Guidance for Regional Policy Statement Structure, Regional Plan Structure and Chapter Standards

This document provides guidance on the following standards:

- *2. Regional Policy Statement Structure*
- *3. Regional Plan Structure*
- *6. Introduction and general provisions.*

This guidance is intended to help you understand and interpret the above planning standards so you can implement them efficiently and effectively. It should be read alongside *Recommendations on Submissions Reports: 2A Regional Policy Statement Structure Standard, 2B Regional Plan Structure Standar*d and *2E Chapter Standards* for further context.

We have developed this guidance based on our experience to date. We will update the guidance with more examples as councils begin to implement the planning standards.

Overview

The national planning standards (planning standards) set out requirements for structure and format to reduce unnecessary variation in Resource Management Act 1991 (RMA) planning documents.

We expect most councils will need to make changes to their plans and policy statements to align their format with the standards. However, we don't anticipate these changes to affect plan outcomes or impose new duties, functions or obligations on councils.

The structure for a regional policy statement (policy statement) or regional plan (plan) consists of parts, headings, chapters and sections. It adopts a 'general to specific' architecture. Headings are simply titles that group together one or more chapters of a common theme. They are used for navigation and don't contain any standalone provisions. Therefore, include headings only where necessary to show underlying chapters.

The parts form the backbone of the structure, so all parts are required. There are five parts in the *2. Regional Policy Statement Structur*e and three in the *3. Regional Plan Structure*. They collate content that is mandatory or common to all regional documents. There is a separate structure for combined plans.

Chapters form the next level down. You must include chapters in bold, while only include chapters in grey if that topic is relevant for your region's policy statement or plan. The chapters are sufficiently broad that most will be required. The order of chapter topics is alphabetical and doesn't indicate the significance of a topic at a national or regional scale.

You may use additional chapters (previously known as 'special topics') if necessary to provide for a resource that is unique to your region and because these cannot be placed as a section under an existing chapter. You must place such chapters within the existing structure, in alphabetical order. It is important you use any new chapters sparingly so they don't become an alternative structure.

Part 1: Introduction and general provisions

Introduction

The introduction provides a location for information including a foreword/mihi, contents, purpose of the policy statement or plan and a description of the region. None of these chapters in the introduction are mandatory. You only need to include them if you consider them important plan components.

A description of the region can include 'key information (including issues) about the region that is relevant from a resource management perspective' (referred to in direction 4). This may include information on the region's:

- history
- geography
- geographic area
- demography
- population
- services
- transport routes
- tangata whenua/mana whenua[1]
- natural hazards
- urban, rural and natural environment
- major industries and resources.

Although all of the above examples could be included in this part of the policy statement or plan, it is important to include only information that helps the policy and rule framework that follows. The requirements of section 18A of the RMA apply to all policy statements and plans. They state that only those matters relevant to the purpose of the RMA should be included and be worded in a way that is clear and concise.

How the policy statement/plan works

The *How the policy statement/plan works* heading provides a location for statutory information relevant to policy statements and plans, including pending and existing Treaty of Waitangi settlement legislation. Pending Treaty of Waitangi settlement legislation, or related statutory documents

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[1] This is likely to be basic, introductory information, and may be cross-referenced to the *Tangata whenua/mana whenua* heading.

(referred to in direction 5c), includes legislation and documents that have not been through a full settlement process. You don't have to include these documents in policy statements and plans. If you choose to refer to them, you must place that information under the *How the policy statement/plan works* heading.

Relationships between spatial layers (regional plan only)

The *Relationships between spatial layers* chapter must be included in plans because it is considered necessary to explain and clarify the relationships between spatial layers for plan users.

Interpretation

You must include the *Interpretation* heading in policy statements and plans as the *Definitions* and *Abbreviations* chapters are compulsory. The *10. Format Standard* and *14. Definitions Standard* provide the structure, form and some content of the definitions chapter. Guidance for the *Definitions* chapter is included within *Guidance for National Planning Standards: 10. Format* and *Guidance for National Planning Standards: 14. Definitions*.

You must include an *Abbreviations* chapter and this must contain at least the abbreviations included in *Table 7: Abbreviations* of the *6. Introduction and General Provisions Standard.* This is because these abbreviations are used in the tables required to be included in the *National direction instruments* chapter. If you use abbreviations in your policy statement or plan (in accordance with directions 5 and 8 and the unique identifiers in table 16 of *10. Format Standard*) include them in the abbreviation table.

National direction instruments

The *National direction instruments* heading is compulsory and requires you to include the content of tables 9–12 under prescribed chapters.

In table 9, you must insert your choice from the options in directions 17 and 23 for national policy statements and the New Zealand Coastal Policy Statement and, when relevant to the local setting, table 12 for water conservation orders. The options give users of policy statements and plans an indication of when a council last reviewed its policy statement or plan in relation to each individual piece of national direction. You may or may not have actually initiated an associated policy statement or plan change.

You can format the tables to suit the individual 'look and feel' of your policy statement or plan, as the table formatting is not directed by the planning standards.

The Hauraki Gulf Marine Park Act 2000 is included in table 9 because sections 7 and 8 of this Act are treated as a national policy statement and New Zealand Coastal Policy Statement. This Act will only be a relevant consideration for a few councils.

Directions 19 and 21 of *6. Introduction and General Provisions Standard* requires you to update tables 10 and 11 in your plan, either when the relevant table in the planning standards is updated or when new national direction takes effect. You must also include table 9 in your plan and should also update this table when new national policy statements take effect, so long as you keep the format of this table. This allows you to provide an up-to-date list of all national direction tools in your policy statement and/or plan, with a corresponding comment as to whether the plan has been updated to reflect specific national direction tools.

A Schedule 1 process is not required when adding any new national direction tools with associated links, as these are mandatory directions and adding links is considered to be a minor change.

Tangata whenua/mana whenua

The *Tangata whenua/mana whenua* heading and chapter provides a location for context and process-related tangata whenua/mana whenua provisions.

The term tangata whenua/mana whenua is used in the planning standards as a title for this heading. You are not required to use this term and can determine an appropriate term for your region. If you cannot decide on an appropriate term you can use either the term tangata whenua or mana whenua.

The 'matters to consider for provisions under the *Tangata whenua/mana whenua'* heading in direction 28 is included as a starting point for you when deciding what to include in the associated chapters. The content is not required, but if used, you can place it under the heading in any location. This flexibility is intended to give you the ability to determine with local tangata whenua/mana whenua the way these provisions are incorporated into policy statements or plans.

Recommended headings under this chapter include:

- recognition of hapū and iwi
- tangata whenua/mana whenua – local authority relationships
- hapū and iwi planning documents
- involvement and participation with tangata whenua/mana whenua.

The location of content under the *Tangata whenua/mana whenua* heading has also been kept flexible to enable information relating to tangata whenua/mana whenua resource management to be located outside the policy statement or plan (such as on a council website) and hyperlinked within the policy statement or plan.

The *Tangata whenua/mana whenua* heading must only include context and process-related provisions. It is intended that other tangata whenua/mana whenua provisions are incorporated throughout the policy statement or plan, to encourage integration.

We expect councils will engage with tangata whenua/mana whenua to form these provisions and other parts of the policy statement or plan that relate to tangata whenua/mana whenua interests as part of the policy statement or plan-making process, even when a Schedule 1 process is not required.

You should locate all provisions relating to sites of significance to Māori in the *Sites of significance to Māori* chapter. You should only include details of such sites following agreement by Māori.

Information on good practice for engagement with tangata whenua is available from:

- Guidelines for engagement with Māori, prepared by Te Arawhiti
- consultation with tangata whenua on the quality planning website
- the Te Aranga principles
- the *An Everyday Guide to the RMA* series on our website.

Regional Policy Statement Structure

The structure of the Regional Policy Statement Standard is designed to support a prioritised and integrated approach to managing significant issues. A degree of flexibility is important at this level to maintain fluidity between domains and topics and allow for regional differences in strategic approach.

Part 2: Resource management overview

This is the 'engine room' of the regional policy statement where significant issues are discussed, priorities weighed and decisions made to resolve conflicts. It is important for a regional policy statement to enable integrated treatment of significant resource management issues. For this reason, the structure allows for significant issues, including those important to iwi authorities, to be expressed broadly in Part 2. The structure does not predetermine what these issues might be. It is up to each council and iwi to decide what is significant in their regional context.

Practice varies on how 'significance' is determined. Policy statements range from prioritising the top three or four issues (which are generally expressed broadly and covering multiple resources) to considering all issues 'significant'. We encourage the former approach in Part 2. For example, a council may choose to include all issues relevant to the region in the *Description of the region* chapter (see direction 4 in *6. Introduction and General Provisions Standard*). Then, to list the top three to four issues in the *Significant resource management issues for the region* chapter, and issues specific to iwi/Māori under the *Resource management issues of significance to iwi authorities in the region* in Part 2 of the policy statement.

The *Integrated management* chapter is where cross-cutting issues can be discussed and any necessary trade-offs made. We expect the objectives in this chapter to be broad and multi-faceted, with policies and methods that reach into multiple domains and topics. This chapter could also be a location for any process matters that are not 'cross-boundary issues', to ensure integrated management is achieved across the councils within a region.

Part 3: Domains and topics

Domain and *Topic* chapters may be divided into sections and sub-sections where appropriate to organise related provisions. For example, the *Land and freshwater* chapter could contain a section on land with a sub-section on minerals and quarrying. Large chapters like *Land and freshwater* are likely to need a number of sub-sections; this is at the discretion of each council.

Domain and *Topic* chapters must not be merged together, to maintain national consistency and transparency of approach. We know this means some chapters will be much longer than other chapters but this will become less obvious as councils move to e-Plans.

You can add sections and sub-sections within chapters as required. There is a section for the coastal marine area but this is only mandatory in the regional plan.

You will find many of your existing provisions have a natural 'home' in the structure, but some provisions may require a judgment call. This will often be guided by the significant issue that drives their inclusion in the policy statement. We acknowledge this could vary between regions. For example:

- Hazards from landfill could sit in the *Hazards and risks* chapter, whereas providing a new landfill might be considered *Infrastructure*. If the significant issue is more holistic (eg, reduction in waste in all its forms), it may merit a new chapter.

- Soils that are contaminated belong in the *Hazards and risks* chapter, while provisions to manage productive soils could be located in the chapter where the predominant risks are, for example the *Urban form and development* chapter.

- Rivers, lakes and wetlands are likely to be placed in the *Land and freshwater* chapter but may also have ecological or landscape values, which will be addressed under those chapters.

Where provisions still seem to deal 'equally' with more than one topic, directions require they must be located under the relevant domain.

Part 4: Evaluation and monitoring

Councils are required to monitor the state of the environment within their region, along with the efficiency and effectiveness of policies, rules and methods.[2] Monitoring helps improve plan provisions and identifies new issues.

We encourage robust and transparent monitoring and suggest the regional policy statement provides links to monitoring strategies and other documents in Part 4. This will help enable an agile framework, one where the frequency or type of indicators can be amended. You may not know the procedures needed for monitoring at the time you develop your plan. Also, monitoring regimes need to be able to respond to emerging issues, changes in the local environment or societal expectations.

A regional policy statement must contain provisions on how the efficiency and effectiveness of the policy statement is monitored, so this is an explicit part of the structure.

Regional Plan Structure

Regional plans have a significant role in promoting the broad-scale, sustainable management of natural and physical resources. Plans that are effective in this purpose tend to consider and resolve competing demands for resource use (while giving effect to directives in higher-order instruments). They guide decision-makers in determining applications for resource consent.

Part 2: Management of resources

Integrated management

The *Integrated management* heading is the strategic and integrated focus of the plan. It encourages plan-makers and users to 'look across' and consider relationships and tensions between different themes and to also consider connectivity between resources and competing demands and values. This is consistent with a ki uta ki tai (from the mountains to the sea) approach to resource management and promoting sustainable management of natural and physical resources.

The directions to group 'integrated objectives' and 'integrated policies' together are an explicit exception to the 'line of sight' directions in other parts of the structure.

The *Integrated objectives* and *integrated policies* chapters are the location for provisions relating to outcomes for the integrated management of land, air, water and coastal environments. This location provides for overarching policies relating to the strategic management of a region's resources. It encourages plan-makers to consider the different values of a resource (eg, freshwater biodiversity versus supply for irrigation) and include provisions that resolve these competing demands.

Domains and topics

The *Domains* and *Topics* headings are structured from general domain chapters to chapters relating to more specific values or risks. Councils can collate provisions according to a resource or domain. Councils whose regions rely on activity-based rules to manage a range of interrelated effects, can locate provisions within the relevant 'air', 'coastal environment', 'geothermal' or 'land and freshwater' domains. This reduces the need to split provisions into topic-based chapters. This approach creates a line of sight between outcomes for a resource and the provisions that implement

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[2]   RMA Section 35(2).

it, reflecting a 'vertically integrated' approach to arranging plan provisions. The connection between plan outcomes (ie, objectives) and the provisions to achieve those outcomes (ie, policies and methods) should be readily discernible to both applicants and decision-makers. This helps users identify compatible and incompatible activities, and provides direction on how effects may be mitigated.

Regional councils that use a theme-based structure can still locate most of their provisions within topic-specific chapters. This should reduce the amount of recrafting required to fit the standard.

Councils should locate provisions relating to more than one topic in the relevant domain, and provisions specific to a single topic within the relevant chapter. This structure allows you to insert nuanced or specific provisions relating to a topic within the relevant chapter.

Area-specific matters

The *Area-specific matters* heading enables integrated management at the catchment or area scale. It encompasses the use of a range of different spatial layers.

Regional councils may need to manage spatially-defined areas, such as freshwater management units under the National Policy Statement on Freshwater Management (NPS-FM). Some councils have responded to their obligations by implementing 'regional-wide' provisions that restrict or prohibit further allocation of freshwater resources. These regional provisions are then replaced or supplemented with catchment-specific provisions, when the council notifies a plan change, to give effect to the limit-setting requirements.

'Areas' (a section under the *area-specific matters* chapter) is intended to capture other area-based features, which a council wants to protect, that are not recognised as other management areas (such as freshwater management units). This may include smaller areas such as lakes, ponds and other features. This area-based architecture recognises that chapters incorporating a geographic area may encompass land, freshwater, geothermal resources, coast and the air. It facilitates a true ki uta ki tai (from the mountains to the sea) approach.

Specific guidance on domain and/or topic chapters

A brief discussion of each domain and/or topic chapter now follows. We expect to update this from council's experiences as they review their policy statements and regional plans.

Air

Regional plans generally include objectives for managing ambient air quality as well as localised air quality effects, for example, dust, odour, smoke and agrichemical spray drift. Objectives in the air domain chapter should set out your overall goals for air quality and your proposed policies for managing air quality and local issues. Policies could focus on achieving the emissions reductions required to meet air quality standards, targets or guideline values; and minimising health effects. The policy statement should provide direction to territorial authorities on what matters are to be managed through their district plans.

Coastal environment *domain*

The *Coastal environment* domain includes both the coastal marine area and a landward component. Provisions that apply to the landward part of the coastal environment may be regional or district. This will depend on whether they relate to a regional or district council function under the RMA. For further direction on this landward component, see Policy 1 of the New Zealand Coastal Policy Statement.

Regional coastal plans relate to the coastal marine area only (as defined by s2 of the RMA) and are mandatory under s64. The Minister of Conservation's approval role only applies to the provisions in regional plans that relate to the coastal marine area. These provisions need to be located in the *coastal marine area* section of the regional plan Structure standard.

Councils must give effect to the New Zealand Coastal Policy Statement when preparing all regional, district and regional coastal plans.

Coastal environment *chapter*

The *Coastal environment* chapter should set out your approach to managing the coastal environment and giving effect to the New Zealand Coastal Policy Statement. You can also use the chapter to describe any high-level provisions applying to the coastal environment, for example, where required to support integrated management.

You are encouraged to address Part 2 matters at the appropriate scale and management unit. For example, natural character, landscape and ecological management units will often span across Mean High Water Springs. This may require you to integrate regional and district planning provisions. Integrated management is a regional council function and, where it is required, should be addressed in regional policy statements.

You should also place objectives, policies and rules required to support integrated management (eg, related to landscape or freshwater) under the *Coastal environment* chapter. However, you can locate more specialised technical provisions within the relevant topic chapter if these are required for context. Where this occurs, provide cross-references to the *Coastal environment* chapter.

Coastal marine area *section*

The *Coastal marine area* section is mandatory for regional plans and must include all provisions that apply to the coastal marine area. This section forms the regional coastal plan approved by the Minister for Conservation. It provides clarity for councils and plan users about where coastal marine area provisions are located.

As notified, the draft planning standards allowed coastal provisions to be located throughout plans. This was to reflect an emerging practice for greater plan integration and allow specialist coastal provisions (eg, landscape, hazards) to be located within their wider context. However, this could make the Minister of Conservation's statutory approval role more difficult to carry out. It could also make it more difficult to track the way in which plans give effect to the New Zealand Coastal Policy Statement.

Regional coastal plans may remain separate documents but, as these are still regional plans, the Regional Plan Structure applies.

Geothermal

This chapter will only be used by regions with geothermal activity. The broad range of natural and physical values associated with geothermal resources (ranging from extractive use through to specialised indigenous flora and fauna) benefits from a planning response at the 'domain' level. Geothermal water is a distinct resource from freshwater and coastal water and subject to different resource management issues and pressures. For example, protection of rare and highly vulnerable geothermal features and ecosystems may require councils to specify land management practices.

Land and freshwater

Separating decisions about land use from decisions about water management has contributed to less integrated planning in the past. Therefore, land and freshwater provisions are located in one chapter to make it easier to manage these holistically, before addressing the implications of the different regional council functions and duties. This is likely to be the largest chapter and most councils will want to create separate land and water sections, then subsections within these two topic areas.

Ecosystems and indigenous biodiversity

This chapter covers section 6 matters and significant natural areas. It is also where you will need to give particular regard to the intrinsic values of ecosystems and your responsibilities to maintain indigenous biological diversity (biodiversity).

The term 'biodiversity' (biological diversity) is used in several national instruments under the RMA, including the New Zealand Coastal Policy Statement.

Energy, infrastructure and transport (Energy and infrastructure)

This is another broad chapter that is likely to require separate sections and subsections.

You can decide what the relevant sections should be under this chapter. For example, having one section for each topic, that is, an energy section, an infrastructure section and a transport section (for policy statements), or integrating these issues throughout the whole chapter. The close relationship between infrastructure and energy is recognised in Policy C1 of the National Policy Statement for Renewable Energy Generation.

Hazards and risks (Natural hazards)

The *Hazards and risks* chapter covers issues of harm from the environment to people and resources, for example, natural hazards, contaminated soil and genetically modified organisms.

Regional councils and territorial authorities have joint functions for managing risks from natural hazards,[3] with individual responsibilities required to be set out in the relevant regional policy statement. Within the beds of lakes and rivers and the coastal marine area, regional councils have sole responsibility for avoiding or mitigating the risks from natural hazards. Therefore, a chapter dedicated to natural hazards is also appropriate for regional plans.

There may be additional risks or hazards that councils are required to recognise and respond to in regional plans. This chapter is designed to be broad enough to address additional emerging risks. Climate change could also be addressed here at a high level, although we encourage climate change provisions to be integrated throughout all relevant topics.

Historical and cultural values (sites and areas of significance to Māori)

The protection of historic heritage and the relationship of Māori and taonga are matters of national importance (as set out in section 6 of the RMA). Protecting historical and cultural values is usually achieved through land-use provisions in district plans. However, these provisions also have a home in policy statements and regional plans, for example, where historical and cultural values are located in the coastal environment and/or coastal marine area.

Provisions relating to the protection of historic and cultural values in the coastal environment must either be located or cross-referenced in the *Coastal environment* chapter (see directions 7 and 8 in

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[3]   Section 30 and section 31 of the RMA.

the *2. Regional Policy Statement Structure Standard*, and direction 8 and 9 of the *3. Regional Plan Structure Standard*).

Natural character

Natural character is a concept distinct from natural features and landscapes or amenity values. Councils have a duty to preserve the natural character of the coastal environment, wetlands, land and margins. This duty is expressed through various powers including restrictions on discharges and the take and use of water, and controls on land use within the beds of lakes and rivers.

Natural character doesn't have a qualifier in section 6 of the RMA, that is, it doesn't have to be 'outstanding'.

Note that provisions relating to the natural character of the coastal marine area must be placed in the *Coastal marine area* section.

Natural features and landscapes

The *Natural features and landscapes* chapter will normally be included in the policy statement, and less often in the regional plan. Provisions include the full range of management, extending beyond 'outstanding' to other valued features and landscapes. Methods to protect values associated with natural features and landscapes most commonly take the form of land-use controls in district plans, but other management techniques may be required, especially in the coastal marine area.

Urban form and development (policy statement only)

In the policy statement, councils need to set out their decisions at a strategic level about how they will manage and/or prioritise competing land uses, and also how they will resolve the challenges associated with responding to multiple forms of national direction.

The National Policy Statement on Urban Development 2020 *(*NPS-UD) requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations.

This includes:

- ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)

- ensuring plans make room for growth both 'up' and 'out', and rules are not unnecessarily constraining growth

- developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions

- aligning and coordinating planning across urban areas.

The objectives and high-level policies of the NPS-UD 2020 apply to all councils with all or part of an urban environment within their district or region. However, some policies apply only to tier 1 or tier 2 councils.

We anticipate the urban form and development chapter will be where regional councils will usually give effect to the NPS-UD within their policy statements.

Appendices and maps

Part 5 in the Regional Policy Statement Structure and Part 3 in the Regional Plan Structure must be included and titled "Appendices and maps", "Appendices" or "Maps", depending on the content. Appendices may be included in this part or within the relevant chapter. This is for councils to decide, but the length of the appendix may be a determining factor.

Appendices may include schedules that are not included within the relevant chapter. The *10. Format Standard* sets out the minimum requirements for all schedules in regional plans and policy statements. For further detail, refer to the *Guidance for National Planning Standards: 10. Format*. You may add more detail to schedules if you consider it appropriate.

In its submission on the draft planning standards, Heritage New Zealand Pouhere Taonga (Heritage New Zealand) set out the information it considered should be included in historical and cultural schedules. As we decided to make the requirements for schedules minimum requirements, we have included the information Heritage New Zealand requested as guidance. Therefore, in addition to the requirements of direction 14 of the *10. Format Standard*, we note here as guidance that Heritage New Zealand would like to see the following matters in historical and cultural-related schedules:

For all historical and cultural schedules:

- coordinates (excluding sites of significance to Māori)
- reference to study and/or material used for identification (eg, heritage assessments) and, where available, links to heritage assessments
- New Zealand Heritage List/Rārangi Kōrero reference number and status
- New Zealand Archaeological Association (NZAA) reference number (where the site is also an archaeological site).

In addition, it would be useful to include the heritage classification (eg, Group A or B) for heritage buildings. For Māori heritage and archaeological sites, the heritage classification (eg, wāhi tapu site, wāhi tapu area, wāhi tūpuna) would also be helpful.