

city and district councils are contemplating second-generation district plans. This highlights the time that planners struggled with the complex time-consuming processes associated with the transition arrangements, while commencing and completing the process of writing a replacement plan and educating the greater public about the new concepts and processes. However, given that most plans are being replaced before their ten-year statutory life is exhausted, it is a signal that these first-generation plans were generally variable in their quality.

THE HIERARCHY OF PLANS

The RMA, reflecting local government reform, created plan roles and responsibilities for the three levels of government in what has been called a co-operative mandate. That meant that individually and in concert they would, through their plans and actions under the act, all contribute to the achievement of sustainable management. There has been a tendency to characterise this co-operative mandate (see May 1995 and Ericksen *et al.* 2003) as a new development. It was in fact a mixture of the old and the new as planning legislation had always stressed the setting of national priorities through the matters of national importance, which would be given effect to by the often robust intervention of the Town and Country Planning Directorate in both planning applications and reviews of the district schemes written and then implemented by local government. What was different was the insertion of an active regional level of government that was given specific planning tasks which were part of the linked whole of the sustainable management mandate and philosophy. The more explicit philosophy of the RMA combined with its clear assignment of roles and responsibilities merely made the co-operative aspects more explicit and central. Although early renditions of RMA guidance used the term hierarchy, suggesting the dominance of one level over the other, subsequent decisions from the appeal body, the Planning Tribunal (the Environment Court after 1996), stressed that the system should be seen instead 'as a coherent network of Plans and other instruments which in no way implies inferiority' (*Canterbury Regional Council v Banks Peninsula District Council* [1995] 3 NZRMA 452). Equally the new assignment of roles and responsibilities was intended to ensure that decision making was undertaken at the closest level to which it was given effect, for example land is a resource used locally and therefore the decisions should be made by district and city councils. This is usually referred to as a devolved mandate, an approach that has been maintained through the act's many changes up to 2010. In 2010, using the Environmental Protection Authority (EPA), created in 2009 amendments to the RMA, there appeared to be some moves to transfer some regional council powers, particularly in resource allocation, to the national level. It is, however, a system that is dependent on all