



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# 2A REGIONAL POLICY STATEMENT STRUCTURE STANDARD

Recommendations on Submissions Report for the first set  
of National Planning Standards

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# Context to this document

This document forms part of the suite of recommendations on submissions reports prepared for the National Planning Standards. It should be read in conjunction with the Overall Introduction and is likely to reference the other recommendations on submissions reports listed below. The recommendations on submissions reports are organised as follows:

1. **Overall introduction**

- Explanation of all of the recommendations on submissions reports
- High-level submissions analysis

**Detailed recommendation reports**

2A. **Regional Policy Statement Structure Standard**

2B. **Regional Plan Structure Standard**

2C. **District Plan Structure Standard**

2D. **Combined Plan Structure Standard**

2E. **Chapter Standards** including

- Introduction and General Provisions Standard
- National Direction
- Tangata Whenua Standard
- Strategic Direction Standard
- District-wide Matters Standard
- Designations Standard
- Schedules, Appendices and Maps Standard

2F. **Format Standard** including

- Chapter Form Standard
- Status of Rules and Other Text and Numbering Form Standard

2G. **Zone Framework Standard**

2H. **Spatial Layers Standards** including

- Regional Spatial Layers Standard
- District Spatial Layers Standard

2I. **Definition Standard**

2J. **Noise and Vibration Metrics Standard**

2K. **Electronic Accessibility and Functionality Standard** including

- Baseline electronic accessibility
- Online interactive plans

2L. **Mapping Standard**

2M. **Implementation of the Standards**



# 1 Changes to draft Regional Policy Statement Structure Standard

## 1.1 Introduction

This report covers the changes recommended for the draft Regional Policy Statement Structure Standard (S-RPS). This standard sets the structure for a regional policy statement (RPS) that is not part of a combined plan. Parts of the structure outlined here also flow through to structures for the two types of combined plans: *Combined Plan Structure Standard* and *Regional Plan Structure Standard*.

The draft *Regional Policy Statement Structure* attracted 58 submissions: from local government (19), business and industry (19), iwi/Māori (5), professional bodies (10) and central government (5). Submissions were detailed and thoughtful. Submitters saw the greatest benefit as having a consistent structure across the country with flexibility to provide for local circumstances:

The proposed structures and formatting requirements will provide clarity and consistency across RMA policy statements and plans. Furthermore, and importantly, they do maintain some flexibility for local authorities to adjust their planning documents to reflect local circumstances and address resource management issues, as well as enable the implementation [of] strategic priorities identified in non-RMA documents. (Fonterra Limited).

While there was general support for the structure of the standard, many submitters had suggestions for improvement, to address their particular needs. Most concerns fell into one of the following five categories. The report addresses these in the same order:

- 1.2 architecture of the RPS and minimising overlaps
- 1.3 integrated management and strategic direction
- 1.4 requests for additional topics
- 1.5 better provision for Māori resource management policy
- 1.6 corrections and clarifications.

## 1.2 Architecture of the regional policy statement

The draft *Regional policy statement structure* was prepared to help achieve the purpose of National Planning Standards as set out in section 58B of the Resource Management Act 1991 (RMA). That section provides for requirements relating to the structure, format or content of plans and policy statements that the Minister for the Environment considers require national consistency or that will help people with complying with the 'procedural principles' in section 18A:

Every person exercising powers and performing functions under the Act must take all practicable steps to—

- (a) use timely, efficient, consistent, and cost-effective processes ...; and
- (b) ensure that policy statements and plans—
  - (i) include only those matters relevant to the purpose of this Act; and
  - (ii) are worded in a way that is clear and concise.

The notified draft consisted of six parts, which are the foundational elements of the standard and used to group high-level content. Each part contained a series of chapters that standardised the order, name and content of material within a part. Embedded within some chapters were sections, to standardise the arrangement of content within a chapter. New chapters could be added.

This basic structure was mostly supported across sectors (eg, Northland Regional Council, New Plymouth District Council, Heritage New Zealand Pouhere Taonga, Vodafone). Otago Regional Council submitted that the standards “cover the wide range of topics that are expected in a regional policy statement”. Taranaki Regional Council noted that the structure aligned with its own RPS but that “other councils may have very good reasons for adopting a different structure”, thus highlighting the challenge inherent in standardising planning documents.

### **1.2.1 Changes to the basic structure**

The main concern with the structure was that it could lead to duplication (which makes documents longer) or require extensive cross-referencing (which adds complexity). Effectively minimising overlaps while not leaving gaps is fundamental for any structure. To achieve this we propose the changes below. Environment Bay of Plenty and Auckland Council submitted that the structure should be more closely aligned with the content requirements set out in section 62 of the RMA. We agree that the structure should facilitate the inclusion of these requirements, but we do not think the structure needs to be strictly organised according to them because they vary in importance. Accordingly, we have incorporated some of section 62 as part or chapter headings and others as a direction in the *Format* standard.

The RPS structure will be built around five mandatory parts. Part 1 – Introduction and general provisions is the front-end ‘administrative’ part and is more prescriptive than the others, being governed by the *Introduction and general provisions* chapter standard. This chapter standard (and therefore the Part 1 structure) now contains Tangata whenua/mana whenua; ie, the former Part 2. The new Part 2 – Resource management overview has been expanded to be the clear ‘engine room’ of the RPS and more clearly provide for integrated management. It is now the integrated heart of the RPS where significant issues are discussed, priorities weighed, and decisions made to resolve conflicts.

In Part 3 – Domains and topics, new topic chapters have been added, the order clarified to be alphabetical, and some topics renamed as a result of submissions. These topics are to be included only if local authorities need them for the provisions relating to the significant issues and integrated management that they have signalled in Part 2 – Resource management overview. How significant issues and Part 3 – Domains and topic chapters are addressed remains flexible to each council. We anticipate this will vary between regions, which means that the extent of use of Part 3 – Domains and topics will also vary. While this could be seen as a lack of consistency, we think it is an acceptable compromise between consistency and regional flexibility.

Part 4 deals with evaluation and monitoring. Monitoring the effectiveness of the policy statement is mandatory, while other types of monitoring may be included as the council sees fit. Part 5 is the home for appendices and maps.

### **Distinction between plans and policy statements**

Local Government New Zealand sought that the standard “should reflect that Regional Policy Statements and regional plans are different planning instruments”. Similarly, Taranaki Regional

Council stated that “the structure or form of regional policy statements and regional plans should follow their function”. While the submissions did not specify any structural differences, we agree that the different functions of RPSs and plans should be apparent in the structure. However, we also acknowledge that the distinction between some RPS and regional plan-level policies can be a fine one, especially where plans and policy statements are combined.

The distinction between plans and policy statements is now more visible in Part 2 – Resource management overview of the RPS structure, which has a greater prioritisation focus on significant issues and integrated management. We have also omitted the ‘strategic issues’ chapter that appeared in the draft regional and combined plan structures, on the basis that the RPS as a whole is a strategic document. We believe there is sufficient flexibility in the structure to allow the RPS to respond to changes in the policy landscape.

The New Zealand Planning Institute requested that a different RPS structure be created for unitary councils, to reduce repetition. We agree and have addressed this as part of the ‘combined plan’ report.

### **Recommendation:**

Revise the structure as outlined in this section.

## **1.2.2 Minimising overlaps**

There is a natural tension between providing a consistent structure for all local authorities and allowing flexibility for regional needs. Submitters picked up on this and felt that flexibility had resulted in both a lack of clarity about where provisions should go and overlaps between topics. The New Zealand Law Society noted that the overlap between different themes, combined with the mandatory instruction (matters falling under the relevant theme are addressed in the RPS and must be included in the relevant chapter), could produce “a potentially significant degree of duplication of provisions within each theme”. The Resource Management Law Association said that it would make the RPS “repetitive and over long” and suggested replacing the direction with an instruction about how local authorities should manage and prioritise matters that relate to multiple themes.

We do not wish to encourage duplication or long and complex documents. One of the purposes of the standards is to make documents easier to create, maintain and use. We agree that the directions in the S-RPS could be clearer with respect to the location of content relating to more than one topic, although with complex issues there will always be a degree of judgement involved.

Submitters also sought flexibility between the themes, for example, to combine or omit themes. The New Zealand Law Society suggested that the mandatory instructions could lead to significant duplication between themes, and that Part 4 be amended to provide greater clarity and reduce overlap. We agree that the current instructions lead to a situation where provisions may be repeated, for example, “if environmental risk matters are addressed in the RPS they must be included in the Environmental risk chapter”. The directive nature of the statement means some provisions may be relevant to several themes and need to be repeated. One option for addressing this is to prescribe in more detail what each theme will contain (similar to the approach taken with district plan structure). However, we think that, at the higher RPS level, it is important to maintain fluidity between the themes, to allow for differences in strategic approach.

There are several options for providing greater clarity on the location of provisions. Apart from addressing the expected scope of each topic chapter in guidance, we can make a distinction between environmental domains (air, coast, land, freshwater) and more specialised topics, many of which mirror the matters of national importance under section 6 of the RMA.

### **Recommendations:**

Provide a direction for placement of provisions dealing with more than one topic.

### **1.2.3 Purpose statements**

Some submitters called for greater use of ‘purpose statements’, similar to those in the Area Specific Matters Standard. New Plymouth District Council suggested that a ‘theme-specific standard’ for the RPS could provide purpose statements on what each theme covers. We considered these approaches across all the structure standards but felt they were less suited to an RPS, which is a predominantly strategic and overarching document where flexibility for regionally significant content is important. However, we do think there is a place for overarching direction and have introduced a ‘foundation standard’ for this. We also expect to provide more guidance on what each domain and topic could contain.

### **Recommendation:**

Provide guidance on the scope and contents of Part 3- Domains and topics.

### **1.2.4 Coastal environment**

The notified standards allowed coastal environment and coastal marine area provisions to be located throughout a regional policy statement.

Submissions requested clearer direction for addressing coastal issues. They sought a location for regional coastal plans in the regional and combined plans standards and an identified place for matters related to coastal marine areas and the coastal environment. For example, Marlborough District Council was concerned that there were multiple locations where coastal environment and coastal marine area provisions could be located. Auckland Council also sought clarity around locating coastal provisions. Unitary authorities wanted the ability to manage the coastal environment in a comprehensive manner.

Without a defined location, submitters did not have a clear idea of how coastal environment provisions that also relate to other topics would be treated. Cross-referencing can provide for this, and it is important to facilitate integrated management. Therefore, where councils see it as appropriate, coastal environment provisions can be located in other topics.

Other aspects of structure that are also important include: how easy plans and policy statements are to read and interpret and how accessible they are, especially for more complex documents. In addressing landscape, natural character and biodiversity management in the coastal environment, integrated and consistent policy should be applied.

### **Recommendations:**

Where relevant, require regional councils to provide a coastal environment chapter under the ‘Domains’ heading.



Require the coastal environment chapter to set out the council’s approach to managing the coastal environment and giving effect to the New Zealand Coastal Policy Statement.

Require provisions that apply to the entire coastal marine area to be located in the coastal marine area section.

Require provisions that relate to coastal environment and are located in other topic chapters to be cross-referenced to the coastal environment chapter.

Require the coastal environment chapter to include a coastal marine area section.

## 1.3 Integrated management and strategic direction

### 1.3.1 Integrated management

Almost half of the submissions (and across submitter groups) called for the structure to better provide for integrated management and to avoid creating ‘silo’ topics.

The standards should not unintentionally compartmentalise the management of natural and physical resources ... by way of one chapter simply specifying how key natural resources will be protected or managed, and another chapter including generic provisions regarding the use and development of energy and infrastructure. (Genesis)

It is especially important for a strategic overview document, such as an RPS, to facilitate the integrated consideration of significant resource management issues. Some submitters (eg, Contact Energy and New Zealand Pork) suggested including an ‘integrated management’ chapter to provide for clear links between themes that might in themselves prioritise different resources. We agree that this would be a useful addition. It could sit alongside significant issues and enable consideration of trade-offs and competing resource demands in the region.

The Property Council New Zealand urged “the integration of regional policy statements in the same document as regional plans”. Our original thinking was also along these lines (discussion document, 2017) but during early consultation it became clear that some councils liked to see a direct link between the RPS and their own plans, independently of any regional plans. This was especially the case for districts. We still prefer and encourage the single document approach and propose creating a combined RPS–regional plan structure in addition to this ‘standalone’ RPS structure.

#### Recommendations:

Add an ‘integrated management’ chapter to Part 2 – Resource management overview of the RPS.

Create a structure for a combined RPS and regional plan.

### 1.3.2 Strategic direction

Several submitters said that the RPS should provide a place for strategic direction. We believe the RPS as a whole is a strategic document, being at the heart of resource management in the region<sup>1</sup> and requiring significant issues to be addressed. Adding a strategic chapter would

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<sup>1</sup> *North Shore City Council v Auckland Regional Council* [1994] NZRMA 521 (PT) at 528. See also *St Columba’s Environmental House Group v Hawkes Bay Regional Council* [1994] NZRMA 560 at 567.

imply that the rest of the RPS does not have a strategic function and would make the document longer.

We do agree that significant issues and integrated management are central aspects of the overall policy statement. The overarching and strategic focus of Part 2 – Resource management overview could be strengthened. Some submitters (Heritage New Zealand Pouhere Taonga, Te Rūnanga o Ngāti Awa, West Coast Regional Council and Auckland Council) requested a separate chapter for issues of significance to iwi authorities, to identify as well as address these issues. We had intended to allow councils flexibility to place this either with significant issues in general or where relevant throughout the policy statement. It now seems clear this chapter is used in such a way that it is important to have an identifiable ‘home’ for issues of significance to iwi authorities.

The integrated management chapter would allow for the big cross-cutting issues to be discussed and any necessary trade-offs made. We would expect the objectives in this chapter to be broad, multi-faceted ones, with policies and methods reaching into multiple domains and topics. As Otago Regional Council has suggested, this chapter could also cover process matters, to ensure that integrated management is achieved across the councils within a region.

### **Recommendations:**

Add an integrated management chapter called ‘integrated management’ to Part 2 of the RPS.

Add a separate chapter for resource management issues of significance to iwi authorities.

## **1.4 Requests for additional chapters**

The inclusion of additional chapters was a common theme amongst submitters. Councils also sought clarification on where some of their existing RPS provisions would be placed in the new structure.

### **1.4.1 Urban growth**

Almost one-third of submitters wanted a chapter on urban growth and form. Under the National Policy Statement on Urban Development Capacity (NPS-UDC), both regional and territorial authorities have functions with respect to ensuring sufficient development capacity for housing and business land. The NPS-UDC requires regional councils to consider whether sufficient development capacity has been provided for within existing and proposed RPSs.

We agree that a built environment-type chapter is an important addition. Low-growth councils may also need it to provide for declining communities in some areas. For example, the West Coast proposed RPS currently does this through a chapter on ‘resilient and sustainable communities’. The focus of the chapter should therefore be on built form so that the contents will apply to all regions and not only those managing growth.

Auckland and Marlborough councils also requested that a rural environment chapter be included because most of the issues managed by regional and unitary councils at RPS level are within a rural setting. “Most, if not all regional councils will need to address resource management issues in relation to rural subdivision, rural productivity and rural activities in their regional policy statement” (Auckland Council).

Many issues around urban growth play out against a rural environment backdrop and concern productivity matters such as subdivision and productive soils, and overall sustainability and quality of life (transport and amenity values). For most regions, urban-rural land use will be a significant issue which will feed through to the Land and freshwater and Urban form and development chapters. Providing a separate rural environment chapter would only increase the variation around where these matters are dealt with. However we acknowledge that some regions may find a rural environment chapter useful, and this can be added as a special topic if required.

#### **Recommendation:**

Do not include a rural environment chapter to the RPS. Clarify in guidance that councils can add their own rural environment chapter if needed in the RPS.

Add an urban-focused chapter called 'urban form and development' to Part 3 – Domains and topics of the RPS.

### **1.4.2 Historic heritage**

Heritage New Zealand Pouhere Taonga submitted that historic heritage is a matter of national importance under the RMA and should therefore be a requirement in all RPSs. Historic heritage is already provided for in the structure. However, like most topics, its inclusion within the structure is only required if the council has content for it. This is because local authorities have discretion to determine the contents of an RPS based on the significant issues for the region.

In line with the broader approach to heritage taken in plan structures, we propose to rename this chapter 'historical and cultural values'.

#### **Recommendation:**

Rename the 'historic heritage' chapter in the RPS to 'historical and cultural values'.

### **1.4.3 Transport**

Auckland Council requested that the topic 'transport' be included. We agree that providing for transport and the implications of transport use are important issues and recommend adding transport to the 'energy and infrastructure' topic.

#### **Recommendation:**

Amend the 'energy and infrastructure chapter in the RPS to 'energy, infrastructure and transport'.

### **1.4.4 Environmental risk**

Marlborough District Council, Taranaki Regional Council and the Soil and Health Association of New Zealand queried the scope of the term 'environmental risk' because "most resource management issues involve some form of environmental risk". Environmental risk is intended to cover issues of harm from the environment to people and resources, for example, natural

hazards, contaminated soil and genetically modified organisms. It is in current use in several plans and RPSs.

Submissions at other plan levels also recommended that 'environmental risk' be clarified. We therefore propose a new title 'hazards and risk'. This is intended to cover the same issues outlined above. Climate change can also be addressed here, although we encourage its integration through all relevant topics.

#### **Recommendation:**

Change title of the 'environmental risk' chapter in the RPS structure standard to 'hazards and risk'.

### **1.4.5 Energy and electricity generation**

The electricity industry argued for energy to be located in its own self-contained chapter, that is, separate from infrastructure. "Combining energy with infrastructure risks resulting in a generic framework being applied to all infrastructure without recognising specific differences of some forms of infrastructure" (Genesis). Contact and Meridian made similar submissions, referencing the National Policy Statement for Renewable Energy.

Electricity generation and transmission issues relate to both energy and infrastructure. At the RPS level, the significance of these will vary from region to region and can be incorporated in that chapter in an integrated way which reflects the correct balance for the region. The chapter can be divided into separate infrastructure, transport and energy components if required. Sections are also available at councils' discretion, so a separate energy chapter is not required in the structure.

#### **Recommendation:**

Do not include a separate 'energy' chapter in the RPS.

### **1.4.7 Rivers, lakes and wetlands**

The Forest Owners Association suggested that 'beds of lakes and rivers' be a separate theme because section 13 of the RMA provides especially for uses of these areas, and the legal presumption concerning some of these uses is different from that for the use of land. Some RPSs do address the beds of rivers and lakes, however, it is also a specialised topic that tends to be expressed in detail in regional plans. The RPS structure is aimed at a high level with flexibility to include this kind of topic as appropriate. We envisage that, if required in the RPS, councils will establish a subheading for it under land and freshwater.

Te Rūnanga o Ngāi Tahu considers that river, lake and wetland issues are of utmost importance, and there should be an option for them to be a special topic where they do not sit comfortably with the water theme. Depending on the emphasis, rivers, lakes and wetlands are likely to feature as sections under one or more Part 3 chapters, due to the significant issues associated with them. Councils could also create appropriate sections under the land and freshwater domain.

### **Recommendation:**

Provide a direction that councils can add sections within topics where appropriate to manage provisions (for example 'beds of rivers and lakes' and 'rivers, lakes and wetlands', 'freshwater bodies' within the land and freshwater domain).

## **1.4.8 Minerals and quarries**

J Swap Contractors requested a theme that considers minerals due to the importance of mineral extraction to the economy and the relationship between the costs of sourcing aggregate and the costs of infrastructure development. We see this as being a topic that might be more important in some regions than others. Minerals and quarrying could be a chapter, if required, in some regions.

### **Recommendation:**

Do not include a minerals chapter to the RPS. Clarify in guidance that councils can add a minerals and quarrying section under Land and freshwater in Part 3 if required.

## **1.4.9 Physical resources**

Te Rūnanga o Ngāi Tahu suggested that more emphasis should be placed on physical resources, to better reflect the purpose of the RMA and definition of sustainable management. Our structure has not taken a 'natural/physical' resource split because integrated management relates to the interaction between different types of resource use, whether natural or physical. We did not intend to 'de-emphasise' physical resources. In recommending other changes to the structure, we hope we have redressed any perceived imbalance. For example, the addition of urban form and development, transport, and Part 2 – Resource management overview with its emphasis on strategic issues and integrated management.

### **Recommendation:**

No further change.

## **1.4.10 Geothermal**

Four submitters sought clarification about the placement of geothermal provisions and whether geothermal can be treated as a separate theme or special topic. Our original intention was that geothermal would be a special topic for those councils for whom it is a major resource, or placed with 'water'. However, we acknowledge there is a broad range of natural and physical values associated with geothermal resources, ranging from extractive use through to specialised indigenous flora and fauna. Managing these would benefit from an integrated planning response and so we have included 'geothermal' as a domain. Councils for whom geothermal resources are not important will simply not use this chapter.

### **Recommendation:**

Add 'geothermal' as a chapter of the RPS.



### 1.4.11 Combining topics

Some submitters suggested that there should be an ability to combine topics where the provisions relate closely to each other, or a topic would contain only a few provisions. West Coast Regional Council proposed that it should be optional to combine the ecosystems and indigenous biodiversity chapter with landscape and natural character, because “many areas of natural character are considered to have natural character because they have significant indigenous biodiversity, or have important ecosystems for a number of indigenous species”.

We recognise there is often a close connection between natural resource issues and considered whether to enable any two chapters to be combined. However, on balance, we felt this would lead to too much variation in RPS structure. We also wish to facilitate a transparent treatment of individual RMA section 6 issues, for example, preserving natural character is a ‘qualified’ requirement (from inappropriate subdivision, use and development), whereas protecting areas of significant indigenous vegetation is required outright. Allowing topics to be combined may inadvertently lead to a less rigorous approach to each kind of statutory duty. Some cross-referencing of policies and methods may provide for closer links between topics if required.

#### Recommendation:

Maintain separate topics in Part 3 – Domains and topics of the RPS.

## 1.5 Providing for Māori policy values

A range of submissions was received on how planning documents should incorporate Māori resource management values. These are set out further in the chapter standard report. Some submissions requested greater clarity and emphasis on values important to Māori, so that these values would not be ‘lost’ or buried in the structure. Te Rūnanga o Ngāti Awa, Te Rūnanga o Ngāi Tahu and Te Runanga o Ngati Kuia requested that stronger direction be provided for each chapter topic. Chapters should cross-reference iwi management plans and issues identified by tangata whenua.

Ngāi Tahu and Ngati Kuia expressed concern that councils would assume that the tangata whenua part is the extent of their responsibility. This was also a common submission in plan structures.

The guidance document issued with the draft standards stated the expectation to weave Māori values throughout the plan, but we believe this instruction could be made more explicit in the standards themselves. We therefore recommend explicitly providing for issues of importance to iwi authorities in Part 2 – Resource management overview, and to direct the integration of Māori resource management throughout the policy statement.

Te Rūnanga o Ngāti Kuia submitted that the former Tangata whenua standard should state how plans will include the objectives of iwi management plans and where to reference them appropriately within the themes of the RPS.

We agree there could be a clearer connection between the RPS and iwi management plans, with links provided. But how each management plan interacts with the RPS will be for iwi and councils in each region to decide.

Te Rūnanga o Ngāti Awa suggested the components in the former Part 2 Tangata whenua should be brought forward to the national direction instruments in Part 1. This would promote recognition of Māori indigeneity and provide direction to councils to show what they understand about the relationships of Māori in their region. We agree it is useful to provide further direction to councils, and the changes discussed previously go some way to achieving this. We also see value in providing for discussion of Treaty of Waitangi settlements and strategies 'up front'. We therefore propose including a section in the introduction that 'sets the scene' for incorporating Māori values of the region.

Te Rūnanga o Ngāi Tahu requested that Māori culture not be included under historic heritage because this does not recognise the modern element of culture. We agree that 'historic heritage' is somewhat narrow and propose expanding it to 'historic and cultural values'. Any further integration of Māori culture would occur in discussion between the tangata whenua and council of each region.

### **Recommendations:**

Provide for references to Treaty settlements and iwi management plans in the structure.

Provide for iwi or hapū management values and practices.

Incorporate Part 2 Tangata Whenua into Part 1 of the RPS.

Re-name the 'historic heritage' chapter in the RPS to 'historic and cultural values'.

## **1.6 Corrections and clarifications**

Many submissions sought clarification of where specific RPS content would be placed, and corrections to terminology. This section discusses these items where they have not already been addressed as part of the previous five sections.

### **1.6.1 That regional policy statement chapters are optional**

Local Government New Zealand and others believed that clarity was needed that a plan or RPS only requires the mandatory headings – the rest are included if the document already has content in those areas. We propose revising the directions to clarify that all parts are mandatory, along with the chapters in bold. We agree it would be useful to set out the scope of each chapter and matters to be included but propose doing this in guidance, where it can be more flexible.

#### **Recommendation:**

Clarify mandatory and optional chapters in the RPS.

### **1.6.2 Restriction of topic content to provisions flowing from significant issues**

Submissions pointed out a potential lack of clarity around whether the topic chapters can contain provisions on 'less-than significant issues'. West Coast Regional Council was unsure whether issues in the topic chapters can be different from those in 'significant issues' in Part 2 – Resource management overview. In the council's view, the RPS should only have one set of issues. Along similar lines, Local Government New Zealand submitted that the structure standard should not predetermine significant issues by providing a list of topics.

The intention is that the structure has one set of significant issues which are expressed broadly in Part 2. We envisage that the topic chapters will contain objectives, policies and methods that flow from those issues, and not new issues. That said, practice varies on how 'significance' is determined. Policy statements range from focusing on the top three or four issues (which are generally broadly expressed and covering multiple resources) to considering all issues 'significant'. We prefer the former approach because the prioritisation necessary to achieve it also results in greater recognition of related issues and resolution of competing values.

Auckland Council requested that RPS provisions be identified in unitary plans, to provide transparency that the requirements of section 62 of the RMA have been met.

### **Recommendation:**

Clarify that Part 3 of the RPS should contain objectives, policies and methods arising from significant issues identified in Part 2.

Provide a direction in the Format standard to identify RPS provisions in combined plans.

### **1.6.3 National direction**

New Plymouth District Council suggested that the structure should show how the RPS gives effect to national direction (eg, national policy statements and national environmental standards). We agree that a council's response to national direction could be given more prominence in the structure.

### **Recommendation:**

Provide direction for addressing national direction requirements in policy statements and plans.

### **1.6.4 Use of special topics**

Several submitters (Resource Management Law Association, New Zealand Law Society, West Coast Regional Council) requested that the use of special topics be made available to cover discrete matters that the particular characteristics of the region require, or to allow topics to be combined if they only contain a few related provisions.

The broad scope of each theme serves to limit the value of the 'special topics' chapter, which may only be used to address 'other matters or topics that cannot be addressed under the other chapters...there will be very few matters that could legitimately fall to be considered in the special topics chapter. (Resource Management Law Association)

The New Zealand Law Society suggests that special topics should apply "where a local authority determines that other matters or topics are more appropriately dealt with separately by reason of the particular characteristics of their region".

Special topics were intended to apply where a particular type of resource or resource management issue occurs in only a few regions. We agree that the original wording is overly restrictive, yet it is important that new chapters are included sparingly and do not become an alternative structure. Chapters should not be combined so that transparency of approach is maintained.

### **Recommendation:**

Relax the direction for additional chapters to allow for regionally-specific matters to be included.

## **1.6.5 Clarify the location of certain matters such as waste, soils or amenity values**

Canterbury Regional Council requested clarification on the location of provisions on ‘waste’ and ‘soils’. Where these are placed would depend on the significant issue driving their inclusion in the RPS, and this could vary between regions. For example, a specific issue such as hazards from landfill would sit under ‘hazards and risk’; whereas providing a new landfill may be ‘infrastructure’. If the issue is more holistic (eg, reduction in waste in all its forms), it may merit a new chapter. Similarly, with ‘soils’, contaminated soils would belong in ‘hazards and risk’, while the protection of productive soils would be addressed where the predominant risks are, for example the urban form and development chapter.

Similarly, Taranaki Regional Council wanted to know where ‘amenity values’ would be placed. Amenity values are part of the definition of environment and are a broad concept incorporating the natural or physical qualities and characteristics of an area “that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes” (section 2, RMA). As such, at RPS level, they are best addressed within the context of the ‘area’ concerned, which could be in natural or built environments. The location relating to issues of public access can be treated in a similar way in the RPS.

### **Recommendation:**

Provide high-level guidance for placement of topics in the RPS.

## **1.6.6 Combining the land and water domains**

Some submitters have suggested combining land and water at the domain level, while others advocated for keeping them separate. The West Coast Regional Council strongly supports the combination because it aligns with the council’s proposed RPS. Submitters on the regional plan are also supportive on the basis that it enables integrated management of land and water resources. Morphum Environmental Limited cited the historical segregation of land use and freshwater decisions as contributing to poor water quality across the country. On the other hand, Horticulture New Zealand and the Pork industry Board requested that the domains be separated because the RPS directs both regional and district councils, which have different functions with respect to land and water. Separation would mean two smaller chapters instead of one large one.

There are pros and cons to both approaches, however, we prefer to err on the side of integration and combine land and water. While council functions do differ, it is also important for management of land and water be considered first at a holistic level, before addressing the implications of the different functions and duties. We believe that combining land and water better facilitates this. We agree that councils will find it necessary to separate land and water at some stage in the structure, and we have retained flexibility as to whether this occurs at section or subsection level.

### **Recommendation:**

Have one '*Land and freshwater*' domain chapter which councils can divide into sections as required.

#### **1.6.7 Use of 'landforms'**

Several submitters pointed out that the term 'landforms' was not used in the RMA and could therefore be confusing (Canterbury Mayoral Forum, Transpower and Horticulture New Zealand). The Mayoral Forum also submitted that the term could create a false impression that 'landforms' are a matter of national importance, which local authorities are required to recognise and provide for within planning documents. All three submitters requested replacement of the term 'landforms' with the phrase 'natural features', stating this phrase would align with the terminology used in section 6 of the RMA.

The term 'landforms' is not defined or used in the RMA, and we agree with submitters that it should be omitted from the chapter. We consider the suggestion to rename this chapter as 'natural features and landscapes' is appropriate, given the explicit recognition of outstanding natural features and landscapes in section 6 of the RMA.

### **Recommendation:**

Rename the 'landscape, landforms and natural character' chapter in the RPS structure to 'natural features and landscapes'.

#### **1.6.8 Location of 'natural character'**

Manawatu District Council was concerned with having a combined 'landscapes, landforms and natural character' chapter because 'natural character' is a concept distinct from 'natural features and landscapes' (as recognised in Policy 13(2) of the New Zealand Coastal Policy Statement, which directs people exercising functions and powers under the RMA to: "Recognise that natural character is not the same as natural features and landscapes or amenity values ..."). The council therefore submitted the regional policy statement standard should be amended to provide for natural character separately from natural features and landscapes. This would "ensure outcomes that are consistent with section 6(a) of the RMA and to give effect to the NZCPS [New Zealand Coastal Policy Statement]". The New Zealand Institute of Landscape Architects supported the inclusion of natural character and landscapes as themes to be addressed in RPSs.

We agree that 'natural character' is a different concept from 'natural features and landscapes'. The statutory requirements for protection also differ. Natural character does not have a qualifier in section 6 of the RMA, that is, it does not have to be 'outstanding', but it is limited in its application to the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins. The protection of features and landscapes is not restricted in this way, but they must be outstanding to qualify.<sup>2</sup> Regional and district councils have different tools available for protecting natural character.

We have considered whether natural character should be a standalone topic at RPS level. We note that natural character seldom features as a main chapter in current RPSs and normally appears with provisions on the coast or freshwater. At RPS level, we aim to group topics at

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<sup>2</sup> While recognising that councils' powers, functions and duties extend well beyond section 6 matters.



a larger scale, and we also want to ensure that natural character is considered for rivers and lakes, not only in the coastal environment. This is a finely balanced recommendation, but we propose to create a separate chapter for natural character in the RPS and also the Regional Plan.

#### **Recommendation:**

Create a separate chapter for natural character in the RPS structure.

### **1.6.9 Testing**

The Southland councils were concerned that the structure did not appear to have been tested against actual policy statements. Tasman District Council recommended that the coastal provisions from an existing unitary plan be worked through to “evaluate the ease of transfer and the outcome regarding usability”.

In preparing the draft structure, Regional Policy Statements around the country were reviewed both by Ministry for the Environment staff and consultants. It has also been open to councils to test the structure against their own documents, and some have done this. The RPS, regional plan and combined plan structures have been tested by groups of councils (pilot councils, unitary authorities and a subgroup of the Regional Council Policy Special Interest Group). Improvements have been made as a result of the feedback received.

### **1.6.10 Evaluation and monitoring**

Perception Planning Limited noted that there was no outline structure or guidance included for Part 5 (now Part 4 – Monitoring and Evaluation) content. The submission went on to explain the importance of monitoring:

... the information obtained from monitoring assists review and development of plan provisions, provides information on environmental issues in a district or region, and identifies new issues that may not be currently addressed in a planning document.

We agree that monitoring fulfils many roles and should not be overlooked. In terms of mandatory RPS content, however, the only monitoring required to be included is on the effectiveness of the policy statement. We encourage robust and transparent resource monitoring and suggest that links to monitoring strategies and other documents be provided in Part 4.

#### **Recommendation:**

Provide guidance on options for the content of Part 4 of the RPS.

## 2 Conclusion

Submissions generally emphasised the need for consistency and clarity in the regional policy statement structure. Consistent architecture is important for the understanding and effectiveness of planning documents. “Good structure and organisation can help ensure important plan provisions are not overlooked, enable better integration between provisions, and improve understanding as to the origin and intent of provisions (particularly rules)”.<sup>3</sup>

The concept structure notified for RPSs remains largely unchanged. However, the consultation process resulted in many useful suggestions and refinements have been made as a result, both to the structure itself and to the directions. Chapters have been added to Part 2 – Resource management overview of the RPS to provide for integrated management, and to Part 3 – Domains and topics to allow for emerging issues. Directions have been revised to clarify overlapping topics (including coastal matters), and a revised RPS has been prepared as part of a separate combined plan structure standard for unitary councils. We believe these changes maintain flexibility for local authorities to reflect local circumstances and address resource management issues, as well as enabling the implementation of strategic priorities.<sup>4</sup>

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<sup>3</sup> Section 32 Evaluation Report – extract from the Quality Planning website.

<sup>4</sup> Fonterra submission.