



# Draft National Planning Standards

CONSULTATION DOCUMENT

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## Message from the Ministers of Environment and Conservation

We are pleased to release the draft first set of planning standards for public consultation. The planning standards aim to make Resource Management Act (RMA) plans simpler to prepare, and easier for plan users to understand, compare and comply with.

Standardising plan format and definitions is long overdue. It will reduce compliance costs, and address some of the justified criticism made by those who find RMA plans unduly complex.

This draft set of planning standards focuses on aligning the structure, form, e-delivery and some common content of RMA plans. It does not determine policy matters. The standards are intended to enable local councils and plan users to focus their time and resources on the local content important to them. The standards will help plans be more concise, with less formal, elaborate explanations needed.

We acknowledge that the initial transition to implement the first set of planning standards will have cost and timing implications for councils especially those that have just been through a major plan review. We have listened to these concerns, and are now proposing a five year implementation period for most planning standards, and a seven year implementation period for councils that recently concluded a major plan process. Once implemented, we expect costs to councils and plan users will decrease.

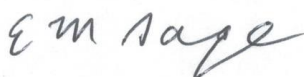
A number of councils and plan users have helped with the drafting and testing of the planning standards, and we thank them for this feedback and advice. The Ministry for the Environment will continue this partnership with presentations and meetings around the country in June and July, and conversations with submitters.

We encourage you to make written submissions on these draft planning standards. The standards aim to benefit plan users and local councils across the country, so we want your input to make the planning standards as efficient and effective as possible.



**Hon David Parker**

*Minister for the Environment*



**Hon Eugenie Sage**

*Minister of Conservation*



# Introduction

The draft first set of national planning standards (referred to as 'planning standards' in this document) is now released for written submissions under Section 58D(3) of the Resource Management Act 1991 (RMA) on 6 June 2018, along with an evaluation report and related guidance material. The draft planning standards and all related documents can be downloaded from the Ministry for the Environment's website: <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This consultation document is a companion to the draft first set of planning standards. The consultation document gives an overview of the draft planning standards, what they aim to achieve, and implementation considerations.

There are questions posed throughout this document to help guide your submission. They are a guide only and all submission points are welcome. You do not have to answer all the questions. We encourage you to also read the individual planning standards and make specific submissions on them.

**Submissions close at 5.00 pm on Friday 17 August 2018.**

You can find more information about how to make a submission on page 29.

## RMA plans have unnecessary variation

Plan making was devolved to local authorities (councils) under the RMA in 1991, as they are usually best placed to make decisions on behalf of, and with, the local community. Each regional and district council must have a policy statement (for regions) and plans to manage the natural and physical resources in its region/district.

However, this has resulted in hundreds of plans that reflect local drafting styles and local interpretation of national direction. This process was a change from historic planning legislation, which required plans to be approved by central government and, at various times, prescribed key elements of plans.

Some councils rolled over existing 'tried and true' provisions from plans prepared under the former Town and Country Planning Act 1977, but many others took a first-principles approach to developing their RMA plans. The government anticipated that some local variation would occur as councils tailored their plans to achieve sustainable management in their districts and regions. However, the core structural elements of the plans also varied. Over time, the degree of unnecessary variation has become more pronounced.

The breadth and complexity of planning issues is increasing, and plans are becoming more expensive to prepare.<sup>1</sup> While variation in how councils manage local issues is expected, we found that so much variation in the basic structure and form of plans, including definitions, is not effective or efficient.

This unnecessary plan variation impacts the planning system by making plans difficult to interpret and understand, and onerous to prepare, resulting in undue time and cost pressures for both councils and plan users.

We identified five main problems heightened by unnecessary variation in plans:

- interpreting plans can be costly and time-consuming, particularly for plan users that regularly work across multiple plans
- some plans are overly complex, making them difficult to use
- national direction is implemented inconsistently
- each council and many plan submitters have to spend time and resources developing the structure, form and common content of each plan
- best planning practice is not able to be implemented efficiently across all plans because they are currently so different.

### Guidance alone is not sufficient to address variation problems

In the early 2000s there was a significant investment in best-practice resources to support quality planning outcomes, centred on the development of the Quality Planning website. Other organisations such as universities, the New Zealand Planning Institute and the Resource Management Law Association also support better practice through advice, training and published examples of best planning practice.

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<sup>1</sup> Average RMA plan costs increased from \$2.5 million (in 2017 dollars) for first generation plans (Ministry for the Environment 2008) to \$3.5 million in 2014/15 (Ministry for the Environment National Monitoring System data). This doesn't include costs to submitters or economic impact of delays.

Despite this, variation still exists in the structural elements and content of RMA plans. There is no doubt that many plans are logical, target local environmental issues and function well in their district or region. However, the issues identified above are a result of the comparative variation among different plans. These issues create impacts for the planning system as a whole.



## Planning standards have been proposed since 2010

A 'national planning template' was first proposed in the 2010 discussion document *Building competitive cities: Reform of the urban and infrastructure planning system*, and elaborated in the 2013 discussion document *improving our resource management system*.<sup>2</sup>

The national planning template was initially introduced as part of the Resource Legislation Amendment Bill in late 2015, and was subsequently renamed as the 'national planning standards' as part of the Resource Legislation Amendment Act 2017. The RMA requires the first set of planning standards to be gazetted by April 2019.

In May 2017, the Ministry for the Environment (MfE) published a set of discussion papers with research findings and options for planning standards on plan structure and format, definitions and metrics, mapping and e-delivery, and general provisions common to most plans. MfE staff then consulted on these options with plan users in workshops around New Zealand, discussions online, and through user groups.

Once the scope and direction of the first set of planning standards was set, MfE drafted the first set of planning standards in collaboration with 'pilot' councils, user groups and technical experts.

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<sup>2</sup> Ministry for the Environment. 2010. *Building competitive cities: Reform of the urban and infrastructure planning system. A discussion document*. Wellington: Ministry for the Environment.

Ministry for the Environment. 2013. *Improving our resource management system. A discussion document*. Wellington: Ministry for the Environment. Both these documents are available on the Ministry for the Environment's website.

# Planning standards make plans easier to change and use

The planning standards direct a standard structure and form and some standard content for RMA plans and policy statements in New Zealand. In short, the planning standards aim to reduce unnecessary variation in RMA planning documents so that these plans are easier to make and use. The planning standards take legal effect once they are incorporated into these RMA planning documents.

The purposes of the planning standards are to:<sup>3</sup>

- help achieve the purpose of the RMA: promoting the sustainable management of natural and physical resources
- set out requirements or other provisions relating to any aspect of the structure, format, or content of RMA policy statements and plans to address any matter that the Minister for the Environment (or the Minister of Conservation to the extent that a matter relates to the coastal marine area) considers:
  - requires national consistency
  - is required to support the implementation of a national environmental standard, a national policy statement, a New Zealand coastal policy statement, or regulations made under the RMA
  - is required to assist people to comply with the procedural principles set out in section 18A of the RMA.

The planning standards can be prepared for many different elements of plans, including structure, form, objectives, policies, methods (including rules) and other provisions. However, this draft first set of planning standards does not include any standardised objectives, policies, methods or rules. Planning standards can be applied generally, to specific regions or districts, or to other areas of New Zealand, but in the draft first set the planning standards apply across New Zealand.

The timeframes for planning standards implementation can also be set within the planning standards. The implementation timeframes are discussed on page 25.

We expect the planning standards will be added to and amended over time.

This set of planning standards was drafted on the assumption that the public will mainly access RMA plans and policy statements through ePlans in the near future.

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<sup>3</sup> As described in Section 58B of the RMA.

# Outcomes and benefits from the planning standards

## Multiple outcomes will improve the planning system

The planning standards are an opportunity to resolve the problems outlined above, by focusing on the following outcomes:

1. Less time and fewer resources will be required to prepare and use plans.
2. Plan content will be easier to access, and relevant content easier to find.
3. National direction will be consistently incorporated in plans, resulting in better implementation on the ground.
4. Councils will be able to focus their resources more on plan content that influences local resource management outcomes and is important to the community.
5. Good planning practice will be shared by councils or applied quickly across councils.

The planning standards will improve the accessibility of district and regional plans for plan users. For example, they will provide greater understanding of what a 'commercial zone' does, and will identify heritage items with the same symbol across all planning maps. Plan users will have confidence that they understand the key purpose of different planning tools used in plans (eg, zones, overlays, and precincts), and they won't have to figure out what a planning tool means in the context of every different plan. Instead they can focus on the specific provisions applied to local issues.

This also helps support councils, in drafting their plans, to focus their efforts on developing the appropriate planning response to an issue, rather than spending time and resources devising new planning tools and frameworks for RMA plans.

## Plan variation will continue to manage local planning issues

Even with the planning standards in place, plans will continue to have some variation. However, the variation will relate to how councils address a local planning issue. For example, local needs will still be the driving force behind the content of plans. Plan content will be affected by non-RMA documents, such as strategic plans, spatial plans, transport plans and long-term plans at the district and regional scale. Provincial councils will likely continue to have smaller, simpler plans. Metropolitan councils will continue to have larger, more complex plans. Councils will still likely apply their branding to the published versions of plans.

These examples of variation are not what we consider to be unnecessary variation. The planning standards provide a tool kit for councils to improve consistency in plans where it makes sense to do so. They are not a 'cookie cutter' that will make all plans exactly the same. A plan needs to remain a council document to address local environmental issues, and to help implement the vision for the district/region's development.

## Planning standards have multiple benefits to various groups

Once the planning standards are incorporated into plans, we anticipate a number of benefits for the planning system as a whole. Key system-wide benefits include:

- a more efficient plan-making process because the basic structure and format is pre-determined
- a shared understanding among councils and plan users of terminology and key planning techniques
- the national/regional/local policy hierarchy is clear in all plans
- ePlan software is designed around common plan form and structure, fostering innovation and efficiency.

There are also benefits for particular groups operating in the planning system, particularly for local plan users, councils and other professionals.

### Benefits for councils

Benefits for local councils include:

- less time and fewer resources spent on the key requirements of plan preparation, allowing councils to focus their efforts on managing local concerns
- more focused plans that reflect local community values and environmental issues important to communities, while giving effect to national direction more effectively
- more aligned plans, creating opportunities to share resources between councils more easily
- the ability to cooperate more effectively on cross-boundary resource management issues identified in plans.

### Benefits for professionals (eg, planners, lawyers, and sector groups)

Benefits for professionals include:

- a greater focus on resource management issues specific to a council area, instead of spending time on basics like format and definitions
- those professionals working with multiple plans can transition from one plan to another more smoothly
- easier and more efficient to compare and contrast provisions across multiple plans.

### Benefits for plan users

Benefits for plan users include:

- the ability to open any plan and generally know where to find the provisions that apply to them
- easier navigation and interpretation of maps, particularly online
- a better understanding of what plan provisions mean, how they apply, and awareness of national and regional policies that also apply to a given area.

# The first set of planning standards includes mandatory and complementary matters

Under section 58G of the RMA, the first set of planning standards must, as a minimum, include:

- a structure and form for plans, including references to relevant national policy statements, national environmental standards, and regulations made under the RMA
- definitions
- requirements for the electronic functionality and accessibility of plans.

We also propose some additional planning standards that are important to complement the minimum requirements of the first set, and make them more effective in achieving genuine standardisation. For example, a standardised structure that directs where ‘zone’ and ‘overlay’ provisions sit (a minimum requirement) is not useful if each plan still has a different interpretation of what zones and overlays are, how they work, and how they are shown on maps. For this reason, the first set of planning standards also includes:

- spatial planning tools
- a zone framework
- mapping
- metrics.

## Planning standards can have ‘mandatory’ or ‘discretionary’ directions<sup>4</sup>

There are two types of directions in the first set of planning standards. The first type is ‘mandatory’. Incorporation of mandatory planning standards into plan documents cannot use a formal consultation process under the RMA (in RMA Schedule 1). The council just needs to publicly notify the standard structure, format, text etc, along with any consequential changes. However, if the council decides to change other plan content beyond what the mandatory directions need, these changes need a formal public consultation process under the RMA. Most of the directions in the first set of planning standards are mandatory.

The second type of planning standard is ‘discretionary’. A discretionary planning standard provides a set of options, and councils must select at least one of the options to apply in their plans. The council must use a formal consultation process under the RMA to decide which options to select and how they should be applied in the plan. The content of the options themselves, and consequential changes, are not part of this consultation process. The only planning standard in this set that contains discretionary directions is the Zone Chapter Structure.

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<sup>4</sup> These are categorised as ‘mandatory directions’ and ‘discretionary directions’ in Section 58I of the RMA.

## Some good practice in RMA planning may become guidance

When drafting the planning standards, ‘good planning practice’ was found to be appropriate in most but not all cases. We plan to compile this into guidance material that may be published on MfE’s website, or on the Quality Planning website if it has broader application to RMA planning.

## Future sets of planning standards could be content-based

In the first set, the only content-based planning standards proposed are definitions and metrics. However, future planning standards could be useful for councils and plan users, to:

- support the implementation of national direction in a consistent manner across plans. For example, a planning standard could support a more consistent application of the National Policy Statement for Electricity Transmission in district plans
- provide plan content that does not need much variation across districts and regions. For example, utility operators and some council representatives have been working on a potential future standard chapter for utilities provisions
- standardise an area of technical dispute. For example, the method to identify outstanding natural features and landscapes
- rapidly spread planning best practice across RMA plans.

While the draft first set of planning standards does not include these types of planning standards, we are interested in understanding which topics should be investigated for possible inclusion in future planning standards. We can consider these as part of MfE’s future work programme.

### Questions to consider for your submission:

Q1: What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?

Q2: What topics or matters should be investigated for future planning standards?

# Summary of the individual draft planning standards

**Table 1: Individual planning standards in the draft first set of planning standards**

Structure standards	Form standards	Content and Metric standards
<p>Main Structure Standards:</p> <ul style="list-style-type: none"> <li>Regional Policy Statement Structure (S-RPS)</li> <li>Regional Plan Structure (S-RP)</li> <li>District Plan Structure (S-DP)</li> <li>Combined Plan Structure (S-CP)</li> </ul> <p>Part/Chapter Structure Standards:</p> <ul style="list-style-type: none"> <li>Introduction and general provisions (S-IGP)</li> <li>Tangata Whenua (S-TW)</li> <li>Strategic Directions (S-SD)</li> <li>District wide matters (S-DWM)</li> <li>Area specific matters (S-ASM)</li> <li>Schedules, appendices, maps (S-SAM)</li> </ul>	<p>Electronic Functionality &amp; Accessibility (F-1)</p> <p>Mapping (F-2)</p> <p>Spatial Planning Tools (Region) (F-3)</p> <p>Spatial Planning Tools (District) (F-4)</p> <p>Chapter Form (F-5)</p> <p>Status of Rule and other Text and Numbering Format (F-6)</p>	<p>Definitions (CM-1)</p> <p>Noise and Vibration Metrics (CM-2)</p>

## Structure standards (S-)

There are 78 local authorities in New Zealand, and each is required by the RMA to have policy statements and/or plans to manage the natural and physical resources in its area.<sup>5</sup> The structure of each of these planning documents varies from council to council: the way plans are laid out, their internal order, and the way objectives, policies and rules relate to each other.

Unnecessary variation in plan structure has resulted in plans that can be overly complex and difficult for plan users to navigate. A lack of common, coherent structures and formats creates confusion for plan users who use more than one plan, and increases costs for applicants and submitters to find the information they need.

The draft plan structure standards set a common framework for plan provisions that all plans must use. The structure is made up of parts, then chapters, then sections. Some specific chapter structure standards provide a space and an order for important content. The structure of district plans are standardised to a greater degree than regional plans, since there is greater similarity in district plan content. Some chapters are required in all plans, while others are only required if they are relevant to a district or region. For example, a landlocked district does not need a chapter on the coastal environment.

<sup>5</sup> In addition, the Minister of Conservation has the responsibilities, duties and powers of a regional council in respect of the coastal marine area of the Sub Antarctic and Kermadec Islands; and the Minister of Local Government is the territorial authority for a number of offshore islands that are not included in the boundaries of an established territorial authority.

## Regional plan structure (S-RP)

The draft regional plan structure standard specifies how the regional plan structure is set out, and the names and order of parts and chapters. The issues and objectives can be clustered before the theme chapters, because in regional plans the issues and objectives are often integrated across themes and domains.

Overall, the level of prescription is high at the front 'administrative' end of the plan structure, and becomes more flexible in the resource 'theme' chapters, where subordinate and special topic sections can be created as needed.

If a council wants to have a separate regional coastal plan or regional coastal environment plan, it must use the relevant directions in the regional plan structure standard.

## Regional policy statement structure (S-RPS)

Some councils integrate the regional policy statement and regional coastal plan, along with all other regional plans, into one regional plan document. We provide for this in the combined plan structure below. If a regional or unitary council wants a separate regional policy statement, the regional policy statement structure provides for this.

## District plan structure (S-DP)

The draft district plan structure standard sets out the names and order of parts, chapters and sections, and how they are laid out. As well as the required plan sections, councils can add locally-derived sections if required.

The structure uses a combined topic and zone-based approach to planning. Some chapters have provisions specific to zones, precincts and development areas, while topic-based chapters apply district-wide provisions and provisions that apply within overlays.

## Combined plan structure (S-CP)

This standard draws on the *regional policy statement structure standard*, *regional plan structure standard* and *district plan structure standard* to provide a structure and layout for a plan that combines a two or all of these types of documents one document, as enabled through section 80 of the RMA. These may be used by a single local authority or multiple local authorities working together. Unitary plans and combined regional policy statements and regional plans (eg, the Horizons One Plan) are examples of when this standard would apply. The standard does not apply to a single type of document across multiple local authority jurisdictions (eg, the Wairarapa Combined District Plan).

The combined plan structure brings in the requirements from the other plan structure standards as relevant, while minimising duplication of some sections and chapters.

## Part/Chapter structures

Some parts and chapters have their own mandatory structure in the planning standards, because they are common across New Zealand and benefit the most from standardisation. They are:

- Introduction and general provisions (S-IGP)
- Tangata whenua (S-TW) – see discussion below
- Strategic directions (S-SD)



- District-wide matters (S-DWM)
- Area-specific matters (S-ASM) – see also discussion on the zone chapters structure (S-Zones) below
- Schedules, appendices, maps (S-SAM).

### **Tangata whenua part structure (S-TW)**

The location of tangata whenua provisions vary across resource management plans. This inconsistency makes it difficult to identify tangata whenua provisions in plans, creating uncertainty and limiting their effectiveness. Tangata whenua engagement and representation in planning processes is also varied.

The *tangata whenua part standard* sets out a consistent location in plans for existing RMA requirements relating to tangata whenua values, aspirations and provisions. The standard includes several elements: matters to be addressed, recognition of iwi and hapū, tangata whenua and local authority relationships, iwi and hapū planning documents, and consultation and engagement. The standard also provides for integration of relevant tangata whenua provisions throughout the plan.

While the standard includes headings for the tangata whenua part of plans, we expect councils will still need to work with tangata whenua on the local input under these headings, in partnership through planning processes.

### **Zone chapters structure (S-Zones – located within S-ASM)**

Zones are the most common spatial planning tool for district plans, and have retained their usefulness under the RMA as well as during the Town and Country Planning Act era. The provisions within zones have changed over time, becoming more effects-based, better recognising the variety of activities that can occur together, and promoting good urban outcomes.

Standardising the variety of zones in district plans improves plan consistency across New Zealand. Basic structure standards alone would achieve only superficial alignment of common chapter and section headings in plans. Standardising the range and names of zones and their purpose helps plan users better understand what different zones aim to do.

Some district plans have collected ‘unique’ zones for site management based on current uses, for example a ‘Museum Zone’ or a ‘Dairy Factory Zone’. A zone is put in place instead of a resource consent or a permitted activity rule. This planning approach is problematic as it does not focus on overall environmental effects and area characteristics, does not provide well for changes in markets, technology and community preferences, and risks being seen as protectionism for a particular land use or industry.

This planning standard provides a set of 27 zones. The zones are grouped into zone families:

- residential zones: low density residential, residential, medium density residential, high density residential
- rural zones: rural, rural production, rural residential, rural settlement
- commercial zones: neighbourhood commercial, local commercial, commercial, mixed use, town centre, city centre
- industrial zones: light industrial, industrial, heavy industrial
- open space and recreation zones: open space, sport and active recreation, conservation

- special purpose zones: airport, port, hospital, education, stadium, future urban, Māori cultural.

Each of these zones has a purpose statement which helps guide what the zone does, and a colour for each on maps. Councils can create other 'special purpose' zones, but only in unique circumstances for specific, one-off purposes that do not overlap with the purposes of the other zones, for example an 'Open-cast Mining Zone'. Councils will still continue to develop provisions (objectives, policies and methods, including rules) for their zones as they do now. Spatial planning tools (F-4) can be 'layered' or used in addition to zones to provide more area specific planning responses and bring a consistent approach to incorporating local variation in plans.

The selection of 27 zones, rather than 6 or 12 zones, was based on the experience of Australian planning templates. This framework meets the needs of the larger, more complex urban environments and allows small councils to use only what they need from the framework.

We recognise that this standard would be a significant change for some councils' district plans, particularly as an RMA plan change process (RMA Schedule 1) is needed (although the Schedule 1 process is limited to policy statement and plan provisions which apply the standard to local circumstances). Accordingly, we want your feedback on whether this approach is appropriate for the first set of planning standards.

#### Questions to consider for your submission:

Q3: Do you agree with the level of standardisation proposed in the plan structure standards?

Q4: Are there other topics that would benefit from a chapter structure standard?

Q5: Does the *tangata whenua part structure standard* help meet RMA requirements for iwi authorities and tangata whenua input into RMA plans? Will this help tangata whenua and councils to work together?

Q6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

Q7: Are some zones missing, or are some zones not needed?

Q8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?

Q9: Do the purpose statements help you understand which zones you currently have in your plan, and how they fit into the planning standard's zone?

## Form standards (F-)

### Electronic accessibility and functionality (F-1)

Today, information and communications technology (ICT) allows plan users to interact in new and better ways with RMA plans. This can include GIS software, virtual/augmented reality technology, e-consultation methods, online fee calculators, and electronic payment routes. The public expects council services to keep up with technology and be delivered online with a user-friendly interface.

The New Zealand Government's 2015 ICT Strategy and Action Plan<sup>6</sup> and the Integrated Property Services (IPS) initiative provides useful guidance and a vision of what we should be working towards in the planning system. New Zealand councils are moving towards better and more efficient electronic delivery of public services at different paces.

This planning standard requires councils to make some changes to improve the electronic accessibility and functionality of their plans within 12 months to bring themselves up to speed with best practice relatively quickly. It also requires councils to transition their PDF plans to an ePlan, which will take more time and resources for many councils to fully implement.

### Baseline electronic accessibility and functionality

The first part of this planning standard addresses the need for some councils to meet basic data accessibility and functionality requirements for existing plans. The draft planning standard will ensure all RMA plans:

- are easily accessible online
- clearly distinguish provisions that are proposed, decisions made, appealed and operative, and when they were last updated
- have hyperlinks between relevant district and regional plan provisions
- have keyword search functionality
- upload digital plan data to [www.data.govt.nz](http://www.data.govt.nz)
- identify whether provisions are part of a regional policy statement, regional plan, regional coastal plan or district plan.

The extent of work required to meet this standard will depend on the existing accessibility of the plan. Most councils with only PDF plans will likely need to make some changes.

### ePlan requirement

An ePlan is a fully interactive, hyperlinked electronic plan located on a website with an embedded GIS system, describe in Level 5 of the Electronic Accessibility and Functionality Scale in the planning standard. Twenty-two percent of councils already have an ePlan or are currently developing one.

ePlans provide a significantly improved user experience for people unfamiliar with RMA plans. For example, a homeowner can easily find out if a resource consent is required for a proposed new garage by doing a property or activity search query on the ePlan. Navigating through traditional paper-based plans is often overwhelming for these plan users. Professional plan users can still read the plan online as if it were a hard-copy document.

We propose that all councils should have an ePlan within five years (seven years for councils that recently notified the decisions version of a plan).

The problem of poor internet connectivity is less widespread than it once was. All the main towns in New Zealand are now connected to the internet at a speed where ePlans can be functional. Through rural broadband initiatives, broadband with peak download speeds of at least 5 Mbps (megabits per second) is available to more than 90 percent of homes and businesses outside urban ultra-fast broadband areas. We expect that this connectivity will continue to increase.

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<sup>6</sup> See [www.ict.govt.nz/strategy-and-action-plan/strategy/](http://www.ict.govt.nz/strategy-and-action-plan/strategy/).

For more isolated rural areas and for communities with lower levels of internet connectivity, some councils offer free ePlan access on computers in libraries, council offices and community centres. Separate PDF files are an option for those with slow internet. People without internet can still come to a community hub to view the district/regional plan, as in the past.

The relative cost to councils of transitioning to an ePlan can be significant for small, rural councils with a low ratepayer base. The Government is exploring a range of options to address this requirement.

**Questions to consider for your submission:**

Q10: Is 'Level 5' of the Electronic Accessibility and Functionality Scale an appropriate standard for council ePlans? Should it be more or less ambitious? What would you include/exclude?

Q11: For councils: what type of support would be useful to help you implement the ePlan standard?

## Mapping (F-2)

Currently, no national standard exists for how spatial information is displayed on a map. Nor are there any requirements for map layout or format. Planning maps have different fonts, colours, layouts and layer combinations. This has resulted in a number of different presentation styles that are inconsistent, between and even within plans. For example, research conducted with 12 different regional plans found over 266 map elements. Maps have become difficult to understand and are not easily comparable between districts and regions.

The *mapping standard* sets consistent colours and symbols for district plan zones and some common overlays, for example notable trees, heritage features and hazard areas. The standard also includes the terminology and conventions of mapping. This standard may be added to in the future as more mapping elements are standardised.

**Questions to consider for your submission:**

Q12: Does the mix of map colours and symbols function well for your plan(s)?

Q13: Should other symbols or mapping instructions be included in the first set or future sets of planning standards?

## Spatial planning tools (F-3, F-4)

'Spatial planning tools' means use of map points, lines, polygons and 3D polygons to spatially define an area to which specific provisions apply in a plan. Examples include zones, overlays, notations, precincts, and structure plans.

Presently, there is no instruction manual or consistent approach to naming different spatial planning tools, or how they should work in isolation or together. Spatial planning tools have been used differently across the country. These planning standards provide consistent definition, application and understanding of how spatial planning tools are used in RMA plans.

This planning standard is not intended to diminish the ability of councils and communities to manage local environmental issues or values. Instead, it provides a consistent approach for using and locating these provisions in plans.

The spatial planning tools standards, along with the zones chapter structure discussed below, represent a substantial change to current planning practice, but also present the biggest opportunities to obtain meaningful consistency in plans.

Combined plans can use a combination of both district plan and regional plan spatial planning tools as appropriate.

### Spatial planning tools (region) (F-3)

The *spatial planning tools standard for regional plans* prescribes the following spatial planning tools, and how they must be used:

- zone
- overlay
- specific control
- freshwater management unit
- airshed
- area.

Regional plans have a broader scope to use other spatial planning tools – for example identification of marine reserves that may influence coastal plan provisions, the coastal marine area boundary across river mouths, or spatial planning tools developed by iwi authorities to manage a natural resource – as long as those tools don't overlap or conflict with the tools in the planning standard.

### Spatial planning tools (district) (F-4)

The best-practice approach for land use and subdivision management in district plans appears to be based on a mix of district-wide provisions, clusters of appropriate land uses, and spatially identifying specific values and risks for management. This is reflected in the *spatial planning tools for district plans standard*.

The planning standards limit district plans to this set of spatial planning tools:

- zone
- overlay
- precinct
- specific control
- development area
- designation
- heritage order.

The planning standard describes the purpose of the tools and how they must be used. These tools can be 'layered' to work together to achieve specific outcomes, for example a zone can be modified by a specific control, with additional provisions in an overlay, and a designation on top.

#### Questions to consider for your submission:

Q14: Can these spatial planning tools be used to address the planning issues in your community?

Q15: Should additional spatial planning tools be included?

## Chapter form (F-5)

Councils currently have many different ways of formatting and numbering plan provisions. Having a common form for plan provisions avoids councils having to reinvent it, and plan users having to re-learn how different plans work. The *chapter form standard* directs how provisions in policy statements and plans are shown.

The form standards require objectives and policies to be combined in the same topic chapter as the rules. Rules and rule requirements<sup>7</sup> will be presented in a table format so that the text is not repetitive or difficult to read.

The formats contained in this standard were chosen after extensive consultation through plan practitioner meetings, discussions with council staff, and pilot council testing. All formats have advantages and disadvantages, but the ones in this standard rose to the top because:

- the issues, objectives and policies are better linked to their methods and rules
- most members of the public will eventually be using ePlans for basic queries, so separate rule chapters are less necessary
- a basic table structure is compatible with an ePlan format
- a high-level table structure, with lines of text within large cells, is functional and readable
- the disadvantages of table formats (multiple columns extending left to right with shrunken text and unnecessary cells) and text formats (tendency to add complicated phrasing) are limited.

### Questions to consider for your submission:

Q16: Do you agree with the level of prescription in the *chapter form standard*?

## Status of rule and other text and numbering format (F-6)

The *status of rule and other text and numbering format standard* prescribes how legal status of rules should be shown, and a plan provision identification system. Plan provisions are in an alpha-numeric format with an acronym for the provision location. For example, 'RES – R1.2' means Residential Zone Rule 1.2, COM – O1.3 means Commercial Zone, Objective 1.3. These provision references indicate where the provision sits and what type of provision it is. This numbering format standard should improve cross-referencing.

### Questions to consider for your submission:

Q17: Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?

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<sup>7</sup> 'Rule requirements' are variously known in plans as 'performance standards' or 'conditions' of rules.

## Content and metric standards (CM-)

### Definitions (CM-1)

Definitions in RMA plans are currently very variable. Some variation is based on local conditions, but much of the variation in definitions for the same or similar terms across plans is arbitrary. Inconsistent definitions between plans can lead to uncertainty and misunderstandings at all stages of plan-making and resource consent processes. Planners, lawyers, submitters and appellants spend a lot of time and resources debating the details of common definitions.

We propose to standardise 109 terms. Sixty-one of these terms will have a stand-alone definition, and the remainder will use definitions given in the RMA, NZ Standards and other Acts. RMA planning documents must use the terms and related definitions in this standard where relevant. We expect future sets of standards will add to this list of definitions.

### Criteria for terms to be defined in the first set of planning standards

When deciding which terms to standardise and define, we selected terms that met two of the following criteria:

- the term is frequently used
- the term is common to both district and regional plans
- the term is related to infrastructure
- the term is a land use category
- there are dependencies or links with other definitions.

However, terms were excluded if any of the following criteria applied:

- the term has an existing, ordinary understood meaning
- the term is in te reo Māori
- the term is defined in the RMA
- there is a clear reason why the term should not be defined (reality check).

### Principles used when drafting definitions

Along with testing across plans and with pilot councils, drafting the definitions in this planning standard followed the following key principles.

- any definition already contained within the RMA or another Act, a national policy statement, a national environmental standard, a regulation under the RMA or a NZ Standard is applied verbatim where it is seen as fit for purpose
- definitions should avoid containing (or becoming) de facto rules
- definitions should be clear and concise, and avoid using subjective language, such as 'high quality', 'appropriate' or 'approximate'
- definitions should not give interpretation rights exclusively to one person or organisation (eg, 'which in the opinion of council is ...')
- where a definition contains the word 'includes' and is followed by a list, the list is non-exhaustive. If a definition 'excludes' a list of matters, this list is exhaustive.

**Questions to consider for your submission:**

Q18: Are these drafting principles suitable for definitions? Should they be changed or expanded?

Q19: What other definitions should be standardised in future sets of planning standards?

**Noise and vibration metrics (CM-2)**

The *noise and vibration metrics standard* references the latest relevant acoustic NZ Standards, and requires councils to use them when measuring and assessing noise and construction vibration. Noise metrics in some plans are outdated or have been superseded and do not reflect the latest NZ Standards. This is largely due to the need for technical noise experts to review plan content, and the requirement for councils to use a formal RMA plan change process to update the metrics.

The NZ Standards are periodically updated to reflect changes in technology and best practice. The differences between versions can result in different measurement of the real-world environmental effects experienced. Standardising the noise metric makes it much easier for councils to update noise measurement methods over time.

The draft planning standards do not include minimum or maximum noise limits. These limits could have been set based on the best-practice options given in the referenced NZ Standards, but the NZ Standards themselves recommend that these should be modified to local situations where needed, and consulted with the local community.

**Questions to consider for your submission:**

Q20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?

Q21: Should the planning standards set noise limits for certain zones?



# Effective implementation is necessary to realise the benefits of planning standards

## Long-term benefits outweigh costs, but short-term costs for some councils are a concern

While there are initial costs in developing and implementing the planning standards, the long-term benefit to everyone using the planning system is a more effective and efficient planning system. A system where a plan user can feel comfortable navigating through a plan from any part of New Zealand, quickly finding the information they need and being able to act with confidence on that information. The cost-benefit analysis for the first set of planning standards is set out in the Evaluation Report, available on the Ministry for the Environment website. The analysis indicates that benefits are greater than costs for all planning standards, and the benefit-cost ratio is highest when councils are able to combine implementation with existing plan changes and plan reviews.

The resourcing impacts will vary from council to council depending on the state of their current plan. That is, how closely the plan already aligns with the approach in the planning standards and whether the plan is due for a review during the implementation period for the planning standards.

Comparatively fewer costs are likely to be incurred for:

- councils that schedule their plan review(s) to align with implementing the planning standards
- plans that are already generally consistent with the planning standards, so there is less reformatting and redrafting required
- councils that can work together on implementation, so the resources to update the plans can be shared
- plans that are relatively simple, so amending them is easier.

## Default implementation timeframes for the first set of planning standards are not preferable

The RMA's default timeframe for implementing mandatory planning standards is one year from gazettal of the standards. For 'discretionary' planning standards requiring a consultation process, the default timeframe for implementation of the first set of planning standards is five years from gazettal. However, the planning standards can amend these timeframes.

Feedback from councils has consistently stated that the default deadlines within the Act will cause significant cost and resourcing issues, particularly the one-year timeframe to implement the mandatory planning standards. The planning standards' cost-benefit analysis found that the RMA default timeframes would bring higher benefits to plan users, but the costs to councils would also be higher as they must fund additional plan reviews and changes.

For some councils, a rapid implementation programme is likely to result in unusual plan outcomes such as lengthy and repetitive plans, and poor usability of complex plans, because there is not time to make related changes to better fit the plan content to the planning standards. Smaller councils with fewer dedicated planning resources are also likely to struggle to meet the one-year deadline and be confident of having a usable and legally robust plan.

Changes to plan definitions will likely trigger multiple consequential changes to plans, prompting the review and testing of all affected plan provisions. Combining these changes with implementation of other planning standards, and more substantive plan reviews, helps save resources and produces better quality plans.

Councils that recently reviewed their plans consider that the best way to implement the planning standards is at the next plan review. This would reduce costs and resource pressures for those councils. However, this would also significantly delay the benefits of the planning standards to the planning system as a whole.

Twenty district councils have fewer than 15,000 residents and have resourcing constraints affecting their ability to implement the planning standards quickly. These and other councils would struggle to complete and notify changes within one year. Even with additional support from MfE or extra funding from council budgets, it would be difficult for many councils to implement all the 'mandatory' planning standards within one year.

## Preferred implementation timeframes: five years for most standards and most councils

The draft planning standards propose extending the implementation timeframe from one year to five years from gazettal for all planning standards (April 2024), except for the baseline electronic functionality and accessibility standard which should be met within one year. For district plan selection and application of zones which requires a formal RMA plan change (Schedule 1) process, councils must notify the proposed plan change with their selected zones within these five years. Note that consequential amendments to planning documents to avoid duplication or inconsistency must not use this RMA plan change process.

The baseline electronic functionality and accessibility standard involves relatively minor changes to how plan information is shown and accessed. These changes should not affect other plan structure or content, and should be relatively easy to complete within a year.

## A two-year extension proposed for councils that recently completed major plan reviews

Some councils have recently gone through a major plan review, and have expressed significant concerns about the cost and legal challenges that may happen if their plan structure and elements are changed again within a short time period. For this reason, we propose a two year extension for councils that have completed a plan review within three years of the deadline for gazettal of the first set of planning standards. The proposed criterion is:

**The council has notified, or is due to notify, the decisions version of an RMA plan, or a partial decision that encompasses the majority of the plan, between April 2016 and April 2019.**

This criterion applies regardless of the current status of that plan (eg, proposed, operative or under appeal). We propose that the extended seven-year implementation timeframe apply to the following councils:

Regional and Unitary Councils	District/City Councils	
<ul style="list-style-type: none"> <li>• Auckland</li> <li>• Marlborough</li> <li>• Northland</li> <li>• Southland</li> <li>• Wellington</li> </ul>	<ul style="list-style-type: none"> <li>• Christchurch</li> <li>• Dunedin</li> <li>• Hurunui</li> <li>• Invercargill</li> </ul>	<ul style="list-style-type: none"> <li>• Kāpiti Coast</li> <li>• Queenstown-Lakes</li> <li>• South Taranaki</li> <li>• Thames-Coromandel</li> </ul>

This list was compiled from information on council websites and from MfE-council staff connections. However, this list may be incomplete. Some councils are doing 'rolling reviews', some councils have multiple plans at various stages, and we may have missed some key information.

If a council meets the above criterion, we ask for the council's submission to demonstrate that the criterion is met and an indicative timeframe within which the council expects to implement the first set of planning standards for their plan(s).

## Proposed implementation timeframes give councils greater flexibility and lower costs

The five-year and seven-year implementation period supports a choice for councils in how they approach the implementation of all the planning standards in their plans. It gives many councils an opportunity to combine the planning standards with comprehensive reviews of their plan, or within a plan change iteration of a 'rolling review,' producing plans that are easier to use and effective, with a lower overall cost to councils.

A five-year and seven-year timeframe means that plan changes to implement the planning standards will be spread over time, from councils that integrate the planning standards early with an imminent plan review, through to councils that need considerable time to adapt their plans to the new planning standards. This gives time for MfE to provide assistance to councils that need it, and will help plan users who provide input to multiple plans.

## Possible MfE guidance and support package for council implementation

MfE is investigating options for additional support to councils during the five-year implementation period for the first set of planning standards. While the largest councils will incur the biggest implementation costs of the planning standards, it is the small councils that incur the largest proportional cost per capita. On this basis, we expect to target greater support to smaller councils who have fewer resources to implement the planning standards.

### Questions to consider for your submission:

Q22: How will these implementation timeframes affect your council?

Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

Q24: Should MfE target its implementation support to smaller councils with fewer resources?

## Next steps for developing the planning standards



# How you can have your say

## Written submissions period of 10 weeks

We recommend making your submission via the planning standards website: <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. Alternatively, you can send your submission to [planningstandards@mfe.govt.nz](mailto:planningstandards@mfe.govt.nz).

The high-level questions in this consultation document are to help prepare your submission. You can also support and request specific changes to the draft planning standards themselves. When proposing changes to the draft planning standards, we recommend you read the relevant part of the Evaluation Report to learn more about our approach with each of the standards.

For councils: please outline in your submission your proposed approach and timeframes to implement the first set of planning standards. If the council has notified a decisions version of a plan between April 2016 and April 2019, please let us know if the council supports the two-year extension, with an explanation of how this criterion is met.

**It is important that you submit your views on the draft planning standards to the Ministry for the Environment as a written submission. This allows your views to be considered in the analysis and recommendations to Ministers.**

**Submissions close at 5.00 pm on Friday 17 August 2018.**

## Attend a regional roadshow event or hui to learn more

If you want to discuss the detail of the draft planning standards with MfE staff, MfE is planning 'roadshow' events during lunch hours in Whangarei, Auckland, Hamilton, Tauranga, New Plymouth, Hastings, Palmerston North, Wellington, Nelson, Greymouth, Christchurch, Dunedin, Invercargill and Queenstown. The events will start with a presentation explaining the draft planning standards, their background, how they work, and how people can make submissions. After the presentation, MfE staff will be available to talk with people and answer questions. MfE staff will also meet with council staff and iwi authority representatives around New Zealand.

## Contact for queries

Please direct any queries to:

Phone: +64 4 439 7400

Email: [planningstandards@mfe.govt.nz](mailto:planningstandards@mfe.govt.nz)

Website: <http://www.mfe.govt.nz/rma/rma-legislative-tools/national-planning-standards>