



## National Planning Standards: main briefing to confirm drafting

 <p>Ministry for the <b>Environment</b> Manatū Mō Te Taiao</p>	 <p>Department of <b>Conservation</b> Te Papa Atawhai</p>	
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Date Submitted:	11 December 2018	MfE Tracking #: 2018-B-05142 DOC Tracking #: 18-B-1390
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	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	For direction	15 January 2019
To Hon Eugenie Sage, Minister of Conservation	For direction	15 January 2019 (20 December 2018 to account for Christmas leave)

Actions for Minister's Office Staff	<b>Return</b> the signed briefing to MfE and DOC.
Number of Attachments 2	Titles of attachments: 1. Draft refinements under consideration 2. Changes to zone purpose statements
Note any feedback on the quality of the report	

### Ministry for the Environment contacts

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## National Planning Standards: main briefing to confirm drafting

### Key Messages

1. This briefing seeks in-principle agreement on our approach to the remaining substantive matters on the draft first set of National Planning Standards (standards) that we have not previously briefed you on. Recommended key changes to the standards include:
  - structuring plans and regional policy statements to better support integrated management and reduce duplication of provisions within plans
  - providing greater clarification to identify and locate coastal marine area provisions and other coastal environment provisions in plans
  - providing combined plan structures to better suit regional and unitary council functions
  - providing clarity on the scope of consequential amendments
  - revising the terms included in the Definitions standard and clarifying the intended application of the Definitions standard
  - removing the rule format tables from the standards and replacing these with guidance while we continue to test standardised rule tables.
2. This briefing is the fourth in a series on the standards, in preparation for achieving gazettal by 18 April 2019.
3. Following Minister Parker's direction on the zone framework and spatial layers, we have undertaken further work and tested changes with the pilot councils (2018-B-04860 refers). The one outstanding matter is whether a 'Corrections zone' is appropriate for the first set of standards. We will continue to work with the Department of Corrections on this.
4. We are considering a range of refinements across the standards. These are less substantive changes and focus on improvements to the clarity, consistency and workability of the standards.
5. Substantive changes and many of the more technical changes have been tested and refined by pilot councils and technical working groups during October and November 2018.
6. We will finalise the drafting of the first set of standards, subject to your direction on the matters outlined in this briefing. In mid-February 2019 you will receive the final briefing, including the recommendations report, final standards and draft Cabinet paper.

### Recommendations

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#### Minister for the Environment and Minister of Conservation

We recommend that you:

- a. **Agree** in principle to amend the Regional Policy Statement, Regional Plan, Combined Plan and Tangata Whenua Structure standards to provide for integrated management in plans and regional policy statements

Yes/No

- b. **Agree** in principle to amend the Regional Plan and Combined Plan Structure standards to require either a coastal marine area chapter or regional coastal plan, or to require provisions that relate to the coastal marine area to be clearly identified throughout the plan

Yes/No

- c. **Agree** in principle to amend the Regional Plan and Combined Plan Structure standards and the Natural Environment Values Chapter standard to allow the provisions of the coastal environment chapter to be placed within other topics

Yes/No

- d. **Agree** in principle to amend the Combined Plan Structure standard by replacing the draft combined plan structure with two different plan structures (ie, a combined regional policy statement - regional plan - district plan structure, and a combined regional policy statement - regional plan) and related directions

Yes/No

- i. **Note** the location of regional policy statement content in the combined regional policy statement - regional plan - district plan structure is more integrated than the approach adopted by the Independent Hearings Panel for the Auckland Unitary Plan.

- e. **Agree** in principle to address concerns about determining consequential amendments by amending the 'purpose' statement across all standards, to clarify that the intention of the standards is not to change the overall legal effect of plans and regional policy statements

Yes/No

- f. **Agree** in principle to amend the Definitions standard by adding approximately 10 terms, removing approximately 10 terms, and amending the definition of most terms

- i. **Note** that we will provide you with all the terms and their definitions in the recommendations report for final approval

- g. **Agree** in principle to remove the rule format tables (tables 25, 26 and 27) from the Chapter Form standard and move them to guidance

Yes/No

- ii. **Note** that we are continuing to work with councils, the Environment Court and e-providers to develop a standardised way to draft and present rules in plans, and will evaluate whether the outcome can be incorporated into future standards when this work is completed

- iii. **Note** the standards will continue to require rules to be located with higher order provisions (ie, objectives and policies) by default, but enable flexibility for some rules to be cross referenced from other parts of the plan

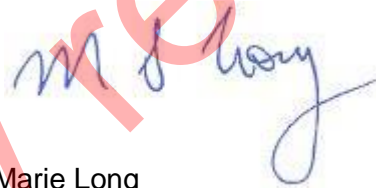
- h. **Note** that we have continued to develop the zone framework and spatial layers standards based on Minister Parker’s direction and are awaiting direction from Minister Sage (2018-B-04860 refers)
- i. **Note** that we are working with the Department of Corrections to determine whether a ‘Corrections zone’ is appropriate in the first set of standards
- i. **Note** we propose a range of refinements across the standards to improve their clarity, consistency and workability.

**Signature**

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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  
**Minister of Conservation**

**Date**

# National Planning Standards: main briefing to confirm drafting

## Supporting material

### Purpose

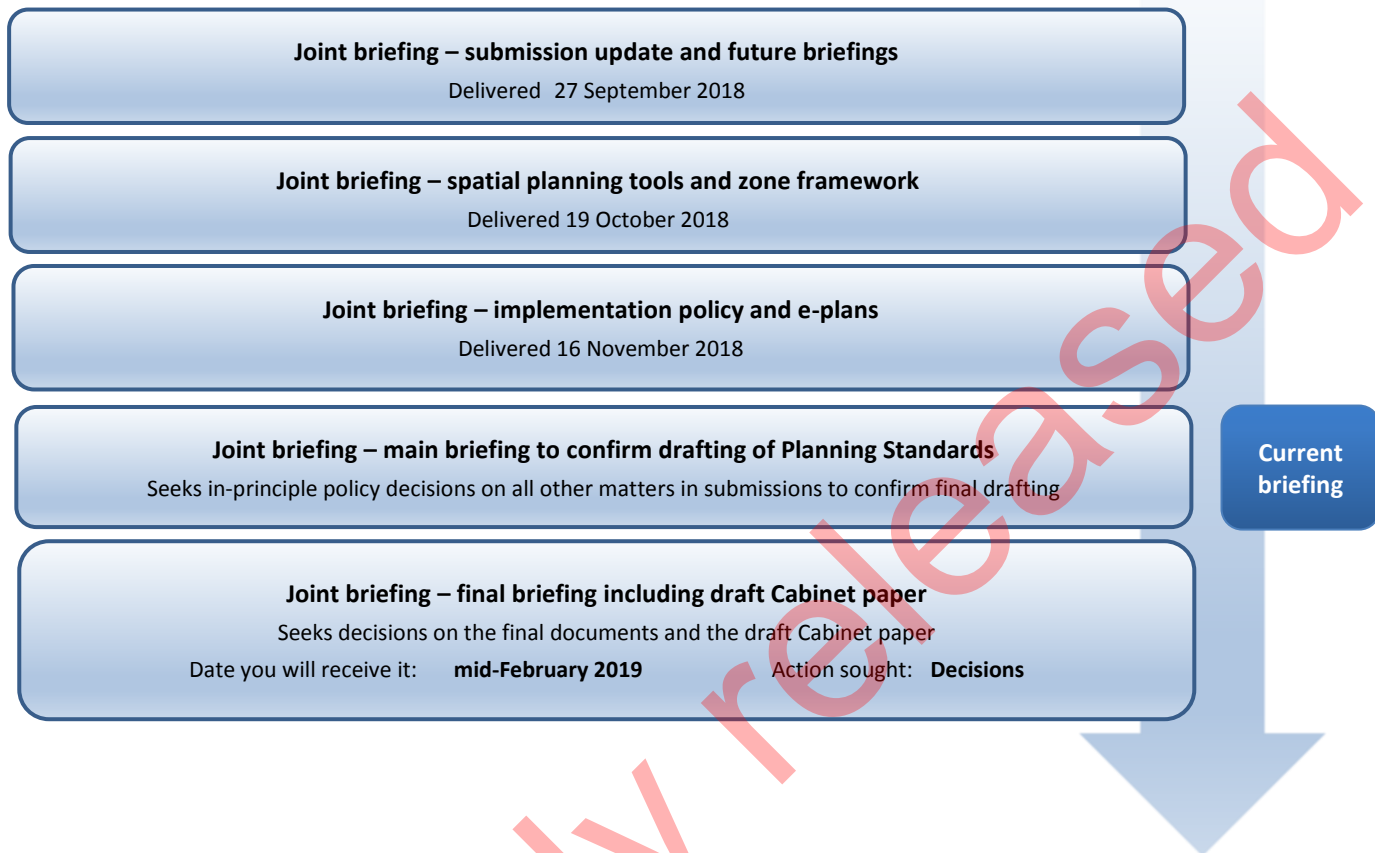
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1. The purpose of this briefing is to seek in-principle agreement on our approach to the remaining substantive matters raised in submissions, to support the final stages of drafting the National Planning Standards (standards).
2. Recommended key changes to the standards include:
  - structuring plans and regional policy statements to better support integrated management and reduce duplication of provisions within plans
  - providing greater clarification to identify and locate coastal marine area provisions and other coastal environment provisions in plans
  - providing combined plan structures to better suit regional and unitary council functions
  - providing clarity on the scope of consequential amendments
  - revising the terms included in the Definitions standard and clarifying the intended application of the Definitions standard
  - removing the rule format tables from the standards and replacing these with guidance while we continue to test standardised rule tables.
3. This briefing also summarises the range of changes we are considering to improve the standards' clarity, consistency and workability.

### Context

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4. This is the fourth in a series of briefings to inform you of matters raised in submissions, and to seek your direction on our proposed approach to addressing the more substantive changes required to the standards. We are providing you with regular briefings to ensure you have sufficient information to make decisions to achieve gazettal by 18 April 2019.
5. We are nearing completion of the submissions' analysis that we initiated to discuss the more complex planning issues, identify technical planning solutions and to test potential changes to the standards. Based on this work, we have identified the remaining, substantive matters on which we need your direction, as well as less substantive changes on which we would like to update you.



## Analysis and Advice

### Your direction on our approach to the remaining substantive matters is needed

6. We need your direction on six substantive matters, summarised in Table 1, with analysis provided in the following sections.

**Table 1: Matters we require direction on**

Matter	Proposed approach
<p><b>1. Structuring plans for integrated management</b></p> <p>Submitters sought greater flexibility to structure regional policy statements, combined plans and regional plans to ensure integrated management outcomes.</p>	<p>To change the Regional Policy Statement, Regional Plan, District Plan, Combined Plan and Tangata Whenua Structure standards to better provide for integrated management, including:</p> <ul style="list-style-type: none"> <li>greater integration between themes in regional policy statements, regional plans and combined plans (including coastal matters as described below)</li> <li>directions to ensure Māori values are integrated throughout provisions in plans and regional policy statements.</li> </ul>
<p><b>2. Appropriately provide for coastal provisions and maintain flexibility</b></p> <p>Submitters were concerned at the lack of a clear “home” for regional coastal plans and matters relevant to the coastal marine area and coastal environment.</p>	<p>To change the Regional Plan and Combined Plan Structure standards to require plans to include a coastal marine area chapter, or to clearly identify all provisions relating to the coastal marine area.</p> <p>To change the Regional Plan and Combined Plan Structure standards and the Natural Environment Values Chapter standard</p>

Matter	Proposed approach
	to allow coastal environment provisions to be placed within other topics to facilitate integrated management.
<p><b>3. Reconsider the Combined Plan Structure</b></p> <p>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.</p>	<p>To replace the Combined Plan Structure with two different structures tailored for specific types of combined plans:</p> <ul style="list-style-type: none"> <li>• a combined regional policy statement - regional plan - district plan</li> <li>• a combined regional policy statement - regional plan.</li> </ul>
<p><b>4. Provide greater clarity on consequential amendments</b></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<sup>1</sup>.</p>	<p>To expand the purpose of each standard to clarify that the intention of the standards is not to change the overall legal effect of plans and regional policy statements.</p>
<p><b>5. Revise the Definitions standard</b></p> <p>Approximately 75 per cent of submitters made submissions on the Definitions standard. The main submission points were:</p> <ul style="list-style-type: none"> <li>• the effect on plans from implementing the definitions</li> <li>• the scope to make changes to plans as consequential amendments</li> <li>• requests for new terms or to delete terms.</li> </ul>	<p>To amend the Definitions standard to:</p> <ul style="list-style-type: none"> <li>• clarify the scope of consequential amendments (as above)</li> <li>• add terms, delete terms (including Te Reo Māori terms) and amend the definition of most terms to reflect submitter feedback</li> <li>• 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)</li> </ul>
<p><b>6. Remove rule format tables from the Chapter Form standard</b></p> <p>Submitters indicated that the rule tables are difficult to read and implement.</p>	<p>To remove the rule format tables and associated directions from the Chapter Form standard and provide these as guidance.</p>

### Structuring plans for integrated management

7. Many submitters sought greater flexibility to structure regional policy statements, combined plans and regional plans to better ensure integrated management of resources will occur (2018-B-04923 refers). Submitters noted this was important for managing the coastal environment, incorporating Māori values/perspectives, recognising connections between themes and across combined plans in general.
8. We agree that changes are required throughout the standards to better provide for integrated management to reflect the expectation in the Resource Management Act 1991

<sup>1</sup> 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.

(RMA) and the New Zealand Coastal Policy Statement (NZCPS)<sup>2</sup>. These changes will also reduce the risk that provisions will be duplicated across different parts of plans.

*Providing for greater integration between themes in plans and regional policy statements*

9. We are proposing changes that will provide for greater integration between themes in regional policy statements, regional plans and combined plans. These changes include a new 'integrated management' section in the Regional Plan and Combined Plan Structure standards, with directions that encourage councils to address competing demands for resource use and articulate holistic outcomes for the environment and their communities.
10. In addition, we are proposing a combined 'land and freshwater' chapter to provide greater flexibility and clarity for councils on the location of provisions that manage the effects of land use activities on the quality and quantity of freshwater resources. Councils will still have the ability to use topic-based chapters where provisions principally fall within one topic. For example, provisions specific to the management of indigenous biodiversity can be located within the 'ecosystems and indigenous biodiversity' chapter.
11. In our view, this combination of changes will reduce the potential for natural and physical resources to be considered and managed in 'silos', and encourage and facilitate a *ki uta ki tai* (mountains to sea) approach to the management of land, water and coastal resources.
12. Other changes proposed to regional policy statement and regional plan structures are refinements on the draft structure, as listed in Appendix 1. The proposed changes were tested with the Regional Policy Special Interest Group and pilot councils.

*Integrating tangata whenua provisions throughout plans and regional policy statements*

13. We are proposing clearer directions to ensure Māori values are integrated throughout provisions in plans and regional policy statements, rather than sitting in isolation in the tangata whenua chapter. We are also proposing refinements to the Tangata Whenua Structure standard to address other matters raised by iwi groups and councils, as listed in Appendix 1. The proposed changes were tested in a workshop in October 2018 with Māori planning advisors and with the pilot councils.

**Providing greater clarity on coastal provisions in plans**

14. The main coastal issue in submissions was the importance of enabling flexibility and integrated management of coastal environment provisions. We agree, but also need to balance this with requests for a clear location for coastal provisions, and a consistent overall plan structure.
15. Our recommended approach is twofold. We propose to amend the standards to require a coastal marine area chapter in regional and combined plans, or a clear identification of coastal marine provisions in these plans. Standalone regional coastal plans will also be permitted.<sup>3</sup> However, councils will be encouraged to integrate their standalone coastal plans at the next plan review.
16. We also propose enabling greater integration by clarifying that coastal environment provisions can be placed with other topics. While some coastal issues are best placed in the context of the coastal environment, others such as water quality and biodiversity may be better managed under other chapters. This requires changes to directions in the

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<sup>2</sup> Policy 4 of the NZCPS specifically requires the provision of integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment.

<sup>3</sup> See section 64 of the RMA.



Regional Plan and Combined Plan Structure standards and the Natural Environment Values Chapter standard for district plans.

17. Our approach aligns with requirements in the RMA, and recognises the importance for the standards to assist councils to give effect to the NZCPS. Regional coastal plans are approved by the Minister of Conservation and there are key differences in how activities are managed under the RMA within the coastal marine area compared with activities on land. In contrast, coastal issues are often better managed across the land/sea boundary (ie, the coastal environment as a whole), and our proposed approach provides flexibility to manage these at the appropriate scale.

### **Replacing the Combined Plan structure**

18. The draft Combined Plan Structure standard brought together the draft structures for the regional policy statement, regional plan and district plan, and instructed councils to use the relevant parts, chapters and sections. Our recommended approach is to replace this with two different structures for specific types of combined plans:
  - i. a combined regional policy statement, regional plan and district plan (eg, Auckland Unitary Plan)
  - ii. a combined regional policy statement and regional plan (eg, Horizons One Plan).

#### *Matters raised in submissions*

19. Approximately 40 submissions were received on the Combined Plan Structure standard. The most common concern was that the structure does not account for differences between regional councils and unitary councils. While a regional council may combine its regional policy statement and regional plans, a unitary authority may also wish to include a district plan in a combined plan to address its additional territorial authority functions. Submissions from some unitary authorities requested a structure that better integrates the regional policy statement provisions to avoid content duplication.
20. We agree that in attempting to be all things to all combined plans, the draft combined plan structure was too large and complex, and duplicated topics and themes. We have worked with all unitary councils to produce two combined plan structures to better meet their distinct requirements.
21. Submitters were also concerned that content could be placed in more than one chapter or section. For example, content on coastal natural character could be placed in the regional policy statement or region-wide matters parts and in the coastal environment or the landscapes, landforms and natural character sections. It could also be placed in a catchment chapter. Along with the simplified combined plan structures, we propose to clarify the location of provisions in region-wide, domain, topic or area-specific chapters.

*We are proposing to more fully integrate regional policy statement content than recommended by the Independent Hearings Panel on the Auckland Unitary Plan*

22. The location of regional policy statement content in our recommended combined regional policy statement - regional plan - district plan structure is more integrated than the Auckland Unitary Plan. Rather than separating all regional policy statement provisions from regional and district plan provisions and locating these at the beginning of a combined plan, we are proposing to incorporate most regional policy statement provisions across the combined plan.
23. The proposed Auckland Unitary Plan fully integrated its regional policy statement within the plan. However, the Independent Hearings Panel recommended separating these provisions to the front of the Auckland Unitary Plan. The main rationale appears to be that a regional policy statement does not contain rules and is a higher-order planning document. In contrast, the proposed Marlborough Environment Plan fully integrates its regional policy

statement provisions within the plan, to create a simpler and more coherent resource management framework. Another benefit of this approach is reduced duplication of provisions in the plan.

24. Our recommended structure recognises both perspectives. High-level regional policy statement provisions (that is, issues of regional significance, strategic direction, and policy on complex, integrated resource management matters) are located in a separate part at the front of the combined plan. The detailed regional policy statement provisions on specific matters are integrated within the plan. We received general support for this approach when we tested it at a workshop with unitary council staff.
25. Good planning practice when preparing and reviewing combined plans is to decide on the regional policy statement provisions first. These provisions can then direct the content and guide the evidence for the lower-level provisions. However, this does not affect the degree of regional policy statement integration in the plan structure. Provisions should be placed within the plan structure to minimise duplication and maximise plan consistency and effectiveness.
26. We acknowledge this recommendation directs a particular planning outcome based on the collective desire of the unitary councils. Their particular institutional arrangements provide a unique opportunity to create plans that reflect the clear expectation in the RMA and NZCPS for the integrated management of resources.

#### **Providing greater clarity on consequential amendments**

27. We previously advised that one of the most common concerns from submitters was the cost, resources and potential risks associated with determining which changes to plans and regional policy statements go beyond consequential amendments, and will require a Schedule 1 process (2018-B-04923 refers).
28. We propose to address this matter by expanding the 'purpose'<sup>4</sup> of each standard to clarify that the intention of the standards is not to change the overall legal effect of plans and regional policy statements. We note that the proposed lawfulness of this approach will be tested with Crown Law as part of the pre-approval vires review of the standards.
29. We consider this will assist councils in assessing what can be considered as consequential amendments to provisions. We will also produce guidance for councils on the extent that provisions can be amended when implementing the standard, before a Schedule 1 process is required.

#### **Changes to the Definitions standard**

30. A significant number of submissions were received on the Definitions standard; approximately 75 per cent of all submissions on the standards included submission points on this standard. Around 40 per cent of submissions on the Definitions standard supported the concept of standardising definitions, but were concerned about implementing the standard or specific definitions. Around 30 per cent sought changes. Most who supported or supported in principle were from business/industry.
31. Submissions were received on most of the 109 definitions, with around 15 per cent of them receiving over 20 submissions. There were requests for over 125 additional terms to be defined. Submitters also commented on the mandatory directions.
32. Our recommended approach to address submissions is to revise the standard to:

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<sup>4</sup> Each standard begins with 'A. Purpose' which describes the intent of that standard.

- provide greater clarity in the standard and in guidance that plan provisions can be amended as consequential amendments, without a Schedule 1 process, where the legal effect of plan and policy statement provisions are not altered by those amendments
- include additional terms that were not in the draft standard but are considered necessary as a result of matters raised by submitters (approximately 10), delete some terms (approximately 10), and amend the definition of most other terms
- provide greater clarity about the definitions that councils must include in their plans and regional policy statements when they implement the standards
- revise which RMA terms are included
- remove te Reo Māori terms.

33. We anticipate that the end result will be that a similar number of terms are defined in the standards. These will be included in our recommendations report for your final approval.

34. Given the importance of developing robust definitions for the standards, peer reviewed and tested our revised drafting. Following submissions' analysis, Ministry officials revised definitions for some terms, and prepared definitions for new terms. These have been tested by a small group of regional councils and our larger group of pilot councils. We are currently considering that feedback. Members of our Drafting Practitioners Group (which includes a practicing resource management lawyer) will provide a final peer review of the drafting and the rationale supporting the revisions. We have ensured that the feedback provided on draft definitions by the Parliamentary Counsel Office earlier this year has been upheld in our revisions. As with all standards, Crown Law will also have an opportunity to review the definitions.

*Implementing the definitions as consequential amendments*

35. We propose to revise the 'purpose' statement to clarify that changes to plan and regional policy statement provisions from implementing the definitions will be treated as consequential amendments if the amendments do not alter the legal effect of the provisions. Guidance will also be prepared for councils on this matter. This change is in response to submitter concerns about the costs, resources and potential risks of implementing the definitions, especially if a Schedule 1 process is required because the changes are not considered consequential amendments.

36. We also consider that our recommended approach to extend the timeframe that councils have to implement the definitions, as set out in our implementation briefing (2018-B-04984 refers), will enable the definitions to be aligned with proposed provisions as part of the plan/policy statement review process.

*Revising the RMA terms included in the standard and removing all te reo Māori terms*

37. Thirty-eight definitions from the RMA were included in the standard, including four te reo Māori definitions (iwi authority, kaitiakitanga, mana whenau and tangata whenua). Some submitters opposed specific RMA definitions on the basis they are not suitable to be applied within the local context. For example, Environment Canterbury noted difficulties in applying the RMA definition of 'bed' to braided rivers, because the definition does not recognise situations where rivers have multiple channels, variable flows across their full width and undefined banks.

38. We have revised the RMA definitions included in the standard and are only proposing to retain those where the issues raised by submitters can be addressed. In some instances we consider the use of narrower terms or subcategories of definitions will address submitters' concerns. For example, we are proposing to include a definition for 'active channel' as a subcategory of 'bed' to address the above concern.

39. We are proposing to remove the te reo Māori terms from the standard. Submitters wanted the ability to describe these terms appropriately to the local dialect and cultural beliefs. We tested this approach in a workshop with technical Māori planning advisors and they supported the removal of the four te reo Māori terms.

*Clarifying the application of the Definitions standard*

40. Some submitters misunderstood how the standard is to be applied. For example, some submitters believe that every term and definition must be included in every plan. We propose to revise the mandatory directions to clarify that a plan only needs to include a term from the standard if that term is used in the plan (or a synonym of it). Guidance will provide examples of synonyms<sup>5</sup> and clarify that the plan can include definitions for terms that are not in the standard, as long as they are not synonyms.

*Adding new terms to the standard*

41. We are not proposing to include many of the new terms requested. Most of the terms we propose to include are closely related to other definitions in the standard and respond to submissions on those. In a few circumstances we are considering the appropriateness of new terms that have been requested to support active government policy programmes such as 'community corrections activity', 'social infrastructure' and 'temporary military training activities'.
42. There is a risk that new terms could be challenged on the basis that these have not been through a full consultation process. We consider that this risk has been mitigated by limiting new terms to those that relate to a matter raised in submissions, testing new definitions and accommodating feedback, and by providing clarity that councils can amend provisions in their policy statements or plans to accommodate the new definitions as long as those amendments do not alter the legal effect of the relevant provisions.

**Removing the rule format tables in the Chapter Form standard**

43. The draft Chapter Form standard prescribed three rule format tables for plans: rule overview table, rule table and rule requirements table (tables 25, 26 and 27 respectively). Our recommended approach is to remove these tables and associated directions from the standard and provide these as guidance.
44. As a result of submissions, we consider it prudent to remove the rule format tables from the first set of standards while we continue to work with councils (particularly the early adopters) and e-providers. However, we maintain there is huge value in standardising this part of plans (which are the most commonly referred to by plan users) and recommend that we move the rule format tables into guidance. This will signal our direction that standardising rule format is important for plan usability and will be an important component for e-plans. As work progresses on rule tables, we will re-evaluate whether the tables can be incorporated into future standards.
45. Rule format tables were included in the standards so that all the necessary rule information was consistently in one place and in an easy to read format. Using a table format also had benefits for e-plans that draw rules, or parts of rules, from tables across a plan and display these as part of a property search.

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<sup>5</sup> For example 'recession plane' and 'sunlight access angle' are synonyms of 'height in relation to boundary'.

46. Approximately 36 submissions were received on rule tables, the majority of which were from councils.<sup>6</sup> Almost all of these either opposed including rule tables or supported them if amendments were made and extensive testing was undertaken.
47. Some submitters indicated that the rule tables were difficult to read and implement with their existing rules. Some submitters tested the rule table on their current plan rules and concluded it does not work with more complex rule types. In addition, feedback indicated that the rule tables are not compatible with at least one major e-plan platform that some councils have significantly invested in.
48. In the short-term, some plans will be published with rule tables similar to those we proposed in the standards, as one of the e-plan providers requires this as a fundamental component of their e-plan architecture. The e-plan provider is continuing to innovate and test workability with each new plan they work on.
49. The standards will continue to require rules to be located with relevant higher-order provisions (ie, objectives and policies).

### **We have continued to develop the zone framework and spatial layers and have tested these**

50. We have continued to develop the zone framework and spatial layers based on direction received from Minister Parker (2018-B-04860 refers). We are awaiting direction from Minister Sage. We have tested changes with the pilot councils.
51. The recommended approach for the zone framework is as follows, and detailed changes are provided in Appendix 2:
- to apply a density-based naming approach for residential zones and a descriptive purpose statement for each zone<sup>7</sup>
  - to include the three new zones referred to in the above briefing ('large format retail zone', 'low density residential zone' and 'metropolitan centre zone')<sup>8</sup> and to retain the 'rural production zone'<sup>9</sup>
  - to continue to work with the Department of Corrections to determine whether it is appropriate to include a 'Corrections zone' within the first set of standards. We will keep you informed on this matter through the Weekly Updates.

### **We are considering refinements across the standards**

52. We are considering a range of refinements across the standards, which we will include in our recommendations report for your final approval. These are less substantive changes that respond to submissions requesting improvements to the clarity and consistency of standards, and improvements to their workability for plans and regional policy statements.
53. Appendix 1 lists the refinements we are considering. These mostly clarify the intent of standards and specific directions, including the relationship between some chapters and sections. In some cases we are proposing to produce guidance to further clarify the intent. We are considering changes that will increase the consistency in approach and wording

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<sup>6</sup> These submissions represented the view of 35 councils, 7 businesses/industry and 6 others.

<sup>7</sup> In response to Recommendation e(iv) of briefing 2018-B-04860.

<sup>8</sup> In response to Recommendation e(ii) of briefing 2018-B-04860.

<sup>9</sup> In response to Recommendation e(v) of briefing 2018-B-04860.

across standards. Some minor wording changes to the titles of chapters and sections are necessary to accurately reflect their intended content.

54. We are also considering some detailed, technical changes. For example, we are clarifying where and how noise standards are applied, and we are revising some of the electronic accessibility requirements.

### **Consultation and Collaboration**

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55. This briefing was prepared by the Ministry for the Environment and the Department of Conservation.

56. The Ministry of Housing and Urban Development, Ministry of Health, Ministry of Social Development and the Department of Corrections have reviewed this briefing.

### **Risks and mitigations**

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57. There are no risks or mitigations associated with the content of this briefing.

### **Legal issues**

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58. No legal issues have yet been identified in relation to the standards discussed in this briefing. Crown Law will be conducting a vires review of the standards prior to gazettal.

### **Financial, regulatory and legislative implications**

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59. There are no financial, regulatory or legislative implications.

### **Next Steps**

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60. We will finalise the drafting of the first set of standards subject to your direction on the matters outlined in this briefing. You will receive the revised standards in mid-February 2019, along with the draft Cabinet paper and final documentation (section 32AA report, recommendations report and Regulatory Impact Statement).

## Appendix 1: Draft refinements under consideration

Standard	Draft refinements under consideration (changes that are in addition to the matters we are seeking Ministers' direction on)
<b>Regional Policy Statement Structure (S-RPS)</b>	<ul style="list-style-type: none"> <li>placing more detail and emphasis on the strategic part of a regional policy statement</li> <li>new chapters on rural environment, and urban form and development</li> <li>greater visibility for Māori resource management matters</li> <li>clarifying where some existing regional policy statement provisions would go, including transport provisions</li> </ul>
<b>Regional Plan Structure (S-RP)</b>	<ul style="list-style-type: none"> <li>clarifying where provisions relating to more than one topic or resource should be located</li> <li>collation of similar chapter topics below over-arching headings to assist users in navigating regional plans</li> <li>allowing councils to include both 'region-wide' and 'catchment-specific' sections in one regional plan to reflect the staged approach to implementing the National Policy Statement for Freshwater Management</li> </ul>
<b>Combined Plan Structure (S-CP)</b>	<ul style="list-style-type: none"> <li>amending for consistency with related standards (eg, regional policy statement and plan structures, district-wide matters and area specific matters)</li> </ul>
<b>District Plan Structure (S-DP)</b>	<ul style="list-style-type: none"> <li>clarifying the intent of mandatory directions and for consistency with related standards</li> </ul>
<b>Introduction and General Provisions (S-IGP)</b>	<ul style="list-style-type: none"> <li>adding an RMA Part 2 Māori and Treaty Settlements section</li> <li>broadening the glossary to include te reo Māori and non-te reo Māori terms</li> <li>adding a spatial layers section for plans to clarify how these provisions work</li> <li>revising the level of detail required</li> </ul>
<b>Tangata Whenua Structure (S-TW)</b>	<ul style="list-style-type: none"> <li>renaming to "Tangata Whenua / Mana Whenua"</li> <li>providing flexibility for plans and regional policy statements to meet local aspirations and to encourage councils to take a holistic approach to the Tangata Whenua Part of their plans and regional policy statements</li> </ul>
<b>Strategic Direction Structure (S-SD)</b>	<ul style="list-style-type: none"> <li>producing guidance on the intent of the significant resource management matters section</li> </ul>
<b>District-Wide Matters (S-DWM, S-NEV, S-ER, S-CV, S-IE, S-SUB, S-GDW)</b>	<ul style="list-style-type: none"> <li>aligning wording in the Natural values chapter with Part 2 of the RMA, and clarifying where provisions that cross multiple topics should be located</li> <li>renaming "Environmental risks" to "Environmental hazards and risks" and revising the chapter to contain sections for natural hazards and contaminated land management, with the potential for a section on risks associated with hazardous substances</li> <li>renaming the "Community values" chapter to "Historic and cultural values" and clarifying intent of specific sections</li> <li>renaming the "Infrastructure and energy" chapter to "Infrastructure, transport and energy" and clarifying the intent of mandatory directions and relationship to other chapters and sections</li> <li>separating some sections in the "General district-wide matters" chapter, and clarifying the intent of mandatory directions and the relationship to other chapters and sections</li> </ul>
<b>Area Specific Matters (S-ASM) and spatial layers (F-3 and F-4)</b>	<ul style="list-style-type: none"> <li>refinements are continuing based on direction received from Ministers (2018-B-04860 refers)</li> </ul>

Standard	Draft refinements under consideration (changes that are in addition to the matters we are seeking Ministers' direction on)
<b>Electronic Accessibility (F-1)</b>	Baseline standards: <ul style="list-style-type: none"> <li>• removing instructions that are addressed in legislation</li> <li>• removing instructions that submitters demonstrated were unworkable and will lead to unintended consequences</li> <li>• requiring future content to be compliant with New Zealand Vertical Datum 2016, rather than requiring councils to amend their current plan data into the new datum</li> </ul> E-plan standards: <ul style="list-style-type: none"> <li>• improving clarity of directions</li> <li>• considering removing the requirement to print maps (in discussion with Auckland Council)</li> <li>• new directions to display definitions and plan versions</li> </ul>
<b>Mapping (F-2)</b>	<ul style="list-style-type: none"> <li>• amending zone colours to create related colours for similar zones, to improve legibility, and to reflect changes to the zone framework</li> <li>• simplifying some symbols and considering removing some symbols (eg, noise)</li> <li>• refinements to designations colour</li> <li>• producing guidance on structuring and displaying maps</li> </ul>
<b>Chapter Form (F-5) and Status of Rules and Other Text and Numbering (F-6)</b>	<ul style="list-style-type: none"> <li>• changes to increase legibility</li> <li>• merging F-5 and F-6 to become one Chapter Form standard</li> </ul>
<b>Noise and Vibration Metrics (CM-2)</b>	<ul style="list-style-type: none"> <li>• clarifying where and how the standards are applied</li> <li>• changes to ensure standards are appropriate to specific situations</li> <li>• reviewing appropriate vibration standards</li> </ul>



## Appendix 2: Changes to zone purpose statements

### Revised draft zone purpose statement

Zone	Purpose statement
Residential – Large lot zone	The purpose of the <i>Residential—Large Lot Zone</i> is to provide primarily for residential activities on larger lots than the Residential Zone and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development. Residential units are typically detached buildings.
Residential – Low density suburban zone	The purpose of the <i>Residential—Low Density Suburban Zone</i> is to provide primarily for residential activities and buildings consistent with a suburban built character, such as one to two storey houses with yards and landscaping.
Residential zone	The purpose of the <i>Residential Zone</i> is to provide primarily for residential activities and other compatible activities, with a mix of building types.
Residential – Medium density zone	The purpose of the <i>Residential—Medium Density Zone</i> is to provide primarily for residential activities and other compatible activities, with moderate concentration and bulk of buildings such as detached, semi-detached and terraced housing, and low-rise apartments.
Residential – High density zone	The purpose of the <i>Residential—High Density Zone</i> is to provide primarily for residential activities and other compatible activities, with high concentration and bulk of buildings, such as terraced houses and apartments.
Rural zone	The purpose of the <i>Rural zone</i> is to provide primarily for primary production activities. The zone may also provide for activities that are compatible with primary production activities.
Rural production zone	The purpose of the <i>Rural production zone</i> is to provide primarily for primary production activities that are particularly suited to the characteristics of the land, and the size of rural land lots are as productive as possible. The zone may also provide for other activities that are compatible with primary production.
Rural lifestyle zone	The purpose of the <i>Rural lifestyle zone</i> is to provide primarily for a residential lifestyle within a rural environment, while still enabling primary production to occur appropriate to the size of the lots.
Settlement zone	The purpose of the <i>Settlement zone</i> is to provide primarily for a cluster of residential, commercial, light industrial or community activities that are located in rural areas or coastal environments.
Neighbourhood centre zone	The purpose of the <i>Neighbourhood centre zone</i> is to provide primarily for small-scale commercial and community activities that directly support the immediate residential neighbourhood.
Local centre zone	The purpose of the <i>Local centre zone</i> is to provide primarily for a range of commercial and community activities that provide for the daily/weekly goods and service needs of the residential catchment.
Commercial zone	The purpose of the <i>Commercial zone</i> is to provide primarily for a broad range of commercial activities.
Large-format retail zone	The purpose of the Large-format retail zone is to provide primarily for commercial activities which require large floor areas.
Mixed-use zone	The purpose of the <i>Mixed-use zone</i> is to provide primarily for a compatible mixture of residential, commercial, light industrial, recreational or community activities.
Town centre zone	The purpose of the <i>Town centre zone</i> is to provide primarily:

	<ul style="list-style-type: none"> <li>• in smaller urban areas, for a diverse range of commercial activities, along with community, recreation and residential activities which support both residents and visitors</li> <li>• in larger urban areas, a range of community, recreational, commercial and residential activities which service the immediate and neighbouring suburbs.</li> </ul>
Metropolitan centre zone	The purpose of the Metropolitan centre zone is to provide primarily for a wide range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments
City centre zone	The purpose of the <i>City centre zone</i> is to provide primarily for a diverse range of commercial, community, recreational, and residential activities. The zone is the main centre for the district or region.
Light industrial zone	The purpose of the <i>Light industrial zone</i> is to provide primarily for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes, smoke) that are reasonable to residential activities sensitive to these effects.
Industrial zone	The purpose of the <i>Industrial zone</i> is to provide primarily for a range of industrial activities and may also provide for activities that are compatible with the effects generated from industrial activities.
Heavy industrial zone	The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that generate potentially significant effects. The zone also provides for associated activities that are compatible with the significant effects generated from industrial activities.
Natural open space zone	The purpose of the <i>Natural open space zone</i> is to manage activities so that the area's natural environment is retained and activities, buildings and structures are compatible with the characteristics of the zone.
Open space zone	The purpose of the <i>Open space zone</i> is to provide primarily for a range of passive and active recreational activities, along with limited associated facilities and structures.
Sport and active recreation zone	The purpose of the <i>Sport and active recreation zone</i> is to provide primarily for a range of indoor and outdoor sport and active recreational activities and associated facilities.
Airport zone	The purpose of the <i>Airport zone</i> is to enable the ongoing operation and development of airports and other aerodromes as well as associated operational areas and facilities, administrative, commercial and industrial activities.
Port zone	The purpose of the <i>Port zone</i> is to enable the ongoing operation and development of ports as well as associated operational areas and facilities, administrative, commercial and industrial activities.
Hospital zone	The purpose of the <i>Hospital zone</i> is to provide primarily for the ongoing operation and development of a locally or regionally important medical, surgical or psychiatric care facility and associated health care services and facilities.
Tertiary education zone	The purpose of the <i>Tertiary education zone</i> is to provide primarily for tertiary educational facilities and associated activities.
Stadium zone	The purpose of the <i>Stadium zone</i> is to provide primarily for the ongoing operation of large scale sports and recreation facilities, buildings and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, or event and cultural activities.
Future urban zone	The purpose of the <i>Future urban zone</i> is to identify land as suitable for urbanisation at some point in the future and that its use is not compromised.
Māori purpose zone	The purpose of the <i>Māori purpose zone</i> is to enable a range of activities which specifically meet Māori cultural needs including but not limited to residential and commercial activities.

[Additional special purpose] zone  
*Refer to mandatory direction 5 above*

The purpose of the [additional special purpose] zone is to.....

### **Draft 'Corrections zone' purpose statement proposed by the Department of Corrections**

The purpose of the Corrections Zone is to:

- Enable the ongoing operation and future development of prisons and associated activities.
- Provide for sufficient flexibility to allow new and changing approaches to reintegration and rehabilitation which are not necessarily provided by the prison's designation yet require land use change to achieve the desired outcomes.
- Enable operational areas, facilities, support activities and prisoner training and employment both inside and outside the secure perimeter of prison sites.
- Allow for effects associated with the above to be managed in a way that is tailored to the locality and the resource management issues of the District.