



2F FORMAT 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 submission 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 report**

2B. **Regional Plan Structure Standard report**

2C. **District Plan Structure Standard**

2D. **Combined Plan Structure Standard**

2E. **Chapter Standards report** including

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

2F. **Form Standards** 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. **Definitions 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 Introduction

1.1 Background

The draft first set of standards included two separate standards:

- chapter form
- status of rules and other text and numbering form.

Collectively, these standards focused on the elements of plan form that can have direct benefits to the planning system by creating greater consistency across plans and policy statements, enhancing plan usability and reflecting best practice.

The chapter form standard sits alongside the structure standards, to ensure a consistent location and format for the contents of chapters within the structure standard. It directs how provisions in policy statements and plans are set out and a table format for rules.

The status of rules and other text and numbering standard provides directions and sets out standards on numbering plan provisions that follow an alpha-numeric format.

1.2 Merging and renaming the chapter form and status of rules and other text and numbering standards

We recommend that both of these standards are merged into one standard, to be renamed the format standard. This is because these standards are closely related, and submitters were confused on how these standards work together, particularly on grouping and numbering of provisions. Presenting them as one standard is intended to make their intent and implementation clearer. This is also because the standard relates to the structures as a whole, not just chapters.

The draft chapter form and status of rules and other text and numbering standards were notified as part of the wider group of form standards. We note that the term 'form' has now been replaced with 'format'. 'Form' was initially used because it reflected the term used in earlier Cabinet agreements; however, 'format' is considered to better reflect the standards' end content and help improve communication to standards users.

2 Chapter Form Standard

2.1 Background – Chapter form (general)

The draft chapter form standard prescribed a mandatory order for policy statement and plan provision headings (ie, 'introduction', 'issues', 'objectives', 'policies', 'rules' and so on) when they are used. The standard slowed regional policy statements, regional plans and combined plans flexibility to contain headings in the order provided. The flexibility was required because the regional policy statement and plan structures provided structural options for regional councils, including a separate 'issues' and 'objectives' sections.

The Chapter Form Standard also required:

- objectives and policies to be combined in the same topic chapter as rules
- rules and rule requirements (also known in plans as 'performance standards' or 'conditions' of rules) to be presented in a table format when they are used.

Approximately 73 submissions were received on the draft chapter form standard. The analysis below separates out the two main elements of the standard:

- Chapter Form (general) – directions 1–11, 13 and 14
- Chapter Form (rules) – direction 12 and tables 25, 26 and 27.

2.1.1 Submissions – Chapter form (general)

The chapter form (general) received 37 submissions: 16 in support, 15 that were either neutral or noted inconsistencies with other standards, corrections or clarifications, and six in opposition.

Support

There were approximately 16 submissions received in support. Notably, Auckland Council submitted that the chapter form broadly reflects its current unitary plan chapter structure, including how objectives and policies are grouped, and requested that the chapter form standard be retained.

New Plymouth District Council and Horizons Regional Council noted that the chapter form standard could include requirements relating to the formatting of defined terms (eg, capitalisation).

The Environment Court considered that standardised formatting, particularly chapter layout, headings and chapter numbering, was where the standards would significantly help in the administration and interpretation of plans. The Court put forward a number of high-level principles that could be applied to policy statement and plan drafting. The two relevant to the form standard being:

- identification of issues, objectives, policies, rules and other methods should be clear and enforceable
- the relationship or connection between an objective and its related policies, and between those provisions and the rules or methods that give effect to them, should be explicit and easy to follow.

Neutral or requesting changes

Matamata–Piako District Council submitted that it favours a consistent approach to formatting of plans, however, it is unable to confirm if the proposed format is the best option. They suggest that all councils need to be using the same software for electronic plans (ePlans).

Manawatu District Council queried whether defined terms in policy statements and plans should appear in a different text format when used.

Six submissions noted confusion in the requirements of direction 3 in relation to Part 2 – Tangata Whenua and why it would need the order of headings below (eg, introduction, issues and objectives, policies and so on) when this part does not contain this content.

Christchurch City Council, Northland Regional Council and Queenstown-Lakes District Council submitted that the standard is not worded in a way that makes it clear that some provision types (ie, introduction, issues) are not compulsory under the Resource Management Act 1991 (RMA) and where in the standard councils have a choice to include content.

Hutt City Council and Far North District Council submitted that the standard is inconsistent in how it prescribes the numbering and labelling of objectives and policies. They consider that the need to include a short title is ambiguous and unnecessary. Hutt City Council endeavours to have concise objectives and policies, and requiring a short title would repeat content.

The New Zealand Law Society was also concerned that directions 7 and 8 will be read to require that objectives for the relevant chapter or section be grouped together. This appears to be inconsistent with table 4 of the draft regional plan structure standard, which includes chapters labelled 'issues' and 'objectives'.

Northland Regional Council submitted that the standard contains no direction as to how it would demonstrate it has considered whether each provision type (ie, 'issues', 'objectives' and so on) is relevant. The Council requested clarification or deletion.

Christchurch City Council submitted that RMA sections 58l(1) and 58l(2) require all documents, including plan changes, to be consistent with the standards. Some of the mandatory directions require consideration of plan form and structure issues that would not be efficient to reconsider at the plan change stage, once the standards have been established. The Council requested clarification.

Oppose

Six submissions opposed the standard, stating that it does not encourage integrated management and is at odds with good plan drafting practice.

Heritage New Zealand Pouhere Taonga, Tauranga City Council and Waitomo District Council oppose the requirement that, when provided, objectives, policies and methods, including rules (if any), must be grouped together. They submitted that grouping does not allow for the best expression of linkages and integration, and that grouping as provisions as they apply works better, that is, allowing a cascade of provisions per issue addressed.

Tasman and Marlborough district councils and Bay of Plenty Regional Council particularly noted issues with how this requirement for the Chapter Form Standard will not work in the regional and unitary context.

- Tasman District Council is concerned the standard ignores the networked relationship between regional and unitary planning documents and how sets of rules link to higher plan provisions. The Council considered that this will lead to arbitrary and misleading packaging of rules. It request the standard allows for greater horizontal integration flexibility where rules that implement more than one theme can be grouped together (noting overlay and specific control rules).
- Marlborough District Council submitted that the requirement to group provisions separately risks a loss of coherency in response to resource management issues and does not provide for integration of regional policy statement, regional plan, coastal regional plan and district plan provisions. The Council considered integration to be a more efficient and effective means of delivering regional and district functions in a unitary authority setting. The council also submitted that the Combined Plan Structure Standard has two different grouping requirements – for regional policy statement issues and for region-wide issues – that are inconsistent with what is required in the Chapter Form Standard.
- Bay of Plenty Regional Council requested flexibility within a theme or catchment chapter to group provisions at a subordinate level, to allow for a more focused policy cascade.

Waitomo District Council opposed locating anticipated environmental results and monitoring text within the chapters because they do not help users in understanding the plan, and could cause confusion. Waitomo District Council places these in appendices.

Submitters' suggestions for improvement

Submitters suggested a number of improvements to the standards as follows:

- reconsider the directions, to ensure they are consistent with the requirements of the RMA and best practice
- allow for greater horizontal integration with provisions in the standard, particularly in regional planning documents and combined plans
- allow provisions to be listed as they apply, that is, not grouped according to type
- provide guidance on implementing the structure and form elements
- test the format before the standards are gazetted.

2.1.2 Analysis – Chapter form (general)

The main issues arising from submissions are that the Chapter Form Standard:

- does not encourage a robust policy framework or integrated management of issues
- is not clear in terms of councils' obligations and is not consistent with the structure standards in some places.

Enabling integrated management

The draft standard required the grouping of provisions within chapters and sections rather than allowing rules that implement more than one 'theme' or 'topic' to be grouped together. Many submissions across all standards topics sought greater flexibility to structure regional policy statements, combined plans and regional plans for integrated management.

Changes in the policy statement and plan structures are recommended, to enable councils to address plan topics in a more integrated way, particularly in combined plans where two separate structures are now provided.

The Format Standard applies within this structure, which will go some way to addressing submitters' concerns that it does not enable integrated management. The structure standards are also now clearer on when local authorities can include sections and subsections, so this will enable councils to group provisions within a standardised higher-order structure.

The requirement to group objectives and policies together was included in the draft standards to encourage plan users, in particular, to look at all of the provisions relevant to that topic or spatial area. This will become less of an issue as ePlans become more established.

Linkages can be made between provisions through cross-referencing or links in the plan text, where councils consider it necessary. It is acknowledged that this can break the flow of hard copy text but will be less of an issue with an ePlan.

Improving clarity in directions

We accept that the chapter form directions can be improved and made clearer and consistent with the directions of the structure standards.

To provide clarity, we recommend that the multiple directions for each policy statement and plan element are replaced with a single direction and it is clear that they do not require councils to include any plan elements over and above what are required in sections 62, 67 and 75 of the RMA. For example, rules are only required in regional and district plans and not regional policy statements.

We recommend including only the provision headings that are subject to requirements under the RMA. Guidance will be provided that notes if councils wish to include other elements, such as 'introductions' and 'explanations', these should be included in council guidance or in section 32 reports.

Grouping of provisions

We recommend that including the following wording to the direction: "Unless otherwise stated..." to be clear that exceptions to this direction are allowed when stated in another standard. For example, the regional plan standard included a direction to group 'integrated objectives' and 'integrated policies' together, which is an explicit exception.

Further testing of the grouping of provisions has been carried out on the Proposed Waikato District Plan. This testing highlighted that some district plans also include generic 'issues' that apply across the plan, for example, in introductory chapters. We note that district councils are not required to include 'issues' under the RMA, and their use in district plans varies widely. We recommend changes to the directions of the 6. Introduction and General Provision standard that allows this approach to continue and to avoid unnecessary duplication.

Removal of directions

We recommend removing the 'monitoring' heading because it is uncommon for policy statements and plans to include monitoring in a policy cascade. The recommendations for the Regional Policy Statement Structure Standard provide for monitoring in the new Part 4 of that

structure. Monitoring is not explicitly provided for in the district or regional plan structures because we recommend this information sits outside of the plan.

Further, we recommend removing the previous requirement for a 'short title' after each provision because it is considered unnecessary.

Implementation

The implementation matters relevant to the Chapter Format Standard have been noted and are addressed more broadly in the implementation recommendations report and will also be addressed in guidance.

2.2 Chapter form – Rule format tables

2.2.1 Background

The draft Chapter Form Standard prescribed three rule format tables for plans: rule overview table, rule table and rule requirements table (tables 25, 26 and 27 respectively). Rule format tables were included in the standards so all the necessary rule information was in one place, instead of in several different plan chapters, and in a format that was easy to read and understand. A table format also has benefits for ePlans that draw rules, or parts of rules, from tables across a plan and display these as part of a property search.

2.2.2 Submissions

Approximately 39 submissions were received on rule tables, most of which were from councils. The submissions represented the views of 26 councils, 7 businesses and industry organisations and 6 others. Almost all of these either opposed including rule tables or supported them if significant amendments were made and extensive testing was undertaken.

Support

Nine submitters (including two local authorities: Wellington City Council and New Plymouth District Council) explicitly supported the rule tables. Submitters particularly noted support for locating the activity status with the rule detail in the rule tables, with the exception of Northland Regional Council, which did not support this. A number of submitters usefully tested a rule table by populating it with existing plan rules, and submitted the results as part of their submission.

New Plymouth District Council, noted in-principle support for rule tables as the most efficient and user-friendly way of presenting rules in an ePlan. However, the council noted that the standard required amendments and that further examples of the rule tables' application are required.

Vodafone New Zealand Ltd, Spark Trading New Zealand Ltd and the NZ Telecommunications Forum Inc submitted that they have been involved in transferring the information from a Christchurch City Plan type of format to that prescribed in the Chapter Form and Status of Rules and Other Text and Numbering Standards, specifically mentioning rule tables, and that it is a reasonably comprehensive document that is easy to understand.

Isovist Ltd submitted that the rule format is compatible with its ePlan software.

Support with amendment or oppose

Approximately 30 submitters either supported the rule format tables only with amendment or opposed it.

The main area of concern with the draft rule format tables was that some considered the multiple tables were difficult for plan users to read because the tables would become too long-winded and confusing. Submitters noted that the requirement to include all of the rule information in tables would result in the tables needing a lot of column spaces, and the inclusion assessment criteria in the rules would mean some pages would have only one column in use.

Many submissions mentioned the difficulty of trying to assess the implementation of the rule tables without actual content and time to undertake significant testing. Tauranga City Council noted that, if the standard was to proceed, working examples should have priority over all of the other guidance and that the 'how the plan works' chapter should include standard text and diagrammatic material on how the rule tables work.

Auckland Council submitted that the rule tables would not work well with complicated rule frameworks such as the ones it uses. The Council cited an example of its coastal chapter rules, which have multiple exemption clauses for activities or where there are integrated and aligned activities within a single chapter.

Environment Canterbury and the Canterbury Mayoral Forum noted that Environment Canterbury had previously tried a table-based rule format in its Natural Resources Regional Plan and had subsequently abandoned it because it proved too complex and difficult to use. They, along with other submitters, requested the option of providing a narrative rule format rather than restricting plans to using a table format.

Some submitters did not support the abbreviation of the activity status in the tables. They gave the example of potential confusion between 'P' for 'permitted' and the numbering standard that requires 'P' for 'policy' when numbering provisions.

Rotorua District Council noted that, to achieve the objective of increased national consistency, rules are critical and often the focus of plan users, but the Council was unconvinced that the draft format strikes the right balance between prescriptiveness and adaptability to different types of rules.

Horticulture New Zealand, Manawatu District Council and Perception Planning Limited noted that the rule format did not provide for 'catch-all' rules for activities not anticipated by a plan. For example, the Manawatu District Plan has a 'non-complying' catch-all rule sitting in the front of the plan that is not linked to any topic or zoning chapters.

Auckland Council and Rotorua District Council requested clarity on how assessment matters should be included in the standards and if sections on assessment criteria for activities are allowed.

CivilPlan Consultants Limited requested that the format standard give direction on rules to cover specific circumstances, for example, instances when one rule replaces another.

Te Rūnanga o Ngāti Kuia Trust requested the specific identification of rules developed from issues identified by tangata whenua.

Nine submissions were received specifically on the rule requirement table. There was a general lack of support for the inclusion of the term 'rule requirement'; alternatives some preferred were 'conditions' or 'performance standard'.

Seven submissions were specifically on the rule overview table. These range of views included: retain it; include with amendments; include it as a discretionary component; and remove it entirely.

Discussions at the draft standards consultation roadshow in August 2018 indicated that the rule tables are not compatible with at least one major ePlan platform that some councils have significantly invested in.

2.2.3 Analysis – Chapter form (rules)

While we accept there was some support for the use of the rule format tables, in light of the weight of submissions raising concerns over how to integrate these at this stage into plans, we recommend removing the rule format tables from the first set of standards. Instead, we recommend moving the rule format tables into guidance, with some amendments, given the submissions that suggested specific improvements.

Including the rule tables in guidance will signal that standardising the rule format is important for plan usability and will be an important component for ePlans.

We also recommend that we continue to work with councils and ePlan software providers to develop a standardised way to draft and present rules in plans. When completed, we will evaluate whether the outcome can be incorporated into future standards.

We recommend mandatory directions are added that apply some of the basic principles that applied when the rule tables were included in the draft standard, as follows.

1. Rules are to be ordered in the following way: permitted, controlled, restricted discretionary, discretionary, non-complying to prohibited. This was inferred by the ordering of the rows in the draft rule tables but is now made explicit. Otago Regional Council submitted that this order should be reversed because it generally puts prohibited activities first to send a strong signal to resource users. This is not considered best practice.
2. Any associated activity status and all relevant matters of control and/or discretion is to be located with the specific rule content. This was highlighted as best practice in research.¹
3. When an activity status is abbreviated, specific abbreviations are to be used: 'PER' for permitted, 'CON' for controlled, 'RDIS' for restricted discretionary, 'DIS' for discretionary, 'NC' for non-complying and 'PRO' for prohibited. Using abbreviated activity status was supported to some extent in the draft standards but there was concern about the double use of 'P' for 'permitted' and 'policy', and 'D' for 'discretionary' and 'designation'. For this reason, additional letters are required avoid confusion.

The format standards will continue to require rules to be located with relevant higher-order provisions (ie, objectives and policies), unless specifically allowed by other directions.

¹ Beca Ltd. 2017. *Regional Rules Structure and Format*. Prepared for the Ministry for the Environment by Beca Ltd. Wellington: Ministry for the Environment.

A direction is not recommended in relation to catch-all rules for activities not anticipated by the plan because doing so is considered to encourage non-optimal rule drafting and 87B of the RMA applies.

Submitters' requests for the Form Standard to include: assessment criteria, cover rules that apply in specific circumstances and the identification of rules developed from issues identified by Tāngata Whenua are not recommended directions. Guidance will note that assessment criteria can be included in plans but its location is not specified. The remaining matters are considered to be too specific for inclusion as directions at this time.

3 Status of Rules and Other Text and Numbering Standard

3.1 Background

The Status of Rules and Other Text and Numbering Standard contains two parts. The first part prescribes that policy statements and plans must differentiate provisions in instances when the legal status of the policy statement and plan provisions must be shown (via shading in boxes or a similar method to differentiate text). This part also prescribes how the explanation of policy statement and plan updates must be shown (with ePlan and paper-based plan options).

The second part outlines how the different elements (parts, chapters and sections) of the policy statement and plan structures, and the provisions they contain, must be identified using an alpha-numeric format.

Approximately 41 submissions were received on the Status of Rules and Other Text and Numbering Standard.

The following submission sections and analysis separate the two main elements of the standard:

- status of rules and other text: directions 1–7
- numbering: directions 1–16, 3 and 4 and table 28 (note the numbering of the draft standard incorrectly numbered added two directions ‘3’ and ‘4’).

3.2 Status of rules and other text

3.2.1 Submissions

Approximately 15 submissions addressed the status of rules and other text form.

Support

Eleven submissions supported the standard, and most of these were from groups other than local government. New Plymouth and Hauraki district councils also supported the standard.

CivilPlan Consultants Limited supported the standard but requested that provisions should also be identified if they are subject to a notified plan change or treated as inoperative (pursuant to section 86F of the RMA).

The New Zealand Law Society noted that the Environment Court had recently commented on the need to make clear the legal status of provisions at each stage of the process, and the legitimacy and certification of the provision.

Perception Planning Limited submitted that it saw benefits in the standard but had concerns with its implementation. It supports Manawatu District Council’s submission that the Ministry for the Environment should facilitate working groups for councils on a regional basis, to implement the standards as efficiently and effectively as possible.

MidCentral Public Health Services noted support in all areas that improve consistency in planning.

Opposed and/or requested changes to the standard

Bay of Plenty Regional Council, Hutt City Council, Western Bay of Plenty District Council and Auckland Council opposed and/or requested amendments to this standard. They are concerned that implementing the standard will be too disruptive to the readability of policy statements and plans and could potentially add six different shaded boxes that will visually distract and make plans difficult to read, or result in the entire plan requiring shading as soon as the planning standards are released. They considered that the requirement to identify text required by national policy statements (NPSs) and national environmental standards (NESs) is not straightforward. It is a complicated task that requires a robust review of all provisions and will create clutter in policy statements and plans, making them difficult to read.

Western Bay of Plenty District Council submitted that directions relating to the legal effect of rules do not correctly capture the different types of legal status that rules can have. The directions are also inconsistent with the requirements of the 'legal effects of rules' chapter in the earlier 'how the policy statement/plan works' heading.

Submitters were concerned about how this standard is implemented when councils apply a 'rolling' policy statement and plan review. It is not clear if the standards apply to proposed plans and policy statements and plan changes. If this is the intent, it is unclear how this would be implemented for plans that are developed through a rolling review, particularly the Electronic Accessibility and Functionality and Mapping Standards.

Auckland Council submitted that its current style of highlighting provisions is to use a side-bar annotation and a text note. It expressed concerns about how the standard work for plan changes. It submitted that this standard implies that plan changes should be incorporated into the operative plan when it is notified and its provisions highlighted as they move through the plan process. This is against the Council's current practice of keeping plan change provisions separate from its operative plan (but available on its website with a click-through to make an online submission) until such time as appeals are resolved. Auckland Council is concerned that, because it has many plan changes at one time and a large plan, compliance with this standard will unnecessarily clutter its plan. The Council considered that most plan change provisions will have limited legal weight and will undergo potentially significant changes through the submission and appeal phase, and therefore it questions the usefulness of this to plan users.

Submitters' suggestions for improvement

- Reassess and test the usability of the directions, particularly the use of shading and pop-up box provisions, before finalising the standard.
- Include the requirement to highlight provisions if they are subject to a notified plan change or treated as inoperative (pursuant to section 86F).
- Ensure the requirements of the directions are consistent with directions in the 'how the plan works chapter' standard, that is, the legal effects of rules.
- Remove directions to highlight text that is subject to a National Planning Standard and to NPSs and NESs.
- Clarify how and/or if the standard applies to proposed policy statements and plans and plan changes and how this will work for rolling reviews.

3.2.2 Analysis – Status of rules and other text

Highlighting text specifically mandated by the planning standards and national direction

The requirement to highlight text required by the planning standards and NPSs and NESs was included to help councils communicate to their communities any text in policy statements and plans that is required by national direction and that cannot be changed.

Some submitters opposed this requirement, noting that some plans would need to be highlighted in their entirety and this would result in their plans appearing ‘messy’. This interpretation of these directions is incorrect, because the direction relates only to any text content required. At present, the first set of planning standards would not require a lot of relevant ‘text’, because most of the standards are directions. The actual text required to be inserted into policy statements and plans consists of definitions and new explanatory text developed for the national directions chapter. However, part, chapter and section headings could have also been interpreted as text.

Objectives and policies in national direction can be both overarching (eg, councils need to amend their policy statement and plan provisions to give effect to them) or directional (eg, requiring specific provision wording to be put into a policy statement and plan). The format standard is only applicable in the second instance, that is, when the planning standards, NPS or NES require specific text wording to be inserted into plans. No current NPSs or NESs direct provisions to be put directly into policy statements or plans.

We accept that, because future standards and other national direction could include content, submitters’ concerns about messy plans could eventuate in future. On balance, we recommend these directions are removed, but we note that, as a consequence, councils will need to find other ways of communicating to plan users that there is some plan text that cannot be changed or submitted on during plan change processes. We can work with councils on this issue to develop guidance material.

Differentiating rules and provisions to show their legal effect and updated policy statement and plan provisions

Submissions noted that the directions do not correctly capture the main types of legal status that provisions can have, because they transition from notification stage through to being operative, and whether the directions relate to plan changes, variations and appeals.

Western Bay of Plenty District Council submitted that the Status of Rules and Other Text and Numbering Standard specifically lists only two types of legal status (legal effect, no legal effect) and then limits these to only some scenarios. This overlooks rules that have taken legal effect at the notification of decisions and are no longer subject to appeals, for example. The District Council submitted that the directions are attempting to do two different things and, as a consequence, are not clear.

As a result of this recommended position, the directions and standard were revised and tested as being fit for purpose with Western Bay of Plenty District Council, because it had made the most detailed submission on this matter. During testing, directions were drafted that attempted to capture the difference instances when proposed plan rules have legal effect. During legal review, the directions were questioned because they were not considered fit for purpose and their implementation was questioned.

We recommend the status of rules direction only focussed on rules in proposed plans that have early or delayed effect under section 86E of the RMA. This is because the RMA already requires councils to comply with section 86B(3), and it is not considered necessary to include this in the standards, and the obligation in section 86E is broader than just identifying rules under 86B(3).

We recommend amending the directions to separate differentiating provisions subject to change, variation or appeal from the status of rules in proposed policy statements and plans.

We also recommend making it clear in guidance that this standard is not requiring plan changes to be incorporated into plans before they are operative. The standard does, however, require councils to alert plan users to provisions that are subject to a plan change, which is considered to be good practice anyway.

We recommend deleting the directions which required explanation legal status in ePlans and formatting of legal status in paper-based plans because keeping this up to date is considered to be a big expense for councils and because there is no longer a legal effect of rules chapter in the structure standards.

We recommend amending the direction which required text in an ePlan that is updated as a result of a plan change or variation to show the date the text was updated, to remove 'updated' and add 'changed', so the standard's intention is clear.

We recommend removing the direction which required a footer with the updated date of a plan change or variation to be provided on the relevant page of paper-based plans as we accept this creates the potential for lengthy footers when printed out. The online interactive plan standard requires ePlans to have the ability to display the policy statement or plan version at any date, from implementation to the present (excluding interactive maps), therefore in future, older versions of plans will be accessible and printable. Provisions that are subject to undecided plan changes or variations will still need to be highlighted under the amended earlier directions.

Identification of provisions in combined plans

The numbering standard previously required chapters in combined plans that contained regional policy statement provisions to be preceded with the abbreviation 'PS', for example, PSHH – Historic heritage in regional policy statement. Submitters thought this was confusing and, also, with the increased flexibility in the regional structures, a chapter may now have both regional policy statement and non-regional policy statement provisions in it.

We recommend replacing this numbering standard with a more general direction on identifying provisions that are regional policy statement, regional plan, regional coastal plan and district plan related in combined plans and giving councils flexibility to identify groupings of provisions. The direction reflects a common and useable approach adopted by the Auckland Unitary Plan of including an identifying abbreviation in brackets by relevant provisions or groups of provisions.

Format of defined terms

Initial indications were that the planning standards could include a requirement for defined terms to use a different text format, but the draft standard did not include this requirement. We recommend including directions in the Format Standard that require defined terms to:

- use a different text format via a text highlighting box or other similar method, including when copied from legislation or national direction when they also must include the title and version of the source document, and
- be able to be selected and linked through to the associated definition

Matters associated with schedules

As schedules are now recommended to be able to be located within topic chapters the relevant directions are better located in the format standard that applied across all standards.

How provisions are differentiated in policy statements and plans

Western Bay of Plenty District Council submitted that the method of highlighting should be standardised across plans. We recommend that the standard remains flexible in how councils choose to highlight applicable text. This will allow examples, such as Auckland Council's current practice of side-bar annotation and a text note, to continue and gives councils the ability to choose the method that best suits their corporate branding and does not visually 'clutter' their policy statements and plans.

We also note that the term 'method' (of highlighting rules or provisions) has been replaced with 'means' (of highlighting rules or provisions), to avoid confusion with using 'method' in the context of policy statement and plan provisions.

3.3 Numbering

3.3.1 Submissions

In total, 32 submissions addressed the numbering form standard directions and table 28. Of these, 24 submissions were in support, in support with amendments or neutral. Eight submissions opposed or had concerns with the detail and/or application of the standard.

Support, neutral or support with amendments

General support for the standard came from the 10 submitters made up of businesses and non-governmental organisations, and also Hauraki District Council.

Trustpower, New Plymouth District Council, Wellington City Council and Christchurch City Council supported the numbering standard but requested changes. Christchurch City Council asked for clarity on directions to plan numbering when councils choose not to include a part (eg, for plans that do not have a strategic directions chapter).

Two submitters (Heritage New Zealand Pouhere Taonga and Beca Limited) supported the standardisation of numbering in principle, but considered that the proposed abbreviated numbering is not intuitive and likely to confuse plan users.

Four submissions requested changes to accommodate earlier requests for changes to policy statement or plan structure standards.

CivilPlan Consultants Limited suggested formatting changes. It also requested this standard be mandatory and unable to be altered as part of a plan change of modification (unless to correct an error).

Horowhenua and South Taranaki district councils submitted that, given the range of requiring authorities will generally be consistent across plans, it would be useful for a national list of alpha-based identifiers to be developed in the standards.

Wellington Regional Council requested clarification on how the numbering would work in regional plans when structuring content via theme and in a regional coastal plan.

Buller District Council noted that it is neutral in relation to the numbering table (table 28).

Opposed

Seven submissions opposed the numbering standard. These submitters stated that they do not support the proposed use of alpha-numeric numbering, specifically abbreviations. Submissions in opposition stated that it is not a user-friendly system and requested an explanation of how the abbreviations could work efficiently in practice.

Auckland Council submitted that the numbering approach will be very complicated for its coastal provisions and the standards should provide direction on how the numbering is meant to address topics that require multiple layers of subsections. It also noted a more general concern that the standard will completely change the current numbering approach in its plan; it was particularly concerned about the numbering of specific rule provisions and how it will work for showing additions and deletions introduced in plan changes. Greater Wellington Regional Council was also concerned about the application of the numbering to regional plans that have a flexible structure.

The New Zealand Planning Institute echoed these concerns. In addition, it was concerned about the task of reshuffling provisions when renumbering occurs and about the complications with cross-referencing.

Opposition to the standard also came from the Environment Court. The Environment Court recommended a numerical only numbering format as the alpha based format would create immense difficulty in finding relevant provisions, especially when these are distributed through the plan. Subsequent discussions with the Environment Court on the numbering highlighted that, for the Court taking a compliance point of view, the most important principle is that the plan needs to be enforceable. This means all plan provisions need to be uniquely identifiable. Further, it was keen to ensure that the standards can support easier navigation for plan users.

The Joint Southland Councils' technical submission noted that it does not support the proposed manner of abbreviations in the standards, citing concerns with the practical application. However, it also noted that some of the councils in the collective considered an abbreviation length in the range of two to four letters works well and provides sufficient information for someone to understand the rule. The submitters commented that the abbreviations in the Southland councils' plans follow common sense, and suggested that abbreviations for rules only could be developed as these are the most used parts of plans.

The Poultry Industry Association of New Zealand submitted that the significant use of abbreviations in table 28 should be reconsidered and, if used, used sparingly to prevent text and communication from becoming garbled. It questioned if any research had been done on

this and provided an example of potential communication confusion. In conclusion, it stated that thorough testing is required.

Submitters' suggestions for improvement

- Use a numerical system with no letters of the alphabet, roman numbers or bullets.
- Reconsider abbreviations for reasons of usability and functionality.
- Retain abbreviations for rules only as these are the most used part of the plan.
- Do not make abbreviations mandatory.
- Reconsider how the numbering system will work for lower-order provisions – particularly with complex rules.
- Provide specific guidance on the application of the numbering standard, particularly in relation to:
 - regional plans and regional coastal plans
 - removal of optional parts (eg, Part 3 – Strategic direction in the district plan structure)
 - plan changes
 - cross-referencing policy statement/plan provisions
- Be consistent in how the standard applies spacing.

3.3.2 Analysis

Recommended continuation of alpha-numeric system of numbering

Working through the proposal to standardise an approach to numbering of provisions has been very challenging and we understand the particular challenges for councils and other plan users who have not had much experience with an alpha-numeric approach to documents. In assessing the submissions on this standard, we have had to think about a system of identifying provisions that will suit the future format of plans (ie, ePlans), how users will interact with those plans and what is most helpful in interpreting them.

When developing the draft standards, we had multiple discussions with councils that had ePlans and with ePlan providers that collectively identified alpha numbering as advantageous. The main benefit of this approach is that policy statements, plan chapters or sections can be added without doubling up on numbers (eg, chapter 2, chapter 2a, chapter 2aa).

An entirely number-based approach can create long strings of numbers, especially when applied to rules that have a number of subset clauses, often identified using a mix of lower-case numbers and roman numerals; for example, 14.2.2(a)(iii). For provisions, the standards require numbers to add to alpha-numbering so that the exact detail of provisions can be identified; for example, O1 for Objective1.

Another benefit of alpha-numbering is that it supports quicker interpretation of ePlan query results. That is, when a plan user uses the query function on an ePlan and the results come back with provisions from across the plan, the alpha-numeric approach can help them to understand what part of the plan the provisions have come from. An alpha-numeric approach also provides immediate context for a person reading a consent application, decision reports

or affidavit that may cite a plan provision. For example, an alpha-numeric representation of a rule in a natural hazards chapter is 'NH-R12(1)(a)(i)', as opposed to '3.12.2(1)(a)(i)'.

We acknowledge that this is a new approach for many local authorities and plan users. Also, some of the abbreviations are not currently well known or well used in policy statement and plans. However, over time we consider this approach will provide significantly more benefits for plan users because the plan has more consistent numbering, leading to better understanding.

Some submitters asked for abbreviations for provision numbering to be removed, such as 'I' for 'issue' and 'O' for 'objective'. They preferred such terms to be written in full. This is not a recommended change as the key letter approach works for ePlan coding and many policy statements and plans follow it already.

Further testing of the alpha-numeric approach has been carried out on the proposed Waikato District Plan. This testing has helped us to identify some refinements needed to the directions and will provide a 'real-life' application of the Format Standard for guidance that will accompany the standards.

We agree with submitters that the numbering standard needs clearer direction and examples. We reassessed the numbering directions and alpha-numeric numbering required in table 28 as a result of submissions. The main recommended changes are set out below.

Reformat the numbering standard to improve clarity

Presenting chapter form and status of rules and other text and numbering as one standard called the format standard, brings together provision order, grouping and numbering into one standard. It also enables examples to be more easily provided.

Removal of abbreviations for any headings, chapters or sections without provisions

We recommend that the standards only require an alpha-numeric format for policy statement and plan parts that contain provisions, as a way of reducing the number of abbreviations in the standard. This will reduce confusion by ensuring abbreviations are only used for provisions, which are the parts that policy statements and plans refer to most often.

We recommend that numbering of the chapters that do not contain provisions – such as contents, purpose and glossary – is left to the local authority's discretion. Table 1 shows the difference in the draft standard directions and what is recommended in the final standards, along with an example of how a regional council could apply its discretion in its approach to numbering the associated chapters.

Table 1: How the requirements of draft and final numbering standards differ

Draft numbering standard required for Part 1	Final numbering standard requires	Example of regional council implementation
Part 1: Introduction and General Provisions INTRO – for Introduction FORE/MIHI – for Foreword/Mihi PURP – for Purpose DR – for Description of the region	Part 1: Introduction and General Provisions Councils have discretion as to how they number the associated chapters and sections.	Part 1: Introduction and General Provisions Introduction (used as a heading) 1.1. Mihi 1.2. Purpose 1.3. Description of the region

Draft numbering standard required for Part 1	Final numbering standard requires	Example of regional council implementation
HPSW – for How the policy statement works		How the policy statement works (used as a heading)
SC—for Statutory context		1.4 Statutory context
GA – for General approach		1.5 General approach
CBM – for Cross boundary matters		1.6 Cross boundary matters
INTER – for Interpretation		Interpretation (used as a heading)

Reconsider the remaining alpha-numeric abbreviations for clarity and logic

We recommend amending the required abbreviations set out in the draft standard (table 28) to be more intuitive in light of suggestions in submissions. For example, we recommend:

- replacing ‘EARTH’ with ‘EW’ to identify the earthworks chapter
- replacing ‘SIGN’ with ‘SI’ to identify the signs chapter
- adding ‘Z’ after the relevant zone abbreviation to indicate that it is a zone, such as ‘RESZ’ for Residential zone and ‘CORZ’ for Corrections zone
- removing ‘SP’ before special purpose zones as it is considered unnecessary.

In response to the submission point that all abbreviations should be the same length, we consider this is not viable because it would prevent looking at each individual term for its logical application.

We recommend removing the requirement to precede policy statement chapters in combined plans with ‘PS’. As mentioned earlier in this report, we have added a new direction to provide for the more common current approach to identification.

More direction and examples

Policy statement and plan numbering is a technical area that requires detailed direction and examples. We recommend that the standard includes more direction in the following areas:

- being clear when the directions relate to chapter or section titles and/or numbering
- how to apply numbering in relation to spatially defined policy statement and plan elements, such as freshwater management units, and designations
- numbering sections and subsections
- numbering provisions within chapters
- avoiding repetition of alpha-numeric abbreviations in plans
- providing a unique identifier for all parts of a provision
- adding or deleting provisions
- numbering sub-clauses.

One of the main areas of concern with the draft standards that submitters raised overall was that the standards did not enable councils to continue to structure policy statements and plans to deal with their issues in an integrated way. Changes have been made to the structures and directions as a result, particularly in the area of combined plans. The increased flexibility in structure needs to be reflected in numbering. Additional directions and examples are

recommended to provide detail on numbering of chapters and sections, not provided for in an updated unique identifier table (previously table 28), and on how to apply section and subsection numbering. The example given in the standards is a coastal environment chapter in a regional plan with a section on public access and a subsection on walkways.

We agree that the draft standards were not clear about the difference between how to apply the numbering standard in relation to titles in policy statements and plans and how to apply it when numbering policy statement and plan provisions. We have now made this clear in the standards. Titles contain directions that include 'en dashes', which are more visually appealing, whereas numbered provisions include 'hyphens' that separate text but keep it more condensed, which is especially important for provision cross-referencing.

Policy statements and plans differ widely in their level of use of spatial defined elements. For example, the Auckland Unitary Plan contains a large number of precincts, which sequential numbering is considered to be helpful with and the Format Standard now provides for them. Directions relating to sequential numbering and addition and deletion of provisions will also apply.

We agree it is useful to provide standardised instruction on how to add and/or delete policy statement and plan provisions. For additions of new plan provisions, we recommend new directions to apply the next sequential number. We recognise that this will result in provisions being out of order if a plan reader reads the plan as 'published'; however, if the query function is used in an ePlan, then this issue will become irrelevant. For deletions, we recommend using a new direction stating that if an existing provision is deleted, adjacent provision numbers that are unaffected by the deletion must retain their existing numbers. We recommend these directions apply to operative policy statements and plans only, because many proposed policy statements and plans change greatly as they move through the process and there is an ability to 'refresh' the numbering when a statement or plan is made operative.

Many policy statements and plan provisions, particularly rules, contain a lot of contributing elements that users have to comply with. We recommend that the standard includes a direction that standardises how these sub-clauses are referenced, using an approach that is common in policy statements and plans and compatible with ePlan numbering, such as: O1(1)(a)(i). It is noted that some councils use more than three sub-clauses to number provisions. Councils can continue to do this at their discretion.

The Environment Court noted that numbering should enable enforceable policy statement and plan navigation. We recommend that the numbering standard includes a direction requiring all parts of a rule to be individually identifiable (ie, the use of bullets is not an acceptable solution).

National list of requiring authorities identifiers

Two submissions requested that the standards include standardised abbreviations for all requiring authorities because this is fixed. After further analysis, we agree the standards can require some level of standardisation. We recommend that the Designations Standard includes mandatory direction requiring authority identifiers for requiring authorities that are commonly used in plans, and that are not local authorities themselves or businesses (which are susceptible to more title changes). In addition, we recommend that the Format Standard requires these to be used and directs the form of additional requiring authority identification in policy statements and plans.

Implementing a new numbering system

Auckland Council and the New Zealand Planning Institute submitted that significant 'reshuffling' of plans will be required to comply with the numbering standard. We acknowledge that changing to a new system of numbering is not a straightforward task. The numbering standard has been developed to be compatible with ePlans and so that renumbering can occur as policy statements and plans move towards increased ePlan functionality.

4 Recommendations on Format Standard

We recommend the following changes to the draft Chapter Form and Status of Rules and Other Text and Numbering Standards.

- Merge the amended content in the draft Chapter Form Standard and draft Status of Rules and Other Text and Numbering Standard, and renumber and rename the draft standards as the **Format Standard**.
- Move draft directions 1 and 2 in the draft Chapter Form Standard to 17. Implementation Standard
- Remove draft directions 3–11, 13 and 14 on order and grouping of provisions in the draft Chapter Form Standard and replace these with the separate directions for regional policy statement, regional plan and district plans for clarity.
- Amend direction 12 rules in the draft Chapter Form Standard and add high level directions relating to: the order of activity status, location of relevant matters of control or district and abbreviations for activity status within rules.
- Remove directions 12 b–d in the draft Chapter Form Standard as they relate to rule tables and the rule format tables (tables 25, 26 and 27) from the Format Standard and move an amended version of these to guidance.
- Continue to work with councils and ePlan providers to develop a standardised way to draft and present rules in plans and evaluate whether the outcome can be incorporated into future standards.
- Move draft directions 1 and 2, implementation directions, of the draft Status of Rules and Other Text and Numbering Form Standard to 17. Implementation Standard
- Remove directions 1a and 1b of the draft Status of Rules and Other Text and Numbering Standard relating to highlighting of text required by the National Planning Standards and national direction.
- Replace directions 1c–1f relating to differentiating provisions subject to change, variation or appeal, and differentiating the status of rules in plans with concise and focused directions.
- Include a new direction that requires combined plans to identify: regional policy statement, regional plan, regional coastal plan and district plan provisions.
- Include new directions that require defined terms to be differentiating and ePlan requirements for differentiating defined terms.
- Add the directions on schedules from the previous schedules, appendices and maps standard to the format standard.
- Remove draft directions 2 and 3 of the draft Status of Rules and Other Text and Numbering Standard.
- Reword draft direction 4 on updated text in an ePlan as a result of a plan change or variation of the draft Status of Rules and Other Text and Numbering Standard for clarity.

- Remove draft direction 5 on updated text in a paper based plan updated as a result of a plan change or variation of the draft Status of Rules and Other Text and Numbering Standard.
- Remove draft numbering form directions 1–16 and 3 and 4. (Note the numbering in the draft standard was incorrect.) Replace with more detailed and specific directions 13 to 38 that relate to identification of:
 - chapters and sections
 - parts that do not contain issues, objectives, policies, rules, methods, principal reasons and anticipated environmental results
 - freshwater management units, catchments, areas, precincts and development areas chapters
 - matters associated with designations
 - additional chapters, sections and subsections
 - appendices and schedules
 - numbering of issues, objectives, policies, rules, methods, principal reasons and anticipated environmental results
 - numbering of subset provisions
 - numbering of addition of plan provisions in an operative policy statement or plan
 - numbering when plan provisions in an operative policy statement or plan are deleted.
- Amend the unique identifier table (previously table 28) to remove all references to parts as directions in relation to parts are included in the relevant structure standards.
- Remove all abbreviations in the unique identifier table from chapters and sections in the introduction and general provisions, evaluation and monitoring and appendices and maps parts.
- Amend the unique identifier table to and merge and alphabetise the abbreviations for succinctness and clarity.
- Reassess all abbreviations in the unique identifier table, making changes to reflect the amended structure standards and make changes where possible to make them more intuitive.

4.1.1 Guidance to accompany this standard

A number of submissions noted the need for more detailed guidance to accompany the Format Standard. We are currently working with the Waikato District Council to test this standard against its recently notified proposed district plan. This and similar work done on the Dunedin City Council 2G plan will be made available to councils as examples of how councils can apply the standards.

Table 2 presents some specific areas identified within the Format Standard that would benefit from accompanying guidance.

Table 2: Areas of the Format Standard where guidance may be helpful

Topic	Key guidance points
Why are some common policy statement or plan elements excluded from the Format Standard, such as introduction, monitoring, explanation of policies, and assessment matters?	Best practice is to limit plan content to the provisions with actual legal effect and to include the 'introductions' and 'explanations' as guidance or in section 32 reports. But they can be included where they are important for plan interpretation; for example, the Auckland Unitary Plan includes a short rationale for each of its various rule requirements.
Is there flexibility as to how provisions are grouped in the standards?	The words 'unless otherwise stated' allow for flexibility in grouping provisions to be explicitly directed in the standards, eg, integrated objectives chapter of regional plans and strategic direction chapter of district plans.
What is expected now the rule format tables are no longer in the standard?	<p>With the move to increase levels of ePlan functionality required in the standards, including rule content in a format that is compatible with ePlan coding is considered necessary.</p> <p>The first set of planning standards does not require a particular format; however, the Ministry for the Environment supports use of a rule table format that includes all of the relevant plan elements.</p> <p>Rule tables, with edits where necessary as a result of submitter input, populated with content will be included in guidance.</p>
What is the meaning of 'or similar' in the directions relating to differentiation of provisions or text?	'Or similar' has been included to give councils flexibility to apply a logical means of highlighting to their individual plan format and branding.
How should combined plan show the identification of RPS, RP, RCP and DP provisions?	It would be up to the council to decide where exactly the abbreviations go and how they would be displayed, eg, with pop-ups, italics or square brackets. ePlans could add extra functionality.