defined in the plan, and there is little potential for conflict with the information requirements.

## 12.0 CASCADE OF RULES

### 12.1 Introduction

Most of the rules in the Plan are arranged in sets of two or three rules dealing with the same type of activity. Often, there are 2 rules in a set, consisting of a permitted activity rule followed by a discretionary activity rule. To find out whether a particular activity is a permitted activity, controlled activity, discretionary activity or non-complying activity, the activity is tested in turn against the conditions, standards and terms stated in each of the rules within the relevant set of rules until it reaches a rule where it complies with all of the relevant conditions, standards and terms. That rule governs the activity.

This arrangement of rules is called a Cascade. To illustrate how the cascade works, consider the following (fictional) pair of rules:

#### # **Permitted Activities (Poultry Keeping)**

Eg Rule 1. Poultry keeping is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) No more than 6 hens are kept.
- (a) No rooster is kept.

#### # **Discretionary Activities (Poultry Keeping)**

Eg Rule 2. Poultry keeping that does not comply with the conditions for a permitted activity is a discretionary activity if it complies with the following standards and terms:

- (a) No rooster is kept.

Example Rule 1 tells the reader whether a particular poultry keeping proposal is a permitted activity or whether a resource consent is required. A poultry keeping activity that complies with conditions (a) and (b) is permitted without a resource consent. A resource consent is required if the proposal contravenes either condition (a) or (b) of Rule 1.

Example Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1. Example Rule 2 tells the reader what kind of resource consent application has to be made. In this example, it will be either a discretionary activity application or a non-complying activity application. It will be discretionary if the proposal complies with the standards and terms stated in Rule 2 and non-complying if it does not. Rule 2 has only one standard and term, (a), and therefore if the proposal does not involve the keeping of a rooster, it will be treated as a discretionary activity. This is illustrated in Box 14.

Box 14:

<b>Illustration of Cascade, following Example Rules 1 and 2</b>			
Question	Complies with Rule 1?	Complies with Rule 2?	Conclusion
Can I keep 5 hens?	Yes	*	It is a permitted activity
Can I keep 50 hens?	No breaks 1(a)	Yes	Application must be made for a resource consent for a discretionary activity
Can I keep a rooster?	No breaks 1(b)	No breaks 2(a)	Application must be made for a resource consent for a non-complying activity

\* Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1.

Keeping of 5 hens would comply with Example Rule 1, but not 50 hens or a rooster. Keeping of 50 hens (or indeed 5,000 hens) would comply with Example Rule 2, but keeping a rooster would not.

Note that compliance with the standards and terms for a discretionary activity does not mean that a resource consent will be granted by the Council. It only means that the resource consent application will be processed as a discretionary activity and not as a non-complying activity. The Council retains discretion to decline consent, depending on all the circumstances.

In this example, there is no possibility of the activity being a controlled activity, as there is no controlled activity rule in the relevant set of rules.

The flow charts in Box 15 illustrate two arrangements of sets of rules. The flow chart on the left shows the most common arrangement in the Plan, with two rules in the set, a permitted activity rule and a discretionary activity rule. Example Rules 1 and 2 conform to that pattern. The flow chart on the right of Figure 1.9B contains no permitted activities, but starts with controlled and goes to discretionary. This pattern is used for subdivisions. Other patterns are used in the Plan, although not illustrated. A set of rules may contain three rules, with permitted, controlled and discretionary activity rules. In every case the opening words of the later rules indicate their relationship to rules earlier in the cascade.

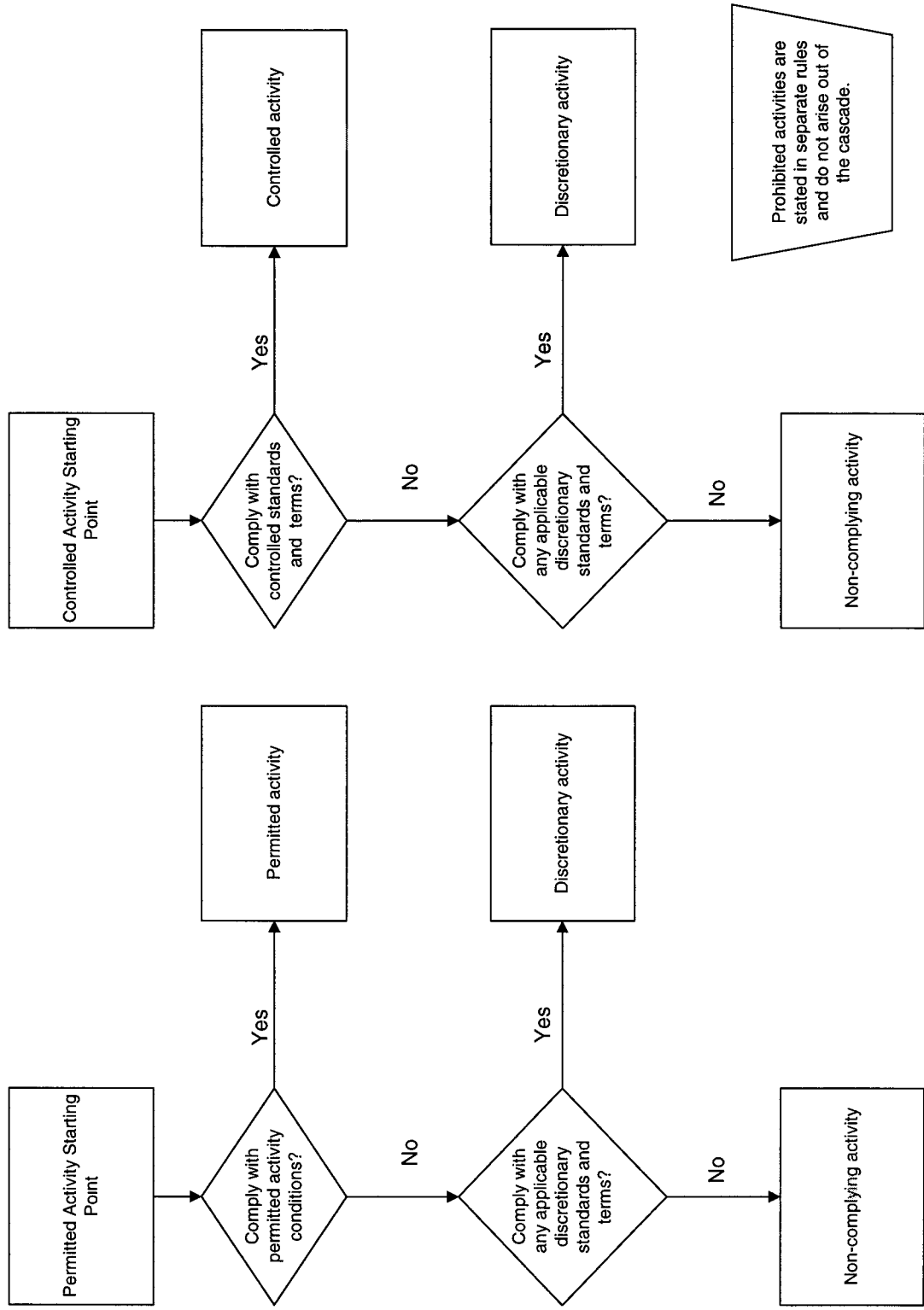
## 12.2 PROHIBITED ACTIVITIES ARE OUTSIDE CASCADE

Prohibited Activities are dealt with separately from the cascade. Prohibited activities only arise from specific rules in the format of the following (fictional) rule:

### **Example rule 3: Prohibited activities - Tiger keeping**

Keeping of tigers in the Antelope Protection Area is a prohibited activity for which no resource consent will be granted.≡

Box 15: Cascade of Rules



### 12.3 RULE FORMATS FOR CASCADE

Rule formats for permitted, controlled and discretionary rules for use in cascades are set out in Appendix A. These formats differ from the standard rules formats given above in this Protocol in that the controlled and discretionary rules refer to the prior rules in the cascade. For example, the controlled activity rule provides that:

Any land use that does not comply with the conditions for a permitted activity is a controlled activity if it complies with the following standards and terms:≡

Similarly, the discretionary rule refers to any land use that does not comply with the standards and terms for controlled activities. These examples apply to a cascade that has three rules: a permitted activity rule, a controlled activity rule and a discretionary activity rule, with the activity cascading≡ from one rule to the next.

This is not the only possible pattern, as explained in Section 12.1 above. The pattern illustrated in the left-hand flow chart in Box 14 would have only two rules, and in this case the discretionary activity rule would be worded as in Example Rule 2, ie it refers to activities that do not comply with the conditions for permitted activities. (Not controlled activities as in the example in Appendix A.)

Care needs to be taken to ensure that the wording fits the pattern used in the particular context.

**13.0 APPENDICES**

The contents and placement of appendices need to be carefully considered.

Appendices should not be used to state objectives, policies or methods, as these can easily conflict with material in the chapters of the plan.

The best use of appendices is for long lists of items that are referred to in the rules, for example, heritage sites or hazardous substances. Short lists should be placed directly in the text of the relevant rule. See Section 2.2 about numbering of appendices.

If only one section of a chapter refers to an appendix, then the appendix should be placed at the end of the section, rather than at the back of the plan.

References in rules to appendices should be direct, as in Box 15, A any tree listed in Appnedix 10A≡, and not (as appears in some plans) vaguely to "listed trees" or "scheduled substances".

Box 15: References to appendices in rules

**10.5.2** Minor trimming and maintenance of any tree listed in Appendix 10A is a permitted activity that may be undertaken without a resource consent.

The appendix should contain a cross-reference back to the relevant rule, as in Box 13.

Box 16: References to relevant rules in appendices

<b>Appendix 10A: Trees with heritage value</b>			
<i>(Refer to Rule 10.5.2)</i>			
	<u>Species</u>	<u>Location</u>	<u>Value</u>
1.	Rimu	Mawheraiti Scenic Reserve Lot 1 DP 5271	Planted by Prince Charles

#### **14.0 MAPS, GRAPHICS, PHOTOGRAPHS**

The plan is to be available online for electronic searching by Tasman District Council staff and perhaps by external planning professionals. For this to be possible, all material constituting part of the plan must be included in the relevant computer files. It is envisaged that the GIS system will be accessible together with the plan.

Maps should be placed on the GIS.

Graphics used to demonstrate concepts like height control planes may be scanned into the word processor file. This needs to be arranged as soon as possible to ensure proper integration with the text.

Although the Word Perfect software is compatible with a number of graphics formats, some formats lose clarity when converted to Word Perfect. The Windows Metafile graphics format (.WMF extension) provides generally satisfactory results.

Charts from Visio cannot be used directly in Word Perfect, but can be used if the Visio file is Asaved as≡ windows metafile format from within Visio.

Photographs and graphics used to decorate the plan may be omitted from the computer files.

## **16.0 PEER REVIEW PROCESS**

### **16.1 PURPOSE & SCOPE**

Peer review is the critical examination of draft plan text by appropriate reviewers for the purpose of improving the quality of the draft plan text in terms of established criteria.

### **16.2 PRINCIPLES**

- (a) The draft plan is a corporate output of public significance, and requires professional resource management expertise in its preparation.
- (b) Drafting is the task of converting drafting instructions into understandable, legal, logical, economical and complete draft plan text.
- (c) Peer review applies collective professional expertise to result in agreement on the improvements to be made to the quality of draft plan text produced by individual staff of the plan drafting team.
- (d) The peer review process requires checking the draft plan text against review criteria and resolution of any disagreement between drafters and peer reviewers concerning the amendments suggested to improve the quality of the text.
- (e) The peer reviewer should apply the following criteria in examining draft plan text and in developing suggested amendments or redrafts:
  - (i) Conformity with the plan drafting protocol, including use of language and format requirements.
  - (ii) Consistency of content with the content of the relevant policy papers or other drafting instructions.
  - (iii) Consistency of content with the criteria set out in principle (b) of this protocol.
  - (iv) Use of a clear, precise, direct and concise style of expression that is consistent with other draft texts.
  - (v) Correct spelling and grammar.
  - (vi) Correct and complete cross-references.

## Appendix A: Standard format for rules for cascade

Refer to Section 12.3

### # Permitted Activities (Land uses)

16.1.4 Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The land use does not contravene any other rule in Chapters 16, 17 or 18 of this Plan.
- (b)

### # Controlled Activities (Land uses)

16.1.2 Any land use that does not comply with the conditions for a permitted activity is a controlled activity if it complies with the following standards and terms:

- (a)
- (b)

A **resource consent** is required and may include conditions on the following matters over which the Council has reserved control:

- (1)

#### **Notification**

Applications for resource consents for activities under this rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with section 94(1)(b) of the Resource Management Act 1991.

### # Discretionary Activities (Land uses)

16.1.3 Any land use that does not comply with the standards and terms for a controlled activity is a discretionary activity if it complies with the following standards and terms:

- (a)
- (b)

A **resource consent** is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1)