National Planning Standards – Feedback from Regional Workshops

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The enactment of the Resource Legislation Amendment Act in April this year means that the clock is now ticking on the requirement to produce the first set of National Planning Standards by April 2019 (see box below). This process kicked off with the publication of a series of ten discussion papers by the Ministry for the Environment (MfE) and workshops with stakeholders. Our aim was to provide a platform where resource management practitioners could step back from their day to day work and reflect on how Planning Standards may achieve efficiencies in plan making and plan use. While the discussion papers asked specific questions about each of the possible standards, we were keen to support dialogue between professionals working in the resource management field. We wanted to dig a little deeper and explore a range of questions in an informal forum. Questions such as:

- What are the building blocks of plans that can be standardised at the national level?
- Will standardising these enable resource management practitioners to focus their efforts on specific local issues?
- What are the implementation challenges?

National Planning Standards 101

The National Planning Standards (formerly known as the National Planning Template) were introduced into law as part of the Resource Legislation Amendment Act 2017. The key driver for the Planning Standards is to improve consistency in plan and policy statement structure, format and content. This comes from a need to make plans easier and quicker to prepare, understand, compare and comply with.

The scope of the Planning Standards is broad, but there is a requirement to produce a first set of Planning Standards by April 2019. Under section 58FA of the RMA, the first set of Planning Standards must as a minimum include:

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

Standards covering these matters must always be in place.

Regional workshops

To help answer these questions, MfE partnered with the New Zealand Planning Institute and the Resource Management Law Association to deliver 16 workshops in 14 locations across the country during June and early July 2017. Almost 600 members attended in total. In each workshop, participants formed small groups around several discussion tables where the options and questions in the ten Planning Standards discussion papers were discussed, debated, questioned and challenged.

MfE staff recorded the key discussion points, which are summarised in this article. These findings represent the first broad-scale collection of perspectives from a range of resource management practitioners on the structure, format and common content of RMA plans. The summary below highlights the areas where broad agreement amongst those practitioners has emerged and those areas where there are still a range of views.

The summary does not take into account the more detailed feedback provided in written submissions on the discussion paper questions (which closed 31 July), nor the input from many other consultation meetings which are ongoing.

Accordingly, this article does not intend to signal the direction that the draft Planning Standards will take. Our reason for publishing the workshop feedback is to support the ongoing discussion among resource management professionals on this work.

Implementation of the Planning Standards

Many people supported the Planning Standards at a conceptual level and can see value in having these in place. However, views on the Planning Standards were also strongly influenced by the stage of a council's RMA plan within the review cycle. For example, Councils that had an upcoming plan review were very supportive of the Planning Standards and identified many benefits of the Planning Standards for their upcoming review, particularly cost savings. Councils that had just completed a full plan review did not want the plan provisions changed and opened for challenge and litigation again, given the high amount of resources used to complete the plan review ($1-10+ million). Depending of the scale of the change imposed by the Planning Standards, councils were concerned that implementing the Standards outside of a normal plan review cycle could impose significant additional costs.

For standards that won't cause many changes to other plan content, and that don't require an RMA Schedule 1 plan change, a number of council staff requested a two year deadline for implementation rather than the indicative one year deadline in the RMA. This would give councils time to adjust their annual plan budgets for the plan amendment work.

For all other standards that modify plan content and will take considerable time to implement, particularly plan structure and definitions, the option was raised that the Standards implementation deadline should be extended to the next full plan review. There are questions about how this would work for councils who are committed to a rolling review of their plan and how a "full plan review" would be defined; we are interested in feedback on these questions.

Structure of district and regional plans

One plan structure for all

Overall there was strong support for the Planning Standards to specify a structure for regional plans and for district plans, particularly from those working across a number of plans. A standard structure was seen as a positive move to improve consistency between plans.

Plan structure is often influenced by the intended audience

The workshops highlighted that plan structure variation is influenced by who plans are written for. Plans written for the general public or 'laypeople' are strongly zone-based, and often group rules together in one section. Plans written for professional users tend to connect relevant objectives, policies, methods and rules, so the links between them are easily seen.

Many workshop participants considered that the introduction of ePlans makes structure of plans a less significant issue. ePlans with property or activity-based query functions strongly support the needs of lay plan users. However, some workshop participants still considered that a clear and logical structure of a plan is needed to help professional plan users who need to understand the broader policy context, and for those who are unable to use an ePlan.

One regional plan document structured around topics

There was support for combining the regional policy statement, regional coastal plan and all other regional plans into one regional plan document. However, some were keen to see the regional policy statement provisions in a separate section from the other plan provisions, to emphasise its relationship to district plans as well as regional plans.

Most participants preferred a 'topic'-based structure for regional plans, where objectives, policies and rules are grouped based on the domain or spatial area being addressed: land, water, air, geothermal, coastal, etc. Participants noted that councils still had to manage the environment in an integrated way, and cross-referencing between chapters would be required. Practitioners preferred the rules to sit with objectives and policies, but also thought it important for the public to have access to a 'rule book' where all the rules are grouped together.

Combination zone and topic-based district and unitary plans with integrated objectives, policies and rules

Most participants preferred a district plan structure that combines objectives, policies and rules within zones, but separates out some matters into specific topic-based chapters (eg, utilities, transport, noise). A few topic-based chapters, such as the growth and development of urban areas, may only contain objectives and policies while the rules are located in the zones.

For unitary plans, participants felt that a combined zone and topic-based plan fit unitary plans best, as the zones would be another 'topic' relating to land use. Unitary councils had more support for full integration of regional policy statement provisions within the other plan provisions.

Plan format

Objectives and policies listed as text

The plan format discussion paper proposed two main formats for displaying objectives and policies: a table with objectives in the left column and policies in the right column, and text with policies below the objectives. While some preferred the visual layout of the table, the majority preferred

listing policies as text below the objectives. The format was seen as simple to apply, and catered better to the different policy approaches of different councils and plan users.

Rules either text based, or table summary with text below

The discussion paper proposed three rule format options: text based, table based or a combination of text and table. Some participants pointed out that some current ePlan software has difficulty 'reading' tables, and how tables can become unwieldy for activities with many rule provisions. The two preferred formats were having a table summary with text below, and just using text – as long as it was concise and clear. The table based rule format had few supporters.

While participants agreed that a common rule format would be helpful, equally important was how a rule for an activity "cascades" from one rule category to another (eg, from permitted to restricted discretionary and discretionary). This should be simple to see and understand.

Standards on font and style not supported

Participants did not support Planning Standards on font or other stylistic elements. However, some saw benefit in principles on readability and accessibility (for both hard copy and online format).

Zones, overlays and other spatial planning tools

Define zones and overlays, and how they should be used

There was no consistent understanding of when an overlay, zone, precinct, sub-zone or other spatial planning tool should be used to address an issue. This was in part due to the wide range of terminology used to describe these tools. Participants frequently requested standards on the use of zoning and other tools, which would go some way to achieving the consistency sought by a standard zone framework.

Restricting the use of overlays to RMA Section 6 matters of national significance was considered too narrow in scope, and that councils often use overlays for their RMA Sections 30 and 31 functions.

The idea of subzones was viewed as too piecemeal and blunt to achieve local variation necessary in plans.

Common zone set, but conditional on local variation and additions

Participants generally agreed that a common set of zones would be a logical next step building on a standard district plan structure. Most agreed that the range of zones in the discussion paper would be appropriate for small to medium-sized councils, but that many medium to large-sized councils would find a standard zone range more difficult to apply. General support for a common zone framework assumed that local variation to reflect specific community values could still occur through the use of 'overlays' or 'precincts', and specific provisions within the zone.

Participants also explored the possible proliferation of overlays and other tools to achieve local variation if the use of zones was restricted and whether this was a better approach for the plan user. There was consistent feedback that if councils could not add more zones, the standard zone set needed a 'future urban zone', a 'Māori purpose/papakāinga zone', and a 'tourism zone', among others.

Participants from provincial councils were concerned that the rural zone 'family' did not provide enough zones that would sufficiently manage different rural land uses. Overlays would not be appropriate to cater for this variation.

Wide range of views on standardising zone content

Providing standard objectives, policies and permitted activities for select urban zones received a mixture of views. Typically, smaller rural-based councils felt that standard objectives, policies and permitted activities for select urban zones would be beneficial. It would allow them to take the zone 'off the shelf', without having to spend resources developing the basic zone concept, allowing them to focus on significant local issues. Participants from larger metro councils felt that cities of their size were too complex for standardised content. They expressed concern at the possible inconsistencies reconciling local variation with broad-brush national zone content, particularly where these objectives and policies formed the basis of resource consent assessments. Large metro councils also noted that they have the in-house capacity and capability to develop these provisions themselves.

Definitions

Standardise definitions, but recognise that definitions are integral to the plan content

Most participants acknowledged that (in theory) standardised definitions will benefit the planning system. They often asked questions about how standardised definitions would relate to existing definitions in legislation and national direction instruments. They affirmed the need to consider the context within which a definition is applied and used. Use of terms can vary between national, regional and district levels.

Many participants noted that councils might try to circumvent a standard definition by using a slightly different term (e.g. "dwelling" instead of "residential unit"), so the terms also needed to be standardised.

Despite the support for the idea of standardised definitions, participants acknowledged that implementing these in plans could be challenging for many councils, due to the definition changes potentially prompting changes to plan provisions that rely on the definitions. The extent of this implementation challenge would depend on the final list of definitions included in the Planning Standards, the current drafting of definitions in plans and the time allowed to implement these.

Mixed views on nesting tables

There were mixed views about 'nesting tables', where the definition of one term also covers related terms which may be defined individually as well. An example is shown below.

Commercial activity	Food and beverage	Bar/drinking establishment
		Restaurant/cafe
		Drive-through restaurant
		Takeaway
	Visitor accommodation	Hotel/motel
		Hostel
		Serviced apartment
		Bed and breakfast

While some considered nesting tables to be a great tool, others thought they added confusion and complexity to the planning system. Many participants noted that some land uses straddle two different nesting groups and don't fit neatly into any category.

Reconsider the criteria for selecting terms to define

There was a broad consensus among workshop participants that the criteria identified for selecting the final list of terms to define in the first set of Planning Standards needed to better reflect the range of terms used across all RMA plans. For example, standardising regional plan definitions would give as much benefit as for district plan definitions. 'Rural' terms would benefit from standardisation as much as 'urban' terms. Most of the other selection criteria were supported.

A number of participants suggested that MfE could target definitions that are often litigated. Others suggested that MfE focus on terms that are fundamental terms for a plan (e.g. 'building', 'site', 'wastewater') and/or have significant implications for environmental outcomes (e.g. 'mining', 'intensive farming').

Participants also suggested a number of additional terms that would benefit from a standardised definition.

Definitions

Broad support for standardising metrics

Most participants welcomed the proposal to standardise metrics[1], particularly for common 'building bulk and location' metrics. Almost all agreed with adding metrics for car parking and manoeuvring. Some participants noted difficulty standardising earthwork metrics due to the different purposes of earthwork rules in different environmental contexts.

General plan provisions[2]

Minimal feedback was received on the proposed approach of requiring plans to remove some optional plan content such as a user guide, and placing it in a document outside of the plan.

eDelivery of plans

ePlans are inevitable but there are implementation challenges for some

Most participants seemed to take it for granted that ePlans are the most effective way of publishing planning documents and these are clearly favoured by plan users. They discussed the significant benefits for plan users who are now able to access information more easily and quickly because of ePlans. The cost of ePlans is however a concern for some, particularly for councils with fewer resources. While ePlans for simpler RMA plans are less costly than complex plans, there were concerns around ongoing maintenance costs. For councils without in-house skills, information technology and geographic information systems support would need to be sourced externally. Solutions explored included councils working together at a regional level to pool resources as well as central government being involved to support a centralised procurement process.

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[1] 'Metrics' means the way that things are measured, for example how maximum height is measured, or how noise levels are measured. It does not include the actual standard or threshold that a council uses to control the height or noise.
[2] General provisions include administrative matters often included at the beginning of plans, such as resource consent paperwork required, how cross-boundary matters will be addressed, and recognition of Treaty of Waitangi settlements with local iwi.
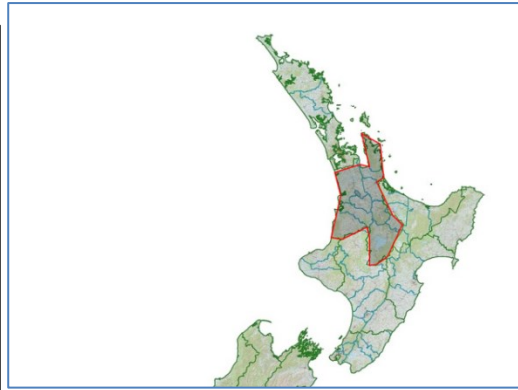
Mapping standards

Support for a standardised palette, but not full agreement on its content

The proposal to standardise a colour palette for zones and for overlays was very well received. Plan users working cross boundary and with multiple plans saw clear benefits in this, though it was acknowledged it may be a challenge to decide the specific colours for each zone. Some participants didn't mind which colours and symbols will be used; others assumed that their own palette was the norm. There was strong support for easily recognisable standardised symbols for national matters such as electricity transmission lines and notable trees.

Where to from here?

We are continuing to work with a number of stakeholder groups on a range of issues, including detailed aspects of the Standards and implementation options. Our focus is also shifting to drafting the first set of National Planning Standards. The 'drafting and testing' phase is supported by a number of groups:

- 28 councils which have agreed to partner with us in a council 'pilot' programme, to test draft standards as they are prepared.
- A Practitioners Drafting Group – a small group of five external resource management practitioners who are peer-reviewing the detail of the Standards drafting.
- Planning Standards Think Tank – a larger group of external stakeholders who have worked with MfE since 2015 helping to inform the direction of the Planning Standards project.

Also still very useful to support ongoing dialogue on our work is the online shared workspace. This is a facility for resource management practitioners to share ideas, upload proposals and participate in the discussion on the draft Planning Standards. That forum is a good place to test ideas and put forward suggestions. Practitioners can join by emailing us at planningstandards@mfe.govt.nz.

We are working towards notifying the draft first set of National Planning Standards for public submissions in April 2018.