

Final decisions on the National Planning Standards



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Security Level	In confidence	MfE Priority: Non-Urgent

Ministers:	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions	25 March 2019
To Hon Eugenie Sage, Minister of Conservation	Decisions	25 March 2019

Actions for Minister's Office Staff	Return the signed briefing note to MfE and DOC
Number of attachments and appendices 5	<p>Titles of appendices:</p> <ol style="list-style-type: none"> Matters in the planning standards that require Minister for the Environment and Minister of Conservation approval Summary of terms recommended to be deleted from the definitions standard <p>Title of attachments:</p> <ol style="list-style-type: none"> Final recommendations reports Section 32AA report Recommended National Planning Standards
Note any feedback on the quality of the report	

Ministry for the Environment contacts

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Department of Conservation contacts

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Responsible Manager	Luisa Kliman		✓
Director	Marie Long		

Final decisions on the National Planning Standards

Key Messages

1. This briefing seeks your approval of the first set of national planning standards (planning standards). Decisions on this are required by 25 March to ensure we achieve gazettal by 18 April 2019. These relate to the structure, format, or content of regional policy statements and plans. The planning standards will also support the implementation of national direction, to assist people to comply with Resource Management Act 1991 (RMA) section 18A procedural principles.
2. The recommended revised set of planning standards has been drafted following a robust consultation process including presentations, workshops and hui, a public submissions process in 2018, and collaborative work with local authorities and key stakeholders. Our recommendations reports reflect the detailed, potent submissions received as a result of this process.
3. We are confident that, following your decisions, the first set of standards will help councils and plan-users to improve the consistency and clarity of plans. Further, the standards have the potential to become a stepping stone into broader reforms of the planning system.
4. In line with your directions from briefings delivered between October 2018 and January 2019, we have attached the following documents to support your final decisions.

Attachment	Document	Action
A	Recommendations reports (RMA section 58D(3)(d)(ii))	You need to <i>Consider</i> these reports
B	Draft further evaluation report (RMA section 32AA)	You need to have <i>particular regard</i> to this report
C	Recommended version of the planning standards	You need to <i>approve</i> the planning standards, after change, if you think fit, in consultation with officials.

5. The recommended planning standards have been revised following feedback from Crown Law to ensure they are intra vires the RMA.
6. Making decisions on the recommendations below constitutes an official record of your decisions under section 58E(1) and (2) of the RMA.
7. After your decisions, we will make any changes necessary to the planning standards, finalise the section 32AA report on your behalf with your further evaluation of the changes, and then the standards will be publicly notified and gazetted.

Councils are already using the planning standards (as drafted to date) in their plan review processes. One council intends to notify its proposed plan which fully complies with the standards by mid-to-late 2019. There is value in working with other councils in the final stages of drafting their plans to ensure that their plans can be used as showcase examples for other councils.

Recommendations

Minister for the Environment and Minister of Conservation

8. We recommend that you:

a. **Note** that your previous directions on earlier briefing notes have been incorporated in the recommendations reports and the recommended planning standards.

b. **Agree** that you have:

- a. considered the recommendations reports made under section 58D(3)(d)(ii) of the RMA
- b. have had particular regard to the further evaluation report made in accordance with section 32AA of the RMA.

Yes/No

c. **Agree** that officials can finalise the further evaluation report in accordance with section 32AA of the RMA to reflect any changes you make to the recommended planning standards.

Yes/No

d. **Agree** that the planning standards meet the requirement of section 58B(1)(a) of the RMA, in that they assist in achieving the purpose of the RMA.

Yes/No

e. **Agree** that the planning standards meet the requirement of section 58B(1)(b) of the RMA, in that they set out requirements or other provisions relating to any aspect of the structure, format, or content of regional policy statements and plans to address any matter that the Minister considers require national consistency, support the implementation of national direction or assist people to comply with RMA section 18A procedural principles.

Yes/No

f. **Agree** to give notice of the approval of the planning standards in the *New Zealand Gazette*.

Yes/No

g. **Note** that it is a requirement of Cabinet that regulations must not come into force until at least 28 days after they have been notified in the *New Zealand Gazette*.

Yes/No

h. **Note** that in accordance with section 58E(4) of the RMA the planning standards must be presented to the House of Representatives.

Yes/No

i. **Agree** that officials can correct formatting, grammatical and minor errors in the approved version of the planning standards

Yes/No

j. **Note** that following your approval, the Ministry for the Environment will publish the final planning standards, the further evaluation report, the recommendations reports and all previous briefings and cabinet papers on its website and will give public notice of your approval of them.

Yes/No

k. Note that the planning standards will be published in an integrated format that will assist the implementation of the national planning standards.

Yes/No

l. **Agree** that the Ministry for the Environment will work with Minister Parker's office to draft a letter to local authorities which will inform them of the planning standards coming into effect, provide a copy of the planning standards, and let them know where they can download further copies of the planning standards.

Yes/No

Minister for the Environment

9. We recommend that you:

m. **Either**

i. **Agree** to the recommendations made in the recommendations reports.

Yes/No

Or

ii. **Agree** in part to the recommendations reports, informing the Ministry for the Environment which recommendations you agree with, and which you disagree with and require more information on.

n. **Either**

i. **Approve** the planning standards subject to correcting any formatting, grammatical or minor errors.

Yes/No

Or

ii. **Discuss** with Ministry for the Environment advisors any amendments to the planning standards by 29 March 2019.

Yes/No

o. **Agree** to publicly announce the planning standards at your New Zealand Planning Institute conference keynote speech on Friday 5 April 2019.

Yes/No

Minister of Conservation

10. We recommend that you:

p. **Either**

i. **Agree** to the recommendations made in the recommendations reports to the extent that they relate to the coastal marine area.

Yes/No

Or

ii. **Agree** in part to the recommendations reports to the extent that they relate to the coastal marine area, informing the Department of Conservation and the Ministry for the Environment which recommendations you agree with, and which you disagree with and require more information on.

Yes/No

q. **Either**

i. **Approve** the planning standards to the extent that they relate to the coastal marine area, subject to correcting any formatting, grammatical or minor errors, after consulting with ministers by 25 March 2019.

Yes/No

Or

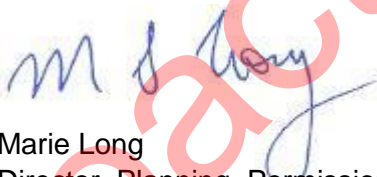
ii. **Discuss** with Department of Conservation advisors any amendments to the planning standards, to the extent that they relate to the coastal marine area, by 29 March 2019.

Yes/No

Signature



Lesley Baddon
Director, Natural and Built Systems
Ministry for the Environment



Marie Long
Director, Planning, Permissions and Land
Department of Conservation

Hon David Parker
Minister for the Environment

Date

Hon Eugenie Sage
Associate Minister for the Environment

Date

Final decisions on national planning standards

Supporting material

Purpose

1. This briefing seeks approval of the first set of planning standards.

Context

2. This is the sixth in a series of briefings seeking your direction on the submitter feedback on the draft planning standards. It also follows a draft Cabinet paper and Regulatory Impact Statement provided to you on 11 February 2019.



3. The RMA requires you to prepare and approve the national planning standards in accordance with sections 58D to 58K. This involves a process for you to prepare and approve planning standards that gives “adequate time and opportunity to make a submission on the draft” after publication of the draft planning standards.¹
4. In June 2018, we published the draft planning standards and supporting material over a ten-week period for public submissions. We also held presentations, workshops and hui on the draft planning standards.
5. We received 201 submissions on the planning standards from a wide range of sectors. The submissions were comprehensive and constructive. The majority of submitters were business/industry (70) and councils (62), with the remainder comprising individuals (26),

¹ Sections 58D and 58E of the RMA.

iwi (15), “other organisations” (15), central government (7), non-government organisations (8) and professional bodies (4).³

6. We analysed submissions and tested planning standards through workshops and other meetings with interest groups, central government agencies, ‘pilot’ council staff and Māori planning practitioners.
7. You have provided direction on our initial advice following analysis of submissions, and we have reflected this in our recommendations reports and amended the planning standards to reflect these directions.

Decisions on the planning standards

Timeframes and requirements

8. We have prepared recommendations reports based on submissions, a further evaluation report in response to substantive changes to the planning standards, and recommended planning standards. These documents are attached to this briefing (as attachments 1, 2 and 3).
9. The RMA requires you to carry out a further evaluation report for the draft planning standards. As you make decisions on the planning standards, you will need to consider our recommendations reports, and have particular regard to the draft further evaluation report.⁴
10. Your response to this briefing note will be the official record of your decisions. If you want to make any changes that differ from what we have recommended, we would like the opportunity to discuss these with you.
11. The planning standards must be gazetted by 19 April.⁵ However, we seek your decision on whether to approve the planning standards by 25 March, so that:
 - we can incorporate any changes you make into the planning standards prior to 19 April, along with any final formatting and editing changes
 - we can update the further evaluation report with an assessment of any major changes you make to the recommended planning standards
 - Minister Parker is able to announce and discuss in more detail the upcoming public release of the final planning standards at his New Zealand Planning Institute Conference plenary address on 5 April.
12. The planning standards must meet the requirement of section 58A(1)(a) of the RMA to assist in achieving the purpose of the RMA. The purpose of the RMA is to promote the sustainable management of natural and physical resources (section 5(1)). The planning standards assist in achieving this purpose by improving the efficiency and effectiveness of plan-making and plan use around the country, through a system of standardised requirements. Once the standards are in place, councils will be able to focus more on environmental outcomes, rather than procedural matters.

³ A total of 57 councils were represented in the submissions. Some councils prepared joint submissions and some councils were represented by more than one submission. Local Government New Zealand also submitted on behalf of councils.

⁴ Section 58E of the RMA.

⁵ This deadline comes from section 58G(1) of the RMA, which states: “The Minister must ensure that a first set of national planning standards is approved not later than 2 years after the date on which this section comes into force.”

13. Other purposes of the planning standards in section 58B(1)(b) of the RMA include supporting the implementation of national direction, and facilitating clear and concise plans (section 18A).⁶ The structure standards create a ‘home’ for national direction in each plan. The planning standards also lay the foundation for shorter and clearer plans by providing a basic structure which anticipates that some material formerly in plans will now be located on council websites, set zones, mapping and defined terms.

Decisions on planning standards that relate to the coastal marine area

14. The Minister for the Environment has primary responsibility for approving the planning standards, while the Minister of Conservation is responsible for approving the planning standards to the extent that they relate to the coastal marine area (CMA).⁷ We have identified in Appendix 1 the planning standards and their components that we consider relate to the CMA.

15. During preparation of the draft planning standards for release, the Minister of Conservation was involved in policy decisions beyond those provisions that directly related to the CMA. As there is a high degree of land-coastal marine area crossover for most standards (as shown in Appendix 1), you may decide that you both wish to reach agreement on decisions for all the planning standards rather than allocating the specific decision-making responsibility for each standard.

Summary of the recommendations reports (Attachment 1)

16. The recommendations reports assess submissions received on the draft planning standards and make recommendations for you to consider when approving the planning standards.

17. The key changes to the draft planning standards in the recommendations reports are summarised in Table 2 below. These recommendations are consistent with your earlier directions.

Table 2: Summary of key recommendations

Matter	Recommended approach
<p>1. Create a new Foundation Standard</p>	<p>To create a new Foundation Standard that brings together mandatory directions repeated across several of the draft standards. This includes compliance with other legislation, integration of tangata whenua provisions, use of local authority seals, linking, and cross-referencing.</p>
<p>2. Provide for coastal provisions and maintain flexibility in Regional Policy Statements and Regional Plans</p> <p>Submitters were concerned at the lack of a clear “home” for regional coastal provisions. They also sought direction on the location of those coastal environment provisions which relate to more than one topic.</p>	<p>To require regional policy statements and regional plans to have a coastal marine area section which contains all provisions that apply to the coastal marine area.</p> <p>To provide a coastal environment chapter for all plans. The chapter requires councils to set out their approach to managing the coastal environment and to cross-reference any coastal environment provisions which are placed under other specialist topics (for example: hazards, natural landscapes).</p>

⁶ As per section 58B(1)(b) of the RMA.

⁷ As per section 58B of the RMA.

Matter	Recommended approach
3. District Plan Structure	To refine the District Plan Structure to reflect submitted feedback. The sections that have been moved are indicated in this table.
4. Combined Plan Structure Submitters indicated that the Combined Plan Structure does not account for differences between regional councils and unitary councils. Unitary authorities requested a structure that better integrates regional policy statement provisions.	To replace the Combined Plan Structure with two different structures tailored for these types of combined plans: <ul style="list-style-type: none"> ▪ a combined regional policy statement–regional plan–district plan. This structure has the most integrated provisions from different plan types. ▪ a combined regional policy statement–regional plan.
5. Provide for integrated management in all structure standards Submitters sought greater flexibility to structure regional policy statements, combined plans and regional plans to ensure integrated management outcomes.	To change the regional policy statement, regional plan, district plan, combined plan and tangata whenua structure standards to better provide for integrated management, including: <ul style="list-style-type: none"> ▪ An integrated management chapter for regional policy statements and plans; and a strategic direction heading for district plans ▪ Combining <i>Land</i> and <i>Water</i> chapters ▪ Some flexibility to cross-reference provisions (except for coastal marine area) ▪ directions to ensure Māori values are integrated throughout plans and regional policy statements.
6. Refine Introduction and General Provisions standard	Refinements recommended to wording to make standards more appropriate, clear and consistent. This standard includes 'introduction', 'how the plan works', 'interpretation', 'national direction' and 'tangata whenua' headings.
7. Shift location of the Tangata Whenua/Mana Whenua standard and amend directions	Change the location of the standard to Introduction and General Provisions to support greater integration with other topics. Also amend the directions so that local authorities have discretion over how to structure the provisions under the heading.
8. Amend National Direction Instruments standard	To shift the location of Water Conservation Orders, make refinements to wording to make standards more clear and consistent and reduce the amount of detail local councils must include.
9. Amend the Strategic Direction standard	To include a section for urban form and development and shift its location in the overall plan structure to the District Wide Matters standard.
10. Refine District Wide Matters standard	To make refinements to wording to make planning standards more appropriate, clear and consistent.
11. Rename the Area Specific Matters Standard to the Zone Framework Standard and relocate precinct, development areas and designations chapters	To relocate 'precinct' and 'development areas' directions to the respective Structure standards and create a specific Designations Standard. This creates a standard focused specifically on zones called the 'Zone Framework Standard'.

Matter	Recommended approach
<p>12. Add four additional zones to the zone framework and amend zone standard and descriptions</p> <p>Submitters were concerned that the needs of their area could not be met within the existing zones provided.</p>	<p>To add four zones:</p> <ul style="list-style-type: none"> • a large format retail zone • an additional residential zone • a metropolitan centre zone • a corrections zone. <p>To amend zone names and descriptions based on feedback from submissions.</p>
<p>13. Refine the multiple standards relating to formatting of plans into one standard by merging these and renaming Format standard.</p> <p>Submitters indicated that the details of these standards were difficult to interpret, particularly when read with the structure and chapter standards, and needed to be clearer with examples.</p>	<p>To amend the directions to be clear, concise and more intuitive and reflect the amended structure and chapter standards.</p>
<p>14. Remove rule format tables from the planning standards</p> <p>Submitters indicated that the rule tables are difficult to implement.</p>	<p>To remove the rule format tables and some of the associated directions from the planning standards and provide these as guidance. Include some high level directions relating to rule formatting in the format standard.</p>
<p>15. Amend Spatial Planning Tools standards</p>	<p>To change the name of the standards to Spatial Layers.</p> <p>To amend the standards to increase clarity of the differences between spatial tools.</p>
<p>16. Amend Mapping standard to provide more flexibility</p> <p>Submitters asked for labels and variations on zone colours and symbols, and changes to specific symbols.</p>	<p>To amend the standard to provide greater clarity of how and when the symbols must be used and to refine zone colours and symbols to reflect feedback.</p>
<p>17. Revise the Definitions standard</p> <p>Approximately 75 per cent of submitters made submissions on the Definitions standard (which included definitions for 109 terms). The main submission points were:</p> <ul style="list-style-type: none"> • the effect on plans from implementing the definitions • the scope to make changes to plans as consequential amendments • requests for changes to terms proposed, new terms or to delete terms. 	<p>To amend the Definitions standard to:</p> <ul style="list-style-type: none"> ▪ retain 92 of the terms, but note that the associated definition has been amended for many of these terms to address submitter feedback. ▪ Delete 18 of the terms initially proposed. ▪ Add 7 new terms and associated definitions: <ul style="list-style-type: none"> – Cleanfill material – Community corrections activity – Cultivation – Industrial and trade waste – Operational need – Quarrying activities – Temporary military training activity ▪ The total number of terms recommended is 99 ▪ clarify the scope of consequential amendments

Matter	Recommended approach
	<ul style="list-style-type: none"> ▪ clarify the intended application of the Definitions standard (eg, a plan only needs to include the terms from the standard that are used in that plan). <p>See Appendix 2 for a summary of reasons for why terms have been deleted and added.</p>
<p>18. Refine Baseline Electronic Functionality and Online Interactive E-plans standard</p> <p>Submitters were concerned about the resourcing required by this standard. While some directions were supported, others were seen as adding little value compared with implementation costs.</p>	<p>To remove directions that have high implementation costs for low benefit.</p> <p>To amend directions where the meaning is unclear.</p> <p>To ensure directions account for advances in technology.</p>
<p>19. Clarify the application of the New Zealand acoustic standards and add an additional standard</p>	<p>To amend the standard to clarify the inclusion of symbols and that the acoustics standards are incorporated by reference into the planning standards.</p> <p>To include New Zealand Standard 6807:1994- Noise Management and Land Use Planning for Helicopter Landing Areas.</p>
<p>20. Delete the schedules, appendices and maps standard</p>	<p>The provisions from this standard have been moved to the structure and format standards as the level of direction included did not warrant a whole standard.</p>
<p>21. Provide greater clarity on consequential amendments</p> <p>Submitters were concerned at the cost, resources and potential risks associated with determining which changes to policy statements and plans go beyond consequential amendments and will require the Schedule 1 process.⁸</p>	<p>To clarify that the purpose of each standard is not to alter the effect of plan provisions or plan outcomes.</p>
<p>22. Amend the implementation timeframes for the planning standards</p> <p>Submitters were concerned about the cost in both time and resources for councils to carry out reviews of their plans outside of scheduled review.</p>	<p>To create a new standard for implementation. The following timeframes would be kept:</p> <ul style="list-style-type: none"> ▪ at plan review, or five years for most district councils and seven years for district councils who have recently completed a plan review to implement the majority of the planning standards, and ▪ one year for all councils to implement the electronic accessibility and functionality standard. <p>To amend the timeframes as follows:</p> <ul style="list-style-type: none"> ▪ require RPSs to be amended within three years but provide a longer timeframe for all other regional

⁸ The Schedule 1 process refers to the process set out in Schedule 1 of the RMA that councils are required to follow when they develop or amend a policy statement or plan, including public notification and a call for submissions.

Matter	Recommended approach
	plans and for unitary councils preparing unitary plans (ten years) <ul style="list-style-type: none"> ▪ allow a further two years for district councils to implement the definitions standard ▪ councils collaborating on a combined district plan be given seven years to implement the planning standards. ▪ a longer implementation timeframe (ten years) for ePlans for councils with fewer than 15,000 ratepayers ▪ exceptions from the ePlan requirements for plans prepared for the Chatham Islands, Outer Islands, and the Kermadec and Subantarctic Island groups.

18. As well as these high-level changes, each of the recommendations reports also contains recommendations to improve the clarity, consistency and workability of the planning standards.

Summary of the further evaluation report (Attachment 2)

19. We have carried out a draft further evaluation (RMA section 32AA) on your behalf that report evaluates changes made since the original evaluation (RMA section 32) report was completed for the draft planning standards. The level of detail included in the report corresponds to the scale and significance of the changes.

20. The report (summarised in Table 3):

- identifies and describes the key changes to the planning standards where the recommended planning standards vary notably from the draft planning standards
- assesses the effects of these changes while focusing on the objectives of the planning standards
- provides a summary assessment of the preferred options, including the degree to which they are likely to improve the effectiveness and efficiency of the planning standards.

21. The assessment of the topics covered in the attached report are summarised in Table 3.

Table 3: Summary of the assessment of the main changes proposed in the section 32AA report

Matter	Assessment
1. Combined Plan Structure Replacing the Combined Plan Structure with two different structures tailored for specific types of combined plans: <ul style="list-style-type: none"> • a combined regional policy statement - regional plan - district plan • a combined regional policy statement - regional plan. 	The draft Combined Plan Structure Standard was not efficient as it tried to cover all combinations of combined plans in one structure. This did not provide certainty for councils. The Structure Standard also discouraged integrated management, and did not take advantage of the efficiencies that combined plan structures can have. Out of the four possible combinations of plans combining a regional policy statement, a regional plan and/or a district plan, a plan combining them all is the most common as all unitary councils use or intend to use this structure. Two councils use a combined regional policy statement–regional plan. It is most efficient and effective

Matter	Assessment
	to provide specific structures for these two different combined plan combinations.
<p>2. Add four additional zones to the zone framework</p> <ul style="list-style-type: none"> • a 'large format retail' zone • an additional residential zone • a 'metropolitan centre' zone • a 'corrections' zone. 	The inclusion of these additional zones further helps to achieve the objectives of the planning standards and enhances the workability and clarity of the Standard. Including these additional zones helps avoid plan complexity that would have resulted in their absence, and helps enable local context to be more clearly reflected with a standardised structure and format.
<p>3. Remove rule format tables from the Chapter Form standard</p> <ul style="list-style-type: none"> • Removing the rule format tables and associated directions from the Chapter Form standard and provide these as guidance. 	Moving the rule format tables and directions to guidance and continuing to work with councils and ePlan providers is the most efficient way of creating consistency across plan rules and enhancing plan usability while avoiding the potential for significant unintended consequences at this point in time.
<p>4. Amend the implementation timeframes for the planning standards</p> <p>Keep the following timeframes:</p> <ul style="list-style-type: none"> • five years for most district councils and seven years for district councils who have recently completed a plan review to implement the majority of the planning standards, and • one year for all councils to implement the baseline e-accessibility standards. <p>Amend the timeframes as follows:</p> <ul style="list-style-type: none"> • require RPSs to be amended within three years but provide a longer timeframe for all other regional plans and for unitary councils preparing unitary plans (ten years) • allow a further two years of district councils to implement definitions • councils collaborating on a combined district plan be given seven years to implement the planning standards. • a longer implementation timeframe (ten years) for ePlans for councils with fewer than 15,000 ratepayers • exceptions from the ePlan requirements for plans prepared for the Chatham Islands, Outer Islands, Kermadec and Subantarctic island groups. 	The chosen timeframes will further enhance the draft timeframes and reflect the current workload of local government. We consider this option to be an appropriate trade-off between the Government's preference to remove costs from plan users in the planning system as quickly as practicable, while also managing the cost impacts on local government.

Summary of recommended planning standards (Attachment 3)

22. The first set of planning standards must, as a minimum, include:

- a structure and form for plans and policy statements, 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 policy statements and plans.⁹

23. You also agreed to notify for consultation some additional planning standards that complement the minimum requirements of the first set, and improve their effectiveness in achieving genuine standardisation.

24. In line with our recommendations report, we have prepared a set of planning standards for you to consider. The planning standards include standards on:

<p>Foundation standard:</p> <ul style="list-style-type: none"> • interpretation of terms • directions and application of directions that apply across all the individual standards including compliance with other legislation, integration of tangata whenua provisions, use of local authority seals, linking, and cross-referencing. <p>This is a new standard that brings together directions repeated across several of the draft standards.</p>
<p>Structure of plans (regional policy statement, regional plan, district plan, combined plan):</p> <ul style="list-style-type: none"> • structure separated into parts, chapters and sections • mandatory headings, and headings to use if relevant to plan content • how to organise plan content within the plan structures • the combined plan structure includes separate structures for a combined plan (regional policy statement–regional plan–district plan) and a combined plan (regional policy statement–regional plan).
<p>Introduction and general provisions:</p> <p>Matters to include, some mandatory text, and the layout of chapters and chapter content, for:</p> <ul style="list-style-type: none"> • plan introduction • how the plan works • plan interpretation • national direction instruments • tangata whenua/mana whenua background information and plan processes.
<p>District-wide matters:</p> <p>Matters to include, some mandatory text, and the layout of chapters and chapter content, for:</p> <ul style="list-style-type: none"> • strategic direction

⁹ Section 58G of the RMA.

<ul style="list-style-type: none"> • natural environment values • hazards and risks • historic and cultural values • energy, infrastructure and transport • subdivision • general district-wide matters.
<p>Zone framework:</p> <ul style="list-style-type: none"> • a set of zones which councils must select from to apply in district and unitary plans • zone descriptions that zone provisions must be consistent with.
<p>Designations:</p> <ul style="list-style-type: none"> • designations table and standard content required for each designation • unique identifiers for common requiring authorities.
<p>Format:</p> <ul style="list-style-type: none"> • order of and grouping of provisions within chapters and sections • labelling status and type of provisions • titles and numbering.
<p>Spatial layers:</p> <ul style="list-style-type: none"> • regional spatial layers: zone (coastal only), overlay, precinct (coastal only), specific control, freshwater management unit, airshed, area • district spatial layers: zone, overlay, precinct, specific control, development area, designation, heritage order • additional regional spatial layers can be used, but not additional district spatial layers.
<p>Mapping:</p> <ul style="list-style-type: none"> • colours for zones in the zone framework • symbols for common overlays and specific controls, and for designations.
<p>Definitions and metrics:</p> <ul style="list-style-type: none"> • definitions of common terms used in plans • noise and vibration measurement and assessment methods that plan rules must be consistent with.
<p>Electronic accessibility and functionality:</p> <ul style="list-style-type: none"> • electronic accessibility and functionality requirements for all councils • online interactive plan (ePlan) requirements.
<p>Implementation:</p>

- separate implementation timeframes for different types of plans
- timeframe extensions for councils that have recently been through a full plan review
- timeframe extensions for small councils to adopt ePlans.

The explanation for implementation was previously included in the mandatory directions of each standard in the draft planning standards. This is a new standard created so that the directions are in a single location.

Under standard timeframes, regulations must not come into force until at least 28 days after they have been notified in the *New Zealand Gazette*. The implementation standard has space for implementation dates that will be filled when this date is decided.

Consultation and Collaboration

25. This briefing was prepared by the Ministry for the Environment and the Department of Conservation.
26. The following agencies have been kept informed as the planning standards were developed and were consulted on this briefing note: Department of Corrections, Department of Internal Affairs, Land Information New Zealand, Ministry of Business, Innovation and Employment, Ministry for Culture and Heritage, Ministry of Education, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Primary Industries, Ministry of Transport, New Zealand Defence Force, New Zealand Transport Agency, Te Arawhiti, Te Puni Kōkiri and Treasury.
27. The Department of Prime Minister and Cabinet has been informed of the proposals in this paper.

Risks and mitigations

28. There are no risks or mitigations associated with the contents of this briefing.

Legal issues

29. The Crown Law Office has conducted a vires review of the recommended planning standards and we have redrafted the standards in response to this review.
30. The Parliamentary Counsel Office also provided advice on drafting the definitions standard prior to consultation.
31. A National Planning Standard is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012. This means that the National Planning Standards must be presented to the House of Representatives and the House may, by resolution, disallow it or any provisions of it.

Financial, regulatory and legislative implications

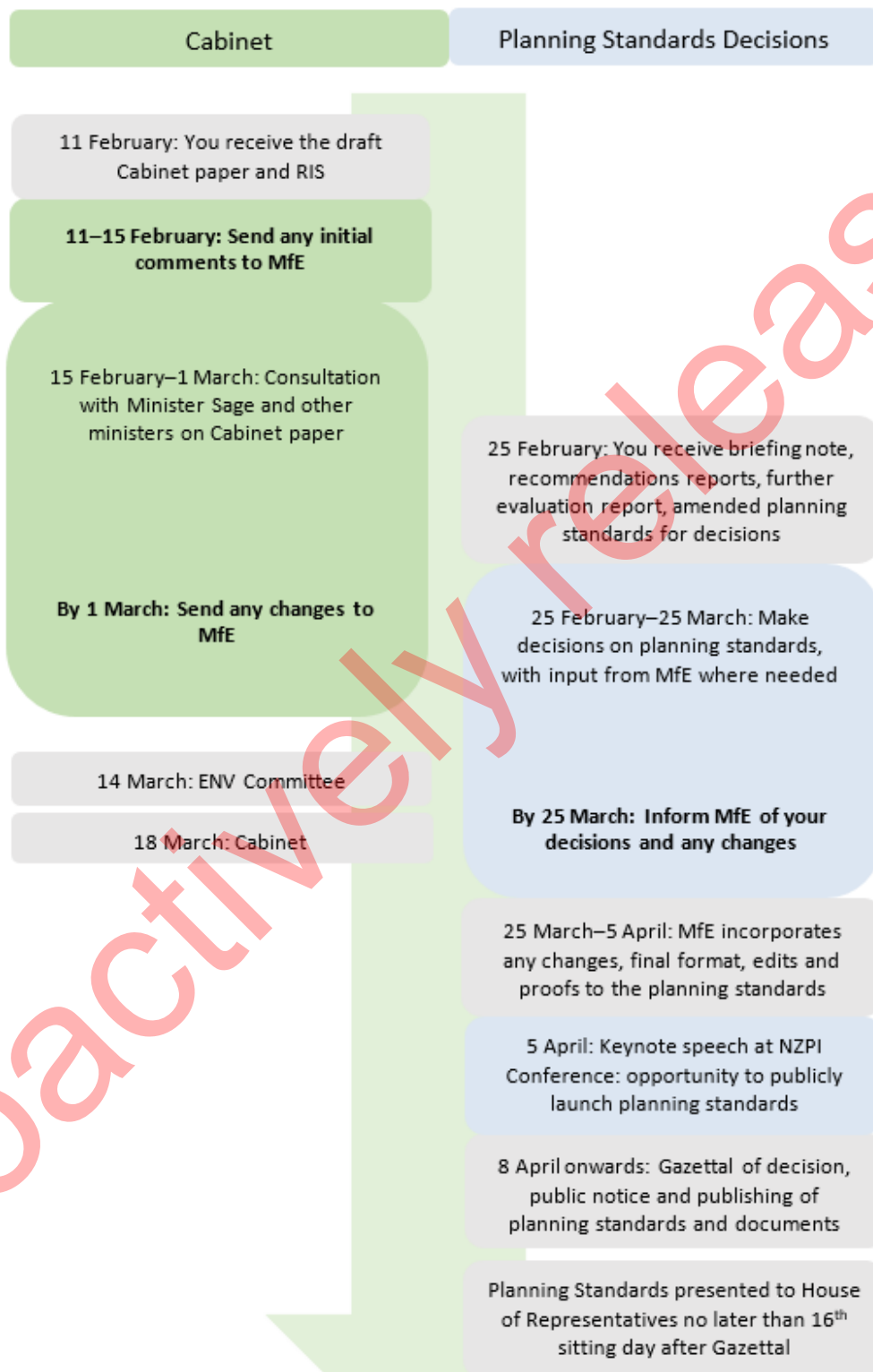
32. The implementation of the planning standards, including costs of upgrading to ePlans and ongoing technology and upskilling costs, is expected to cost approximately \$40.8 million over the next 10 years. The majority of this cost will be borne by councils, particularly the

cost of meeting ePlan requirements. A small amount will be borne by Government in the form of implementation support. The level of implementation support is dependent on the Ministry for the Environment's 2019 Budget bid, which includes funding for planning standards implementation.

Proactively released

Next Steps

33. The parallel process for Cabinet notification and your decisions on the planning standards is set out below.



34. We will continue to proofread the planning standards to ensure there are no formatting, grammatical or other minor errors (such as cross-referencing). We recommend that you allow us to fix any identified errors before the planning standards are gazetted. We will not make any changes that have a material effect on the planning standards.
35. Minister Parker's keynote speech at the New Zealand Planning Institute Conference in Napier on 5 April is an opportunity to announce the upcoming public release of the planning standards. Provided that final decisions have been made by 25 March, this speech offers an opportunity to provide more detail to the planning community on decisions made. Note that Ministry for the Environment officials are also holding a workshop presentation on the standards and hope to be in a position to discuss specific details of the standards.
36. We will give public notice of your approval of the planning standards after any changes you make are incorporated, and will publish the planning standards, the recommendations reports and the further evaluation report on our website.¹⁰ The RMA requires that you ensure the planning standards are published together in an integrated format that will assist the implementation of the national planning standards.
37. We recommend that you write a letter to all local authorities to notify them of the planning standards coming into effect, send them a copy of the planning standards and to inform them where they can download the documents. We can work with your office to draft the letter.
38. Implementation timeframes mentioned in the standards will be measured from the date when the planning standards come into effect. The placeholder text currently included in the implementation standard will be replaced with the specific date once the gazettal date is confirmed.

¹⁰ In section 2AB of the RMA, 'public notice' means publishing the clear and concise notice online and a short summary (including the web address) in one or more newspapers.

Appendix 1: Matters in the planning standards that require Minister for the Environment and Minister of Conservation approval

Section 58B(2) of the RMA states that references to the Minister are references to the Minister of Conservation if, and to the extent that, a matter relates to the CMA. The Minister of Conservation is responsible for approving the matters in the planning standards that relate to the coastal marine area, to the extent of that relationship. The Minister for the Environment is responsible for approving all other matters.

Many of the directions in the planning standards apply equally to the CMA (seaward of mean high water springs) as to the land (landward of mean high water springs). In some cases, we cannot determine if a matter in the planning standards relates to the CMA until a council chooses to include it in a regional coastal plan or CMA chapter (for example definitions and overlays).

All planning standards will or may apply to land, with the exception of a CMA section in the regional plan structure standard.

- Accordingly the Minister for the Environment will approve all the planning standards, except for the CMA specific section of the regional plan structure standard.
- We recommend that the Minister of Conservation’s approval of the planning standards be only for the CMA section of the regional plan structure standard.
- We recommend that for all other standards the Minister of Conservation’s approval be given if and to the extent that a matter relates to the CMA.

The table below identifies in green the standards that need approval by each Minister.

Table 1: Minister for the Environment and Minister of Conservation approval of planning standards

Planning standard	Minister for the Environment: matter applies landward of mean high water springs	Minister of Conservation: matter applies seaward of mean high water springs
Regional policy statement structure		Applies to chapters of plan that manage the CMA
Regional plan structure		Applies to chapters of plan that manage the CMA
District plan structure		
Combined plan structure		Applies to chapters of plan that manage the CMA
Introduction and general provisions		Applies to chapters of plan that manage the CMA
District-wide matters		
Zone framework		Direction 1 that allows coastal zones to cross mean high water springs in unitary plans

		The Port Zone description
Designations		
Format		Applies to chapters of plan that manage the CMA
Regional spatial layers		Used to manage the CMA
District spatial layers		
Mapping		Symbols may be used in maps in the CMA
Definitions		Definitions can be used to manage the CMA
Noise and vibration metrics		Measurement methods and symbols can be used in the CMA
Electronic accessibility and functionality		Applies to all plans and policy statements
Implementation		All directions except for district plan implementation timeframes

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Appendix 2: Summary of terms recommended to be deleted from the Definitions Standard

Table 2: Summary of terms recommended to be deleted from the Definitions Standard

Term	Reason
Access strip	<ul style="list-style-type: none"> • Submissions highlighted that the definition currently used by councils differs greatly from the RMA definition, meaning implementation could be highly problematic • A policy decision was made not to amend RMA definitions and so we recommend the term be deleted
Addition	<ul style="list-style-type: none"> • Feedback highlighted that the term is not used very often in plans and is only relevant for district plans • Term is not suitable to be applied to rules relating to heritage buildings
Boundary	<ul style="list-style-type: none"> • Feedback showed the term has too many diverse applications to restrict its meaning to one • Our attempt to reword the definition to reflect submissions resulted in a definition that was too broad to have any meaningful application in plans.
Building damage from vibration	<ul style="list-style-type: none"> • Feedback showed the term is too subjective and also narrow in scope, with the reference to the vibration effects affecting the serviceability of a building • Given the strong opposition to the term it unlikely to be included in plans
Coastal marine area	<ul style="list-style-type: none"> • Problematic to apply for those councils that have begun to specifically identify the extent of the coastal marine areas in their plans – an approach that is encouraged in plans. • Requiring this RMA definition to be standardised would be a backwards step.
Infrastructure	<ul style="list-style-type: none"> • The RMA definition is narrowly defined to activities that are all elements of interconnected networks for the purposes of transport, energy, water and wastewater and telecommunications • Council plans tend to have wider concept of infrastructure • Feedback suggested multiple additional terms that should be considered • This is an important area of plans to get right and we are also aware that infrastructure generally is part of the active work programme in the Urban Growth Agenda. • This definition, and the others requested, need to be considered more fully in another process, ideally alongside any decisions being made on the draft model provisions for network utilities.
Iwi authority	
Kaitiakitanga	<ul style="list-style-type: none"> • Dialect differences across the country meant that these RMA terms had different interpretations depending on the iwi or hapu group making it inappropriate to standardise.
mana whenua	
tangata whenua	
Mining	<ul style="list-style-type: none"> • Definition is not suitable as it does not cover all aspects of mining considered in RMA plans • On the basis of the policy decision not to amend RMA definitions we recommend this definition be deleted.

Reverse sensitivity	<ul style="list-style-type: none"> • The words of this definition have developed in case law where this concept is still evolving • Removing this definition from the standards will allow this case law to develop
Root protection area	<ul style="list-style-type: none"> • Received feedback that what constitutes appropriate root protection area is a matter for experts and councils to determine. In the absence of a current New Zealand standard, or further work, it is not appropriate to be standardised at this stage.
Setback	<ul style="list-style-type: none"> • Draft definition was amended following submissions and re-tested with the pilot councils • Pilot councils queried the usefulness of the revised, broader definition • Many councils rely on rules to specify setbacks rather than having a setback definition
Small scale renewable electricity generation	<ul style="list-style-type: none"> • Would require regular updates as technology becomes more efficient • Unsure of the best method to determine a limit, consider that the term should be considered as part of a wider piece of work around electricity generation and/or transmission at a future date
Swale	<ul style="list-style-type: none"> • The definition of “green infrastructure” encompassed swales, but it was considered inappropriate to single out only one type of green infrastructure without including definitions for others
Water sensitive design	<ul style="list-style-type: none"> • Draft definition found to be too specific and could limit the use of water sensitive design inappropriately • A more generalised definition would be more appropriate but this would result in not being suitable for inclusion in plans • A new definition would require wider consultation than was possible within the timeframes



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