

APPENDIX THREE ALTERNATIVE METHODS CONSIDERED

In the development of this Plan each choice of objective, policy and method was carefully weighed against the other options available and the most efficient and effective identified. Once this identification occurred the single option was examined to ensure it was necessary to achieve the purpose of the Act, and only then was it included in the Plan.

The Plan development process was constrained by the available information - in terms of the environment itself, the human perception of it, and scientific information. These constraints are not unusual to the Ruapehu District, and are likely to be common in all policy development processes.

In the Plan development process the following alternatives were considered:

- Do nothing
- Economic Instruments
- Education
- Service Delivery
- Regulation

A generic analysis of these alternatives is set out below, including a brief analysis of their benefits and costs:

Do Nothing

This option is essentially for the Council not to become involved by any means. It relies on other mechanisms and agencies to address the issue identified. The other mechanisms may include the market, private and other legislative means, to name three examples.

The principal benefit of this approach from the Council's view point is its simplicity. The benefit to the community is that the Council in no way inhibits the freedom of action of individuals.

The principal cost is that if an issue is identified, no action may result in the status quo remaining and the issue not being addressed or worsening. Secondary costs include that there is no recognition of future generations or the environment. Both costs are contrary to the purpose of the Act.

Economic Instruments

Economic instruments (market mechanisms) are management tools which use monetary incentives or disincentives to improve or protect the environment. The instruments can take many forms, including:

- Financial Contributions
- Covenants
- User Charges
- Transferable Rights

The success of this option is reliant on well defined and secure property rights and the identification of the environmental effects associated with the issue.

The principal benefit of transferable rights is that they are private incentives or disincentives that allow individuals flexibility within the bounds of the instrument chosen. As a consequence the results of the instruments may be economically more efficient than other methods.

The costs of these instruments include the cost of their failure, administration, and monitoring.

The Council's role in using economic instruments is constrained by the requirements of the Resource Management Act 1991, the Rating Powers Act 1988 and the Local Government Act 1974.

Education

Education is the process of appealing to the better senses of individuals and the community to change behaviour.

The principal benefit is that individuals will pursue a behaviour because they choose to do so and therefore compliance costs are minimal and the cases of non conformity are likely to be minor.

The principal costs of the approach are the time and resources required to both generate and distribute the information necessary to change the behaviour, and the environmental costs incurred while the behaviour is changing. There is no certainty of the outcomes of this approach, especially in the short and medium terms.

Service Delivery

Service delivery is the process of providing a service to the community in order to achieve an environmental outcome. It is a mechanism that the Council has traditionally employed in terms of infrastructure assets (i.e. water, sewerage, stormwater, landfills and roading).

The principal benefit of service delivery is the control of the manner and type of service that is delivered. Therefore the issue can be directly targeted.

The costs of service delivery are the monetary costs of the provision of the service. As one agency is delivering the service that agency becomes responsible for the cost. In the case of the Council it is publicly accountable for the expenditure of money and therefore it is subject to the expectations of the rate payers.

The Council's role as a service provider is constrained by the requirements of the Local Government Act 1974 and the Rating Powers Act 1988.

Regulation

Regulation is the approach of restricting the actions individuals or the community may take. This is achieved in the Plan through the use of Rules. Other methods available to the Council include bylaws.

The principal benefit of using regulation is that it requires behaviour change. Failure on the part of the individual or community to change behaviour can result in legal censure and punishment.

Secondary benefits of regulation include its ease of implementation, and that it is equitable.

The principal cost of regulation is the required compliance cost imposed on individuals and the community. Secondary costs is the enforcement costs required to reinforce the regulations.

The different types of regulation used in this Plan, including a description of each, are as follows:

Zoning

Zoning is a traditional planning technique. It is based on the identification of spatial entities, including natural and physical resources, with similar management requirements. Each identified homogeneous unit is subject to development pressure creating similar types of effects on localised environments and may contain a diverse community with similar aspirations with respect to the environment. Each homogeneous unit identified does not have to be contiguous.

Greater flexibility has been introduced into the zoning method by the techniques used in the management of each different zone. Emphasis has been taken off the prescriptive activity list and rules. By using generic activities defined by key characteristics and effects, in conjunction with permitted activity conditions, and other methods such as incentives and service delivery, the rigidity of the Town and Country Planning system has, to some degree, been alleviated.

Zoning provides for a degree of certainty to the community and the people with a stake in the zone areas. Further, it provides a stable environment where future investors can have confidence.

Provided the generic activities and effects regime are set up with a degree of sensitivity, zoning is an effective technique.

The principal disadvantage of zoning is its reliance on the initial development work. During this work boundaries must be defined that are to a degree inflexible. Further, present day zoning is exclusionary in approach (i.e. it excludes activities or effects). This is a negative approach which favours retaining the status quo type of development. Therefore, technological changes and innovation have a tendency to be difficult to accommodate.

Many of the disadvantages with respect to the zoning technique can be overcome by monitoring the state of the environment and reacting with proactive Plan Changes. Alternatively, these Plan Changes can be initiated by members of the public which are likely to be a result of a commercial decision.

Activities

Activities can be characterised by type (i.e. nomination of principal aspect of an activity), by effects (i.e. nominating indicator effects), or by a combination of the aforementioned.

Specifying activities by type limits the flexibility available. One option to partly overcome this is to use generic headings for activities such as residential, commercial and industrial. This provides for more flexibility and potentially will be more sympathetic to changes in technology and community aspirations. The disadvantage of this is, without suitable conditions for a permitted activity a wide range of activities could occur.

To specify appropriate permitted activity conditions by effects only is reliant on a complete effects network. Some of the effects specified will need to be of technical nature (air quality and glare for example). In a community with limited professional support this method has its pitfalls with respect to implementation. Further, within a small Council the expertise is not readily available and affordable to develop an appropriate effects regime.

A combination of the above allows flexibility to be given with a basic indicator effects bottom line. It recognises that activities are linked to effects.

Conditions for Permitted Activities

Conditions for permitted activities provide for the management of those activities. They are a continuation of the development of an effects regime. Again they provide certainty to the community and any potential developer of the standard of development that will be required. Permitted activity conditions are efficient to implement and the technique is well tested.

The conditions cannot attempt to manage every aspect of a development. They manage the key indicator effects of a development.

Standards and Terms

Where Council employs controlled activity status and limits its discretion on discretionary activities standards and terms must, and may, respectively, be specified.

The other possible circumstance that standards and terms may be used in a district plan is for discretionary activities where discretion is not limited. Such standards and terms may provide guidance to the applicant. However, Section 104 of the Act provides guidance to what matters a consent authority may have regard to when considering an application. This sets out a "recipe" for an analysis of any application. This is considered to be suitable guidance and standards and terms typically are unnecessary in this context.

Constraints to the Approaches

The choice of the methods used in this Plan is constrained as:

- The Act requires that certain matters be recognised and provided when the Council exercises its powers and functions. These matters are binding on the Council and represent central government directive on the development of objectives, policies and methods in some areas.
- The Plan cannot be inconsistent with the Regional Policy Statement for Manawatu-Wanganui. While this Statement is not yet operative, only a few of the decisions on submissions are subject to appeal. Therefore, the Statement presently has considerable weight.
- The Plan cannot be inconsistent with a Regional Plan addressing matters of regional significance. As of August 1996, with respect to the Ruapehu District there were no regional plans prepared under the Act operative and only two proposed regional plans - Proposed Land Management Plan for Manawatu-Wanganui and Proposed Regional Air Plan for Manawatu-Wanganui. The legal principle of *ultra vires* further limits the choice of methods. The Council may only use those methods where it has the statutory power to do so, or where the power is necessary from the words of the statute.

Concluding Comments

The Council has considered the significant resource management issues within the District and a range of policy options to address these issues. It is satisfied that the objectives, policies, and methods in this Plan are necessary to achieve the purpose of the Act and are the most appropriate means for exercising its functions, having regard to their efficiency and effectiveness in relation to other means.