

**Chairperson and Committee Members**  
STRATEGY AND POLICY COMMITTEE

6 SEPTEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

**SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT ON THE DRAFT  
FIRST SET OF NATIONAL PLANNING STANDARDS**

**PURPOSE OF REPORT**

- 1 This report requests approval of the proposed submission to the Ministry for the Environment on the draft first set of National Planning Standards (Standards).

**DELEGATION**

- 2 As per section 6 of the Standing Orders, the Strategy & Policy Committee has the authority to approve submissions on behalf of Council.

**BACKGROUND**

- 3 The Ministry for the Environment (MfE) released the first set of draft National Planning Standards for public submission on 6 June 2018. Submissions closed at 5pm Friday 17 August 2018. An interim submission has been made, however MfE are agreeable to Council submitting the final submission following Council's approval.
- 4 The Standards are intended to create greater consistency across regional and district plans and to make them easier to navigate and use. Over time, the Government also expects that the national planning standards will reduce the cost and effort required by Councils to maintain and update these plans.
- 5 Further information, including the consultation documents, can be found on the MfE website <https://www.mfe.govt.nz/consultation/draft-national-planning-standards>. A copy of the summary document "Introduction to the National Planning Standards" is attached as Attachment 2.
- 6 MfE states that the planning standards aim to achieve the following outcomes:
  - Less time and fewer resources will be required to prepare and use plans;
  - Plan content will be easier to access, and relevant content easier to find;
  - National direction will be consistently incorporated into plans, resulting in better implementation on the ground;
  - Councils will be able to focus their resources more on plan content that influences local resource management outcomes; and
  - Good planning practice will be shared by councils or applied quickly across councils.
- 7 The national planning template was initially introduced as part of the Resource Legislation Amendment Bill in late 2015, and was subsequently renamed as the

‘national planning standards’ as part of the Resource Legislation Amendment Act 2017.

- 8 The Act requires that the first set of national planning standards will be gazetted by April 2019. Kāpiti Coast District Council will have seven years to implement the first set of Standards from the gazettal.
- 9 It is intended that the national planning standards will encompass many different elements of district and regional plans, including structure, form, objectives, policies, methods (including rules) and other provisions. These National Standards will apply to all councils and can be mandatory or discretionary to implement.
- 10 The first set of draft Standards have resulted from the development and consultation on a set of discussion papers and further drafting and testing in collaboration with a number of ‘pilot’ councils, user groups and technical experts.
- 11 This first set of draft Standards does not yet include detailed plan content (i.e. rules); and are drafted on the assumption that the public will mainly access regional and district plans and policy statements through e-Plans (online/electronic plans) in the near future. The first set of Standards focus on the look and style of a District Plan.
- 12 The first draft set includes 18 standards that relate to:
  - Structure
  - Form and layout
  - Definitions and metrics
- 13 The key standards that will have the most relevance are:
  - District plan structure – chapter names and the order of sections;
  - A standard set of 27 zones (zone names and their high level purpose only);
  - Specific requirements for the layout of chapters and plan provisions;
  - Requirements for providing e-Plans; and
  - A standard set of 109 common terms and definitions
- 14 Further information on the full draft planning standards can be found on the MfE website <http://www.mfe.govt.nz/publications/rma/draft-national-planning-standards> and Appendix 2 includes the summary document on the first set of planning standards.
- 15 All the Standards are mandatory except the zone framework, which is discretionary. Mandatory standards must be incorporated into the district plan within 7 years of the gazettal date. However, if Council decides to change other plan content beyond what the mandatory directions prescribed, these changes will need a formal public consultation process under the Act which would involve following the specific process set out in Schedule 1 of the Act for preparation, changes, and reviews of district plans.
- 16 Discretionary planning standards provides a set of options, and councils must select at least one of the options to apply in their plans. The council must use a formal consultation process under the RMA to decide which options to select and how they should be applied in the plan.

## Issues

- 17 The Council supports the general principles behind the Standards to make the structure of district plans produced by local authorities more accessible and consistent.
- 18 While our Council is one of the few given seven years to implement the Standards in recognition that we have just been through the development of a Proposed District Plan, implementing these National Standards will come as considerable cost to council. Other councils are required to implement the standards within 5 years.
- 19 Our initial analysis of the Standards suggests that the way in which rules and exemptions are integrated across our District Plan could mean that restructuring the plan and its content to meet mandatory requirements may still require a Schedule 1 process requiring consultation, hearings and re-litigation as part of introducing the first part of these standards. If we do not proceed in this manner, we risk judicial review of our process at a considerable expense. We have asked for specific clarification on this in our submission and requested the extended timeframe of 10 years to complete this work rather than 7 years.
- 20 The attached draft submission provides technical feedback prepared by our planning policy team and resource consent team and seeks further guidance and clarification to ensure the draft standards are workable and able to be implemented in a meaningful way.

## CONSIDERATIONS

### Policy considerations

- 21 Once the standards are enacted Council will be required to include the first set of standards within 7 years this will result in changes to the District Plan.

### Legal considerations

- 22 Following the finalisation of the standards we will seek legal advice to ensure all our legal requirements are met.

### Financial considerations

- 23 There will be some financial considerations following the implementation of these standards to adjust the District Plan to meet the planning standards. This will involve reasonable amount of staff time and may also require specific technical expertise, depending on the final nature of the Standards. It will be important to develop a programme of work that aligns with Council's work programme while also meeting the statutory timeframes.

### Tāngata whenua considerations

- 24 The standards have been drafted to provide greater consistency of the tangata whenua values, objectives, policies and methods including rules.

## 25 Strategic considerations

- 26 The National Planning Standards are being introduced by MfE to make district plans more user friendly and consistent across the country in terms of implementing national direction. It is anticipated that the Standards will help to improve satisfaction with Council services and improve accessibility to district plans with new online tools.

## Significance policy

- 27 According to Council's Significance and Engagement Policy, this submission is not deemed to be significant.

## Consultation already undertaken

- 28 No consultation has been undertaken in the development of this submission.

## Engagement planning

- 29 An engagement plan is not required for this submission.

## RECOMMENDATIONS

- 30 That the Committee approve the submission on the first draft set of National Planning Standards to the Ministry for the Environment.

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## ATTACHMENTS

Appendix 1    Draft submission

Appendix 2    Introduction to National Planning Standards



16 August 2018

Vicky Robertston  
Chief Executive  
Ministry for the Environment

**BY EMAIL: [PlanningStandards@mfe.govt.nz](mailto:PlanningStandards@mfe.govt.nz)**

Dear Vicky

**SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS**

1. Thank you for the opportunity to submit on the Ministry for the Environment's (MfE) Draft National Planning Standards (the Standards). Kāpiti Coast District Council (Council) is supportive of the general principles behind the Standards to make the structure of District Plans produced by local authorities more accessible and aligned.
2. The Draft National Planning Standards provide a common framework to ensure that across the country there is consistency in terms of structure and practice; and the Council is supportive of this proposed framework.
3. The Council is towards the end of the process of developing a Kāpiti Coast District Plan (District Plan) which was publicly notified in 2012. We appreciate that the Standards have recognised this in identifying Kāpiti Coast District Council as one of the Council's to be given 7 years to implement the first stages of the Standards.
4. However, implementing the Standards holds a number of risks and will come at a considerable cost to Council and its ratepayers. This includes the potential for points of detail to be re-litigated, adding further cost and delays to the process.
5. Recognition of this through providing more guidance and flexibility in how the Standards can be implemented; and extending the timeframe to implement the Standards to align with the next required District Plan review (10 years), would enable Council to implement the Standards in a cost effective manner.
6. The Council would welcome the opportunity to discuss the content of our submission further with MfE.

## **Support to implement the Standards from the Ministry for the Environment**

7. With such a significant change to plans, implementation support will be essential across all of local government. At this early stage of the process it is anticipated that there will be a need to have more details and guidance around the component parts of the structure, as well as the shape and format of content to help inform the approach and delivery of the Standards.
8. The Council considers the ways in which implementation could be supported include:
  - More detailed guidance and consideration around when and how Schedule 1 should be used, in particular, the extent that it applies where details of policies, rules and their standards are being re-aligned, from across different parts of the plan.
  - Central support to help answer questions from both a planning and IT perspective.
  - The establishment/facilitation of implementation groupings of councils could also be useful. This could help councils of a similar type and stage of the process to share and support best practice, capacity and resource to develop solutions to implement the Standards.

## **Comments on the components of the Standards**

### **S-DP: Proposed structure for District Plans**

9. It is not clear in the draft Standards how two issues are intended to fit.
10. The first is in relation to the District Plan providing for development and growth. This is typically a core area and driver of a District Plan, with its principles integrated across the relevant policies and rules. The Standard is not clear as to which chapter this would sit and how it would be integrated across the many other areas to which it would relate.
11. It is also not clear how the Standards intend to manage areas and themes that are integrated across District Plans. Subdivision is a good example, where provisions are generally addressed in a section of the plan (S-SUB), with further details lying in specific zones. An assumption (as it is not specific in the consultation material) is that all relevant references and details would be centralised to one location (S-SUB). Subdivision cannot be divorced from natural hazards, earthworks, and other features

which may apply to a particular site, for example historic heritage, outstanding natural landscapes or ecological sites. This adds considerable detail and duplication to this section, but also potentially divorces its practical link with the other rules that apply to land use in the relevant zone.

12. The Kāpiti Coast District Plan integrates details of rules and exemptions across activity areas/zones, but also addresses specific topics within their own chapters. Because of this, and the likely need to move and realign plan content, this could substantively affect the interpretation of the plan, creating substantial re-work and also requiring a Schedule 1 process. Further guidance to understand the nature and full extent of this challenge and options under the Standards would be greatly welcomed.

### **Part 1: S-IGP: Draft introduction and General provision Standards**

- (S-HPW) effect of rules
- (S-INTER) Abbreviations and interpretations
- (S-NDI) National Direction Instruments

13. Councils already accompany their District Plans with information outlining its status and legal status under the RMA, especially when under review. We suggest that the need for this could be met through a form of disclosure statement that sits alongside plans (rather than within) to provide necessary legal information on the effect of rules and implementation of national instruments. This would help support principles around plans being as concise and simple to use, and provide plans as being the single source of up-to-date requirements – similar to how legislation and changes are tracked and available on Legislation NZ website.
14. With regards to abbreviations and interpretations, these forms a key part of a District Plan, and from a practical perspective are more accessible at the front of a paper/PDF plan, rather than under the bulk of the back of the Plan. However, we also note that when using an electronic approach through an E-Plan it does not matter about the physical location of abbreviations and interpretations on the basis that they can be automatically linked and viewed from the plan text.
15. In regards to the requirements in these Standards to include lists of all RMA planning documents and all other important/relevant non-RMA plans in the 'Statutory Context' section, such lists run the risk of dating quickly - particularly in relation to non-RMA



plans - therefore requiring frequent changes to update them, which does not seem very efficient or necessary. The Council considers that this would potentially lead to duplication of information on our website into a statutory document that cannot be easily updated.

**(S-ASM): Draft Area Specific Matters Standard (Zones – Discretionary)**

**(S-PREC) Precincts Chapter**

**(S-DEV) Development Areas chapter**

16. The use of zones, precincts and development areas in the Standards similarly reflects the structure of Kāpiti Coast's District Plan, however, not all of our current plan zones are transferable within the proposed set, and a number of areas identified as precincts potentially become zones e.g. low and medium density residential.
17. The Council supports the flexibility of this hierarchy through the ability to identify precincts but notes that due to the different provisions which apply to different zones, it is likely overlays will be necessary to capture these distinctions. For instance, integrating current zones, not accounted for in the proposed structure, will create the need for overlays to capture those areas under the most appropriate zone. This risks recreating or adding complexity to the plan rather than simplification.
18. There is a need for clarification as to whether a structure plan area can exist in its own right or if it needs an underlying zone framework. For instance it is not clear as to whether structure plan areas that include a local centre, medium density and lower density residential areas can be identified and included by themselves or are they intended to only be included under one of the zones as these structure planned areas do not appear to fit well within the zones available?
19. In terms of the requirements for development areas, there is also a question as to when is a development area judged complete (and as a consequence, removed from the plan). It is not clear what happens if there are specific conditions that apply to areas or lots developed within a structure plan area and these need to be retained to ensure any future further development complies, e.g. specific building setbacks or building height restrictions.

## **F-2: Draft Mapping Standard**

### **Colour palette of Special Purpose subzones**

20. Historically a number and range of map colours and symbols have been used in District Plan mapping.
21. It is the Council's view that the Special Purpose subzones should have their own colour palette rather than the use of only one colour grey for all subzones. Otherwise more precincts and overlays have to be added (e.g. overlays for special purpose airport zone, special purpose hospital zone, special purpose education zone, special purpose future urban zone, etc.).

### **Symbols**

#### Designations

22. When viewing larger designations electronically it is useful to have a represented overlay (e.g. symbol filled polygon) rather than relying solely on an outline polygon. This enables a user if looking at a more specific area within a larger site to recognise they are within a designated area.

#### Representation of natural hazards

23. There are a number of natural hazards that need to be shown on the Kāpiti Coast District Plan. The Standards provide one representation for all 4 standardised natural hazards (coastal, flood, volcanic and fault). Other hazards not currently commonly mapped include tsunamis, geothermal, landslip, subsidence, liquefaction, and fire hazards. It is Council's view that each natural hazard needs different polygon colours to be able to quickly identify one type of hazard from the other, when anyone looks at the District Plan. For example, the Council has 9 flood hazards, and 5 fault traces. It will be difficult to clearly identify all these kind of hazards with one colour filled polygon. It will be best to have one shade of blue for each of the 4 standardised natural hazards, and any subcategory of hazards to be represented by an overlay (e.g. symbol filled polygons).

#### Noise contours need to include roadways and railway lines

24. The Council notes that as well as noise contours for airport and sea port, provision for major roads and railways also need to be included. Similar to the point above on designations, these should contain a symbol filled polygon to identify and represent

different areas for viewing purposes. The Kāpiti Coast District Plan includes noise contours for the Kāpiti Airport, the North Island Main Trunk rail, and State Highway 1.

#### Flexibility to provide for additional areas

25. It needs to be clear that there is flexibility to provide for other symbol and overlays, for instance, coastal hazard risk lines or other site specific planning features which are useful mapped as opposed to simply referenced within a policy, rule or standard. The ability to map a range of site specific features is crucial in assisting TA's in preparing Land Information Memorandums.

#### **CM-1: Draft Definitions Standard**

26. While Council notes that the intention is to improve consistency of definitions across District Plans, there are a number of proposed changes that have been included that may be problematic. Specific examples which are particularly simplistic, problematic or open to interpretation include:
- Addition: the definition does not capture any increase in height.
  - Boundary adjustment: this definition would result in unintended consequences for subdivisions where the number of allotments is not changing but the boundaries are being significantly changed.
  - Building: this definition is overly simplistic and inappropriate to underpin District Plan provisions. The definition is very much open to interpretation and provides no certainty as to what is and what is not a building.
  - Coverage: the definition includes access legs and rights of way. If adopted into the Kāpiti Coast District Plan this would result in increased site coverage and result in adverse effects not anticipated by the objectives and policies of the plan, and potentially exacerbate stormwater issues in parts of the district.
  - Commercial activity: the definition is too general and all-encompassing which does not enable different types of retail activity or other business activities to be managed in different ways.
  - Earthworks: the definition is too simplistic and will require additional detail on current exclusions to be included in permitted activity criteria.
  - Educational Facility: the use of Pre-Set Syllabus narrows the use of the definition and how it might be applied to manage education facilities.
  - Greywater: the definition does not recognise laundry sinks and kitchen wastewater systems also discharge to the sewer.



- Ground level: the definition is simplistic and problematic for compliance purposes. It appears that as long as the ground level is changed before a building is proposed it is possible to make the ground level whatever is desired. Please see the Kāpiti Coast District Plan definition for original ground level for how to overcome this issue.
- Height: when read in conjunction with the draft definition for ground level, as long as the ground level is altered prior to any building consent application being lodged, the ground level can be changed to whatever is desired. Please see the Kāpiti Coast District Plan definition for original ground level for how to overcome this issue.
- Height in relation to boundary: the definition does not refer to other important factors such as ground level, original ground level
- Land disturbance: this has been used in District Plans in relation to managing the effects of earthworks within wahi tapu sites. Clarification of potential conflicting use would be beneficial.
- Residential activity: the definition would result in uncertainty as to what is included and what is not included. For example, does the definition include temporary and visitor accommodation?
- Site: the definition does not acknowledge a site can be part of an allotment; a site is not necessarily the entire legal entity.
- Structure: this definition is inconsistent with the RMA definition.
- Subdivision: the definition needs to include boundary adjustments.

27. As noted above the Council appreciates the intent to standardise the definitions and the flexibility to add further to definitions to reflect local circumstances. However, in simplifying a number of the definitions there is the potential to create significant gaps, conflicts and inconsistencies in District Plan provisions.

## **Additional Issues**

### **Understanding the full scope and suite of Standards**

28. There are a number of questions in the consultation material that suggests there could be a number of further Standards introduced. A forward work programme of all known or emerging Standards would be helpful to inform Councils approach to implementing the Standards and set our planning work programme.

29. A forward programme has the advantage of providing flexibility, where councils can structure their review processes in a way that best aligns with government's timeframes.

**National benefits of developing an E-Plan template**

30. We recognise the benefits of E-Planning and are currently drafting an E-Plan for our District Plan. With all Councils moving towards E-Planning, there is a range of benefits that could be achieved by developing a common or shared IT platform and template to support implementation of the Standards.
31. This would provide consistency in the development and implementation of plans as well as considerable cost savings by best utilising key skills required to develop and implement E-Plans nationally.

Yours sincerely



Wayne Maxwell  
**CHIEF EXECUTIVE**





Ministry for the  
**Environment**  
*Manatū Mō Te Taiāo*



# INTRODUCTION TO THE **National Planning Standards**



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This document may be cited as: Ministry for the Environment. 2017. *Introduction to the National Planning Standards*. Wellington: Ministry for the Environment.

Published in May 2017 by the  
Ministry for the Environment  
Manatū Mō Te Taiao  
PO Box 10362, Wellington 6143, New Zealand

ISBN: 978-0-908339-88-4 (online)

Publication number: ME 1294

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This document is available on the Ministry for the Environment website: [www.mfe.govt.nz](http://www.mfe.govt.nz).

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# Section 1: National Planning Standards – a new planning tool

## Introduction

The National Planning Standards (also referred to as Planning Standards and Standards in this paper) were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA).

The Standards seek to:<sup>1</sup>

- help achieve the purpose of the RMA
- set out requirements or other provisions relating to any aspect of the structure, format, or content of RMA policy statements and plans to address any matter that the Minister for the Environment considers:
  - requires national consistency
  - is required to support the implementation of a national environmental standard, a national policy statement, a New Zealand coastal policy statement, or regulations made under this Act
  - is required to assist people to comply with the procedural principles set out in section 18A of the RMA.

This paper summarises the rationale for introducing the Planning Standards, outlines the scope of the first set of Standards, how they will be developed, and how you can be involved in developing the Standards.

## Context

Plan making was devolved to councils under the RMA in 1991, as they are usually best placed to make decisions on behalf of, and in conjunction with, the local community. Each regional and district council is required to have in place a policy statement (for regions) and plans to manage the natural and physical resources in its region/district.

However, this has resulted in hundreds of plans that reflect local circumstances and community values. This process was a change from historic planning legislation, which required plans to be approved by central government and, at various times, prescribed key elements of plans.

Some councils rolled over existing “tried and true” provisions from plans prepared under the former Town and Country Planning Act 1977, but many others took a first principles approach to developing their first RMA plan. The government anticipated some local variation would occur as councils tailored their plans to achieve sustainable management in their districts and regions.

An unanticipated outcome of this process was how much the core structural elements of the plans were also varied, as summarised in table 1. Over time, the degree of unnecessary variation has become more pronounced.

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<sup>1</sup> As described in RMA Section 58B.

**Table 1: Elements that vary considerably among plans**

Plan elements	Examples of variation
<b>District plan structure</b>	The biggest variation in district plans occurs in how the objectives, policies and rules for different topics/themes or zones relate to each other, and where these are located in a plan (4Sight, 2015; Planz Consultants, 2015).
<b>Zones and overlays</b>	Current plans now contain 2,272 different zones and overlays in 170 documents. Sometimes the same planning controls have different names and are used in different ways. (Ministry for the Environment, 2013b).
<b>Definitions</b>	Research in 2015 on 25 district plans and 11 regional plans found 8,700 terms that were defined in the plans. The research concluded a core set of approximately 330 definitions could be developed for district and regional plans (Boffa Miskell, 2015c).
<b>Metrics</b>	There is wide variation in the way technical elements of plans are addressed. For example, noise is variously measured using dBA, dBA L10, dBA Lmax, and dB LAeq. (GHD, 2015).
<b>Regional plan structure</b>	There are four main types of plan structure, but there were multiple variations in how provisions were structured within each plan type (Beca Ltd, 2016b).
<b>Form of plans</b>	Plans use markedly different approaches in formatting policies, rules, contents pages, and section organisation. Numbering systems and the use and style of cross-referencing is also highly variable. Some plans are succinct, formatted well, and drafted in plain English. Other plans are more difficult to follow and interpret (Ministry for the Environment, 2013a; Beca Ltd, 2017).
<b>Plan maps</b>	There is no consistent way of creating plan maps. Different colours and symbols are used for similar zones and map notations in plans (Ministry for the Environment, 2015d; Planz Consultants, 2015).
<b>How plans are accessed online</b>	All RMA plans are online, but they appear in significantly different formats. Older formats such as static PDFs can lack the ability to be interrogated and searched by users. Increasingly councils are starting to use fully interactive ePlans (Ministry for the Environment, 2015d).

The breadth and complexity of planning issues is increasing, and plans are becoming more expensive to prepare.<sup>2</sup> While variation in how councils manage local issues is expected, it is questionable whether so much variation in the basic structure and form of plans, including definitions, is effective or efficient.

<sup>2</sup> Average RMA plan costs increased from \$2.5 million (in 2017 dollars) for first generation plans (Ministry for the Environment 2008) to \$3.5 million in 2014/15 (Ministry for the Environment National Monitoring System data). This doesn't include costs to submitters or economic impact of delays.



This unnecessary plan variation impacts the planning system by making plans difficult to interpret and understand, and onerous to prepare, resulting in undue time and cost pressures for both councils and plan users.

We identified five main problems heightened by unnecessary variation in plans.

### **1. Using a plan can be costly and time-consuming, particularly when using more than one plan**

Currently, plans have a high degree of variation in their structure, form and common content. People and businesses that cross a local authority border have to learn an entirely new plan, with its own structure and rule format. For regional or national organisations working with multiple plans, it can be costly and time consuming to figure out how each plan works, generating high investment risks and compliance costs.

For example, the rules for houses on a site vary from plan to plan. This is difficult for a local builder, based in Hamilton, who also builds houses in Cambridge, Ngauruawahia and Morrinsville. All these locations are within 25 minutes of Hamilton, but each town is in a different district, with a unique district plan. A more efficient system would use the same definition, rule structure and metrics that apply to a new house, so that any local differences can be identified easily.

Similarly, national organisations experience major challenges working across all plans in the country either as an applicant or a submitter. They have to make submissions on the same issue on multiple plan changes (eg, for utilities or building setbacks), and often appeal these to the Environment Court.

There are also transition costs to councils when planners move from one council to another. The new staff need training to learn how the new council's plan functions, and how the plan is interpreted.

Some plans have internal inconsistencies as a result of chapter-by-chapter plan changes. This can result in different approaches to setting out plan provisions, which makes it difficult to read and to understand the plan's overall direction. These inconsistencies require costly expert legal and planning advice to interpret.

At a national level, there is no easy way to compare provisions across plans due to the vastly different plan formats. This means that plan users cannot quickly find out how their activities may be impacted by plan provisions.

» "There are too many unjustified inconsistencies between the institutional arrangements and regulatory processes of different regimes. Readers will understand how this imposes unnecessary costs on business. It also makes life harder for government and officials than it needs to be. We can't afford to run 200 bespoke regulatory regimes, and cleaning up some of the inconsistencies will be a win-win for government and business."

(Sherwin, 2014) «





## 2. Some plans are overly complex, making them difficult to use

For any planning system to work effectively, people must be able to easily engage with the plans and other information sources. The accessibility, usability and complexity of plans varies around the country. People and organisations that use more than one plan are particularly hindered by plans that are complex, difficult to use and presented in a variety of formats.

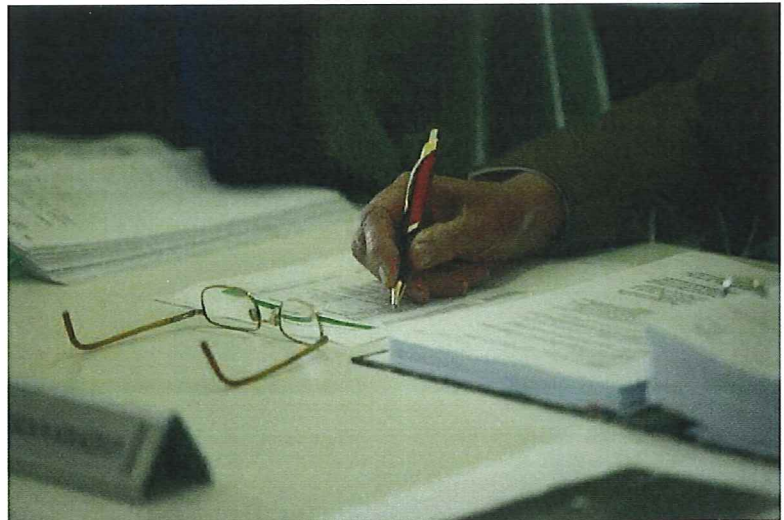
While some plans are detailed and comprehensive documents, there are ways to make them easier to access and interpret. Some councils have moved towards publishing their plans using online, interactive plan software that supports quick access to information. Other councils still rely on paper-based PDFs as the main publishing tool for their plans.

Some plans are easy to find on council websites, while others are hidden deep within the council website. Plans have different degrees of online accessibility. On one end of the spectrum, some councils are using static PDFs that do not allow for simple word searches or hyperlinks. On the other end, some councils are using interactive e-plan software.

Many existing council GIS systems are not used to their full potential to help show plan content. This low user-friendliness can be particularly difficult for people who are not used to working with plans. For users who do frequently use plans, the highly variable quality of plans is frustrating and time-consuming.

» There are simply too many plans across a region. They are too diverse and they are too complicated. This has involved local authorities in considerable duplication of effort and there has been a proliferation of planning documents. The result has been ineffective and inefficient planning and poor resource management outcomes.

(Palmer and Blakeley 2016)«



## 3. Inconsistent implementation of national direction

Our research<sup>3</sup> has found that national direction (including National Policy Statements, National Environmental Standards and regulations) is not being implemented consistently across plans, and in some cases is implemented too slowly and poorly. Councils need to implement national direction in the context of their local environment. However, the effectiveness of national direction is reduced if the direction is implemented differently across plans, or on significantly different timeframes.

Sometimes the inconsistency in plan content from implementing National Policy Statement directions stems from the submissions and appeals process. One example of this is the inconsistent implementation of the National Policy Statement on Electricity Transmission (4Sight, 2016a). The effects and risks are the same across the country for each type of transmission line, and Transpower and other national stakeholders are seeking the same provisions across the country based on the type of the transmission line. However, plans have different buffers and rules for activities near

<sup>3</sup> See research papers listed in Appendix 2.

transmission lines, even across the same line, due to different drafting approaches in plans as a result of the public submissions process. Plan provisions on this topic are still debated at council hearings and are regularly appealed to the Environment Court. This wastes time and money that could be better spent on other council activities for the community, or maintaining the national grid.

One outcome of inconsistent implementation of national direction is the inability to compare provisions across plans. This makes the effectiveness of the national direction difficult to assess.

#### **4. Duplication of resources to develop content that does not affect local plan provisions**

Some provisions included in plans are not fundamentally influenced by local environmental conditions or community values. These provisions could be developed at the national level and applied in all plans for a more efficient planning system. However, current practice is for every council to figure out their own way of drafting all elements of plans, resulting in unnecessary duplication of work. Using rule structure as an example, council staff will usually evaluate different styles of rule formats, review the rule structure in neighbouring council plans (in an effort to reduce cross-boundary impacts), consider political and managerial preferences within the council, and eventually develop a rule structure.

Unnecessary duplication of work is a significant issue given the escalating costs of preparing plans and managing the environment. The Planning Standards create an opportunity to streamline these structural elements of plans. This could help councils focus their resources on those matters that directly influence resource management outcomes in their area. This efficiency would be particularly useful for smaller councils with fewer resources.

#### **5. Best planning practice is not routinely applied**

Best practice and useful innovation in plan making is not being identified and spread efficiently across regional and district plans. Leading-edge solutions and new approaches take time to be adopted in other plans, if they are adopted at all. For example, there is a wide variety of maximum height-to-boundary standards in plans. Plans use a range of angles, and the height at the boundary from which the angle is measured also varies. This has been explained as being necessary to reflect the latitude of the area and the relative angle of the sun. However, our research of this particular standard found no correlation between the angle in the standard and the latitude of the council area.

As another example, New Zealand Standards are usually referenced in plans to address a specific, technical issue. However, issues arise when a New Zealand Standard is updated (to reflect best practice) but the plan references are not updated. The end result is costs, delays and frustration for people and organisations that use more than one plan, and for plan users who have a district or regional plan that is complex and difficult to use.

### **Guidance alone is not sufficient to address variation problems**

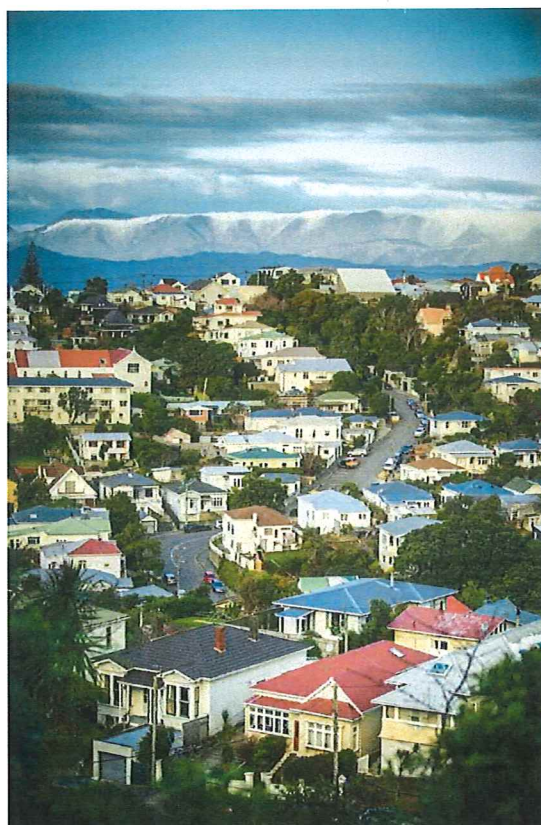
In the early 2000s there was a significant investment in best practice resources to support quality planning outcomes, centred on the development of the Quality Planning website. Other organisations such as universities, the New Zealand Planning Institute and the Resource Management Law Association also support best practice through advice, training and published examples of best planning practice.

Despite this, variation still exists in the structural elements and content of plans. There is no doubt that many plans are logical, target local environmental issues and function well in their district or region. However, the issues identified above are a result of the comparative variation *among* different plans. These issues create impacts for the planning system as a whole.



» The findings [from a Simpson Grierson annual survey] are that Mayors and Chairs were supportive of intervention from central government but wanted the discretion to deal with local issues locally. Most Mayors and Chairs (70 per cent) support the concept of national plan templates. Of those who support a template, opinions are divided on the provisions they want to see. Almost all support standard definitions and terms (98 per cent). Although this is closely followed by prescribing the format of RMA provisions (78 per cent). There was less support for providing generic content for some rules (45 per cent).”

(Local Government New Zealand and Simpson Grierson, 2015)◀



## Section 2: Process for developing the National Planning Standards

### Scope of the first set

Under section 58C of the Resource Management Act 1991 (RMA),<sup>4</sup> the National Planning Standards can be prepared for many different elements of plans, including: objectives, policies, methods (including rules) and other provisions, as well as the structure and form of plans. Standards can also be applied generally, to specific regions or districts, or to areas of New Zealand. The timeframes for implementation can also be set in the Standards.

Under section 58G(2) of the RMA, the first set of Planning Standards must as a minimum include:

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

These centre on the elements of plans that will provide the most benefits for plan standardisation. Accordingly, the first set of National Planning Standards will likely include standards relating to:

- plan structure and form
- spatial layers

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<sup>4</sup> Refer to sections 58B–58J of the RMA (as amended in 2017).

- definitions
- incorporation of national direction
- metrics
- administrative provisions
- mapping
- accessibility of plans online.

## National Planning Standards updates

Experience from Australian states using planning 'templates' suggests that the National Planning Standards will need to be updated over time. For example, maintaining a core list of national definitions will likely require amendments in the future.

Future standards could provide more content to help implement existing and future national policy statements. These standards could prescribe how councils should implement national direction in more detail (eg, the form of plan provisions). This would assist councils and ensure a nationally consistent approach. Similarly, other provisions in plans that would benefit from a more nationally consistent approach could also be considered for a future planning standard.

The ability to create Planning Standards on a wide variety of plan elements will need to be balanced against the impact on councils as they update their plans to reflect the Planning Standards. A likely programme of future Planning Standards will need to be considered and published in advanced.

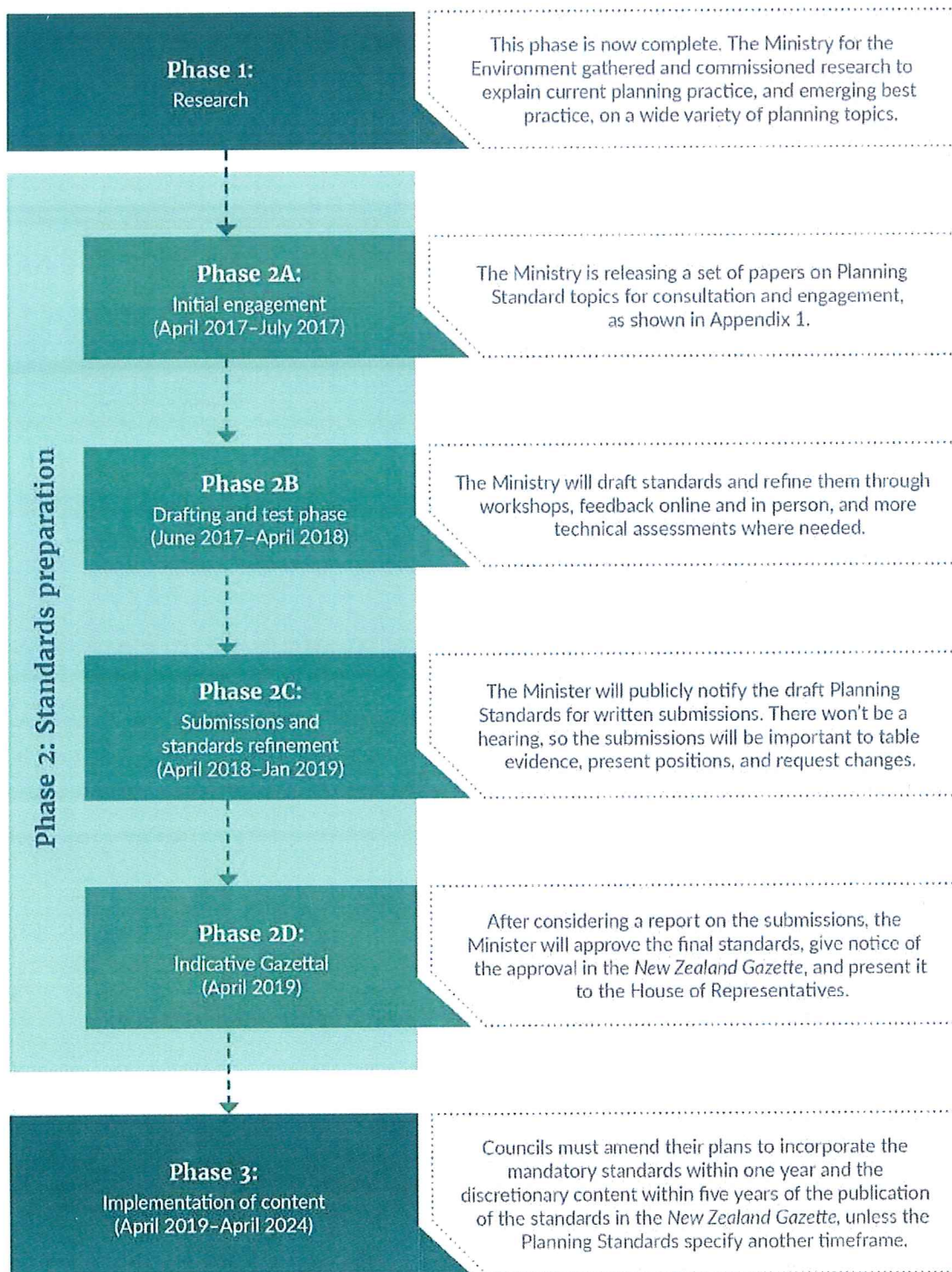




## Phases of National Planning Standards preparation

The content and detail of the standards will be developed over a two-year period. Input will be sought from council staff, other planning professionals and plan users. The key phases of development are set out below.

### Development Phases



# Section 3: Outcomes and implementation of the National Planning Standards

## Anticipated outcomes

The Planning Standards are an opportunity to resolve the problems outlined in this paper.

**The key outcomes of the National Planning Standards are listed below.**

1. Less time and resources are required to prepare and use plans.
2. Plan content is easier to access, and relevant content easier to find.
3. National direction is consistently incorporated in plans, resulting in better implementation on the ground.
4. Councils focus their resources more on plan content that influences local resource management outcomes and is important to the community.
5. Good planning practice is applied quickly across councils through the National Planning Standards.

## Some plan variation will continue

Even with the Planning Standards in place, plans will continue to have some variation. However, the variation will relate to how councils are addressing a local planning issue. For example, local needs will still be the driving force behind the content of plans. Plan content will be affected by non-Resource Management Act 1991 (RMA) documents, such as strategic plans, spatial plans, transport plans and long-term plans at the district and regional scale. Provincial councils will likely continue to have smaller, simpler plans. Metropolitan councils will continue to have larger, more complex plans. Councils will still likely apply their branding to the published version of plans.

These examples of variation are not what we consider to be unnecessary variation. The National Planning Standards will provide a tool kit for councils to improve consistency in plans where it makes sense to do so. They are not a 'cookie cutter' that will make all plans exactly the same. A plan needs to remain a council document to address local environmental issues, and to help implement the vision for the district/region's development.

## Benefits of the National Planning Standards

Once the Planning Standards are incorporated into plans, we anticipate a number of benefits for the planning system as a whole. Key system-wide benefits include:

- a more efficient plan-making process because the basic structure and format is pre-determined
- a shared understanding among councils and plan users of terminology and key planning techniques
- the national/regional/local policy hierarchy is clear in all plans
- ePlan software is designed around common plan form and structure, fostering innovation and efficiency.



There will also be benefits for particular groups operating in the planning system, particularly for local plan users, councils and other professionals.

## **Benefits for councils**

Benefits for local councils will include:

- less time and fewer resources spent on the key requirements of plan preparation, allowing councils to focus their efforts on managing local concerns
- more focussed plans that reflect local community values and environmental issues important to communities, while giving effect to national direction more effectively
- more aligned plans, creating opportunities to share resources between councils more easily
- ability to cooperate more effectively on cross-boundary resource management issues identified in plans.

## **Benefits for professionals (eg, planners, lawyers, sector groups)**

Benefits for professionals will include:

- greater focus on resource management issues specific to a council area, instead of spending time on basics like format and definitions
- professionals working with multiple plans can transition from one plan to another more smoothly
- easier and more efficient to compare and contrast provisions across multiple plans.

## **Benefits for plan users**

Benefits for plan users will include:

- ability to open any plan and generally know where to find the provisions that apply to them.
- easy navigation and interpretation of maps, particularly online.
- better understanding of what plan provisions mean, how they apply, and awareness of national and regional policies that also apply to a given area.

## **Implementation considerations**

While there are initial costs in developing and implementing the Planning Standards, the long-term gains to everyone using the planning system is a more effective and efficient system. A system, for example, where a plan user can feel comfortable navigating through a plan from any part of New Zealand, and quickly finding the information they need and being able to act with confidence on that information.

There is a seven-year transition phase before full implementation of the first set of Planning Standards will occur. This transition period involves cost to central government for the development of the Standards and their ongoing maintenance. Costs will also be incurred by local government for the implementation of the Standards in their plans over a 12-month and five-year period (unless a different time period is specified in the first set of Standards).

The costs to local government will be minimised where possible by providing for mandatory changes to plans to occur without a First Schedule process (eg, nationally consistent measurement of noise). The need for other plan changes (and associated resourcing impacts) will vary from council to council

depending on the state of their current plan. That is, how closely the plan already aligns with the approach in the Planning Standards and whether the plan is due for a review during the implementation period for the Planning Standards.

Comparatively fewer costs are likely to be incurred for:

- councils that schedule their plan review(s) to align with implementing the Planning Standards
- plans that are already generally consistent with the National Planning Standards, so there is less reformatting and redrafting required
- councils that can work together on implementation, so the resources to update the plans can be shared
- plans that are relatively simple, so amending them is easier.

Acknowledging the above point, we will develop the Planning Standards to be fit for purpose for more complex plans, while also applicable for simpler plans.

## Implementation timeframes

The Act sets out default timeframes for when councils must amend their plans to adopt the National Planning Standards<sup>5</sup>. As well, the Act also provides for other timeframes to be set as part of the Planning Standards, providing some flexibility where this is needed for a given standard.

The two default implementation periods in the Act are outlined below. All dates take into account the two-year development process of the standards between 2017 and 2019 and assume that the first set of National Planning Standards is gazetted in April 2019:

- April 2019–April 2020: councils must amend their plans to align with the mandatory content in the Planning Standards, unless the Standards specify a longer timeframe for local councils to do this. While these mandatory amendments can happen without following the RMA Schedule 1 process (saving time and money for councils), there will still be a need to dedicate staff resources to making changes to the plan. The plan(s) will need to be reorganised while keeping the plan content intact, excluding consequential changes to content.
- April 2019–April 2024: councils must choose which of the Planning Standards options they will use in their plans (ie, discretionary directions), and amend their plans accordingly, using the Schedule 1 plan change process within 5 years (unless a different time is specified in the first set).

Decisions about which planning standards are mandatory and which have components that are optional will be made as part of developing the Planning Standards.

For some councils, these timeframes coincide with the need to review their plan under the 10-year deadline in section 79 of the RMA. In this case, the plan change for the review can incorporate the Planning Standards, reducing the overall impact of this change.

If a council has notified its proposed plan **before** April 2019, the five-year timeframe to implement the National Planning Standards in this plan does not start until the plan becomes operative (if no timeframe is specified in the National Planning Standards).

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<sup>5</sup> See RMA Section 58I





## Section 4: Opportunities to be involved

### Phases of stakeholder input

To ensure the Planning Standards are workable, significant stakeholder input will be required during the two-year development phase. There are three key phases where we will seek input.

#### **Initial engagement phase: April–July 2017**

To support the first engagement phase (April–July 2017), all research reports will be publicly released along with a series of technical discussion papers on different aspects of the proposed first set of Planning Standards.

The discussion papers cover topics such as structure and form, definitions, electronic accessibility among other issues. These papers set the context and issues for a particular topic, inform readers about the research, identify and discuss options, and encourage debate on what the Planning Standards should contain. An overview of the discussion papers is given in Appendix 1.

#### **Drafting and testing phase: June 2017–April 2018**

Initial drafts of the Planning Standards will be made available for targeted feedback. There are likely to be a number of draft iterations that will be released to selected groups, tested, improved, and released again for more testing. We will want to know if the Standards are on the right track and how they could function within existing plans.

## **Formal submissions and standards refinement phase: April 2018– January 2019**

The Minister for the Environment will notify the draft National Planning Standards for public written submissions. We will be seeking feedback on whether the Standards are fit for purpose. The Minister will establish a process that gives the public, local authorities and iwi authorities adequate time and opportunity to make submissions on the draft. A report and recommendations will be made to the Minister on those submissions. The Minister will consider the report and recommendations, and may make changes to the draft National Planning Standards.

## **Opportunities to contribute**

During each of these phases there are a number of ways that people can get involved in the process. Some of these are targeted directly at key stakeholder groups such as councils and professional organisations.

### **Website and email (all phases)**

The Ministry for the Environment's website includes information about this project, including a description of the National Planning Standards, and research findings. The discussion papers will be made available on the website. Other information about the development of the Planning Standards will be added and updated over time. Anyone, including the public, can email us at [planningstandards@mfe.govt.nz](mailto:planningstandards@mfe.govt.nz), with their thoughts about the discussion papers, the development of standards, and specific questions not answered on the website.

### **Online shared workspace for resource management practitioners (initial engagement, drafting and testing phases)**

A shared workspace is a secure, online collaborative tool used to support collaboration between Government agencies and their partners. We are looking to use a shared workspace to generate discussion on the National Planning Standards with planning practitioners. Copies of all research documents are located on the shared workspace along with the technical papers. A range of resource management practitioner representatives will be invited to use this forum to engage in debate on the discussion papers with their peers. Most of the work in the shared workspace will take place in the initial engagement and drafting/testing phases.

### **LGConnect email discussion group – council employees only (April 2017– March 2018)**

If you are a council staff member, and have a question on the National Planning Standards that you think other council staff would also benefit from, subscribe to the LGConnect email discussion group on the Resource Legislation Amendment Act. LGConnect is run by the New Zealand Society of Local Government Managers (SOLGM) for the benefit of SOLGM's members. Local government planners can freely discuss and ask questions on the Act, including the National Planning Standards provisions. SOLGM plans to operate this discussion group for 12 months from Royal Assent of the Resource Legislation Amendment Act, while council staff are learning the changes in this Act.



## **Regional workshops (initial engagement phase)**

We are planning a number of practitioner workshops in conjunction with existing group meetings and professional networks. Participants will have the opportunity to fully participate in discussions with their peers about the issues and options discussed in the technical papers.

## **Submissions (submissions and standards refinement phase)**

After the first set of Planning Standards has been drafted, with comments and support from resource management professionals and plan users generally, we will publicly release the draft Standards and request formal submissions. An evaluation report explaining the Standards and their cost-benefit analysis will also be released. Anyone will be able to make a submission.

## **Implementation post-Gazettal**

We will work with councils to incorporate the gazetted National Planning Standards into their plans. Ongoing feedback from councils on how the Standards are working will be important to keep them up to date and useful to councils over time.

## **Pilot councils testing the draft Planning Standards**

In addition to the feedback opportunities identified above, more than 20 councils have registered their interest in joining a 'pilot council' group. The main purpose of this group is to have council staff trial draft standards as they are prepared, to provide feedback on workability of the standards and identify implementation issues early.

Most of these councils are reviewing their plans, or about to start a plan review process. Being involved in this way helps to ensure the Planning Standards are robust, and helps to ensure their plan review processes are more closely aligned to what the final standards will be.

## **Contact for queries**

Please direct any queries to:

Phone: +64 4 439 7400

Email: [planningstandards@mfe.govt.nz](mailto:planningstandards@mfe.govt.nz)

Website: <http://www.mfe.govt.nz/rma/rma-legislative-tools/national-planning-standards>

# Appendix 1:

## Discussion papers covering the first set of National Planning Standards

### Introduction to the National Planning Standards

This paper covers:

- » key issue/opportunity: inconsistency makes plans costly and slower to prepare, and harder to use
- » overview of the new National Planning Standards tool
- » criteria to guide development of National Planning Standards
- » outcomes from the National Planning Standards
- » overview of each discussion paper for public feedback
- » process for developing the National Planning Standards
- » how stakeholders can get involved.

### Structure and form

#### DISTRICT PLAN STRUCTURE

The paper discusses how the National Planning Standards could provide a more consistent structure for district plans. They focus on the chapter organisation of plans, how the plan provisions (ie, objectives, policies and rules) are structured, and how other plan provisions are referred to and used in plans. Any national planning standard needs to address these core elements of plan structure, to ensure the benefits of a standardised plan structure are achieved.

Other plan structure elements addressed include providing a home for national direction and regional policy statements (RPS).

#### STRUCTURE OF REGIONAL PLANS AND POLICY STATEMENTS

There is variation across regional plans, in particular, inconsistencies with structure and format, terminology, and map layers used in regional plans. A fully combined plan (including the Regional Policy Statement in a standalone chapter) covering coastal, air, land and water matters is a practical option and offers the advantages of integration and convenience for users. This paper signals a preference for:

- » a combined structure incorporating the RPS, regional plans and coastal plan into one document
- » a specific chapter for national direction (national policy statements, national environmental standards, regulations)
- » provision for catchment-based planning.

#### ZONES AND OVERLAYS

The paper discusses the inconsistent use of terminology and use of different planning tools (eg, zones, overlays, amenity-based provisions, map notations, appendix maps), and how this affects plan structure overall. Research shows that the function and display of zones and overlays varies considerably among plans. Plan users must spend time learning how each plan uses zones and overlays. National Planning Standards for zones and overlays can set the names, purpose and visual representation of zones and overlays, particularly on online maps.

Three options for a zoning framework are proposed. We prefer the option that provides for a comprehensive suite of zones that councils can pick and choose from as needed (ie, 27 zones covering a core set of zone types: residential, commercial, industrial, rural, open space, and special purpose). Councils would select the zones that reflect local requirements and circumstances.

The paper also discusses the need for National Planning Standards for zone provisions such as objectives and policies, to set the basic parameters for a set of key urban zones.

#### FORMATTING PLANS AND POLICY STATEMENTS

The paper addresses the approaches to the design and format of plans (eg, objectives and policies, rules, font, headings, tables and colour).

#### PLAN MAPPING STANDARDS

The paper investigates cartographic conventions/visual display to harmonise planning maps in regional and district plans.

### Definitions

The paper focuses on district plan definitions and terms that commonly overlap with regional plans. These definitions offer the greatest benefit from standardisation.

The paper outlines the criteria used to narrow the list of terms to be defined and provides options on the formatting of definitions. The paper signals a preference for:

- » creating a set of around 80–100 definitions common to plans across the country
- » focusing on frequently used terms such as building, landfill, height, ground level, supermarket and service station.

### Electronic functionality and accessibility of plans

The paper describes the requirements for transitioning plans from a paper-based format to a fully searchable and interactive online plan. While some councils have ePlans, the majority of councils still rely on PDFs on websites as their main delivery mechanism.

The paper sets out options for minimum eDelivery standards, while keeping in perspective the broader potential of ePlanning in the future.

This is likely to include a requirement for an embedded interactive Geographic Information System (GIS) providing online delivery of visual aspects of plans.

The proposals suggest a staged approach to manage costs associated with the transition, particularly for smaller councils.

### Metrics

This paper looks at the opportunity to standardise metrics.

Metrics are standards of measurement ranging from simple measures (like length or area) to more complicated ones such as noise and radio frequency. Metrics are linked to thresholds and standards in plan rules.

Our research has found that plan metrics and their methods of measurement are varied. While some of the variation is justified by specific local conditions and community tolerances, much of the variation is unnecessary. Developing standards for metrics will help improve national consistency of plans, with time and cost savings for councils and plan users.

This paper considers which metrics could be included in the National Planning Standards. Possible key metrics being considered include:

- » earthworks
- » noise
- » light spill
- » car parking
- » building bulk and location measurements.

### Māori provisions

We will explore, during Māori engagement on this project, the opportunities that planning standards provide to standardise iwi planning provisions in plans. For example, sites of significance/wāhi tapu, policies and objectives for iwi management plans recognised under the RMA, papakainga provisions, and statutory acknowledgements.

### General provisions

This paper considers three key issues relating to a range of general plan provisions. General plan provisions include things like explanations of Resource Management Act 1991 (RMA) plan hierarchy, Māori values, how activity status applies, and cross-boundary issues.

The paper considers where these things should be addressed in the overall structure of plans, and which should not be provided for at all in the plan (eg, monitoring provisions). It also identifies scope for some provisions to have mandated content to reduce duplication of effort by councils.



## Appendix 2: National Planning Standards research

These research reports are available online at:

<http://www.mfe.govt.nz/rma/rma-legislative-tools/national-planning-standards>

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4Sight. 2016b. *Efficacy of effects-based plans*. Wellington: Ministry for the Environment.

Beca Ltd. 2014. *Potential National Standardisation of Residential Activities under the Resource Management Act*. Wellington: Ministry for the Environment (original report produced for the New Zealand Treasury).

Beca Ltd. 2016a. *Review of Regional Policy Statements*. Wellington: Ministry for the Environment.

Beca Ltd. 2016b. *Review of Structure and Format of Regional Plans, and Interaction with District Plans*. Wellington: Ministry for the Environment.

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

Boffa Miskell., 2015a. *Interface between Regional and District Definitions*. Wellington: Ministry for the Environment.

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GHD. 2015. *Resource Management Plan Metric Research*. Wellington: Ministry for the Environment.

Ministry for the Environment. 2013a. *Structure and Format – Internal Ministry for the Environment Research*. Wellington: Ministry for the Environment.

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